

Project ID: 69992

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Alternate ID  Related ID  ty  activity  Link  Project  Help
AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA
AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA
0AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA
3  Site Id : 67398                      County: 13 DADE
AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA
3  Name: RINKER MATERIALS CORPORATION
3  Directions: North of Tamiami Trail on NW 137th Ave, West of Turnpike
3
3  Address: 1200 NW 137TH AVENUE
3
3  City: MIAMI                      State: FL  Zip: 33182 -
AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA
3  Site Geographic Information
AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA
3  Feature:                      Method: ADDM Datum: 83  Date: 14-JUN-94
AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA
3  Latitude 3 Degrees: 25 Minutes: 46 Seconds: 48.000
3  Coordinate 3 Longitude 3 Degrees: 80 Minutes: 25 Seconds: 10.000
3  (choose one method) AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA
3  UTM 3 Easting:                      Northing:                      Zone:
AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA
```

Query caused no records to be retrieved  
Count: \*1

<List><Replace>

3/17/95

Pinker Quarterly Inspection  
Drum Wash Area

Drill cuttings in drums  $\approx$  600  
2/28/95

mm



3/17/95 1300

clear  
Rinker Materials

WLM





3/17/95 1200

Class

Pinker Materials

WLM



7/28/95 1030  
Clear  
Pinker Matenas  
Wm

Drill cuttings from M14 various sites



3/17/95 1300

clear  
Rinker Materials

WLM



3/17/95 1300

Clear

Pinker Materials

WLM





3/17/95 1300

Clear  
Rinker Materials  
WLM



7/28/95 1030  
Clear  
Rinker Materials  
Wm

Drill cuttings from MIA various sites

1030  
Materials  
Wm

from MIA various sites

28/95 1030  
Clear  
Rinker Materials  
Wm

from MIA various sites




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**PALM BEACH      III-A**  
**METROPOLITAN PLANNING ORGANIZATION**

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160 Australian Avenue, Suite 201, West Palm Beach, Florida 33406  
 Phone 561.684.4170 Fax 561.233.5664 · www.pbcgov.com/mpo

**MINUTES OF THE  
 TECHNICAL ADVISORY COMMITTEE  
 Wednesday, February 1, 2006 - 9:00 A.M.**

Engineering - 2<sup>nd</sup> Floor Conference Room  
 160 Australian Avenue  
 West Palm Beach, Florida

**RECEIVED**  
 FEB 24 2006  
 DEPT OF ENV PROTECTION  
 WEST PALM BEACH

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**AGENDA:**

- I. ROLL CALL
- II. ADOPTION OF AGENDA
- III. ELECTION OF OFFICERS
  - A. Chair
  - B. Vice-Chair
- IV. APPROVAL OF MINUTES OF TAC MEETING
  - A. Technical Advisory Committee Minutes of December 7, 2005
- V. OLD BUSINESS
  - A. Transit Oriented Development Studies
- VI. NEW BUSINESS
  - A. 2030 Transportation Plan Update
  - B. Southeast Florida Transportation Council
  - C. FDOT Project Progress Reports

VII. SECRETARY'S REPORT

- A. Correspondence
- B. MPO Actions
- C. Next Meeting – MARCH 1, 2006
- D. Other
- E. Public Comment

VIII. RECOMMENDATIONS/COMMENTS BY MEMBERS

IX. ADJOURNMENT

### Technical Advisory Committee Attendance Record – 2006

Name Representing	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
GUS SCHMIDT/Shi Chang Li/John Krane/Tammy Campbell FL Dept. Of Transp. - Planning	Alt										
**DAN WEISBERG/ G.Webb/A. Ennis/Haney Frakes PBC Engineering Department	P										
KHURSHID MOHYUDDIN PBC Planning, Zoning & Bldg.	P										
PAUL DORLING/Diane Dominguez City of Delray Beach	P										
*DOUG HESS/John Rielly City of Boca Raton - Engineering	P										
BRIAN COLLINS/ City of West Palm Beach - Engr.	P										
NANCY ZIEGLER/Jeff Weidner/ Larry Hymowitz/Lois Bush FL Dept. Of Transp. - Transit	Alt										
BRUCE OFFORD/Juliana Mitnik FDER	P										
JERRY ALLEN/Wil Hicks PBC Airports Department	Alt										
MICHAEL DAVIS Port of Palm Beach	A										
/Fred Stubbs PalmTran	P										
ROGER HEDRICK City of West Palm Beach - Planning	*** P										
QUINTUS GREEN/Michael Rumpf City of Boynton Beach	Alt										
SELVA SELVENDRAN/Nubia Carabelas PBC Health Department	P										
BOB RILEY/Yevola Falana PBC School District	A										
CARMEN ANNUNZIATO/M. Righetti City of Boca Raton	Alt										
JOHN SAMADI City of Riviera Beach	P										
THOMAS DRISCOLL Town of Jupiter	*** P										
SFRTA - TriRail	-										
TERRY HESS/Kim Delaney Treasure Coast Reg. Plan. Council	Alt										

\*2006 Chair

\*\*2006 Vice-Chair

P = Member Present

Alt = Alternate Present

E = Excused Absence

A = Absent/No Attendance

- = Member not assigned

\*\*\*New Appointment

Shaded Area= Meeting not held

OTHERS PRESENT

Josh Naramore  
Vickie Gatanis  
Shi-Chiang Li  
Wil Hicks  
Kim Delaney  
Michael Moore  
Chuck McGinness  
Randy Whitfield  
Elizabeth Requeny

REPRESENTING

FDOT  
FDOT  
FDOT  
PBC Department of Airports  
Treasury Coast Regional Planning Council  
Gannett Fleming  
Palm Beach Post  
Metropolitan Planning Organization  
Metropolitan Planning Organization

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## I. ROLL CALL

The meeting was called to order by CHAIR DOUG HESS at 9:03 A.M. The Recording Secretary called the roll. A quorum was present as depicted on Page 3 of these Minutes.

## II. ADOPTION OF AGENDA

CHAIR HESS inquired if there were any changes, additions or deletions to the Agenda. MR. SAMADI requested the widening of Silver Beach Road be added under New Business. CHAIR HESS added item VI-D Widening of Silver Beach Road to the agenda. Agenda item V-A should read "Transit Oriented Development Studies".

**A motion was made by MR. STUBBS to adopt the Agenda with revisions; seconded by MR. SAMADI. The motion carried unanimously.**

## III. ELECTION OF OFFICERS

## A. Chair

MR. WHITFIELD opened the elections for the Technical Advisory Committee Chair by asking for nominations.

**A motion was made by MR. MOHYUDDIN to re-elect DOUGLAS HESS as Chair; seconded by MR. OFFORD.**

**There being no other nominations, a motion was made by MS. DELANEY to close the nominations; seconded by MR. OFFORD.**

**Both motions carried unanimously.**

## B. Vice-Chair

CHAIR HESS opened the elections for the Technical Advisory Committee Vice-Chair by asking for nominations.

