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August 31, 1990

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SEP 4 1990

HAZARDOUS WASTE
PERMITTING

Re: Rinker Materials Corporation/cement kiln

Gentlemen:

Our office represents Rinker Materials Corporation ("Rinker"), which has a cement kiln operation in Dade County. The cement kiln recycles contaminated soils into cement as part of a materials substitution program.

In light of EPA's amendments to the Resource Conservation and Recovery Act ("RCRA") characteristic rule effective September 25, 1990, many of the wastes handled as non-hazardous soils by Rinker will be considered RCRA characteristic under the new rule. Rinker believes that its materials substitution program qualifies as recycling, and therefore, is exempt from RCRA's permitting requirements. Rinker is sending this letter as an exemption request for RCRA contaminated soils, and describes its process below.

Rinker's cement kiln combines sand and limerock along with various materials in a wet mix. The wet mix is then placed in one of two 475 foot rotary kilns, which converts the material to cement clinker by subjecting it to intense heat (2750F.) over a prolonged period of time in an oxygen deficient environment.

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Rinker's substitute materials program recycles contaminated soils, which reduces its need for sand and limerock to make cement which it sells. The plant derives about 8% of its revenues from the recycling program and 92% from its cement sales.

Rinker is mindful of the recent concern over sham recycling. It has carefully evaluated its process and has concluded, based on the following, that its substitution program clearly is not sham recycling. EPA has provided guidelines for determining sham recycling. The first is the percentage of income derived from the recycling as opposed to the sale of the recycled product. Rinker derives over 90% of its revenue from cement production at the kiln and less than 8% from materials substitution. Rinker clearly sells a valuable recycled product, which revenue far exceeds any received for recycling the materials for generators.

The second criteria examined by the EPA is whether the material accepted for recycling is accepted indiscriminately. Rinker requires a rigorous analysis of all recycled materials by the generator. In addition, Rinker maintains its own laboratory to screen and confirm analyses. Most important to Rinker is the quality of its cement on which its reputation exists. Rinker is extremely careful in maintaining the quality of its cement and conducts rigorous continuous sampling to ensure that substitution materials do not affect the cement.

The third and fourth criteria scrutinized by EPA concerns the energy values derived from the recycled materials. Rinker does not use or rely upon its substitute materials for energy recovery.

The fifth criteria which EPA relies on is whether the waste is effective for the claimed recycling purpose of the raw material normally processed. Rinker substitutes contaminated soils for sand and limerock, which its process needs to make cement. By substituting these materials, it conserves its sand and limerock resources. It produces the same product whether it uses substitute recycled materials or virgin materials.

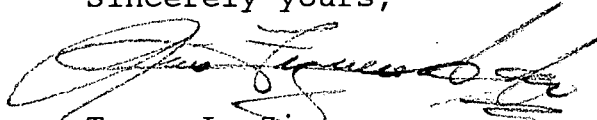
The final criteria is whether the toxic constituents are reclaimed or simply destroyed. Metals are incorporated into the cement by incipient fusion and becomes part of the product, while organic components are consumed and yield low levels of heat, which contributes a minor amount to the kiln heating. Thus, the process does not just destroy the contaminants, but

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recycles the metals and derives some heat value from the organics.

Based on these criteria, Rinker believes its cement kiln substitute materials recycling program qualifies for a recycling exemption under RCRA and FAC 17-730. We would appreciate your review of this letter and a subsequent confirmation if you are in agreement.

Sincerely yours,



Terry L. Zimm

TLZ:ksh
cc: Gary Early, Esq.