



# FLORIDA DEPARTMENT OF Environmental Protection

Southwest District Office  
13051 North Telecom Parkway #101  
Temple Terrace, Florida 33637-0926

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

## REQUEST FOR ADDITIONAL INFORMATION

May 1, 2019

Thomas Fanell  
American Steel Processing Co.  
328 Wahoo Road  
Panama City Beach, FL 32408  
[aspc01@comcast.net](mailto:aspc01@comcast.net)

Re: First Request for Additional Information (RAI)  
Hillsborough County – Solid Waste  
Facility Name: American Steel Processing Recycling Center  
Facility ID: 106062  
DEP Application No.: 374825-001-SO/30

Dear Mr. Fanell:

Thank you for your application for operation for the above referenced Facility. The Department has assigned DEP Application No. 374825-001-SO/30 to the application. A Department staff review of the application and supporting documentation submitted on March 28, 2019, indicates the application is incomplete. Pursuant to the provisions of Rule 62-4.055, F.A.C., please provide the information in the attached document and refer to this correspondence in your response. The response to this correspondence must be signed, sealed, and dated by a registered Florida Professional Engineer.

In order for the Department to continue processing your application, please submit the requested information as soon as possible. The Department must receive a response within 90 days of the date of this letter, **July 30, 2019**, unless a written request for additional time to provide the requested information is submitted and approved. Pursuant to Rule 62-4.055(1), F.A.C. and Section 120.60, F.S., failure of an applicant to provide the timely requested information by the applicable deadline may result in denial of the application. You are requested to contact this office to discuss the items requested to assist you in developing a complete and adequate response.

Please submit the response in electronic format to [SWD\\_Solid\\_Waste\\_Permitting@FloridaDEP.gov](mailto:SWD_Solid_Waste_Permitting@FloridaDEP.gov), with a copy to [Emily.Wargo@FloridaDEP.gov](mailto:Emily.Wargo@FloridaDEP.gov). If the file is very large, you may post it to a folder on this office's ftp site at: <ftp://ftp.dep.state.fl.us/pub/incoming/>. After posting the document, send an e-mail to [SWD\\_Solid\\_Waste\\_Permitting@FloridaDEP.gov](mailto:SWD_Solid_Waste_Permitting@FloridaDEP.gov), with a copy to [Emily.Wargo@FloridaDEP.gov](mailto:Emily.Wargo@FloridaDEP.gov), alerting us that it has been posted.

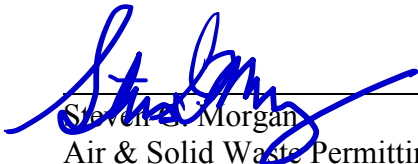
Thomas Fanell

Page 2 of 2

May 1, 2019

If you have any questions, please contact Emily Wargo by telephone at 813-470-5942 or by e-mail at [Emily.Wargo@FloridaDEP.gov](mailto:Emily.Wargo@FloridaDEP.gov).

Sincerely,



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Steven E. Morgan  
Air & Solid Waste Permitting Manager  
Permitting and Waste Cleanup Program  
Southwest District

