

Charlie

~~West Palm~~

TAMPA

State of Florida
DEPARTMENT OF ENVIRONMENTAL REGULATION

DISTRICT ROUTING SLIP

TO: Dan Williams/Armonde & DATE: 5/27

C.C.
TO:

Discussed w/
Armonde on
6/12.

Waste Minimization
is a major permit
modification per discussion
w/ T. Maurer. He is
familiar w/ Tricil's proposal
& does not object.

CAB

	PENSACOLA	NORTHWEST DISTRICT	
	PANAMA CITY	Northwest District Branch Office	
	TALLAHASSEE	Northwest District Branch Office	
	TAMPA	SOUTHWEST DISTRICT	
	ORLANDO	ST. JOHNS RIVER DISTRICT	
	JACKSONVILLE	NORTHEAST DISTRICT	
	GAINESVILLE	Northeast District Branch Office	
	FORT MYERS	SOUTH FLORIDA DISTRICT	
	PUNTA GORDA	South Florida District Branch Office	
	MARATHON	South Florida District Branch Office	
	WEST PALM BEACH	SOUTHEAST FLORIDA DISTRICT	
	PORT ST. LUCIE	Southeast Florida Subdistrict	
	Reply Optional <input type="checkbox"/>	Reply Required <input type="checkbox"/>	Info. Only <input type="checkbox"/>
	Date Due: _____	Date Due: _____	

COMMENTS:

RE ISR/Tricil

Are the waste minimization requirements
in the permit?

Do you agree with this letter?

If we think everything is covered we
will discuss this with EPA at the
mid year.

FROM:

Rosal Clarke

TEL.:



Handwritten notes:
2/16/87
10/1/87
10/1/87

Handwritten signatures:
Charles
Sutcliffe
Tom
Don W/Arundo G.

May 18, 1987

Mr. Thomas W. Devine, Director
Air and Waste Management Division
United States Environmental
Protection Agency
Region IV
345 Courtland Street
Atlanta, Georgia 30365

Mr. Robert W. McVety
Environmental Administrator
Florida Dept. of Environmental Regulation
Twin Towers Office Bldg., Room 421
2600 Blair Stone Road
Tallahassee, Florida 32301

Re: RCRA Permit No. FLD980729610 Issued to International Solvent Recovery, Inc., Bartow Florida

Dear Messrs. Devine and McVety:

I am writing on behalf of Tricil Recovery Services, Inc. ("TRSI") concerning the status of the above-referenced federal RCRA hazardous waste storage permit issued to International Solvent Recovery, Inc. ("ISR") on August 3, 1983. ISR's Bartow, Florida facility was acquired by TRSI in July of last year.

TRSI believes that the above-referenced permit should be terminated in accordance with the following procedures. EPA's permitting regulations, at 40 C.F.R. § 124.5(d), authorize EPA to terminate a permit, without complying with formal notice and comment procedures, "if the Regional Administrator and the permittee agree to termination in the course of transferring permit responsibility to an approved state." The Memorandum of Agreement between Florida and EPA provides that, "[i]n accordance with 40 C.F.R. § 124.5, EPA will, if requested by the RCRA permittee, terminate the RCRA permits it has issued to facilities, once the State is authorized and has incorporated the terms and conditions of the federal permits that have been issued to those facilities." Florida has received final RCRA authorization (except for HSWA requirements) and has incorporated the terms and conditions of EPA permit No. FLD980729610 into a State permit which was issued to ISR and subsequently transferred to TRSI. Pursuant to the above provisions, on or about June 24,



1986, ISR requested termination of the federal permit. Thus, it appears that the prerequisites for termination under 40 C.F.R. § 124.5 have been met.

However, in our discussions with EPA, questions have arisen with respect to whether the State permit constitutes a valid RCRA permit in light of the new HSWA requirements. In that regard, I note the following. First, the administrative record for this facility contains a determination by EPA Region IV that "a federal permit addressing the 1984 Hazardous and Solid Waste Amendments is not required since the facility was issued a federal RCRA permit August 3, 1984, prior to the date of enactment (November 8, 1984)." Thus, it appears to us that this determination, together with the state permit, should constitute a complete RCRA permit.

Second, in connection with its permit termination request, ISR submitted documentation (and EPA confirmed by inspection) that no solid waste management units are present at the facility. Thus it is clear that the requirements of RCRA § 3004(u) are not applicable.

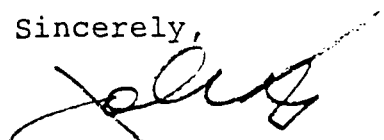
Third, the September 11, 1985 EPA guidance document entitled "Waste Minimization: Permit Certification and Joint Permitting" provides that "when it is clearly determined that § 3005(h) is the only applicable HSWA requirement, and the State has the authority to impose permit conditions requiring this certification, EPA does not intend to issue a separate Federal permit (or offer separate public notice)." TRSI has been advised by Florida DER permitting authorities that Florida has authority to impose the waste minimization certification requirement under State law, and that it intends to do so with respect to the TRSI facility.

Thus, it appears to us that, even if HSWA is deemed applicable to our facility, the federal permit still should be terminated and the waste minimization requirements imposed under State authority. However, in light of the questions that have been raised, TRSI would like written confirmation that the State permit will constitute a complete RCRA permit if the federal permit is terminated and the waste minimization requirements are imposed by the State. In addition, TRSI would like confirmation that, if Florida were to lose its RCRA authorization, the State permit would continue to constitute a valid RCRA permit (albeit subject to EPA Region IV jurisdiction).



M Thomas W. Devine
i Robert W. McVety
May 18, 1987
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We appreciate your assistance in this matter.

Sincerely,


John A. King
Director, Washington Programs

cc: Mr. Stanley D. Mark
Jerome C. Muys, Jr.
Douglas R. Thomson, Esq.