

Thursby, Kim

From: Dee Miller [deemiller@tampabay.rr.com]
Sent: Wednesday, April 01, 2009 6:49 AM
To: Epost HWRS
Subject: NOD

We received the NOD.
Dee Miller



Thursby, Kim

From: Epost HWRS
Sent: Tuesday, March 31, 2009 5:59 PM
To: 'deemiller@tampabay.rr.com'
Cc: Dregne, James; Wick, Fred; 'mike@imperialtesting.com'; Posner, Augusta; Hornbrook, Frank; Redig, Michael; 'msherman@fowlerwhite.com'; Knauss, Elizabeth; Bahr, Tim; Kothur, Bheem; Tripp, Anthony; Graves, Aprilia
Subject: Notice of Deficiency; New Used Oil Processing Facility Permit Application
Attachments: First NOD.pdf

In an effort to provide a more efficient service, the Florida Department of Environmental Protection's Hazardous Waste Regulation Section is forwarding the attached document to you by electronic correspondence "e-correspondence" in lieu of a hard copy through the normal postal service.

We ask that you verify receipt of this document by sending a "reply" message to epost_hwrs@dep.state.fl.us. (An automatic "reply message" is not sufficient to verify receipt). If your email address has changed or you anticipate that it will change in the future, please advise accordingly in your reply. You may also update this information by contacting Kim Thursby at (850) 245-8792.

The attached document is in "pdf" format and will require Adobe Reader 6 or higher to open properly. You may download a free copy of this software at www.adobe.com/products/acrobat/readstep2.html.

Please note that our documents are sent virus free. However, if you use Norton Anti-virus software, a warning may appear when attempting to open the document. Please disregard this warning.

Your cooperation in helping us affect this process by replying as requested is greatly appreciated. If you should have any questions about the attached document(s), please direct your questions to the contact person listed in the correspondence.

Tim Bahr
Environmental Administrator
Hazardous Waste Regulation
Department of Environmental Protection
E-Mail Address: epost_hwrs@dep.state.fl.us



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

March 31, 2009

SENT VIA E-MAIL

deemiller@tampabay.rr.com

Mr. Dee Miller, General Manager
Florida Recycling Solutions, LLC
3210 Whitten Road
Lakeland, Florida 33811

RE: Florida, Recycling Solutions, LLC
EPA I.D. No. N/A, (Under review)
Permit Number: 294693-HO-001
New Used Oil Processing Facility Permit Application
Notice of Deficiency

Dear Mr. Miller:

The Florida Department of Environmental Protection (the Department) has received your new permit application dated February 23, 2009 to operate a Used Oil Processing facility at 3210 Whitten Road, Lakeland, Florida, 33811.

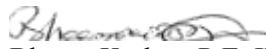
The review of the permit renewal application indicates that it is incomplete. Please provide the information requested in the enclosed attachment. In preparing your response, the Department recommends that you identify each comment followed by your response and also provide your revised pages of the application. The revised pages are to include the new revision date.

Further action on processing your application is temporarily held in abeyance pending receipt of your complete response. Please submit three copies of your written response (two copies to the Tallahassee Solid and Hazardous Waste Regulation Section, and one to the Southwest District office). If you cannot submit all this information within 30 days, you must formally request an extension and provide a schedule, with dates, indicating when this information will be submitted.

Mr. Dee Miller, General Manager
March 31, 2009
Page Two

Should you like to arrange a meeting or if you have any questions, please contact Aprilia Graves at (850) 245-8755, e-mail: Aprilia.graves@dep.state.fl.us or Bheem Kothur at 850-245-8781, e-mail: Bheem.kothur@dep.state.fl.us.