Attachments: List of Requested Information  
Notice of Application

cc: Thomas Fanell, American Steel Processing Co. ([aspcol@comcast.net](mailto:aspcol@comcast.net))  
Robert Middleton, American Steel Processing Co. ([robertdemet@aol.com](mailto:robertdemet@aol.com))  
Donald Fairbairn, Northside Engineering, Inc. ([don@northsideengineering.net](mailto:don@northsideengineering.net))  
Housh Ghovaei, Northside Engineering, Inc. ([housh@northsideengineering.net](mailto:housh@northsideengineering.net))  
Lee Levant, landowner ([leelevant@gmail.com](mailto:leelevant@gmail.com))  
Steve Morgan, FDEP Southwest District ([Steve.Morgan@FloridaDEP.gov](mailto:Steve.Morgan@FloridaDEP.gov))  
Pamala Vazquez, FDEP Southwest District ([Pamala.Vazquez@FloridaDEP.gov](mailto:Pamala.Vazquez@FloridaDEP.gov))  
Kelley Boatwright, FDEP Southwest District ([Kelley.M.Boatwright@FloridaDEP.gov](mailto:Kelley.M.Boatwright@FloridaDEP.gov))  
Cory Dilmore, P.E., FDEP Tallahassee, ([Cory.Dilmore@FloridaDEP.gov](mailto:Cory.Dilmore@FloridaDEP.gov))  
Melissa Madden, FDEP Southwest District ([Melissa.Madden@FloridaDEP.gov](mailto:Melissa.Madden@FloridaDEP.gov))  
Emily Wargo, FDEP Southwest District ([Emily.Wargo@FloridaDEP.gov](mailto:Emily.Wargo@FloridaDEP.gov))  
Steven Tafuni, FDEP Southwest District ([Steven.Tafuni@FloridaDEP.gov](mailto:Steven.Tafuni@FloridaDEP.gov))  
Adam Kirchein, FDEP Southwest District ([Adam.Kirchein@FloridaDEP.gov](mailto:Adam.Kirchein@FloridaDEP.gov))  
Ronald Cope, EPC Hillsborough County ([cope@epchc.org](mailto:cope@epchc.org))

**Attachment: List of Requested Information**

Thomas Fanell  
Facility Name: American Steel Processing Recycling Center  
Facility ID: 106062  
DEP Application No.: 374825-001-SO/30

**Application for a Solid Waste Processing Facility Permit, dated March 26, 2019 (received March 28, 2019)**

Please ensure that your response to this request for additional information includes a revised application package which follows the application content and format requirements of subsection 62-701.320(7), F.A.C.

**Part A – General Information, FDEP Form 62-701.900(4), F.A.C.**

1. **Part A: Item 2 – Type of Application.** As addressed in the comments below, the facility does not appear to meet the design requirements of Rule 62-701.710, F.A.C. and therefore additional construction is expected. Please revise this Item to classify this as a Construction/Operation application. The Department anticipates discussing this matter further during the meeting requested at the end of this letter.
2. **Part A: Item 3 – Classification of application.** This Item was marked as a Renewal application; however, this is the facility's initial application for a solid waste processing facility permit through FDEP. Please revise this Item to classify this as a New application.
3. **Part A: Item 5 – DEP ID number.** The ID number provided for this item is the Hillsborough County EPC ID number. A DEP ID number was created upon receipt of this application. Please revise this Item to the following DEP ID number: SWD-29-106062.
4. **Part A: Item 7 – Location coordinates.** Please revise this Item to include the Section, Township, and Range of the facility.
5. **Part A: Item 8 – Applicant Telephone.** The telephone number provided in this Item as dialed appears to direct to the Largo Medical Center. Please review and correct the telephone number as needed.
6. **Part A: Item 9 – Authorized Agent/Consultant Telephone.** Please see the above comment for Part A: Item 8.
7. **Part A: Item 10 – Landowner.**
  - a. According to the Hillsborough County Property Appraiser information provided in Section 3, the property owner is Levant Enterprises, LLC. Please revise this Item to reflect Levant Enterprises, LLC as the landowner.
  - b. The lease provided in Section 10 indicates that the site will be used for a metal recycling facility. Please provide a letter from the landowner, Levant Enterprises, LLC which indicates that American Steel Processing Co. may operate a solid waste management facility on the property.
  - c. The lease provided in Section 10 also only appears to be valid until January 14, 2022. Please

note that Waste Processing Facility permits are typically valid for five years, therefore a shorter duration permit will be issued to coincide with lease expiration.

