

**Thursby, Kim**

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**From:** BOSEK, JOHN E <bosek.john@cleanharbors.com>  
**Sent:** Tuesday, December 27, 2016 3:30 PM  
**To:** Epost HWRS (Shared Mailbox)  
**Cc:** Desha, David A.  
**Subject:** RE: Clean Harbors Florida LLC; FLD 980 729 610;Hazardous Waste Permit Modification to Manage Consumer Fireworks (D003) and to Use a Purpose-Built Magazine for Storage of Same in Place of an Existing Permitted Roll-Off Container dated November 28, 2016

Received - Clean Harbors Florida LLC; FLD 980 729 610;Hazardous Waste Permit Modification to Manage Consumer Fireworks (D003) and to Use a Purpose-Built Magazine for Storage of Same in Place of an Existing Permitted Roll-Off Container dated November 28, 2016

***Safety Starts with Me: Live It 3-6-5***

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**John Bosek**

Facility General Manager  
Clean Harbors Florida LLC  
7001 Kilo Avenue  
Bartow, FL 33830  
(o) 863.519.6331  
(c) 863.559.1610  
(f) 863.519.6361

[bosek.john@cleanharbors.com](mailto:bosek.john@cleanharbors.com)

[www.cleanharbors.com](http://www.cleanharbors.com)



## Thursby, Kim

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**From:** Epost HWRS  
**Sent:** Monday, December 19, 2016 8:02 AM  
**To:** 'Bosekj@cleanharbors.com'  
**Cc:** Baker, Bryan; Walker, Kim (Waste); 'bastek.brian@epa.gov'; Knauss, Elizabeth; Vaughn, Richard; Morgan, Steve; McBride, Ashanti; 'desha.david@cleanharbors.com'; Kruchell, Carrie L.  
**Subject:** Clean Harbors Florida LLC; FLD 980 729 610; Hazardous Waste Permit Modification to Manage Consumer Fireworks (D003) and to Use a Purpose-Built Magazine for Storage of Same in Place of an Existing Permitted Roll-Off Container dated November 28, 2016  
**Attachments:** 12-19-16-Clean Harbors Approval for Temp Storage Manage Transport of D003-Specific to Consumer Fireworks.Receipt.pdf

In an effort to provide a more efficient service, the Florida Department of Environmental Protection's Hazardous Waste Program and Permitting 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).

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.

Bryan Baker, P.G.  
Environmental Administrator  
Hazardous Waste Program & Permitting



# Florida Department of Environmental Protection

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

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Jonathan P. Steverson  
Secretary

December 19, 2016

Mr. John Bosek, Facility General Manager  
Clean Harbors Florida LLC  
7001 Kilo Avenue  
Bartow, FL 33830  
[bosek.john@cleanharbors.com](mailto:bosek.john@cleanharbors.com)

**RE: Hazardous Waste Permit Modification to Manage Consumer Fireworks (D003) and to Use a Purpose-Built Magazine for Storage of Same in Place of an Existing Permitted Roll-Off Container** dated November 28, 2016  
**Clean Harbors Florida LLC; FLD 980 729 610**  
Hazardous Waste Operating Permit No. 64247-HO-017  
Polk County

Dear Mr. Bosek:

The Florida Department of Environmental Protection (Department), Hazardous Waste Program and Permitting Section has reviewed the proposal dated November 28, 2016, from Clean Harbors seeking approval to:

1. Use a Magazine to store the Spent/Expired Consumer Fireworks and Flares (D003) in place of an already permitted hazardous waste Roll-Off container [Condition I.a. of Part II Subpart B - Specific Operating Conditions for the site's RCRA Part B Permit for roll-off containers]; and,
2. Begin Management of the Spent/Expired Consumer Fireworks and Flares (D003) at the Clean Harbors Bartow facility immediately, for a period of not more than 180 days, until receipt of the Department's final Permit Modification Order.

As you are aware, Clean Harbors must apply for a permit modification in order to begin managing the Spent/Expired Consumer Fireworks and Flares (D003) at your Bartow Facility. In consideration of the Clean Harbors Bartow facility's compliance with the protocols listed below and the submission of an Application for Permit Modification within 60 days of this letter, the Department will not seek enforcement action for the unpermitted storage and management of Spent/Expired Consumer Fireworks and Flares (D003). The Department reserves the right to initiate appropriate legal action in the future to address any violations of the below protocols, Clean Harbor's current Hazardous Waste Operating Permit No. 64247-HO-017, statutes, and rules of the Department. Clean Harbor's immediate storage and management of Spent/Expired Consumer Fireworks and Flares (D003) is conditioned upon the following:

1. Clean Harbors shall submit their Application for Permit Modification and fee of \$5,000 within 60 calendar days of the date of this approval letter. The Application shall show the location/construction of the Magazine and describe its use/operation in the designated existing permitted container storage location. In addition, all sections of the permit shall be modified pertaining to the specifics of how the Spent/Expired Consumer Fireworks and Flares (D003) will be managed.
2. Failure to submit an Application for Permit Modification within 60 days of the date of this letter shall result in the Department's initiation of appropriate legal action for unpermitted storage of Spent/Expired Consumer Fireworks and Flares (D003)
3. Compliance with the protocols for the management of Spent/Expired Consumer Fireworks and Flares (D003) as outlined below.
4. This approval letter is valid until the final permit modification has been signed and executed by the Department.