MR. WEISBERG asked if he could nominate himself, CHAIR HESS responded he could.

**A motion was made by MS. DELANEY to elect DAN WEISBERG as Vice-Chair; seconded**



by MR. DRISCOLL.

There being no other nominations, a motion to close the nominations was made by MS. DELANEY; seconded by MR. DRISCOLL.

Both motions carried unanimously.

IV. APPROVAL OF MINUTES OF TECHNICAL ADVISORY COMMITTEE  
DECEMBER 7, 2005 MEETING

CHAIR HESS inquired if there were any changes to the December 7, 2005 Minutes. There were none.

A motion was made by MR. DORLING to approve the December 7, 2005 Minutes; seconded by MR. DRISCOLL. The motion carried unanimously.

V. OLD BUSINESS

A. Transit Oriented Development Studies

MR. WHITFIELD explained the Treasure Coast Regional Planning Council (TCRPC), with the support of the MPO, has been conducting studies related to transit oriented development. These studies have occurred in conjunction with existing and proposed stations for Tri Rail commuter rail service. The studies have reviewed existing or proposed development and prepared recommendations for changes that enhance potential use of transit services for travel. MS. DELANEY from TCRPC made the presentation.

MR. SELVENDRAN arrived at 9:11 A.M.

MS. DELANEY began by explaining Transit Oriented Development (TOD). TOD is walk-able "villages" located at and around transit stations in a quarter to half mile ring. It contains broad mix of uses; such as residential, office, retail, and entertainment, civic/cultural. It ties into local transit and contains densities appropriate to context. It's more compact than surrounding areas; they are built around civic plazas and community spaces. Parking is shared, reduced and structured.

The objective of TOD is to increase ridership by getting people living and/or working as close as possible to transit stops; provide convenient service (e.g. cleaners, shoe repair, child care, video rental, groceries); add civic, cultural for entertainment uses; create multi-modal integration with other forms of transit and make it pedestrian-friendly and fun to use.

TOD is not auto-oriented and does not contain large surface parking lots, suburban office campuses or big-box retail.

MS. DELANEY referenced the approved RCA Center site plan and pointed out the deficiencies for TOD. Right now the site is single-use for commercial, has suburban "super-blocks" and "super-lots" parking. She added the street network is "missing in action" and no station visibility.

The revised RCA Center has the beginnings of a TOD district, but TCRPC is not suggesting this be done. The mixed-use plan contains commercial, retail, office, restaurants, residential and civic/plaza. The street network has been improved to include building fronts along streets, improved pedestrian flow and amenities and smaller blocks. The Tri-Rail station terminates at an east/west street and has increased visibility and prominence. The bus/trolley loop is integrated into station plan; it separates buses and trolleys from pedestrian activity and allows

for multi-modal transportation long term.

Areas still in need of improvements include exposure of east/west street, on-street parking, more intensification of buildings, more residential space, particularly workforce; and functionality of building frontage.

A discussion ensued about parking availability and what is needed. MR. WHITFIELD mentioned Tri-Rail will not be operational in the area until 2012, at the earliest, so transit will not be a selling point yet.

MR. SAMADI asked how pedestrians on the east side of the rail will be attracted. MS. DELANEY responded there is still a lot more work needed and she did not yet have an answer to his question.

MS. DELANEY stated they will be recommending 20% of the residential units be designated for workforce, but was unsure how to go about that.

MR. WEISBERG mentioned the need to address the traffic impact caused by the density issue of this project. MS. DELANEY suggested discussing the issue after the meeting.

MR. DRISCOLL questioned the lack of rental units in the project; MS. DELANEY replied she agreed, but the market did not support it and this would be a very difficult goal to achieve.

MR. COLLINS echoed MR. WEISBERG's concern about traffic impact.

The next steps to create a TOD district include including a "TOD District" category in the Comprehensive Plan. The LDRs will need to be amended to require key design features to enhance function and encourage rider-ship. They need to change the FLUM of RCA Center site and adopt revised site plan (construction of early phases of approved plan can proceed) and finally assist with FEC Corridor Study.

## VI. NEW BUSINESS

### A. 2030 Transportation Plan Update

MR. WHITFIELD explained the 2030 Cost Feasible Transportation System Plan was adopted by the MPO in December, 2004 and approved by USDOT in March, 2005. The last legislative session included passage of the Growth Management Act with additional transportation funding and policies associated with those funds. Congress also passed SAFETEA-LU with changes in programs and funding. As a result, the MPO is revisiting the financial assumptions associated with the 2030 Plan. The staff is also updating the land use assumptions for the Plan.

MR. WHITFIELD mentioned construction costs have increased 35-50% and as a result, the MPO must go back and adjust the cost estimates. They will also review the data for any needed updates. As a result, staff will be doing a minor update to the Long Range Plan and will be speaking with Palm Tran to look at the transit systems since their long range transit component doesn't really account for a lot of new routes or expanded transit operations. The goal is to have the update finished by the end of the summer. The staff will be presenting more information to the TAC along the way. They will be using the same consultant since the update was anticipated, and they had left a continuing contract clause in the last update for this purpose.

MR. WHITFIELD stated the Plan will be reviewed and they anticipate a much bigger gap between Needs and Coast Feasible this time.

## B. Southeast Florida Transportation Council

MR. WHITFIELD said the Southeast Florida Transportation Council (SEFTC) was formed by the MPOs in Miami-Dade, Broward and Palm Beach counties. The purpose of SEFTC is regional transportation planning. SEFTC held its first meeting on January 11. He stated this comes in very handy because of the Growth Management Act created the Transportation Regional Incentive Program (TRIP) funds which are used on these regional projects. These must be approved by some type of regional entity and the SEFTC comes in very handy for that purpose. Two of three chairs were in attendance at the first meeting; Miami-Dade was unable to attend. They had an overview of what the purpose of the council will be. FDOT presented a summary of the Growth Management bill and the new funding sources. One item discussed, which is going back to the legislature, is looking at the boundaries for the DOT districts, the regional planning councils, water management districts. MR. WHITFIELD said the council unofficially discussed their feeling that there should only be one big regional planning council for this area instead of two and the staff agreed.

The next meeting is scheduled for April to discuss the projects and ways to identify priorities and hopefully start to address the priorities for the use of the TRIP funds. There are two years of the TRIP funds set aside in the Work Program for this area, the TRIP funds are allocated by district, so they want to get moving on those as soon as possible. The Council has a technical committee which meets every other month at this point in time, to try and come together with the information for the Council to consider.

CHAIR HESS asked if the Council had a regular meeting schedule in place. MR. WHITFIELD replied they are pushing for the second Wednesday of the first month of each quarter; they will have to see how well it works. The meeting location will rotate among the three counties, but may possibly end up in Broward because it's in the middle.