**Part B – Additional Information, FDEP Form 62-701.900(4), F.A.C.**

8. **Part B: Item 1(d) – Materials Flow Description.** Please revise the Operational Plan found in Section 1 to include a narrative description of how the materials will flow through the facility, including locations of the loading, unloading, sorting, processing and storage areas, as required by paragraph 62-701.710(2)(a), F.A.C. Details regarding the proposed maximum storage quantities at the facility, including supporting calculations and equipment throughput should be included in a revised Engineering Report.
9. **Part B: Item 3 – Boundary Survey.** Please provide a boundary survey, as required by paragraph 62-701.710(2)(c), F.A.C., that is signed and sealed by a Florida Licensed Professional Surveyor and Mapper, as required by subparagraph 62-701.320(7)(f)5, F.A.C. See Comment 17(a) below.
10. **Part B: Item 4 – Design requirements of subsection 62-701.710(3), F.A.C.** The information provided in this application does not adequately support that the facility has been designed to comply with the requirements of subsection 62-701.710(3), F.A.C. Specifically, it does not appear that the facility has been designed with a leachate control system to prevent the discharge of leachate and avoid the mixing of leachate with stormwater, and to minimize the presence of standing water, as required by paragraph 62-701.710(3)(b), F.A.C. The facility shall provide a construction plan, including engineering calculations and signed and sealed plans, that describes how the applicant will comply with the requirements of paragraph 62-701.710(2)(d) and subsection 62-701.710(3), F.A.C. in a revised Engineering Report. Please note that the Department will review the revised Engineering Report in its entirety upon receipt. The Department anticipates discussing this matter further during the meeting requested at the end of this letter.
11. **Part B: Item 5 – Operation Plan and Recordkeeping**
  - a. Please describe in the operation plan how the facility will comply with the requirements of subsection 62-701.710(4), F.A.C., including but not limited to: training, odor management, fire protection, fencing/access, maintaining leachate drains, hazardous and special waste management and procedures for reaching permitted capacity. Please note that the revised Operational Plan will be reviewed in its entirety upon receipt.
  - b. Please describe in the operation plan how the facility will comply with the recordkeeping requirements of subsection 62-701.710(8), F.A.C.
12. **Part B: Item 6 – Closure Plan.** The Closure Plan attached in Section 1 of the submittal does not indicate that the owner or operator of the facility will notify the Department in writing prior to ceasing operations, as required by paragraph 62-701.710(6)(a), F.A.C. Please revise the closure plan to comply with paragraph 62-701.710(6)(a), F.A.C.
13. **Part B: Item 7 – Contingency Plan.** As required by paragraph 62-701.710(2)(g), F.A.C., please provide a contingency plan that describes how the applicant will comply with subsection 62-701.320(16), F.A.C.
14. **Part B: Item 8 – Financial Assurance.** Based on the description of operations provided in this application, it appears that waste will not be stored at the facility for more than seven days, and would therefore be exempt from the requirement to provide the financial assurance set forth in subsection 62-701.710(7), F.A.C. Please include in your response a statement which specifically

states that the facility will be operated to meet the financial assurance exemption requirements set forth in subparagraph 62-701.710(1)(d)1, F.A.C. However, if the facility will not be operated to meet the financial assurance exemption, please provide in your response the financial assurance documentation required by subsection 62-701.710(7), F.A.C. on DEP Form 62-701.900(28), F.A.C., including closure cost estimates and third-party quotes to demonstrate compliance with the provisions of subsections 62-701.630(1) through (4), F.A.C.

**Part C – Certification by Applicant and Engineer or Public Officer, FDEP Form 62-701.900(4), F.A.C.**

**15. Part C: Item 1 – Applicant**

- a. In this section, the applicant has indicated that this is an application for a renewal of EPC/DA-RM-080207 operating Permit. This application is for an operation permit through the Department, separate from the facility's Director's Authorization from the Hillsborough County EPC. Please revise this section to indicate that this is an application for a construction/operation permit.
- b. It appears that the applicant signature provided is not an owner or corporate officer of American Steel Processing Co. Please provide a letter of authorization from an owner or corporate officer of American Steel Processing Co. that authorizes Robert Middleton to sign the application on behalf of the applicant.
- c. Please see the above comment for Part A: Item 8.