The following protocols for the future management of the Spent/Expired Consumer Fireworks and Flares (D003) at the Clean Harbors Bartow facility as submitted by Clean Harbors are outlined below:

- All subject materials classified under DOT Hazard Class 1.4 are consumer goods stored and sold at retail outlets for use by the general public. All applicable proper DOT classifications, shipping descriptions, markings, placarding, etc., will be followed. Proper hazardous waste markings will also be applied to these materials.
- All items are exempt from licensing by the ATF for management in transportation and onsite storage – consumer fireworks are exempt by rule, and the other items (emergency flare gun cartridges, marine distress signal and highway flares, etc.) have manufacturer exemptions issued by ATF.
- The storage of these consumer products destined for destruction require an appropriate magazine for onsite storage according to OSHA. A magazine is being prepared for relocation to the Bartow facility to be set-up and maintained pursuant to associated OSHA regulations for the storage of low explosives – see Attachment 2 (i.e., photos of magazine). This magazine has the dimensions of 20' long by 10' wide.
- The magazine has been placed onsite in an already permitted location for the storage of hazardous wastes. This location is greater than 50 feet from the facility's property line as required for waste codes D001 and D003 -see Attachment 2 (i.e., site drawing with magazine location marked).
- The site's General Manager contacted the local fire department and advised them of the receipt and storage of these consumer goods that are low explosives to be stored in an appropriate magazine. The fire department will receive official notice and information concerning this matter as part of the Moderate Permit Modification process.
- All employees involved with the packaging, transportation and storage of these materials have been properly trained according to DOT, OSHA and RCRA standards. Additionally, these employees have received site-specific training for emergency procedures at the facility to include its Contingency Plan.

- This receipt and storage for these items is to facilitate transportation to an ultimate destruction site.
- Packaging requirements to be implemented:
  - a. Unless otherwise specified, all fireworks and signal flares must be packaged in UN Rated containers meeting the PGII rating level or higher.
  - b. All fireworks and signal flares must be packed in combination packaging; no loose fireworks and signal flares may be placed in drums.
    - i. Fireworks must be packaged under water.
      1. Pack into inner, liquids rated poly container.
      2. Fill container with water.
      3. Seal and pack inner container into outer steel or Poly drum.
      4. Fill void space between inner and outer container with vermiculite.
    - ii. Signal flares must be packaged in combination packaging
      1. Original manufacturers packaging is acceptable if intact and unopened
      2. If Signal Flare is not in original manufacturer's unopened package, flares must be packed into inner container prior to packaging into outer steel or poly drum.
  - c. Steel, and plastic drums are applicable container types for packaging and transporting 1.4 Consumer Fireworks and signal flares.
  - d. All screw type closures on containers must be secured in place with tape.
  - e. No devices with protruding parts that may penetrate a level of packaging material may be utilized.
  - f. All inner packagings must be secured from movement
    - i. Fill containers with packing material so that no empty void space remains.
  - g. All articles that contain a means of self-ignition must be secured as to prevent accidental ignition.
  - h. All metal packaging types used must contain a rubberized gasket as to prevent sparking.
  - i. Affix proper DOT explosive labels and hazardous waste markings as required to outside of container.

If you should have any questions, please contact Carrie L. Kruchell, P.G., Project Manager at (850) 245-8765, or via email at: [Carrie.L.Kruchell@dep.state.fl.us](mailto:Carrie.L.Kruchell@dep.state.fl.us) .

Sincerely,



Bryan Baker, P.G., Environmental Administrator  
Hazardous Waste Program & Permitting

Mr. John Bosek  
Clean Harbors Bartow  
December 19, 2016  
Page 4 of 4

BB/clk

cc:

Brian Bastek, EPA Region 4 – [bastek.brian@epa.gov](mailto:bastek.brian@epa.gov)

Beth Knauss, DEP Southwest District – [elizabeth.knauss@dep.state.fl.us](mailto:elizabeth.knauss@dep.state.fl.us)

Rick Vaughn, DEP Southwest District – [richard.vaughn@dep.state.fl.us](mailto:richard.vaughn@dep.state.fl.us)

Steve Morgan, DEP Southwest District – [steve.morgan@dep.state.fl.us](mailto:steve.morgan@dep.state.fl.us)

Ashanti McBride, DEP Headquarters OGC – [Ashanti.mcbride@dep.state.fl.us](mailto:Ashanti.mcbride@dep.state.fl.us)

David DeSha, Clean Harbors Environmental Services – [desha.david@cleanharbors.com](mailto:desha.david@cleanharbors.com)