MR. WEISBERG questioned if there was a timeframe for the TRIP applications. MR. WHITFIELD replied he did not think so. MR. WEISBERG asked if the priorities would be set first and then seek applications. MR. WHITFIELD said the biggest priority now is whether the 50% matching fund is available for the TRIP funds. There are guidelines in the Act to follow when picking projects for TRIP funds. The projects will be selected from the Regional and Roadway Network.

## C. FDOT Project Progress Reports

MR. WHITFIELD mentioned the staff has begun receiving progress reports for FDOT projects in Palm Beach County. The most recent series of reports is attached. These reports provide a summary of the projects and highlights of current and future activities.

The reports are received on a monthly basis now and are working with the Board to consider whether the report will be summarized into some kind of spreadsheet or how this information will be made available to the Board members, staff and the general public.

CHAIR HESS requested, for ease of review, the MPO assemble the reports into a spreadsheet. MR. WHITFIELD replied this was suggested to the Board at the last meeting and they didn't say anything. He stated staff would do it anyway for their purposes and make it available.

## D. Widening of Silver Beach Road

MR. SAMADI stated Silver Beach Road runs east/west between Congress Avenue and US 1; it borders Lake Park and Riviera Beach. Along Congress Avenue between Blue Heron and

Northlake there have been several large residential developments as well as commercial. For many years the three parties, County, Lake Park and Riviera Beach have been talking about Silver Beach Road and Northlake reliever. MR. SAMADI stated the City, recently, has been receiving complaints about the traffic conditions on Silver Beach Road, especially between Old Dixie and Congress. The County finally did a right-of-way study. The consultant came up with justifying a three-lane roadway. The County sent Riviera Beach a letter informing them of the study's conclusion. MR. SAMADI stated that although the City has neither received nor reviewed the study, they do believe it is flawed in many aspects. He went on to say one of the reasons its flawed is that the study concludes that although the volume will approach or exceed 16,000 range by 2015, the road does not need to be widened.

The consultant did not meet with the parties involved to hear what problems they are encountering on a daily basis. The City has, in the past two years, notified the County in writing as well as in telephone conversations that this is not acceptable to the City unless it is four lanes.

MR. SAMADI requested CHAIR HESS to direct staff or the consultant to look at the 2025 and 2030 Long Range Plan specifically at this area, and in light of the fact that the Long Range Plan assumes that Park Avenue in Lake Park will be extended. CHAIR HESS asked MR. SAMADI if he was suggested as part of the 2030 Update they look at this issue; MR. SAMADI said yes.

MR. WHITFIELD stated it would be reviewed in the update.

Discussion on the issue continued.

MR. COLLINS left at 10:05 A.M.

## VII. SECRETARY'S REPORT

### A. Correspondence

There was no correspondence.

### B. MPO Actions

MR. WHITFIELD stated the MPO Board approved the appointment of as an alternate for SELVA SELVENDRAN to represent the Florida Department of Health, approved an application for Lake Worth CRA for a federal grant, discussed the FDOT's signage guidelines, and heard a solution to a roadway improvement issue in the Town of Pahokee. The Board was brought up to date on the first meeting of the Southeast Florida Transportation Council; they received progress reports from FDOT projects and asked staff to look into additional membership on the TAC.

### C. Next Meeting – MARCH 1, 2006

MR. WHITFIELD stated the next TAC meeting would be held on March 1, 2006.

### D. Other

There was no other.

### E. Public Comment

There were no public comments.

VIII. RECOMMENDATIONS/COMMENTS BY MEMBERS

MR. SAMADI informed the Chair he would be away for the March meeting and asked for an excused absence, CHAIR HESS granted the request.

MR. DRISCOLL suggested changing the start time of the TAC meeting to 9:30 or 10:00 AM to avoid peak hour of traffic in the morning. MR. WHITFIELD answered the TAC meetings would soon have a new meeting place at the Vista Center on Okeechobee Boulevard and the Turnpike.

IX. ADJOURNMENT

**There being no further business, a motion to adjourn was made by MR. MOHYUDDIN; seconded by MR. DORLING. The meeting was adjourned at 10:09 A.M.**

---

This signature is to attest that the undersigned is the Chairman, or a designated nominee, of the Technical Advisory Committee and that information provided herein is the true and correct Minutes for the **February** meeting of the Technical Advisory committee, dated this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

---

Chairman

**RECORDED TAPES OF ALL TECHNICAL ADVISORY COMMITTEE MEETINGS ARE KEPT ON FILE AT THE METROPOLITAN PLANNING ORGANIZATION OFFICE.**



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## PALM BEACH METROPOLITAN PLANNING ORGANIZATION

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160 Australian Avenue, Suite 201, West Palm Beach, Florida 33406

Phone 561.684.4170 Fax 561.233.5664 [www.pbcgov.com/mpo](http://www.pbcgov.com/mpo)

**MINUTES OF THE  
TECHNICAL ADVISORY COMMITTEE  
Wednesday, December 7, 2005 - 9:00 A.M.**

Engineering - 2<sup>nd</sup> Floor Conference Room  
160 Australian Avenue  
West Palm Beach, Florida

**RECEIVED**

**JAN 27 2006**

DEPT OF ENV PROTECTION  
WEST PALM BEACH

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### AGENDA:

*Received  
Feb 13*

- I. ROLL CALL
- II. ADOPTION OF AGENDA
- III. APPROVAL OF MINUTES OF TAC MEETING
  - A. Technical Advisory Committee Minutes of September 7, 2005
- IV. OLD BUSINESS
  - A. South Florida East Coast Corridor Transit Analysis
- V. NEW BUSINESS
  - A. FY 07-11 Draft Tentative Work Program
  - B. FY 06 Transportation Improvement Program Roll-Forward Report
- VI. SECRETARY'S REPORT
  - A. Correspondence
  - B. MPO Actions
  - C. Next Meeting – FEBRUARY 1, 2006
  - D. Other
  - E. Public Comment
- VII. RECOMMENDATIONS/COMMENTS BY MEMBERS
- VIII. ADJOURNMENT

### Technical Advisory Committee Attendance Record – 2005

Name Representing	Feb	Mar	Apr	May	Jun	Jul	Sep	Dec
GUS SCHMIDT/Shi Chang Li/John Krane/Tammy Campbell FL Dept. Of Transp. - Planning	Alt	Alt	E	E	Alt	Alt	Alt	P
