



Florida Department of Environmental Regulation

Southeast District • 1900 S. Congress Ave., Suite A • West Palm Beach, Florida 33406

Lawton Chiles, Governor

Carol M. Browner, Secretary

APR 17 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James S. Jenkins, III
Vice President, Cement Operations
Rinker Materials Corporation
Post Office Box 24635
West Palm Beach, FL 33416

GMS I.D. No.: 5013P03669
General Permit No.: S013-195017
County: Dade
Project: To Construct/Operate a Soil
Thermal Treatment facility
Expiration Date: April 4, 1996

Dear Mr. Jenkins:

This letter acknowledges receipt of your notice requesting the use of a General Permit. Based upon the representation submitted to the Department, this project appears to qualify for the operation of a soil thermal treatment facility located at 1200 Northwest 137th Avenue, Miami, Dade County, Florida 33182.

This facility shall be operated in accordance with the applicable paragraphs set forth in Florida Administrative Code Rules 17-775.

This General Permit is subject to the General Conditions of Florida Administrative Code Rules 17-4.510 through 17-4.540, F.A.C. (see backside).

If you need further information, please call Mr. Paul Wierzbicki, P.G., at telephone number 407/433-2650 or after hours 904/488-1320 for an emergency.

Sincerely,

J. Scott Benyon
Deputy Assistant Secretary

JSB:paw/28

cc: Mr. John Ruddell, Bureau of Waste Cleanup, DER, Tallahassee
Mr. Don Ehlenbeck, P.E., Bureau of Waste Cleanup, DER, Tallahassee
Mr. Chris McGuire, Esq., Office of General Counsel, DER, Tallahassee
Ms. Zoe Kulakowski, P.G., Bureau of Waste Cleanup, DER, Tallahassee
Mr. William E. Voshell, Rinker Materials Corporation
Mr. I. Goldman, P.E., Air Section, DER, West Palm Beach
Mara Austin, Metro-Dade Environmental Resources Management
West Palm Beach DER files

17-4.540 General Conditions for All General Permits.

(1) The terms, conditions, requirements, limitations, and restrictions set forth in this Part are "general permit conditions" and are binding upon the permittee. The conditions are enforceable under Chapter 403, F.S.

(2) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit. The permittee is placed on notice that violation of the permit may result in suspension or revocation of the permittee's use of the general permit and may cause the Department to begin legal proceedings.

(3) The general permit does not convey any vested rights or any exclusive privileges. It does not authorize any injury to public or private property nor any invasion of personal rights. It does not authorize any infringement of federal, state or local laws or regulations. It does not eliminate the necessity for obtaining any other federal, state or local permits that may be required, or allow the permittee to violate any more stringent standards established by federal or local law.

(4) The general permit does not relieve the permittee from liability and penalties when the construction or operation of the permitted activity causes harm or injury to human health or welfare; causes harm or injury to animal, plant or aquatic life; or causes harm or injury to property. It does not allow the permittee to cause pollution in contravention of Florida Statutes and Department rules.

(5) The general permit conveys no title to land or water, nor does it constitute State recognition or acknowledgement of title. It does not constitute authority for reclamation of submerged lands. Only the Board of Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

(6) No general permit shall authorize the use of state owned land without the prior consent of the Board of Trustees of the Internal Improvement Trust Fund pursuant to Section 253.77, F.S.

(7) The general permit may be modified, suspended or revoked in accordance with Chapter 120, Florida Statutes, if the Secretary determines that there has been a violation of any of the terms or conditions of the permit, there has been a violation of state water quality standards or state air quality standards, or the permittee has submitted false, incomplete or inaccurate data or information.

(8) The general permit shall not be transferred to a third party except pursuant to Fla. Admin. Code Rule 17-4.120.

(9) The general permit authorizes construction and where applicable operation of the permitted facility.

(10) The permittee agrees in using the general permit to make every reasonable effort to conduct the specific activity or construction authorized by the general permit in a manner that will minimize any adverse effects on adjacent property or on public use of the adjacent property, where applicable, and on the environment, including fish, wildlife, natural resources of the area, water quality or air quality.

(11) The permittee agrees in using the general permit to allow a duly authorized representative of the Department access to the permitted facility or activity at reasonable times to inspect and test upon presentation of credentials or other documents as may be required by law to determine compliance with the permit and the Department rules.

(12) The permittee agrees to maintain any permitted facility, or activity in good condition and in accordance with the plans submitted to the department under Rule 17-4.530(1).

(13) A permittee's use of a general permit is limited to five years. However, the permittee may request continued use of the general permit by notifying the Department pursuant to Rule 17-4.530(1). However, the permittee shall give notice of continued use of a general permit thirty days before it expires.

Specific Authority: 403.814(1), F.S.

Law Implemented: 253.123, 253.124, 403.061, 403.087, 403.088, 403.702-403.73, 403.814, 403.851-403.864, F.S.

History: New 7-8-82. Amended 8-31-88. Previously numbered as 17-5.54.