Sincerely,



Bheem Kothur, P.E. III
Hazardous Waste Regulation

BK/ap

Enclosure: Attachment

cc: Jim Dregne, DEP/Southwest District, james.dregne@dep.state.fl.us
Michael Stillinger, Imperial Testing Laboratories/Lakeland, mike@imperialtesting.com
Fred Wick, DEP/Tallahassee, fred.wick@dep.state.fl.us
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Beth Knauss, DEP/Southwest District, Elizabeth.knauss@dep.state.fl.us

ATTACHMENT
March 31, 2009
Florida Recycling Solutions, LLC
Lakeland, Florida
EPA I.D. Number: N/A
Notice of Deficiency

GENERAL COMMENTS

1. Cost Estimate

Florida Recycling Solutions, LLC (FRS) must submit itemized closure cost estimates for the tanks addressed in this UO permit application. The cost estimates should be the third party closure cost estimates for the closure of the Used Oil tanks in accordance with the closure plan (Attachment VI) and Rule 62-710.800(6) Florida Administrative code ("F.A.C.").

2. Site Map and Tank Table

Please provide both a hard copy and an electronic formatted (PDF) copy of a tank table (8 ½"x11") and a site map (8 ½"x11"). The tank table shall identify the tank number, capacity and content.

The hard copies of these items will be attached to the revised application. Please send a copy of the tank table and site map via e-mail so they can be attached to the permit.

3. Facility ID

The Department has a Site I.D. NO: FLR 000 034 033 issued to the facility registered at this address under "Aqua Clean Environmental Company, Inc." to use the facilities as transfer and transport for UO. The FRS UO permit application does not discuss how responsibilities for site operations will be apportioned, or in which process unit(s) wastes managed by the companies will be commingled. For the purpose of this permit application, it is important to be able to differentiate which site operations are the responsibility of each entity Aqua Clean and FRS respectively. Please explain in detail, revise the application and resubmit.

4. Please revise the entire application and resubmit as a standalone document.

SPECIFIC COMMENTS

Facility Permit Application Form

- 1.** Page 8, Item #12, asks for the state of incorporation: This was not provided-“LLC” is the form of incorporation. Please provide the state (such as Florida) in which Florida Recycling Solutions, LLC is incorporated.
- 2.** Page 9, Item #13, Site ownership status: Florida Recycling Solutions, LLC is listed as the legal owner of the site property. However, there is no listing of the property transfer with the Polk County Clerk’s office, which still lists the owner as Aqua Clean Environmental Company, Inc. Please revise the application as appropriate, or provide the date the real property was transferred.
- 3.** Page 9, Section B, Site Information: Item 1 states that the property is in Section 31, Township 28 S Range 23 E, as the Polk County courthouse records. Please correct the USGS contour and FEMA flood maps submitted under Item 3. In addition, please correct the facility shape and the maps. The map shape appears to be that of the two vacant parcels west of the parcel with the currently active water treatment plant, which is parcel 23-28-31-000000-012030. If the plant is anticipated to operate on parcels 23-28-31-000000-203030 and 23-28-31-000000-01205, please provide information on the planned processes and equipment that will be constructed on these parcels.
- 4.** Page 9, Section B, Site Information, Boundary Survey, Sheet 1 of 1: Item 3, the large site map of the plant layout is incomplete with respect to the waste receiving, storage and processing areas. Piping locations are not noted. The location of the oil water separator adjacent to Tank 10 within the treatment system is not identified. Process equipment for recovering oil from oily water is not shown. Also, connections from the tipping pad to the headworks of the plant are not shown. Please review the drawing and revise as appropriate.
- 5.** Part II Certification, Permit Application, Page 15: The DEP Storage Tanks facility ID is 9800103. The facility currently has three (3) registered tanks, including a 10,000 gallon diesel tank, plus two (2) tanks for miscellaneous recovered product. These are tanks 9 and 10 on the site diagram. The other tanks on site were claimed to be exempt as waste water treatment unit tanks by Aqua Clean Environmental Company. Please provide a discussion of the differences between the two companies’ operations to resolve this discrepancy.

6. Page 14, Part II Certification: The land owner certification under Part II, 62-710.901(c) F.A.C., lists Aqua Clean Environmental Company, Inc. as the land owner. The telephone number is the same as that of Florida Recycling Solutions, LLC. The owner certification lists Florida Recycling Solutions, LLC as the owner. Have the property appurtenances and site improvements been transferred to the ownership of Florida Recycling Solutions, LLC? Please clarify and revise the documents as appropriate.

