

From: [McBride, Ashanti](#)
To: [Sarah Chambers](#); [Bahr, Tim](#)
Cc: [DePradine, Gloria-Jean](#); ["Roger O'Connor"](#); sarah.chambers@progressivewaste.com; [White, John](#); [Melnick, Benjamin](#); [Baker, Bryan](#); [Dilmore, Cory](#); [Lubozynski, Tom](#); [Perrigan, Glen](#)
Subject: RE: Requesting Clarification - TEQ Restrictions On Florida Subtitle D Landfills
Date: Thursday, July 28, 2016 1:02:44 PM

Good Afternoon Ms. Chambers,

Thank you for your inquiry on whether the Department has a restriction on accepting sediments with a dioxin TEQ concentration above 1 ppb in any Subtitle D non-hazardous waste facilities. The State of Florida does not set any specific state thresholds for the disposal of wastes containing dioxin in its regulations. Specifically, the only applicable prohibition is found in Rule 62-701.300, Florida Administrative Code, (F.A.C.), which prohibits the disposal of hazardous waste in a solid waste management facility unless the facility is permitted under 62-730, F.A.C.

Wastes containing dioxin are a regulated hazardous waste if the waste was generated from a listed source or exhibits one of the characteristics of hazardous waste identified in 40 Code of Federal Regulations (CFR) § 261. If the waste is a regulated hazardous waste, its disposal is regulated by and prohibited in the Resource Conservation and Recovery Act (RCRA) at 40 CFR § 268.31. In order for dioxin containing wastes to be accepted in a Subtitle D non-hazardous waste landfill, which in Florida is called a Class I landfill, the waste must be no longer hazardous and meet the land disposal restrictions (LDR) found in 40 CFR § 268.

Thus, depending on the source or characteristics of the sediments containing dioxin they may not be regulated as hazardous waste. If not a regulated hazardous waste, the sediments would not be subject to RCRA, the LDR requirements, nor the prohibition against disposal of hazardous waste found in Rule 62-701.300, F.A.C.

It appears that the requirement that the sediments with a dioxin TEQ concentration above 1 ppb be disposed at Chemical Waste Management in Emelle, Alabama is not a Florida specific requirement but is a specific condition of the City of Miami's permit to perform work in or affecting waters of the United States with the Department of the Army. Wastes that are no longer hazardous and meet their specific LDR requirements in 40 CFR § 268 may be properly disposed of in a Class I Landfill in Florida.

Thank you and please let me know if you have any additional questions or if I may be of further assistance.

Sincerely,

Ashanti I. McBride

Assistant General Counsel

Office of the General Counsel
Florida Department of Environmental Protection
3900 Commonwealth Boulevard | Tallahassee, FL, 32399-3000
T: (850) 245-2203 | F: (850) 245-2298
Ashanti.McBride@dep.state.fl.us

From: Sarah Chambers [mailto:sarahchambers50@gmail.com]
Sent: Monday, July 18, 2016 11:42 AM
To: Bahr, Tim
Cc: DePradine, Gloria-Jean; 'Roger O'Connor'; sarah.chambers@progressivewaste.com; White, John; McBride, Ashanti; Melnick, Benjamin; Baker, Bryan; Dilmore, Cory; Lubozynski, Tom
Subject: RE: Requesting Clarification - TEQ Restrictions On Florida Subtitle D Landfills

Thanks again for the status.

Sincerely,
Sarah A. Chambers, REM
Waste Approval Specialist
(for the JED SWDF*)
*owned & operated by Waste Connections, Inc.)

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Cell: (813) 695-6140
Email: Sarah.Chambers@Progressivewaste.com
Email: Sarahchambers50@gmail.com
www.chessinc.biz

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From: Bahr, Tim [mailto:Tim.Bahr@dep.state.fl.us]
Sent: Monday, July 18, 2016 10:35 AM
To: Sarah Chambers <sarahchambers50@gmail.com>
Cc: DePradine, Gloria-Jean <GloriaJean.Depradine@dep.state.fl.us>; 'Roger O'Connor' <roger.oconnor@progressivewaste.com>; sarah.chambers@progressivewaste.com; White, John <John.White@dep.state.fl.us>; McBride, Ashanti <Ashanti.McBride@dep.state.fl.us>; Melnick, Benjamin <Benjamin.Melnick@dep.state.fl.us>; Baker, Bryan <Bryan.Baker@dep.state.fl.us>; Dilmore, Cory <Cory.Dilmore@dep.state.fl.us>; Lubozynski, Tom <Tom.Lubozynski@dep.state.fl.us>
Subject: RE: Requesting Clarification - TEQ Restrictions On Florida Subtitle D Landfills

Hi Sarah,

Thanks for checking. Just got an update from Ashanti with our Office of General Counsel, and

she said she should have a response drafted by Friday, so hopefully we can get you some information next week.