DAN WEISBERG/ G.Webb/A. Ennis/Haney Frakes PBC Engineering Department	P	E	Alt	P	P	P	Alt	P
KHURSHID MOHYUDDIN, PBC Planning, Zoning & Bldg.	P	P	E	P	P	P	E	P
PAUL DORLING/Diane Dominguez City of Delray Beach	P	A	A	P	P	P	E	A
DOUG HESS/John Rielly City of Boca Raton - Engineering	P	E	Alt	P	P	P	P	P
BRIAN COLLINS/ City of West Palm Beach - Engr.	-	*P	P	P	P	P	P	A
NANCY ZIEGLER/Jeff Weidner/ Larry Hymowitz/Lois Bush FL Dept. Of Transp. - Transit	Alt	Alt	Alt	Alt	Alt	Alt	Alt	P
BRUCE OFFORD/Juliana Mitnik FDER	P	P	P	P	P	P	P	E
JERRY ALLEN/Wil Hicks PBC Airports Department	A	Alt	Alt	A	Alt	Alt	Alt	A
MICHAEL DAVIS*** Port of Palm Beach	A	A	A	P	A	A	P	A
/ Fred Stubbs PalmTran	Alt	Alt	Alt	P	P	E	P	P
City of West Palm Beach - Planning	-	-	-	-	-	-	-	A
QUINTUS GREEN/Michael Rumpf City of Boynton Beach	P	Alt	Alt	Alt	Alt	A	Alt	P
SELVA SELVENDRAN/P.Kalamaras PBC Health Department	Alt	A	Alt	P	Alt	P	P	P
BOB RILEY/Yevola Falana PBC School District	A	E	A	A	A	A	A	A
CARMEN ANNUNZIATO/M. Righetti City of Boca Raton	A	A	A	Alt	Alt	Alt	Alt	A
JOHN SAMADI City of Riviera Beach	P	P	P	P	P	A	P	P
SAM SHANNON/Thomas Driscoll Town of Jupiter	P	P	E	P	P	P	P	Alt
MICHAEL WILLIAMS/J. Roberson SFRTA - TriRail	Alt	A	Alt	Alt	Alt	Alt	Alt	Alt
TERRY HESS/Kim Delaney Treasure Coast Reg. Plan. Council	A	Alt	E	Alt	Alt	Alt	Alt	Alt

P = Member Present  
- = Member not assigned

Alt = Alternate Present  
\*\*\*New Appointment

E = Excused Absence    A = Absent/No Attendance  
Shaded Area= Meeting Canceled



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**PALM BEACH  
METROPOLITAN PLANNING ORGANIZATION**

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160 Australian Avenue, Suite 201, West Palm Beach, Florida 33406

Phone 561.684.4170 Fax 561.233.5664 www.pbcgov.com/mpo

**TECHNICAL ADVISORY COMMITTEE  
WEDNESDAY, FEBRUARY 1, 2006 – 9:00 A.M.**  
Engineering – 3<sup>rd</sup> Floor Conference Room  
160 Australian Avenue  
West Palm Beach, Florida

**AGENDA:**

- I. ROLL CALL
- \*II. ADOPTION OF AGENDA\*\*
- III. APPROVAL OF MINUTES OF TAC MEETING\*\*
  - \*A. February 1, 2006 TAC Meeting
- IV. NEW BUSINESS
  - \*A. Florida Turnpike Study *LS to Turnpike 28 only*
  - \*B. Regional Transportation Planning
  - \*C. Port of Palm Beach Corridor Analysis Study
  - ~~\*D. Vanpool Program~~ *Moved*
- V. SECRETARY'S REPORT
  - A. Correspondence
  - B. MPO Actions
  - C. Next Meeting – **APRIL 5, 2006**
  - D. Other
- VI. RECOMMENDATIONS/COMMENTS BY MEMBERS
- VII. ADJOURNMENT\*\*

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FEB 29 2006  
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\*Backup Provided

\*\*Action Required

#Previously Transmitted

In accordance with the provision of ADA, this agenda may be requested in an alternative format.  
Contact Randy Whitfield at 561.684.4170.





Lee Martin

980674

June 10, 1998

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JUN 15 1998  
DEPT OF ENV PROTECTION  
WEST PALM BEACH

Department of Environmental Protection  
Southeast District  
400 N. Congress Avenue  
P.O. Box 15425  
West Palm Beach, FL 33416

Attn: Mr. Jorge Patino  
Waste Cleanup

Dear Jorge:

Please find enclosed copies of CSR Rinker's employee safety Handbook and safety hand outs for new employees.

I hope this can be of use. Let me know if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Marple", written over the word "Sincerely,".

Dave Marple

cc: Mr. Lee Martin  
Waste Cleanup

Some everyday safety rules to follow and review before jobs

page 1 of 4

RECEIVED  
JUN 15 1998

DEPT OF ENV PROTECTION  
WEST PALM BEACH

On the next four pages are some of the everyday safety rules commonly encountered in the cement mill and throughout the cement division. Every employee is a key player in the safety process. Safe job performance is the best way to avoid accidents. In order for the safety program to be effective, you must take an active part. Remember, YOU are the key to safety. (Rinker Employee Safety Handbook, p. 3)

**NO JOB IS SO IMPORTANT AND NO TASK IS SO URGENT  
THAT WE CANNOT TAKE THE TIME TO PERFORM OUR WORK SAFELY.**

- Discuss each job prior to starting and review safety considerations. Think ahead about what hazards may occur or what could go wrong. Be alert and aware of your surroundings. Good communications is a must for safety.
- Each person is required to perform a safety inspection of his work area each shift and correct each safety hazard or tape off the area and report it immediately to the supervisor. See that a repair order is written.
- If you see a fellow worker in danger, do not hesitate to tell him.
- Wear personal protective equipment specified by your department and supervisor. Wear hard hat, safety glasses, safety shoes, and back belt. Wear gloves, ear plugs, and respirators when appropriate.
- Wear goggles when inside the cooler, whenever using an air lance, and in other drafty places. Wear goggles or face shield when opening the doors of an operating clinker cooler and when using a grinder.
- Follow proper lifting procedures. Tighten back belt. Get help if needed.
- Watch out for pinch points. Wear gloves when appropriate. Do not place hands or tools into or around conveyors or other machinery unless it is locked out.

- Follow all lock-out procedures. Your safety lock must have your name attached. Your safety lock protects you and stays with you. Departmental locks are not a substitute for using your safety lock. Do not share locks.
- Equipment guards shall be replaced upon completion of work and before the last personal safety lock and departmental lock is removed. Guards must be in place when equipment is in operation. Guards must be secured to the floor or frame, not resting loose.
- Keep electrical cabinets closed. Do not use frayed extension cords or plugs with ground prongs missing.
- Electrical junction boxes must be closed and the covers in place. Electrical wires must be bushed and properly fitted entering junction boxes.
- Portable extension lights and all other lights that by their location present a shock or burn hazard shall be recessed or protected with metal-wire guards or other suitable protection.
- Compressed gas cylinders must be secured to dollies, walls, or girders. The valves must be closed while cylinders are being moved or when the torch and hose are left unattended. Caps must be on when cylinders are stored and transported, and if a regulator is in place the yellow split-caps must be used and pinned closed at all times.
- Have fire extinguishers on the job if burning or welding. Return them when finished.