7. Page 1 of 3, fifth paragraph, first sentence: reads “driver **may** have a Dexsil Clor-d-Tect 1000.” Please explain the halogen screening procedure if the driver **does not** have this test kit available. In the event of a failed “sniffer” screening (signal indicating halogens in a concentration exceeding 1,000 ppm), a Dexsil Kit or generator rebuttal **must** be performed.

Facility Plot & Location Plan

8. Boundary Survey, Sheet 1 of 1: Engineering diagrams for the secondary containment structure(s) are not included. Also, please provide the secondary containment engineering drawings and calculations for UO processing tanks.

9. Boundary Survey, Sheet 1 of 1: In the past, Aqua Clean has claimed the stabilization pad to be part of a “waste water treatment unit” as defined in 40 CFR 260.10. Is Florida Recycling Solutions, LLC, also claiming that the pad is excluded from regulations? Please provide the basis for the claim. If uncontained used oil will be managed within the stabilization pad, and the pad is not an excluded unit, it must be provided with the secondary containment. Please review and revise as appropriate.

10. Page 10, Section C, Operating Information, Item 2: Will Florida Recycling Solutions, LLC, be managing petroleum contact water (PCW)? If so, please review and revise as appropriate.

ATTACHMENTS

11. Attachment I, Operating Information: The application says that FRS will not be transporting regulated substances. Will Aqua Clean still be transporting used oil or petroleum contact water? With two related entities both handling the waste, how will Aqua Clean and FRS apportion responsibility for waste screening? If both corporations receive oil, both corporations must screen materials identified as oil upon receipt. The transporter must screen at the customer’s site, the processor upon acceptance at the facility.

12. Copies of waste profile forms and review procedures should be submitted as part of the application.

13. Attachment 1, Item 1 and Page 1: Thermal separation is a new process that was not previously used by Aqua Clean. Please describe the unit(s) in which thermal separation will occur, along with the source of heat. Process heaters fired by natural gas or oil may require a permit from the Department's air program. Please review and revise as appropriate.

14. Attachment 1, Last Paragraph and Page 2, Application Form Item 13, Facility Owner Certification and Land Owner Certification: It appears that there is inconsistency among these descriptions. Please review and revise as appropriate.

15. Attachment I, Page 2: Please provide copies of the Department's pretreatment and the Storm Water permit issued by the Southwest Florida Water Management District. Also, let us know whether FRS has applied to transfer any of the existing environmental permits for the site to the new corporation

16. Attachment II, Operating Information, Page 1: The process description for acceptable loads, Item 1) states that cone bottom tanks will be used for material requiring segregated handling. Please identify these tanks with numbers.

17. Attachment II, Page 1: Item 3 on the first page of this section states that normal plant operations include flocculation coagulation, flocculation settling and biological treatment prior to free recovery. In most cases, free product will interfere with the described treatment processes, or the described process will prevent product recovery. If FRS does not intend to conduct phase separation on PCW prior to treatment, how does FRS intend to document that the facility is exempt from hazardous waste regulation as a PCW recovery facility? Please explain.

18. Attachment II, Oily Wastewater, Page 1: The processing discusses dissolved air floatation. Please provide additional information on this processing activity, including details on the piping to and from Tank 17, piping to and from the filter press, the containment system around the tank, the method of heating the tank and information on how the DAF treatment sludge is managed.

19. Attachment II, PCW, Page 1 and PCW, Page 2: The PCW discussion and description does not appear to be consistent with these two paragraphs. Please review and revise as appropriate.

