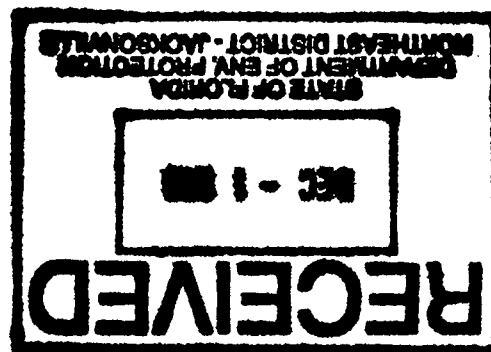


271 Wolfner Drive • Saint Louis, Missouri 63026
314/349-8399 • Fax 314/349-8384

November 30, 1998

Mr. Ashwin Patel
Florida Department of Environmental Protection
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256

RE: Draft Revisions in Response to Warning Letter
WL98-0889HW01NED



Dear Mr. Patel:

On behalf of Perma-Fix of Florida, Inc. (PFF), enclosed please find three (3) copies of proposed revisions to select parts of the PFF Part B Permit Application and Renewal submittal of June 24, 1998 (dated June 19, 1998). (As requested, a separate copy of the enclosed is also being sent to Satish Kastury in Tallahassee.) The proposed revisions are in response to the August 21, 1998 Warning Letter or Notice of Deficiency (NOD) from Michael Fitzsimmons referenced above.

To facilitate review of the proposed revisions, an item-by item response to each of the issues raised in the August 21, 1998 NOD is also enclosed. When appropriate, PFF responses to NOD issues are provided in their entirety. In other instances, proposed revisions to the permit application are described generally and referenced to the enclosed revised sections of the application. In addition, new and deleted text is underlined and struck out to facilitate review of the proposed revisions.

PFF intends to submit a revised permit application incorporating revisions once the Florida Department of Environmental Protection (DEP) and PFF have agreed that the proposed revisions described and/or included in the enclosed are sufficient to satisfy the issues raised in the August 21, 1998 NOD. In addition, as indicated in our September 25, 1998 preliminary response to this NOD, PFF will submit under separate cover an independent engineering assessment of the proposed changes to Facility operations with regard to the applicability of Florida Statute 403.7211.

Please note that due to unforeseen circumstances the majority of the new and revised figures described and referenced in the enclosed documents are not completed and are not included in this response. Fortunately, these figures are generally stand-alone documents, the absence of which should not significantly hinder review of PFF's response to the NOD. Nevertheless, these figures will be provided under separate cover as soon as they are completed. We apologize for any inconvenience the separate delivery of the figures may cause.

DOCKET # P.35



Mr. Ashwin Patel
November 30, 1998
Page 2

In closing, please note that in accordance with F.A.C. 62-730.310(3) and Chapter 403.73 F.S., Perma-Fix of Florida, Inc. is making a claim of trade secret confidentiality for all technical information enclosed related to the Perma-Fix® and Perma-Fix® II (patent pending) processes.

These processes include the application of trade secrets, are patented or have patent pending status. The disclosure of these procedures to our competition would reasonably be expected to cause irreparable economic loss to Perma-Fix of Florida, Inc. and/or its parent company Perma-Fix Environmental Services, Inc. All pages, which contain trade secrets related to the Perma-Fix® and Perma-Fix® II processes, have been boldly stamped with the words "Confidential" to indicate the presence of confidential records. Final revisions will be marked "Confidential Records", as appropriate.

If you have any questions regarding the enclosed, please contact Steve Douglas at (352) 395-1356.

Sincerely,

SCHREIBER, YONLEY & ASSOCIATES



Scott E. Ellis
Senior Environmental Consultant

Encl.

cc: Satish Kastury, Environmental Program Administrator

PFIFLA\970343\NOD\REV1\113098AP.DOC

PERMA-FIX OF FLORIDA, INC.
ITEM-BY-ITEM NOD RESPONSE

The following is an item-by-item response to each of the issues raised in the Warning Letter or Notice of Deficiency (NOD) dated August 21, 1998 and received by Perma-Fix of Florida, Inc. (PFF) on August 23, 1998 regarding the PFF permit renewal and expansion application submitted on June 24, 1998. When appropriate, PFF responses to NOD items are provided in their entirety. In other instances, additions, deletions or revisions to the permit application done in response to a NOD item are described and/or referenced below.

As appropriate, draft changes to the permit application described below are attached for DEP review and consideration. New and deleted text is underlined and struck out to facilitate the review of proposed revisions. PFF intends to submit a complete revised permit application once DEP and PFF have agreed that the proposed changes described below and/or attached are sufficient to satisfy the issues raised in the August 21, 1998 NOD. New and revised figures referenced below will be forwarded under separate cover as soon as they are completed.

- 1) Certification: *The application is not signed by the facility owner. Please resubmit the certification page with facility owner's signature on it.*

Response

The certification pages, with appropriate signatures, will be resubmitted along with the revised permit application.

- 2) A-12: *Please provide the facility owner's name and telephone number.*
A-13: *Please provide the facility owner's address.*

Response

According to the Line-By-Line Instructions for Completing the Application for a Hazardous Waste Facility Permit, Sections A-12 and A-13 of the Part I forms (DEP Form 62-730.900(2)(a), page 2 of 5) are to be completed only if they are applicable to the facility submitting the permit application. Section A-12 is not applicable because the facility owner and operator (i.e., Perma-Fix of Florida, Inc., hereinafter PFF) are the same person (entity). Section A-13 is not applicable for the same reason.

In the interest of further clarifying this matter, PFF will (under separate cover) provide the Florida Department of Environmental Protection (DEP) with a letter identifying the legal owner/operator of the property and facility subject to this permit application. In addition, as requested by DEP, PFF will complete Sections A-12 and A-13 even though the instructions indicate the sections are not applicable to this permit application.

- 3) A-18: *Please provide the land owner's name and address.*

Response

As noted in the response to Item 2 above, the operator and owner of the facility to be permitted is the same entity (i.e., Perma-Fix of Florida, Inc.). As a result, the owner and operator addresses are the same. See Section A-11 of the previously submitted Part I forms dated June 19, 1998 for the operator's address. Section A-18 requires the applicant to list the landowner's name and address if the facility is on property leased by the applicant. As noted on the previously submitted Part I forms (see Section A-18), the property on which the facility is located is owned, not leased, by PFF.

In the interest of further clarifying this matter, PFF will (under separate cover) provide the Florida Department of Environmental Protection, Jacksonville District Office (DEP) with a letter identifying the legal owner/operator of the property and facility subject to this permit application. PFF intends to take no further action regarding this NOD item.