- Full oxygen cylinders must be stored separately from full acetylene cylinders. Oxygen cylinders shall not be stored in rooms used for storage of flammables such as gas, oil, etc. including grease.
- Chicago fittings at every section of air hose is to be pinned.

**Some everyday safety rules to follow and review before jobs**

**page 3 of 4**

- **Report and tag defective tools.**
- **Stationary grinding machines shall be equipped with hoods, tool rests set no greater than 1/8 inch from the wheel, and a safety washer on each side of the wheel.**
- **Portable rung ladders must be provided with feet (except inside ball mills), must be in good condition, and must be tied to hold them in place.**
- **Never stand or work underneath a suspended load, and tape off the area. Tape off all areas below your work area. Remove tape when job is completed.**
- **Persons in danger of falling, on ladders performing vigorous work, or working on unprotected perches more than five feet above the floor or catwalk; must wear a safety belt and life-line properly secured.**
- **Whenever there are open excavations into which you may fall, barricades shall be erected.**
- **Employees can only enter bins, hoppers, silos or piles subject to cave-ins with the presence of the foreman and with a life-line tended by an employee and tied off to a secure area. Lock-outs and rescue procedures must be discussed by all before starting.**
- **Only trained and authorized operators are permitted to operate forklifts, front end loaders, and other mobile equipment. Never ride on mobile equipment other than in the seat. Mobile equipment manufactured with certified roll-over-protection (ROPS) must have seat belts, and they must be worn.**

- Each person operating mobile equipment that day is required on a shift basis to perform a walk-around inspection and fill out the inspection checklist prior to his operation. Brakes, horn, lights, back-up alarm, and all other safety devices must be in proper operating order. When any mechanical defects make continued operation of the equipment hazardous, the equipment shall be tagged and placed out of service until repaired.
- Drive with loads as low as possible to the ground. Do not proceed if your vision is obstructed. Stop and honk at blind corners and before entering and leaving buildings. Drive slowly.
- Ramps must have a berm or barrier of mid-axle height of the largest equipment using it.
- Avoid using open flames around flammable material. Report any fires immediately, return used extinguishers and replace with new ones. To report a fire, call the burner at ext. 3981.
- Gasoline and diesel in 5 gal. or smaller cans shall be labeled to indicate contents and the can shall be an approved container having a spring-closing lid and spout cover.
- "No Smoking nor Open Flames" signs shall be posted where a fire or explosion hazard exists, such as storage of gasoline, oil, grease, compressed gas cylinders, burner floor, underneath the coal silo, etc.
- Remedy housekeeping in areas where a safety hazard results, such as blocked access or piles on catwalks higher than the toe-plates where people can slip through the handrail. Clean up oil spills. Walk carefully around slurry and other slippery areas.
- Report all equipment damage, incidents, and injuries immediately. Fill out an accident investigation report with a supervisor before the end of your shift. You must receive authorization from your supervisor before receiving treatment for work-related injuries, and only from company-authorized doctors.
- Violation of any safety rules will subject employees to disciplinary action.

June 5, 1995

MEMORANDUM

TO : All Cement Division Employees  
FROM : Jim Jenkins  
SUBJECT : Back Belt Policy

---

Back injuries are:

- A) One of the most painful injuries an employee can suffer.
- B) One of the longest lasting work related injuries.
- C) The most costly accidents to the company.
- D) The most frequent industrial injury.

Recognizing that back injuries are the #1 crippler in today's workplace. The objective of this policy will be to reduce them to a minimum by providing our employees with the maximum back protection needed for their job.

- 1) Back belts will be supplied, at no cost, to each employee by the company.
- 2) Back belts that become unusable through normal wear and tear, will be replaced at no cost to the employee.
- 3) Should you need a back belt or need to have your present one replaced, see your supervisor.

Employees in the following classifications will be required to wear a back belt (in the relaxed or tightened position) at all times they are on the job.

- Repairman
- Welder
- Mechanic
- Electrician
- Machinist
- Oiler
- Dust Collector Attendant
- Service Reliefman
- Crusher Helper
- Burner Helper
- Car Unloader/Loco Operator
- Mill Area Operator

**Memorandum - Back Belt Policy**

**June 5, 1995**

**Page 2**

- **Packer Utility**
- **Bulkloader**
- **Mobile Equipment Operator**
- **Loader Operator**
- **Serviceman II**
- **Serviceman I**
- **Kiln Burner**
- **Crusherman**
- **Overhead Crane Operator**
- **Material Substitution Technician**
- **Lab Assistants - will be required to wear a back belts when lifting and outside of the lab collecting samples.**
- **Storeroom - all storeroom employees will be required to wear back belts any time they are working in the storeroom.**
- **Foremen - will be required to wear back belts while not in the office.**
- **Terminal Employees - will be required to wear back belts when working outside the office.**
- **Other Employees - will be required to have back belts ready and wear it should they be required to do any outside work or lifting.**

**While lifting back belts will be in the tightened position! Proper lifting techniques must be followed even while wearing the belt.**

**JSJ:lg**

# CSR FLORIDA

MEDICAL

## HOW TO REPORT INJURIES ON-THE-JOB

### ACCIDENT REPORTING EFFECTIVE JANUARY 1, 1997

- Each supervisor must call the Risk Management Department and report all on-the-job injuries immediately at:

1/800-226-3768 EXTENSION 8510

Once a work related injury occurs, the employee will be sent to an authorized provider for treatment.

- For an authorized care provider after regular business hours and holidays, ~~you must call:~~  
*Your supervisor after authorization must call:*  
1/800-929-0107

At the time of this call, CorVel Corporation will require the following information:

Full name of injured employee  
Home address, city, state, zip code, county  
and telephone number  
Date of Birth  
Social Security Number  
Date, Time, Location and Nature of Injury  
Name of immediate supervisor

A treating PPO doctor or other health care provider will be assigned at the time of this telephone call.

## AUTHORIZED PROVIDERS FOR Cement Mill/Miami Terminal

*Emergency call 911 They transport to nearest hospital*  
Primary Care Physician: Physicians Health Center  
Non-Emergency Treatment 6221 NW 36th Street  
Miami, FL 33166  
(305) 871-3627  
Monday - Friday 8:00 a.m. - 6:00 p.m.  
Saturday 8:00 a.m. - noon

*After-hours*  
~~Emergency Care:~~ Baptist Hospital  
8900 North Kendall Drive  
Miami, FL 33176  
(305) 596-1960

Ophthalmologist: Center for Excellence in Eye Care  
8940 North Kendall Drive, Ste 400 E  
Miami, FL 33176  
(305) 661-8588  
Monday - Friday 8:00 a.m. - noon



## PLANT FIRE FIGHTING CREW

FIRE

EMPLOYEES LISTED BELOW WILL SERVE AS FIRE FIGHTING CREW  
TO ANSWER FIRE ALARM AND EXTINGUISH FIRES AS THEY ARE REPORTED.

