



Ron H. Noble  
Direct Dial: 813-222-1175  
moble@fowlerwhite.com

February 22, 2011

Received

FEB 23 2011

BSHW

**VIA FEDERAL EXPRESS**

Mr. Bheem Kothur  
Florida Department of Environmental Protection  
2600 Blair Stone Road  
MS 4560  
Tallahassee, FL 32399-2400

**RECEIVED  
RCRA**

FEB 23 2011

**Hazardous Waste Regulation**

Re: Revision to Piping Plan for Florida Recycling Solutions, LLC Used Oil and Material Processing facility Permit  
EPA ID No.: FLR 000 034 033  
FDEP Permit No.: 294693-HO-001; and 294693-SO-002  
Lakeland, Polk County, Florida

Dear Mr. Kothur:

Pursuant to our recent telephone conversation, the purpose of this correspondence is to provide additional information to the Florida Department of Environmental Protection in connection with a revision to the approved plans and drawings for the Florida Recycling Solutions, LLC ("FRS") used oil and material processing facility in Lakeland, Polk County, Florida. As we discussed, FRS is preparing to initiate construction of the used oil and material processing facility which is authorized by the above-referenced Permit issued by the Department.

The engineers and contractors retained by FRS have identified a more simplistic and effective piping layout and plan for regulated Tanks 6, 7 and 8 identified in the above-referenced Permit. We have enclosed three separate drawings which identify the minor revisions for the simplification of the piping plan for Tanks 6, 7 and 8. The "revision" areas are highlighted and identified on each of these three drawings.

All of the piping, pumps and other appurtenances for these tanks will still be located within the designated secondary containment structures set forth in the above-referenced permit. FRS and this office are requesting the Department's review of this correspondence and the attached drawings to confirm that no formal Permit Modification or Permit Modification Application is required in connection with this minor revision to the piping plan. If the Department is in agreement that no formal Permit Modification is required in connection with this revision, FRS and its consultants will construct the facility and identify the revisions on the

**FOWLER WHITE BOGGS P.A.**

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501 EAST KENNEDY BLVD., SUITE 1700 • TAMPA, FLORIDA 33602 • P.O. BOX 1438 • TAMPA, FL 33601  
TELEPHONE (813) 228-7411 • FAX (813) 229-8313 • www.fowlerwhite.com

Mr. Bheem Kothur  
February 22, 2011  
Page 2

final As-Built Drawings which will be submitted to the Department after the facility is constructed pursuant to the terms and provisions of the Permit.

After the Department has an opportunity to review this correspondence and the enclosed drawings, we simply request brief written confirmation or an e-mail from the Department confirming that no formal Permit Modification is required in connection with this matter. We want to thank the Department in advance for its review and consideration of this request, and we look forward to the Department's written confirmation at your earliest possible convenience. In the interim, please do not hesitate to contact me should you have any questions regarding the above matters or if you require any additional information.

Sincerely yours,

FOWLER WHITE BOGGS P.A.



Ron H. Noble

cc: Mr. James. Dregne (w/encl.)  
Mr. W.D. Miller (w/o encl.)

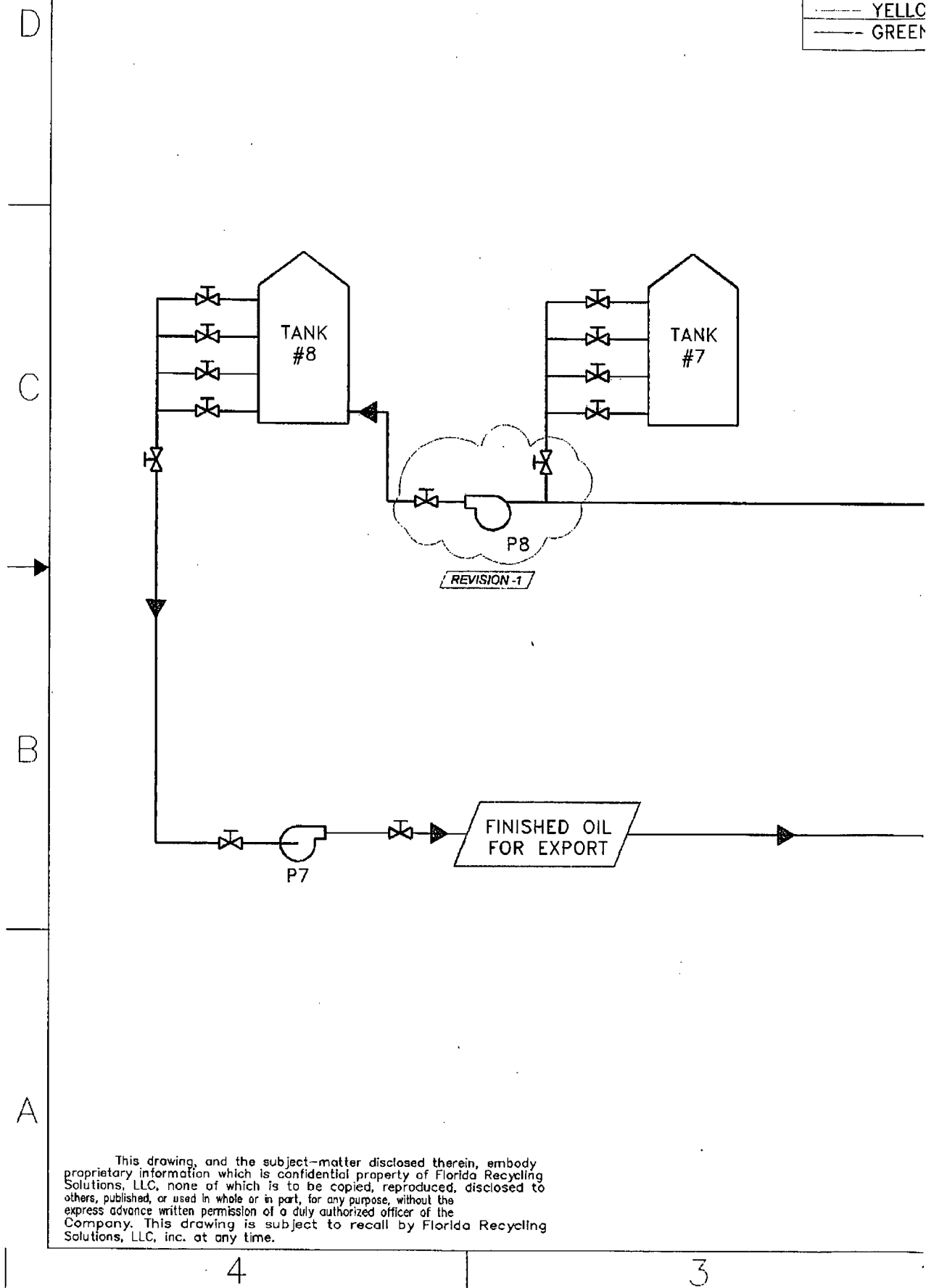
Enclosure

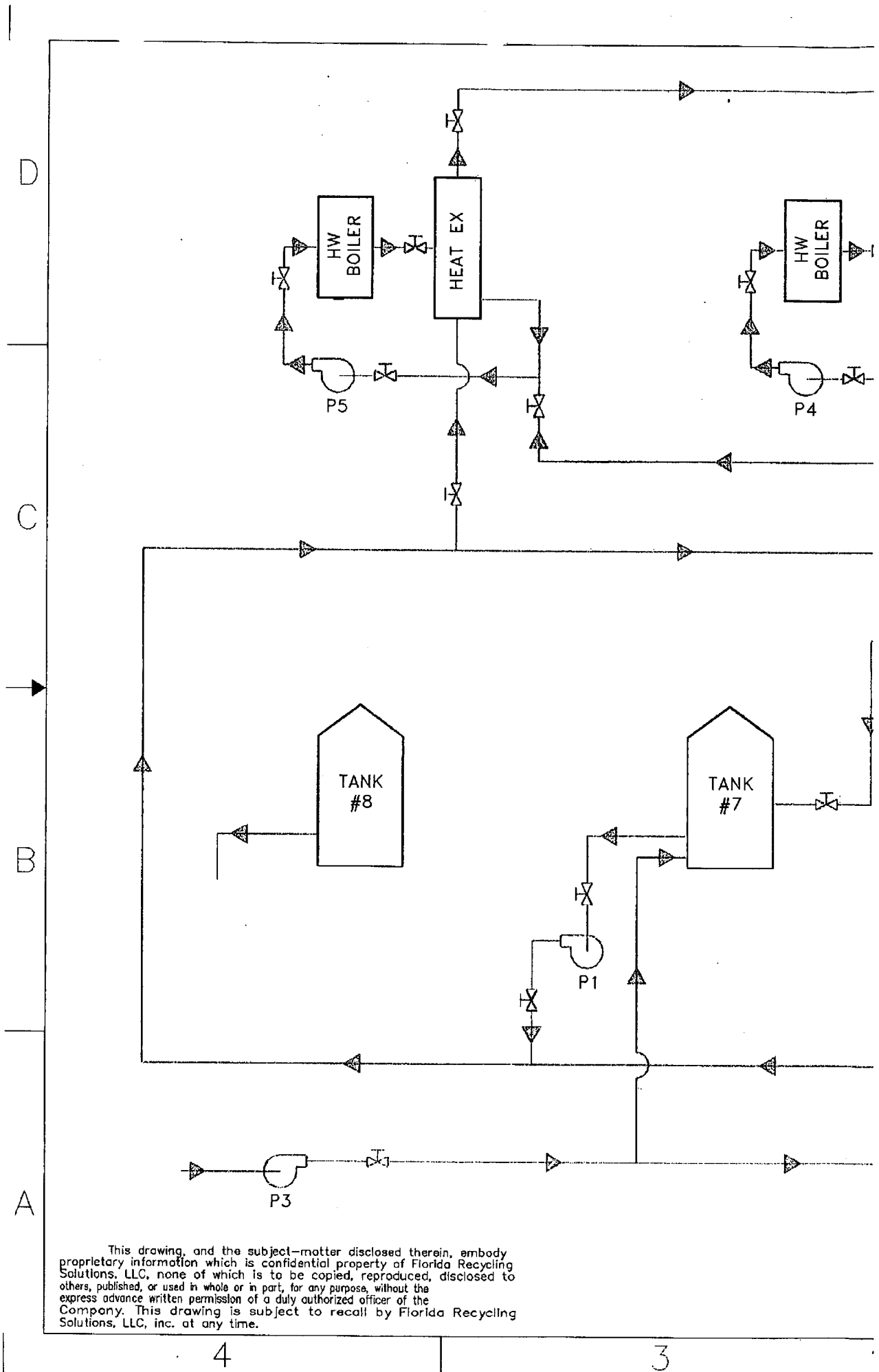
43147471v1

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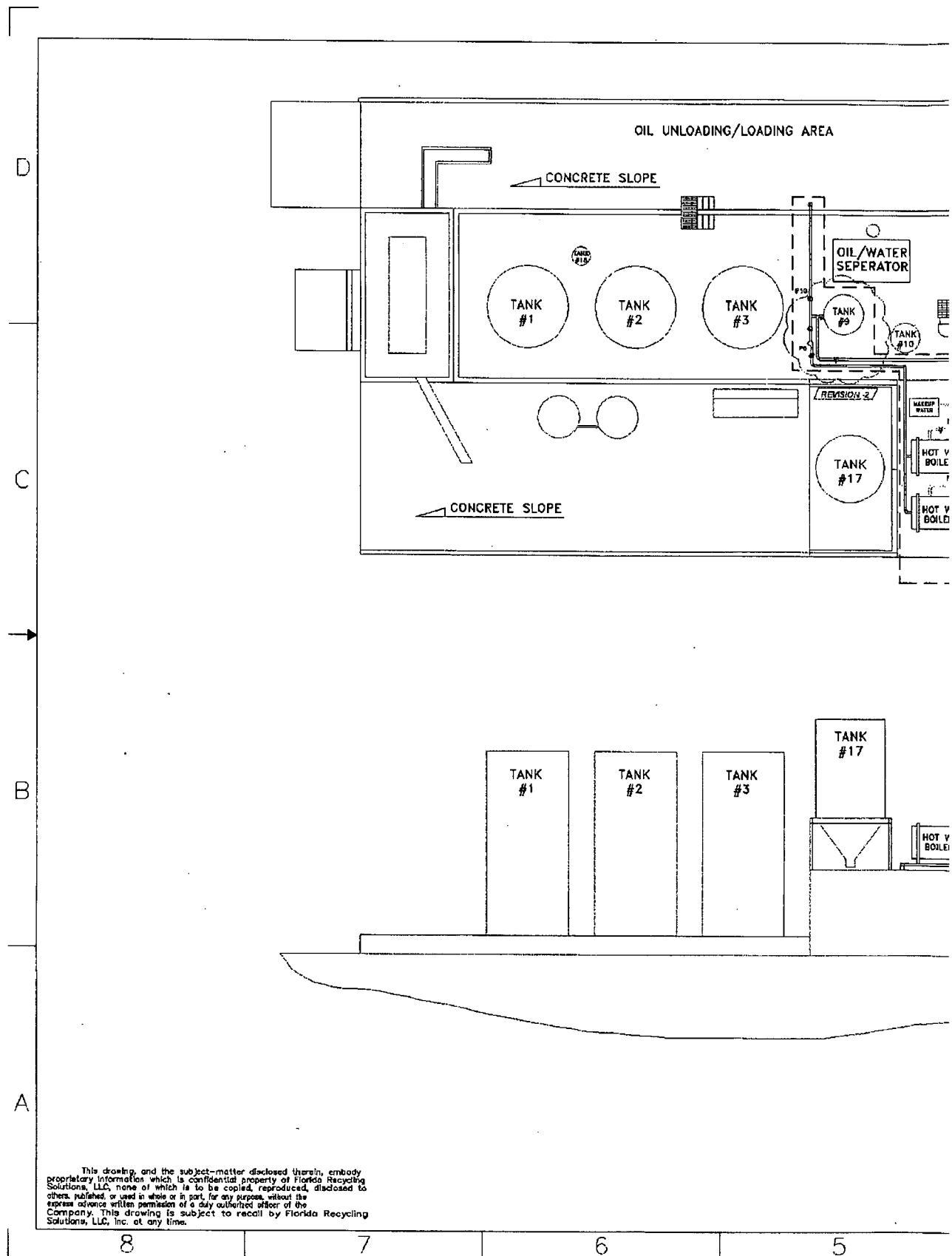
—	RED L
—	DARK
---	LIGHT
---	YELLC
---	GREEN





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## Dregne, James

---

**From:** Kothur, Bheem  
**Sent:** Tuesday, March 22, 2011 5:10 PM  
**To:** 'Noble, Ron'  
**Cc:** 'Dee Miller'; Tripp, Anthony; Dregne, James  
**Subject:** FW: Send data from MFP-07182301 03/22/2011 12:46  
**Attachments:** DOC032211.pdf

Hello Ron,

I have received the above attachments and reviewed and have the following comments:

1. Drawing No. 002, Finished Oil Flow Diagram (IIa): No comments
2. Drawing No. 003, Oil Separation Flow Diagram (IIb) and Drawing Number No 001, FRS Piping And Mechanical Arrangement (IIC):

Please clarify where does Oil/Water Mix from Tank 8 go? There is not an Oil Water Mix line here. Please review these two drawings and revise as appropriate.

Please ignore that my scanned drawings and these are incomplete, and you may have complete drawings.

If you have any questions, please feel free to call me.

Thanks.

Bheem

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. Copy the url below to a web browser to complete the DEP survey: <http://survey.dep.state.fl.us/?refemail=Bheem.Kothur@dep.state.fl.us> Thank you in advance for completing the survey.

**From:** [exchadmin@DEP.state.fl.us](mailto:exchadmin@DEP.state.fl.us) [<mailto:exchadmin@DEP.state.fl.us>]  
**Sent:** Tuesday, March 22, 2011 3:46 PM  
**To:** Kothur, Bheem  
**Subject:** Send data from MFP-07182301 03/22/2011 12:46

Scanned from MFP-07182301.

Date: 03/22/2011 12:46

Pages:5

Resolution:200x200 DPI

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## Dregne, James

---

**From:** Dregne, James  
**Sent:** Thursday, June 09, 2011 12:04 PM  
**To:** Kothur, Bheem  
**Subject:** FRS  
  
**Importance:** High

Hi Bheem,

Looking at the permit, I see that FRS needs to do these three things prior to beginning operations. The key item is paragraph #8 which say we must give our approval of the as built drawings. Do you see anything else?

### PART I

33. Prior to beginning operation, the Permittee shall inspect the secondary containment system floor and perimeter walls for any cracks or gaps. If any cracks or gaps are found, the Permittee shall repair the cracks and gaps prior to beginning operation of the used oil processing facility [40 C.F.R. 279.54(d)(2) and 40 C.F.R. 279.54(e)(2)].

### Part II

7. Permittee shall submit as built drawings for any changes to tanks during the Permit Application review period or the permit Intent to Issue process period 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.

8. The Permittee shall not use, operate, or otherwise conduct any activities with the proposed new tanks until the Final Permit is Issued and **the as built drawings for any changes to any tank have been approved by the Department.** Then the Permittee may start using those tanks to store the used oil and processing it.

Jim

JAMES M. DREGNE  
FL. DEPT OF ENVIRONMENTAL PROTECTION  
Hazardous Waste Program Manager, Southwest District  
13051 North Telecom Parkway  
Temple Terrace, FL 33637-0926  
ph (813) 632-7600 ext.410, fax (813) 632-7664  
[james.dregne@dep.state.fl.us](mailto:james.dregne@dep.state.fl.us)

## **Dregne, James**

---

**From:** Kothur, Bheem  
**Sent:** Thursday, June 09, 2011 1:33 PM  
**To:** 'Noble, Ron'  
**Cc:** 'Dee Miller'; Tripp, Anthony; Dregne, James  
**Subject:** RE: Send data from MFP-07182301 03/22/2011 12:46

Hello Ron,

As you know, based on your discussions with DEP/SW District (Jim Dregne) on June 8, 2011 about our comments regarding the Tank 8 and its piping connection. DEP is satisfied With your explanation and the use of Tank 8 piping related issues.

Accordingly, please revise the appropriate as-built drawings as per the discussion with Jim Dregne and re-submit the revised drawings for our approval and record. Upon receiving and approving the as built drawings by the department, facility may start using those tanks to store the used oil and processing it (PART II.7 and 8 of the permit issued dated May 12, 2011).

If you have any questions, please let me know.  
Thanks.

Bheem

-----Original Message-----

**From:** Noble, Ron [mailto:rnoble@fowlerwhite.com]  
**Sent:** Friday, May 13, 2011 2:15 PM  
**To:** Kothur, Bheem  
**Cc:** 'Dee Miller'; Tripp, Anthony; Dregne, James  
**Subject:** RE: Send data from MFP-07182301 03/22/2011 12:46

Hi Bheem:

The purpose of this transmittal to respond to the Department's question set forth below for the FRS facility in Lakeland, Polk County.

We do not believe any revisions to either of the drawings are necessary to respond to the Department's inquiry. Specifically, there is no oil/water mixture generated from Tank 8. That tank is the finished oil storage tank as set forth in the Permit Application and backup documentation for this facility. If there is ever a need to remove water from the bottom of Tank 8, FRS maintains a fitting at the bottom of this tank that can be connected to a flexible hose.

We hope the information set forth above is fully responsive to the Department's question and request for information. We look forward to the Department's response to our correspondence dated February 22, 2011.

Thanks,  
Ron

Ron H. Noble  
Fowler White Boggs P.A.  
501 E. Kennedy Blvd, Suite 1700

Tampa, Florida 33602  
Direct: 813 222 1175  
Fax: 813 229 8313  
rnoble@fowlerwhite.com

-----Original Message-----

From: Kothur, Bheem [mailto:Bheem.Kothur@dep.state.fl.us]  
Sent: Tuesday, March 22, 2011 5:10 PM  
To: Noble, Ron  
Cc: 'Dee Miller'; Tripp, Anthony; Dregne, James  
Subject: FW: Send data from MFP-07182301 03/22/2011 12:46

Hello Ron,

I have received the above attachments and reviewed and have the following comments:

1. Drawing No. 002, Finished Oil Flow Diagram (IIa): No comments
2. Drawing No. 003, Oil Separation Flow Diagram (IIb) and Drawing Number No 001, FRS Piping And Mechanical Arrangement (IIC):

Please clarify where does Oil/Water Mix from Tank 8 go? There is not an Oil Water Mix line here. Please review these two drawings and revise as appropriate.

Please ignore that my scanned drawings and these are incomplete, and you may have complete drawings.

If you have any questions, please feel free to call me.

Thanks.

Bheem

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. Copy the url below to a web browser to complete the DEP survey: <http://survey.dep.state.fl.us/?refemail=Bheem.Kothur@dep.state.fl.us> Thank you in advance for completing the survey.

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Date: 03/22/2011 12:46

Pages:5

Resolution:200x200 DPI

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Disclaimer under IRS Circular 230: Unless expressly stated otherwise in this transmission, nothing contained in this message is intended or written to be used, nor may it be relied upon or used, (1) by any taxpayer for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended and/or (2) by any person to support the promotion or marketing of or to recommend any Federal tax transaction(s) or matter(s) addressed in this message.

If you desire a formal opinion on a particular tax matter for the purpose of avoiding the imposition of any penalties, we will discuss the additional Treasury requirements that must be met and whether it is possible to meet those requirements under the circumstances, as well as the anticipated time and additional fees involved.

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**Dregne, James**

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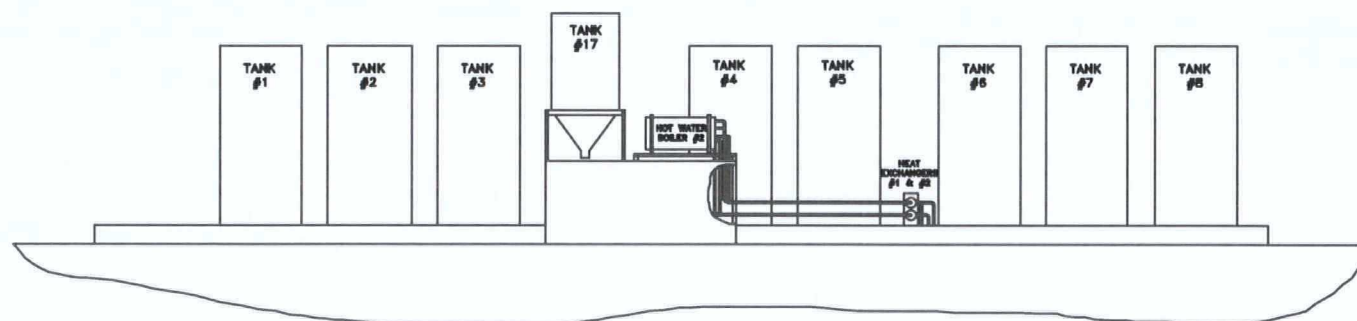
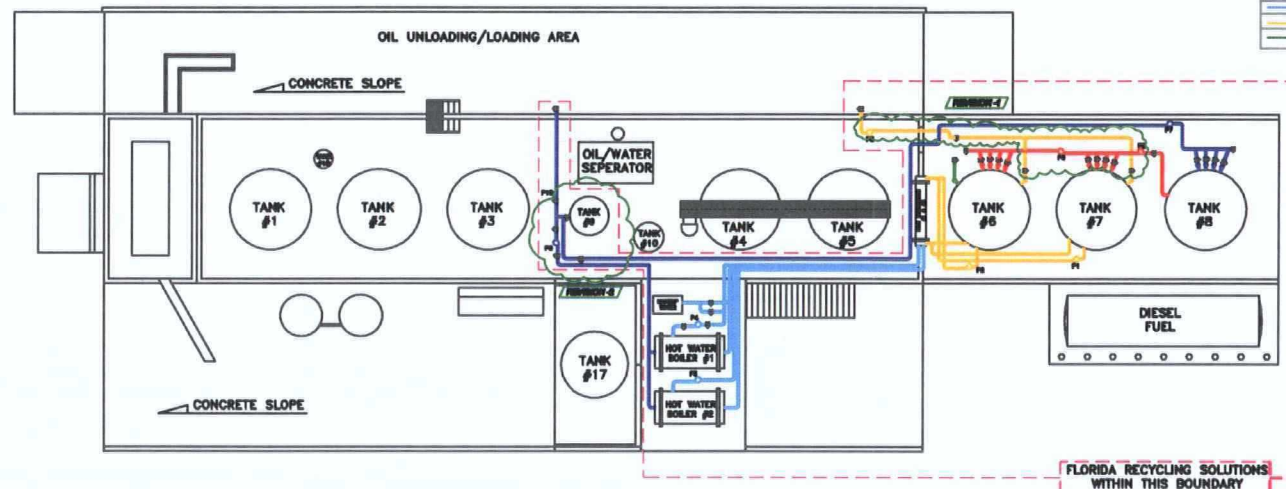
**From:** Dee Miller [deemiller@tampabay.rr.com]  
**Sent:** Tuesday, June 14, 2011 1:57 PM  
**To:** Kothur, Bheem; Dregne, James  
**Cc:** Noble, Ron  
**Subject:** Permit: 294693-HO-001:294693-SO-002  
**Attachments:** AQ 001 REV 3.pdf; AQ 002 REV 3.pdf; AQ 003 REV 1.pdf

Please find attached the as built drawings for the FRS plant in Lakeland.

001

REV.  
-3

RED LINE	REFINED USED OIL
DARK BLUE LINE	FINISHED PRODUCT
LIGHT BLUE LINE	WATER
YELLOW LINE	OIL/WATER MIX
GREEN LINE	WASTE TO AQUA CLEAN



11c

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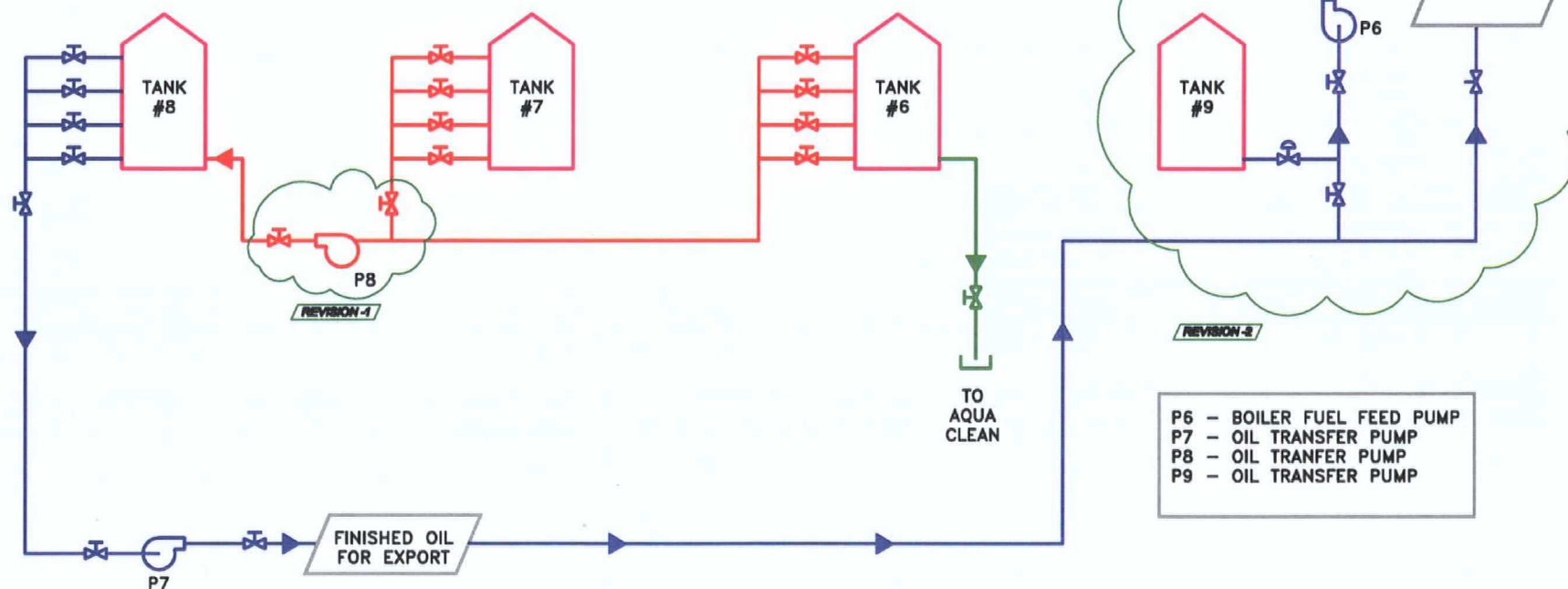
Aqua Clean Environmental Co.			
LAKELAND, FLORIDA			
MATERIAL		TREATMENT	
TITLE			
FRS PIPING AND MECHANICAL ARRANGEMENT			
DWN BY	SCALE	N.T.S.	DWG NO.
CHND	DATE	5/20/08	001
			-3

8 | 7 | 6 | 5 | 4 | 3 | 2 | 1



RED LINE	REFINED USED OIL
DARK BLUE LINE	FINISHED PRODUCT
LIGHT BLUE LINE	WATER
YELLOW LINE	OIL/WATER MIX
GREEN LINE	WASTE TO AQUA CLEAN

TANK 6	30,000 GAL
TANK 7	30,000 GAL
TANK 8	30,000 GAL
TANK 9	9,200 GAL



IIa

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Florida Recycling Solutions, LLC. LAKELAND, FLORIDA									
MAT'L					TREATMENT				
TITLE FINISHED OIL FLOW DIAGRAM									
OWN BY SPC SCALE 1:1 DWG NO.					REV.				
CHK'D DATE					002				

D

C

B

A

TANK 6	30,000 GAL
TANK 7	30,000 GAL
TANK 8	30,000 GAL
TANK 9	9,200 GAL

P1 - OIL RECIRCULATION PUMP  
P2 - OIL RECIRCULATION PUMP  
P3 - USED OIL UNLOADING PUMP  
P4 - HOT WATER CIRCULATION PUMP  
P5 - HOT WATER CIRCULATION PUMP

PRESSURE  
REDUCING  
STATION  
FOR MAKEUP  
WATER

TANK  
#8FLEX  
HOSETANK  
#7TANK  
#6TANK  
#9

P1

P2

P3

RED LINE	REFINED USED OIL
DARK BLUE LINE	FINISHED PRODUCT
LIGHT BLUE LINE	WATER
YELLOW LINE	OIL/WATER MIX
GREEN LINE	WASTE TO AQUA CLEAN

11b

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Florida Recycling Solutions, LLC.  
LAKELAND, FLORIDA

MAT'L TREATMENT

TITLE OIL SEPERATION  
FLOW DIAGRAM

DWN BY SPC SCALE 1:1 DWG NO. 003 REV. -1

CH'KD DATE

4

3

2

1

## Dregne, James

---

**From:** Epost HWRS  
**Sent:** Friday, June 17, 2011 9:10 AM  
**To:** deemiller@tampabay.rr.com  
**Cc:** Bahr, Tim; Goddard, Charles; Dregne, James; Wick, Fred; Holmes, Georgiana; Hornbrook, Frank; Martin, Lee; Kothur, Bheem; Tripp, Anthony  
**Subject:** Florida Recycling Solutions, LLC;FLR 000 034 033;DEP Review Comments dated March 22, 2011 and Facility Revised Submittal dated June 14, and 15, 2011  
**Attachments:** 6-17-11-Florida Recycling Solutions, Piping plan revisions approval.Receipt.pdf

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

We ask that you verify receipt of this document by sending a "reply" message to [epost\\_hwrs@dep.state.fl.us](mailto: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](http://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](mailto: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

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

June 17, 2011

SENT VIA E-MAIL  
[deemiller@tampabay.rr.com](mailto:deemiller@tampabay.rr.com)

Mr. W.D. Miller, III, P.E.  
Vice President and General Manager  
Florida Recycling Solutions, LLC  
3210 Whitten Road  
Lakeland, Florida 33813

RE: Florida Recycling Solutions, LLC  
EPA I.D. No. FLR 000 034 033  
Permit Number: 294693-HO-001; 294693-SO-002  
Used Oil Processing Facility Permit, Polk County, Florida  
Facility Revisions to Piping Plan dated February 22, 2011,  
DEP Review Comments dated March 22, 2011 and Facility Revised Submittal dated June  
14, and 15, 2011.

Dear Mr. Miller:

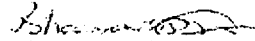
The Florida Department of Environmental Protection (the Department) has received the facility revised piping plan drawings dated March 22, 2011 and final piping drawings dated June 14, and 15, 2011 to operate a Used Oil Processing facility at 3210 Whitten Road, Lakeland, Florida. The Department accepts and approves the revised drawings.

As per Specific Condition 8 of Part II-Used Oil Processing Conditions of your Used Oil and Material Processing permit, the Department grants approval to the Permittee to use, operate or conduct other approved activities associated with the revised drawings for these tanks upon receipt of this letter.

Should you have any questions with this approval, please contact Bheem Kothur at (850) 245-8781, e-mail: [kothur@dep.state.fl.us](mailto:kothur@dep.state.fl.us)

Mr. Dee Miller, Vice President and General Manager  
June 17, 2011  
Page Two

Sincerely,

  
Bheem Kothur, P.E. III  
Hazardous Waste Regulation

BK/bk

Enclosure: None

cc: Jim Dregne, DEP/Southwest District, [james.dregne@dep.state.fl.us](mailto:james.dregne@dep.state.fl.us)  
Fred Wick, DEP/Tallahassee, [fred.wick@dep.state.fl.us](mailto:fred.wick@dep.state.fl.us)  
Georgiana Holmes, OGC/Tallahassee, [Georgiana.holmes@dep.state.fl.us](mailto:Georgiana.holmes@dep.state.fl.us)  
Frank Hornbrook, DEP/Tallahassee, [frank.hornbrook@dep.state.fl.us](mailto:frank.hornbrook@dep.state.fl.us)  
Lee Martin, DEP/Tallahassee, [lee.martin@dep.state.fl.us](mailto:lee.martin@dep.state.fl.us)

*Kim Thursby*

Digitally signed by Kim Thursby  
DN: cn=Kim Thursby, o=Florida DEP,  
ou=Hazardous Waste Regulation Section,  
email=Kim.Thursby@dep.state.fl.us, c=US  
Date: 2010.07.12 09:55:35 -0400

**Thursby, Kim**

---

**From:** Chadwell, Chris [Chris.Chadwell@lakelandgov.net]  
**Sent:** Friday, May 14, 2010 1:07 PM  
**To:** Epost HWRS  
**Subject:** RE: Florida Recycling Solutions, LLC;FLR 000 034 033;Intent to Issue New Used Oil and Material Processing Permit

---

**From:** Epost HWRS [mailto:EpostHWRS@dep.state.fl.us]  
**Sent:** Wednesday, May 12, 2010 8:08 AM  
**To:** deemiller@tampabay.rr.com  
**Cc:** Dregne, James; heath\_rauschenberger@fws.gov; maryann.poole@myfwc.com; Hornbrook, Frank; Wick, Fred; Posner, Augusta; Martin, Lee; mike@imperialtesting.com; Fields, Gow; bobenglish@polk-county.net; rnoble@fowlerwhite.com; Bahr, Tim; Kothur, Bheem; Tripp, Anthony  
**Subject:** Florida Recycling Solutions, LLC;FLR 000 034 033;Intent to Issue New Used Oil and Material Processing Permit

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Environmental Administrator  
Hazardous Waste Regulation  
Department of Environmental Protection  
E-Mail Address: [epost\\_hwrs@dep.state.fl.us](mailto:epost_hwrs@dep.state.fl.us)

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*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.*

---

PUBLIC RECORDS NOTICE:

All e-mail sent to and received from the City of Lakeland, Florida, including e-mail addresses and content, are subject to the provisions of the Florida Public Records Law, Florida Statute Chapter 119, and may be subject to disclosure.