- 4) *B-1: Latitude and Longitude appear to be correct; however, please verify them as they are slightly different from the expired permit.*

Response

The application for the permit under which PFF currently operates included latitude and longitude coordinates interpolated from a map. The current permit application includes latitude and longitude coordinates confirmed using electronic means and is believed to be more accurate.

PFF intends to take no further action regarding this NOD item.

- 5) *B-4: Please revise Figure I.B.3 to show the following information:*

- *Drinking water wells within 1/4 mile of the property boundary.*
- *Intake and discharge structures within one mile (i.e. NPDES outfalls, cooling water intake).*
- *Please provide information on surrounding land use on a map similar to Figure 4 (attached), dated 1/2/96, submitted in February 1996.*

Response

A note has been added to Figure I.B.3 indicating that there are no drinking water wells within 1/4 mile of the facility property boundary and that there are no intake and discharge structures within one mile of the facility property boundary.

An updated figure similar to Figure 4 submitted in February 1996 has been added to Part I of the permit application as Figure I.B.4.

- 6) *D-2: Fourth paragraph, page 6, Attachment I.D.1 states that small containers and debris may also be processed in the LSV unit. Please note that the LSV processing unit is not considered a treatment unit at this time. If Perma-Fix wants to treat debris in it then it will be required to have a treatment permit. Please revise this paragraph appropriately.*

Response

PFF appreciates DEP pointing out the change of status that will occur regarding the LSV processing equipment if it is used to size reduce and/or decontaminate hazardous waste debris. It is PFF's intent to conduct such treatment activities from time-to-time using the LSV equipment.

In order to clarify PFF's plans for treating debris using the LSV processing equipment, Attachment I.D.1, and Sections II.A, II.I, II.K, II.R and II.S have been revised and amended to specifically address this treatment process and applicable hazardous waste operating and permitting requirements.

- 7) *D-2: First paragraph, page 8, Attachment I.D.1 incorrectly states that mercury containing lamps are non-hazardous wastes. Please note that these lamps are regulated as hazardous waste and the Department has established special rules (Chapter 62-737, F.A.C) for the safe management of these lamps. Therefore, please revise the paragraph appropriately.*

Response

The paragraph addressing the management of mercury-containing lamps has been revised to accurately reflect current Florida regulations.

- 8) *D-2: Please revise the process description section to include the can crusher operation, used oil and used oil filter operation, transfer facility and any other operations. Also, either provide information in this section or another part of the permit application to explain specific details about the fuel blending operation, especially, the specific process to pump in liquids from the tank and blend it with sludges. This may be treatment and should be addressed separately.*

Response

PFF does not have a can crushing operation at the facility and does not intend to include such an operation in the permit application. Used oil and used oil filters are received at the facility. Attachment I.D.1 and Part II.I of the permit application have been revised to clarify the scope and nature of the fuel blending operations to be conducted in the Processing and Storage Building; including, as appropriate, the removal of free water and the blending of used oil.

- 9) *D-3: Attachment I.D.2 includes numerous new waste codes which were not authorized in Perma-Fix's last permit, therefore, it must demonstrate compliance with the location requirements in Sections 403.721(6) and 403.7211, F.S. (Please see comment #73).*

Response

PFF respectfully submits that the mere addition of new waste codes (or treatment capabilities) to a facility's operations is not sufficient to subject a permit applicant's facility to the recently enacted location requirements of s. 403.7211, F.S. Rather, a permit application must include proposed operations constituting "substantial modification" of facility operations in order for s. 403.7211, F.S. to apply.

According to Section (2)(d) of s. 403.7211, F.S.:

"Substantial modification" includes: any physical change in, change in the operation of, or addition to a facility which could increase the potential off-site impact, or risk of impact, from a release at that facility; and any change in permit conditions which is reasonably expected to lead to greater potential impacts or risks of impacts, from a release at that facility. "Substantial modification" does not include a change in operations, structures or permit conditions, which does not substantially increase either the potential impact from, or the risk of, a release.

The Statement of Legislative Intent for the House and Senate bills comprising the eventual statute further defines a "substantial modification" by clarifying the associated "off-site impact" or "risk of impact" that must be presented by proposed changes in operations:

This bill is intended to prevent risks from airborne exposure from fires, spills, explosions or entrainment of toxic substances in a fire, spill or explosion scenario. A hazardous substance must be in an airborne form in order to meet the criteria or concentrations...referred to in subsection (4) of the bill by use of the words "life-threatening concentrations of hazardous substances (emphasis added)."

In other words, facilities, which make changes to their operations that do not have the potential to increase the risk of off-site airborne impacts, do not meet the "substantial modification" threshold of the statute.

PFF asserts that s. 403.721, F.S. does not apply to this permit application because the proposed operations do not constitute a "substantial modification" as contemplated by the statute. The additional waste codes, container storage capacity and treatment processes proposed in the permit application do not increase the potential impact or potential risk of an airborne release of "life threatening concentrations of hazardous substances". PFF will submit (under separate cover) an independent assessment of current and proposed facility operations in support of this assertion.

Also, please note that Part A and other sections of the permit application have been revised to reflect PFF's recent decision to reduce the number of new waste codes sought under this permit application.

- 10) *A-1: Please show sufficient contours around the Treatment and Operations building on Figure II.A.3 to show surface water flow. Also, some distance beyond the facility boundary should be included in the figure to ensure that there will not be run-on on the Perma-Fix's property.*

Response

As per the DEP instructions for an Application for a Hazardous Waste Permit (see page 16 of the instructions), PFF included a topographic map (Figure I.B.1) showing a distance of 1000 feet around the hazardous waste facility at a scale of 1 inch to 200 feet and indicating contour intervals within the 1000 foot radius. To the best of PFF's knowledge the contours presented on Figure I.B.1 are accurate.

PFF understands that DEP would like additional detail added to Figure I.B.1 or Figure II.A.3 of the permit application in order to make surface water flow more apparent to one reviewing the permit application. Additional detail indicating surface water flow has been added to the permit application in the form of an additional figure. See Figure II.A.2.a.

- 11) *A-1: Please revise Figure II.A.3 or submit a new figure showing sanitary and process sewage systems including pipelines and fire control facilities like fire hydrants. Please note that the figure must cover a distance of 1000 feet around the hazardous waste management area.*

Response

Additional figures showing the requested information have been added to Part II, Section A of the permit application. See Figures II.A.9 through II.A.14.