**Attachments**

**16. Section 1**

- a. **Covanta Facilities Processed.** This section lists five Covanta facilities from which the American Steel Recycling Center receives materials to be processed. During a site visit performed on April 12, 2019, Department staff were told that the American Steel facility no longer receives material from the Covanta Lee County facility. Please review and revise this section as necessary.
- b. **Operational Plan**
  - i. Paragraph 7 states that non-metallics are transported to disposal sites as directed by Covanta. Paragraph 9 states that non-metallics are transported daily back to the respective originating Covanta waste-to-energy facility or may be transported directly to a landfill as directed by Covanta. The Operational Schematic in Appendix A states that residuals are returned to the originating WTE plant for disposal. Please review these apparent inconsistencies and revise as appropriate.
  - ii. Paragraph 8 states that there are separate bunkers for the five facilities. Please refer to Comment 16(a) above and revise this section as necessary.
  - iii. Paragraph 9 states that any non-metallic materials which remain on-site after the end of Saturday's processing are held in staging bunkers and covered until the next work day. Please elaborate on how these materials are covered, i.e. what material are they covered with, how are they secured, etc.
- c. **Closure Plan.** Please see the above comment for Part B: Item 6 and revise the closure plan to comply with paragraph 62-701.710(6)(a), F.A.C.
- d. **Regulatory Permits.** The Department could not confirm any record of a current waste tire permit or registration with Reference ID 43574. Please verify and provide a copy of the permit/registration referenced in this section.

**17. Section 2**

- a. Please provide a field verified well survey which confirms that the wells listed in this section are monitoring wells only and not potable wells. Since the facility does not propose indoor storage in accordance with 62-701.300(16), F.A.C., the siting prohibitions in 62-701.300(2), F.A.C. apply.
- b. The page containing the certification from Mr. Donald Fairbairn, P.E., is numbered as being page 4 of 4. The pages preceding this certification are not numbered in this manner, indicating that this page may have been taken out of context. Please explain.

**18. Section 3**

- a. As stated on the map itself, the map provided in this section from the Hillsborough County Property Appraiser is not a survey. Please provide a boundary survey, as required by paragraph 62-701.710(2)(c), F.A.C., that is signed and sealed by a Florida Licensed Professional Surveyor and Mapper, as required by sub-paragraph 62-701.320(7)(f)5, F.A.C.
- b. An aerial of the site with labels indicating processing and storage locations is provided in this Section. Based upon a site visit performed by Department staff on April 12, 2019, it appears that this aerial may be labeled with outdated information. During the site visit, Department staff were told that all processing was performed on the northern half of the site, and the southern half was used to store equipment. Please review the labeled aerial and revise to be consistent with current site operations.

**19. Section 4.** The leachate management practices as described in this section do not demonstrate compliance with the design requirements of subsection 62-701.710(3), F.A.C. The Department anticipates discussing the leachate management practices currently used at the site, as well as the leachate control measures that are currently under consideration by the facility, during the meeting requested at the end of this letter.

**20. Sections 5 – 7.** Sections 5 through 7 were included as attachments, however they were left blank. Please ensure that your response to this request for additional information includes a revised application package which follows the application content and format requirements of subsection 62-701.320(7), F.A.C.

**21. Rule 62-701.300, F.A.C. – Prohibitions.** Please review and address the facility's compliance with the prohibitions in this Rule.

**22. Subsection 62-701.320(8), F.A.C. – Notice of Application.** Please publish the attached notice of application and provide proof of publication to the Department.

In order to assist the applicant in completion of the application, the Department feels it would be beneficial to meet to discuss the comments in this letter. The Department therefore requests that the applicant contact us to schedule a meeting prior to submittal of your formal responses to this letter.

## **Attachment: Notice of Application**

**Rule 62-110.106(5), F.A.C. – Notices: General Requirements.** Each person who files an application for a Department permit or other approval may publish or be required to publish a notice of application or other notice as set forth below in this section. Except as specifically provided otherwise in this paragraph, each person publishing such a notice under this section shall do so at his own expense in the legal advertisements section of a newspaper of general circulation (i.e., one that meets the requirements of sections 50.011 and 50.031 of the Florida Statutes) in the county or counties in which the activity will take place or the effects of the Department's proposed action will occur, and shall provide proof of the publication to the Department within seven days of the publication.

State of Florida  
Department of Environmental Protection  
Notice of Application

The Department announces the receipt of an application from the American Steel Processing Co. for an operation permit for the American Steel Processing Recycling Center. The proposed project is to operate a waste processing facility at 6902 E. 6<sup>th</sup> Ave, Tampa, Hillsborough County, and is subject to Department rules.

This application is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m. Monday through Friday, except legal holidays, at the Department of Environmental Protection, Southwest District Office, 13051 N. Telecom Parkway, Temple Terrace, Florida 33637-0926.