# Florida Department of Environmental Protection

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

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

May 12, 2010

SENT VIA E-MAIL  
[deemiller@tampabay.rr.com](mailto:deemiller@tampabay.rr.com)

Mr. W.D. Miller, III, P.E.  
Vice President and General Manager  
3210 Whitten Road  
Lakeland, Florida 33813

SUBJECT: Florida Recycling Solutions, LLC  
Intent to Issue New Used Oil and Material Processing Permit  
EPA I.D. Number: FLR 000 034 033  
Permit Number: 294693-HO-001; 294693-SO-002  
Polk County

Dear Mr. Miller:

Enclosed are Permit Numbers 294693-HO-001 and 294693-SO-002 issued to Florida Recycling Solutions, LLC pursuant to Section 403.815, Florida Statutes (F.S.), and Chapters 62-4, 62-701, and 62-710, Florida Administrative Code (F.A.C.).

This permit is final and effective on the date filed with the Clerk of the Department. When the permit is final, any party to the permit has the right to seek judicial review of the permit pursuant to Section 120.68, F.S., by the filing of a Notice to Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by applicable filing fees with the appropriate District Court of Appeal.

The notice of Appeal must be filed within thirty (30) days from the date the final permit is issued. If you have any questions, please contact Bheem Kothur at (850) 245-8781 or via e-mail: [bheem.kothur@dep.state.fl.us](mailto:bheem.kothur@dep.state.fl.us).

Sincerely,

Tim J. Bahr, Administrator  
Hazardous Waste Regulation



Mr. Dee Miller, Vice President and General Manager  
May 12, 2010  
Page Two

TJB/bk  
Enclosure

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# Florida Department of Environmental Protection

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Lt. Governor

Michael W. Sole  
Secretary

## PERMITTEE:

Florida Recycling Solutions, LLC  
3210 Whitten Road  
Lakeland, FL 33811

I.D. Number: FLR 000 034 033  
Permit Number: 294693-HO-001; 294693-SO-002  
Date of Issue: May 12, 2010  
Expiration Date: May 12, 2015  
County: Polk  
Lat/Long: 28.005389 N / 82.042878 W

Attention:  
Mr. W. D. Miller III, P.E.  
Vice President and General Manager

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 (C.F.R.) 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 the "Facility". The Used Oil and Material Processing Facility is located on an approximately 5.86-acre parcel of land to be leased by Florida Recycling Solutions, LLC in Polk County at 3210 Whitten Road, Lakeland, FL, 33811. Diagrams of the site layout and tank storage area are included as Attachments (Attachment - A and B, respectively), Tank capacities and tank numbers are shown in the Tank Table (Attachment - B) of this permit.

The facility is authorized to process used oil, accepts only non-hazardous, non-biological industrial wastewater, primarily from the following: petroleum contact water (PCW) consisting almost entirely of gasoline/diesel/water mixtures from petroleum storage facilities; industrial process wastewater; landfill leachate; wastewater from tank cleaning, transportation and environmental remediation sources.

The Facility consists of a total of three tanks (6, 7, and 8) with a total capacity of 90,000 gallons and one 9,200 gallon capacity tank (9) of used oil. These tanks are located in a concrete secondary containment structure that is sealed and impervious to petroleum products and all are shown on the drawing in Attachment A of this permit.

Used oil filters are also received in 55-gallons drums and other Department of Transportation containers. The drummed oil filters are stored on the pad under tank 17. The storage containers are stored on an oil impermeable surface, or reinforced concrete surface in the covered area beneath tank 17 coated with Carboline #890 Epoxy Seal or equivalent (15 mil dry film thickness). The permitted Used Oil facility is constructed over a 60 mil. thick HDPE liner.

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**The following documents were used in preparation of this permit:**

1. Used Oil Processing Facility Permit Application Dated February 23, 2009 and FDEP received on February 24, 2009.
2. Revised Used Oil Processing Facility Application Dated May 21, 2009 and FDEP received on May 26, 2009.
3. Revised Used Oil Processing Facility Permit Application, NOD Letter Dated March 31, 2009 and the Facility Responses Dated May 20, 2009 and received on May 26, 2009.
4. Revised Used Oil Processing Facility NOD Letter Dated September 11, 2009 and the Facility Responses Dated October 28, 2009 and received on October 29, 2009.
5. Solid Waste Permit Application, DEP Form 62-701.900(4), F.A.C., and Part –IV Draft Permit Conditions, dated March 10, 2010 and DEP revised draft permit condition dated March 30, 2010.

**All of these documents numbered 1 through 5 are hereinafter collectively referred to as the Permit Application.**

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#### **Part I - GENERAL AND STANDARD CONDITIONS**

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the Permittee and enforceable pursuant to the authority of Sections 403.141, 403.727, or 403.859 through 403.861, Florida Statutes. The Permittee is hereby placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit does not constitute a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the Permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life or property and penalties therefore caused by the construction or operation of this permitted source, nor does it allow the Permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The Permittee shall at all times properly operate and maintain the facility and systems of processing and control (and related appurtenances) that are installed or used by the Permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The Permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:
  - a. Having access to and copying any records that must be kept under the conditions of the permit;
  - b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and

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- c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.
8. If, for any reason, the Permittee does not comply with, or will be unable to comply with, any condition or limitation specified in this permit, the Permittee shall immediately notify and provide the Department with the following information:
  - a. A description of and cause of non-compliance; and
  - b. The period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The Permittee shall be responsible for any and all damages that may result and may be subject to enforcement action by the Department for penalties or revocation of this permit.

9. In accepting this permit, the Permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the Department, may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.73 and 403.111, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
10. The Permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided however, the Permittee does not waive any other rights granted by Florida Statutes or Department rules.
11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-710.800, F.A.C., as applicable. The Permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department.
12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction, operation, or closure.
13. This permit also constitutes:
  - a. Determination of Best Available Control Technology (BACT);
  - b. Determination of Prevention of Significant Deterioration (PSD);
  - c. Certification of Compliance with State Water Quality Standards (Section 401, Public Law 92-500); and
  - d. Compliance with New Source Performance Standards.
14. The Permittee shall comply with the following monitoring and record keeping requirements:

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- a. Upon request, the Permittee shall furnish all records and plans required under Department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the Department, during the course of any unresolved enforcement action;
  - b. The Permittee shall retain at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rule; and
  - c. Records of monitoring information shall include:
    - (1). The date, exact place, and time of sampling or measurements;
    - (2). The person responsible for performing the sampling or measurements;
    - (3). The date(s) analyses were performed;
    - (4). The person responsible for performing the analyses;
    - (5). The analytical techniques or methods used; and
    - (6). The results of such analyses.
15. When requested by the Department, the Permittee shall, within a reasonable period of time furnish any information required by law that is needed to determine compliance with the permit. If the Permittee becomes aware that relevant facts were not submitted or were incorrect in the Permit Application or in any report to the Department, such facts or information shall be submitted or corrected promptly.
16. The Permittee shall comply with the following requirements during the life of this permit:
- a. The facility shall comply with all applicable portions of 40 C.F.R. Part 279 and Chapter 62-710, F.A.C.
  - b. This facility shall be constructed, operated and maintained in accordance with all applicable requirements of Chapters 62-4, 62-701, 62-710, 62-730, 62-740, and 62-762, F.A.C., and all other applicable requirements of Department Rules.
  - c. By acceptance of this permit, the Permittee certifies that he has read and understands the obligations imposed by the General and Standard Conditions contained herein, including the date of permit expiration and renewal deadlines. It is a violation of this permit to fail to comply with all conditions and deadlines.
  - d. Nothing contained in General and Standard Condition 10 of this permit shall be deemed to waive any right Permittee has under Florida Statutes or Department rules to oppose application of any such changes to the facility if Permittee is otherwise legally entitled to do so.
17. Submittals in response to these conditions shall be submitted as follows:

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- a. One (1) hard copy and one (1) electronic copy shall be submitted to:

Environmental Administrator  
Hazardous Waste Regulation Section  
Florida Department of Environmental Protection  
2600 Blair Stone Road, MS 4560  
Tallahassee, Florida 32399-2400

- b. One (1) hard copy and one (1) electronic copy shall be submitted to:

Hazardous Waste Program Administrator  
Department of Environmental Protection  
Southwest District Office  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926

- c. The Permittee shall submit one (1) copy of the renewal permit and/or modifications cover letter and appropriate fee to:

Environmental Administrator  
Hazardous Waste Regulation Section  
Department of Environmental Protection  
2600 Blair Stone Road, M.S. 4560  
Tallahassee, Florida 32399-2400

The Permittee shall submit the other copies of the renewal permit and/or modifications (one hard and one electronic) to the addresses in the General and Standard Condition 17 (a) and (b) of this permit.

- d. Financial Assurance Mechanism:

The Permittee shall maintain, in good standing, the financial mechanisms established to demonstrate proof of financial assurance. Supporting documentation and required adjustments shall be submitted within the time frames specified in Rule 62-701.630, F.A.C., as adopted by reference in Rule 62-710.800(6), F.A.C. All submittals in response to this specific condition shall be sent to:

Florida Department of Environmental Protection  
Financial Coordinator – Solid Waste Section  
2600 Blair Stone Road, MS 4565  
Tallahassee, Florida 32399-2400

- e. Annual Closing Cost Estimate Adjustment:

The Permittee shall annually adjust the closing cost estimate for inflation using Form 62-710.901(7). Adjustments shall be made in accordance with Rule 62-710.800(6), F.A.C. An owner or operator shall submit the adjusted cost estimate between January 1 and March 1. All submittals in response to this specific condition shall be sent to the addresses on the cost estimate form.



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18. The Permittee shall annually register their used oil handling activities with the Department on DEP Form 62-710.901(1) in accordance with Rule 62-710.500, F.A.C.
19. The Permittee shall display the validated registration form and identification number in a prominent place at the facility location [Rule 62-710.500(4), F.A.C].
20. The Permittee shall submit an annual report covering used oil processing facility activities conducted during the previous calendar year to the Department on DEP Form 62-710.901(3) by March 1 of each year in accordance with Rule 62-710.510(5), F.A.C. The report shall summarize the records kept pursuant to Rule 62-710.510 and 62-740.300(5), F.A.C.
21. Before transferring ownership or operation of this facility during its operating life, the Permittee must notify the new owner or operator in writing of the requirements of 40 C.F.R. Part 279 and Rule 62-710, F.A.C. The Permittee shall also submit an application for transfer of the permit, at least thirty (30) days prior to transferring the facility, on DEP Form 62-1.201(1) accompanied with an appropriate application fee, required pursuant to Rule 62-4.050, F.A.C.
22. Before closing or making any substantial modification to the facility, the Permittee shall submit to the Department the Used Oil Processing Facility Permit Modification Request, pursuant to Rules 62-4.080 and 62-710.800(3), F.A.C. The engineering aspects of the request must be certified by a Professional Engineer registered in the State of Florida.
23. The Department may modify, revoke, reissue, or terminate for cause, this permit in accordance with the provisions of Rule 62-710.800, F.A.C. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition. The Permittee may submit any subsequent revisions to the Department for approval. These revisions shall meet the requirements of Rules 62-4.050 and 62-710.800(3), F.A.C., and must be accompanied with an appropriate application fee.
24. The Permittee shall submit a complete application for renewal of the permit, on DEP form 62-710.901(6) and in a manner prescribed by the Department, sixty (60) days before the expiration of this permit, unless the facility is to be closed prior to the expiration date of this permit per the requirements of Rule 62-710.800(4), F.A.C.
25. The Permittee shall maintain and operate the facility to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of used oil, sludge, residues or constituents to air, soil, or surface water which could threaten human health or the environment, in accordance with 40 C.F.R. 279.52.
26. The Permittee shall not accept or store any hazardous wastes in the permitted tanks or in any other area at the facility without receiving written approval from the Department.
27. The Permittee is allowed to store used oil only in aboveground tanks within secondary containment, and/or in double-walled tanks as shown in Attachment - A of the permit. The permitted units are Tanks 6 through 9.
28. The Permittee shall not exceed the maximum storage capacities of the permitted tanks as specified in facility operations of Attachment II of the Permit Application and Attachment B of the permit

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29. To prevent overflow, the Permittee shall notify the Department when the volume of the used oil stored in any of the tanks exceeds ninety-five (95) percent of the maximum storage capacity of the tank as specified in Attachment II of the Permit Application and Attachment B of the permit.
30. Tanks installed on or after July 13, 1998 shall comply with the performance standards of F.A.C., Rule 62-762.501. Repairs to aboveground storage and process tanks shall meet the criteria of Rule 62-762.701, F.A.C. [Rule 62-710.300(3), F.A.C.].
31. The inspection records and release detection monitoring required in Rule 62-762.601, F.A.C. for aboveground process and storage tanks and integral piping shall be maintained in the Permittee's operating record [Rule 62-710.510, F.A.C.].
32. The Permittee shall prevent the release of used oil, oily waste or oily wastewater to the environment. The secondary containment systems shall be maintained in accordance with Attachment Nos. IV and V of the Permit Application and shall comply with the requirements of 40 C.F.R. 279.54, including the requirements set forth below:
  - a. All new tank systems shall have secondary containment as required by parts (b) and (c) of this condition prior to being put into service;
  - b. Pursuant to 40 C.F.R. 279.54, the secondary containment system shall be:
    - (1). Designed, installed and operated to prevent any migration of wastes or accumulated liquid to the soil, groundwater or surface waters;
    - (2). Capable of detecting and collecting releases and run-on until the collected material is removed;
    - (3). Constructed of, or lined with, materials compatible with the waste to be stored and have sufficient structural strength to sustain the stresses induced by a failure of the primary containment system as well as other stresses which may be induced by the environment;
    - (4). Placed on a foundation or base capable of providing support to the secondary containment system;
    - (5). Provided with a leak detection system designed and operated to detect failure of either the primary or secondary containment structures or the presence of any release within 24 hours;
    - (6). Sloped or otherwise designed and operated to drain or remove liquids resulting from leaks, spills, or precipitation; and
    - (7). Designed and operated, to contain 110% of the capacity of the largest tank within its boundary.
  - c. All tank systems shall be provided with secondary containment.
33. Prior to beginning operation, the Permittee shall inspect the secondary containment system floor and perimeter walls for any cracks or gaps. If any cracks or gaps are found, the Permittee shall repair the

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- cracks and gaps prior to beginning operation of the used oil processing facility [40 C.F.R. 279.54(d)(2) and 40 C.F.R. 279.54(e)(2)].
34. The Permittee shall label or mark all containers and aboveground tanks, used for storage or processing of used oil, with the words "Used Oil" [40 C.F.R. 279.54(f)].
  35. The Permittee shall label or mark all containers or tanks which are solely used for the storage of Petroleum Contact Water with the words "Petroleum Contact Water" or "PCW" [Rule 62-740.100, F.A.C.].
  36. The Permittee shall store used oil, PCW, used oil residues or used oil filters only in those containers or tanks which are made of, or lined with, materials that will not react with and are otherwise compatible with the waste to be stored.
  37. If a container or tank holding used oil, PCW, used oil residues or used oil filters is not in good condition (e.g., rusting, bulging) or begins to leak, the Permittee shall transfer the waste to another container or tank which is in good condition [40 C.F.R. 279.22].
  38. As part of the general operating requirements, the Permittee shall:
    - a. Not place used oil, other wastes or treatment reagents in a tank system if the possibility exists that this may cause the tank system to fail;
    - b. Use appropriate controls and practices to prevent spills and overflows;
    - c. Follow the operating procedures described in Attachments I and II of the Permit Application; and
    - d. Comply with the requirements of 40 C.F.R. 279.54(g) if a leak or spill occurs.
  39. The Permittee shall inspect the tank system in accordance with Attachments V of the Permit Application. These requirements include:
    - a. Developing and following a schedule and procedure for inspecting overfilling controls;
    - b. Inspecting at least once each operating day the aboveground portions of the tank system, and the construction materials and area immediately surrounding the tank storage area. However, the Permittee shall document the daily inspections at least once a week; and
    - c. The results of the inspections in (a) and (b) of this condition shall be maintained in the operating record of the facility.
  40. The Permittee shall remove spilled or leaked waste and accumulated precipitation from the secondary containment areas within 24 hours of detection and managed in accordance with Spill Prevention Control and Countermeasures Plan (SPCC) And Contingency Plan of the Permit Application.
  41. Pursuant to the requirements of 40 C.F.R. 279.52(a), concerning preparedness and prevention, the Permittee shall:

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- a. Maintain a copy of the preparedness and prevention plan, of the Permit Application, at the facility;
  - b. Equip the facility with the required emergency equipment described in SPCC Plan of the Permit Application [40 C.F.R. 279.52(a)(2)];
  - c. Test and maintain the required emergency equipment in accordance with the requirements of 40 C.F.R. 279.52(a)(3);
  - d. Provide all facility personnel involved in used oil processing operations with immediate access to an internal alarm or emergency communication device, as described in SPCC Plan of the Permit Application [40 C.F.R. 279.52(a)(4)]; and
  - e. Make arrangements with the local authorities as described in SPCC Plan of the Permit Application [40 C.F.R. 279.52(a)(6)].
42. Pursuant to the requirements of 40 C.F.R. 279.52(b), concerning the contingency plan, the Permittee shall:
- a. Immediately carry out the provisions of the SPCC Plan and Contingency Plan, Attachments II and IV, respectively, of the Permit Application, and follow the emergency procedures described by 40 C.F.R. 279.52(b)(6), whenever there is a fire, explosion, or release of used oil, oily waste or oily wastewater that threatens or could threaten human health or the environment. The Permittee shall give proper notification to the Department if an emergency situation arises and within fifteen (15) days must submit to the Department a written report which includes all information required in 40 C.F.R. 279.52(b)(6)(ix);
  - b. Maintain a copy of the contingency plan at the facility and submit copies to all local police departments, fire departments, hospitals, and State and local emergency response teams pursuant to the requirements of 40 C.F.R. 279.52(b)(3);
  - c. Amend the plan and submit the amended plan for Department approval within seven (7) days of meeting any criteria listed in 40 C.F.R. 279.52(b)(4). Any other changes to the plan must be submitted to the Department within seven (7) days of the change in the plan. All amended plans must be distributed to the appropriate agencies;
  - d. Comply with the requirements of 40 C.F.R. 279.52(b)(5), concerning the emergency coordinator; and
  - e. Notify the Department of Environmental Protection's 24-hour emergency telephone number [(800) 320-0519] in the case of emergency. During normal business hours, the Department's Southwest District office may be contacted at (813) 632-7600.
43. The Permittee shall maintain reports of all releases that are greater than one (1) gallon, as part of its on-site operating records. The reports shall include amount and time of release and a schedule that details the corrective action taken. The Permittee shall submit a written report to the Department within fourteen (14) days for all the releases that are greater than fifty (50) gallons. The Permittee shall inform the Department immediately if a release requires the Permittee to take any of the tanks out of service.

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44. The Permittee shall inspect the facility operating, emergency and safety equipment in accordance with the schedules approved in Attachment IV of the Permit Application. The Permittee shall remedy any deterioration or malfunction discovered by an inspection, in accordance with 40 C.F.R. 279.52. Changes, additions, or deletions to the schedule must be approved in writing by the Department. The schedules must be maintained as part of the operating record of the facility [40 C.F.R. 279.54].
45. Pursuant to 40 C.F.R. 279.55, concerning the written analysis plan, 40 C.F.R. 279.56, concerning Tracking, the Permittee shall:
  - a. Sample and analyze each incoming shipment by EPA Method 9077 or a Tek Mate Sniffer as set forth in the Permit Application, prior to accepting used oil from off-site facilities. The sampling frequency shall be in accordance with the Permit Application;
  - b. Test all containers of the same waste stream for the parameters listed in Attachment III of the Permit Application. If any of the samples fail the analysis required by General and Standard Condition 45.(a) the Permittee may collect a representative sample from containers received from the same generator for this analysis;
  - c. Reject any incoming containers of used oil which fail the analysis required by the General and Standard Condition 45(a). The Permittee shall maintain documentation of any shipment of used oil which is refused due to suspected mixing with hazardous waste in the facility operating record; and
  - d. Analyze, prior to shipment, all outgoing shipments of used oil for the parameters listed in Attachment C of the Permit Application to determine whether the used oil is on-specification or off-specification. However, the testing is not required if it is sent to another Used Oil processor for further processing.
  - e. All sampling and analysis activities shall be conducted in accordance with Chapter 62-160, F.A.C.
  - f. The Permittee must keep a copy of the written analysis plan at the facility.

## **PART II – USED OIL PROCESSING CONDITIONS**

1. Pursuant to 40 C.F.R. 279.56 (Tracking) and Rule 62-710.510(1), F.A.C., the Permittee must comply with the following tracking requirements: the Permittee shall maintain records on DEP Form 62-701.900 (2) or on substantially equivalent forms which contain at least the same information as the Department form.
  - a. **ACCEPTANCE:** Used oil processors/re-refiners must keep a record of each used oil shipment accepted for processing/re-refining. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:
    - (1). The name, address and EPA identification number (if applicable) of the transporter who delivered the used oil to the processor/re-refiner, oil-burner or disposal facility;

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- (2). The name, address and EPA identification number (if applicable) of the generator or processor/re-refinery from whom the used oil was received for processing/re-refining;
    - (3). The quantities of each type of used oil accepted and date of acceptance; and
    - (4). Waste stream approval number and the off load tank number.
  - b. DELIVERY: Used oil processor/re-refiners must keep a record of each shipment of used oil that is shipped to a used oil burner, processor/re-refiner, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:
    - (1). The name, address and EPA identification number (if applicable) of the transporter delivering the used oil to the receiving facility;
    - (2). The name, address and EPA identification number (if applicable) of the oil-burner, processor/re-refiner or disposal facility receiving the shipment;
    - (3). The quantities of used oil shipped and date of shipment; and
    - (4). The laboratory analytical results.
  - c. Record Retention: The records described in paragraph (a) and (b) of this section must be maintained for at least five years. The records shall be kept at the permitted facility and shall be available for inspection by the Department during normal business hours.
2. Pursuant to 40 C.F.R. 279.57, the Permittee must keep and maintain a written operating record at the Facility until closure of the Facility, which includes the following information:
  - a. Records and results of used oil analyses performed as described in the analysis plan required under 40 C.F.R. 279.55; and described in Attachment III (a) and III (b) of the Permit Application.
  - b. Summary reports and details of all incidents that require implementation of the contingency plan as specified in 40 C.F.R. 279.52(b).
3. The Permittee shall maintain as part of the operating record of the Facility the inspection records and release detection monitoring records required in Rule 62-762.601, F.A.C., for aboveground storage tanks, integral piping, and process tanks. Reports of releases greater than one (1) gallon shall include the amount, time of the release, time of the response and a description of the response. Reports of releases greater than fifty (50) gallons shall be submitted to the Department within fourteen (14) days. The Permittee shall inform the Department immediately if a release requires the Permittee to take any of the tanks out of service.
4. The Permittee shall maintain and operate the facility to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of used oil, sludge, residues or constituents to air, soil, or surface water which could threaten human health or the environment, in accordance with 40 C.F.R. 279.52(1).

Florida Recycling Solutions, LLC  
3210 Whitten Road  
Lakeland, FL 33811

FLR 000 034 033  
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Expiration Date : May 12, 2015

5. Pursuant to Rule 62-710.800(3), F.A.C., aboveground storage and process tanks having a capacity greater than 550 gallons, and all integral piping shall comply with the performance standards for new tanks of Rule 62-762.501, F.A.C., for existing shop fabricated/field erected tanks of Rule 62-762.511, F.A.C. Repairs to aboveground storage and process tanks shall meet the criteria of Rule 62-762.701, F.A.C.
6. The Permittee shall prevent the release of used oil, oily waste or oily wastewater to the environment. The secondary containment system shall be maintained in accordance with the Permit Application and shall comply with the requirements of 40 C.F.R. 279.54, including the requirements set forth below:
  - a. All new components shall have secondary containment as required by parts (b) and (c) of this condition prior to being put into service.
  - b. The secondary containment system shall meet the requirements of 40 C.F.R. 279.54 and shall be:
    - (1). Designed, installed and operated to prevent any migration of wastes or accumulated liquid to the soil, groundwater or surface waters.
    - (2). Capable of detecting and collecting releases and run-on until the collected material is removed.
    - (3). Constructed of or lined with materials compatible with the waste to be stored and have sufficient strength to sustain the stresses induced by a failure of the primary containment system as well as other stresses that may be induced by the environment.
    - (4). Placed on a foundation or base capable of providing support to the secondary containment system.
    - (5). Provided with leak detection system designed and operated to detect failure of either the primary or secondary containment structures or the presence of any release within 24 hours.
    - (6). Sloped or otherwise designed and operated to drain or remove liquids resulting from leaks, spills, or precipitation.
    - (7). Designed and operated, to contain 110% of the capacity of the largest tank within its boundary.
  - c. Ancillary equipment shall be provided with secondary containment.
7. Permittee shall submit as built drawings for any changes to tanks during the Permit Application review period or the permit Intent to Issue process period 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.
8. The Permittee shall not use, operate, or otherwise conduct any activities with the proposed new tanks until the Final Permit is Issued and the as built drawings for any changes to any tank have been

approved by the Department. Then the Permittee may start using those tanks to store the used oil and processing it.

### **PART III – TANK AND CONTAINER CONDITIONS**

“Storage Tank System”, as defined in 62-762.201(77), F.A.C., for the purpose of Part III of this permit, refers to storage tank(s) 6 through 9, appurtenant equipment and secondary containment structures comprising the Permittee’s used oil processing facility.

1. The Permittee shall prevent the release of petroleum contact water, used oil, oily waste or oily wastewater to the environment. The secondary containment system shall be maintained in accordance with the Permit Application and shall comply with the requirements of 40 C.F.R. 279.54, including the requirements set forth below:
  - a. All new components shall have secondary containment as required by Parts (b) and (c) of this condition prior to being put into service.
  - b. The secondary containment system shall meet the requirements of 40 C.F.R.279.54 and shall be:
    - (1). Designed, installed and operated to prevent any migration of waste or accumulated liquid to the soil, groundwater or surface waters.
    - (2). Capable of detecting and collecting releases and run-on until the collected material is removed.
    - (3). Constructed of, or lined with, materials compatible with the waste to be stored and of sufficient strength to sustain the stresses induced by failure of the primary containment system as well as other stresses that may be induced by the environment.
    - (4). Placed on a foundation or base capable of providing support to the secondary containment system.
    - (5). Provided with a leak detection system designed and operated to detect failure of either the primary or secondary containment structures or the presence of any release within 24 hours.
    - (6). Sloped or otherwise designed and operated to drain or remove liquids resulting from leaks, spills, or precipitation.
    - (7). Designed and operated, to contain 110% of the capacity of the largest tank within its boundary.
  - c. Ancillary equipment shall be provided with secondary containment.
2. The Permittee shall, in the event of a release:
  - a. Stop the release;



- b. Contain the release;
  - c. Clean up and manage properly the released waste and other materials; and
  - d. If necessary, repair or replace any leaking storage containers or tanks prior to returning them to service.
3. The Permittee shall, as part of the general operating requirements:
  - a. Not place petroleum contact water, used oil, other wastes or treatment reagents in a tank system if the possibility exists that this may cause the tank system to fail;
  - b. Use appropriate controls and practices to prevent spills and overflows;
  - c. Follow the Operating Procedures described in Attachment II of the Permit Application; and
  - d. Comply with the requirements of 40 C.F.R. 279.54(g) if a leak or spill occurs.
4. The Permittee shall label or mark all above ground tanks and containers used to store or process used oil, with the words "Used Oil". [40 C.F.R. 279.54(f)]
5. The Permittee shall store used oil only in those containers or tanks which are made of, or lined with, materials which will not react with and are otherwise compatible with the waste to be stored.
6. If a container holding used oil is not in good condition (e.g. rusting, bulging) or begins to leak, the Permittee shall either over pack the container or transfer the waste to another container or tank which is in good condition. [40 C.F.R. 279.22]
7. The Permittee shall inspect all regulated tank systems in accordance with procedures presented in Attachment IV of the Permit Application.
8. The Permittee must initiate the removal of spilled or leaked waste from the secondary containment areas within twenty-four hours of the incident and the waste should be completely removed within three (3) days [Rule 62-762.821(1)(d), F.A.C.]. Accumulated precipitation must be removed from the secondary containment areas within twenty-four hours after a rainfall event. The above materials shall be managed in accordance with Attachment IV of the permit application dated February 23, 2009 and received February 24, 2009.
9. The Permittee shall keep containers closed except when adding or removing waste.
10. To prevent overflow, the Permittee shall notify the Department when the volume stored in any of the permitted tanks exceeds 95% of the maximum storage capacity of the tank.

#### **PART IV – NON-HAZARDOUS, NON-USED OIL WASTE CONDITIONS**

1. The facility may only accept non-hazardous, oil contaminated solid wastes that do not qualify as used oil, such as petroleum contaminated debris and soil, used oil filters, rags, absorbent pads, boom,

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3210 Whitten Road  
Lakeland, FL 33811

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filters, and kitty litter. The waste will be bulked and/or processed for acceptance at permitted solid waste disposal facilities.

- a. All non-hazardous oil contaminated solid waste received at the site for solidification will be received either in drums or containers in the drum storage area or in bulk via vacuum truck into the existing on-site mixing pad. The mixing pad will be used for the blending and solidifying of the oil contaminated solid waste. Once the oil contaminated solid waste has been stabilized to meet disposal profiles, the material will be transferred to a sealed dump truck or trailer for transportation to a solid waste disposal facility.
- b. Prior to acceptance of oil contaminated solid waste at the facility, the Permittee shall obtain from the generator a signed Profile Document which demonstrates that the waste is non-hazardous. The profile must be supported by laboratory analytical results (MSDS sheets may be accepted for virgin, unused materials). The Permittee shall perform, or shall require the generator to perform, the sampling and analysis. The minimum required analysis shall include TCLP Metals (As, Cd, Cr, Pb) and TCLP Volatile Organics. For small volumes of waste, generator's knowledge may be applied on a case by case basis to support a claim that an oil contaminated solid waste is non-hazardous.
- c. Sealed dump trucks or trailers will be used to transport the processed waste to a permitted solid waste disposal facility. The amount of solid waste accumulated at the permitted facility at any given time shall not exceed fifty 55-gallon drums (or their equivalent volume) and three 35 cubic yard containers or trailers.
- d. The maximum amount of solid waste to be brought into and processed at the permitted facility shall not exceed 720 cubic yards per year.
- e. The permitted facility shall maintain records of total amount of oil contaminated solid waste delivered, processed and disposed of annually. The records shall be maintained a minimum of three (3) years.

## **PART V – CLOSURE CONDITIONS**

1. The Permittee shall close the facility in compliance with 40 C.F.R. 279.54(h), 62-710.800(5), F.A.C., and Attachment VI (closure plan) of the permit application dated May 20, 2009. The closure plan requires at a minimum the following:
  - a. Testing of residue in the tanks. If the residue is hazardous, follow the closure plan in Attachment VI of the permit application dated May 20, 2009.
  - b. Remove and properly dispose of any non-hazardous residue.
  - c. Triple rinse the tanks, piping and ancillary equipment and properly dispose of the rinsate.
  - d. Remove the tanks and piping to a scrap steel dealer or document the re-use of the tanks and piping.

- e. Submit a closure report, within thirty (30) days after closing these tanks, that describes the closure process and includes documentation of:
  - (1). The weight of #1 heavy metal scrap sold.
  - (2). The weight of other scrap sold, by classification.
  - (3). The weight of scrap disposed and how disposed.
  - (4). An inventory of the valves and fittings that were retained for future application.
  - (5). A statement that the tanks and piping have been completely removed and that everything removed is included in the above listing.
- 2. The Permittee shall maintain an approved written closure plan and it must demonstrate how the facility will be closed in accordance with Attachment VI of the permit application dated May 20, 2009 and subsequent revisions in order to meet the following requirements that:
  - a. There will be no need for further Facility maintenance;
  - b. Used oil will not, and does not, contaminate soil, surface water or groundwater;
  - c. All tanks, piping, secondary containment & ancillary equipment will be emptied, cleaned and decontaminated, and all materials removed and managed;
  - d. Aboveground storage tanks and process tanks and all integral piping will be closed pursuant to Rule 62-762.801, F.A.C.
  - e. Permittees who store or process used oil in above ground tanks must, pursuant to closure requirements of 40 C.F.R. 279.54(h), remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soil, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste as defined in 40 C.F.R. 261 or determined, pursuant to 40 C.F.R. 262.11;
  - f. The closure plan, as described in Attachment VI of the permit application dated May 20, 2009 shall be updated whenever significant operational changes occur or design changes are made;
  - g. The closure plan shall be maintained with records required under Rule 62-710.510, F.A.C.
  - h. The Permittee shall submit an updated and detailed plan to the Department at least (60) days prior to the schedule date of closing the Facility; and
  - i. The Permittee shall submit a certification of closure completion to the Department that demonstrates that the Facility was closed in substantial compliance with the approved closure plan, within thirty (30) days after closing the Facility.
- 3. Within ninety (90) days of determining that the Facility cannot be clean closed under this permit, the Permittee shall submit a permit application to close the tank system(s) and perform post-closure care

Florida Recycling Solutions, LLC  
3210 Whitten Road  
Lakeland, FL 33811

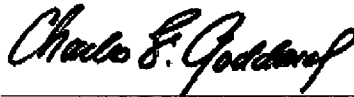
FLR 000 034 033  
Permit Number: 294693-HO-001 and 294693-SO-002  
Expiration Date : May 12, 2015

in accordance with the closure and post-closure requirements of 40 C.F.R. 264.310 that apply to hazardous waste landfills.

