

Thursby, Kim

From: Gary Allen [gallen@synergyrecycling.org]
Sent: Friday, June 10, 2011 3:38 PM
To: Epost HWRS
Subject: RE: Synergy Recycling of Central Florida, LLC;FLR 000 053 611;Minor Modification Intent

We have received the Minor Modification Intent.

From: Epost HWRS [<mailto:EpostHWRS@dep.state.fl.us>]
Sent: Thursday, June 09, 2011 8:51 AM
To: Gary Allen
Cc: Bahr, Tim; Goddard, Charles; Dregne, James; heath.rauschenberger@fws.gov; FWCCConservationPlanningServices@myfwc.com; Hornbrook, Frank; Wick, Fred; Holmes, Georgiana; Martin, Lee; mike@imperialtesting.com; jpotter@mywinterhaven.com; ed.smith@polk-county.net; Kothur, Bheem; Tripp, Anthony
Subject: Synergy Recycling of Central Florida, LLC;FLR 000 053 611;Minor Modification Intent

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

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Herschel T. Vinyard Jr. is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.



Florida Department of Environmental Protection

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

June 9, 2011

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

SENT VIA E-MAIL

gallen@synergyrecycling.org

Mr. Garry R. Allen, Operating Partner
Synergy Recycling of Central Florida, LLC
3800 West Lake Hamilton Drive
Winter Haven, FL 33881

SUBJECT: Synergy Recycling of Central Florida, LLC
Facility Permit Major Modifications
EPA I.D. Number: FLR 000 053 611
Permit Numbers: 292753-HO-004; 292753-SO-002
Polk County

Dear Mr. Allen:

Enclosed you will find a Department Permit (Intent to Issue), along with the draft Permit Major Modification and language for the required Public Notice of Agency Action. Please ensure publication within the time allotted.

As applicant, you are a person whose substantial interests will be determined by the permit, and rights explained in the Intent to Issue apply to you. You have a period of 14 days from the date you received this Intent to Issue in which to exercise your rights.

Proof of publication must be provided to the Department within seven (7) days of publication of the notice.

If you have any questions, please contact Bheem Kothur at (850) 245-8781 or via e-mail: bheem.kothur@dep.state.fl.us

Sincerely,

Tim J. Bahr, Administrator
Hazardous Waste Regulation

TJB/bk
Enclosure

Mr. Garry Allen, Operating Partner

June 9, 2011

Page Two

cc: James Dregne, DEP/Southwest District, james.dregne@dep.state.fl.us
Heath Rauschenberger, U. S. Fish and Wildlife Services, heath_rauschenberger@fws.gov
Florida Fish and Wildlife Conservation Commission,
FWCConservationPlanningServices@myfwc.com
Frank Hornbrook, DEP/Tallahassee, frank.hornbrook@dep.state.fl.us
Fred Wick, DEP/Tallahassee, fred.wick@dep.state.fl.us
Georgiana Holmes, OGC/Tallahassee, Georgiana.holmes@dep.state.fl.us
Lee Martin, DEP/Tallahassee, lee.martin@dep.state.fl.us
Mike Stillinger, mike@imperialtesting.com
Jeff Potter, Mayor, City of Winter Haven, jpotter@mywinterhaven.com
Edwin Smith, Chairman Polk County Commission, ed.smith@polk-county.net

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the Matter of an
Application for a Permit Modification by:

*Synergy Recycling of Central Florida, LLC
3800 West Lake Hamilton Drive
Winter Haven, Florida 33881*

*DEP File No. 292753-HO-004;
DEP File No. 292753-SO-002
EPA I. D. FLR 000 053 611
Polk County*

INTENT TO ISSUE

The Florida Department of Environmental Protection ("the Department") gives notice of its intent to issue a major permit modification (copy enclosed) for the proposed project as detailed in the application specified above, for the reasons stated below.

On March 14, 2011, with additional information May 10, 2011, Synergy Recycling of Central Florida, LLC, submitted an application to the Department for a major modification to the used oil and material processing permit (292753-HO-001 and 292753-SO-002) for the facility located at 3800 West Lake Hamilton Drive, Winter Haven, Florida 33881. The Department has permitting jurisdiction under Section 403.704 and 403.769, Florida Statutes (F.S.) and Chapters 62-4, 62-701, 62-710, 62-730, 62-740 and 62-762 Florida Administrative Code (F.A.C.). The project is not exempt from permitting procedures. The Department has determined that an operating permit is required for the proposed work. The Department intends to issue this modified permit with the conditions included in the enclosed draft permit.