- 12) *A-2: Perma-Fix will be required to establish necessary financial assurance prior to issuance of the permit.*

Response

PFF appreciates and has noted DEP's reminder of this point.

- 13) *A-3: Please provide the source of the 100 year flood map. If the flood map is not prepared by FEMA, please provide the required engineering calculations and other information, required in the permit application, used in determining the 100 year flood plain elevation.*

Response

Figure I.B1 has been revised to indicate the source of the information provided therein.

14) A-4b: *Please revise the Contingency Plan to address the following comments:*

- *Number the pages of the Contingency Plan.*
- *Clarify the page number of the facility site plan. It is referred to as both CP-1 and Figure 1.*
- *Provide a complete description of facility operations including fuel blending operations and proposed treatment operations [40 CFR 264.52(b)].*
- *Provide available data and/or procedures for identification of hazardous materials involved in the emergency and the quality and aerial extent of release. Include information on the characteristic of waste, exact source, amount and aerial extent of release [40 CFR 264.56(b)].*
- *Provide specific information on how the facility will perform a hazard assessment pursuant to 40 CFR 264.56(c) and 264.56(d). Also, the hazard assessment should consider scenarios for mechanical failure and electrical disturbances.*
- *Provide information about specific responses and control procedures to be taken in the event of an emergency that may occur during the new treatment process [40 CFR 264.52(a)].*
- *Perma-Fix must include information on the prevention of recurrence or spread of fires, explosions or releases during an emergency situation that may occur as a result of the proposed treatment process. The facility must document how it will comply with 40 CFR 264.56(f) and 264.56(g).*
- *Provide information on the exact proposed storage locations for the various wastes generated from emergency clean up operations must be included [40 CFR 264.56(f) and 264.56(g)].*
- *Describe decontamination procedures [40 CFR 264.56(h)(2) and 264.56(i)].*
- *Identify the location, description and capabilities of spill control equipment, decontamination equipment, emergency communication and alarm systems [40 CFR 264.52(e)].*
- *Include copies of the return receipt in the permit application, to demonstrate that arrangements with the local authorities have been made.*
- *Describe coordination agreements with emergency response contractors [40 CFR 264.37 and 264.52(c)].*
- *Include specific information on the evacuation signals to be used and provide more details on the evacuation routes that are provided throughout the facility [40 CFR 264.52(f)].*

Response

The Contingency Plan (CP) has been revised as follows in response to each of the above comments:

- All pages of the CP have been renumbered.
- The Table of Contents has been revised to correct the figure number. The correct number for the Facility Site Plan is Figure CP-1.
- Additional general description information for each waste management activity or process covered by the permit application has been added to Section 4 of the CP. The additional information is intended to provide operations information to those parties who are not generally familiar with the Facility's operations. Detailed information regarding facility processes are provided in Attachment I.D.1 and other sections of the permit application.
- Section 4 of the CP has been revised in response to this comment to include additional information about procedures to be implemented in the event of foreseeable emergency or release incidents.
- Section 4.1 of the CP has been revised to include additional details concerning the conduct of appropriate hazard assessments in response to foreseeable emergency or release incidents. Mechanical and electrical failures have been addressed in Section 4.1 as well.
- The CP has been revised to include additional details specific to each of the waste management activities to be conducted at the facility.
- Section 5.0 of the CP has been revised to address the prevention of recurrence or spread of fires, explosions or releases during foreseeable emergency situations involving any of the waste management activities to be conducted at the facility.
- The CP has been revised to include procedures to provide for the treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility per 40 CFR 264.56(g). See Attachments CP-1 and CP-3 and Section 6 of the CP.
- Section 4.1 of the CP has been revised to include details regarding decontamination procedures and equipment.
- Attachment CP-5 of the proposed CP contains the information requested. PFF intends to take no further action regarding this NOD item.
- Documentation regarding the distribution of the CP to appropriate local authorities will be submitted under separate cover upon issuance of the permit. Evidence of distribution of the current CP will be added as an attachment to the CP at the appropriate time.
- Sections 12 and 13 of the proposed CP contain the information requested. PFF intends to take no further action regarding this NOD item.
- Section 14 and Figure CP-7 of the proposed CP addresses the requirements of 40 CFR 264.52(f). Figure CP-7 includes detail regarding evacuation routes and assembly locations.

15) *A-4c: Please revise the Preventative Procedures, Structures and Equipment section to include the following information:*

- *A description of the procedures, structures, or equipment used at the facility to comply with the requirements of 40 CFR 270.14(b)(8) with regards to the proposed new treatment process. Include specifics about unloading operations [40 CFR 270.14(b)(8)(i)], run-off [40 CFR 270.14(b)(8)(ii)], water supplies [40 CFR 270.14(b)(8)(iii)], equipment and power failure [40 CFR 270.14(b)(8)(iv)] and personal protective equipment [40 CFR 270.14(b)(8)(v)].*
- *Specific information about how the facility will comply with the requirements of 40 CFR 270.14(b)(9) and 264.17(a) and (c) during the proposed treatment process to prevent ignition or reaction of ignitable or reactive wastes. Also, indicate a safe distance to store ignitable or reactive wastes from an ignition source.*
- *A description of the precautions that will be taken by the facility during the proposed treatment process to prevent reactions that occur from ignitable or reactive waste [40 CFR 270.14(b)(9) and 264.17(b) and (c)].*
- *Please explain "Appropriate precautions" referenced in the last paragraph on page 3, Part II.A of the permit application.*
- *Sketches, drawings or data demonstrating that containers of ignitable or reactive waste are located at least 15 meters (50 feet) from the facility's property line, pursuant to 40 CFR 270.15(c) and 264.176.*
- *Include a description of procedures to demonstrate compliance with 40 CFR 264.177(a) and (b), and 264.17(b) and (c) [40 CFR 270.15(d) and 264.177].*
- *A description of the operational procedures for handling incompatible, ignitable or reactive wastes, including the use of buffer zones must be included to demonstrate compliance with 40 CFR 270.16(f) and 264.198.*
- *A statement that incompatible wastes and materials will not be stored in the same tank or in an unwashed tank that previously held an incompatible waste or material [40 CFR 270.16(f) and 264.199].*

Response

Sections II.A.4c and II.I of the permit application have been revised to address additional details regarding procedures to prevent hazards relating to the Perma-Fix® II treatment process. Figure II.A.5 has been modified to address 40 CFR secs. 264.176 and 270.15(c). Descriptions of operating procedures for handling incompatible, ignitable or reactive wastes in tanks and containers are included in the current permit application in Sections II.B and II.C. 40 CFR 264.199 is addressed in Section II.C10 of the current permit application.