FIRE CHIEF:

Process Foreman

FIRE CART OPERATOR:

Burner Helper

START FIRE PUMP:

Mill Area Operator  
and Oiler on A-shift

THESE MEN ARE REQUIRED TO FIGHT FIRES AND ANSWER FIRE ALARMS

The fire alarm is intermittent blasts on the air whistle sounded by the Burner. When a fire is discovered by anyone, he must call the Burner and report the location of the fire. Once the call is completed, he is to locate the nearest fire extinguisher and begin fighting the fire, if it is safe to do so.

CALL BURNER FLOOR at extension 3981

The Burner will then sound the alarm. When the alarm is sounded, the burner helper and the process foreman will call the Burner to learn the location of the fire and then proceed to the fire. The Mill Area Operator and the Oiler will proceed to the Fire Pump House, start the fire pump, set the water pressure on the gauge at 100 lbs., then call the Burner for fire location and proceed to the fire.. The Fire Chief will be responsible for seeing that the Metro Fire Department is called. The Burner or Mix man should be ready to place that call once he is directed to by the Fire Chief. After the fire is out, the process foremen will communicate to upper management using the same guidelines for other reporting.

ON "A" SHIFT, WHEN THE FIRE ALARM IS SOUNDED:

- Electrical and Repair Foremen will respond to the fire alarm to help, under the direction of the Process Foreman.
- Servicemen will congregate at the main changehouse to stand-by as needed, under the direction of the Yard Foreman. When the fire is over, Yard foremen will direct Servicemen to return to work.. All other employees will continue at their work site, and be on guard that they are not in danger from the fire.

Other Notes:

1. Take all used fire extinguishers to the storeroom and replace with new ones.
2. Leave fire hose in the area overnight, but out of the streets. The next A shift, the servicemen will hang the hose to dry for 24 hours and then return it to cart.
3. There are five hydrants located at: the electrical shop, the third pier, the butler building, the rail flyash unloading station, waste oil truck receiving station. There are also fire hoses and nozzles located on manual pull carts at these last two hydrants.
4. If a 1250 HP mill motor is on fire, the first action is to go to the plant main electrical sub-station next to the main air compressor room and disengage the 4160-volt power.

file: C:\MsWorks\data\Fire.wps

## **BULLETIN**

### **To All CSR Florida Employees**

Recent changes in the Florida Workers' Compensation law requires a self insured employer like CSR Florida, to become certified and participate in a Managed Care Arrangement in an effort to:

- Ensure quality health care is delivered to an injured worker
- Promote return-to-work of injured workers as soon as medically feasible.
- Promote the use of Managed Care by developing and participating in a Managed Care Arrangement.

Effective January 1, 1997, all injuries must be referred to the designated primary care physicians specified for your location. A panel of these physicians may be obtained by calling 1/561-820-8510. All on-the-job injuries will be channeled through the Managed Care Arrangement. Supervisors will continue to telephonically report all injuries to the Risk Management Department at 1/561-820-8510.

#### **General Managed Care Guidelines:**

- All participating medical providers are approved by the Agency for Health Care Administration.
- In the event of an **EMERGENCY**, employees may access the most convenient emergency care facility.
- The Medical Care Coordinator (MCC) is a primary care provider, within the network, who is managing the medical care of the injured worker, including other providers or facilities to which an injured employee may be referred. They will be operating within the scope and requirements of the Medical Care Coordinator (MCC) provisions under Chapter 459.

#### **Medical Care Coordination Procedures:**

- The Early Intervention Program, in coordination with the Medical Care Coordinator, will assure that the injured worker will be referred to a primary care physician within the network. Except for emergency care, all other initial medical services must be rendered by an authorized medical provider as directed by the Risk Management Department or CorVel's 1/800-929-0107 after hours and holidays telephone number.
- Referral to another provider within the MCA network must have prior approval from the MCC.
- The injured employee will be allowed to treat with a second provider within the same specialty and network, after obtaining prior approval from the MCC. This process is described in detail under the heading "Request For Second Opinion". In addition, the Grievance section heading of this MCA bulletin, also addresses the employees options for a second opinion, through an established grievance process.

### **Request For Second Opinion:**

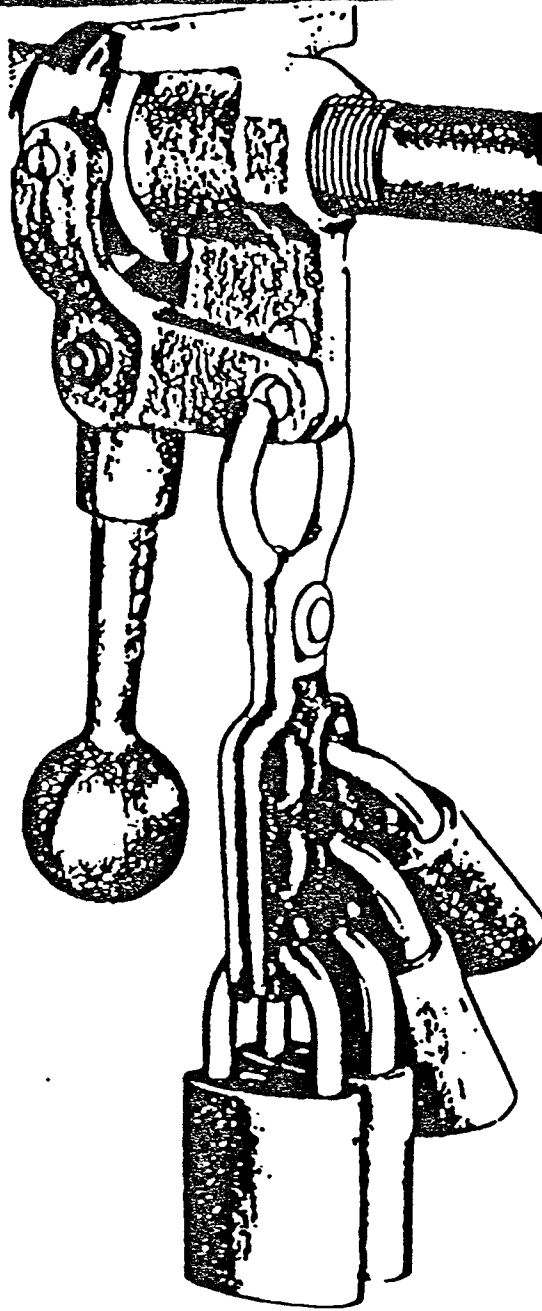
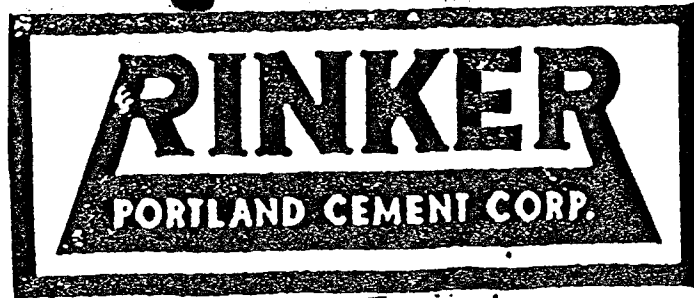
- All requests for a second opinion are generated by the employee directly to the Crawford & Company adjuster.
