



FLORIDA DEPARTMENT OF Environmental Protection

Southwest District Office
13051 North Telecom Parkway #101
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Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

July 5, 2019

via electronic mail
aspcol@comcast.net
Thomas Fanell
American Steel Processing Co.
328 Wahoo Road
Panama City Beach, FL 32408

Re: Temporary Approval of Advanced Metals Recovery
Facility Name: American Steel Processing Recycling Center
Hillsborough County, Florida
WACS No.: 106062

Dear Mr. Fanell:

In acknowledgement of American Steel Processing Company's (Company) recent application for a waste processing facility permit the Department is providing the following Order to authorize continued operations regarding waste to energy (WTE) ash processing at the referenced facility. The American Steel Processing Recycling Center (Facility) is authorized to continue operations pursuant to this Order until the Facility meets the requirements for and the Department issues a Waste Processing facility permit pursuant to Rule 62-701.710, Florida Administrative Code (F.A.C.) or the expiration of this Order.

Project Description

The Company applied for a waste processing facility permit on March 28, 2019 for its Facility. The Department has assigned DEP No. 374825-001-SO/30 to the application. Initial Department review indicated the application was incomplete and a request for additional information (RAI) was issued on May 1, 2019. The applicant intends to continue operations subject to the terms of this Order until the final permit is issued or the expiration of this Order, whichever comes first.

Waste to Energy (WTE) Ash

The material received at the Facility is WTE magnetically recovered ferrous containing portions of WTE combustor ash residue in accordance with Subsection 62-701.200(7), F.A.C.

Project Location

The Facility is located at 6902 E. 6th Avenue, Tampa, Hillsborough County Florida. This Facility currently operates as a Recovered Materials Processing Facility under a

Mr. Thomas Fanell
Temporary Approval of Advanced Metals Recovery
American steel Processing Recycling Center
Hillsborough County, Florida, WACS No.: 106062
July 5, 2019

Director's Authorization issued by the Environmental Protection Commission (EPC) of Hillsborough County. The EPC issued a letter on February 11, 2019 which required the Company to apply for a waste processing facility permit in accordance with Department Rule 62-701.710, F.A.C. for the Facility.

Specified Applications:

The following applications (Specified Applications) are allowed pursuant to this Order:

- The Facility shall operate as a waste processing facility for the management and advanced metals recovery of WTE ferrous metals which contain portions of ash residue.

Conditions of Administrative Order:

In accordance with the Department's approval pursuant to this Order, the following controls and conditions are binding upon the Facility and are enforceable under Chapter 403, F.S:

1. Prior to continuing operations under this Order the Site, as defined by Rule 62-701.200(105), F.A.C., health and safety plans shall be updated by the Facility so that staff working on the site will know appropriate personal protection procedures during processing of ash residue.
2. Fugitive dust emissions from the storage, processing, or transport of ash residue will be controlled by the Facility by wetting or covering with a tarp or other similar protective cover.
3. Within two weeks of issuance of this Order the Facility shall install temporary controls, such as covered bunkers, on an impervious surface with appropriate curbing or berms to prevent runoff. To the greatest extent possible, ash residue should be kept dry during storage, processing, and transport to minimize or eliminate leachate.
4. Any leachate generated, while managing the ash residue at the Facility, shall be collected and treated or managed, as necessary, so that water quality standards and criteria pursuant to Chapters 62-302 and 62-520, F.A.C., are not violated. Leachate may be discharged or transported to an off-Site disposal facility. However, the Facility is responsible for having a written contract or agreement for off-site disposal.
5. Leachate must not be discharged to any stormwater system.
6. WTE ash received for processing will be stored on Site in covered bunkers for a period of no more than 5 calendar days. WTE ash loads will be tarped during all transportation events. Transportation of ash residue will be avoided during periods of inclement weather, such as rain and/or wind.
7. Following metals recovery processing, any remaining ash residue will be returned to the originating WTE facility for proper management in accordance with their conditions of certification.
8. Within 30 days of the date of this Order, the Facility will evaluate on-Site soils. Background soil samples will be collected and analyzed for comparison purposes. Soil samples from the processing area will be collected, analyzed, and compared to background results to determine if soils in the process area are above background.

Mr. Thomas Fanell
Temporary Approval of Advanced Metals Recovery
American steel Processing Recycling Center
Hillsborough County, Florida, WACS No.: 106062
July 5, 2019

9. The Facility shall submit monthly progress/summary reports summarizing all activities completed and any sampling or monitoring results (as applicable).
10. Department staff with proper identification shall have permission to enter, inspect, sample and test as needed to verify compliance with the requirements of Chapter 403, F.S., and this Order, during normal business hours.
11. This Order will expire 120 days from the effective date on page 1 or upon issuance of a Waste Processing facility permit, whichever occurs first.

Uses other than as specified herein are not approved under this Order. Where WTE ash, or related materials, may be used or placed in a manner that does not comply with the Conditions of this Order, such materials shall be managed as a solid waste subject to the requirements of Chapter 62-701, F.A.C.

Administrative Rights

The Department's Order shall become final unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57, F.S., within **21** days of receipt of this Order. Persons who have filed such a petition may seek to mediate the dispute and choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning a hearing and pursuing mediation are set forth below.