16) *A-4.d: Please revise the Preparedness and Prevention section to include the following information:*

- *More specific information about the emergency equipment including the fire control equipment, spill control equipment and decontamination equipment [40 CFR 264.32(c)].*
- *Specific information about the source of water for fire control purposes [40 CFR 264.32(d)].*

Response

Additional information regarding the emergency equipment is included in the current permit application as Attachment CP-5 to the Contingency Plan. Section II.A.4d of the permit application has been revised to include a table with the same contents as Attachment CP-5. See Table 1 Emergency Equipment List. In addition, Section II.A.4d has been revised to include a statement that the water source for facility fire control purposes is the City of Gainesville.

17) *A-4.e: Please revise the Personnel Training section to address the following comments:*

- *Clarify the attachment number for the Personnel Training information. It is described as both II.A.3 and II.A.4.2.*
- *Provide information about the training that will be provided to the employees on the new treatment process that will occur at the facility [40 CFR 264.16(a), (c) and (d)].*
- *Provide information on the training for emergency response that will occur to familiarize the employees with emergencies that may occur as a result of the new treatment process [40 CFR 264.16(a)(3)].*

Response

Attachment II.A.3 is the facility hazardous waste-related personnel health and safety training program. The training program includes a training plan. The footers on the training plan have been corrected to clarify its location within the permit application and training program. The Facility Training Plan and Contingency Plan have been revised as appropriate to highlight training that is specific to the Perma-Fix II treatment process operations and emergency response requirements, including emergency shut down and start up procedures. See Attachment CP-3 to the Contingency Plan.

18) *A-5: Please include examples of some of the chemical and physical analysis reports received from generators.*

Response

Examples of completed waste profiles are included as attachments to Section II.A.5. See Attachment II.A.4.2 to the Facility Waste Analysis Plan.

19) *A-6: Please revise the waste analysis plan to address the following comments:*

- *Sec.1.1.1: Define what is considered suitable for high BTU organics.*
- *Sec.2.2: Explain the details, including list of parameters and acceptance criteria, for the visual inspection referenced in the first paragraph.*
- *Sec.2.2: Explain the significance difference in pH which is stated in the fourth paragraph. Also, flash point should be added in this paragraph.*
- *PCB's should be added to Attachment II.A.4.4.*
- *Sec.2.2: Explain how many containers from each waste stream from each shipment will receive fingerprint analysis.*
- *Sec.2.3: State that the waste will be sent to only permitted hazardous waste facility for disposal.*
- *Sec.2.3: Explain how and when samples will be collected for analysis.*
- *Sec.2.7: The second item for analysis of residues from the Perma-Fix treatment process calls for composting sample from residues generated in similar process. The Department will not allow composting samples. In addition, this paragraph states that only 10% of containers will be included in sampling. The Department may allow 10% sampling for residues generated from the same process but not from a similar process.*
- *Sec.2.8: It is not clear whether or not Perma-Fix will mix incompatible wastes. Therefore, please explain the criteria that will be used to decide when not to mix different wastes.*
- *Sec.2.8: Perma-Fix must identify the area where the reactive and ignitable waste will be stored. Please show how these storage areas/bays will be isolated from the other storage areas. Also, show the safety features such as two hour fire walls, walls between bays and other features for the safe management of hazardous waste. Instead of providing this information in this section Perma-Fix may want to include it in Attachment B of the permit application.*
- *Sec.2.8: List few examples of published literature you plan to use to determine potential danger of mixing incompatible waste.*
- *Explain the analysis and other procedures used to resolve the discrepancies in type of waste received, especially, when the waste fails fingerprint analysis.*

Response

The Waste Analysis Plan has been revised to address each of the comments noted above. The revisions consist of clarification statements and the addition of new information, as appropriate.

- 20) *A-7: Please provide detailed information to show how the facility will comply with the manifest system requirements (40 CFR 264.71), manifests discrepancies requirements (40 CFR 264.72) and unmanifested waste reports requirements (40 CFR 264.76).*

Response

Section II.A7 of the permit application has been revised to include additional details regarding compliance with the above referenced manifesting regulations.

- 21) *A-7: Please state that the operating records will be maintained until the facility is certified closed and the closure certification has been accepted by the Department. Also, state that all of the operating records will be available to the Department staff for inspection.*

Response

Section II.A.7 of the permit application has been revised to include requested statements.

- 22) *A-7: Please provide detailed information to show how Perma-Fix will comply with the requirements for Biannual Report (40 CFR 264.75).*

Response

Section II.A.7 of the permit application has been revised to include the details of the biennial report requirements to be met by PFF.

- 23) *B-1.b. (1): Please provide engineering drawings showing the thickness and structural strength of the concrete pad for both of the container storage areas.*

Response

Section II.B1 has been revised to include the requested information.

- 24) *B-1.b. (2): Please provide engineering drawings showing the elevations in different locations of the floor to show how the floor design promotes drainage or how containers are kept from coming in contact with standing liquids in the container storage areas.*

Response

Section II.B1 has been revised to include the requested information. See Attachment II.B.1.

- 25) *B-1.b. (3): Please submit revised calculations for the secondary containment, Attachment II.B.1, considering the volume occupied by stored containers, pallets, lift truck and other equipment, can crusher area, totes and other things generally kept in the storage areas.*

Response

Section II.B has been revised to include the requested information.

- 26) *B-1.b. (3): Please submit an engineering drawing or a sketch showing how the proposed number of drums can be stored in each storage bay. Please include aisle space, size of containers, space occupied by each pallet full of drums and other information stated in the above comment.*

Response

The permit application has been revised to include the requested information. See revised Figures I.D.1 and I.D.4.

- 27) *B-1.b. (3): Please submit an engineering drawing for the proposed container storage areas showing the dimensions of building, floor, processing and treatment area, container storage area, berm height, floor slope, pillars, etc. Also, discuss compatibility of concrete floor and floor coating with the wastes to be stored and treated. Also, describe the current condition of the floor and building including cracks, gaps, holes, etc. and discuss safety features of the building that will minimize exposure of hazardous waste to the public and environment.*

Response

Section II.B of the current permit application references Figures 1.D.1 and 1.D.4, which are included in Part I of the application. The requested information regarding building details is provided in Figures 1.D.1 and 1.D.4. PFF intends to take no further action regarding this NOD item. Section II.B.1 has been revised to include additional information regarding the compatibility and condition of the floors in container storage areas.

