

# INTEROFFICE MEMORANDUM

**Date:** 29-Dec-1999 05:11pm  
**From:** Chris McGuire TAL  
MCGUIRE\_C  
**Dept:** Office General Counsel  
**Tel No:** 850/488-9314

**Subject:** Re: Ditto on the previous message: another soil treatment facility issue

Tom, I also spoke with Geoff about Rinker. I don't think that we can use the 62-713.220 alternate procedure, since it specifically says that it must be submitted as part of a permit application or modification. But I do think we can use the 62-701.310 alternate procedure language. That would be handled by Tallahassee and has a \$500 fee, but Geoff was okay with that.

Rinker is required to meet the requirements for what is "clean soil" by February 1, 2000. Those requirements are basically a cross-reference to 62-777, which as we are reminded frequently, is supposed to reflect an entire RBCA approach to regulation, not just a bunch of numbers people have to meet. If Rinker had a cleanup situation where 62-777 applied, we would probably say that putting the soil into concrete was an appropriate risk-based approach, since encapsulation is specifically mentioned. So if Rinker has to meet the clean soil criteria by 2/1/00, I think it is entirely appropriate to say that they can use the existing AP language to show us that their proposed use is just as safe as it would be if they met the SCTLs.

Gotta go. Have a nice century



# INTEROFFICE MEMORANDUM

**Date:** 06-Jan-2000 03:22pm  
**From:** Chris McGuire TAL  
MCGUIRE\_C  
**Dept:** Office General Counsel  
**Tel No:** 850/488-9314

**Subject:** Re: Ditto on the previous message: another soil treatment facility issue

I agree that some Alternate Procedures will be more straightforward than others. I have no problem including Conditions in any AP approvals we issue - we do that all the time. As to whether we should send out some notification about this, you are probably right that it would be a good idea. Perhaps we could just send a quick memo saying that OGC determined that the alternate procedure language of 62-701.310 was applicable in this case even to facilities which continue to operate under 62-775; if it was me, I'm not sure I would suggest that they should all try to use it to get around their arsenic problem.

Finally, I can't speak for Richard and Mary Jean, but since we already have a procedure for tracking AP requests I'm sure they could be of some help.

# INTEROFFICE MEMORANDUM

**Date:** 06-Jan-2000 10:57am  
**From:** Tom Conrardy TAL  
CONRARDY\_T  
**Dept:** Waste Management  
**Tel No:** 850/488-3935

**Subject:** Re: Ditto on the previous message: another soil treatment facility issue

Chris,

OK, Now I get it. I will advise Rinker and KleenSoil to submit the AP request. I think there are still some potential policy issues though about what type of disposal methods are ok and what type of special records need to be kept to document that the soil with concentrations above the metals CTLs was disposed in that manner. For Rinker its pretty straightforward since they put all of their material into concrete products (I think) but other facilities such as KleenSoil may want to segregate the material with metals CTL exceedences from other treated soil that doesn't and only send the soil with exceedences to the dedicated disposal methods and use the material that meets all CTLs for unrestricted disposal. That might get a little slippery on separate record keeping of proper disposal. Also, I believe they want to use it for other things besides making concrete or asphalt, like road base or "soil cement" which I'm not sure exactly what it is and where or how it is used. We may need to convene to discuss some of these issues that may involve some policy decisions. I will draft up a generic AP approval for Rinker and circulate to you all for comments in the next week or so and maybe that can be a model for the others. I'm thinking it may be appropriate to notify all permitted facilites (and the disticts) in some manner that they can apply for an AP under 62-701 if they have arsenic problems. What do you think? I never charged \$ for alternative procedures before. If I draft it up can Richard Tedder and MJY take care of issuing and collecting the money?