Pursuant to Section 403.815, F.S., you (the applicant) are required to publish at your own expense the enclosed Newspaper Notice. The notice shall be published one time only within fourteen (14) days of receipt in the legal ad section of a daily, major newspaper of general circulation in the area affected. For the purpose of this notice, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. Where there is more than one daily newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit modification. If you are uncertain that a newspaper meets these requirements, please contact the Office of General Counsel of the Department at (850) 245-2242. The applicant shall provide proof of publication to the Department of Environmental Protection at 2600 Blair Stone

Road, Mail Station #4560, Tallahassee, Florida 32399-2400; Attention: Administrator, Hazardous Waste Regulation Section, within seven (7) days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit modification.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35 Tallahassee, Florida 32399-3000.

Petitions by the permit applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this Intent. Petitions filed by other persons must be filed within fourteen (14) days of publication of the public notice or within fourteen (14) days of their receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within fourteen (14) days of receipt of such notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of all material facts disputed by petitioner, or a statement that there are no disputed facts;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.

Executed in Tallahassee, Florida.

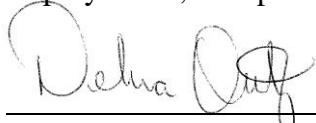
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Charles F. Goddard, Chief
Bureau of Solid & Hazardous Waste
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

FILING AND ACKNOWLEDGMENT

Filed on this date, pursuant to Section 120.52(7), F.S., with the duly designated Deputy Clerk, receipt of which is hereby acknowledged.



Deputy Clerk

June 9, 2011

Date

Newspaper Notice:

**STATE OF FLORIDA
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
PUBLIC NOTICE OF PROPOSED AGENCY ACTION
NOTICE OF INTENT TO ISSUE**

THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION GIVES NOTICE OF INTENT TO ISSUE A MAJOR MODIFICATION TO THE PERMIT OF SYNERGY RECYCLING OF CENTRAL FLORIDA, LLC, TO OPERATE USED OIL AND MATERIAL PROCESSING FACILITY LOCATED AT 3800 WEST LAKE HAMILTON DRIVE, WINTER HAVEN, FLORIDA 33881, HAVING ASSIGNED FACILITY I.D. NUMBER FLR 000 053 611.

The major modifications of this draft permit prepared in accordance with the provisions of Chapters 62-4, 62-160, 62-701, 62-710, 62-730, 62-740 and 62-762, Florida Administrative Code (F.A.C.), contains the conditions for permit numbers 292753-HO-004 and 292753-SO-002. The modifications to this permit are intended to be issued to allow Synergy Recycling of Central Florida, LLC to operate a Used Oil and Material Processing Facility in the City of Winter Haven, Florida.

Copies of the modifications to the permit application and the draft permit are available for public inspection during normal business hours 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at Florida Department of Environmental Protection, Southwest District Office, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926, (813) 632-7600 and at 2600 Blair Stone Road, Mail Station #4560, Tallahassee, Florida 32399-2400; Attention: Administrator, Hazardous Waste Regulation Section, (850) 245-8781.

A person whose substantial interests are affected by the above proposed agency action may petition for an administrative determination (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant and any of the parties listed below must be filed within fourteen (14) days of receipt of this Intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen (14) days of publication of this notice of intent or receipt of the written notice, whichever occurs first. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within this time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed; and
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of all material facts disputed by petitioner, or a statement that there are no disputed facts; (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.



Florida Department of Environmental Protection

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

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

PERMITTEE:

Synergy Recycling of Central Florida, LLC
3800 West Lake Hamilton Drive
Winter Haven, FL 33881

I.D. Number: FLR 000 053 611
Permit Number: 292753-HO-004
Permit Number: 292753-SO-002
Date of Issue: DRAFT
Expiration Date: January 26, 2015
County: Polk County
Lat/Long: 28°04' 42" N/81° 39' 39" W

Attention:
Mr. Garry R. Allen, President

Project: Used Oil and Material Processing Facility

This permit is issued under the provisions of Section 403 of Florida Statutes (F.S.), Chapters 62-4, 62-160, 62-701, 62-710, 62-730, 62-740 and 62-762 of Florida Administrative Code (F.A.C.), and 40 Code of Federal Regulations (CFR) Part 279. The above named Permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereto and specifically described as follows:

TO OPERATE: To operate a Used Oil and Material Processing Facility hereinafter referred to as "Facility". The Used Oil and Material Processing Facility is located on an approximately 2.03-acre parcel of land owned by Synergy Recycling of Central Florida, LLC. in Polk County at 3800 West Lake Hamilton Drive, FL, 33881. Diagrams of the site layout and tank storage area are included as Attachments (Attachment – A and B, respectively), Tank capacity and its contents are shown in Tank Table (Attachment - B) of this permit.