- 28) *B.1.b. (3): Sec. B.4, Part II.B of the application lists roll-off containers, tote tanks, tanker/trailers and other DOT approved containers. Please specify which other DOT approved containers. Also, submit calculations to justify storage of all these containers, specifically, show that the storage areas have required secondary containment. Also, please discuss the procedure for removing other containers from the same storage area prior to storing these containers.*

Response

Section II.B of the permit application has been revised to include additional details regarding type and number of containers that may be stored at the facility. Information demonstrating and maintaining adequate containment capacity for the type and number of containers to be stored has also been included. See Attachment II.B.1 and revised Figures I.D.1 and I.D.4 in Part I of this permit application.

- 29) *B-1.b. (4): Sec. B.1, Part II.B of the application states that both of the container storage areas are roofed and sufficiently sided to prevent run-on of stormwater. Please provide details of side walls and explain the term "sufficiently sided." The Department recommends at least two hour exterior fire walls for both buildings. In addition, it is recommended that each storage bay should have walls to the ceiling. Please see comment #74 for additional recommendations. Therefore, please revise the design accordingly or provide detailed documentation and justification for not doing so.*

Response

Section II.B.1 of the current permit application is intended to address the applicable container management standards related to the containment and removal of liquids from, and the prevention of run-on into, container storage areas. PFF respectfully submits that two-hour exterior firewalls and storage bay walls extending to the ceiling of container storage building are neither required by, nor necessary to achieve compliance with, the applicable regulations. Section II.B.1 has been revised to clarify how the container storage buildings are designed and/or operated to comply with 40 CFR 264.175. In addition, it should be noted that PFF intends to enclose the Processing and Storage Building. See response number 74 below.

- 30) *B-1.b. (5): Sec. B.1, Part II.B of the application states that any accumulation in the secondary containment sumps will be removed in as timely manner as possible. Please revise the procedure to state that accumulated liquids will be removed in as timely a manner as possible, but no later than within 24 hours of detection. Also, explain how the material removed from the secondary containment will be characterized and managed.*

Response

Section II.B1 of the permit application has been revised as requested.

- 31) *B-3: Please note that the Department will not authorize mixing of incompatible wastes, therefore, revise the application appropriately. Also, describe the test for determining if wastes are compatible prior to mixing. At a minimum, the test must include the total time for the test, list of parameters observed or monitored, justification for their selection and criteria that will be used to avoid mixing incompatible wastes.*

Response

Section II.B3 of the permit application has been revised to include a statement that incompatible wastes will not be inappropriately mixed at the facility. Please note that the procedures for preventing incidents associated with the mixing of incompatible wastes are addressed in Section II.B3 of the permit application and the specific details regarding compatibility testing are included by reference to the facility Waste Analysis Plan. PFF intends to take no further action regarding this NOD item.

- 32) *B-3: Please show how and where different waste will be stored to avoid storage of incompatible wastes. This is necessary as Perma-Fix is proposing to accept and manage several new wastes, as listed in Attachment I.D.2.*

Response

Please note that PFF intends to substantially reduce the number of new EPA waste identification numbers (waste codes) requested for storage and treatment at the facility. Attachment I.D.2 as well as the Waste Analysis Plan have been revised to reflect the new list of requested additional

waste codes. At this time, PFF intends to add only D002 and D003 to the list of acceptable waste codes. Also, note that PFF will not accept DOT Class I (explosive) hazardous materials. All currently acceptable waste codes will be maintained in the revised permit application.

Section II.B3 of the permit application has been revised to include additional information regarding the segregation and management of containers of potentially incompatible wastes.

33) *B-4: Provide the specifications of the liner and its compatibility with each waste.*

Response

40 CFR 274.172 requires the use of containers that are made of or lined with materials which will not react with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired. Since PFF will only receive and store hazardous waste in DOT-approved (i.e., performance oriented) containers, no special provisions are being made for specifying or ensuring container or container liner compatibility with each waste. However, all containers received and stored at the facility are subject to periodic integrity inspections. See Sections II.B4 and II.B5 of the permit application. PFF intends to take no further action regarding this NOD item.

34) *B-4: Provide the dimensions of all the different types of containers proposed to be stored in the container storage areas.*

Response

Section II.B4 and revised Figures I.D.1 and I.D.4 of Part I of the permit application have been revised to provide additional information about the capacities and configuration of containers proposed to be stored in the container storage areas.

35) *B-4: Please specify whether fingerprints analysis will be conducted on each incoming shipment. Also, specify how many containers from each shipment will be analyzed and the justification for their selection. Also, specify the timeframe for conducting verification inspection, fingerprint analysis, moving waste into the permitted storage area, notifying generator when waste fails test(s), conducting detailed waste analysis and returning waste to generator.*

Response

Section II.B4 of the permit application as well as the Waste Analysis Plan (Attachment II.A.4 of Part I of this permit application) have been appropriately revised to include the information requested.

36) *B-5: Please provide a copy of an inspection log to record inspection of the container storage areas. The inspection log should include, at a minimum, the date and time of inspection, the legible printed names of the inspector(s), the number of containers, the*

condition of containers, the condition of the secondary containment, accumulation of liquid in the secondary containment, a notation of observations made, and the date and nature of any repairs or other corrective actions. Also, specify where and for how long the facility will maintain these inspection records.

Response

Part II.B5 of the permit application has been revised to include the requested information.

37) C-2: *The first paragraph on page 2, Part II.C has some missing language.*

Response

Section II.C2 has been revised. The word “piping” has been inserted between “The” and “from”.

38) C-2: *The conclusion section in the tank integrity certification report by Mr. Bodo states that the certification is good until Sept. 1999, provided that the nature, composition and characteristics of the stored materials will not change. As Perma-Fix is proposing to accept numerous new waste streams, please explain why Perma-Fix should not perform the structural integrity test again considering new waste streams. Also, please note that Perma-Fix will be required to have structural integrity inspection done again by no later than September 1999.*

Response

Section II.C2 has been revised to address the certification question. PFF appreciates and notes the reminder regarding the integrity recertification deadline.

39) C-3: *Please provide a description of feed systems, safety cut off, bypass systems, temperature and pressure control gauges and values.*

Response

Section II.C1 of the permit application has been revised to include the requested information that is applicable to the tank.

40) C-4: *Please submit an engineering drawing or a scaled floor plan showing the location of the LSV processing area, pipeline and tank area. Also, submit a sketch showing tank, piping and all ancillary equipment including the pump.*

Response

Section II.C1 has been revised to reference the requested information in Figures I.D.7 to I.D.10.