4. Containers: Permittee who store used oil in containers must, pursuant to closure requirements of 40 C.F.R. 279.54(h), comply with the following requirements:
  - a. At closure, containers holding used oil or residues of used oil must be removed from the site; and
  - b. The Permittee must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures or equipment contaminated with used oil, and manage them as hazardous waste unless the materials are not hazardous waste as defined in 40 C.F.R. 261 or determined, pursuant to 40 C.F.R. 262.11.

Issued May 12, 2010

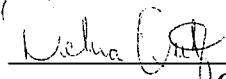
STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Charles F. Goddard, Chief  
Bureau of Solid and Hazardous Waste

FILING AND ACKNOWLEDGMENT

Filed on this date, pursuant to Section 120.52, Florida Statutes, with the designated Clerk, receipt of which is acknowledged.



CLERK

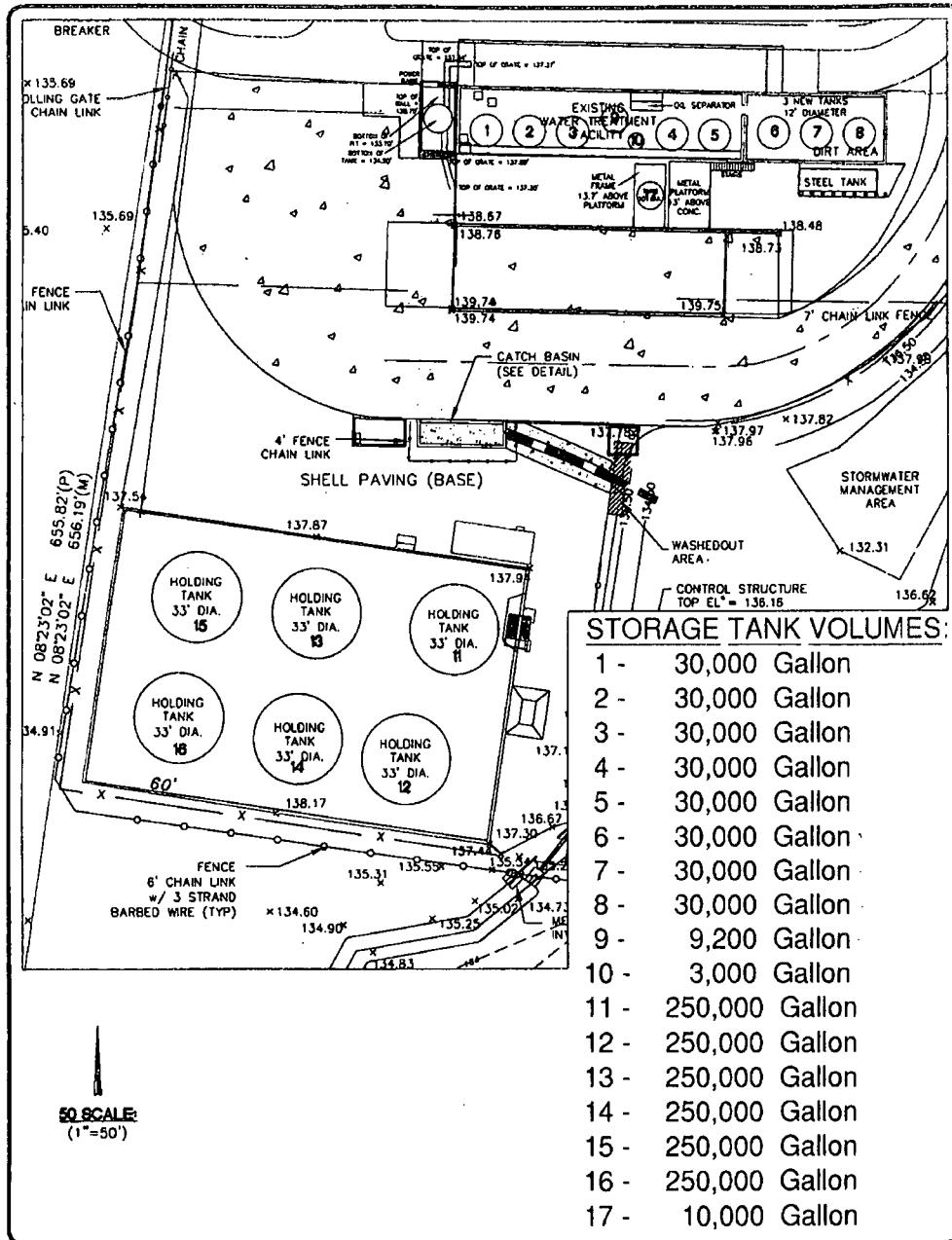
May 12, 2010

DATE

Florida Recycling Solutions, LLC  
3210 Whitten Road  
Lakeland, FL 33811

FLR 000 034 033  
Permit Number: 294693-HO-001 and 294693-SO-002  
Expiration Date : May 12, 2015

## ATTACHMENT- A SITE MAP



400 W. EMMETT STREET KISSIMMEE, FLORIDA 34741-5481  
PHONE: (407) 847-9433 FAX: (407) 847-2499  
ENG. CERT. OF AUTHOR. No. 3265/SUR. CERT. OF AUTHOR. No. 3270  
ENGINEERING, SURVEYING AND PLANNING  
**HWA**  
Hanson, Walter & Associates, Inc.

**FLORIDA RECYCLING SOLUTION, LLC**

**TANK AREA CLOSE UP**

DATE 01/13/09

SHEET 1 OF 1

Florida Recycling Solutions, LLC  
3210 Whitten Road  
Lakeland, FL 33811

FLR 000 034 033  
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Expiration Date : May 12, 2015

## **ATTACHMENT B**

### **TANK TABLE**

#### **TANK LIST for FLORIDA RECYCLING SOLUTIONS, LLC and AQUA CLEAN ENVIRONMENTAL COMPANY, INC.**

##### **FLORIDA RECYCLING SOLUTIONS, LLC**

<b>TANK NUMBER</b>	<b>TOTAL CAPACITY GALLONS</b>
6	30000
7	30000
8	30000
9	9200

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##### **AQUA CLEAN ENVIRONMENTAL CO., INC.**

<b>TANK NUMBER</b>	<b>TOTAL CAPACITY GALLONS</b>
1	26000
2	26000
3	26000
4	26000
5	26000
10	3000
11	250000
12	250000
13	250000
14	250000
15	250000
16	250000
17	10000



# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road MS 4565  
Tallahassee, Florida 32399-2400

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard, Jr.  
Secretary

January 25, 2011

Mr. R. Kenneth Heskett  
Florida Recycling Solutions, LLC  
3210 Whitten Road  
Lakeland, Florida 33881

Re: FLR 000034033 - Florida Recycling Solutions, LLC

Dear Mr. Heskett:

I reviewed the documentation submitted to demonstrate financial assurance for the above referenced facility and find it is in order. SunTrust Bank letter of credit amendment number 1, dated January 21, 2011, increasing the credit amount of letter of credit number F854419 to \$159,138.06, adequately covers the Department approved closing cost estimate of \$159,138.06. Therefore, Florida Recycling Solutions, LLC is in compliance with the financial assurance requirements of 40 CFR Part 264, Subpart H, as adopted by reference in Rule 62-701.630, Florida Administrative Code, at this time.

If you have any questions, please contact me at (850) 245-8745.

Sincerely,

Frank Hornbrook  
Environmental Specialist  
Solid Waste Section

cc: Fred Wick, DEP/TLH  
Bheem Kothur, DEP/TLH

## Dregne, James

---

**From:** Epost HWRS  
**Sent:** Wednesday, May 12, 2010 8:08 AM  
**To:** deemiller@tampabay.rr.com  
**Cc:** Dregne, James; heath\_rauschenberger@fws.gov; maryann.poole@myfwc.com; Hornbrook, Frank; Wick, Fred; Posner, Augusta; Martin, Lee; mike@imperialtesting.com; gow.fields@lakelandgov.net; bobenglish@polk-county.net; rnoble@fowlerwhite.com; Bahr, Tim; Kothur, Bheem; Tripp, Anthony  
**Subject:** Florida Recycling Solutions, LLC;FLR 000 034 033;Intent to Issue New Used Oil and Material Processing Permit  
**Attachments:** 5-12-10-FLorida Recycling Solutions Final Permit.pdf-Receipt.pdf

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

We ask that you verify receipt of this document by sending a "reply" message to [epost\\_hwrs@dep.state.fl.us](mailto: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](http://www.adobe.com/products/acrobat/readstep2.html).

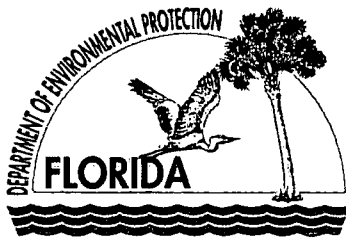
Please note that our documents are sent virus free. However, if you use Norton Anti-virus software, a warning may appear when attempting to open the document. Please disregard this warning.

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](mailto:epost_hwrs@dep.state.fl.us)

*The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole 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

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

May 12, 2010

SENT VIA E-MAIL  
[deemiller@tampabay.rr.com](mailto:deemiller@tampabay.rr.com)

Mr. W.D. Miller, III, P.E.  
Vice President and General Manager  
3210 Whitten Road  
Lakeland, Florida 33813

SUBJECT: Florida Recycling Solutions, LLC  
Intent to Issue New Used Oil and Material Processing Permit  
EPA I.D. Number: FLR 000 034 033  
Permit Number: 294693-HO-001; 294693-SO-002  
Polk County

Dear Mr. Miller:

Enclosed are Permit Numbers 294693-HO-001 and 294693-SO-002 issued to Florida Recycling Solutions, LLC pursuant to Section 403.815, Florida Statutes (F.S.), and Chapters 62-4, 62-701, and 62-710, Florida Administrative Code (F.A.C.).

This permit is final and effective on the date filed with the Clerk of the Department. When the permit is final, any party to the permit has the right to seek judicial review of the permit pursuant to Section 120.68, F.S., by the filing of a Notice to Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by applicable filing fees with the appropriate District Court of Appeal.

The notice of Appeal must be filed within thirty (30) days from the date the final permit is issued. If you have any questions, please contact Bheem Kothur at (850) 245-8781 or via e-mail: [bheem.kothur@dep.state.fl.us](mailto:bheem.kothur@dep.state.fl.us).

Sincerely,

Tim J. Bahr, Administrator  
Hazardous Waste Regulation

Mr. Dee Miller, Vice President and General Manager  
May 12, 2010  
Page Two

TJB/bk  
Enclosure

cc: J James Dregne, DEP/Southwest District, [james.dregne@dep.state.fl.us](mailto:james.dregne@dep.state.fl.us)  
Heath Rauschenberger, U. S. Fish and Wildlife Services, [heath\\_rauschenberger@fws.gov](mailto:heath_rauschenberger@fws.gov)  
Mary Ann Poole, Florida Fish and Wildlife Conservation Commission,  
[maryann.poole@myfwc.com](mailto:maryann.poole@myfwc.com)  
Frank Hornbrook, DEP/Tallahassee, [frank.hornbrook@dep.state.fl.us](mailto:frank.hornbrook@dep.state.fl.us)  
Fred Wick, DEP/Tallahassee, [fred.wick@dep.state.fl.us](mailto:fred.wick@dep.state.fl.us)  
Agusta Posner, OGC/Tallahassee, [augusta.posner@dep.state.fl.us](mailto:augusta.posner@dep.state.fl.us)  
Lee Martin, DEP/Tallahassee, [lee.martin@dep.state.fl.us](mailto:lee.martin@dep.state.fl.us)  
Mike Stilling, [mike@imperialtesting.com](mailto:mike@imperialtesting.com)  
Gow Fields, Mayor, City of Lakeland, [gow.fields@lakelandgov.net](mailto:gow.fields@lakelandgov.net)  
Bob English, Chairman, Polk County Commission, [bobenglish@polk-county.net](mailto:bobenglish@polk-county.net)  
Ron H. Noble, Fowler White Boggs/Tampa, [rnoble@fowlerwhite.com](mailto:rnoble@fowlerwhite.com)



# Florida Department of Environmental Protection

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

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

## PERMITTEE:

Florida Recycling Solutions, LLC  
3210 Whitten Road  
Lakeland, FL 33811

Attention:  
Mr. W. D. Miller III, P.E.  
Vice President and General Manager

I.D. Number: FLR 000 034 033  
Permit Number: 294693-HO-001; 294693-SO-002  
Date of Issue: May 12, 2010  
Expiration Date: May 12, 2015  
County: Polk  
Lat/Long: 28.005389 N / 82.042878 W

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 (C.F.R.) 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 the "Facility". The Used Oil and Material Processing Facility is located on an approximately 5.86-acre parcel of land to be leased by Florida Recycling Solutions, LLC in Polk County at 3210 Whitten Road, Lakeland, FL, 33811. Diagrams of the site layout and tank storage area are included as Attachments (Attachment - A and B, respectively), Tank capacities and tank numbers are shown in the Tank Table (Attachment - B) of this permit.

The facility is authorized to process used oil, accepts only non-hazardous, non-biological industrial wastewater, primarily from the following: petroleum contact water (PCW) consisting almost entirely of gasoline/diesel/water mixtures from petroleum storage facilities; industrial process wastewater; landfill leachate; wastewater from tank cleaning, transportation and environmental remediation sources.

The Facility consists of a total of three tanks (6, 7, and 8) with a total capacity of 90,000 gallons and one 9,200 gallon capacity tank (9) of used oil. These tanks are located in a concrete secondary containment structure that is sealed and impervious to petroleum products and all are shown on the drawing in Attachment A of this permit.

Used oil filters are also received in 55-gallons drums and other Department of Transportation containers. The drummed oil filters are stored on the pad under tank 17. The storage containers are stored on an oil impermeable surface, or reinforced concrete surface in the covered area beneath tank 17 coated with Carboline #890 Epoxy Seal or equivalent (15 mil dry film thickness). The permitted Used Oil facility is constructed over a 60 mil. thick HDPE liner.

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Lakeland, FL 33811

FLR 000 034 033  
Permit Number: 294693-HO-001 and 294693-SO-002  
Expiration Date : May 12, 2015

**The following documents were used in preparation of this permit:**

1. Used Oil Processing Facility Permit Application Dated February 23, 2009 and FDEP received on February 24, 2009.
2. Revised Used Oil Processing Facility Application Dated May 21, 2009 and FDEP received on May 26, 2009.
3. Revised Used Oil Processing Facility Permit Application, NOD Letter Dated March 31, 2009 and the Facility Responses Dated May 20, 2009 and received on May 26, 2009.
4. Revised Used Oil Processing Facility NOD Letter Dated September 11, 2009 and the Facility Responses Dated October 28, 2009 and received on October 29, 2009.
5. Solid Waste Permit Application, DEP Form 62-701.900(4), F.A.C., and Part –IV Draft Permit Conditions, dated March 10, 2010 and DEP revised draft permit condition dated March 30, 2010.

**All of these documents numbered 1 through 5 are hereinafter collectively referred to as the Permit Application.**

Florida Recycling Solutions, LLC  
3210 Whitten Road  
Lakeland, FL 33811

FLR 000 034 033  
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## **Part I - GENERAL AND STANDARD CONDITIONS**

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the Permittee and enforceable pursuant to the authority of Sections 403.141, 403.727, or 403.859 through 403.861, Florida Statutes. The Permittee is hereby placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit does not constitute a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the Permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life or property and penalties therefore caused by the construction or operation of this permitted source, nor does it allow the Permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The Permittee shall at all times properly operate and maintain the facility and systems of processing and control (and related appurtenances) that are installed or used by the Permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The Permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:
  - a. Having access to and copying any records that must be kept under the conditions of the permit;
  - b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and

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- c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.
8. If, for any reason, the Permittee does not comply with, or will be unable to comply with, any condition or limitation specified in this permit, the Permittee shall immediately notify and provide the Department with the following information:
- a. A description of and cause of non-compliance; and
  - b. The period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The Permittee shall be responsible for any and all damages that may result and may be subject to enforcement action by the Department for penalties or revocation of this permit.

9. In accepting this permit, the Permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the Department, may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.73 and 403.111, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
10. The Permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided however, the Permittee does not waive any other rights granted by Florida Statutes or Department rules.
11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-710.800, F.A.C., as applicable. The Permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department.
12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction, operation, or closure.
13. This permit also constitutes:
- a. Determination of Best Available Control Technology (BACT);
  - b. Determination of Prevention of Significant Deterioration (PSD);
  - c. Certification of Compliance with State Water Quality Standards (Section 401, Public Law 92-500); and
  - d. Compliance with New Source Performance Standards.
14. The Permittee shall comply with the following monitoring and record keeping requirements:

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- a. Upon request, the Permittee shall furnish all records and plans required under Department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the Department, during the course of any unresolved enforcement action;
  - b. The Permittee shall retain at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rule; and
  - c. Records of monitoring information shall include:
    - (1). The date, exact place, and time of sampling or measurements;
    - (2). The person responsible for performing the sampling or measurements;
    - (3). The date(s) analyses were performed;
    - (4). The person responsible for performing the analyses;
    - (5). The analytical techniques or methods used; and
    - (6). The results of such analyses.
15. When requested by the Department, the Permittee shall, within a reasonable period of time furnish any information required by law that is needed to determine compliance with the permit. If the Permittee becomes aware that relevant facts were not submitted or were incorrect in the Permit Application or in any report to the Department, such facts or information shall be submitted or corrected promptly.
16. The Permittee shall comply with the following requirements during the life of this permit:
- a. The facility shall comply with all applicable portions of 40 C.F.R. Part 279 and Chapter 62-710, F.A.C.
  - b. This facility shall be constructed, operated and maintained in accordance with all applicable requirements of Chapters 62-4, 62-701, 62-710, 62-730, 62-740, and 62-762, F.A.C., and all other applicable requirements of Department Rules.
  - c. By acceptance of this permit, the Permittee certifies that he has read and understands the obligations imposed by the General and Standard Conditions contained herein, including the date of permit expiration and renewal deadlines. It is a violation of this permit to fail to comply with all conditions and deadlines.
  - d. Nothing contained in General and Standard Condition 10 of this permit shall be deemed to waive any right Permittee has under Florida Statutes or Department rules to oppose application of any such changes to the facility if Permittee is otherwise legally entitled to do so.
17. Submittals in response to these conditions shall be submitted as follows:



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- a. One (1) hard copy and one (1) electronic copy shall be submitted to:

Environmental Administrator  
Hazardous Waste Regulation Section  
Florida Department of Environmental Protection  
2600 Blair Stone Road, MS 4560  
Tallahassee, Florida 32399-2400

- b. One (1) hard copy and one (1) electronic copy shall be submitted to:

Hazardous Waste Program Administrator  
Department of Environmental Protection  
Southwest District Office  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926

- c. The Permittee shall submit one (1) copy of the renewal permit and/or modifications cover letter and appropriate fee to:

Environmental Administrator  
Hazardous Waste Regulation Section  
Department of Environmental Protection  
2600 Blair Stone Road, M.S. 4560  
Tallahassee, Florida 32399-2400

The Permittee shall submit the other copies of the renewal permit and/or modifications (one hard and one electronic) to the addresses in the General and Standard Condition 17 (a) and (b) of this permit.

- d. Financial Assurance Mechanism:

The Permittee shall maintain, in good standing, the financial mechanisms established to demonstrate proof of financial assurance. Supporting documentation and required adjustments shall be submitted within the time frames specified in Rule 62-701.630, F.A.C., as adopted by reference in Rule 62-710.800(6), F.A.C. All submittals in response to this specific condition shall be sent to:

Florida Department of Environmental Protection  
Financial Coordinator – Solid Waste Section  
2600 Blair Stone Road, MS 4565  
Tallahassee, Florida 32399-2400

- e. Annual Closing Cost Estimate Adjustment:

The Permittee shall annually adjust the closing cost estimate for inflation using Form 62-710.901(7). Adjustments shall be made in accordance with Rule 62-710.800(6), F.A.C. An owner or operator shall submit the adjusted cost estimate between January 1 and March 1. All submittals in response to this specific condition shall be sent to the addresses on the cost estimate form.

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18. The Permittee shall annually register their used oil handling activities with the Department on DEP Form 62-710.901(1) in accordance with Rule 62-710.500, F.A.C.
19. The Permittee shall display the validated registration form and identification number in a prominent place at the facility location [Rule 62-710.500(4), F.A.C].
20. The Permittee shall submit an annual report covering used oil processing facility activities conducted during the previous calendar year to the Department on DEP Form 62-710.901(3) by March 1 of each year in accordance with Rule 62-710.510(5), F.A.C. The report shall summarize the records kept pursuant to Rule 62-710.510 and 62-740.300(5), F.A.C.
21. Before transferring ownership or operation of this facility during its operating life, the Permittee must notify the new owner or operator in writing of the requirements of 40 C.F.R. Part 279 and Rule 62-710, F.A.C. The Permittee shall also submit an application for transfer of the permit, at least thirty (30) days prior to transferring the facility, on DEP Form 62-1.201(1) accompanied with an appropriate application fee, required pursuant to Rule 62-4.050, F.A.C.
22. Before closing or making any substantial modification to the facility, the Permittee shall submit to the Department the Used Oil Processing Facility Permit Modification Request, pursuant to Rules 62-4.080 and 62-710.800(3), F.A.C. The engineering aspects of the request must be certified by a Professional Engineer registered in the State of Florida.
23. The Department may modify, revoke, reissue, or terminate for cause, this permit in accordance with the provisions of Rule 62-710.800, F.A.C. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition. The Permittee may submit any subsequent revisions to the Department for approval. These revisions shall meet the requirements of Rules 62-4.050 and 62-710.800(3), F.A.C., and must be accompanied with an appropriate application fee.
24. The Permittee shall submit a complete application for renewal of the permit, on DEP form 62-710.901(6) and in a manner prescribed by the Department, sixty (60) days before the expiration of this permit, unless the facility is to be closed prior to the expiration date of this permit per the requirements of Rule 62-710.800(4), F.A.C.
25. The Permittee shall maintain and operate the facility to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of used oil, sludge, residues or constituents to air, soil, or surface water which could threaten human health or the environment, in accordance with 40 C.F.R. 279.52.
26. The Permittee shall not accept or store any hazardous wastes in the permitted tanks or in any other area at the facility without receiving written approval from the Department.
27. The Permittee is allowed to store used oil only in aboveground tanks within secondary containment, and/or in double-walled tanks as shown in Attachment - A of the permit. The permitted units are Tanks 6 through 9.
28. The Permittee shall not exceed the maximum storage capacities of the permitted tanks as specified in facility operations of Attachment II of the Permit Application and Attachment B of the permit

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29. To prevent overflow, the Permittee shall notify the Department when the volume of the used oil stored in any of the tanks exceeds ninety-five (95) percent of the maximum storage capacity of the tank as specified in Attachment II of the Permit Application and Attachment B of the permit.
30. Tanks installed on or after July 13, 1998 shall comply with the performance standards of F.A.C., Rule 62-762.501. Repairs to aboveground storage and process tanks shall meet the criteria of Rule 62-762.701, F.A.C. [Rule 62-710.300(3), F.A.C.].
31. The inspection records and release detection monitoring required in Rule 62-762.601, F.A.C. for aboveground process and storage tanks and integral piping shall be maintained in the Permittee's operating record [Rule 62-710.510, F.A.C.].
32. The Permittee shall prevent the release of used oil, oily waste or oily wastewater to the environment. The secondary containment systems shall be maintained in accordance with Attachment Nos. IV and V of the Permit Application and shall comply with the requirements of 40 C.F.R. 279.54, including the requirements set forth below:
  - a. All new tank systems shall have secondary containment as required by parts (b) and (c) of this condition prior to being put into service;
  - b. Pursuant to 40 C.F.R. 279.54, the secondary containment system shall be:
    - (1). Designed, installed and operated to prevent any migration of wastes or accumulated liquid to the soil, groundwater or surface waters;
    - (2). Capable of detecting and collecting releases and run-on until the collected material is removed;
    - (3). Constructed of, or lined with, materials compatible with the waste to be stored and have sufficient structural strength to sustain the stresses induced by a failure of the primary containment system as well as other stresses which may be induced by the environment;
    - (4). Placed on a foundation or base capable of providing support to the secondary containment system;
    - (5). Provided with a leak detection system designed and operated to detect failure of either the primary or secondary containment structures or the presence of any release within 24 hours;
    - (6). Sloped or otherwise designed and operated to drain or remove liquids resulting from leaks, spills, or precipitation; and
    - (7). Designed and operated, to contain 110% of the capacity of the largest tank within its boundary.
  - c. All tank systems shall be provided with secondary containment.
33. Prior to beginning operation, the Permittee shall inspect the secondary containment system floor and perimeter walls for any cracks or gaps. If any cracks or gaps are found, the Permittee shall repair the

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cracks and gaps prior to beginning operation of the used oil processing facility [40 C.F.R. 279.54(d)(2) and 40 C.F.R. 279.54(e)(2)].

34. The Permittee shall label or mark all containers and aboveground tanks, used for storage or processing of used oil, with the words "Used Oil" [40 C.F.R. 279.54(f)].
35. The Permittee shall label or mark all containers or tanks which are solely used for the storage of Petroleum Contact Water with the words "Petroleum Contact Water" or "PCW" [Rule 62-740.100, F.A.C.].
36. The Permittee shall store used oil, PCW, used oil residues or used oil filters only in those containers or tanks which are made of, or lined with, materials that will not react with and are otherwise compatible with the waste to be stored.
37. If a container or tank holding used oil, PCW, used oil residues or used oil filters is not in good condition (e.g., rusting, bulging) or begins to leak, the Permittee shall transfer the waste to another container or tank which is in good condition [40 C.F.R. 279.22].
38. As part of the general operating requirements, the Permittee shall:
  - a. Not place used oil, other wastes or treatment reagents in a tank system if the possibility exists that this may cause the tank system to fail;
  - b. Use appropriate controls and practices to prevent spills and overflows;
  - c. Follow the operating procedures described in Attachments I and II of the Permit Application; and
  - d. Comply with the requirements of 40 C.F.R. 279.54(g) if a leak or spill occurs.
39. The Permittee shall inspect the tank system in accordance with Attachments V of the Permit Application. These requirements include:
  - a. Developing and following a schedule and procedure for inspecting overfilling controls;
  - b. Inspecting at least once each operating day the aboveground portions of the tank system, and the construction materials and area immediately surrounding the tank storage area. However, the Permittee shall document the daily inspections at least once a week; and
  - c. The results of the inspections in (a) and (b) of this condition shall be maintained in the operating record of the facility.
40. The Permittee shall remove spilled or leaked waste and accumulated precipitation from the secondary containment areas within 24 hours of detection and managed in accordance with Spill Prevention Control and Countermeasures Plan (SPCC) And Contingency Plan of the Permit Application.
41. Pursuant to the requirements of 40 C.F.R. 279.52(a), concerning preparedness and prevention, the Permittee shall:

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- a. Maintain a copy of the preparedness and prevention plan, of the Permit Application, at the facility;
  - b. Equip the facility with the required emergency equipment described in SPCC Plan of the Permit Application [40 C.F.R. 279.52(a)(2)];
  - c. Test and maintain the required emergency equipment in accordance with the requirements of 40 C.F.R. 279.52(a)(3);
  - d. Provide all facility personnel involved in used oil processing operations with immediate access to an internal alarm or emergency communication device, as described in SPCC Plan of the Permit Application [40 C.F.R. 279.52(a)(4)]; and
  - e. Make arrangements with the local authorities as described in SPCC Plan of the Permit Application [40 C.F.R. 279.52(a)(6)].
42. Pursuant to the requirements of 40 C.F.R. 279.52(b), concerning the contingency plan, the Permittee shall:
- a. Immediately carry out the provisions of the SPCC Plan and Contingency Plan, Attachments II and IV, respectively, of the Permit Application, and follow the emergency procedures described by 40 C.F.R. 279.52(b)(6), whenever there is a fire, explosion, or release of used oil, oily waste or oily wastewater that threatens or could threaten human health or the environment. The Permittee shall give proper notification to the Department if an emergency situation arises and within fifteen (15) days must submit to the Department a written report which includes all information required in 40 C.F.R. 279.52(b)(6)(ix);
  - b. Maintain a copy of the contingency plan at the facility and submit copies to all local police departments, fire departments, hospitals, and State and local emergency response teams pursuant to the requirements of 40 C.F.R. 279.52(b)(3);
  - c. Amend the plan and submit the amended plan for Department approval within seven (7) days of meeting any criteria listed in 40 C.F.R. 279.52(b)(4). Any other changes to the plan must be submitted to the Department within seven (7) days of the change in the plan. All amended plans must be distributed to the appropriate agencies;
  - d. Comply with the requirements of 40 C.F.R. 279.52(b)(5), concerning the emergency coordinator; and
  - e. Notify the Department of Environmental Protection's 24-hour emergency telephone number [(800) 320-0519] in the case of emergency. During normal business hours, the Department's Southwest District office may be contacted at (813) 632-7600.
43. The Permittee shall maintain reports of all releases that are greater than one (1) gallon, as part of its on-site operating records. The reports shall include amount and time of release and a schedule that details the corrective action taken. The Permittee shall submit a written report to the Department within fourteen (14) days for all the releases that are greater than fifty (50) gallons. The Permittee shall inform the Department immediately if a release requires the Permittee to take any of the tanks out of service.

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44. The Permittee shall inspect the facility operating, emergency and safety equipment in accordance with the schedules approved in Attachment IV of the Permit Application. The Permittee shall remedy any deterioration or malfunction discovered by an inspection, in accordance with 40 C.F.R. 279.52. Changes, additions, or deletions to the schedule must be approved in writing by the Department. The schedules must be maintained as part of the operating record of the facility [40 C.F.R. 279.54].
45. Pursuant to 40 C.F.R. 279.55, concerning the written analysis plan, 40 C.F.R. 279.56, concerning Tracking, the Permittee shall:
  - a. Sample and analyze each incoming shipment by EPA Method 9077 or a Tek Mate Sniffer as set forth in the Permit Application, prior to accepting used oil from off-site facilities. The sampling frequency shall be in accordance with the Permit Application;
  - b. Test all containers of the same waste stream for the parameters listed in Attachment III of the Permit Application. If any of the samples fail the analysis required by General and Standard Condition 45.(a) the Permittee may collect a representative sample from containers received from the same generator for this analysis;
  - c. Reject any incoming containers of used oil which fail the analysis required by the General and Standard Condition 45(a). The Permittee shall maintain documentation of any shipment of used oil which is refused due to suspected mixing with hazardous waste in the facility operating record; and
  - d. Analyze, prior to shipment, all outgoing shipments of used oil for the parameters listed in Attachment C of the Permit Application to determine whether the used oil is on-specification or off-specification. However, the testing is not required if it is sent to another Used Oil processor for further processing.
  - e. All sampling and analysis activities shall be conducted in accordance with Chapter 62-160, F.A.C.
  - f. The Permittee must keep a copy of the written analysis plan at the facility.

## **PART II – USED OIL PROCESSING CONDITIONS**

1. Pursuant to 40 C.F.R. 279.56 (Tracking) and Rule 62-710.510(1), F.A.C., the Permittee must comply with the following tracking requirements: the Permittee shall maintain records on DEP Form 62-701.900 (2) or on substantially equivalent forms which contain at least the same information as the Department form.
  - a. **ACCEPTANCE:** Used oil processors/re-refiners must keep a record of each used oil shipment accepted for processing/re-refining. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:
    - (1). The name, address and EPA identification number (if applicable) of the transporter who delivered the used oil to the processor/re-refiner, oil-burner or disposal facility;

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- (2). The name, address and EPA identification number (if applicable) of the generator or processor/re-refinery from whom the used oil was received for processing/re-refining;
    - (3). The quantities of each type of used oil accepted and date of acceptance; and
    - (4). Waste stream approval number and the off load tank number.
  - b. DELIVERY: Used oil processor/re-refiners must keep a record of each shipment of used oil that is shipped to a used oil burner, processor/re-refiner, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:
    - (1). The name, address and EPA identification number (if applicable) of the transporter delivering the used oil to the receiving facility;
    - (2). The name, address and EPA identification number (if applicable) of the oil-burner, processor/re-refiner or disposal facility receiving the shipment;
    - (3). The quantities of used oil shipped and date of shipment; and
    - (4). The laboratory analytical results.
  - c. Record Retention: The records described in paragraph (a) and (b) of this section must be maintained for at least five years. The records shall be kept at the permitted facility and shall be available for inspection by the Department during normal business hours.
2. Pursuant to 40 C.F.R. 279.57, the Permittee must keep and maintain a written operating record at the Facility until closure of the Facility, which includes the following information:
    - a. Records and results of used oil analyses performed as described in the analysis plan required under 40 C.F.R. 279.55; and described in Attachment III (a) and III (b) of the Permit Application.
    - b. Summary reports and details of all incidents that require implementation of the contingency plan as specified in 40 C.F.R. 279.52(b).
  3. The Permittee shall maintain as part of the operating record of the Facility the inspection records and release detection monitoring records required in Rule 62-762.601, F.A.C., for aboveground storage tanks, integral piping, and process tanks. Reports of releases greater than one (1) gallon shall include the amount, time of the release, time of the response and a description of the response. Reports of releases greater than fifty (50) gallons shall be submitted to the Department within fourteen (14) days. The Permittee shall inform the Department immediately if a release requires the Permittee to take any of the tanks out of service.
  4. The Permittee shall maintain and operate the facility to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of used oil, sludge, residues or constituents to air, soil, or surface water which could threaten human health or the environment, in accordance with 40 C.F.R. 279.52(1).

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5. Pursuant to Rule 62-710.800(3), F.A.C., aboveground storage and process tanks having a capacity greater than 550 gallons, and all integral piping shall comply with the performance standards for new tanks of Rule 62-762.501 , F.A.C., for existing shop fabricated/field erected tanks of Rule 62-762.511, F.A.C. Repairs to aboveground storage and process tanks shall meet the criteria of Rule 62-762.701, F.A.C.
6. The Permittee shall prevent the release of used oil, oily waste or oily wastewater to the environment. The secondary containment system shall be maintained in accordance with the Permit Application and shall comply with the requirements of 40 C.F.R. 279.54, including the requirements set forth below:
  - a. All new components shall have secondary containment as required by parts (b) and (c) of this condition prior to being put into service.
  - b. The secondary containment system shall meet the requirements of 40 C.F.R. 279.54 and shall be:
    - (1). Designed, installed and operated to prevent any migration of wastes or accumulated liquid to the soil, groundwater or surface waters.
    - (2). Capable of detecting and collecting releases and run-on until the collected material is removed.
    - (3). Constructed of or lined with materials compatible with the waste to be stored and have sufficient strength to sustain the stresses induced by a failure of the primary containment system as well as other stresses that may be induced by the environment.
    - (4). Placed on a foundation or base capable of providing support to the secondary containment system.
    - (5). Provided with leak detection system designed and operated to detect failure of either the primary or secondary containment structures or the presence of any release within 24 hours.
    - (6). Sloped or otherwise designed and operated to drain or remove liquids resulting from leaks, spills, or precipitation.
    - (7). Designed and operated, to contain 110% of the capacity of the largest tank within its boundary.
  - c. Ancillary equipment shall be provided with secondary containment.
7. Permittee shall submit as built drawings for any changes to tanks during the Permit Application review period or the permit Intent to Issue process period 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.
8. The Permittee shall not use, operate, or otherwise conduct any activities with the proposed new tanks until the Final Permit is Issued and the as built drawings for any changes to any tank have been



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approved by the Department. Then the Permittee may start using those tanks to store the used oil and processing it.