Tom

# INTEROFFICE MEMORANDUM

**Date:** 07-Jan-2000 10:08am  
**From:** Geoff Smith  
geoff@brmfirm.com  
**Dept:**  
**Tel No:**

**Subject:** Re: 62-713

This sounds fine to me. I will discuss with Rinker. Per your e-mail, I will address the request to Mary Jean Yon, and will copy you, Chris McGuire, Mike Sole, and Ruddell. That should about cover it. I want to keep it pretty simple. I will include all the items you mentioned, but I do not see the need to include any engineering reports, drawings, data analysis or reports, etc. I am looking for a quick turn around, so that there won't be any interruption in service.

I thought of another approach to this, that I preliminarily discussed with Chris McGuire and Mike Sole. It is simply this:

So long as Rinker is using 100% of it thermally treated soils as a raw material feedstock in the manufacture of Portland cement, such material does not meet the definition of a solid waste, and therefore will not be subject to DEP solid waste rules. (including the requirements of Chapter 62-713) This seems logical and correct to me, and would avoid the need for a formal "Alternate Procedure Approval." It also seems consistent with the statutory directives for Department to encourage treatment and reuse to the greatest extent practicable. DEP's "approval" of this interpretation could be very narrowly tailored to state that it is based upon the specific facts and circumstances presented by the use of treated soils as a raw material feedstock in the manufacture of Portland cement.

Let me know your thoughts. I am cc: ing McGuire, Yon, Sole, Ruddell, to be sure everyone is on the same page. In the meanwhile, I will begin preparing the Alternate Procedure Request as you have outlined. Thanks.

-----Original Message-----

From: Tom Conrardy TAL 850/488-3935  
[mailto:Tom.Conrardy@dep.state.fl.us]  
Sent: Friday, January 07, 2000 9:13 AM  
To: Geoff Smith  
Cc: Chris McGuire TAL; Richard Tedder TAL; Mary Jean Yon TAL; Michael Sole TAL  
Subject: Re: 62-713

Geoff:

I think I can proceed with development of an Alternative Procedure (AP) concept for Rinker under provisions of 62-701. I will draft it but it will probably be issued through Mary Jean Yon's group since the AP would be under her rule. Please submit a written request for the AP. Please indicate in the request whether all the petroleum contaminated soil that Rinker treats goes into the concrete making process or not. That might be a little cleaner than a situation where some of the treated soil that does not have CTL exceedences goes to other disposal, which would necessitate additional recordkeeping that all the soil with the arsenic (and other exceedences) goes to the concrete making process and not to the other disposal method(s). Until Rinker applies for a 62-713 permit they can't treat soils that are contaminated with things

other than petroleum, so please also indicate in the request that the facility will continue to only treat petroleum contaminated soil but the request is to deal with the occasional exceedences of arsenic due to background conditions (and also occasional other elevated levels of metals (lead?) in petroleum contaminated soil if Rinker thinks that may be an issue) but that the purpose is not to treat soil that is primarily contaminated with things other than petroleum. I think Chris McGuire may have already indicated to you that there is a \$500 fee for an Alternative Procedure under 62-701. Please let me know if you have any questions.

Tom

RFC-822-headers:

Received: from epic50.dep.state.fl.us ([199.73.195.8])

by mail.epic1.dep.state.fl.us (PMDF V5.2-32 #37976)

with ESMTP id <01JKF3VORL6G002QUE@mail.epic1.dep.state.fl.us>; Fri,

7 Jan 2000 10:08:35 EST

Received: from filter.brmfirm.com ([199.44.61.226])

by mail.epic50.dep.state.fl.us (PMDF V5.2-32 #31508)

with ESMTP id <01JKF3UIEF3W0001O3@mail.epic50.dep.state.fl.us>; Fri,

07 Jan 2000 10:07:39 -0500 (EST)

Received: from gw.brmfirm.com (gw.brmfirm.com. [10.0.0.2])

by filter.brmfirm.com (8.8.8/8.8.7) with ESMTP id LAA14940; Fri,

07 Jan 2000 11:12:52 -0500

Received: by BRM with Internet Mail Service (5.5.2650.21) id <CD4STRVL>; Fri,

07 Jan 2000 10:23:01 -0500

X-Mailer: Internet Mail Service (5.5.2650.21)

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