Tim J. Bahr, P.G., Assistant Director
Division of Waste Management
850-245-8790

From: Sarah Chambers [<mailto:sarahchambers50@gmail.com>]
Sent: Friday, July 15, 2016 3:55 PM
To: Bahr, Tim <Tim.Bahr@dep.state.fl.us>
Cc: DePradine, Gloria-Jean <GloriaJean.Depradine@dep.state.fl.us>; 'Roger O'Connor' <roger.oconnor@progressivewaste.com>; sarah.chambers@progressivewaste.com; White, John <John.White@dep.state.fl.us>; McBride, Ashanti <Ashanti.McBride@dep.state.fl.us>; Melnick, Benjamin <Benjamin.Melnick@dep.state.fl.us>; Baker, Bryan <Bryan.Baker@dep.state.fl.us>; Dilmore, Cory <Cory.Dilmore@dep.state.fl.us>; Lubozynski, Tom <Tom.Lubozynski@dep.state.fl.us>
Subject: RE: Requesting Clarification - TEQ Restrictions On Florida Subtitle D Landfills

Dear Mr. Bahr,

on May 12th (see email thread below), Mr. Lubozynski forwarded an email to you regarding our question pertaining to dioxin restrictions on Florida landfills. To date, we have not received feedback from your office on this matter. Can you provide a status, just in case the answer was lost in cyberspace? Thanks in advance for your response.

Sincerely,
Sarah A. Chambers, REM
Waste Approval Specialist
(for the JED SWDF*)
*owned & operated by Waste Connections, Inc.)

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Cell: (813) 695-6140
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Email: Sarahchambers50@gmail.com
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From: Sarah Chambers [<mailto:sarahchambers50@gmail.com>]
Sent: Thursday, May 12, 2016 2:58 PM
To: 'Bahr, Tim' <Tim.Bahr@dep.state.fl.us>
Cc: 'DePradine, Gloria-Jean' <GloriaJean.Depradine@dep.state.fl.us>; 'Michael Kaiser' <michael.kaiser@progressivewaste.com>; 'Roger O'Connor'

<roger.oconnor@progressivewaste.com>; sarah.chambers@progressivewaste.com; 'White, John' <John.White@dep.state.fl.us>; 'McBride, Ashanti' <Ashanti.McBride@dep.state.fl.us>; 'Melnick, Benjamin' <Benjamin.Melnick@dep.state.fl.us>; 'Baker, Bryan' <Bryan.Baker@dep.state.fl.us>; 'Dilmore, Cory' <Cory.Dilmore@dep.state.fl.us>; 'Lubozynski, Tom' <Tom.Lubozynski@dep.state.fl.us>

Subject: RE: Requesting Clarification - TEQ Restrictions On Florida Subtitle D Landfills

Mr. Bahr,

Thank you. We will anticipate the forthcoming response.

Sincerely,
Sarah A. Chambers, REM
Waste Approval Specialist
(for the JED SWDF*)

*owned & operated by Progressive Waste Solutions, Inc.)

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From: Bahr, Tim [<mailto:Tim.Bahr@dep.state.fl.us>]

Sent: Thursday, May 12, 2016 2:50 PM

To: Lubozynski, Tom <Tom.Lubozynski@dep.state.fl.us>; Sarah Chambers <sarahchambers50@gmail.com>

Cc: DePradine, Gloria-Jean <GloriaJean.Depradine@dep.state.fl.us>; 'Michael Kaiser' <michael.kaiser@progressivewaste.com>; 'Roger O'Connor' <roger.oconnor@progressivewaste.com>; sarah.chambers@progressivewaste.com; White, John <John.White@dep.state.fl.us>; McBride, Ashanti <Ashanti.McBride@dep.state.fl.us>; Melnick, Benjamin <Benjamin.Melnick@dep.state.fl.us>; Baker, Bryan <Bryan.Baker@dep.state.fl.us>; Dilmore, Cory <Cory.Dilmore@dep.state.fl.us>

Subject: RE: Requesting Clarification - TEQ Restrictions On Florida Subtitle D Landfills

Hi Tom and Sarah,

By copy of this email I am asking our hazardous waste (Ashanti and Bryan) and solid waste (Ben and Cory) program attorneys and administrators to evaluate and provide input into recommended response. Thanks for facilitating.