The Permittee is authorized to process used oil, oily wastewater, petroleum contact water (PCW), oily solid waste, used antifreeze, and used oil filters under this permit.

The Facility consists of a total of five (5) tanks with a total capacity of 86,500 gallons. One (1) 25,000 gallon double-walled tank, split in three compartments (3a, 3b and 3c) rated for 18,000/3,500/3,500-gallons, respectively. The 18,000-gallon compartment shall contain used oil. The 3,500-gallon compartments shall contain used oil, oily water or spent antifreeze. The Permittee also uses one (1) 10,000-gallon storage tank for processing used oil and/or oily water (or PCW), and one (1) 1,500-gallon storage tank for processing used oil, oily water (or PCW) or antifreeze. The two (2) 25,000 gallon single-walled new tanks are used for used oil. These tanks are placed in a concrete secondary containment structure that is sealed and impervious to petroleum products. Two tank containers are located within the secondary containment unit and one tank utilizes double-walled construction and is located outside the secondary containment. All tanks are shown on the drawing in Attachment A of this permit.

The Permittee shall submit as built drawings for the proposed and constructed tanks within thirty (30) days of issuing this permit. Each drawing shall be signed and sealed and certified by a Professional Engineer registered in the State of Florida.

Synergy Recycling of Central Florida, LLC
3800 West Lake Hamilton Drive
Winter Haven, FL 33881

I.D. Number: FLR 000 053 611
Permit Number: 292753-HO-003 and 292753-SO-002
Expiration Date: January 26, 2015

The Permittee shall not use, operate, or otherwise conduct any activities with the proposed new tanks until receipt of Department approval for the newly installed tanks. "Upon receipt of Department approval for the newly installed tanks the Permittee may start using the tanks.

There are no other changes to this permit.

A copy of this permit must be attached to the existing permit.

The following documents were used in preparation of this permit:

1. Used Oil Processing Facility Permit Application Dated October 23 and FDEP received on November 10, 2008.
2. Solid Waste Processing Facility Application Dated February 27, 2009 and FDEP received on March 5, 2009.
3. Used Oil Processing Facility Permit Application, NOD Letter Dated December 17, 2008 and the Facility Responses Dated February 27, 2009.
4. Used Oil Processing Facility NOD-2 Letter Dated April 10, 2009 and the Facility Responses Dated April 20, 2009.
5. Used Oil Processing Facility NOD-3 Letter Dated May 15, 2009 and the Facility Responses Dated June 11, 2009.
6. Used Oil Processing Facility Permit Application For Major permit Modification Dated March 14, 2011 and DEP received on March 21, 2011.
7. FDEP, NOD-1 Letter Dated April 20, 2011 and the Facility responses Dated May 10, 2011 and FDEP received on May 11, and 13, 2011.

I.D. Number: FLR 000 053 611
Permit Number: 292753-HO-003 and 292753-SO-002
Expiration Date: January 26, 2015

Synergy Recycling of Central Florida, LLC
3800 West Lake Hamilton Drive
Winter Haven, FL 33881

I.D. Number: FLR 000 053 611
Permit Number: 292753-HO-003 and 292753-SO-002
Expiration Date: January 26, 2015

ATTACHMENT-B TANK TABLE

<u>Tank Number</u>	<u>Tank Capacity gallons</u>	<u>Tank Contents</u>
1	10,000	Oily Water, Used Oil
2	1,500	Used Oil, Oily Water or Spent Antifreeze
3-a	18,000	Used Oil
3-b	3,500	Used Oil, Oily Water, Spent Antifreeze
3-c	3,500	Used Oil, Oily Water, Spent Antifreeze
4	25,000	Used Oil
5	25,000	Used Oil

Tank 3 is a 25,000-gallon double walled tank, separated into (3) compartments with the cited capacities above.

Tank 4 is single-walled tank installed in September 2010.

Tank 5 is single-walled tank installed on April 18, 2011.

The containment structure for Tanks 4 and 5 was installed on April 23, 2011.

Tanks 4 and 5 shall be placed into service upon FDEP approval of the Used Oil Permit Modification.