### **PART III – TANK AND CONTAINER CONDITIONS**

“Storage Tank System”, as defined in 62-762.201(77), F.A.C., for the purpose of Part III of this permit, refers to storage tank(s) 6 through 9, appurtenant equipment and secondary containment structures comprising the Permittee’s used oil processing facility.

1. The Permittee shall prevent the release of petroleum contact water, used oil, oily waste or oily wastewater to the environment. The secondary containment system shall be maintained in accordance with the Permit Application and shall comply with the requirements of 40 C.F.R. 279.54, including the requirements set forth below:
  - a. All new components shall have secondary containment as required by Parts (b) and (c) of this condition prior to being put into service.
  - b. The secondary containment system shall meet the requirements of 40 C.F.R.279.54 and shall be:
    - (1). Designed, installed and operated to prevent any migration of waste or accumulated liquid to the soil, groundwater or surface waters.
    - (2). Capable of detecting and collecting releases and run-on until the collected material is removed.
    - (3). Constructed of, or lined with, materials compatible with the waste to be stored and of sufficient strength to sustain the stresses induced by failure of the primary containment system as well as other stresses that may be induced by the environment.
    - (4). Placed on a foundation or base capable of providing support to the secondary containment system.
    - (5). Provided with a leak detection system designed and operated to detect failure of either the primary or secondary containment structures or the presence of any release within 24 hours.
    - (6). Sloped or otherwise designed and operated to drain or remove liquids resulting from leaks, spills, or precipitation.
    - (7). Designed and operated, to contain 110% of the capacity of the largest tank within its boundary.
  - c. Ancillary equipment shall be provided with secondary containment.
2. The Permittee shall, in the event of a release:
  - a. Stop the release;

Florida Recycling Solutions, LLC  
3210 Whitten Road  
Lakeland, FL 33811

FLR 000 034 033  
Permit Number: 294693-HO-001 and 294693-SO-002  
Expiration Date : May 12, 2015

- b. Contain the release;
  - c. Clean up and manage properly the released waste and other materials; and
  - d. If necessary, repair or replace any leaking storage containers or tanks prior to returning them to service.
3. The Permittee shall, as part of the general operating requirements:
  - a. Not place petroleum contact water, used oil, other wastes or treatment reagents in a tank system if the possibility exists that this may cause the tank system to fail;
  - b. Use appropriate controls and practices to prevent spills and overflows;
  - c. Follow the Operating Procedures described in Attachment II of the Permit Application; and
  - d. Comply with the requirements of 40 C.F.R. 279.54(g) if a leak or spill occurs.
4. The Permittee shall label or mark all above ground tanks and containers used to store or process used oil, with the words "Used Oil". [40 C.F.R. 279.54(f)]
5. The Permittee shall store used oil only in those containers or tanks which are made of, or lined with, materials which will not react with and are otherwise compatible with the waste to be stored.
6. If a container holding used oil is not in good condition (e.g. rusting, bulging) or begins to leak, the Permittee shall either over pack the container or transfer the waste to another container or tank which is in good condition. [40 C.F.R. 279.22]
7. The Permittee shall inspect all regulated tank systems in accordance with procedures presented in Attachment IV of the Permit Application.
8. The Permittee must initiate the removal of spilled or leaked waste from the secondary containment areas within twenty-four hours of the incident and the waste should be completely removed within three (3) days [Rule 62-762.821(1)(d), F.A.C.]. Accumulated precipitation must be removed from the secondary containment areas within twenty-four hours after a rainfall event. The above materials shall be managed in accordance with Attachment IV of the permit application dated February 23, 2009 and received February 24, 2009.
9. The Permittee shall keep containers closed except when adding or removing waste.
10. To prevent overflow, the Permittee shall notify the Department when the volume stored in any of the permitted tanks exceeds 95% of the maximum storage capacity of the tank.

#### **PART IV – NON-HAZARDOUS, NON-USED OIL WASTE CONDITIONS**

1. The facility may only accept non-hazardous, oil contaminated solid wastes that do not qualify as used oil, such as petroleum contaminated debris and soil, used oil filters, rags, absorbent pads, boom,

filters, and kitty litter. The waste will be bulked and/or processed for acceptance at permitted solid waste disposal facilities.

- a. All non-hazardous oil contaminated solid waste received at the site for solidification will be received either in drums or containers in the drum storage area or in bulk via vacuum truck into the existing on-site mixing pad. The mixing pad will be used for the blending and solidifying of the oil contaminated solid waste. Once the oil contaminated solid waste has been stabilized to meet disposal profiles, the material will be transferred to a sealed dump truck or trailer for transportation to a solid waste disposal facility.
- b. Prior to acceptance of oil contaminated solid waste at the facility, the Permittee shall obtain from the generator a signed Profile Document which demonstrates that the waste is non-hazardous. The profile must be supported by laboratory analytical results (MSDS sheets may be accepted for virgin, unused materials). The Permittee shall perform, or shall require the generator to perform, the sampling and analysis. The minimum required analysis shall include TCLP Metals (As, Cd, Cr, Pb) and TCLP Volatile Organics. For small volumes of waste, generator's knowledge may be applied on a case by case basis to support a claim that an oil contaminated solid waste is non-hazardous.
- c. Sealed dump trucks or trailers will be used to transport the processed waste to a permitted solid waste disposal facility. The amount of solid waste accumulated at the permitted facility at any given time shall not exceed fifty 55-gallon drums (or their equivalent volume) and three 35 cubic yard containers or trailers.
- d. The maximum amount of solid waste to be brought into and processed at the permitted facility shall not exceed 720 cubic yards per year.
- e. The permitted facility shall maintain records of total amount of oil contaminated solid waste delivered, processed and disposed of annually. The records shall be maintained a minimum of three (3) years.

## **PART V – CLOSURE CONDITIONS**

1. The Permittee shall close the facility in compliance with 40 C.F.R. 279.54(h), 62-710.800(5), F.A.C., and Attachment VI (closure plan) of the permit application dated May 20, 2009. The closure plan requires at a minimum the following:
  - a. Testing of residue in the tanks. If the residue is hazardous, follow the closure plan in Attachment VI of the permit application dated May 20, 2009.
  - b. Remove and properly dispose of any non-hazardous residue.
  - c. Triple rinse the tanks, piping and ancillary equipment and properly dispose of the rinsate.
  - d. Remove the tanks and piping to a scrap steel dealer or document the re-use of the tanks and piping.

Florida Recycling Solutions, LLC  
3210 Whitten Road  
Lakeland, FL 33811

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- e. Submit a closure report, within thirty (30) days after closing these tanks, that describes the closure process and includes documentation of:
  - (1). The weight of #1 heavy metal scrap sold.
  - (2). The weight of other scrap sold, by classification.
  - (3). The weight of scrap disposed and how disposed.
  - (4). An inventory of the valves and fittings that were retained for future application.
  - (5). A statement that the tanks and piping have been completely removed and that everything removed is included in the above listing.
- 2. The Permittee shall maintain an approved written closure plan and it must demonstrate how the facility will be closed in accordance with Attachment VI of the permit application dated May 20, 2009 and subsequent revisions in order to meet the following requirements that:
  - a. There will be no need for further Facility maintenance;
  - b. Used oil will not, and does not, contaminate soil, surface water or groundwater;
  - c. All tanks, piping, secondary containment & ancillary equipment will be emptied, cleaned and decontaminated, and all materials removed and managed;
  - d. Aboveground storage tanks and process tanks and all integral piping will be closed pursuant to Rule 62-762.801, F.A.C.
  - e. Permittees who store or process used oil in above ground tanks must, pursuant to closure requirements of 40 C.F.R. 279.54(h), remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soil, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste as defined in 40 C.F.R. 261 or determined, pursuant to 40 C.F.R. 262.11;
  - f. The closure plan, as described in Attachment VI of the permit application dated May 20, 2009 shall be updated whenever significant operational changes occur or design changes are made;
  - g. The closure plan shall be maintained with records required under Rule 62-710.510, F.A.C.
  - h. The Permittee shall submit an updated and detailed plan to the Department at least (60) days prior to the schedule date of closing the Facility; and
  - i. The Permittee shall submit a certification of closure completion to the Department that demonstrates that the Facility was closed in substantial compliance with the approved closure plan, within thirty (30) days after closing the Facility.
- 3. Within ninety (90) days of determining that the Facility cannot be clean closed under this permit, the Permittee shall submit a permit application to close the tank system(s) and perform post-closure care

Florida Recycling Solutions, LLC  
3210 Whitten Road  
Lakeland, FL 33811

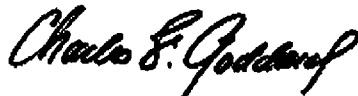
FLR 000 034 033  
Permit Number: 294693-HO-001 and 294693-SO-002  
Expiration Date : May 12, 2015

in accordance with the closure and post-closure requirements of 40 C.F.R. 264.310 that apply to hazardous waste landfills.

4. Containers: Permittee who store used oil in containers must, pursuant to closure requirements of 40 C.F.R. 279.54(h), comply with the following requirements:
- a. At closure, containers holding used oil or residues of used oil must be removed from the site; and
  - b. The Permittee must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures or equipment contaminated with used oil, and manage them as hazardous waste unless the materials are not hazardous waste as defined in 40 C.F.R. 261 or determined, pursuant to 40 C.F.R. 262.11.

Issued May 12, 2010

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Charles F. Goddard, Chief  
Bureau of Solid and Hazardous Waste

FILING AND ACKNOWLEDGMENT

Filed on this date, pursuant to Section 120.52, Florida Statutes, with the designated Clerk, receipt of which is acknowledged.

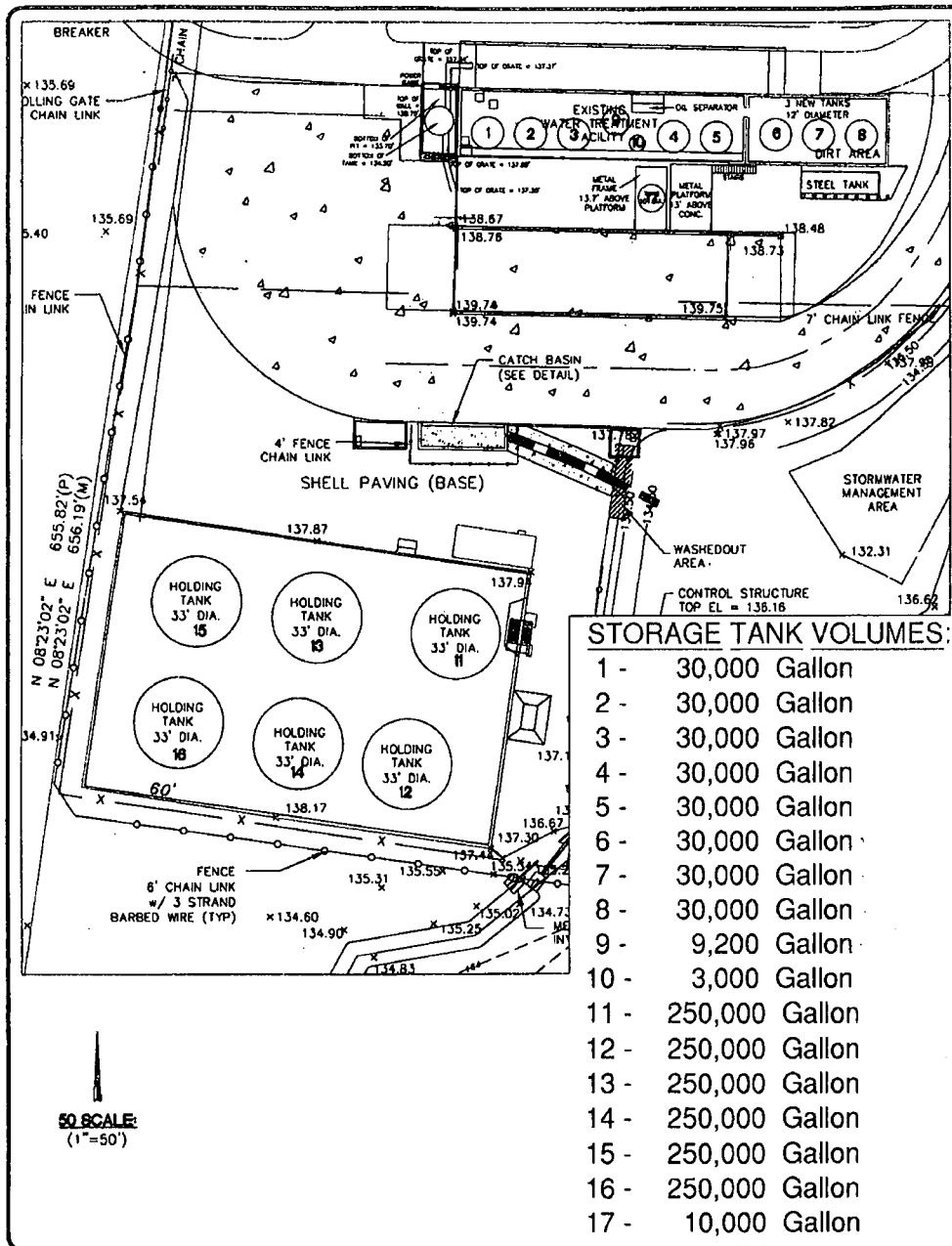
  
CLERK

May 12, 2010  
DATE

Florida Recycling Solutions, LLC  
3210 Whitten Road  
Lakeland, FL 33811

FLR 000 034 033  
Permit Number: 294693-HO-001 and 294693-SO-002  
Expiration Date : May 12, 2015

# ATTACHMENT- A SITE MAP



400 W. EMMETT STREET KISSIMMEE, FLORIDA 34741-5481  
PHONE: (407) 847-9433 FAX: (407) 847-2499  
ENG. CERT. OF AUTHOR. No. 3263/SUR. CERT. OF AUTHOR. No. 3270  
ENGINEERING, SURVEYING AND PLANNING  
Hanson, Walter & Associates, Inc.



**FLORIDA RECYCLING SOLUTION, LLC**

**TANK AREA CLOSE UP**

DATE 01/13/09

SHEET 1 OF 1

Florida Recycling Solutions, LLC  
3210 Whitten Road  
Lakeland, FL 33811

FLR 000 034 033  
Permit Number: 294693-HO-001 and 294693-SO-002  
Expiration Date : May 12, 2015

**ATTACHMENT B**

**TANK TABLE**

**TANK LIST for FLORIDA RECYCLING SOLUTIONS, LLC and AQUA CLEAN ENVIRONMENTAL COMPANY, INC.**

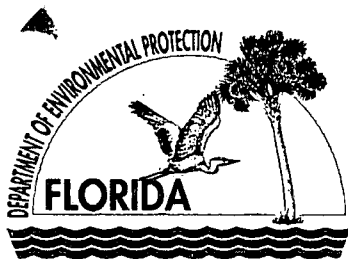
**FLORIDA RECYCLING SOLUTIONS, LLC**

<b>TANK NUMBER</b>	<b>TOTAL CAPACITY GALLONS</b>
6	30000
7	30000
8	30000
9	9200

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**AQUA CLEAN ENVIRONMENTAL CO., INC.**

<b>TANK NUMBER</b>	<b>TOTAL CAPACITY GALLONS</b>
1	26000
2	26000
3	26000
4	26000
5	26000
10	3000
11	250000
12	250000
13	250000
14	250000
15	250000
16	250000
17	10000



# Florida Department of Environmental Protection

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

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

April 19, 2010

SENT VIA E-MAIL  
[deemiller@tampabay.rr.com](mailto:deemiller@tampabay.rr.com)

Mr. W.D. Miller, III, P.E.  
Vice President and General Manager  
3210 Whitten Road  
Lakeland, Florida 33813

SUBJECT: Florida Recycling Solutions, LLC  
Intent to Issue New Used Oil and Material Processing Permit  
EPA I.D. Number: FLR 000 034 033  
Permit Number: 294693-HO-001; 294693-SO-002  
Polk County

Dear Mr. Miller:

Enclosed you will find a Department Permit (Intent to Issue), along with the draft New Permit 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 receive 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](mailto:bheem.kothur@dep.state.fl.us)

Sincerely,

Tim J. Bahr, Administrator  
Hazardous Waste Regulation Section

TJB/bk  
Enclosure



Mr. Dee Miller, Vice President and General Manager  
April 19, 2010  
Page Two

cc: James Dregne, DEP/Southwest District, [james.dregne@dep.state.fl.us](mailto:james.dregne@dep.state.fl.us)  
Heath Rauschenberger, U. S. Fish and Wildlife Services, [heath\\_rauschenberger@fws.gov](mailto:heath_rauschenberger@fws.gov)  
Mary Ann Poole, Florida Fish and Wildlife Conservation Commission,  
[maryann.poole@myfwc.com](mailto:maryann.poole@myfwc.com)  
Frank Hornbrook, DEP/Tallahassee, [frank.hornbrook@dep.state.fl.us](mailto:frank.hornbrook@dep.state.fl.us)  
Fred Wick, DEP/Tallahassee, [fred.wick@dep.state.fl.us](mailto:fred.wick@dep.state.fl.us)  
Augusta Posner, OGC/Tallahassee, [augusta.posner@dep.state.fl.us](mailto:augusta.posner@dep.state.fl.us)  
Lee Martin, DEP/Tallahassee, [lee.martin@dep.state.fl.us](mailto:lee.martin@dep.state.fl.us)  
Mike Stillinger, [mike@imperialtesting.com](mailto:mike@imperialtesting.com)  
Gow Fields, Mayor, City of Lakeland, [gow.fields@lakelandgov.net](mailto:gow.fields@lakelandgov.net)  
Bob English, Chairman, Polk County Commission, [bobenglish@polk-county.net](mailto:bobenglish@polk-county.net)  
Ron H. Noble, Fowler White Boggs/Tampa, [rnoble@fowlerwhite.com](mailto:rnoble@fowlerwhite.com)

**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

*Florida Recycling Solutions, LLC  
3210 Whitten Road  
Lakeland, Florida 33811*

*DEP File No. 294693-HO-001;  
DEP File No. 294693-SO-002  
EPA I. D. FLR 000 034 033  
Polk County*

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**INTENT TO ISSUE**

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

On February 23, 2009, May 21, 2009, May 26, 2009, October 29, 2009 and March 10, 2010 Florida Recycling Solutions, LLC, submitted applications to the Department for a new permit (294693-HO-001 and 294693-SO-002) to the used oil and material processing facility located at 3210 Whitten Road, Lakeland, Florida 33811. The Department has permitting jurisdiction under Sections 403.704(16) and 403.769, Florida Statutes (F.S.), and Chapters 62-4, 62-160, 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 new 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. 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.

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.

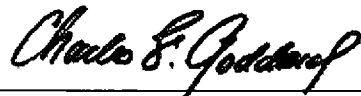
A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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

cc: James Dregne, DEP/Tampa, [james.dregne@dep.state.fl.us](mailto:james.dregne@dep.state.fl.us)  
Lee Martin, DEP/Tallahassee, [lee.martin@dep.state.fl.us](mailto:lee.martin@dep.state.fl.us)  
Bob English, Chairman, Polk County Board of Commissioners, [bobenglish@polk-county.net](mailto:bobenglish@polk-county.net)  
Gow Fields, Mayor, City of Lakeland, [gow.fields@lakelandgov.net](mailto:gow.fields@lakelandgov.net)  
Heath Rauschenberger, U. S. Fish and Wildlife Services, [heath\\_rauschenberger@fws.gov](mailto:heath_rauschenberger@fws.gov)  
Mary Ann Poole, Florida Fish and Wildlife Conservation Commission, [maryann.poole@myfwc.com](mailto:maryann.poole@myfwc.com)  
Fred Wick, DEP/Tallahassee, [fred.wick@dep.state.fl.us](mailto:fred.wick@dep.state.fl.us)  
Frank Hornbrook, DEP/Tallahassee, [frank.hornbrook@dep.state.fl.us](mailto:frank.hornbrook@dep.state.fl.us)  
Augusta Posner, OGC/Tallahassee, [augusta.posner@dep.state.fl.us](mailto:augusta.posner@dep.state.fl.us)  
Mike Stillinger, Imperial/Lakeland, [mike@imperialtesting.com](mailto:mike@imperialtesting.com)  
Ron Noble, Fowler White/Tampa, [rnoble@fowlerwhite.com](mailto:rnoble@fowlerwhite.com)

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 ITS INTENT TO ISSUE A NEW PERMIT TO Florida Recycling Solutions, LLC, TO OPERATE USED OIL AND MATERIAL PROCESSING FACILITY LOCATED AT 3210 Whitten Road, Lakeland, FLORIDA 33811, HAVING ASSIGNED FACILITY I.D. NUMBER FLR 000 034 033.

The new 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 294693-HO-001 and 294693-SO-002. The new permit is intended to be issued to allow Florida Recycling Solutions, LLC to operate a Used Oil and Material Processing Facility at City of Lakeland, Florida.

Copies of the new permit application and the new 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

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

## PERMITTEE:

Florida Recycling Solutions, LLC  
3210 Whitten Road  
Lakeland, FL 33811

I.D. Number: FLR 000 034 033  
Permit Number: 294693-HO-001; 294693-SO-002  
Date of Issue: DRAFT  
Expiration Date: DRAFT  
County: Polk  
Lat/Long: 28.005389 N / 82.042878 W

Attention:  
Mr. W. D. Miller III, P.E.  
Vice President and General Manager

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 (C.F.R.) 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 the "Facility". The Used Oil and Material Processing Facility is located on an approximately 5.86-acre parcel of land to be leased by Florida Recycling Solutions, LLC in Polk County at 3210 Whitten Road, Lakeland, FL, 33811. Diagrams of the site layout and tank storage area are included as Attachments (Attachment - A and B, respectively), Tank capacities and tank numbers are shown in the Tank Table (Attachment - B) of this permit.

The facility is authorized to process used oil, accepts only non-hazardous, non-biological industrial wastewater, primarily from the following: petroleum contact water (PCW) consisting almost entirely of gasoline/diesel/water mixtures from petroleum storage facilities; industrial process wastewater; landfill leachate; wastewater from tank cleaning, transportation and environmental remediation sources.

The Facility consists of a total of three tanks (6, 7, and 8) with a total capacity of 90,000 gallons and one 9,200 gallon capacity tank (9) of used oil. These tanks are located in a concrete secondary containment structure that is sealed and impervious to petroleum products and all are shown on the drawing in Attachment A of this permit.

Used oil filters are also received in 55-gallons drums and other Department of Transportation containers. The drummed oil filters are stored on the pad under tank 17. The storage containers are stored on an oil impermeable surface, or reinforced concrete surface in the covered area beneath tank 17 coated with Carboline #890 Epoxy Seal or equivalent (15 mil dry film thickness). The permitted Used Oil facility is constructed over a 60 mil. thick HDPE liner.

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**The following documents were used in preparation of this permit:**

1. Used Oil Processing Facility Permit Application Dated February 23, 2009 and FDEP received on February 24, 2009.
2. Revised Used Oil Processing Facility Application Dated May 21, 2009 and FDEP received on May 26, 2009.
3. Revised Used Oil Processing Facility Permit Application, NOD Letter Dated March 31, 2009 and the Facility Responses Dated May 20, 2009 and received on May 26, 2009.
4. Revised Used Oil Processing Facility NOD Letter Dated September 11, 2009 and the Facility Responses Dated October 28, 2009 and received on October 29, 2009.
5. Solid Waste Permit Application, DEP Form 62-701.900(4), F.A.C., and Part –IV Draft Permit Conditions, dated March 10, 2010 and DEP revised draft permit condition dated March 30, 2010.

**All of these documents numbered 1 through 5 are hereinafter collectively referred to as the Permit Application.**



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## **Part I - GENERAL AND STANDARD CONDITIONS**

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the Permittee and enforceable pursuant to the authority of Sections 403.141, 403.727, or 403.859 through 403.861, Florida Statutes. The Permittee is hereby placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit does not constitute a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the Permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life or property and penalties therefore caused by the construction or operation of this permitted source, nor does it allow the Permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The Permittee shall at all times properly operate and maintain the facility and systems of processing and control (and related appurtenances) that are installed or used by the Permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The Permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:
  - a. Having access to and copying any records that must be kept under the conditions of the permit;
  - b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and

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- c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.
- 8. If, for any reason, the Permittee does not comply with, or will be unable to comply with, any condition or limitation specified in this permit, the Permittee shall immediately notify and provide the Department with the following information:
  - a. A description of and cause of non-compliance; and
  - b. The period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The Permittee shall be responsible for any and all damages that may result and may be subject to enforcement action by the Department for penalties or revocation of this permit.

- 9. In accepting this permit, the Permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the Department, may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.73 and 403.111, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
- 10. The Permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided however, the Permittee does not waive any other rights granted by Florida Statutes or Department rules.
- 11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-710.800, F.A.C., as applicable. The Permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department.
- 12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction, operation, or closure.
- 13. This permit also constitutes:
  - a. Determination of Best Available Control Technology (BACT);
  - b. Determination of Prevention of Significant Deterioration (PSD);
  - c. Certification of Compliance with State Water Quality Standards (Section 401, Public Law 92-500); and
  - d. Compliance with New Source Performance Standards.
- 14. The Permittee shall comply with the following monitoring and record keeping requirements:

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- a. Upon request, the Permittee shall furnish all records and plans required under Department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the Department, during the course of any unresolved enforcement action;
  - b. The Permittee shall retain at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rule; and
  - c. Records of monitoring information shall include:
    - (1). The date, exact place, and time of sampling or measurements;
    - (2). The person responsible for performing the sampling or measurements;
    - (3). The date(s) analyses were performed;
    - (4). The person responsible for performing the analyses;
    - (5). The analytical techniques or methods used; and
    - (6). The results of such analyses.
15. When requested by the Department, the Permittee shall, within a reasonable period of time furnish any information required by law that is needed to determine compliance with the permit. If the Permittee becomes aware that relevant facts were not submitted or were incorrect in the Permit Application or in any report to the Department, such facts or information shall be submitted or corrected promptly.
16. The Permittee shall comply with the following requirements during the life of this permit:
- a. The facility shall comply with all applicable portions of 40 C.F.R. Part 279 and Chapter 62-710, F.A.C.
  - b. This facility shall be constructed, operated and maintained in accordance with all applicable requirements of Chapters 62-4, 62-701, 62-710, 62-730, 62-740, and 62-762, F.A.C., and all other applicable requirements of Department Rules.
  - c. By acceptance of this permit, the Permittee certifies that he has read and understands the obligations imposed by the General and Standard Conditions contained herein, including the date of permit expiration and renewal deadlines. It is a violation of this permit to fail to comply with all conditions and deadlines.
  - d. Nothing contained in General and Standard Condition 10 of this permit shall be deemed to waive any right Permittee has under Florida Statutes or Department rules to oppose application of any such changes to the facility if Permittee is otherwise legally entitled to do so.
17. Submittals in response to these conditions shall be submitted as follows:

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- a. One (1) hard copy and one (1) electronic copy shall be submitted to:

Environmental Administrator  
Hazardous Waste Regulation Section  
Florida Department of Environmental Protection  
2600 Blair Stone Road, MS 4560  
Tallahassee, Florida 32399-2400

- b. One (1) hard copy and one (1) electronic copy shall be submitted to:

Hazardous Waste Program Administrator  
Department of Environmental Protection  
Southwest District Office  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926

- c. The Permittee shall submit one (1) copy of the renewal permit and/or modifications cover letter and appropriate fee to:

Environmental Administrator  
Hazardous Waste Regulation Section  
Department of Environmental Protection  
2600 Blair Stone Road, M.S. 4560  
Tallahassee, Florida 32399-2400

The Permittee shall submit the other copies of the renewal permit and/or modifications (one hard and one electronic) to the addresses in the General and Standard Condition 17 (a) and (b) of this permit.

- d. Financial Assurance Mechanism:

The Permittee shall maintain, in good standing, the financial mechanisms established to demonstrate proof of financial assurance. Supporting documentation and required adjustments shall be submitted within the time frames specified in Rule 62-701.630, F.A.C., as adopted by reference in Rule 62-710.800(6), F.A.C. All submittals in response to this specific condition shall be sent to:

Florida Department of Environmental Protection  
Financial Coordinator – Solid Waste Section  
2600 Blair Stone Road, MS 4565  
Tallahassee, Florida 32399-2400

- e. Annual Closing Cost Estimate Adjustment:

The Permittee shall annually adjust the closing cost estimate for inflation using Form 62-710.901(7). Adjustments shall be made in accordance with Rule 62-710.800(6), F.A.C. An owner or operator shall submit the adjusted cost estimate between January 1 and March 1. All submittals in response to this specific condition shall be sent to the addresses on the cost estimate form.

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18. The Permittee shall annually register their used oil handling activities with the Department on DEP Form 62-710.901(1) in accordance with Rule 62-710.500, F.A.C.
19. The Permittee shall display the validated registration form and identification number in a prominent place at the facility location [Rule 62-710.500(4), F.A.C].
20. The Permittee shall submit an annual report covering used oil processing facility activities conducted during the previous calendar year to the Department on DEP Form 62-710.901(3) by March 1 of each year in accordance with Rule 62-710.510(5), F.A.C. The report shall summarize the records kept pursuant to Rule 62-710.510 and 62-740.300(5), F.A.C.
21. Before transferring ownership or operation of this facility during its operating life, the Permittee must notify the new owner or operator in writing of the requirements of 40 C.F.R. Part 279 and Rule 62-710, F.A.C. The Permittee shall also submit an application for transfer of the permit, at least thirty (30) days prior to transferring the facility, on DEP Form 62-1.201(1) accompanied with an appropriate application fee, required pursuant to Rule 62-4.050, F.A.C.
22. Before closing or making any substantial modification to the facility, the Permittee shall submit to the Department the Used Oil Processing Facility Permit Modification Request, pursuant to Rules 62-4.080 and 62-710.800(3), F.A.C. The engineering aspects of the request must be certified by a Professional Engineer registered in the State of Florida.
23. The Department may modify, revoke, reissue, or terminate for cause, this permit in accordance with the provisions of Rule 62-710.800, F.A.C. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition. The Permittee may submit any subsequent revisions to the Department for approval. These revisions shall meet the requirements of Rules 62-4.050 and 62-710.800(3), F.A.C., and must be accompanied with an appropriate application fee.
24. The Permittee shall submit a complete application for renewal of the permit, on DEP form 62-710.901(6) and in a manner prescribed by the Department, sixty (60) days before the expiration of this permit, unless the facility is to be closed prior to the expiration date of this permit per the requirements of Rule 62-710.800(4), F.A.C.
25. The Permittee shall maintain and operate the facility to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of used oil, sludge, residues or constituents to air, soil, or surface water which could threaten human health or the environment, in accordance with 40 C.F.R. 279.52.
26. The Permittee shall not accept or store any hazardous wastes in the permitted tanks or in any other area at the facility without receiving written approval from the Department.
27. The Permittee is allowed to store used oil only in aboveground tanks within secondary containment, and/or in double-walled tanks as shown in Attachment - A of the permit. The permitted units are Tanks 6 through 9.
28. The Permittee shall not exceed the maximum storage capacities of the permitted tanks as specified in facility operations of Attachment II of the Permit Application and Attachment B of the permit

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29. To prevent overflow, the Permittee shall notify the Department when the volume of the used oil stored in any of the tanks exceeds ninety-five (95) percent of the maximum storage capacity of the tank as specified in Attachment II of the Permit Application and Attachment B of the permit.
30. Tanks installed on or after July 13, 1998 shall comply with the performance standards of F.A.C., Rule 62-762.501. Repairs to aboveground storage and process tanks shall meet the criteria of Rule 62-762.701, F.A.C. [Rule 62-710.300(3), F.A.C.].
31. The inspection records and release detection monitoring required in Rule 62-762.601, F.A.C. for aboveground process and storage tanks and integral piping shall be maintained in the Permittee's operating record [Rule 62-710.510, F.A.C.].
32. The Permittee shall prevent the release of used oil, oily waste or oily wastewater to the environment. The secondary containment systems shall be maintained in accordance with Attachment Nos. IV and V of the Permit Application and shall comply with the requirements of 40 C.F.R. 279.54, including the requirements set forth below:
  - a. All new tank systems shall have secondary containment as required by parts (b) and (c) of this condition prior to being put into service;
  - b. Pursuant to 40 C.F.R. 279.54, the secondary containment system shall be:
    - (1). Designed, installed and operated to prevent any migration of wastes or accumulated liquid to the soil, groundwater or surface waters;
    - (2). Capable of detecting and collecting releases and run-on until the collected material is removed;
    - (3). Constructed of, or lined with, materials compatible with the waste to be stored and have sufficient structural strength to sustain the stresses induced by a failure of the primary containment system as well as other stresses which may be induced by the environment;
    - (4). Placed on a foundation or base capable of providing support to the secondary containment system;
    - (5). Provided with a leak detection system designed and operated to detect failure of either the primary or secondary containment structures or the presence of any release within 24 hours;
    - (6). Sloped or otherwise designed and operated to drain or remove liquids resulting from leaks, spills, or precipitation; and
    - (7). Designed and operated, to contain 110% of the capacity of the largest tank within its boundary.
  - c. All tank systems shall be provided with secondary containment.
33. Prior to beginning operation, the Permittee shall inspect the secondary containment system floor and perimeter walls for any cracks or gaps. If any cracks or gaps are found, the Permittee shall repair the

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cracks and gaps prior to beginning operation of the used oil processing facility [40 C.F.R. 279.54(d)(2) and 40 C.F.R. 279.54(e)(2)].