- 41) *C-4: Please confirm that the waste material stored in tanks contains only Toluene, Xylenes and Ethanol as hazardous waste constituents.*

Response

Section II.C4 has been revised to clarify the type of wastes to be stored in the tank at the facility. It should be noted that only ethanol, toluene and xylenes will be stored in the 3,000-gallon mixed waste storage tank located in the Processing and Storage Building.

- 42) *C-11: Please provide a copy of an inspection log to record inspection of the tank system. The inspection log should include, at a minimum, the date and time of inspection, the legible printed names of the inspector(s), the condition of tank and ancillary equipment, the condition of the secondary containment, accumulation of liquid in the secondary containment, a notation of observation made, and the date and nature of any repairs or other corrective actions. Also, specify where and for how long the facility will maintain these records.*

Response

Section II.C of the permit application has been revised to include the requested information.

- 43) *Please provide detailed process operations, chemical and physical reactions, end products and byproducts generated, equipment specifications including monitoring equipment, monitoring parameters and their operational guidelines, secondary containment capacity calculations, operation procedures including results of power failure and equipment failure and associated safety controls to avoid catastrophe, etc.*

Response

Section II.I of the permit application has been revised to include additional details addressing the information requested.

- 44) *Please provide detailed plans and engineering reports describing how the unit will be located, designed, constructed, operated, monitored, inspected and closed to comply with requirements of 40 CFR 264.601 and 264.602.*

Response

Section II.I of the permit application has been revised to include additional details addressing the information requested. See Attachment II.I.3.

- 45) *Please provide details to show how Perma-Fix will comply with the Design and Installation requirements listed in 264.192 for each component of the treatment facility.*

Response

Section II.I of the permit application has been revised to include additional details addressing the information requested. See Attachment II.I.3.

- 46) *Please provide physical characteristics, material of construction, and dimensions of the each component of the unit.*

Response

Section II.I of the permit application has been revised to include additional details addressing the information requested.

- 47) *40 CFR 264.601 requires a miscellaneous unit to be located, designed, constructed, operated, maintained and closed in a manner that will ensure protection of human health and the environment. Therefore, please provide details including safety features of the treatment unit and discuss measures Perma-Fix will take to prevent any releases from the treatment unit that may have adverse effects on human health and the environment due to migration of waste and waste constituents in the groundwater or subsurface environment considering all the factors listed in 40 CFR 264.600(a); in surface water, wetland or on the soil surface considering all the factors listed in 40 CFR 264.600(b); and in the air considering all the factors listed in 40 CFR 264.600(c). Please discuss each factor separately.*

Response

Section II.I of the permit application has been revised to include additional details addressing the information requested.

- 48) *Please discuss how Perma-Fix will comply with the requirements of 40 CFR 264.17 if you plan to place, mix or treat ignitable, reactive, or incompatible wastes in the miscellaneous unit.*

Response

Section II.I of the permit application has been revised to include additional details addressing the information requested.

- 49) *Please provide a copy of an inspection log to record inspection of the treatment area including the treatment unit, waste stored in the treatment area and monitoring equipment. The inspection log should include, at a minimum, the date and time of inspection, the legible printed name of the inspector(s), the number of containers, the condition of containers and equipment, the condition of treatment unit components and ancillary equipment, the condition of the secondary containment, accumulation of liquid*

in the secondary containment, a notation of observations made, and the date and nature of any repairs or other corrective actions. Also, specify where and for how long the facility will maintain these records.

Response

Section II.I of the permit application has been revised to include additional details addressing the information requested.

- 50) *I.1: Please provide Design and Operation specifications and equipment for the PFII process and show where it will be located including secondary containment information for that unit. Also, provide details to show how the air flow is controlled in the treatment area, especially control and release of air emissions.*

Response

Section II.I of the permit application has been revised to include additional details addressing the information requested.

- 51) *For the Thermal Desorption process, please explain management of separated waste streams; specifically, how the hazardous waste determination will be made and where the waste will be sent for further treatment or disposal.*

Response

Section II.I of the permit application has been revised to include additional details addressing the information requested.

- 52) *The chemical oxidation process does not explain what happens to organics that may be present in small concentrations. Also, please explain how this process controls generation of toxic gases like chlorine from inorganic constituents.*

Response

Section II.I of the permit application has been revised to include additional details addressing the information requested.

- 53) *The equipment listed in Attachment K-1 and section K2.1 of the permit application does not include all equipment listed in Attachment II.I.1, e.g. Reactor Vessel, Boiler, Cooling Tower, HEPA Filter system assembly, Air Compressor, Granular Activated Carbon unit. Please revise the closure plan to include all the units and their components. Also, list all the waste container moving and cleaning equipment and major ancillary equipment that will be required to go through closure.*

Response

Section II.K of the permit application has been revised to include additional details addressing the information requested.

- 54) *Table K-2 states that ancillary equipment, miscellaneous unit, tanks and containers may be decontaminated if necessary. Please list the criteria that will be used to determine that decontamination is not necessary and provide justification for it.*

Response

Section II.K of the permit application has been revised to include additional details addressing the information requested.

- 55) *Section K6 and Table K-3 must be revised to state that the final rinsewater sample(s) will exhibit constituent concentrations that meet Florida's groundwater standards and minimum criteria listed in Chapter 62-520 and Chapter 62-550, F.A.C. For the parameters which are not listed these Chapters, final rinsewater sample(s) must exhibit constituent concentrations that are protective of human health and the environment. This may be demonstrated using the risk assessment methodology explained in Chapter 62-785, F.A.C. or as an alternative, Perma-Fix may want to propose Florida's groundwater guidance concentrations listed in Chapter 62-785, F.A.C. Also, soil samples must exhibit constituent concentrations that are protective of human health and the environment. This may be demonstrated using the risk assessment methodology listed in Chapter 62-785, F.A.C. or as an alternative, Perma-Fix may want to propose Florida's soil guidance concentrations explained in Chapter 62-785, F.A.C.*

Response

Section II.K of the permit application has been revised to address the issues raised in this NOD item.

- 55) *Please justify the reason for recycling ancillary equipment as scrap metals as some of the equipment may not be made out of metal (section K6.3 of the permit application). Please note that all the tanks, containers and equipment must be properly decontaminated prior to recycling as scrap metal.*

Response

Section II.K of the permit application has been revised to address the issues raised in this NOD item.

- 57) *Section 3.4, Attachment K-1 must be revised to include additional soil samples from the loading/unloading area, transfers facility area, perimeter of all units/buildings and other hazardous waste handling areas. At a minimum, two soil sampling locations should be*

proposed at each side of the building(s) and the soil sampling locations should not be more than 50 feet apart of each side of the building. Also, soil samples must be collected from at least two depths from each location for the initial screening. At a minimum, the Department recommends to collect one sample from the top 6" and another from 18" to 24" depth beneath gravel.

