



Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Lawton Chiles, Governor

Carol M. Browner, Secretary

April 4, 1991

Mr. Michael D. Vardeman
Rinker Materials Corporation
Portland Cement Corporation
P.O. Box 650679
Miami, FL 33265-0679

Re: Approval of Alternate Procedures
Rinker Materials Corporation
File No. AP-STTF001

Dear Mr. Vardeman:

The Department has reviewed your March 8, 1991, request for approval of alternate procedures for the Rinker facility located at 1200 N.W. 137th Avenue, Miami. Enclosed is the executed copy of the Approval of Alternate Procedures. If you have any questions regarding this approval, please contact me at 904/488-0190.

Sincerely,

Donald R. Ehlenbeck, P.E.
Bureau of Waste Cleanup

DRE/wb

enclosure

cc: Alex Padva - DER/West Palm Beach
Paul Wierzbicki - DER/West Palm Beach

EXHIBIT I

STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL REGULATION

IN RE:

File No. AP-STTF001

Rinker Materials Corporation)
Request Pursuant to Florida)
Administrative Code Rule 17-775.500)

APPROVAL OF ALTERNATE PROCEDURES

This cause comes before me upon receipt of a request by Rinker Materials Corporation for the approval of alternate procedures and requirements for the Rinker facility located at 1200 N.W. 137th Avenue, Miami, pursuant to Florida Administrative Code (F.A.C.) Rule 17-775.500. A Copy of the request is attached as Exhibit A.

FINDINGS OF FACT

1. The applicant requests that exceptions be granted for compliance with F.A.C. Rule 17-775.400(1), (2), (3), (4) that requires soil which has been treated by a soil thermal treatment facility to meet certain cleanup levels to be classified as clean soil, and F.A.C. Rule 17-775.410(5) which requires sampling and analysis of soil following thermal treatment for every eight hours of operation or each 400 tons of soil.

2. The applicant does not process contaminated soil into "clean soil", rather the contaminated soils are used entirely as raw materials for the production of clinker/portland cement, and the applicant proposes to do the following:

a. In the process of clinker production, use contaminated soil as raw material which is processed through direct fired rotary kilns for three to three and a half hours and is

converted to clinker with a kiln exit temperature of approximately 2750 °F.

b. Use the contaminated soil as approximately 12 percent of the total raw materials consumed in the production of clinker and approximately 10 percent of the portland cement produced.

c. Limit the maximum concentrations of metals in contaminated soil entering the raw materials feed process to the clean soil criteria of F.A.C. Rule 17-775.400(4).

d. As an alternate procedure for F.A.C. Rule 17-775.410(5), sample clinker production every 400 tons or every eight hours whichever is less and composite these samples on a weekly basis (7 days), and sample the clinker for the parameters and levels identified in F.A.C. Rule 17-775.400.

3. The applicant contends that this request satisfies the criteria for approval of an alternate procedure and requirements as set forth in F.A.C. Rule 17-775.500, and has provided laboratory analysis as Exhibit A to its request to demonstrate that clinker meets the criteria for clean soil.

Based on the information provided by the applicant, the Department finds that the applicant's plan will provide environmental protection substantially equivalent to that provided by compliance with the requirements established in Florida Administrative Code Rule 17-775.400(1),(2),(3),(4) and 17-775.410(5).

CONCLUSIONS OF LAW

Florida Administrative Rule 17-775.500 authorizes the approval

by the Secretary or her designee of alternate procedures and requirements concerning the regulation of soil thermal treatment facilities.

The Department concludes that the applicant has adequately demonstrated that the proposed alternate procedure provides a substantially equivalent degree of protection for the lands, surface waters, and ground waters of the State as the established requirement and that the alternate procedure is at least as effective as the established requirements.

Upon consideration of the foregoing it is therefore ORDERED that Rinker Materials Corporation's request for an alternate procedure and requirement is GRANTED.

Persons whose substantial interests are affected by the above proposed action have a right, pursuant to Section 120.57, F.S., to petition for an administrative determination (hearing) on the proposed action. The petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 21 days of publication of this notice. A copy of the Petition must also be mailed at the time of filing to Rinker Materials Corporation at the address indicated above. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to Section 120.57, F.S.

The petition shall contain the following information: (a) The name, address, and telephone number of each petitioner; the

Department's identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject agency proposed action have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of publication of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only

be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

When the Order is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes by filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road. Tallahassee, Florida 32399-2400; 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 file within 30 days from the date the Final Order is filed with the clerk of the Department.

DONE AND ORDERED this 1ST day of April,
1991 in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

Richard G. Wilkins

Richard G. Wilkins, Director
Division of Waste Management
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

I N T E R O F F I C E M E M O R A N D U M

Date: 10-Mar-1997 08:51am EST
From: Joe Lurix WPB
LURIX_J
Dept: Southeast District Office
Tel No: 561/681-6669
SUNCOM: 226-6669

TO: Erika Frederick TAL

(FREDERICK_E @ A1 @ DER)

Subject: financial

D.E.P.

TEL:407-433-2650

Mar 05 97 11:18

Transmit Confirmation Report

No. : 003
Receiver : 813052298015
Transmitter : D.E.P.
Date : Mar 05 97 11:18
Time : 03'49
Mode : Norm
Pages : 08
Result : OK

Box
904/414-0414
Erika Frederick