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September 15, 1989

Mr. Rick Wilkins
Director, Division of Waste Management
Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

D. E. R.

AI, 1-e

HC29-141782

SEP 28 1989

SOUTHWEST DISTRICT
TAMPA

Dear Mr. Wilkins:

I am writing to you on behalf of Universal Waste and Transit, Inc. with a question concerning a recent amendment to Rule 17-730.250(2). The amendment, which was effective on July 3, 1989, allows the owner or operator of a facility to operate under a construction permit so long as the facility is in compliance with 40 CFR Part 264 standards and makes timely application for an operation permit.

Universal has received a construction permit and will make timely application for an operation permit at least 135 days prior to the expiration of the construction permit. The permit has been extended to November 1990. Once Universal has made its application for an operation permit and achieved compliance with all Part 264 standards they intend to begin operation as allowed under the new Rule 17-730.250(2).

However, Universal has been informed by the Southwest District office that the new 17-730.250(2) provision does not apply to them because their construction permit was issued prior to the effective date of the rule change. We strongly disagree with that interpretation. Nothing in the language of the rule limits its application to construction permits issued after the rule change. The rule allows operation under any valid construction permit so long as the conditions set forth are met.

Universal understands that in order to be in compliance with all 40 CFR Part 264 standards additional submittals to DER may be required. For example, a demonstration of compliance with financial responsibility requirements must be made prior to commencing operation under the construction permits. We understand that DER will soon be informing Universal that it is in compliance with financial responsibility requirements. Universal is, of course, willing to make those submittals which are needed to establish compliance with all Part 264 standards.

6/89

Mr. Rick Wilkins
September 15, 1989
Page 2

We request a written response from you indicating whether or not Rule 17-730.250(2) applies to Universal. your prompt response will be greatly appreciated since Universal's future operational plans depend on your answer.

Sincerely,

Thomas K. Maurer

Thomas K. Maurer

TKM/jh

cc: Mr. Robert Bedore
Mr. Gary Early
Mr. Satish Kastury
~~Mr. Bill Crawford~~