Response

Section II.K of the permit application has been revised to address the issues raised in this NOD item.

58) *Is the LSV processing area referenced in Figure K2 a new process? If not, please explain the note, "LSV processing equipment not yet installed" on that figure.*

Response

Figure K2 in Section II.K of the permit application has been revised to indicate location of LSV processing equipment.

59) *There are no borings for soil and concrete sampling locations proposed within the miscellaneous unit. Please revise the plan appropriately.*

Response

Section II.K of the permit application has been revised to address the issue raised in this NOD item.

60) *Please revise the closure plan to state that prior to conducting additional subsurface investigation, a written plan with a permit modification request will be submitted to the Department for approval. A similar statement should be included for the risk assessment.*

Response

Section II.K of the permit application has been revised to address the issues raised in this NOD item.

61) *Section K-7 must be revised to include closure procedures for all components of the miscellaneous unit.*

Response

Section II.K of the permit application has been revised to include additional details regarding components of the miscellaneous unit.

- 62) *Please revise the closure plan to include a discussion of how a decontamination area/station will be set up for decontamination of personnel and equipment used during closure activities. Also, explain how the decontamination water will be collected, characterized, stored and disposed of.*

Response

Section II.K of the permit application has been revised to address the issues raised in this NOD item.

- 63) *Please revise section 5.2, Attachment K-1 of the closure plan to state that analysis of rinsewater, concrete and soil samples will be conducted by an independent laboratory which has a Department approved quality assurance plan.*

Response

Section 5.2, Attachment K-1 of the Closure Plan has been revised as requested.

- 64) *Please resubmit the closure cost estimate using the Costpro software. If you use any cost which is lower than the default values in Costpro then you must justify lower values including identifying the source which will do that activity at that cost. In addition, please address following in revising the closure cost estimate.*

- *Consider all the revisions required in this letter that may increase the closure cost.*
- *Explain the reason for using different values for disposal of waste in containers, especially, LSV drums. Also, provide the name of the facility that will accept the waste at that lower price. You must consider that in a worst case scenario a third party will have to come in and characterize containers for disposal.*
- *Include cost of decontamination of loading/unloading area, transfer facility area and other operation areas described in Attachment I.D.1.*
- *The total of closure cost estimate appear to be in error. The total should be \$1,098,715 instead of \$1,096,915. Please verify the total cost when you recalculate the closure cost estimate.*

Response

PFF has recalculated the closure cost estimate using the requested software. PFF is currently evaluating the cost estimate resulting from the use of this software, and is reserving the right to adjust calculations as necessary to maintain consistency with applicable regulatory requirements and to minimize costs, where appropriate. Appropriate sections of the Closure Plan have been revised to address the other issues raised in this NOD item. The Costpro results are included as an attachment to the Closure Plan.

- 65) *Please explain why the vent from the carbon adsorption unit and other vents in the proposed miscellaneous unit do not have to comply with the requirements of 40 CFR 264 - Subpart AA.*

Response

Upon reconsideration, PFF has determined that the Perma-Fix II process equipment is subject to 40 CFR 264 subpart AA. Section II.R of the permit application has been revised to address applicable provisions of the process vent regulations.

- 66) *Please submit an engineering drawing/sketch, of the proposed miscellaneous unit, showing all the pipes, valves, joints, gauges, pumps and vents and identify which ones have to comply with 40 CFR 264 Subparts AA, BB and CC requirements and submit the necessary information. Also, provide justification for all others explains why they are exempt from the requirement.*

Response

Section II.R of the permit application has been revised to include additional details regarding applicable provisions of 40 CFR subparts AA, BB and CC to the Perma-Fix II process equipment.

- 67) *Exhibits S-7 Through S-9 are not included in the permit application. Please submit those exhibits. Also, submit an engineering drawing/sketch that shows all the components listed in Attachment S-1 and shown in exhibits S-1 Through S-9.*

Response

Part II.R, S of the permit application has been substantially revised. As appropriate, the requested information has been added to Section II.R, S.

- 68) *The solvent-recycling unit, discussed in pages 4-5, Attachment I.D.1. must comply with the requirements of 40 264 CFR Subparts BB, pursuant to 40 CFR 264.1050(2). Please submit the required information.*

Response

Section II.S of the permit application has been revised to address applicable requirements of 40 CFR 264 subpart BB for all proposed units.

- 69) *Please explain how the proposed and existing tanks comply with the requirements of 40 CFR 264.1054 for pressure relief devices.*

Response

Section II.S of the permit application has been revised to address applicable requirements of 40 CFR 264 subpart BB for all proposed units.

- 70) *The Department does not agree with your determination that Perma-Fix is exempt from the 40 CFR 264 - Subpart CC requirements. 40 CFR 264.1080(b)(6) exempts a waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act and the Nuclear Waste Policy Act. First, Perma-Fix's tanks are not used solely for the management of radioactive mixed waste. Second, the Atomic Energy Act and the Nuclear Waste Policy Act regulates high level radioactive mixed waste while your facility only manages low level radioactivity mixed waste. Third, your facility allows all LSV to decay to a safe level prior to processing. Therefore, the LSF placed in the 3,000-gallon tank should be at a safe radioactivity level, and may not be regulated under the authority of the Atomic Energy Act and the Nuclear Waste Policy Act. Please provide all the necessary information to show how the existing facility and proposed facility components comply with the 40 CFR 264 - Subpart CC requirements.*

Response

PFF respectfully submits that the DEP is incorrect in its assessment of radioactive materials regulations as they pertain to the LSV processing activity at the facility. In addition, PFF asserts that since the 3,000-gallon storage tank is used solely for the purpose of blending and storing mixed waste the tank is exempt from Subpart CC requirements. Section II.S of the permit application has been revised to clarify the extent of the 40 CFR 264 subpart CC exemption claimed by PFF.

PFF acknowledges that the LSV processing equipment will be subject to subpart CC if hazardous, but not mixed, waste is processed in the LSV equipment. Accordingly, Section II.S of the permit application will be revised to address applicable provisions of subpart CC with regard to the LSV equipment.

- 71) *Please provide detailed information to show how your facility complies with the requirements of 40 CFR 264.1087 for totes and all other containers listed in Section B.4, Part II.B of the permit application.*

Response

Section II.S of the permit application has been revised to address the provisions of subpart CC applicable to the totes and other containers covered in Section II.B4 of the permit application.