- The request is forwarded to the Grievance Unit for review with the Medical Care Coordinator.
- The Medical Care Coordinator approves the request and a network provider is selected.
- Documentation of this process is retained in the adjusters claim file.

### **Grievance Process:**

- Your complaint must be filed through CorVel's 1/800-929-0107 number.
- All complaints are logged into their Network Quality Assurance Unit
- The injured worker will receive a written acknowledgment of their complaint within 24 hours.
- The grievance will be brought before the Grievance Committee consisting of two or more of, the employer representative, the Medical Care Coordinator, CorVel's Provider/Employer Coordinator, CorVel's Quality Assurance Director or Case Manager.
- A grievance committee meets and a written decision is made.
- A conference with the Primary Care Physician (PCP) will occur as deemed necessary.
- A written corrective action plan is developed.
- All grievances will be resolved and communicated to the employee within two weeks.

### **Co-Pay**

Employees who have reached Maximum Medical Improvement (MMI) will be responsible for a \$10.00 co-pay for all future doctor visits, except for emergency care.



LOCKOUTS

June 18, 1982

MACHINERY LOCK-OUT PROCEDURE

1. Before repair or maintenance work is to be performed on equipment, all guards shall remain in place until the machine has stopped. & *locked out.*
2. The equipment must be padlocked in the "off" position by each person working on the equipment at the safety disconnect switch provided for this purpose. After locking out the safety disconnect try to start the equipment this will insure the right piece of equipment is locked out and that the disconnect is functional.
3. All machine guards shall be secured in place before removing padlocks and re-energizing the machine.
4. Individual safety padlocks must be removed from safety disconnect switches when repairs have been completed or when the job is left uncompleted for any extended period of time, such as over night.
5. When machine repairs have not been completed or the machinery is not safe to operate the supervisor must be notified before individual padlocks are removed. The supervisor will then be responsible for locking out the machine with a departmental lock.
6. Every individual is to have his safety padlocks with him when not assigned to work on equipment.
7. Corrective disciplinary action will be taken for failure to follow the Lock-Out Procedure.
8. There are certain maintenance adjustments that have to be done while machinery is in operation, example - adjusting pump packing glands. These maintenance adjustments are to be done only under the supervision of the maintenance Foreman.
9. Do not use stop start stations for lock-out. The motor could possibly be energized from another location.

## LOCK-OUTS

### Kiln lock-out

1. Where do you lock out #1 kiln?  
Put your lock on the yellow box that is labeled #1 on west side of ~~#1~~ girth gear.  
#2
2. Where do you lock out #2 kiln?  
Put your lock on the yellow box that is labeled #2 on west side of #2 girth gear.
3. If your lock is the first one, do you lock out the box?  
No. The process foremans' bicycle lock is the first.
4. What keys does the process foreman have locked up inside the box?  
The process foreman locks the kiln motor and the pony engine and places those keys inside the box before he locks it.
5. What is the signal that it is time to remove all locks from the kiln box?  
The burner signals with one long blast on the whistle.
6. One lock is still on the box. Who does it belong to?  
Your safety lock must have your name engraved either on the lock or on a tag attached to your lock. This is an MSHA rule, and enables the foreman to know whose lock is still on the equipment.
7. What must you do before you go home at the end of your shift?  
Remove your safety lock from the kiln. The kiln cannot be spotted as long as locks are on the box.

file: safety4. wps

## LOCK-OUTS

### Cooler lock-out

1. Where do you lock out #1 cooler?

Put your lock on the yellow box that is mounted on the concrete column on the street side of #1 cooler.

- 2.. Where do you lock out #2 cooler?

Put your lock on the yellow box that is mounted on the concrete column on the street side of #2 cooler.

3. If your lock is the first one, do you lock out the box?  
No. The maintenance foremans' dept. lock is the first.

4. What keys does the foreman have locked up inside the box?

The foreman locks the Reeves drive motor, the clinker breaker motor, and all the fan motors, and places those keys inside the box before he locks it.

5. When do men working inside the cooler have to leave it?  
When the kiln is hot and being turned to avoid warping. Also anytime there is a load inside the kiln. If either one of these conditions exist and you hear one long whistle, then it is time to leave the cooler. The process foreman makes sure everyone is out before he turns the kiln.

Standing on the burner floor or inside a cooler during a hot kiln turn is dangerous. Many men have been killed from steam explosions, when water is inside a hot kiln being turned. Burner helpers check to be sure water is not running into a kiln that has just be shut down.

6. One lock is still on the box. Who does it belong to?  
Your safety lock must have your name engraved either on the lock or on a tag attached to your lock. This is an MSHA rule, and enables the foreman to know whose lock is still on the equipment.

7. What must you do before you go home at the end of your shift?

Remove your safety lock from the box. The cooler and other equipment cannot be test run as long as locks are on the box.

file: safety4. wps

## LOCK-OUTS

### Coal mill lock-out

1. Where do you lock out #1 coal mill?

Put your lock on the yellow box that is mounted on the column on the ground floor by #1 coal mill.

- 2.. Where do you lock out #2 coal mill?

Put your lock on the yellow box that is mounted on the column on the ground floor by #2 coal mill.

3. If your lock is the first one, do you lock out the box?  
No. The foremans' dept. lock is the first.

4. What keys does the foreman have locked up inside the box?

The foreman locks the coal exhaustor motor, the coal mill motor, the triple-gates hydraulic pump motor, and the two coal conveyor belts feeding that mill..

5. One lock is still on the box. Who does it belong to?

Your safety lock must have your name engraved either on the lock or on a tag attached to your lock. This is an MSHA rule, and enables the foreman to know whose lock is still on the equipment.

6. What must you do before you go home at the end of your shift?

Remove your safety lock from the box. None of the equipment can be test run as long as locks are on the box.

file: safety4. wps



## OVERHEAD CRANES

There is four disconnects for the overhead cranes.

They are located as follows:

1. Finish Mills - at the motor control center this kills all power to both cranes including the hot rails.
2. Disconnect on East & West ends of Storage Building - this kills power to either the East or West end of the hot rails.

When the crane is parked over this section of track all power to the crane is off.

- (3.) Bridge Brakes - located at steps to cab of crane. This disconnect only sets the brakes on the crane and bridge and trolley motors and should not be used while working on holding and closing or around trolley rails.

4. Disconnect in Cab - this de-energizes the crane but has no effect on the hot rails or hot shoes.

This can be used if the crane can not be located on the extreme East or West end of the Storage Building.

## FINISH & RAW MILLS

The finish and raw mills along with parts of the kiln operation are arranged such that the disconnects are located close to the motors. These are accepted lock outs, but the equipment should still be tested by trying to start the equipment after it is locked out to insure that the motor is disconnected.