34. The Permittee shall label or mark all containers and aboveground tanks, used for storage or processing of used oil, with the words "Used Oil" [40 C.F.R. 279.54(f)].
35. The Permittee shall label or mark all containers or tanks which are solely used for the storage of Petroleum Contact Water with the words "Petroleum Contact Water" or "PCW" [Rule 62-740.100, F.A.C.].
36. The Permittee shall store used oil, PCW, used oil residues or used oil filters only in those containers or tanks which are made of, or lined with, materials that will not react with and are otherwise compatible with the waste to be stored.
37. If a container or tank holding used oil, PCW, used oil residues or used oil filters is not in good condition (e.g., rusting, bulging) or begins to leak, the Permittee shall transfer the waste to another container or tank which is in good condition [40 C.F.R. 279.22].
38. As part of the general operating requirements, the Permittee shall:
  - a. Not place used oil, other wastes or treatment reagents in a tank system if the possibility exists that this may cause the tank system to fail;
  - b. Use appropriate controls and practices to prevent spills and overflows;
  - c. Follow the operating procedures described in Attachments I and II of the Permit Application; and
  - d. Comply with the requirements of 40 C.F.R. 279.54(g) if a leak or spill occurs.
39. The Permittee shall inspect the tank system in accordance with Attachments V of the Permit Application. These requirements include:
  - a. Developing and following a schedule and procedure for inspecting overfilling controls;
  - b. Inspecting at least once each operating day the aboveground portions of the tank system, and the construction materials and area immediately surrounding the tank storage area. However, the Permittee shall document the daily inspections at least once a week; and
  - c. The results of the inspections in (a) and (b) of this condition shall be maintained in the operating record of the facility.
40. The Permittee shall remove spilled or leaked waste and accumulated precipitation from the secondary containment areas within 24 hours of detection and managed in accordance with Spill Prevention Control and Countermeasures Plan (SPCC) And Contingency Plan of the Permit Application.
41. Pursuant to the requirements of 40 C.F.R. 279.52(a), concerning preparedness and prevention, the Permittee shall:



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- a. Maintain a copy of the preparedness and prevention plan, of the Permit Application, at the facility;
  - b. Equip the facility with the required emergency equipment described in SPCC Plan of the Permit Application [40 C.F.R. 279.52(a)(2)];
  - c. Test and maintain the required emergency equipment in accordance with the requirements of 40 C.F.R. 279.52(a)(3);
  - d. Provide all facility personnel involved in used oil processing operations with immediate access to an internal alarm or emergency communication device, as described in SPCC Plan of the Permit Application [40 C.F.R. 279.52(a)(4)]; and
  - e. Make arrangements with the local authorities as described in SPCC Plan of the Permit Application [40 C.F.R. 279.52(a)(6)].
42. Pursuant to the requirements of 40 C.F.R. 279.52(b), concerning the contingency plan, the Permittee shall:
  - a. Immediately carry out the provisions of the SPCC Plan and Contingency Plan, Attachments II and IV, respectively, of the Permit Application, and follow the emergency procedures described by 40 C.F.R. 279.52(b)(6), whenever there is a fire, explosion, or release of used oil, oily waste or oily wastewater that threatens or could threaten human health or the environment. The Permittee shall give proper notification to the Department if an emergency situation arises and within fifteen (15) days must submit to the Department a written report which includes all information required in 40 C.F.R. 279.52(b)(6)(ix);
  - b. Maintain a copy of the contingency plan at the facility and submit copies to all local police departments, fire departments, hospitals, and State and local emergency response teams pursuant to the requirements of 40 C.F.R. 279.52(b)(3);
  - c. Amend the plan and submit the amended plan for Department approval within seven (7) days of meeting any criteria listed in 40 C.F.R. 279.52(b)(4). Any other changes to the plan must be submitted to the Department within seven (7) days of the change in the plan. All amended plans must be distributed to the appropriate agencies;
  - d. Comply with the requirements of 40 C.F.R. 279.52(b)(5), concerning the emergency coordinator; and
  - e. Notify the Department of Environmental Protection's 24-hour emergency telephone number [(800) 320-0519] in the case of emergency. During normal business hours, the Department's Southwest District office may be contacted at (813) 632-7600.
43. The Permittee shall maintain reports of all releases that are greater than one (1) gallon, as part of its on-site operating records. The reports shall include amount and time of release and a schedule that details the corrective action taken. The Permittee shall submit a written report to the Department within fourteen (14) days for all the releases that are greater than fifty (50) gallons. The Permittee shall inform the Department immediately if a release requires the Permittee to take any of the tanks out of service.

44. The Permittee shall inspect the facility operating, emergency and safety equipment in accordance with the schedules approved in Attachment IV of the Permit Application. The Permittee shall remedy any deterioration or malfunction discovered by an inspection, in accordance with 40 C.F.R. 279.52. Changes, additions, or deletions to the schedule must be approved in writing by the Department. The schedules must be maintained as part of the operating record of the facility [40 C.F.R. 279.54].
45. Pursuant to 40 C.F.R. 279.55, concerning the written analysis plan, 40 C.F.R. 279.56, concerning Tracking, the Permittee shall:
  - a. Sample and analyze each incoming shipment by EPA Method 9077 or a Tek Mate Sniffer as set forth in the Permit Application, prior to accepting used oil from off-site facilities. The sampling frequency shall be in accordance with the Permit Application;
  - b. Test all containers of the same waste stream for the parameters listed in Attachment III of the Permit Application. If any of the samples fail the analysis required by General and Standard Condition 45.(a) the Permittee may collect a representative sample from containers received from the same generator for this analysis;
  - c. Reject any incoming containers of used oil which fail the analysis required by the General and Standard Condition 45(a). The Permittee shall maintain documentation of any shipment of used oil which is refused due to suspected mixing with hazardous waste in the facility operating record;
  - d. Analyze, prior to shipment, all outgoing shipments of used oil for the parameters listed in Attachment C of the Permit Application to determine whether the used oil is on-specification or off-specification. However, the testing is not required if it is sent to another Used Oil processor for further processing;
  - e. All sampling and analysis activities shall be conducted in accordance with Chapter 62-160, F.A.C.; and
  - f. The Permittee must keep a copy of the written analysis plan at the facility.

## **PART II – USED OIL PROCESSING CONDITIONS**

1. Pursuant to 40 C.F.R. 279.56 (Tracking) and Rule 62-710.510(1), F.A.C., the Permittee must comply with the following tracking requirements: the Permittee shall maintain records on DEP Form 62-701.900 (2) or on substantially equivalent forms which contain at least the same information as the Department form.
  - a. **ACCEPTANCE:** Used oil processors/re-refiners must keep a record of each used oil shipment accepted for processing/re-refining. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:
    - (1). The name, address and EPA identification number (if applicable) of the transporter who delivered the used oil to the processor/re-refiner, oil-burner or disposal facility;

- (2). The name, address and EPA identification number (if applicable) of the generator or processor/re-refinery from whom the used oil was received for processing/re-refining;
    - (3). The quantities of each type of used oil accepted and date of acceptance; and
    - (4). Waste stream approval number and the off load tank number.
  - b. DELIVERY: Used oil processor/re-refiners must keep a record of each shipment of used oil that is shipped to a used oil burner, processor/re-refiner, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:
    - (1). The name, address and EPA identification number (if applicable) of the transporter delivering the used oil to the receiving facility;
    - (2). The name, address and EPA identification number (if applicable) of the oil-burner, processor/re-refiner or disposal facility receiving the shipment;
    - (3). The quantities of used oil shipped and date of shipment; and
    - (4). The laboratory analytical results.
  - c. Record Retention: The records described in paragraph (a) and (b) of this section must be maintained for at least five years. The records shall be kept at the permitted facility and shall be available for inspection by the Department during normal business hours.
2. Pursuant to 40 C.F.R. 279.57, the Permittee must keep and maintain a written operating record at the Facility until closure of the Facility, which includes the following information:
  - a. Records and results of used oil analyses performed as described in the analysis plan required under 40 C.F.R. 279.55; and described in Attachment III (a) and III (b) of the Permit Application.
  - b. Summary reports and details of all incidents that require implementation of the contingency plan as specified in 40 C.F.R. 279.52(b).
3. The Permittee shall maintain as part of the operating record of the Facility the inspection records and release detection monitoring records required in Rule 62-762.601, F.A.C., for aboveground storage tanks, integral piping, and process tanks. Reports of releases greater than one (1) gallon shall include the amount, time of the release, time of the response and a description of the response. Reports of releases greater than fifty (50) gallons shall be submitted to the Department within fourteen (14) days. The Permittee shall inform the Department immediately if a release requires the Permittee to take any of the tanks out of service.
4. The Permittee shall maintain and operate the facility to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of used oil, sludge, residues or constituents to air, soil, or surface water which could threaten human health or the environment, in accordance with 40 C.F.R. 279.52(1).

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5. Pursuant to Rule 62-710.800(3), F.A.C., aboveground storage and process tanks having a capacity greater than 550 gallons, and all integral piping shall comply with the performance standards for new tanks of Rule 62-762.501 , F.A.C., for existing shop fabricated/field erected tanks of Rule 62-762.511, F.A.C. Repairs to aboveground storage and process tanks shall meet the criteria of Rule 62-762.701, F.A.C.
6. The Permittee shall prevent the release of used oil, oily waste or oily wastewater to the environment. The secondary containment system shall be maintained in accordance with the Permit Application and shall comply with the requirements of 40 C.F.R. 279.54, including the requirements set forth below:
  - a. All new components shall have secondary containment as required by parts (b) and (c) of this condition prior to being put into service.
  - b. The secondary containment system shall meet the requirements of 40 C.F.R. 279.54 and shall be:
    - (1). Designed, installed and operated to prevent any migration of wastes or accumulated liquid to the soil, groundwater or surface waters.
    - (2). Capable of detecting and collecting releases and run-on until the collected material is removed.
    - (3). Constructed of or lined with materials compatible with the waste to be stored and have sufficient strength to sustain the stresses induced by a failure of the primary containment system as well as other stresses that may be induced by the environment.
    - (4). Placed on a foundation or base capable of providing support to the secondary containment system.
    - (5). Provided with leak detection system designed and operated to detect failure of either the primary or secondary containment structures or the presence of any release within 24 hours.
    - (6). Sloped or otherwise designed and operated to drain or remove liquids resulting from leaks, spills, or precipitation.
    - (7). Designed and operated, to contain 110% of the capacity of the largest tank within its boundary.
  - c. Ancillary equipment shall be provided with secondary containment.
7. Permittee shall submit as built drawings for any changes to tanks during the Permit Application review period or the permit Intent to Issue process period 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.
8. The Permittee shall not use, operate, or otherwise conduct any activities with the proposed new tanks until the Final Permit is Issued and the as built drawings for any changes to any tank have been

approved by the Department. Then the Permittee may start using those tanks to store the used oil and processing it.

### **PART III – TANK AND CONTAINER CONDITIONS**

“Storage Tank System”, as defined in 62-762.201(77), F.A.C., for the purpose of Part III of this permit, refers to storage tank(s) 6 through 9, appurtenant equipment and secondary containment structures comprising the Permittee’s used oil processing facility.

1. The Permittee shall prevent the release of petroleum contact water, used oil, oily waste or oily wastewater to the environment. The secondary containment system shall be maintained in accordance with the Permit Application and shall comply with the requirements of 40 C.F.R. 279.54, including the requirements set forth below:
  - a. All new components shall have secondary containment as required by Parts (b) and (c) of this condition prior to being put into service.
  - b. The secondary containment system shall meet the requirements of 40 C.F.R.279.54 and shall be:
    - (1). Designed, installed and operated to prevent any migration of waste or accumulated liquid to the soil, groundwater or surface waters.
    - (2). Capable of detecting and collecting releases and run-on until the collected material is removed.
    - (3). Constructed of, or lined with, materials compatible with the waste to be stored and of sufficient strength to sustain the stresses induced by failure of the primary containment system as well as other stresses that may be induced by the environment.
    - (4). Placed on a foundation or base capable of providing support to the secondary containment system.
    - (5). Provided with a leak detection system designed and operated to detect failure of either the primary or secondary containment structures or the presence of any release within 24 hours.
    - (6). Sloped or otherwise designed and operated to drain or remove liquids resulting from leaks, spills, or precipitation.
    - (7). Designed and operated, to contain 110% of the capacity of the largest tank within its boundary.
  - c. Ancillary equipment shall be provided with secondary containment.
2. The Permittee shall, in the event of a release:
  - a. Stop the release;

- b. Contain the release;
  - c. Clean up and manage properly the released waste and other materials; and
  - d. If necessary, repair or replace any leaking storage containers or tanks prior to returning them to service.
3. The Permittee shall, as part of the general operating requirements:
- a. Not place petroleum contact water, used oil, other wastes or treatment reagents in a tank system if the possibility exists that this may cause the tank system to fail;
  - b. Use appropriate controls and practices to prevent spills and overflows;
  - c. Follow the Operating Procedures described in Attachment II of the Permit Application; and
  - d. Comply with the requirements of 40 C.F.R. 279.54(g) if a leak or spill occurs.
4. The Permittee shall label or mark all above ground tanks and containers used to store or process used oil, with the words "Used Oil". [40 C.F.R. 279.54(f)]
5. The Permittee shall store used oil only in those containers or tanks which are made of, or lined with, materials which will not react with and are otherwise compatible with the waste to be stored.
6. If a container holding used oil is not in good condition (e.g. rusting, bulging) or begins to leak, the Permittee shall either over pack the container or transfer the waste to another container or tank which is in good condition. [40 C.F.R. 279.22]
7. The Permittee shall inspect all regulated tank systems in accordance with procedures presented in Attachment IV of the Permit Application.
8. The Permittee must initiate the removal of spilled or leaked waste from the secondary containment areas within twenty-four hours of the incident and the waste should be completely removed within three (3) days [Rule 62-762.821(1)(d), F.A.C.]. Accumulated precipitation must be removed from the secondary containment areas within twenty-four hours after a rainfall event. The above materials shall be managed in accordance with Attachment IV of the permit application dated February 23, 2009 and received February 24, 2009.
9. The Permittee shall keep containers closed except when adding or removing waste.
10. To prevent overflow, the Permittee shall notify the Department when the volume stored in any of the permitted tanks exceeds 95% of the maximum storage capacity of the tank.

#### **PART IV – NON-HAZARDOUS, NON-USED OIL WASTE CONDITIONS**

1. The facility may only accept non-hazardous, oil contaminated solid wastes that do not qualify as used oil, such as petroleum contaminated debris and soil, used oil filters, rags, absorbent pads, boom,

filters, and kitty litter. The waste will be bulked and/or processed for acceptance at permitted solid waste disposal facilities.

- a. All non-hazardous oil contaminated solid waste received at the site for solidification will be received either in drums or containers in the drum storage area or in bulk via vacuum truck into the existing on-site mixing pad. The mixing pad will be used for the blending and solidifying of the oil contaminated solid waste. Once the oil contaminated solid waste has been stabilized to meet disposal profiles, the material will be transferred to a sealed dump truck or trailer for transportation to a solid waste disposal facility.
- b. Prior to acceptance of oil contaminated solid waste at the facility, the Permittee shall obtain from the generator a signed Profile Document which demonstrates that the waste is non-hazardous. The profile must be supported by laboratory analytical results (MSDS sheets may be accepted for virgin, unused materials). The Permittee shall perform, or shall require the generator to perform, the sampling and analysis. The minimum required analysis shall include TCLP Metals (As, Cd, Cr, Pb) and TCLP Volatile Organics. For small volumes of waste, generator's knowledge may be applied on a case by case basis to support a claim that an oil contaminated solid waste is non-hazardous.
- c. Sealed dump trucks or trailers will be used to transport the processed waste to a permitted solid waste disposal facility. The amount of solid waste accumulated at the permitted facility at any given time shall not exceed fifty 55-gallon drums (or their equivalent volume) and three 35 cubic yard containers or trailers.
- d. The maximum amount of solid waste to be brought into and processed at the permitted facility shall not exceed 720 cubic yards per year.
- e. The permitted facility shall maintain records of total amount of oil contaminated solid waste delivered, processed and disposed of annually. The records shall be maintained a minimum of three (3) years.

## **PART V – CLOSURE CONDITIONS**

1. The Permittee shall close the facility in compliance with 40 C.F.R. 279.54(h), 62-710.800(5), F.A.C., and Attachment VI (closure plan) of the permit application dated May 20, 2009. The closure plan requires at a minimum the following:
  - a. Testing of residue in the tanks. If the residue is hazardous, follow the closure plan in Attachment VI of the permit application dated May 20, 2009.
  - b. Remove and properly dispose of any non-hazardous residue.
  - c. Triple rinse the tanks, piping and ancillary equipment and properly dispose of the rinsate.
  - d. Remove the tanks and piping to a scrap steel dealer or document the re-use of the tanks and piping.

Florida Recycling Solutions, LLC  
3210 Whitten Road  
Lakeland, FL 33811

FLR 000 034 033  
Permit Number: 294693-HO-001 and 294693-SO-002  
Expiration Date : DRAFT

- e. Submit a closure report, within thirty (30) days after closing these tanks, that describes the closure process and includes documentation of:
  - (1). The weight of #1 heavy metal scrap sold.
  - (2). The weight of other scrap sold, by classification.
  - (3). The weight of scrap disposed and how disposed.
  - (4). An inventory of the valves and fittings that were retained for future application.
  - (5). A statement that the tanks and piping have been completely removed and that everything removed is included in the above listing.
- 2. The Permittee shall maintain an approved written closure plan and it must demonstrate how the facility will be closed in accordance with Attachment VI of the permit application dated May 20, 2009 and subsequent revisions in order to meet the following requirements that:
  - a. There will be no need for further Facility maintenance;
  - b. Used oil will not, and does not, contaminate soil, surface water or groundwater;
  - c. All tanks, piping, secondary containment & ancillary equipment will be emptied, cleaned and decontaminated, and all materials removed and managed;
  - d. Aboveground storage tanks and process tanks and all integral piping will be closed pursuant to Rule 62-762.801, F.A.C.
  - e. Permittees who store or process used oil in above ground tanks must, pursuant to closure requirements of 40 C.F.R. 279.54(h), remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soil, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste as defined in 40 C.F.R. 261 or determined, pursuant to 40 C.F.R. 262.11;
  - f. The closure plan, as described in Attachment VI of the permit application dated May 20, 2009 shall be updated whenever significant operational changes occur or design changes are made;
  - g. The closure plan shall be maintained with records required under Rule 62-710.510, F.A.C.
  - h. The Permittee shall submit an updated and detailed plan to the Department at least (60) days prior to the schedule date of closing the Facility; and
  - i. The Permittee shall submit a certification of closure completion to the Department that demonstrates that the Facility was closed in substantial compliance with the approved closure plan, within thirty (30) days after closing the Facility.
- 3. Within ninety (90) days of determining that the Facility cannot be clean closed under this permit, the Permittee shall submit a permit application to close the tank system(s) and perform post-closure care



Florida Recycling Solutions, LLC  
3210 Whitten Road  
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in accordance with the closure and post-closure requirements of 40 C.F.R. 264.310 that apply to hazardous waste landfills.

4. Containers: Permittee who store used oil in containers must, pursuant to closure requirements of 40 C.F.R. 279.54(h), comply with the following requirements:
  - a. At closure, containers holding used oil or residues of used oil must be removed from the site; and
  - b. The Permittee must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures or equipment contaminated with used oil, and manage them as hazardous waste unless the materials are not hazardous waste as defined in 40 C.F.R. 261 or determined, pursuant to 40 C.F.R. 262.11.

Issued \_\_\_\_\_

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

\_\_\_\_\_  
Charles F. Goddard, Chief  
Bureau of Solid and Hazardous Waste

FILING AND ACKNOWLEDGMENT

Filed on this date, pursuant to Section 120.52, Florida Statutes, with the designated Clerk, receipt of which is acknowledged.

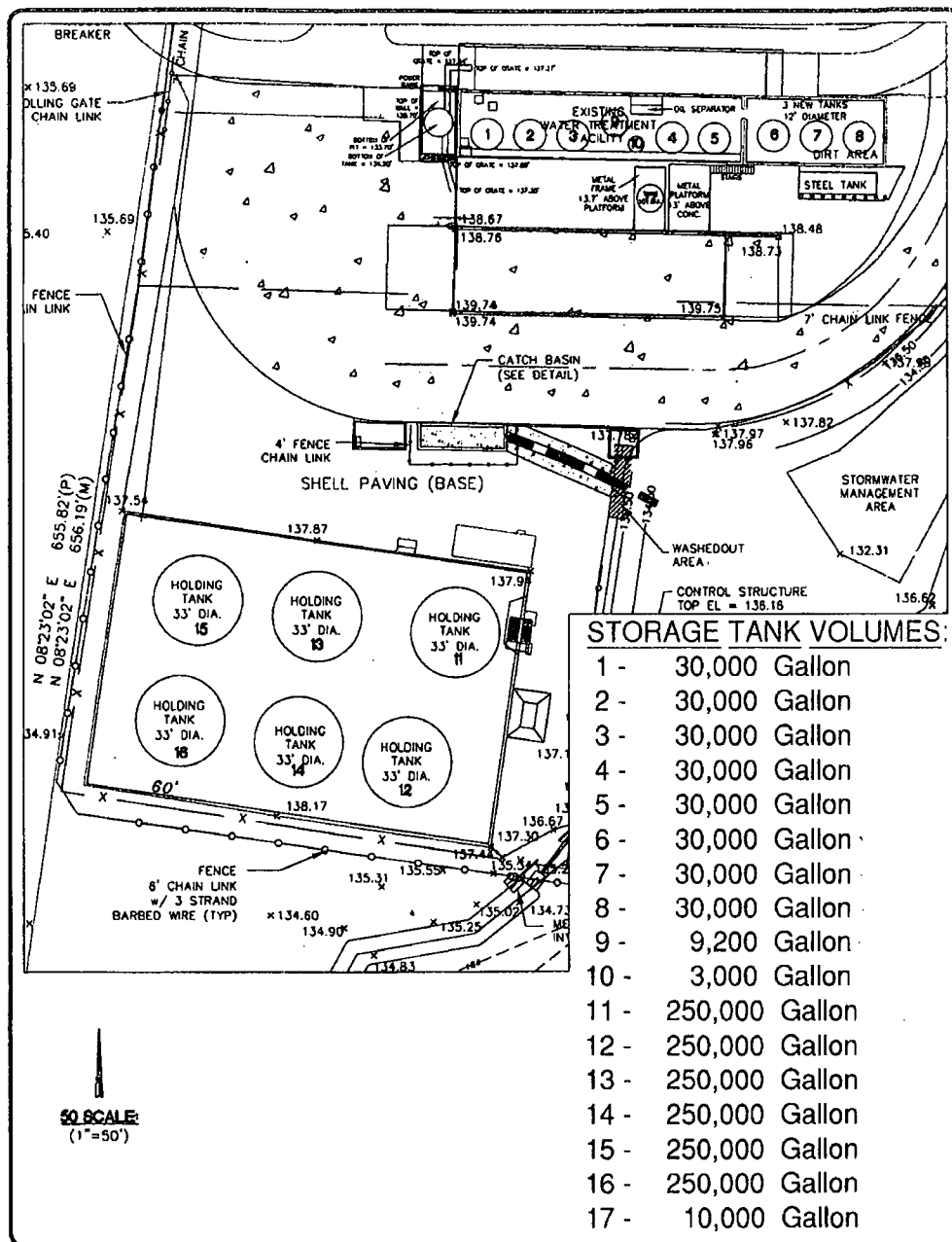
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CLERK

\_\_\_\_\_  
DATE

Florida Recycling Solutions, LLC  
3210 Whitten Road  
Lakeland, FL 33811

FLR 000 034 033  
Permit Number: 294693-HO-001 and 294693-SO-002  
Expiration Date : DRAFT

## ATTACHMENT- A SITE MAP



400 W. EMMETT STREET KISSIMMEE, FLORIDA 34741-5481  
PHONE: (407) 847-9433 FAX: (407) 847-2499  
ENG. CERT. OF AUTHOR No. 3365/SUR. CERT. OF AUTHOR No. 3270  
ENGINEERING, SURVEYING AND PLANNING  
**HWA**  
Hanson, Walter & Associates, Inc.

**FLORIDA RECYCLING SOLUTION, LLC**

**TANK AREA CLOSE UP**

DATE 01/13/09

SHEET 1 OF 1

Florida Recycling Solutions, LLC  
3210 Whitten Road  
Lakeland, FL 33811

FLR 000 034 033  
Permit Number: 294693-HO-001 and 294693-SO-002  
Expiration Date : DRAFT

## **ATTACHMENT B**

### **TANK TABLE**

#### **TANK LIST for FLORIDA RECYCLING SOLUTIONS, LLC and AQUA CLEAN ENVIRONMENTAL COMPANY, INC.**

##### **FLORIDA RECYCLING SOLUTIONS, LLC**

<b>TANK NUMBER</b>	<b>TOTAL CAPACITY GALLONS</b>
6	30000
7	30000
8	30000
9	9200

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##### **AQUA CLEAN ENVIRONMENTAL CO., INC.**

<b>TANK NUMBER</b>	<b>TOTAL CAPACITY GALLONS</b>
1	26000
2	26000
3	26000
4	26000
5	26000
10	3000
11	250000
12	250000
13	250000
14	250000
15	250000
16	250000
17	10000

**Dregne, James**

---

**From:** Posner, Augusta  
**Sent:** Friday, March 27, 2009 2:22 PM  
**To:** Tripp, Anthony; Bolton Sebrena; Kothur, Bheem; Redig, Michael  
**Cc:** Knauss, Elizabeth; Graves, Aprilia; Dregne, James  
**Subject:** RE: ID number ATTY WORK PRODUCT  
**Attachments:** FRS response re ID numb.doc

**Categories:** Red Category

Thanks to everyone who responded. Revised draft is attached. Please send email address for Dee Miller. Thanks!

---

**From:** Tripp, Anthony  
**Sent:** Friday, March 27, 2009 2:16 PM  
**To:** Posner, Augusta; Bolton Sebrena; Kothur, Bheem; Redig, Michael  
**Cc:** Knauss, Elizabeth; Graves, Aprilia; Dregne, James  
**Subject:** RE: ID number ATTY WORK PRODUCT

Agusta,

I made a few changes to the letter in track change mode.

As to the Co-generator memo, I do not know that any of the categories fit the Aqua Clean/FRS scenario. In my opinion the closest category would be Number 2, "Large installation with many independent entities..." It appears that FRS wants to use Aqua Clean equipment for similar, although more extensive, operations. The fact that W. D. Miller III is the manager at both entities seems to make it clear that there really is no distinction between the two. Hopefully, their response to the NOD will help clarify the operation.

Anthony R. Tripp, Ph.D., P.E.  
Professional Engineer III  
Hazardous Waste Regulation Section  
(850) 245-8766

---

**From:** Posner, Augusta  
**Sent:** Friday, March 27, 2009 12:53 PM  
**To:** Tripp, Anthony; Bolton Sebrena; Kothur, Bheem; Redig, Michael  
**Cc:** Knauss, Elizabeth; Graves, Aprilia; Dregne, James  
**Subject:** ID number ATTY WORK PRODUCT

CONFIDENTIAL ATTORNEY WORK PRODUCT  
EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO S. 119.071(1)(d)1., F.S.

Please review the attached letter and give me comments. I have also attached the old co-generator memo that I will send to Ms. Sherman. What category, if any, would you think the Aqua Clean/FRS scenario might fall into?

Mike/Sebrena, is it true that we would not assign an EPA ID number for a UO processor until the permit is issued? Or do we assign the number when the application comes in? What is the timing on that?

Agusta P. Posner

Senior Attorney

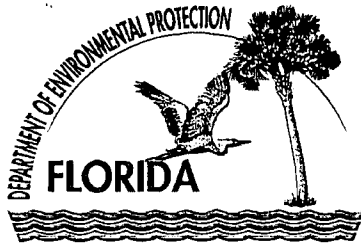
3900 Commonwealth Blvd, MS 35

Tallahassee, FL 32399-3000

Phone (850) 245-2282

FAX (850) 245-2303

[augusta.posner@dep.state.fl.us](mailto:augusta.posner@dep.state.fl.us)



# Florida Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3900

Mail Station 35  
Telephone 850-245-2242  
Facsimile 850-245-2302

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

March 29, 2009

Meredith Sherman  
Fowler White Boggs, PA  
501 East Kennedy Blvd. #1700  
Tampa, FL 33602

By e-mail only [msherman@fowlerwhite.com](mailto:msherman@fowlerwhite.com)

Dear Ms. Sherman:

Your letter to Sebrina Bolton, dated March 20, 2009, has been referred to me for response. You asked why your client, Florida Recycling Solutions (FRS), LLC, has not received an EPA identification number for regulated waste activities.

The address provided by FRS as the physical location for its activities, the location for which it is requesting an EPA ID number, is "3210 Whitten Road, Lakeland, FL 33811." As you are no doubt aware, EPA ID numbers are assigned "by site," which means by physical location or address. If a business with an EPA ID number moves to a different location, it does not keep the same ID number. It must obtain a new ID number at the new location. If a new company moves to a location that already has an EPA ID number assigned to it, obtained by a previous occupant, the new company would use the old ID number.

EPA ID number FLR000034033 has been assigned to 3210 Whitten Road, Lakeland. The facility using that ID number is Aqua Clean Environmental Company Inc., the real property owner of the site. Aqua Clean has notified as a used oil transporter and transfer facility at the Whitten Road address.

In the "8700-12FL Notification of Regulated Waste Activity" form submitted on or about February 2, 2009, FRS selected "used oil processor," "used oil fuel marketer," "used oil filter transfer facility" and "used oil filter processor" as its regulated activities at the Whitten Road site. FRS also submitted an application to operate a used oil processing facility.

Ms. Meredith Sherman

March 29, 2009

Page 2 of 2

Based on EPA rule interpretations concerning ID numbers, DEP will not issue more than one EPA ID number to the same address except under certain limited circumstances, which are outlined in the enclosed guidance memo. I would appreciate it if you could review the memo and let me know which category you believe the FRS/Aqua Clean scenario falls into.

Based on the information provided by FRS in its application for a used oil processor permit, the Department cannot determine the relationship between FRS and Aqua Clean, or distinguish their respective operations. A notice of deficiencies, requesting additional information concerning FRS's proposed used oil activities, will be sent to FRS under separate cover. Once the Department gets clarification on the division of labor/equipment/facility area/etc. between the two companies, and other responses to comments on the application, we will be in a position to determine FRS's request for a separate EPA ID number for the Whitten Road site.

It should be noted that a transfer facility is a function of transportation. See, e.g., 49 Code of Federal Regulations (CFR) section 171.8 Definitions: "*Transportation or transport* means the movement of property and loading, unloading, **or storage incidental to that movement.**" Therefore, taking custody of materials during the course of transportation makes the custodian a transporter by definition, even if that entity does not move the materials physically along public roads. FRS's request for an EPA ID number as a used oil filter transfer facility would be rejected on the basis that it does not include notification as a transporter.

Feel free to contact me with any questions. My direct line is (850) 245-2282, e-mail [augusta.posner@dep.state.fl.us](mailto:augusta.posner@dep.state.fl.us).

Sincerely,

Augusta Posner  
Senior Attorney

cc by e-mail: Sebreana Bolton  
Tim Bahr  
James Dregne  
W. D. Miller III

## Dregne, James

---

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

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

We ask that you verify receipt of this document by sending a "reply" message to [epost\\_hwrs@dep.state.fl.us](mailto: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](http://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](mailto:epost_hwrs@dep.state.fl.us)





# Florida Department of Environmental Protection

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

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

March 31, 2009

**SENT VIA E-MAIL**  
[deemiller@tampabay.rr.com](mailto:deemiller@tampabay.rr.com)

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

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

Dear Mr. Miller:

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

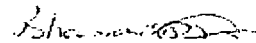
The review of the permit renewal application indicates that it is incomplete. Please provide the information requested in the enclosed attachment. In preparing your response, the Department recommends that you identify each comment followed by your response and also provide your revised pages of the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

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

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

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

Sincerely,

  
Bheem Kothur, P.E. III  
Hazardous Waste Regulation

BK/ap

Enclosure: Attachment

cc: Jim Dregne, DEP/Southwest District, [james.dregne@dep.state.fl.us](mailto:james.dregne@dep.state.fl.us)  
Michael Stillinger, Imperial Testing Laboratories/Lakeland, [mike@imperialtesting.com](mailto:mike@imperialtesting.com)  
Fred Wick, DEP/Tallahassee, [fred.wick@dep.state.fl.us](mailto:fred.wick@dep.state.fl.us)  
Augusta Posner, DEP/Tallahassee, [augusta.posner@dep.state.fl.us](mailto:augusta.posner@dep.state.fl.us)  
Frank Hornbrook, DEP/Tallahassee, [frank.hornbrook@dep.state.fl.us](mailto:frank.hornbrook@dep.state.fl.us)  
Michael Redig, DEP/Tallahassee, [mike.redig@dep.state.fl.us](mailto:mike.redig@dep.state.fl.us)  
Sherman Meredith, [msherman@fowlerwhite.com](mailto:msherman@fowlerwhite.com)  
Beth Knauss, DEP/Southwest District, [Elizabeth.knauss@dep.state.fl.us](mailto:Elizabeth.knauss@dep.state.fl.us)

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

**GENERAL COMMENTS**

**1. Cost Estimate**

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

**2. Site Map and Tank Table**

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

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

**3. Facility ID**

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

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

## **SPECIFIC COMMENTS**

### **Facility Permit Application Form**

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

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

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

#### **Facility Plot & Location Plan**

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

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

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

#### **ATTACHMENTS**

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

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

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

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

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

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

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

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

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

**20.** Attachment II, Used Oil, Page 2 and Item 3: If the flash point testing will be done for the purpose of specification testing, provide the information on the facility's DOH laboratory certification for this method. The off - site lab conducting oil specification testing must also be certified with DOH.

**21.** Attachment II, Item 3, and Page 2: How will Tanks 6 and 7 be retrofitted to allow process heating? And what is the method of agitation?

**22.** Attachment II, and Page 2: Drummed materials accepted from off - site must be either used oil processed for energy recovery or processed within the waste water treatment unit. If solids are accepted for processing that does not involve oil recovery prior to disposal, a separate solid waste permit may be required.

**23.** Boundary Survey, Sheet 1 of 1: Please show on the map the location of the drum staging area.

**24.** Attachment II, Flow Diagram 001(II c): This diagram shows the current process flow, but not the piping from the process to tanks 9 and 10. In addition, the piping and connections to Tank 17 are not shown. It is not clear whether there is an adequate containment around this tank and its ancillary equipment. Please review and revise as appropriate.

**25.** Attachment II, Flow Diagram 002(II b): This diagram does not show the process flow through the oil/water separator. Under Aqua Clean's operation, this process equipment was used for simple phase separation, and the recovered petroleum product was reported to have high water content, and emulsified oils. This process diagram does not indicate that any de-emulsification units, DAF units, filters, coalescers or other treatment units will be used to improve oil recovery. How will it be determined whether to burn the oil in the on - site process heater (also not shown) or store the oil for marketing off site? How will the boiler makeup water be supplied, and where will the boiler blow down be discharged? Please review and explain in detail as appropriate.

**26.** Attachment II, Flow Diagram 003(II a): This diagram shows a circular flow. However, there is no input or output. Is this a hot water flow diagram for process heat input? It appears that the title of the diagram is incorrect. Please review and revise the diagram as appropriate.