- 72) *Please note that at this time the Department has not received authorization from EPA to implement 40 CFR 264 - Subpart CC regulations in State of Florida, therefore, you must send a copy of all the information regarding Subpart CC to EPA.*

Response

PFF appreciates and has noted this information.

- 73) *Please demonstrate how your facility complies with the location requirements in 403.721(6)(d) and 403.7211, F.S., considering your proposal to accept several new waste streams/codes in your existing facility (Attachment I.D.2 of the permit application) and to construct a new container storage unit and a miscellaneous unit.*

Response

Please refer to the previous response to NOD Item 9 above.

- 74) *40 CFR 264.31 required that a hazardous waste facility must be constructed, maintained and operated in such a manner so it minimizes the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water which could threaten human health or environment. Currently, the Department is in the process of rule making that may require facilities such as yours to upgrade their design and operational procedures in order to reduce the risk of health impacts on persons living and working in the areas near the facility, in the event of an accidental release, considering the toxicity of some of the wastes that are being stored at the facility. Therefore, the Department requests Perma-Fix consider the following guidelines for operational and design improvements to determine how they may help in reducing such risk: operational and design improvements to determine how they must help in reducing such risk:*

(a) Structural Design Guidelines.

- 1. The structure should include emergency lighting for power failure.*
- 2. All loading and unloading areas should be provided with containment. The minimum containment volume shall be 5,000 gallons, plus capacity (including stormwater design at the site) necessary to contain precipitation at the loading and unloading area from a 25-year, 24-hour storm event.*
- 3. All electrical fixtures, switches, outlets and motors should meet the requirements of 29 CFR s. 1910.307 (b).*
- 4. The structure should be secured from trespassers, at a minimum, by a chain link fence (or equivalent) with a security gate.*
- 5. The structure should include a public address system for communication throughout the hazardous waste management facility and any attached structures.*
- 6. Floors should be constructed of, at a minimum, a 6" concrete slab with an impervious, chemically resistant surface or coating and a compressive strength of at least 4000 pounds per square inch. Alternatively, other materials may be used if the applicant demonstrates that the material has*

- a hydraulic conductivity of 1×10^{-7} cm/sec or less and a compressive strength of at least 4000 pounds per square inch.*
- 7. The structure should comply, at a minimum, with the fire resistance standards contained in Table 600, "Fire Protection Requirements, Requirements for Resistance in Hours," contained in the Standard Building Code (1997), issued by the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206, for Type I or Type II construction. Those resistance standards are available for inspection at the Department's Tallahassee office and each district office.*
 - 8. All bays should be isolated completely with walls to ceiling and sliding doors for entrance and exit.*
 - 9. The facility should be provided with an automatic fire sprinkler or suppression system which meets the design standards of the National Fire Codes (1998), issued by the National Fire Protection Association (NFPA), Batterymarch Park, Quincy, Massachusetts 02269. Those standards are available for inspection at the Department's Tallahassee office and each district office. Fire suppression agents should be compatible with the predominant type or types of hazardous waste being managed.*
 - 10. The facility should include lightning protection for all container and tank storage facilities which meets the standards set forth in the Lightning Protection Code (1998), issued by the National Fire Protection Association (NFPA), Batterymarch Park, Quincy, Massachusetts 02269. Those standards are available for inspection at the Department's Tallahassee office and each district office.*

(b) Operational Guidelines.

- 1. Outdoor storage in an unenclosed storage area should be eliminated for all containers designed to hold 660 gallons or less.*
- 2. The operator should, in operating the facility, require the following specific equipment:*
 - i. Non-sparking tools.*
 - ii. Explosion proof drum crushers, oil filter crushers, and similar equipment.*
 - iii. Forklifts that meet Class 1, Division 2 environment standards under the National Electric Code (1998), issued by the National Fire Protection Association (NFPA), Batterymarch Park, Quincy, Massachusetts 02269. Those standards are available for inspection at the Department's Tallahassee office and each district office.*
 - iv. Fire extinguishers compatible for each type of waste that is incompatible with the fire suppression agents used in the automatic fire system.*

Response

Please note that it is PFF's intention to address compliance with 40 CFR 264.31 on a unit-by-unit basis in the appropriate sections of the permit application (e.g., Sections II.A, II.B, II.C and II.I) PFF appreciates that one or more of the structural or operational guidelines mentioned in the above NOD item may be useful in facilitating compliance with 40 CFR 264.31. Each of the suggestions has been considered and PFF has elected to voluntarily undertake steps to comply with all of the relevant suggested operational guidelines and most of the suggested structural guidelines. For example, PFF has contracted to enclose the Processing and Storage Building.

PFF respectfully declines to set forth our reasons for implementing or rejecting any of the suggested guidelines in the context of this response to the NOD, because they are not currently required or necessarily appropriate for our intended operations, and the DEP has not, to our knowledge, set forth any justification for requiring these guidelines pursuant to 40 CFR 264.31 and the proposed PFF Facility operations.

If a review of the revised permit application raises specific questions as to the sufficiency of the permit application's compliance with 40 CFR 264.31, we would appreciate an opportunity to discuss potential deficiencies and possible remedies.

- 75) *The Department had issued First Notice of Deficiency (NOD), with a Warning Letter on November 18, 1997, based on review of the original permit application received on September 19, 1997. Several of the comments from that NOD have not been adequately addressed in the revised application, especially, Items 3, 5.i, 5.iv and 6.. All of these comments should be considered in responding to this NOD. Please note that the information regarding corporate structure (Item 3) is very important to determine who should establish financial assurance.*

Response

The permit application has been revised to address each of the previously raised issues noted in this NOD Item. See Part I application forms, Part II.K, and Part II.I (revised).

- 76) *Perma-Fix has claimed part of the application confidential records, specifically, Pages 3 and 4, Figures I.D.2 and I.D.3, Attachment I.D.1; and Part II.I including Attachment II.I.1. This information does not appear to meet the requirements of rule 62-730.310, F.A.C., to be considered confidential. Items which can be claimed confidential are secret processes, methods of production and records related to it. If you would like the Department to continue to consider this information confidential, please submit a claim of confidentiality as described in rule 62-730.310, F.A.C.*

Response

It is Perma-Fix's understanding that the reason the Department is questioning Perma-Fix's claim of confidentiality is that the information claimed to be confidential is not adequately indicated on a separate cover letter. Perma-Fix will provide a cover letter which clearly indicates the sections of the permit which are to be handled as confidential business information along with the revised permit application.