- 20.** Attachment II, Used Oil, Page 2 and Item 3: If the flash point testing will be done for the purpose of specification testing, provide the information on the facility's DOH laboratory certification for this method. The off - site lab conducting oil specification testing must also be certified with DOH.
- 21.** Attachment II, Item 3, and Page 2: How will Tanks 6 and 7 be retrofitted to allow process heating? And what is the method of agitation?
- 22.** Attachment II, and Page 2: Drummed materials accepted from off - site must be either used oil processed for energy recovery or processed within the waste water treatment unit. If solids are accepted for processing that does not involve oil recovery prior to disposal, a separate solid waste permit may be required.
- 23.** Boundary Survey, Sheet 1 of 1: Please show on the map the location of the drum staging area.
- 24.** Attachment II, Flow Diagram 001(II c): This diagram shows the current process flow, but not the piping from the process to tanks 9 and 10. In addition, the piping and connections to Tank 17 are not shown. It is not clear whether there is an adequate containment around this tank and its ancillary equipment. Please review and revise as appropriate.
- 25.** Attachment II, Flow Diagram 002(II b): This diagram does not show the process flow through the oil/water separator. Under Aqua Clean's operation, this process equipment was used for simple phase separation, and the recovered petroleum product was reported to have high water content, and emulsified oils. This process diagram does not indicate that any de-emulsification units, DAF units, filters, coalescers or other treatment units will be used to improve oil recovery. How will it be determined whether to burn the oil in the on - site process heater (also not shown) or store the oil for marketing off site? How will the boiler makeup water be supplied, and where will the boiler blow down be discharged? Please review and explain in detail as appropriate.
- 26.** Attachment II, Flow Diagram 003(II a): This diagram shows a circular flow. However, there is no input or output. Is this a hot water flow diagram for process heat input? It appears that the title of the diagram is incorrect. Please review and revise the diagram as appropriate.
- 27.** Attachment II, Flow Diagrams 001(II c), 002(II b), and 003(II a) respectively are identified as proprietary information and confidential property of FRS. In cover letter, please identify all documents subject to the claim and state your reason(s). Also, please make sure every page

subject to your claim is stamped or marked in accordance with Rule 62-730.100(3), F.A.C. As stated in Rules 62-730.100(4) and (5), F.A.C., the Department will keep these documents in a separate file. If a request for public records is made and these documents might be covered by the request, the Department will notify you. At that time, the Department will make a decision as to whether or not the documents are exempt from public records under Florida Law. Both you and the requestor will be provided an opportunity for hearing on the Department's decision.

28. Attachment II, and Page 2: The document listed on Page 2 as II d is missing. Please review and revise accordingly.

29. Attachment III, Analysis Plan, Section 2, Acceptance Protocol, First Paragraph and Page 4: Dexil Chlor-d-Test kits are not effective in screening oil with high water content. Provide a copy of a sample Material Data Certification Sheet and the instructions for completing it. At the time that receiving personnel match the sample of an incoming load to the initial profile:

Which personnel will be examining the load?

What training have they been provided?

What business procedure will be used to find the profile in the company files to match against the shipment?

What criteria will be used to determine whether to reject the shipment? (procedure 7.0)

30. Attachment III, and Page 5: Please provide a sample of the Receiving Document Data entry form for the Receiving Document Database. Also, Page 5 and Table does not include recordkeeping results for halogen screening as required under 40 CFR Part 279.57(a)(2)(i). Please review and revise as appropriate.

31. Attachment III, Section 3, and Page 6: Rebuttable Presumption, Third Paragraph, Page 6: This paragraph contains a typographical error. Please review and revise the sentence that includes "non-based" as appropriate.

32. Attachment III, Sub-Section 3.2 Sample Preparation, Page 7, first paragraph: please revise the sentence beginning with "The free halides are subsequently titrated using a mercuric compound..."

33. Attachment III, Sub-Section 3.3, Last sentence, Page 7: The last sentence in this paragraph appears to be unclear. Should the last two words read "hazardous waste" or "compound in question?" If the later, at what point is the evidence of contamination assumed to be because of mixture with hazardous waste? Please review and revise as appropriate.

34. Attachment III, Section 4, On Specification Used Oil Fuel, Page 7: Although sulfur analysis is not required for determining whether the oil meets the specification, it may be required by the oil burner in order to demonstrate compliance with the burner's air permit. At what frequency will sulfur analysis be performed? Will it be performed on site or off site? Does FRS have copies of the appropriate ASTM sampling protocol for sulfur and the equipment needed for the sampling and /or analysis? Please explain in detail and revise the documents as appropriate.

35. Attachment III, Section 5, Used Oil Filters, Page 8: Please provide the information on the building designated as the "garage." The building location was not identified on the facility map.

Please clarify the last sentence in this section.

36. Attachment IIIb, Reporting And Tracking, Page 9: What records will be maintained with respect to oil that is received, processed and then burned on site incidental to processing under 40 CFR Part 279.50(b)(3)? Will FRS burn both on - specification and off - specification used oil fuel? Please review and revise the documents as appropriate.