**27.** Attachment II, Flow Diagrams 001(II c), 002(II b), and 003(II a) respectively are identified as proprietary information and confidential property of FRS. In cover letter, please identify all documents subject to the claim and state your reason(s). Also, please make sure every page

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

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

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

Which personnel will be examining the load?

What training have they been provided?

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

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

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

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

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

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



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

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

Please clarify the last sentence in this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



# Florida Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
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Mail Station 35  
Telephone 850-245-2242  
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Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

April 1, 2009

Meredith Sherman  
Fowler White Boggs, PA  
501 East Kennedy Blvd. #1700  
Tampa, FL 33602

By e-mail only [msherman@fowlerwhite.com](mailto:msherman@fowlerwhite.com)

Dear Ms. Sherman:

Your letter to Sebrena Bolton, dated March 20, 2009, has been referred to me for response. You asked why your client, Florida Recycling Solutions (FRS), LLC, has not received an EPA identification number for regulated waste activities.

The address provided by FRS as the physical location for its activities, the location for which it is requesting an EPA ID number, is "3210 Whitten Road, Lakeland, FL 33811." As you are no doubt aware, EPA ID numbers are assigned "by site," which means by physical location or address. If a business with an EPA ID number moves to a different location, it does not keep the same ID number. It must obtain a new ID number at the new location. If a new company moves to a location that already has an EPA ID number assigned to it, obtained by a previous occupant, the new company would use the old ID number.

EPA ID number FLR000034033 has been assigned to 3210 Whitten Road, Lakeland. The facility using that ID number is Aqua Clean Environmental Company Inc., the real property owner of the site. Aqua Clean has notified as a used oil transporter and transfer facility at the Whitten Road address.

In the "8700-12FL Notification of Regulated Waste Activity" form submitted on or about February 2, 2009, FRS selected "used oil processor," "used oil fuel marketer," "used oil filter transfer facility" and "used oil filter processor" as its regulated activities at the Whitten Road site. FRS also submitted an application to operate a used oil processing facility.

Ms. Meredith Sherman

April 1, 2009

Page 2 of 2

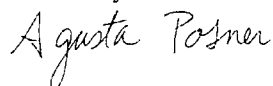
Based on EPA rule interpretations concerning ID numbers, DEP will not issue more than one EPA ID number to the same address except under certain limited circumstances, which are outlined in the enclosed guidance memo. I would appreciate it if you could review the memo and let me know which category you believe the FRS/Aqua Clean scenario falls into.

Based on the information provided by FRS in its application for a used oil processor permit, the Department cannot determine the relationship between FRS and Aqua Clean, or distinguish their respective operations. A notice of deficiencies, requesting additional information concerning FRS's proposed used oil activities, is being sent to FRS under separate cover. Once the Department gets clarification on the division of labor/equipment/facility area/etc. between the two companies, and other responses to comments on the application, we will be in a position to determine whether to grant FRS's request for a separate EPA ID number for the Whitten Road site.

It should be noted that a transfer facility is a function of transportation. See, e.g., 49 Code of Federal Regulations (CFR) section 171.8 Definitions: "*Transportation or transport* means the movement of property and loading, unloading, **or storage incidental to that movement.**" Therefore, taking custody of materials during the course of transportation makes the custodian a transporter by definition, even if that entity does not move the materials physically along public roads. FRS's request for an EPA ID number as a used oil filter transfer facility would be rejected on the basis that it does not include notification as a transporter.

Feel free to contact me with any questions. My direct line is (850) 245-2282, e-mail [augusta.posner@dep.state.fl.us](mailto:augusta.posner@dep.state.fl.us).

Sincerely,



Agusta Posner  
Senior Attorney

cc by e-mail only:    Sebrena Bolton [sebrena.bolton@dep.state.fl.us](mailto:sebrena.bolton@dep.state.fl.us)  
                             Tim Bahr [tim.bahr@dep.state.fl.us](mailto:tim.bahr@dep.state.fl.us)  
                             James Dregne [james.dregne@dep.state.fl.us](mailto:james.dregne@dep.state.fl.us)  
                             W. D. Miller III [deemiller@tampabay.rr.com](mailto:deemiller@tampabay.rr.com)

Ms. Meredith Sherman

April 1, 2009

Page 2 of 2

**Dregne, James**

---

**From:** Knauss, Elizabeth  
**Sent:** Friday, June 05, 2009 12:15 PM  
**To:** Dregne, James  
**Subject:** Comments to First NOD Response  
**Attachments:** Comments to First NOD Response.docx

For your review – Please forward to Bheem if you have no comments.

To: Bheem Kothur

## Comments to First NOD Response

### General Comment

We need our program attorney's input on the corporation's use of Aqua Clean equipment and employees. The operating information section still does not draw a clear line between the two operations and their regulatory responsibilities.

### Specific Comments

#### Application form

Item 3 – the parcel shape on the map still appears to be incorrect. The revised map is still dated 1/13/09.

The PE Certification is for Tanks 6,7, 8 and 9. Tank 10, the oil water separator and Tank 17 are mentioned in the text discussing processing operations, but are omitted from this certification. They are also outside the FRS boundary within the facility per facility diagram IIC.

The Tanks program registration information has different tank numbers assigned

<b>Tank #</b>	<b>Size</b>	<b>Content</b>	<b>Installed</b>	<b>Placement</b>	<b>Status</b>	<b>Const</b>	<b>Pipe</b>	<b>Monitor</b>
6	3000	Misc Petrol-Based Product	07/01/1997	ABOVE	U	C N K	B D G A	Q M
7	9200	Misc Petrol-Based Product	07/01/1997	ABOVE	U	C N K	B D G A	Q M
8	10000	Vehicular Diesel	09/01/2006	ABOVE	U	C I	B A D	Q F

Tank 10 in the application appears to be registered Tank #6, and is registered as a petroleum product tank. Is this tank going to be used to hold oil recovered by ACE before it is transferred to FRS?

Tanks 9 in the application appears to be registered as Tank#7 by ACE. Will the registration be changed?

Secondary containment for the piping from this tank to the process heaters is not clearly delineated. Diagram IIC has a label "Fully enclosed area" around the base of Tank 17 that is not observed in facility photographs from 2007. Has this wall been constructed, or is it planned construction? Does it provide the secondary containment for the piping from Tank 9 to the heaters?

If this fuel will be burned incidental to processing, without specification testing, it is still subject to 279.54(e) secondary containment requirements.





Cone Bottom Tank, Stabilization pad



Unloading area SE corner of the stabilization pad

## Attachment I - Operating information – Description of Facility Operations

Paragraphs 1 and 2 indicate that both ACE and FRS will be processing wastewater. Operational differences between the two entities are still vague. Both FRS and ACE will accept oily water and used oil/water mixtures. The text does not directly answer whether either or both corporations will transport material.

In addition, the oil/water separator is not included within the FRS delineated process area. From the text descriptions, it appears that both companies will use this piece of process equipment. How will materials from both companies be tracked through this process unit? How will transfers of oil between the companies be tracked under 40 CFR 279.56.

How will FRS track oil that is burned on site? FRS may have to demonstrate that the process heaters qualify for an exemption from air permitting by conducting sulfur analysis and tracking the amount of fuel burned incidental to processing. See FAC 62-210.300(3)(a)33 and 34.

## Attachment II – Operating Information - Used Oil Process Flow

### Load handling –

This discussion includes ACE activities as well as FRS activities. When materials are consigned to the facility, which corporation will be the designated consignee? Is material handling to be decided before or after receipt?

How will oil transfers between the companies be tracked? How will oily waste transfers between the companies be tracked?

Are there designated unloading areas for materials consigned to FRS that are different from materials consigned to ACE? Will materials consigned to FRS only be unloaded by the pump designated as P3? Or will materials consigned to FRS be unloaded into the trench on the west end of the “Oil Unloading/Loading Area?” Currently this trench is used to receive oily waste waters consigned to ACE.

Tank 17, the cone bottomed tank is discussed as processing equipment and is outside the main containment area. A containment area is indicated on one facility drawing, but no design specifications or capacity calculations were included.

Page 2 – Says that a batch of oil is 9,000 gallons or more.

Regarding the 2 Hot water boilers – what is their heat capacity? Are they exempt from air permitting under 62-210.300(3)(a)?

In order to demonstrate compliance with air permitting exemption criteria, sulfur analysis of the fuel is needed, and you must maintain records of the amount of fuel burned in each unit and collectively at the facility as a whole. (Part 279 does not require specification testing for burning incidental to processing.)

## Attachment III - Analysis plan

The rebuttable presumption is based on total halogen content, not total organic halogens (TOH or TOX). Chlor-d-Tect measure total halogens, not total organic halogens. The discussion in the first paragraph of

Section 3.2 is not accurate – EPA test methods for TOX in drinking water do not rely upon titration, and titration based Chlor d Tect field test kits do not detect just organically bound halogens. Dexsil claims their Hydrochlor Q kit for testing mixtures with more than 70% water is not affected by salt water, however this method has not been adopted in SW 846

Section 3.2 para 2 EPA Method 9077 is a final method, not proposed.

“FRS makes the determination whether or not wastes or materials are acceptable under the permits issued to the facility” Are specific personnel assigned this duty? What training do they have? Bottom of Page 4 of this attachment references a “Section 7” which is not included . This should be changed to refer to pg 12’s Used Oil Refusal Procedure. This section is acceptable if the vehicle is not operated by FRS or Aqua Clean. How does the facility intend to handle rejected loads that are in FRS or Aqua Clean owned or operated vehicles?

#### Waste Material Data Certification Sheet

The sheet does not request a description of the process generating the waste.

The sheet should include a specific profile number that can be used to track wastes with different shipping descriptions, such as waste water or used oil accepted from the same generator.

The flash point for ignitable hazardous waste is  $\leq 140$  degrees F, not  $< 140$  degrees. The sheet does not indicate whether the temperature is in degrees Fahrenheit or Celsius. In addition, I would recommend adding a temperature range of 100 degrees F or lower, as that temperature indicates that the oil is off specification.

The pH ranges for corrosive hazardous waste is  $\leq 2$  or  $\geq 12.5$

#### Generator’s Certification

I would suggest adding: “I understand that I am responsible for notifying Aqua Clean of any change in the chemical or physical nature of the material prior to future shipments.”

I would suggest adding: “I understand that providing false or inaccurate information in this document is a violation of state and federal regulations.”

#### Attachment IV – Operating Information

Page 1 item a) what is the alarm device? Is it an air horn, alarm or PA system to signal employees? Or is it a telephone or monitored direct alarm to alert local authorities?

Page 10 – The paragraph beginning with “FRS accepts...” includes a sentence that appears to have a cut and paste type error. Please revise: “...standards and discharged to the used oil area and consist of 3 storage...”

The paragraph below contains a typo – “..of the discharged permit..”

The last sentence on the page should end with SWFWMD, not SWWMD.

Page 11 – second line “releases” is redundant – “human error” would be an acceptable substitute

Please explain what is meant by the term “10% concrete barrier.”

The facility has more than one unloading area. Will all materials designated as “used oil” or “oily waste” be off loaded at the north area that is provided with the 9,000 gallon containment sump? Or will the unloading manifolds on the south side of the solidification slab also be used? What containment is provided in this area?

Page 12 – The emergency equipment list on page 12 doesn’t include the pump mentioned on page 13 and 14.

In addition, the list does not include the sawdust absorbent and front end loader present on site.

Page 36 is blank? Will the Roster be completed and distributed with the approved plan after permit issuance?

#### Attachment V – Operating Information

Page 1 – No specifications on the concrete slab were included except on the diagram “Water Treatment Plant Layout” dated 6/13/97, which is not signed or sealed.

Drawing SC45e with four monitoring wells, Drawing Revision R dated 5/14/09 signed by Steven A Dutch engineer with Chastain Skillman. What was this submitted for?

The depth of liner and construction details regarding holding pit and collection trough is not provided. If used oil will be unloaded there, these details must be provided.

Attachment VI – Closure – *Bheem - Should the closure scenario include a situation where closure is due to enforcement action by the city of Lakeland that cuts off access to the sewer?*

Attachment VII – The first page in this section has a check under “Option A” indicating the facility will use the “Used Oil Transporters certification and training manual” This manual is acceptable for transportation related aspects of facility operations, but additional training on processor operations must also be provided.

#### “Collection Sampling”

Odor: - The Department believes that intentionally smelling petroleum products is an inappropriate screening procedure. Gasoline water mixtures will contain benzene, a carcinogen, and employee exposure must be avoided to comply with OSHA requirements.

It would be acceptable to revise this section:

Odor: Intentionally sniffing waste materials should be avoided. If unexpected or unusual odors are noted during material transfer, the situation should be investigated with the generator and a supervisor.

A sweet smell may.... Etc.

“Product Screening Quality Assurance”

Please identify the halogen present in the 990 ppm “known” product sample.

How often will the “known” be tested or replaced? Solvents present in oil are lost over time when stored in containers that are opened and closed, or that have head space.

Attachment VII ends with “oil collection sampling.doc” Does FRS have copies of ASTM tank sampling standards applicable to petroleum fuels under state and federal Air Program regulations?

## **Dregne, James**

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**From:** Posner, Augusta  
**Sent:** Monday, June 08, 2009 4:04 PM  
**To:** Knauss, Elizabeth; Kothur, Bheem; Dregne, James  
**Cc:** Graves, Aprilia; Redig, Michael  
**Subject:** RE: Florida Recycling Solutions; EPA I.D. No. FLR 000 034033

Mike R. and I have agreed that Aqua Clean and FRS should use the same EPA ID number. Aqua Clean is a PCW processor and contracts with FRS for UO equipment and personnel. FRS is a UO processor. Good luck on tracking these!

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**From:** Knauss, Elizabeth  
**Sent:** Friday, May 29, 2009 2:44 PM  
**To:** Kothur, Bheem; Dregne, James; Posner, Augusta  
**Cc:** Graves, Aprilia  
**Subject:** RE: Florida Recycling Solutions; EPA I.D. No. FLR 000 034033

Bheem, I have been looking at the responses, and I think we need Augusta's input regarding their use of Aqua Clean's equipment and employees under contract.

---

**From:** Kothur, Bheem  
**Sent:** Thursday, May 28, 2009 3:23 PM  
**To:** Dregne, James; Posner, Augusta  
**Cc:** Knauss, Elizabeth; Graves, Aprilia  
**Subject:** Florida Recycling Solutions; EPA I.D. No. FLR 000 034033

Hi Jim,

As you know we have received the above facility NOD responses and I would like to know that you a copy of the same and let me know ASAP so that we can start reviewing the application.

FYI and it appears that they would like to use the Aqua Clean facility I.D NO. However, they would like to use for "Florida Recycling Solutions, LLC"?

I know some facilities used different names with the same company. For example: Howco St. Petersburg facility?

Augusta, what you think and I know you wrote letter to them and have you received any response from their attorney?

That's all

Bheem R. Kothur, P.E., DEE  
DWM/BS&HW/HW Regulation Section  
Florida Department of Environmental Protection  
MS# 4560, 2600 Blair Stone Road  
Tallahassee, Florida 32399-2400  
Tel: 850-245-8781, FAX: 850-245-8810  
Email: [Bheem.Kothur@dep.state.fl.us](mailto:Bheem.Kothur@dep.state.fl.us)

## Dregne, James

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**From:** Posner, Augusta  
**Sent:** Monday, June 22, 2009 10:34 AM  
**To:** Kothur, Bheem; Dregne, James  
**Cc:** Graves, Aprilia  
**Subject:** RE: Florida Recycling Solutions; EPA I.D. No. FLR 000 034033

Since they will be using the same ID number, and they will be co-generators of haz waste generated by any activities, the comingled use of employees and equipment is ok. Even so, we do need a clear idea of who is doing what.

---

**From:** Kothur, Bheem  
**Sent:** Monday, June 22, 2009 10:24 AM  
**To:** Dregne, James  
**Cc:** Posner, Augusta; Graves, Aprilia  
**Subject:** FW: Florida Recycling Solutions; EPA I.D. No. FLR 000 034033  
**Importance:** High

Hello Jim,

I have reviewed your draft comments to our NOD and responses from the facility and have generated additional and new comments due to revised submittal of documents.

Thanks for your through review and most of them I agree. I tried to understand these comments as much as I could and like to review the comments with you before I finalize the draft NOD-2 comments ASAP.

Please let me know when is the best time for you to go through these comments and let me know and give me a call.

FYI I am still waiting for the answer for your comment 1, from Augusta Posner.

Thanks.

Bheem

---

**From:** Kothur, Bheem  
**Sent:** Friday, June 19, 2009 11:59 AM  
**To:** Dregne, James  
**Cc:** Posner, Augusta; Graves, Aprilia  
**Subject:** FW: Florida Recycling Solutions; EPA I.D. No. FLR 000 034033  
**Importance:** High

Good Morning and Good Afternoon Jim,

Thanks for your quick review to the facility responses to our First NOD dated March 31, 2009 and their responses dated May 21, 2009.

WOW! we have long way to go. I will review and will get back to you.

Augusta,

Please review general Comment Item 1 from Jim Dregne and let me know your response before we finalize our 2<sup>nd</sup> NOD comments.

Thanks.

Bheem

**From:** Dregne, James  
**Sent:** Friday, June 19, 2009 11:23 AM  
**To:** Kothur, Bheem  
**Subject:** RE: Florida Recycling Solutions; EPA I.D. No. FLR 000 034033  
**Importance:** High

Good Morning Bheem,

Here are our comments for FRS.

Thanks, Jim

---

**From:** Kothur, Bheem  
**Sent:** Wednesday, June 17, 2009 3:52 PM  
**To:** Kothur, Bheem; Dregne, James  
**Cc:** Knauss, Elizabeth; Graves, Aprilia  
**Subject:** RE: Florida Recycling Solutions; EPA I.D. No. FLR 000 034033

Hi Jim,

It is just a reminder and the dead line(June 26, 2009) is fast approaching for completeness review determination by DEP. I have completed my review and going for one more time and let me know when you complete your part of the review. Thanks.

Bheem

---

**From:** Kothur, Bheem  
**Sent:** Thursday, May 28, 2009 3:23 PM  
**To:** Dregne, James; Posner, Augusta  
**Cc:** Knauss, Elizabeth; Graves, Aprilia  
**Subject:** Florida Recycling Solutions; EPA I.D. No. FLR 000 034033

Hi Jim,

As you know we have received the above facility NOD responses and I would like to know that you a copy of the same and let me know ASAP so that we can start reviewing the application.

FYI and it appears that they would like to use the Aqua Clean facility I.D NO. However, they would like to use for "Florida Recycling Solutions, LLC"?

I know some facilities used different names with the same company. For example: Howco St. Petersburg facility?

Augusta, what you think and I know you wrote letter to them and have you received any response from their attorney?

That's all

Bheem R. Kothur, P.E., DEE  
DWM/BS&HW/HW Regulation Section  
Florida Department of Environmental Protection  
MS# 4560, 2600 Blair Stone Road  
Tallahassee, Florida 32399-2400  
Tel: 850-245-8781, FAX: 850-245-8810  
Email: [Bheem.Kothur@dep.state.fl.us](mailto:Bheem.Kothur@dep.state.fl.us)



## **Dregne, James**

---

**From:** Epost HWRS  
**Sent:** Tuesday, June 30, 2009 8:30 AM  
**To:** 'deemiller@tampabay.rr.com'  
**Cc:** Dregne, James; 'mike@imperialtesting.com'; Wick, Fred; Posner, Augusta; Hornbrook, Frank; 'mike.redig@dep.state.fl.us'; 'msherman@fowlerwhite.com'; Bahr, Tim; Kothur, Bheem; Tripp, Anthony  
**Subject:** Florida, Recycling Solutions, FLR 000 034 033; 294693-HO-001; Comments to First Notice of Deficiency Response dated May 19, 2009 and (NOD-2)  
**Attachments:** 6-30-09-Florida Recycling Solutions LLC NOD-2 (Draft 2) 6\_29\_09 (2) (2) (2).pdf-Receipt.pdf

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

We ask that you verify receipt of this document by sending a "reply" message to [epost\\_hwrs@dep.state.fl.us](mailto: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](http://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](mailto:epost_hwrs@dep.state.fl.us)



# Florida Department of Environmental Protection

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

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

June 30, 2009

**SENT VIA E-MAIL**

[deemiller@tampabay.rr.com](mailto:deemiller@tampabay.rr.com)

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

RE: Florida, Recycling Solutions, LLC  
EPA I.D. No: FLR 000 034 033  
Permit Number: 294693-HO-001  
New Used Oil Processing Facility Permit Application  
Comments to First Notice of Deficiency Response dated May 19, 2009 and (NOD-2)

Dear Mr. Miller:

The Florida Department of Environmental Protection (the Department) has received your new permit application dated February 23, 2009 and responses received on May 26, 2009 to operate a Used Oil Processing facility at 3210 Whitten Road, Lakeland, Florida, 33811.

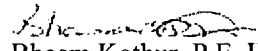
The review of the permit renewal application indicates that it is incomplete. Please provide the information requested in the enclosed attachment. In preparing your response, the Department recommends that you identify each comment followed by your response and also provide your revised pages of the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

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

Mr. Dee Miller, General Manager  
June 30, 2009  
Page Two

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

Sincerely,

  
Bheem Kothur, P.E. III  
Hazardous Waste Regulation

BK/

Enclosure: Attachment

cc: Jim Dregne, DEP/South West District, [james.dregne@dep.state.fl.us](mailto:james.dregne@dep.state.fl.us)  
Michael Stillinger, Imperial Testing Laboratories/Lakeland, [mike@imperialtesting.com](mailto:mike@imperialtesting.com)  
Fred Wick, DEP/Tallahassee, [fred.wick@dep.state.fl.us](mailto:fred.wick@dep.state.fl.us)  
Augusta Posner, OGC/Tallahassee, [augusta.posner@dep.state.fl.us](mailto:augusta.posner@dep.state.fl.us)  
Frank Hornbrook, DEP/Tallahassee, [frank.hornbrook@dep.state.fl.us](mailto:frank.hornbrook@dep.state.fl.us)  
Michael Redig, DEP/Tallahassee, [mike.redig@dep.state.fl.us](mailto:mike.redig@dep.state.fl.us)  
Sherman Meredith, [msherman@fowlerwhite.com](mailto:msherman@fowlerwhite.com)

## ATTACHMENT

June 30, 2009

### FLORIDA RECYCLING SOLUTIONS, LLC

Lakeland Florida

EPA I.D. Number: FLR 000 034 033

#### Comments to First NOD Response

#### GENERAL COMMENTS

1. Department understand that you may use Aqua Clean equipment and employees; however, you must address and describe in detail the clear understanding of who is doing what? The operating information section still does not draw a clear line between the two operations and their regulatory responsibilities. Please review and revise as appropriate.
2. Site Map and Tank Table: Facility submitted through e-mail on May 22, 2009, appears the contents in the tanks are not identified. Please review and revise as appropriate. Also, add tank 10 to the table and its contents if appropriate.
3. Due to process system change in NOD responses, and adding tank 10 to the process system and incase Lake City does not renew the sewer discharge permit, please review the cost estimates and revise as appropriate.
4. Since we have one company address, one company owner, one I.D. No., and two company names. Please choose which company name is the "Managed Entity Name"? so that to issue all DEP documents under that name.

#### SPECIFIC COMMENTS

##### Application Form

5. USGS Contour Map and FEMA Flood Map – The parcel shape on the map still appears to be incorrect. The revised map is still dated 1/13/09. Please review and revise as appropriate through out the documents.
6. Page 15 - The PE Certification is for Tanks 6, 7, 8 and 9. Tank 10, the oil water separator and Tank 17 are mentioned in the text discussing processing operations, but are omitted from this certification. They are also outside the FRS boundary within the facility per facility diagram IIC. Please review and revise this page as appropriate.
7. The Tanks program registration information has different tank numbers and contents are assigned. Please review and revise and be consistent.

Tank #	Size	Content	Installed	Placement	Status	Const	Pipe	Monitor
6	3000	Misc Petrol-Based Product	07/01/1997	ABOVE	U	C N K	B D G A	Q M

7	9200	Misc Petrol-Based Product	07/01/1997	ABOVE	U	C N K	B D G A	Q M
8	10000	Vehicular Diesel	09/01/2006	ABOVE	U	C I	B A D	Q F

- a) Tank 10 in the application appears to be registered Tank #6, and is registered as a petroleum product tank. Is this tank going to be used to hold oil recovered by ACE before it is transferred to FRS? Revise accordingly.
- b) Tanks 9 in the application appears to be registered as Tank#7 by ACE. Will the registration be changed? Revise accordingly.
8. Secondary containment for the piping from this tank to the process heaters is not clearly delineated. Diagram IIC has a label "Fully enclosed area" around the base of Tank 17 that is not observed in facility photographs from 2007 (see photo below). Has this wall been constructed, or is it planned construction? Does it provide the secondary containment for the piping from Tank 9 to the heaters?
9. If this fuel will be burned incidental to processing, without specification testing, it is still subject to 40 CFR 279.54(e) secondary containment requirements.



Cone Bottom Tank, Stabilization pad





Unloading area SE corner of the stabilization pad

Attachment I - Operating information – Description of Facility Operations

10. Page 1 - Paragraphs 1 and 2 indicate that both ACE and FRS will be processing wastewater. Operational differences between the two entities are still vague. Both FRS and ACE will accept oily water and used oil/water mixtures. The text does directly answer whether either or both corporations will transport material. Please review and revise as appropriate.
11. The oil/water separator is not included within the FRS delineated process area. From the text descriptions, it appears that both companies will use this piece of process equipment. How will materials from both companies be tracked through this process unit? How will transfers of oil between the companies be tracked under 40 CFR 279.56. Also, see comment item 1 and address as appropriate.
12. Page 2 - How will FRS track oil that is burned on site? FRS may have to demonstrate that the process heaters qualify for an exemption from air permitting by conducting sulfur analysis and tracking the amount of fuel burned incidental to processing. See F.A.C. 62-210.300(3)(a)33 and 34. Or otherwise, obtain air permit as appropriate and before start using the process heaters equipments.

Attachment II – Operating Information - Used Oil Process Flow

Load handling –

13. This discussion includes ACE activities as well as FRS activities. When materials are consigned to the facility, which corporation will be the designated consignee? Is material handling to be decided before or after receipt? Please be clear.
14. How will oil transfers between the companies be tracked? How will oily waste transfers between the companies be tracked?
15. Are there designated unloading areas for materials consigned to FRS that are different from materials consigned to ACE? Will materials consigned to FRS only be unloaded by the pump designated as Used Oil unloading pump (P3)? Or will materials consigned to FRS be unloaded into the trench on the west end of the “Oil Unloading/Loading Area?” Currently this trench is used to receive oily waste waters consigned to ACE.
16. Drawing IIC - Tank 17, the cone bottomed tank is discussed as processing equipment and is outside the main containment area. A containment area is indicated on one facility drawing, but no design specifications or capacity calculations were included. Please review and revise as appropriate.
17. Page 2 – Says that a batch of oil is 9,000 gallons or more. This needs to be more specific.
18. Drawing IIB - Regarding the two hot water boilers – what is their heat capacity? Are they exempt from air permitting under 62-210.300(3)(a) F.A.C.? If not, please obtain an air permit before using these equipments.
19. In order to demonstrate compliance with air permitting exemption criteria, sulfur analysis of the fuel is needed, and you must maintain records of the amount of fuel burned in each unit and collectively at the facility as a whole. (40 CFR Part 279 does not require specification testing for burning incidental to processing.)

Attachment III - Analysis plan

20. Page 4, 2.0 - The rebuttable presumption is based on total halogen content, not total organic halogens (TOH or TOX). Chlor-d-Tect measures total halogens, not total organic halogens. Please review and revise the paragraph as appropriate.
21. Page 6, 3.2 -The discussion in the first paragraph of Section 3.2 is not accurate – EPA test methods for TOX in drinking water do not rely upon titration, and titration based Chlor-d-Tect field test kits do not detect just organically bound halogens. Dexsil claims their Hydrochlor Q kit for testing mixtures with more than 70% water is not affected by salt water, however this method has not been adopted in EPA Methods SW-846. Please review and revise as appropriate.
22. Page 6, 3.2, para. 2 - EPA Method 9077 is a final method, not proposed. Please revise as appropriate.
23. Page 4, 2.0 - “FRS makes the determination whether or not wastes or materials are acceptable under the permits issued to the facility” Are specific personnel assigned this duty? What training do they have? Bottom of Page 4 of this attachment references a “Section 7” which is not included. This should be changed to refer to pg 12’s Used Oil Refusal Procedure. This section is acceptable if the vehicle is not operated by FRS or Aqua Clean. How does the facility intend to handle rejected loads that are in FRS or Aqua Clean owned or operated vehicles?

Material Data Certification Sheet - Appendix B

24. Page 1 - The sheet does not request a description of the process generating the waste. Please review and revise the sheet as appropriate.
25. Page 1 - The sheet should include a specific profile number that can be used to track wastes with different shipping descriptions, such as waste water or used oil accepted from the same generator.
26. Page 1 - The flash point for ignitable hazardous waste is  $\leq 140$  degrees F, not  $< 140$  degrees. The sheet does not indicate whether the temperature is in degrees Fahrenheit or Celsius. In addition, the Department would recommend adding a temperature range of 100 degrees F or lower, as that temperature indicates that the oil is off specification. Please review and revise as appropriate.
27. Page 1 - The pH ranges for corrosive hazardous waste is  $\leq 2$  or  $\geq 12.5$ . Please review and revise as appropriate.

Generator's Certification - Appendix B

28. Page 2 - Suggest adding: "I understand that I am responsible for notifying Aqua Clean of any change in the chemical or physical nature of the material prior to future shipments." Please revise as appropriate.
29. Page 2 - Suggest adding: "I understand that providing false or inaccurate information in this document is a violation of state and federal regulations." Please revise as appropriate.

Attachment IV - Operating Information

30. Page 1, Item a - What is the alarm device? Is it an air horn, alarm or PA system to signal employees? Or is it a telephone or monitored direct alarm to alert local authorities?
31. Page 10 - The paragraph beginning with "FRS accepts..." includes a sentence that appears to have a cut and paste type error. Please revise: "...standards and discharged to the used oil area and consist of 3 storage..."
32. Page 10 - The paragraph below contains a typo - "...of the discharged permit.."
33. Page 10 - The last sentence on the page should end with SWFWMD, not SWWMD.
34. Page 11 - second line "releases" is redundant. Please review and revise as appropriate.
35. Page 11 - Please explain what is meant by the term "10% concrete slab barrier."
36. Page 11 - The facility has more than one unloading area. Will all materials designated as "used oil" or "oily waste" be off loaded at the north area that is provided with the 9,000 gallon containment sump? Or will the unloading manifolds on the south side of the solidification slab also be used? What containment is provided in this area? Please review and revise as appropriate.
37. Page 12 - The emergency equipment list on page 12 doesn't include the pump mentioned on page 13 and 14. In addition, the list does not include the sawdust absorbent and front end loader present on site. Please review and revise as appropriate.
38. Page 36 - The Roster is blank? Will the Roster be completed and distributed with the approved plan after permit issuance? Please clarify.



Attachment V – Operating Information

39. Page 1 – No specifications on the concrete slab were included except on the diagram “Water Treatment Plant Layout” dated 6/13/97, which is not signed or sealed. Please review and resubmit the final documents and as appropriate.
40. Drawing SC45e with four monitoring wells, Drawing Revision R dated 5/14/09 signed by Steven A Dutch engineer with Chastain Skillman. What is the purpose of this submittal? Please clarify, review and revise as appropriate.
41. The depth of liner and construction details regarding holding pit and collection trough is not provided. If used oil will be unloaded there, these details must be provided.

Attachment VI – Closure:

*If the city of Lakeland cuts off access to the sewer, Please explore what other treatment and discharge options you may have and estimate their costs.*

Attachment VII

42. The first page in this section has a check under “Option A” indicating the facility will use the “Used Oil Transporters certification and training manual” This manual is acceptable for transportation related aspects of facility operations, but additional training on processor operations must also be provided.

“Collection Sampling”

43. Odor: - The Department believes that intentionally smelling petroleum products is an inappropriate screening procedure. Gasoline water mixtures will contain benzene, a carcinogen, and employee exposure must be avoided to comply with OSHA requirements.  
It would be acceptable to revise this section:  
Odor: Intentionally sniffing waste materials should be avoided. If unexpected or unusual odors are noted during material transfer, the situation should be investigated with the generator and a supervisor.  
A sweet smell may.... Etc.

“Product Screening Quality Assurance”

44. Please identify the halogen present in the 990 ppm “known” product sample.
45. How often will the “known” be tested or replaced? Solvents present in oil are lost over time when stored in containers that are opened and closed, or that have head space.

Attachment VII

46. Last page - Ends with “oil collection sampling.doc” Does FRS have copies of ASTM tank sampling standards applicable to petroleum fuels under state and federal Air Program regulations? If so, please provide the same.

## Dregne, James

---

**From:** Epost HWRS  
**Sent:** Friday, September 11, 2009 1:29 PM  
**To:** 'deemiller@tampabay.rr.com'  
**Cc:** Dregne, James; 'mike@imperialtesting.com'; Wick, Fred; Posner, Augusta; Hornbrook, Frank; 'mike.redig@dep.state.fl.us'; 'msherman@fowlerwhite.com'; 'elizabeth.knause@dep.state.fl.us'; Bahr, Tim; Kothur, Bheem; Tripp, Anthony  
**Subject:** Florida, Recycling Solutions, LLC;FLR 000 034 033;294693-HO-001;Comments to Second Notice of Deficiency Response (NOD-3)  
**Attachments:** 9-11-09- Florida Recycling Solutions LLC NOD-3 Letter with comments.pdf-Receipt.pdf

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

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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](mailto:epost_hwrs@dep.state.fl.us)



# Florida Department of Environmental Protection

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

September 11, 2009

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

**SENT VIA E-MAIL**

[deemiller@tampabay.rr.com](mailto:deemiller@tampabay.rr.com)

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

RE: Florida, Recycling Solutions, LLC  
EPA ID No. FLR 000 034 033  
Permit Number: 294693-HO-001  
New Used Oil Processing Facility Permit Application  
Comments to Second Notice of Deficiency Response (NOD-3)

Dear Mr. Miller:

The Florida Department of Environmental Protection (the Department) has received your responses to NOD-2 comments letter dated July 30, 2009 to the permit application dated February 23, 2009 to operate a Used Oil Processing facility at 3210 Whitten Road, Lakeland, Florida, 33811.

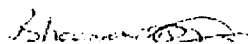
The review of the permit application indicates that it is incomplete. Please provide the information requested in the enclosed attachment. In preparing your response, the Department recommends that you identify each comment followed by your response and also provide your revised pages of the application.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

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

In addition, the Department recommends that a meeting be scheduled at your facility to discuss the application before you submit your response.