Persons affected by this Order have the following options:

- A. If you choose to accept the Department's decision regarding the Order, you do not have to do anything. This Order is final and effective as of the date on the top of the first page of this Order.
- B. If you choose to challenge the decision, you may do the following:
 1. File a request for an extension of time to file a petition for hearing with the Department's Agency Clerk in the Office of General Counsel within **21** days of receipt of this Order. This request should be made if you wish to meet with the Department in an attempt to resolve any disputes without first filing a petition for hearing or negotiate an agreement to mediate; or
 2. File a petition for administrative hearing with the Department's Agency Clerk in the Office of General Counsel within **21** days of receipt of this Order.

In addition to requesting an administrative hearing, any petitioner may elect to pursue mediation under Section 120.573, F.S., and must negotiate an agreement to mediate within **10** days after the deadline for filing a petition.

How to Request an Extension of Time to File a Petition for Hearing

For good cause shown, pursuant to Rule 62-110.106(4), F.A.C., the Department may grant a request for an extension of time to file a petition for hearing. Such a request must

Mr. Thomas Fanell
Temporary Approval of Advanced Metals Recovery
American steel Processing Recycling Center
Hillsborough County, Florida, WACS No.: 106062
July 5, 2019

be filed (received) by the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000, within **21** days of receipt of this Order. Petitioner, if different from the applicant, shall mail a copy of the request to the applicant at the time of filing. Failure to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under Sections 120.569 and 120.57, F.S.

How to File a Petition for Administrative Hearing

A person whose substantial interests are affected by this Order 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) by the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399-3000, within **21** days of receipt of this Order. Petitioner, if different from the applicant, shall mail a copy of the petition to the applicant at the time of filing. Failure to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under Sections 120.569 and 120.57, F.S. Pursuant to Subsection 120.569(2), F.S., and Rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

- a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, the site owner's name and address, if different from the petitioner, the DEP facility number, and the name and address of the facility;
- b) A statement of when and how the petitioner received notice of the Department's action or proposed action;
- c) An explanation of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
- d) A statement of the disputed issues of material fact, or a statement that there are no disputed facts;
- e) A concise statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- f) A statement of the specific rules or statutes the petitioner contends requires reversal or modification of the Department's action or proposed action; and
- g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

Mr. Thomas Fanell
Temporary Approval of Advanced Metals Recovery
American steel Processing Recycling Center
Hillsborough County, Florida, WACS No.: 106062
July 5, 2019

How to Pursue Mediation

In addition to requesting an administrative hearing, any petitioner may elect to pursue mediation. The election may be accomplished by filing with the Department a mediation agreement with all parties to the proceeding (i.e., the applicant, the Department, and any person who has filed a timely and sufficient petition for hearing). The agreement must contain all the information required by Rule 28-106.404, F.A.C. The agreement, signed by all parties, must be received by the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000 within **10** days after the deadline for filing a petition, as set forth above. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement.

Pursuant to Rule 28-106.404, F.A.C., an agreement to mediate must include the following.

- (i) The name, address, and telephone number of the persons who may attend the mediation, (also the DEP facility number, the name and address of the facility if applicable);
- (ii) The name, address, and telephone number of the mediator agreed to by the parties;
- (iii) How the costs and fees associated with the mediation will be allocated (the Department will not pay any of the costs of mediation);
- (iv) The agreement of the parties regarding the confidentiality of discussions and documents introduced during mediation to the extent authorized by law;
- (v) The date, time, and place of the first mediation session;
- (vi) The name of the party's representative who shall have authority to settle or recommend settlement; and
- (vii) The signature of the parties.

As provided in Section 120.573, F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57, F.S., for holding an administrative hearing and issuing a final order. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons seeking to protect their substantial interests that would be affected by such a modified final decision must file their petitions within **21** days of receipt of this notice, or they shall be deemed to have waived their right to a proceeding under Sections 120.569 and 120.57, F.S. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57, F.S., are resumed.

Mr. Thomas Fanell
Temporary Approval of Advanced Metals Recovery
American steel Processing Recycling Center
Hillsborough County, Florida, WACS No.: 106062
July 5, 2019

This Order is final and effective as of the date on the top of the first page of this Order. Timely filing a petition for administrative hearing postpones the date this Order takes effect until the Department issues either a final order pursuant to an administrative hearing or mediation settlement.

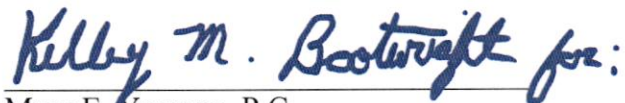
Judicial Review

Any party to this Order has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Agency Clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this order is filed with the clerk of the Department (see below).

Questions

Any questions regarding this order or your permit application should be directed to Steve Morgan at (813) 470-5754 or Cory Dilmore at (850) 245-8712. Questions regarding legal issues should be referred to Ashanti McBride, Office of General Counsel, at (850) 245-2203. Contact with any of the above does not constitute a petition for administrative hearing, a request for a time extension to file a petition for hearing or an agreement to mediate.

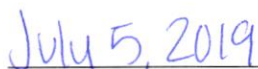
Sincerely,

Handwritten signature of Mary E. Yeargan in blue ink.

Mary E. Yeargan, P.G.
Southwest District Director
Florida Department of Environmental
Protection

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Handwritten signature of Marie Headrick in blue ink.
Clerk

Handwritten date July 5, 2019 in blue ink.
Date

Copies furnished to:

Mr. Thomas Fanell
Temporary Approval of Advanced Metals Recovery
American steel Processing Recycling Center
Hillsborough County, Florida, WACS No.: 106062
July 5, 2019

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