37. Attachment III, Appendix A, Page 13: The management of DAF sludge is not discussed. Please review and revise the document.

38. Attachment III, Appendix A, Item 3 - Contaminated Media and Disposable Items, and Page 13: If these materials are generated off site and accepted for treatment, a separate solid waste permit may be required. If these materials are accepted for the purpose of recovering used oil, please include the details of the solids processing equipment within the permit application. A description of the area, its secondary containment system, tanks, process units and process flow is required.

39. Attachment IV – Preparedness and Prevention, and Page 1: The facility's storage capacity and location probably triggers the requirement for a full SPCC plan. Please see 40 CFR Part 112.1(d) (6). The plan must be certified by P.E. registered in the state of Florida. The blank certificate page is not acceptable. There is a July 1, 2009 time limit. If the facility is not operational by that date, the SPCC Plan must be in effect before it become operational. Some of the same flaws noted with the other site maps were found with the SPCC maps, which must be revised also.

40. Attachment IV, and Page 1: The SPCC Plan does not address the adequate volume and pressure for all fire equipment. Please review this entire section and revise as necessary and as appropriate.

Table of Content, Item 13, Page 3 and Page 31: Facility location map and site plan is missing. Please review and revise as appropriate.

41. Attachment IV, and Page 37: It appears that the SPCC Plans does not contain a description of how emergency equipment is inspected, tested and repaired or replaced. Please revise the SPCC Plan as appropriate.

42. Attachment IV, Heavy Equipment, and Page 14: There is no table of heavy equipment included as stated in this paragraph. Please review and revise accordingly.

43. Attachment V, Unit Management, A , Containers, Page 1: Please demonstrate that the secondary containment system for the used oil containers is adequate to contain the anticipated volume of used oil that could be released at any one time. The containment capacity should take into account the volume of other materials such as sawdust or treated solids that may be stored within the containment area in addition to any containers of used oil.

44. Attachment V, B, Tanks and Related Equipments, Page 1: The description of this Section and the facility diagrams are not consistent, especially the piping, valves, pumps, and location of other ancillary equipment which are not indentified properly. Please review and revise the documents as appropriate.

45. Attachment V: It appears this section does not contain sufficient detail description. Tank specifications or engineering calculations are not provided in this section. Please provide detail of any concrete sealants or water stops. Department inspected in the past and according to the previous inspections of the facility, it was claimed that the treatment equipment was constructed over a HDPE liner. Please provide details on the construction and materials of the liner, including whether it provides for any leak detection or leachate collection system. Provide a diagram showing the extent of the liner and the locations of any welds or joints. Provide information on whether there was a construction quality assurance program that inspected the liner welds to ensure that no leaks were present. During the previous inspection, standing water with an oily sheen was present within the tank system containment. Provide the information on the procedures that the facility will use to manage such releases in the future.

46. Attachment V: Include a plan for removal of released material and accumulated precipitation from the secondary containment.

47. Attachment V: This plan does not include management of containers of Used Oil Filters and PCW. Please correct and revise accordingly.

48. Attachment VI, Closure Plan and Page 1: If the releases are discovered before or during closure activities, Chapter 62-770 F.A.C., Petroleum Cleanup Criteria will apply to the site. Site assessment criteria are defined by Rule, which specifies TRPH analysis by the FL-PRO method. Please include PCB analysis to the table on Page 4 of the attachment. Unacceptable contamination levels are defined by Rule 62-777, F.A.C., as are cleanup criteria.

49. Attachment VI, Flow Diagrams, VI c and V b: Please review comment 27 in this NOD and follow as appropriate. Also, VI a is missing in this attachment. Please review and revise as appropriate.

50. Attachment VII, Training: A copy of the used oil training manual you intend to use was not submitted. Please be advised that the UAUOS training manual used by a number of transporters must be updated to account for changed regulations and facility site specific information. Include a copy of your facility specific training manual with your revised submittal.

51. Attachment VII, Page 1: Please provide the method of documentation used to demonstrate that employees have been trained to use emergency equipment.