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

Sincerely,

  
Bheem Kothur, P.E. III  
Hazardous Waste Regulation

Mr. Dee Miller, General Manager  
September 11, 2009  
Page Two

BK/

Enclosure: Attachment

cc: Jim Dregne, DEP/Southwest District, [james.dregne@dep.state.fl.us](mailto:james.dregne@dep.state.fl.us)  
Michael Stillinger, Imperial Testing Laboratories/Lakeland, [mike@imperialtesting.com](mailto:mike@imperialtesting.com)  
Fred Wick, DEP/Tallahassee, [fred.wick@dep.state.fl.us](mailto:fred.wick@dep.state.fl.us)  
Augusta Posner, DEP/Tallahassee, [augusta.posner@dep.state.fl.us](mailto:augusta.posner@dep.state.fl.us)  
Frank Hornbrook, DEP/Tallahassee, [frank.hornbrook@dep.state.fl.us](mailto:frank.hornbrook@dep.state.fl.us)  
Michael Redig, DEP/Tallahassee, [mike.redig@dep.state.fl.us](mailto:mike.redig@dep.state.fl.us)  
Sherman Meredith, [msherman@fowlerwhite.com](mailto:msherman@fowlerwhite.com)  
Beth Knauss, DEP/Southwest District, [elizabeth.knause@dep.state.fl.us](mailto:elizabeth.knause@dep.state.fl.us)

ATTACHMENT

September 11, 2009

FLORIDA RECYCLING SOLUTIONS, LLC

Lakeland Florida

EPA I.D. Number: FLR 000 034 033

NOD-3

Comments on FRS's Response to the Second NOD dated July 30, 2009 and DEP received on August 3, 2009. Comments are identified in the same order of NOD-2 Items.

General Comment, Item 1:

The description of the transfer of recovered non aqueous phase liquid between Aqua Clean and FRS assumes that the material Aqua Clean recovers is "used oil." Unless the waste water processed by Aqua Clean was contaminated with used oil, the regulatory status of this material is a waste water treatment sludge that is being processed to be burned for energy recovery. See 40 CFR 260.10 and 261.2 and 279.10(f). Other recovered non aqueous phase liquids are not "used oil" as defined in Florida statutes and regulations. Recovered gasoline, diesel fuel and used oil are exempt from regulation when burned as fuel. However other recovered liquids are not exempt if they exhibit a characteristic of hazardous waste. The statement in this section "ACE will continue to accept...oily waste waters for the recovery of product through phase separation. Upon completion of the recovery, the product will be transferred to FRS for processing into marketable fuel" should be revised.

The statement "FRS will accept, after screening, phase separated oils from ACE" omits the nature and frequency of screening. In addition, the section does not describe whether this is a batch transfer or a continuous transfer. Does FRS intend to accept material from Aqua Clean with a "generator process knowledge" based on certification alone rather than an analysis?

Please review, revise and explain in detail as appropriate.

Specific Comment, Item 8:

In Secondary containment, the piping from the tank to the process heaters is not clearly identified. The location of this equipment, the used oil piping to and from the heat exchanger(s) and the piping supplying fuel to the heat exchanger(s) is not noted on the facility diagram. This information is needed to evaluate the adequacy of the secondary containment system. Diagram IIC has a label "Fully enclosed area" around the base of the Tank 17 that is not shown in facility photographs in 2007. Does it provide the Secondary containment for the piping from Tank 9 to the heaters?

Please clarify and revise as appropriate.

Attachment II, and Item 15:

*The submitted drawings do not show the piping to and from the tank system to ensure it is within secondary containment. Please submit the updated drawing including pump P3 and its piping arrangements.*

Attachment III, Material Data Certification Sheet Appendix B, and Item 26:

The revised sheet still includes the symbols for “less than” and “greater than” instead of “less than/greater than **or equal to**” with regard to flash point and pH. Please revise so that the form is in accordance with the regulatory limits. In addition, you should request that the generator specify the test method used for the flash point determination.

\_\_\_ ≤ 140 \_\_\_ between 140 and 200 \_\_\_ ≥ 200 \_\_\_ Test method used.

\_\_\_ ≤ 2 \_\_\_ between 2 and 12.5 \_\_\_ ≥ 12.5

The waste approval certification form’s certification statement mentions Aqua Clean, not FRS. (pg 2) If FRS intends to accept material from ACE based upon “process knowledge” certificate, both parties must review and approve the profile information submitted. Please see the next comment below.

Attachment III, Material Data certification Sheet, Appendix B, and Items 28 and 29:

Please advice of the results of your review comments/ responses on NOD-2.

Section II – Operating information, Page 1 and 2:

**This section still discusses ACE activities and process units that will not being operated by FRS. If the operations of the two companies cannot be separated in the application, the Department will not be able to draft a permit that covers only FRS activities and not ACE activities.**

**Please review the section and revise as appropriate.**

Section III- Operating Information, Sub-Section 5.0, and Page 8:

The used oil filter processing activities described in this section require a separate registration as a used oil filter processor. The majority of this discussion should be moved out of the “waste analysis” section into the “operating information” or “Process Flow” section. The section in the waste analysis plan related to used oil filters should be limited to the physical examination of the filters, and rejection criteria for filter drums found to contain other materials. FRS’s permit application does not include activities related to solids processing, and references to oily solids should be removed in accordance with your response #13 dated July 30, 2009 and DEP received on August 3, 2009.

Please review and revise as appropriate.

## Dregne, James

---

**From:** Kothur, Bheem  
**Sent:** Wednesday, December 23, 2009 8:07 AM  
**To:** 'Dee Miller'  
**Cc:** Dregne, James; Noble, Ron; Hornbrook, Frank; Tripp, Anthony; Graves, Aprilia; Knauss, Elizabeth  
**Subject:** UO Permit Application for "Florida Recycling Solutions" NOD -3 responses are satisfactory and application called complete.

Dear Mr. Miller:

The Department received the above subject responses and reviewed and now the UO permit application is complete for UO processing permit. However, now we need Financial Assurance from you for the amount of \$157,562.00 which is approved towards closure cost estimates.

Please contact Frank Hornbrook in solid waste section to comply with FA with the available options ASAP and before we can issue the Intent on or before January 29, 2010. Please see below Frank contact information. As you know, without FA we cannot issue the permit and therefore, it is very important and please act immediately to provide the FA.

Frank Hornbrook, FA Guru in Solid Waste Section  
[Frank.Hornbrook@dep.state.fl.us](mailto:Frank.Hornbrook@dep.state.fl.us)  
Tel: 850-245-8745

In the mean time I will start drafting the UO permit and I will send it to your courtesy review and comment.

That's all

Bheem R. Kothur, P.E., DEE  
Professional Engineer III  
DWM/BS&HW/HW Regulation Section  
Florida Department of Environmental Protection  
MS# 4560, 2600 Blair Stone Road  
Tallahassee, Florida 32399-2400  
Tel: 850-245-8781, FAX: 850-245-8810  
Email: [Bheem.Kothur@dep.state.fl.us](mailto:Bheem.Kothur@dep.state.fl.us)

*The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole 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.*

## **Dregne, James**

---

**From:** Kothur, Bheem  
**Sent:** Tuesday, February 24, 2009 8:15 AM  
**To:** Dregne, James; Knauss, Elizabeth; Peters, Yvonne; Redig, Michael  
**Cc:** Neves, Richard; Graves, Aprilia  
**Subject:** RE: Florida Recycling Solutions

Hello Everyone:

I agree with Jim and Beth, and however; I have a question to the facility that how much oil they are storing and long? To determine whether they need a processing permit or not? If the facility is storing longer than 35 days at a time and or at least 25,000 gallons of UO storage capacity and any person who blends UO with on-specification UO fuel or with virgin petroleum products for the purpose of producing on-specification UO fuel required a processing permit. The permit fee is \$2,000.00. The transporter registration fee of \$100.00 can be waived, if the facility is a permitted.

Otherwise, the facility can be a UO transfer station by meeting such conditions.

That's all

Bheem

**From:** Dregne, James  
**Sent:** Monday, February 23, 2009 8:27 PM  
**To:** Knauss, Elizabeth; Peters, Yvonne; Redig, Michael; Kothur, Bheem; Graves, Aprilia  
**Subject:** Re: Florida Recycling Solutions

Beth is correct. I am not inclined to issue another EPA number to the same address as Aqua Clean and same ownership. We need more information from Mr. Miller as to what he is planning on doing.

---

**From:** Knauss, Elizabeth  
**To:** Peters, Yvonne  
**Cc:** Dregne, James  
**Sent:** Mon Feb 23 16:17:42 2009  
**Subject:** RE: Florida Recycling Solutions

I asked Jim about it last week. He was inclined to reject the application, or at least request additional information on the basis that used oil processors are required to have a permit, and the facility has not filed a permit application. Did Aqua Clean file an updated notification form to separate the operations of the two corporations? You may want to discuss this with the permitting engineers up there.

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**From:** Peters, Yvonne  
**Sent:** Monday, February 23, 2009 3:19 PM  
**To:** Knauss, Elizabeth; Dregne, James  
**Subject:** RE: Florida Recycling Solutions

**Good afternoon, Beth and Jim. ☺**

**Have you had a chance to mull this over? Aprilia Graves took over for Rick Neves and she came by the end of last week asking me about it. It's still on the HWG list on the log so I just wanted to touch base with you and see if you were able to discuss it yet.**

DocLog- ID	PreIndex #	FACILITY ID	ME/WACS ID	FAC Type	Name	City	County	District	Received Date	Day in process	Change Request
<u>4633</u>	230908			(HWG)	Florida Recycling Solutions LLC	Lakeland	Polk	SWD	<u>2/6/2009</u>	17	New Facility/Site

Thank you and have a great day,

*Yvonne D. Peters*

Bureau of Solid and Hazardous Waste  
Hazardous Waste Regulation Section  
2600 Blair Stone Rd, MS 4560  
Tallahassee, FL 32399  
(850) 245-8760  
(850) 245-8810 FAX



Please consider the environment before printing this e-mail.

**From:** Knauss, Elizabeth  
**Sent:** Monday, February 16, 2009 2:34 PM  
**To:** Peters, Yvonne  
**Subject:** RE: Florida Recycling Solutions

Yvonne – I forwarded your message last week to Jim Dregne, because it involves a policy issue. We haven't discussed the particulars yet.

Since the workshop is cancelled, do you know if the Pharm TAG meeting is cancelled too?

**From:** Peters, Yvonne  
**Sent:** Friday, February 13, 2009 3:58 PM  
**To:** Knauss, Elizabeth  
**Subject:** Florida Recycling Solutions

**Hi, Beth.**

**We received the attached 8700-12FL for Florida Recycling Solutions, LLC. I called the gentleman (Dee Miller) to clarify if they occupied the same building or if they bought out Aqua Clean. He said they share the same doublewide at 3210 Whitten Road in Lakeland. They indicate they are a bit different than Aqua Clean as far as activities. I've included a snap shot of Aqua Clean's activities below for your convenience. I**

know normally we might not assign different EPA IDs to the same location, but how would you like to proceed with this one?

Florida Department of Environmental Protection - Enterprise Applications

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ORACLE

Florida Department of Environmental Protection - FIESTA

Florida Integrated Environmental System Today

Handler

Sub. Name: AQUA CLEAN ENVIRONMENTAL CO INC EPA ID: FLR000034033 Initial Source: S Der/Dis Date: 08/27/1997

ME Name: Aqua Clean Environmental Company Inc ME ID: 21896 ME Status: APPR Dis. Reason:

Address: 3210 WHITTEN RD County: 53 POLK Dist: SWD

City: LAKE LAND State: FL Zip: 33811 1086 FEID: Non-Notif flag: X

ACTIVITIES

Receipt Date: 11/18/2008 Source: Inspection Comments: PCW processor

Generator(N) Transporter TSD Used Oil(X) HW Fuel RecYcler Other(X) Uni. Waste Hide Tabs

Marketer Transporter Generator Burner Processor Collection

☐ Marketer ☒ Transporter ☐ Used Oil ☐ Utility Boiler ☐ Processor ☐ PUOCC

☐ First Claimant ☒ Transfer Fac ☐ Oil Filters ☐ Industrial Boiler ☐ Re-refiner

☐ Industrial Furnace

Record 1 of 1

Florida Recycling isn't the transporter, Aqua Clean is. Florida Recycling in notifying as processor, marketer and transfer facility. The facility contact and phone numbers for Florida Recycling are the same for Aqua Clean.

Thank you and have a great day,

*Yvonne D. Peters*

Bureau of Solid and Hazardous Waste  
Hazardous Waste Regulation Section  
2600 Blair Stone Rd, MS 4560  
Tallahassee, FL 32399  
(850) 245-8760  
(850) 245-8810 FAX



Please consider the environment before printing this e-mail.

## **Dregne, James**

---

**From:** Knauss, Elizabeth  
**Sent:** Tuesday, February 24, 2009 12:26 PM  
**To:** Dregne, James  
**Subject:** RE: Florida Recycling Solutions

I've started it, but need to hear back from Aprilia about whether Miller submitted the registration fee before I can finish. I have a call in to her, and will send you the draft as soon as I hear back.

---

**From:** Dregne, James  
**Sent:** Tuesday, February 24, 2009 12:08 PM  
**To:** Knauss, Elizabeth  
**Cc:** Redig, Michael; Kothur, Bheem; Posner, Augusta; Peters, Yvonne; Neves, Richard; Graves, Aprilia  
**Subject:** Re: Florida Recycling Solutions

Beth,

Please draft a letter to Mr. Miller informing him that the Department does not believe it is necessary to issue a second ID number for their Polk county facility.

If Mr. Miller believes a second number is required, he needs to explain why and what unique processes will be performed by each of his companies.

Please send me the draft.

Thanks, Jim

---

**From:** Knauss, Elizabeth  
**To:** Kothur, Bheem; Dregne, James; Peters, Yvonne; Redig, Michael  
**Cc:** Neves, Richard; Graves, Aprilia; Posner, Augusta  
**Sent:** Tue Feb 24 09:34:21 2009  
**Subject:** RE: Florida Recycling Solutions

Bheem – Aqua Clean has a fairly specialized operation that focuses on treating oily waste water, including petroleum contact water and other non-oily industrial waste water like landfill leachate. The facility has previously claimed to be exempt from used oil processing permit requirements based on an interpretation from Raoul Clarke that the permit requirement did not apply because the facility did not store oil outside of its waste water pre treatment unit. All oily waste is unloaded into the WWTU, through hoses, a collection sump or onto a contained treatment pad that drains back to the primary collection sump.

The facility has an oil water separator and registered tanks to hold the separated oil. These have a total capacity of less than 25,000 gallons. Aqua Clean has transferred this material to other used oil processors in the past, and has never marketed used oil fuel directly to burners or claimed that it meets the specification. The facility did not manage used oil filters in the past. Neither Aqua Clean or Florida Recycling has notified as a filter transporter, so I'm not sure who will be bringing them filters to process.

Because the processing functions were previously performed by Aqua Clean, as opposed to Florida Recycling Solutions, I think we need further information from the company on how Aqua Clean's operations are changing and whether Florida Recycling is also claiming to be exempt from the permit requirement.

Also, the form and cover letter did not say that the registration fee was enclosed. Did they pay? Has Aqua Clean applied to renew yet?

**From:** Kothur, Bheem  
**Sent:** Tuesday, February 24, 2009 8:15 AM  
**To:** Dregne, James; Knauss, Elizabeth; Peters, Yvonne; Redig, Michael  
**Cc:** Neves, Richard; Graves, Aprilia  
**Subject:** RE: Florida Recycling Solutions

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**To:** Knauss, Elizabeth; Dregne, James  
**Subject:** RE: Florida Recycling Solutions

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Thank you and have a great day,

*Yvonne D. Peters*

Bureau of Solid and Hazardous Waste  
Hazardous Waste Regulation Section  
2600 Blair Stone Rd, MS 4560  
Tallahassee, FL 32399  
(850) 245-8760  
(850) 245-8810 FAX



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**Subject:** RE: Florida Recycling Solutions

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Florida Department of Environmental Protection - Enterprise Applications

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ORACLE

Florida Department of Environmental Protection - FLESTA

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☐ First Claimant ☒ Transfer Fac ☐ Oil Filters ☐ Industrial Boiler ☐ Re-refiner

☐ Industrial Furnace

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Thank you and have a great day,

*Yvonne D. Peters*

Bureau of Solid and Hazardous Waste  
Hazardous Waste Regulation Section  
2600 Blair Stone Rd, MS 4560  
Tallahassee, FL 32399  
(850) 245-8760  
(850) 245-8810 FAX



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# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blairstone Road  
Tallahassee, Florida 32399-2400

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

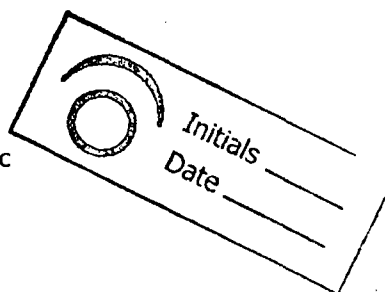
Michael W. Sole  
Secretary

September 24, 2008

W Miller  
Aqua Clean Environmental Company Inc  
3210 Whitten Rd  
Lakeland, FL 33811- 1086

## BE IT KNOWN THAT

Aqua Clean Environmental Company Inc  
3210 Whitten Rd  
Lakeland, FL 33811- 1086



## IS HEREBY REGISTERED AS A USED OIL

Transporter, Transfer Facility

pursuant to Chapter 62-710, Florida Administrative Code (F.A.C)  
The Department of Environmental Protection hereby issues  
Registration Number **FLR000034033** on September 24, 2008

**This registration will expire on 06/30/2009**

This certificate documents receipt of your annual registration  
and annual report. It shall be displayed in a prominent place  
at your facility. This certificate and your cancelled check  
are your receipts.

**Richard C. Neves**  
**Environmental Specialist III**  
**Hazardous Waste Regulation Permitting**

AQUA CLEAN ENVIRONMENTAL  
3210 Whitten Road  
Lakeland, FL 33811

863-644-0665 Phone  
863-646-1880 Fax

## facsimile transmittal

To: Tiffany Nelson Fax: 850-245-8803  
From: Audrey Scruggs Date: 9-24-08  
Re: Form #62 710.901(4) Pages: 2  
CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Please find attached your  
form, completed by our  
insurance company, upon  
your request.

Please let me know if you  
need anything further and  
when we can expect to  
receive our certificate.

Thank you.

. poor original. ....





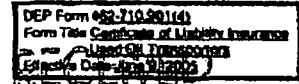
## **Image Quality**

**As you review the next group of images,  
Please note that the original documents  
were of poor quality.**



# Department of Environmental Protection

FDEP MS 4555 2800 Blair Stone Road Tallahassee, Florida 32399-2400



OCT 09 2008

## Certificate of Liability Insurance Used Oil Transporters

BY: BSHW

National Union Fire Ins

Please Print or Type Form

1. Company of Pittsburgh, PA (the Insurer), 70 Pine Street, New York, NY 10270  
(Name of the Insurer) (Address of the Insurer)

hereby certifies that it has issued liability insurance to: Aqua Clean Environmental Company, Inc.  
(Name of the Insured)  
3210 Whitten Road, Lakeland, FL 33811  
(Address of the Insured) whose EPA identification number is FLR000034033

This insurance complies with the insured's obligation to demonstrate the financial responsibility required by Florida

Administrative Code Rule 62-710.600(2)(d). [See page 2 on the back side of this Form]

The insurance is primary and the company shall be liable for amounts up to \$ 1,000,000 CSL less the deductible or retention of \$ 0 for each accident exclusive of legal defense costs. If a deductible or retention is applied, its amount may not exceed 10% of the equity of the insured.

This coverage is provided under policy number [REDACTED], issued on 03/01/2008  
(Date)

The expiration date of said policy is 03/01/2009 or the annual renewal date is 03/01  
(Date) (Date)

2. The Insurer further certifies the following with respect to the insurance described in Paragraph 1:

- Bankruptcy or insolvency of the insured shall not relieve the insurer of its obligations under this policy.
- The Insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the insurer.
- Whenever requested by the Secretary (or designee) of the Florida Department of Environmental Protection (FDEP), the insurer agrees to furnish to the Department a signed duplicate original of the policy and all endorsements.
- Cancellation of the insurance, whether by the insurer or the insured or by any other termination of the insurance (e.g. expiration or non-renewal), will be effective only upon written notice and only after the expiration of thirty (30) days after a copy of such written notice is received by the Secretary of the FDEP as evidenced by certified mail return receipt.
- The Insurer shall not be liable for the payment of any judgment or judgments against the insured for claims resulting from accidents which occur after the termination of the insurance described herein, but such termination shall not affect the liability of the insurer for the payment of any such judgments resulting from accidents which occur during the time the policy is in effect.

I hereby certify that the Insurer is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus (lines insurer) in one or more States, including Florida.

Lisa Carr  
(Signature of Insurer or Authorized Representative)

Lisa Carr  
(Type Name)

SR. UNDERWRITER  
(Title)

Authorized Representative of

National Union Fire Insurance  
Company of Pittsburgh, PA

(Name of Insurer)

One Liberty Place, 1650 Market St  
38th, Philadelphia, PA 19103

(Address of Representative)

**Chapter 62-710.600(2)(e), Florida Administrative Code  
Certification Program for Used Oil Transporters**

(e) Have, verify, and maintain vehicle insurance with a combined single limit of no less than \$1,000,000. Such insurance, or additional policy, must in no way exclude pollution coverage for sudden and accidental alleged or threatened discharge, dispersal, seepage, migration, release or escape of used oil, and must include any cost or expense relating to pollution damage for which the transporter is legally liable. Such insurance must be maintained at all times and be exclusive of legal defense costs.

1. The insurance required in this paragraph may be established by:

a. Evidence of liability insurance, either on a claim made or an occurrence basis, with or without a deductible (with the deductible, if any, to be on a per occurrence or per accident basis and not to exceed ten percent of the equity of the business), using DEP Form 62-710.901(4). The insurance policy shall be issued by an agent or company authorized or licensed to transact business in the State of Florida. An ACORD form will only be accepted for renewal of a policy with the same carrier; or

b. For business entities registered in Florida, evidence of self-insurance provided by the chief financial officer of the business entity.

2. States and the federal government are exempt from the requirements of this paragraph.

Any questions concerning this form may be referred to the Used Oil Coordinator, MS 4555, Department of Environmental Protection 2600 Blair Stone Road, Tallahassee, FL 32399-2400, Phone (850) 245-8754, email: [sebrene.peck@dep.state.fl.us](mailto:sebrene.peck@dep.state.fl.us) . OR Phone (850) 245-8755, email: [richard.neves@dep.state.fl.us](mailto:richard.neves@dep.state.fl.us)

## **Noland, Tiffany**

---

**From:** Neves, Richard  
**Sent:** Monday, August 25, 2008 1:23 PM  
**To:** Bolton Sebrena; Noland, Tiffany  
**Subject:** re: Aqua Clean  
**Attachments:** CERT-INS 08.pdf

I've just ended a pleasant phone conversation with Audrey Scruggs, representing Aqua Clean. During our chat, I noticed that the Certificate of Liability Insurance Form was a 1997 version. The new Rule language (including that for "pollution coverage") is found on the most current Form, attached to this email.

Please forward this Form to Audrey and she said she'd pass it along to her insurer. Seems the insurer had a problem with the Form titled "...Liability..." The new Rule language should remedy this miscommunication. The language is on side two of this form.

Thanks.

### **Rick Neves**

#### **Environmental Specialist**

Florida Department of Environmental Protection

Hazardous Waste Management Section

2600 Blair Stone Road, MS 4555

**Phone: 850-245-8755**

**Fax: 850-245-8811**

Web Page: [http://www.dep.state.fl.us/waste/categories/used\\_oil/default.htm](http://www.dep.state.fl.us/waste/categories/used_oil/default.htm)

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your email communications may be subject to public disclosure.

## Noland, Tiffaney

---

**From:** aqua clean [aquaclean@tampabay.rr.com]  
**Sent:** Monday, September 29, 2008 11:27 AM  
**To:** Noland, Tiffaney  
**Subject:** Re: Used Oil Cert  
**Attachments:** aquaclean.vcf

I received it this time. Thanks. The insurance company was to mail the original. Let me know if you don't receive it by the end of this week. Audrey

Noland, Tiffaney wrote:

> Hi Audrey,  
>  
> Yes, I received it and I e-mailed your certificate that same day. Did  
> you not get it? Let me see if I can find that e-mail. Have you mailed  
> your original-signed copy to us yet?  
>  
> Thanks,  
>  
> Tiffaney Noland  
> Florida Department of Environmental Protection Office Automation  
> Specialist I 2600 Blairstone Road Tallahassee, FL 32399  
> Phone: (850)245-8727  
> Fax: (850)245-8803  
>  
>  
>  
>  
> The Department of Environmental  
>  
> Protection values your feedback as a customer. DEP Secretary Michael  
> W. Sole 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. Copy the url below to a web browser to complete  
> the DEP  
>  
> survey: <http://survey.dep.state.fl.us/?refemail=Tiffaney.Noland@dep.state.fl.us> Thank you  
in advance for completing the survey.  
>  
>  
> From: aqua clean [mailto:aquaclean@tampabay.rr.com]  
> Sent: Monday, September 29, 2008 11:15 AM  
> To: Noland, Tiffaney  
> Subject: Used Oil Cert  
>  
> Good morning Tiffaney,  
>  
> I faxed you last week the completed insurance form you requested.  
> Could you please let me know when we are going to receive our Used Oil Certificate?  
>

> Have a great week. Thanks, Audrey

>

>

## Noland, Tiffaney

---

**From:** aqua clean [aquaclean@tampabay.rr.com]  
**Sent:** Monday, October 06, 2008 3:22 PM  
**To:** Noland, Tiffaney  
**Subject:** Re: Used Oil Cert  
**Attachments:** aquaclean.vcf

I will contact them today and see what happened. Thanks, Audrey

Noland, Tiffaney wrote:

> Hi Audrey,  
>  
> Hope you are doing well. I just wanted to inform you that I have not  
> received the original-signed copy of your Certificate of Liability  
> Insurance form from your Insurance Company. Please let me know when I can expect it.  
>  
> Thank you,  
>  
> Have a great day:)  
> Tiffaney Noland  
> Florida Department of Environmental Protection Office Automation  
> Specialist I 2600 Blairstone Road Tallahassee, FL 32399  
> Phone: (850)245-8727  
> Fax: (850)245-8803  
>  
> -----Original Message-----  
> From: aqua clean [mailto:aquaclean@tampabay.rr.com]  
> Sent: Monday, September 29, 2008 11:27 AM  
> To: Noland, Tiffaney  
> Subject: Re: Used Oil Cert  
>  
> I received it this time. Thanks. The insurance company was to mail  
> the original. Let me know if you don't receive it by the end of this  
> week. Audrey  
>  
> Noland, Tiffaney wrote:  
>  
>> Hi Audrey,  
>>  
>> Yes, I received it and I e-mailed your certificate that same day.  
>> Did you not get it? Let me see if I can find that e-mail. Have you  
>> mailed your original-signed copy to us yet?  
>>  
>> Thanks,  
>>  
>> Tiffaney Noland  
>> Florida Department of Environmental Protection Office Automation  
>> Specialist I 2600 Blairstone Road Tallahassee, FL 32399  
>> Phone: (850)245-8727  
>> Fax: (850)245-8803  
>>  
>>  
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>>  
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>>

>> The Department of Environmental  
>>  
>> Protection values your feedback as a customer. DEP Secretary Michael  
>> W. Sole 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. Copy the url below to a web browser to complete  
>> the DEP  
>>  
>> survey:  
>>  
> <http://survey.dep.state.fl.us/?refemail=Tiffany.Noland@dep.state.fl.us>  
> s Thank you in advance for completing the survey.  
>  
>> From: aqua clean [mailto:aquaclean@tampabay.rr.com]  
>> Sent: Monday, September 29, 2008 11:15 AM  
>> To: Noland, Tiffany  
>> Subject: Used Oil Cert  
>>  
>> Good morning Tiffany,  
>>  
>> I faxed you last week the completed insurance form you requested.  
>> Could you please let me know when we are going to receive our Used  
>> Oil  
>>  
> Certificate?  
>  
>> Have a great week. Thanks, Audrey  
>>  
>>  
>>  
>  
>  
>



## Noland, Tiffaney

---

**From:** aqua clean [aquaclean@tampabay.rr.com]  
**Sent:** Wednesday, October 08, 2008 11:05 AM  
**To:** Noland, Tiffaney  
**Subject:** Re: Used Oil Cert  
**Attachments:** aquaclean.vcf

Tiffaney, I spoke with our insurance company this morning. Your original is going out to you today from Richmond Va. Have a great day. Audrey

Noland, Tiffaney wrote:

> Hi Audrey,  
>  
> That would be great :)  
>  
> Thanks,  
>  
> Tiffaney Noland  
> Florida Department of Environmental Protection Office Automation  
> Specialist I 2600 Blairstone Road Tallahassee, FL 32399  
> Phone: (850)245-8727  
> Fax: (850)245-8803  
>  
> -----Original Message-----  
> From: aqua clean [mailto:aquaclean@tampabay.rr.com]  
> Sent: Monday, October 06, 2008 4:25 PM  
> To: Noland, Tiffaney  
> Subject: Re: Used Oil Cert  
>  
> Hi Tiffany, I just heard from the insurance company. They "misunderstood"  
> your needing the original. They will try to have it to me by  
> Wednesday. Why they won't send it directly to you I do not know.  
> But at any rate, as soon as I receive it I will forward on to you.  
> Sorry. Thanks, Audrey  
>  
> Noland, Tiffaney wrote:  
>  
>> Hi Audrey,  
>>  
>> Hope you are doing well. I just wanted to inform you that I have not  
>> received the original-signed copy of your Certificate of Liability  
>> Insurance form from your Insurance Company. Please let me know when  
>> I can  
>>  
> expect it.  
>  
>> Thank you,  
>>  
>> Have a great day:)  
>> Tiffaney Noland  
>> Florida Department of Environmental Protection Office Automation  
>> Specialist I 2600 Blairstone Road Tallahassee, FL 32399  
>> Phone: (850)245-8727  
>> Fax: (850)245-8803

>>  
>> -----Original Message-----  
>> From: aqua clean [mailto:aquaclean@tampabay.rr.com]  
>> Sent: Monday, September 29, 2008 11:27 AM  
>> To: Noland, Tiffaney  
>> Subject: Re: Used Oil Cert  
>>  
>> I received it this time. Thanks. The insurance company was to mail  
>> the original. Let me know if you don't receive it by the end of this  
>> week. Audrey  
>>  
>> Noland, Tiffaney wrote:  
>>  
>>  
>>> Hi Audrey,  
>>>  
>>> Yes, I received it and I e-mailed your certificate that same day.  
>>> Did you not get it? Let me see if I can find that e-mail. Have you  
>>> mailed your original-signed copy to us yet?  
>>>  
>>> Thanks,  
>>>  
>>> Tiffaney Noland  
>>> Florida Department of Environmental Protection Office Automation  
>>> Specialist I 2600 Blairstone Road Tallahassee, FL 32399  
>>> Phone: (850)245-8727  
>>> Fax: (850)245-8803  
>>>  
>>>  
>>>  
>>>  
>>> The Department of Environmental  
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>>> Protection values your feedback as a customer. DEP Secretary Michael  
>>> W. Sole 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. Copy the url below to a web browser to  
>>> complete the DEP  
>>>  
>>> survey:  
>>>  
>>>  
>>> <http://survey.dep.state.fl.us/?refemail=Tiffaney.Noland@dep.state.fl>.  
>>> u s Thank you in advance for completing the survey.  
>>>  
>>>  
>>> From: aqua clean [mailto:aquaclean@tampabay.rr.com]  
>>> Sent: Monday, September 29, 2008 11:15 AM  
>>> To: Noland, Tiffaney  
>>> Subject: Used Oil Cert  
>>>  
>>> Good morning Tiffaney,  
>>>

>>> I faxed you last week the completed insurance form you requested.  
>>> Could you please let me know when we are going to receive our Used  
>>> Oil  
>>>  
>>>  
>> Certificate?  
>>  
>>  
>>> Have a great week. Thanks, Audrey  
>>>  
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## Noland, Tiffany

---

**From:** aqua clean [aquaclean@tampabay.rr.com]  
**Sent:** Friday, October 10, 2008 8:35 AM  
**To:** Noland, Tiffany  
**Subject:** Re: Used Oil Cert  
**Attachments:** aquaclean.vcf

You are welcome. Thank you for your patience and assistance. Have an awesome weekend.  
Thanks, Audrey

Noland, Tiffany wrote:

> Hi Audrey,  
>  
> I received it yesterday. Thank you so much for taking care of this.  
>  
> Have a Great Day!  
> Tiffany Noland  
> Florida Department of Environmental Protection Office Automation  
> Specialist I 2600 Blairstone Road Tallahassee, FL 32399  
> Phone: (850)245-8727  
> Fax: (850)245-8803  
>  
> -----Original Message-----  
> From: aqua clean [mailto:aquaclean@tampabay.rr.com]  
> Sent: Monday, October 06, 2008 4:25 PM  
> To: Noland, Tiffany  
> Subject: Re: Used Oil Cert  
>  
> Hi Tiffany, I just heard from the insurance company. They "misunderstood"  
> your needing the original. They will try to have it to me by  
> Wednesday. Why they won't send it directly to you I do not know.  
> But at any rate, as soon as I receive it I will forward on to you.  
> Sorry. Thanks, Audrey  
>  
> Noland, Tiffany wrote:  
>  
>> Hi Audrey,  
>>  
>> Hope you are doing well. I just wanted to inform you that I have not  
>> received the original-signed copy of your Certificate of Liability  
>> Insurance form from your Insurance Company. Please let me know when  
>> I can  
>>  
> expect it.  
>  
>> Thank you,  
>>  
>> Have a great day:)  
>> Tiffany Noland  
>> Florida Department of Environmental Protection Office Automation  
>> Specialist I 2600 Blairstone Road Tallahassee, FL 32399  
>> Phone: (850)245-8727  
>> Fax: (850)245-8803  
>>  
>> -----Original Message-----

>> From: aqua clean [mailto:aquaclean@tampabay.rr.com]  
>> Sent: Monday, September 29, 2008 11:27 AM  
>> To: Noland, Tiffaney  
>> Subject: Re: Used Oil Cert  
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>> I received it this time. Thanks. The insurance company was to mail  
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>>> mailed your original-signed copy to us yet?  
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>>> Thanks,  
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>>> Tiffaney Noland  
>>> Florida Department of Environmental Protection Office Automation  
>>> Specialist I 2600 Blairstone Road Tallahassee, FL 32399  
>>> Phone: (850)245-8727  
>>> Fax: (850)245-8803  
>>>  
>>>  
>>>  
>>>  
>>> The Department of Environmental  
>>>  
>>> Protection values your feedback as a customer. DEP Secretary Michael  
>>> W. Sole is committed to continuously assessing and  
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>>> improving the level and quality of services provided to you. Please  
>>> take a few minutes to comment on the quality of  
>>>  
>>> service you received. Copy the url below to a web browser to  
>>> complete the DEP  
>>>  
>>> survey:  
>>>  
>>>  
>> <http://survey.dep.state.fl.us/?refemail=Tiffaney.Noland@dep.state.fl>.  
>> u s Thank you in advance for completing the survey.  
>>  
>>  
>>> From: aqua clean [mailto:aquaclean@tampabay.rr.com]  
>>> Sent: Monday, September 29, 2008 11:15 AM  
>>> To: Noland, Tiffaney  
>>> Subject: Used Oil Cert  
>>>  
>>> Good morning Tiffaney,  
>>>  
>>> I faxed you last week the completed insurance form you requested.  
>>> Could you please let me know when we are going to receive our Used

>>> Oil  
>>>  
>>>  
>> Certificate?  
>>  
>>  
>>> Have a great week. Thanks, Audrey  
>>>  
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>  
>



Department of Environmental Protection  
Post Office Box 3070 Tallahassee, Florida 32399-2400

480741 FEB21 2008

DEP Form #62-710.901(1)  
Form Title Application for Registration  
Used Oil & Oil Filter Handlers  
Effective Date June 9, 2005

## Application for Registration Used Oil and Oil Filter Handlers\*

\*Handlers are any persons subject to the registration requirements of Rule 62-710.500 and 62-710.850, F.A.C. (see item 4b below)  
For registration period July 1, 2007 through June 30, 2008 2009

Please print or type

1. Business Name Aqua Clean Environmental Co. INC. FEID No. 54-1803483  
DBA (Doing Business As) \_\_\_\_\_ Telephone No. 863 644-0665  
Business Mailing Address: 3210 Whitten Road  
City: Lakeland County Polk State: FL Zip Code: 33811  
Site Address: Same  
City: \_\_\_\_\_ County \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

2. Name of Contact Person (if different from owner/operator) W.D. Miller III  
Telephone No. 863 644-0665 email: aqaclean@tampabay.rr.com

3. The records required under the provisions of Rule 62-710.510, F.A.C. are kept (check one):  
☐ at our mailing (business) address ☒ at the site (facility) address

4. Make \$100.00 fee check or money order payable to Florida Department of Environmental Protection

4a. Registration Status: \_\_\_\_\_ New ☒ Renewal EPA ID No. FLR 000034033

4b. Check boxes which apply to your used oil/used oil filter activity(ies).