Tim J. Bahr, P.G., Program Administrator
Permitting and Compliance Assistance Program
850-245-8790

From: Lubozynski, Tom
Sent: Thursday, May 12, 2016 2:44 PM
To: Sarah Chambers <sarahchambers50@gmail.com>; Bahr, Tim <Tim.Bahr@dep.state.fl.us>
Cc: DePradine, Gloria-Jean <GloriaJean.Depradine@dep.state.fl.us>; 'Michael Kaiser' <michael.kaiser@progressivewaste.com>; 'Roger O'Connor' <roger.oconnor@progressivewaste.com>; sarah.chambers@progressivewaste.com; Lubozynski, Tom <Tom.Lubozynski@dep.state.fl.us>; White, John <John.White@dep.state.fl.us>
Subject: RE: Requesting Clarification - TEQ Restrictions On Florida Subtitle D Landfills

TO: Sarah Chambers –

Thank you for your inquiry. I am referring it to Tim Bahr at the Division of Waste Management, Permitting and Compliance Assistance.

Let us know if I am not summarizing your question correctly. You are asking whether Florida has a restriction on the disposal in a Subtitle D landfill (aka Class I landfill) of waste which has dioxin and dioxin equivalents. Specifically, you want to know whether the CH2MHill statement, “sediments with dioxin TEQ concentrations above 1 ppb cannot be accepted by any Subtitle D non-hazardous facilities in the state of Florida.” is correct.

With regard to the specific project, the Jacksonville District Corps of Engineers Letter of Permission (third attachment to this e-mail) Item 21 clearly states the dredged sediments showing elevated dioxins must be disposed at Chemical Waste Management in Emelle, AL. This requirement has nothing to do with Florida requirements for the disposal of waste which has dioxin and dioxin equivalents.

TO: Tim Bahr – Can you have someone respond to Ms. Chambers? The question has both solid and hazardous waste aspects to it. The answer could impact other Class I landfills in the State.

Tom Lubozynski

F. Thomas Lubozynski, P.E.
Environmental Administrator
Permitting and WCU
Waste, Air, & Stormwater Permitting
407-897-4300

From: Sarah Chambers [<mailto:sarahchambers50@gmail.com>]
Sent: Thursday, May 12, 2016 11:35 AM
To: Lubozynski, Tom <Tom.Lubozynski@dep.state.fl.us>
Cc: DePradine, Gloria-Jean <GloriaJean.Depradine@dep.state.fl.us>; 'Michael Kaiser' <michael.kaiser@progressivewaste.com>; 'Roger O'Connor' <roger.oconnor@progressivewaste.com>; sarahchambers50@gmail.com; sarah.chambers@progressivewaste.com

Subject: Requesting Clarification - TEQ Restrictions On Florida Subtitle D Landfills

Mr. Lubozynski:

My name is Sarah Chambers. I am the Waste Approvals Specialist for the J.E.D Solid Waste Management Facility (JED) located in Osceola County, Florida.

I was recently made aware of an upcoming project with the City of Miami to remove and dispose of 60,000 tons of dioxin contaminated sediments from within the Wagner Creek and Seybold Canal which are situated along a tributary to the Miami River in Miami-Dade County, Florida. According to a 2009 Corrective Action Plan prepared for the City of Miami by CH2MHill, the source of dioxin likely originated in surface runoff from the general vicinity or from a municipal trash incinerator which operated nearby. Based on this information, CH2MHill concluded the sediment to be removed is not contaminated with a "listed" hazardous waste as defined in 40 CFR Part 261 Subpart D and based on other characteristic test results is considered "non-hazardous". CH2MHill's report also discusses dioxin toxicity equivalents and "sediments with dioxin TEQ concentrations above 1 ppb cannot be accepted by any Subtitle D non-hazardous facilities in the state of Florida." In other words, the sediments would have to be transported outside of Florida for disposal. I was surprised to read this statement because in the last ten years of approving wastes for JED, I have not been aware of a dioxin TEQ restriction for all Subtitle D landfills in Florida. Prior to writing this email, I ran a search on the FDEP website, however, the TEQ restriction did not resolve. ***Please provide your comments regarding the accuracy of the statement, "sediments with dioxin TEQ concentrations above 1 ppb cannot be accepted by any Subtitle D non-hazardous facilities in the state of Florida."***

Extracted pages from the following documents are attached for reference.

1. CH2MHill's Corrective Action Plan prepared for the City of Miami-"WagnerCreek_Vol_1_CAP2_08_09 (Extracted Pages)" page 3-30 with red box outline.
2. DERM_Construction_Permit_2008_CLI_PER_00248 page 3 of 8 with red box outline.
3. Corp of Engineers Permit-SAJ_2004_6642_CityofMiami_LP_AG (Extracted Pages) page 5, highlighted in yellow.

Thanks in advance for your timely feedback.

Sincerely,
Sarah Chambers, REM
Waste Approval Specialist
JED Landfill