Used Oil: ☒ Transporter ☒ Transfer Facility ☐ Collection Center/Aggregation Point ☐ Marketer ☐ Processor  
☐ Burner of off-spec used oil

Used Oil Filter: ☐ Transporter ☐ Transfer Facility ☐ Processor ☐ End User

5. Certification

5a. General Certification to be signed by all Registrants:

To the best of my knowledge and belief I certify the information provided in this application is true, accurate and correct.

W.D. Miller III

Name of Authorized Person (Print or Type)

W.D. Miller III

Signature of Authorized person

2/18/08

Date

5b. Specific Certification to be signed by all Used Oil Transporters

(Except those exempted by Rule 62-710.600(1), F.A.C.)

I certify as a Used Oil Transporter that the training program and financial responsibility required under Section 62-710.600, F.A.C., are in place, current and being adhered to. If any modifications have been made to the originally approved training program, they are explained in attachments to this registration form. Evidence of financial responsibility is demonstrated by the attached Used Oil Transporter Certificate of Liability Insurance, DEP form 62-710.901(4), F.A.C.

W.D. Miller III

Name of Authorized Person (Print or Type)

W.D. Miller III

Signature of Authorized person

2/18/08

Date

## Instructions for Used Oil Registration Form

Use this form to comply with the requirements for registration of used oil and used oil filter transportation and processing operations found in Sections 620-710.500 and 62-710.850, Florida Administrative Code (F.A.C.).

### Who must register?

1. Each person who transports over public highways used oil in shipments greater than 55-gallons.
2. Each person who processes used oil for recycling.
3. Each person who markets used oil.
4. Each person who burns off-specification used oil fuel for energy recovery.
5. Each person who transports for hire used oil filters.
6. Each person who accepts shipments of segregated used oil filters from a non-registered person.
7. Used oil filter transporters and transfer facilities.
8. Used oil filter processors.

### Who must certify?

1. Any person transporting over public highways more than 500 gallons of used oil annually, except those exempted under 62-710.600(1), F.A.C.

### Definitions

1. "Used oil processing" means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other oil-derived products. Processing includes: blending used oil with virgin petroleum products, blending used oils to meet the fuel specifications, filtration, simple distillation, chemical or physical separation.
2. "Used oil marketer" means any person who: a) directs a shipment of off-specification used oil from their facility to a used oil burner, or b) first claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Part 279.11 of the Chapter 40 of the Code of Federal Regulations (CFR).
3. "Used oil burner" means a facility where used oil not meeting the specifications in 40 CFR, Part 279.11 is burned for energy recovery in devices identified in 40 CFR Part 279.61(a).
4. "Used oil filter" means any device which is an integral part of an oil flow system, the primary purpose of which is to remove contaminants from the flowing oil contained within the system and, as a result of use, has become contaminated and unsuitable for its original purpose, is removed from service, and contains entrapped used oil.

### Section 1

**Business Name:** Give the business name under which you are applying for registration.

**DBA:** If you are doing used oil business at your facility location under a fictitious name other than the business name listed above, you are required to submit these fictitious names on your application in order for your registration number to apply to these operations.

**FEID:** Your federal employer identification number, or your social security number used for tax purposes.

### Section 4

Your EPA ID number (obtained by submitting EPA Form 8700-12 to this Department) will serve as your used oil activity identification number. If you are renewing, your registration number will remain the same from year to year. However, your registration number must be updated annually. Your registration will be valid from July 1 of the year of registration or the initial registration to June 30 of the following year. There is one registration fee of \$100.00 per site, regardless of the number of used oil activities your business is involved in at that site.

### Section 5

Each person who fills out this registration form must sign the General Certification clause (5a). Each person who transports over public highways more than 500 gallons of used oil annually, except those exempted under 62-710.600(1), F.A.C., must sign the Specific Certification (5b).

#### 62-710.600 Certification of Used Oil Transporters

(1) Any person who transports over public highways after January 1, 1990, more than 500 gallons of used oil annually, not including oily waste, shall be a certified used oil transporter, except:

(a) Local governments or private solid waste haulers under contract to a local government that transport used oil collected from households to a public used oil collection center, or

(b) Any used oil transporter that transports its own used oil, which is generated at its own noncontiguous facilities to its own central collection facility for storage, processing, or energy recovery. However, such used oil transporters shall provide proof of financial responsibility required in paragraph (2)(e) of this section.

Any questions concerning this form may be referred to the Used Oil Coordinator, MS 4555, Department of Environmental Protection 2600 Blair Stone Road, Tallahassee, FL 32399-2400,  
Phone (850) 245-8754, email: [sebrene.peck@dep.state.fl.us](mailto:sebrene.peck@dep.state.fl.us), OR  
Phone (850) 245-8755, email: [richard.neves@dep.state.fl.us](mailto:richard.neves@dep.state.fl.us)





# Department of Environmental Protection

FDEP, MS 4555, 2800 Blair Stone Road Tallahassee, Florida 32399-2400

DEP Form #92-710.901(3)  
Form Title Annual Report by Used Oil  
and Used Oil Filter Handlers  
Effective Date June 9, 2005

## Annual Report by Used Oil and Used Oil Filter Handlers\*

(\*Handlers are any persons subject to the registration requirements of rule 62-710.500 and 62-710.850, F.A.C. [See Section A, Box 5 below])  
for reporting period January 1, 2006 through December 31, 2006 2007  
Use the information recorded in your Record Keeping Form (62-710.901(2)) or equivalent to complete this document

### SECTION A TO BE COMPLETED BY ALL REGISTERED PERSONS

1. Company Name: Agua Clean Environmental Co. INC. 2. Telephone No. (863) 644-0665  
Site Address: 3210 Whitten Rd. Lakeland, FL 33811  
3. EPA ID No. FLR 000 034 033

o Check box if any of the above items (1-3) have changed since your last registration

4. Name of person preparing report (please print) W.D. Miller III  
Title General Manager Phone number (if different from #2, above) ( )

5. Type of operation (check as many as apply to your operations)

Used Oil: ☒ Transporter ☒ Transfer Facility o Collection Center/Aggregation Point o Processor o Marketer

o Burner (of off-specification used oil)

Used Oil Filter: o Transporter o Transer Facility o Processor o End User

### SECTION B USED OIL (TO BE COMPLETED BY ALL REGISTERED USED OIL HANDLERS. USED OIL FILTER HANDLERS SEE SECTION C)

1. Amount (in gallons) of Used Oil and Oily Wastes collected

a. In Florida.....

b. From out of state.....

c. Beginning Inventory.....

d. Total (sum of totals from Lines a + b + c).....

Automotive	Industrial	Mixed	Total
0	0	546729	546729
0	0	0	0
			0
			546729

2. Amount (in gallons) of Used Oil and Oily Wastes Managed

N - Not an end use, transferred to another facility for storage or processing.....

O - Marketed as an on-specification used oil fuel.....

F - Marketed as an off-specification used oil fuel.....

I - Marketed for an industrial process.....

B - Burned as an off-specification used oil fuel .....

D - Disposed of

Landfilled.....

Treated at a wastewater treatment unit.....

Incinerated.....

3. Total amount (in gallons) of used oil managed.....

4. End of year, on hand estimate (Difference between Lines 1D and Line 3).....

In State	Out of State
0	0
0	0
0	0
0	0
0	0
49430	0
497299	0
0	0
546729	0
0	0

**SECTION C USED OIL FILTERS (OPTIONAL) (USE TABLE BELOW FOR CONVERSIONS)**

CHECK COLUMN IF OUT OF STATE

1. Number of filters on hand from previous year.....
2. Number of used oil filters collected.....
3. Total number of used oil filters on hand at beginning of year.....
4. Disposition of used oil filters collected:
  - a. Transferred to another registered facility.....
  - b. Burned for energy recovery at a Waste-To-Energy facility.....
  - c. Transferred directly to a metal foundry for recycling.....
  - d. TOTAL.....
5. End of year, on hand estimate (Difference between Lines 3 and Line 4d).....
6. Gallons of used oil collected as a result of filter processing.....
7. Gallons of used oil transferred to a used oil handler (transporter or processor).....
8. Volume of oily waste collected and managed as a result of filter processing.....
9. Description of oily waste management.....

0	
0	
0	
0	
0	
0	
0	
0	
0	
0	

**DIRECTIONS FOR SECTION C**

Conversion Table

One 55-gallon drum of <b>crushed</b> used oil filters = approximately <b>400</b> used oil filters
One 55 gallon drum of <b>uncrushed</b> used oil filters = approximately <b>250</b> used oil filters
One ton of drained used oil filters = approximately <b>2,350</b> used oil filters

1. Enter the number of Used Oil Filters on hand, from previous year's inventory.
2. Enter the number of Used Oil Filters collected.
3. Enter the sum of Line 1 + Line 2.
4. Enter the number of filters managed by your facility in blocks 4a-c. Enter the sum of 4a-c in block 4d.
5. Enter the number of filters on hand at your site as of December 31, last year.
6. Fill in the number of gallons of used oil collected by your filter operation.
7. Enter the number of gallons transferred to a used oil transporter or processor.
8. List the volume (gallons or cubic yards) of the oily wastes collected through your filter handling. Oily wastes are identified in Chapter 62-710.201(1) of the Florida Administrative Code and include bottom sludges, sorbents, wipes etc.
9. Describe how oily wastes were managed (sent to a WTE, hazardous waste facility, landfilled after appropriate testing, etc.).

Any questions concerning this form may be referred to the Used Oil Coordinator, MS 4555, Department of Environmental Protection 2600 Blair Stone Road, Tallahassee, FL 32399-2400, Phone (850) 245-8754, email: [sebreza.peck@dep.state.fl.us](mailto:sebreza.peck@dep.state.fl.us), OR Phone (850) 245-8755, email: [richard.neves@dep.state.fl.us](mailto:richard.neves@dep.state.fl.us)

<b>ACORD™ CERTIFICATE OF LIABILITY INSURANCE</b>		DATE (MM/DD/YYYY) 01/24/06
<b>PRODUCER</b>  Wachovia Insurance Services 9020 Stony Point Parkway Suite 200 Richmond, VA 23235	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
<b>INSURED</b>  Aqua Clean Environmental Co Inc. Attn: Dee Miller 3210 Whitten Road Lakeland, FL 33811	<b>INSURERS AFFORDING COVERAGE</b>  INSURER A: American Intern Specialty Lns INSURER B: INSURER C: INSURER D: INSURER E:	<b>NAIC #</b>       

**COVERAGES**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR	ADD'L LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
		<b>GENERAL LIABILITY</b> <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$
		<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		<b>GARAGE LIABILITY</b> <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
		<b>EXCESS/UMBRELLA LIABILITY</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE  <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
		<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A		<b>OTHER Pollution</b> <b>Legal Liability</b>		10/13/05	10/13/08	\$1,000,000 Ea Incident \$1,000,000 Cov Sec Agg \$1,000,000 Policy Agg.

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS**

Covered Location: 3210 Whitten Road, Lakeland, FL 33811

Poll. Cov. for On-Site Clean-up of New Conditions; 3rd Party Claims for On-Site BI &amp; PD;

3rd Party Claims for Off-Site Clean-up resulting from New Conditions; 3rd Party Claims

for Off-Site BI &amp; PD.

**PROOF OF INSURANCE****CERTIFICATE HOLDER****CANCELLATION****TO WHOM IT MAY CONCERN**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

*John E. Mitchell*

Client#: 211953

VIRGAME1

**ACORD<sup>TM</sup> CERTIFICATE OF LIABILITY INSURANCE**DATE (MM/DD/YYYY)  
02/28/2007**PRODUCER**

Whovia Insurance Services, Inc.  
Stony Point Parkway  
Suite 200  
Richmond, VA 23235

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

**INSURERS AFFORDING COVERAGE****NAIC #**

INSURER A: National Union Fire Ins Co of Pitts,

19445

INSURER B: American Home Assurance Company

19380

INSURER C:

INSURER D:

INSURER E:

**INSURED**

Aqua Clean Environmental Company, Inc.  
3210 Whitten Road  
Lakeland, FL 33811

**COVERAGES**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A		GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC		03/01/07	03/01/08	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$500,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COM/OP AGG \$2,000,000
A		AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		03/01/07	03/01/08	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
A		EXCESS/UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE  DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$ 10000		03/01/07	03/01/08	EACH OCCURRENCE \$25,000,000 AGGREGATE \$25,000,000 \$ \$ \$
B	B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER		03/01/07 03/01/07	03/01/08 03/01/08	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

**Evidence of Insurance****CERTIFICATE HOLDER****CANCELLATION****Evidence of Insurance**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Marion L. Caldwell

## IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

## DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

**ACORD<sup>TM</sup> CERTIFICATE OF LIABILITY INSURANCE**DATE (MM/DD/YYYY)  
02/29/2008

## PRODUCER

Nachovia Insurance Services, Inc.  
9020 Stony Point Parkway  
Suite 200  
Richmond, VA 23235

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION  
ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE  
HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR  
ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

## INSURED

Aqua Clean Environmental Company, Inc.  
3210 Whitten Road  
Lakeland, FL 33811

## INSURERS AFFORDING COVERAGE

## NAIC #

INSURER A: National Union Fire Ins Co of Pitts,

19446

INSURER B: Insurance Company of the State of PA

19429

INSURER C:

INSURER D:

INSURER E:

## COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

VER ADD LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A		GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC		03/01/08	03/01/09	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (EA OCC/ACCIDENT) \$500,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000
A		AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		03/01/08	03/01/09	COMBINED SINGLE LIMIT (EA accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
A		EXCESS/UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE  DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$10000		03/01/08	03/01/09	EACH OCCURRENCE \$25,000,000 AGGREGATE \$25,000,000 \$ \$ \$
B		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below		03/01/08	03/01/09	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000
B		OTHER				

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

## EVIDENCE OF INSURANCE

## CERTIFICATE HOLDER

TO WHOM IT MAY CONCERN

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Marion L. Caldwell

poor original

AQUA CLEAN ENVIRONMENTAL CO., INC.  
SPECIAL OPERATING  
PO BOX 26287  
RICHMOND, VA 23260-6287

VENDOR NO.

VENDOR NAME

002441

TRANSACTION DATE	REFERENCE	GROSS AMOUNT	DEDUCTION	NET AMOUNT
E7504500000				
CHECK DATE	CHECK NO.	TOTAL GROSS	TOTAL DEDUCTION	CHECK AMOUNT

**Dregne, James**

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**From:** Peters, Yvonne  
**Sent:** Monday, February 23, 2009 3:19 PM  
**To:** Knauss, Elizabeth; Dregne, James  
**Subject:** RE: Florida Recycling Solutions

**Good afternoon, Beth and Jim. ☺**

**Have you had a chance to mull this over? Aprilia Graves took over for Rick Neves and she came by the end of last week asking me about it. It's still on the HWG list on the log so I just wanted to touch base with you and see if you were able to discuss it yet.**

DocLog- ID	PreIndex #	FACILITY ID	ME/WACS ID	FAC Type	Name	City	County District	Received Date	Day in process	Change Request
<u>4633</u>	230908			(HWG)	Florida Recycling Solutions LLC	Lakeland	Polk SWD	<u>2/6/2009</u>	17	New Facility/Site

Thank you and have a great day,

*Yvonne D. Peters*

Bureau of Solid and Hazardous Waste  
Hazardous Waste Regulation Section  
2600 Blair Stone Rd, MS 4560  
Tallahassee, FL 32399  
(850) 245-8760  
(850) 245-8810 FAX



Please consider the environment before printing this e-mail.

**From:** Knauss, Elizabeth  
**Sent:** Monday, February 16, 2009 2:34 PM  
**To:** Peters, Yvonne  
**Subject:** RE: Florida Recycling Solutions

Yvonne – I forwarded your message last week to Jim Dregne, because it involves a policy issue. We haven't discussed the particulars yet.

Since the workshop is cancelled, do you know if the Pharm TAG meeting is cancelled too?

**From:** Peters, Yvonne  
**Sent:** Friday, February 13, 2009 3:58 PM  
**To:** Knauss, Elizabeth  
**Subject:** Florida Recycling Solutions

**Hi, Beth.**

**We received the attached 8700-12FL for Florida Recycling Solutions, LLC. I called the gentleman (Dee Miller) to clarify if they occupied the same building or if they bought**



out Aqua Clean. He said they share the same doublewide at 3210 Whitten Road in Lakeland. They indicate they are a bit different than Aqua Clean as far as activities. I've included a snap shot of Aqua Clean's activities below for your convenience. I know normally we might not assign different EPA IDs to the same location, but how would you like to proceed with this one?

Florida Department of Environmental Protection - Enterprise Applications

Fiesta Pre-Handler Handlers Maint Reports Help Back Window

ORACLE

Florida Department of Environmental Protection - FIESTA

Handler

Sub. Name: AQUA CLEAN ENVIRONMENTAL CO INC EPA ID: FLR000034033 Initial Source: S Der/Dis Date: 08/27/1997

ME Name: Aqua Clean Environmental Company Inc ME ID: 21896 ME Status: APPR Dis. Reason:

Address: 3210 WHITTEN RD County: 53 POLK Dist: SWD

City: LAKELAND State: FL Zip: 33811 1086 FEID: Non-Notif flag: x

ACTIVITIES

Receipt Date: 11/18/2008 Source: Inspection Comments: PCW processor

Generator(N) Transporter TSD Used Oil(X) HW Fuel Recycler Other(X) Uni. Waste Hide Tabs

Marketer ☐ Marketer ☒ Transporter ☐ Used Oil ☐ Utility Boiler ☐ Processor ☐ PUOCC

☐ First Claimant ☒ Transfer Fac ☐ Oil Filters ☐ Industrial Boiler ☐ Re-refiner

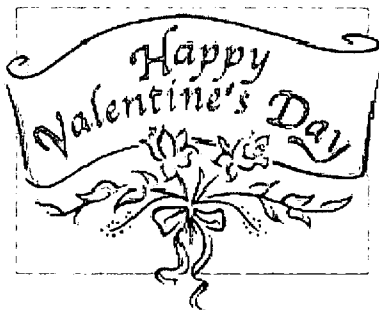
☐ Industrial Furnace

Florida Recycling isn't the transporter, Aqua Clean is. Florida Recycling in notifying as processor, marketer and transfer facility. The facility contact and phone numbers for Florida Recycling are the same for Aqua Clean.

Thank you and have a great day,

*Yvonne D. Peters*

Bureau of Solid and Hazardous Waste  
Hazardous Waste Regulation Section  
2600 Blair Stone Rd, MS 4560  
Tallahassee, FL 32399  
(850) 245-8760  
(850) 245-8810 FAX



Please consider the environment before printing this e-mail.



FEB 02 2009

Meredith Sherman  
Direct Dial: 813-222-3337  
Direct Fax: 813-384-2805  
msherman@fowlerwhite.com

January 30, 2009

Sebrena Bolton  
Florida Dept. of Environmental Protection  
Hazardous Waste Regulation Section  
2600 Blair Stone Road, MS 4560  
Tallahassee, FL 32399-2400

Re: Florida Recycling Solutions, LLC  
DEP Form 8700-12FL  
Application for EPA ID Number for used oil activities

Dear Ms. Bolton:

Please see the enclosed Florida Recycling Solutions, LLC application for used oil activities. I would like to thank you in advance for your assistance with this matter.

Please contact me should you have any questions or require additional information.

Sincerely,

FOWLER WHITE BOGGS P.A.

Meredith Sherman

Enclosure

40580465v1



**FOWLER WHITE BOGGS P.A.**

TAMPA • FORT MYERS • TALLAHASSEE • JACKSONVILLE • FORT LAUDERDALE

501 EAST KENNEDY BLVD., SUITE 1700 • TAMPA, FLORIDA 33602 • P.O. BOX 1438 • TAMPA, FL 33601  
TELEPHONE (813) 228-7411 • FAX (813) 229-8313 • [www.fowlerwhite.com](http://www.fowlerwhite.com)

Date Received  
(for FDEP Official Use Only)

[illegible]

1. Reason for Submittal	Mark 'X' in correct box:	<input checked="" type="checkbox"/> To provide <u>initial notification</u> (to obtain an EPA ID Number for hazardous waste, universal waste, or <u>used oil activities</u> ). <input type="checkbox"/> To provide <u>subsequent notification</u> (to update status and facility identification information). <input type="checkbox"/> Is this the <u>final notification</u> (see instructions) for the facility?
-------------------------	--------------------------	--

2. Facility or Business Name	Florida Recycling Solutions, LLC	FEID No.	26-4144969
------------------------------	----------------------------------	----------	------------

<b>3. Facility Operator</b> (List additional Operators in the comments section).	<b>Name of Operator:</b> Florida Recycling Solutions, LLC		<input checked="" type="checkbox"/> <b>New Operator</b> <b>Date became Operator:</b> /    / mm    dd    yy	
	<b>Street or P.O. Box:</b> 3210 Whitten Road		<b>Phone Number:</b> 863-644-0665	
	<b>City or Town:</b> Lakeland		<b>State:</b> FL	<b>Zip Code:</b> 33811
	<b>Operator Type:</b> <input checked="" type="checkbox"/> Private <input type="checkbox"/> Federal <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other _____			

4. Facility Physical Location Information	Physical Street Address: 3210 Whitten Road			
	City or Town: Lakeland		State: FL	Zip Code: 33811
	County: Choose__ Polk		If available, please attach a map or sketch of the facility boundaries.	
	Latitude: 28 00 19.4 dd mm ss.ssss		Longitude: 82 02 34.36 dd mm ss.ssss	
		Method: GPS Datum:		

5. Facility North American Industry Classification System (NAICS) Code(s)	A. 562 219	B.
	C.	D.

6. Facility or Business Mailing Address	Street Address or P.O. Box: 3210 Whitten Road		
	City or Town: Lakeland	State: FL	Zip Code: 33811

7. Facility or Business Contact Person	First Name: W. Dee		Last Name: Miller		Title: General Manager	
	Phone Number: 863-644-0665		Extension:		E-Mail:	
	Street or P.O. Box: 3210 Whitten Road					
	City or Town: Lakeland			State: FL		Zip Code: 33811

<b>8. Real Property (Land) Owner of the Facility's Physical Location</b> (List additional real property owners in the comments section.)	<b>Name of Real Property (Land) Owner:</b> Aqua Clean Environmental Company, Inc.		<input type="checkbox"/> New Owner Date became Owner: 01 / 17 / 97 <div style="text-align: right;">mm dd yy</div>	
	<b>Street or P.O. Box:</b> 3210 Whitten Road		<b>Phone Number:</b> 863-644-0665	
	<b>City or Town:</b> Lakeland		<b>State:</b> FL	<b>Zip Code:</b> 33811
	<b>Owner Type:</b> <input checked="" type="checkbox"/> Private <input type="checkbox"/> Federal <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other _____			

**9. Type of Regulated Waste Activity ( Mark 'X' in all that apply):****A. Hazardous Waste Activities:****(1) Generator of Hazardous Waste**

(Choose only one of the following three categories.)

- ☐ a. Large Quantity Generator (LQG):  
Generates in any calendar month 1,000 kilograms or greater per month (kg/mo) (2,200 lbs.) of *non-acute* hazardous waste; **or** Greater than 1 kg (2.2 lbs) of *acute* hazardous waste
- ☐ b. Small Quantity Generator (SQG):  
Generates in any calendar month greater than 100kg/mo but less than 1,000 kg/mo (>220 to <2,200 lbs.) of *non-acute* hazardous waste and/or 1 kg (2.2 lbs) or less of *acute* hazardous waste
- ☐ c. Conditionally Exempt SQG (CESQG):  
Generates in any calendar month 100 kg/mo or less (220 lbs.) of *non-acute* hazardous waste and 1 kg (2.2 lbs) or less of *acute* hazardous waste

In addition, indicate other generator activities that apply.

- ☐ d. United States Importer of hazardous waste
- ☐ e. Mixed Waste (hazardous and radioactive) Generator

For Items 2 through 7, mark 'X' in all that apply.

**(2) Treater, Storer, or Disposer of Hazardous Waste**

(at your facility) Note: A hazardous waste permit may be required for this activity.

- ☐ a. Operating Commercial TSD
- ☐ b. Operating Non-commercial TSD
- ☐ c. Non-operating: Postclosure or Corrective Action Permit or Consent Order (HSWA, etc.)

**(3) Recycler of Hazardous Waste (at your facility)**Specify: ☐ Commercial; ☐ Non-Commercial.

A permit is required for storage prior to recycling.

**(4) Exempt Boiler and/or Industrial Furnace**

- ☐ a. Small Quantity On-site Burner Exemption
- ☐ b. Smelting, Melting, and Refining Furnace Exemption

**(5) Person Authorized to Manage Conditionally Exempt Waste Generated at Other Facilities - Choose this management activity ONLY if you attach EITHER a copy of your application for such authorization OR the authorization you received from FDEP.****(6) Underground Injection Control - Mark an 'X' even if the UIC well at your facility does not receive hazardous waste.**

- (7) ☐ Transporter of Hazardous Waste** [ Note: A Certificate of Liability Insurance is required along with this registration.]  
Registration must be renewed annually. ☐ a. For own waste only ☐ b. For commercial purposes

**c. Hazardous Waste Transporter Insurance Information**

Insurance Company \_\_\_\_\_

Address \_\_\_\_\_

Contact \_\_\_\_\_

Telephone \_\_\_\_\_

Policy Number \_\_\_\_\_

Expiration date \_\_\_\_\_

- d. Transportation Mode** ☐ Air ☐ Rail ☐ Highway ☐ Water ☐ Other - specify \_\_\_\_\_

- e. ☐ Hazardous Waste Transfer Facility:** Storage Volume \_\_\_\_\_

☐ **Initial notification**

The following items are required to be submitted with the initial notification for a transfer facility [Rule 62-730.171(3).

Florida Administrative Code (F.A.C.)]:

- ☐ Certification by a responsible corporate officer of the transporter that the proposed location satisfies the criteria of Section 403.7211(2), Florida Statutes (F.S.) [Rule 62-730.171(3)(a)1., F.A.C.]
- ☐ Evidence of the transporter's financial responsibility [Rule 62-730.171(3)(a)3., F.A.C.]
- ☐ A brief general description of the transfer facility operations [Rule 62-730.171(3)(a)4., F.A.C.]
- ☐ A copy of the facility closure plan [Rule 62-730.171(3)(a)5., F.A.C.]
- ☐ A copy of the contingency and emergency plan [Rule 62-730.171(3)(a)6., F.A.C.]
- ☐ A map or maps of the transfer facility [Rule 62-730.171(3)(a)7., F.A.C.]
- ☐ **Notification of changes in above items**
- ☐ **Annual update notification**

EPA ID No.

**B. Universal Waste (UW) Activities (Mark 'X' in all that apply) ("accumulated" means at any one time):**

- ☐ Large Quantity Handler (LQH) = 5,000 kg (11,000 lb) or more of any combination of UW accumulated
- ☐ Small Quantity Handler (SQH) = always less than 5,000 kg accumulated
- ☐ Mercury-containing devices LQH = 100 kg (220 lb) or more accumulated by for-hire handler
- ☐ Mercury-containing devices SQH = less than 100 kg accumulated by for-hire handler
- ☐ Mercury-containing lamps LQH = 2,000 kg (4400 lbs/8,000 lamps) or more accumulated by for-hire handler
- ☐ Mercury-containing lamps SQH = less than 2,000 kg (8,000 lamps) accumulated by for-hire handler
- [Note: 4 lamps = 1 kg, 62-737.200(10)]
- ☐ Pharmaceuticals LQH = 5,000 kg or more of universal pharmaceutical waste (UPW) accumulated
- ☐ Pharmaceuticals LQH = more than 1 kg (2.2 lb) of acutely hazardous ("P-listed") pharmaceutical waste accumulated
- ☐ Pharmaceuticals SQH = always less than 5,000 kg of UPW and always 1 kg or less of acutely hazardous UPW accumulated

(1) For those Managing	Generate/ Accumulate	Transport (see note in instructions)	Handle at Transfer Facility	(2) Enter your estimate of the maximum amount (in pounds) of each type of UW on site or transported at any one time.
a. Batteries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
b. Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
c. Pharmaceuticals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
d. Mercury Containing Devices	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
e. Mercury Containing Lamps	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>

(3) Mercury Recovery and/or Reclamation Facility ☐ [Chapter 62-737, F.A.C.] Note: A hazardous waste permit is required for this activity. [Rule 62-737.800, F.A.C.]

(4) Reverse Distributor of UW ☐ Pharmaceuticals ☐ Lamps ☐ Devices ☐

(5) Destination Facility for UW ☐ Note: for this activity, a facility must treat, dispose or recycle a UW. A permit is required for storage prior to recycling.

<b>C. Used Oil Activities:</b> (1) Used Oil Transporter - indicate type(s) of activity(ies): <input type="checkbox"/> a. Transporter <input type="checkbox"/> b. Transfer Facility (2) <input type="checkbox"/> Collection Center (3) <input checked="" type="checkbox"/> Used Oil Processor (A permit is required for this activity.) (4) <input type="checkbox"/> Off-Specification Used Oil Burner (5) <input checked="" type="checkbox"/> Used Oil Fuel Marketer (6) Used Oil Filter <input type="checkbox"/> a. Transporter <input checked="" type="checkbox"/> b. Transfer Facility <input checked="" type="checkbox"/> c. Processor <input type="checkbox"/> d. End User	<b>8) Specific Certification to be signed by all Used Oil Transporters</b> I certify as a Used Oil Transporter that the training program and financial responsibility required under Section 62-710.600, F.A.C., are in place, current and being adhered to. If any modifications have been made to the originally approved training program, they are explained in attachments to this registration form. Evidence of financial responsibility is demonstrated by the attached Used Oil Transporter Certificate of Liability Insurance, DEP form 62-710.901(4), F.A.C.  _____ Signature of Authorized Person  _____ Print Name of Authorized Person
(7) Used Oil Transporters, Transfer Facilities, Collection Centers, Off-Specification Burners and Marketers must pay an annual \$100 registration fee. Used Oil Processors are exempt from this fee. If applicable, enclose a check or money order, in the amount of \$100, payable to Florida Department of Environmental Protection. <input type="checkbox"/> A check is enclosed.	<b>(9) The records required under the provisions of Rule 62-710.510, F.A.C., are kept at (check one):</b> <input type="checkbox"/> our mailing (business) address <input type="checkbox"/> The site (facility) address

EPA ID No.						
<b>D. Other State Regulated Waste Activities:</b> <input type="checkbox"/> <b>Petroleum Contact Water (PCW) Handler</b> [Chapter 62-740, F.A.C.] Note: A water facility permit may be required for this activity.						
<b>10. Waste Codes for Federally Regulated Hazardous Wastes:</b> List the waste codes of the Federal hazardous wastes handled at your facility. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Hazardous waste transporters list codes routinely or usually transported. Use an additional page if more spaces are needed.						
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
<b>11. Other Status Changes (Mark 'X' in all that apply):</b>						
<b>A. Non-Handler of Regulated Waste at This Facility</b> <input type="checkbox"/> (1) Business no longer generates, transports, treats, stores, or disposes of hazardous waste <input type="checkbox"/> (2) Waste generated by business has been delisted. <input type="checkbox"/> (3) Other (explain) _____						
<b>B. Facility Closed</b> <input type="checkbox"/> (1) Closed at this location and moved or moving to another - submit a new Form 8700-12FL for the new location if you will be handling regulated waste there. <input type="checkbox"/> (2) Out of Business - Business closed on _____ (Date). Please provide a contact person, mailing address, and phone number where you can be reached after closing.  Contact _____ Phone _____ Address _____ City, State, Zip _____						
<input type="checkbox"/> <b>C. Property Tax Default</b>			<input type="checkbox"/> <b>D. Petition for Bankruptcy Protection</b>			
<b>12. Certification:</b> I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. If I have notified as a transfer facility, I am aware that transfer facilities must comply with the requirements of Rule 62-730.171, FAC, and Rule 62-730.182, FAC.						
<b>Signature of owner, operator, or an authorized representative</b>			<b>Print Name and Title</b>		<b>Date Signed (mm-dd-yyyy)</b>	
Florida Recycling Solutions, Inc. By: <i>[Signature]</i>			W. Dee Miller General Manager		1/29/04	
If the person who filled in this form is not the Facility Contact or Operator, please complete the information below:						
(Name of person completing this form)			(Phone Number)		(E-mail Address)	
<b>13. Comments:</b>						