## IMPACTOR

The switchgear room is where you lock out the impactor.

## LOCATION

Ground level north end of crusher under jaw crusher.

## HOW

Put lever in disconnect or neutral position before locking out.

## LOCK OUT PROCEDURE FOR STONE DRYER

The foreman in charge is to remove the locks from the lock out box on the dryer control floor and lock out the following disconnect switches:

1. Oil pump motor # -14-A (located in boiler room)
2. Blower motor #7-8-B
3. 120 volt control circuit switch (located on side of dryer control panel.)
4. Dryer drive motor #7-3-A

The key for these locks is to be placed in the lock out box on the dryer control floor, and each employee working on or in the dryer is to lock out this box with his personal safety lock.

LOCK OUT PROCEDURE  
FOR #1 & #2 CLINKER COOLERS

The foreman in charge is to remove the locks from the lock out box (in front of each cooler) and lock out the following disconnect switches:

1st compartment fan  
2nd compartment fan  
3rd compartment fan  
4th, 5th, & 6th compartment fan  
Clinker Breaker  
Reeves Drive

#1 COOLER

9-7-A  
9-61-A  
9-21-A  
9-23-A  
9-62-A  
9-22-A  
9-26-A  
9-24-A  
9-25-A

#2 COOLER

9-30-A  
9-63-A  
9-43-A  
9-45-A  
9-64-A  
9-44-A  
9-48-A  
9-46-A  
9-47-A

The key for these locks is to be placed in the lock out box, and each employee working on or in the cooler is to lock the lock out box containing the key with his personal safety lock.

## LOCK OUT FOR COAL MILLS #1 & 2

### #1 Coal Mill

- 1 Exhauster 6-13
- 2 Coal Mill 6-12
- 3 Coal Belt 6-16
- 4 Triple Gate  
Feeder 6-11
- 5 Weight Feeder  
Belt 6-14

The place to lock the above (the switchgear room) outside the west side of cooler floor. Place all keys in box on post near coal mills in back of coolers. The boxes are made the same as cooler lock out boxes so that each man can lock out same.

### #2 Coal Mill

- 1 Exhauster 6-19
- 2 Coal Mill 6-18
- 3 Coal Belt 6-16
- 4 Triple Gate  
Feeder 6-17
- 5 Weight Feeder  
Belt 6-14

## COAL LOADING & UNLOADING

Disconnects for this equipment are located under the coal silo.

These are the only disconnects. Do not use stop start station to lock out.

After locking out disconnect try to start equipment to insure proper disconnect is locked out.

## LOCK OUT PROCEDURE FOR SUPPORT EQUIPMENT TO #4 FM.

Support equipment for #4 FM unlike all other support equipment to all Finish or Raw Mills; does not have disconnect switches located adjacent to the equipment. To properly lock out this equipment you must go back to the switchgear room, locate the cabinet containing the switches for this equipment, identify the proper switch by equipment number and place safety lock on this switch. Simply placing your lock on this Start-Stop station adjacent to the equipment will not insure that this machine cannot be started, since this equipment can be started from other locations. After placing safety lock on the switch, try to start the equipment at the Stop-Start station to insure that you have the proper equipment locked out.



VENT FANS

9-103

9-109

Vent Fans will be shut down before locking out.

The fan is to be locked out at the main breaker which is located west of the kiln outlet building. The disconnect will be set in the open position before locking out.

TO: ALL EMPLOYEES

RE: PROCEDURE FOR LOCKING OUT #1 AND #2 KILNS

Foreman in charge is to lock out the Kiln Drive Motor Disconnect Switch, in the OFF position, lock the front of the Emergency Auxiliary Engine so it can not be started.

This is located at the 3rd pier of the Kilns. Locks for this purpose are stored in brick cabinet on Burner Floor. Keys for locks are to be placed in the lock out box on the 3rd pier.

Each employee working on or in the Kiln is to lock out the box with the keys inside with his own personal safety lock.

One long whistle blast will be sounded when Kiln is to be turned. Each employee is to make the Kiln safe to turn then remove his safety lock.

## Fallsafe Precipitator INTERLOCK Procedure

When access to precipitator is desired the following sequence must be followed:

1. Turn off "A" Phase by pushing "OFF" button on control cabinet.
2. Turn off "B" Phase by pushing "OFF" button on control cabinet.
3. Take key 1 in control cabinet of "A" Phase and insert it in key tree of "A" Phase transformer. Turn controller to position 1 (ground).
4. Turn key 1 until keys 2 & 3 are able to be removed.
5. Remove key 2 (second from bottom) & install in top open slot of door & precipitator tub control box.
  - a) If access to high voltage tub of "A" Phase is desired remove 1 key 3 & open lock on access door.
  - b) If access to "A" Phase transformer is desired remove 1 key 3 & open lock on access door on top of transformer.
6. Take key 6 in control cabinet of "B" Phase and insert in lock at "B" Phase transformer to be taken off of "live" condition and allow it to be grounded.
7. Turn key to allow handle to be turned to ground.
8. Turn handle to ground.
9. Turn keys 7 and 2 until they can be removed. This locks transformer in grounded position.
10. Take key 2 and insert in bottom slot of DOOR AND PRECIPITATOR TUB CONTROL BOX.
  - a) If access to electrical controls of "B" Phase is desired take key 7 and open lock for manway of transformer.
11. Keys for DOOR AND PRECIPITATOR TUB CONTROL BOX can now be turned so as to be able to remove keys 4.
12. Remove keys 4 and take to MAN DOOR CONTROL BOX and HIGH VOLTAGE TUB CONTROL BOX.
13. Insert keys 4 in box(s) and turn to remove keys 5.
14. Take keys and open man doors or high voltage tubs.

(continued)

15. When work is finished return all keys to appropriate box in reverse order.
16. Do not energize transformers until all keys are returned to both "A" & "B" Phase control cabinets.

## LOCK OUT PROCEDURE FOR STONE DRYER

The foreman in charge is to remove the locks from the lock out box on the dryer control floor and lock out the following disconnect switches:

1. Oil pump motor # -14-A (located in boiler room)
2. Blower motor #7-8-B
3. 120 volt control circuit switch (located on side of dryer control panel.)
4. Dryer drive motor #7-3-A

The key for these locks is to be placed in the lock out box on the dryer control floor, and each employee working on or in the dryer is to lock out this box with his personal safety lock.



2

## How to Read Labels

Manufacturers, importers, and distributors must label all containers of hazardous chemicals. Containers include items such as bags, barrels, bottles, boxes, cans, cylinders, drums, and storage tanks. The only exception to the labeling rule is pipes, although pipe labeling is required by some states.

Your employer has to check all containers when they arrive to make sure they're labeled. Just as important, those labels must stay on the containers and be readable as long as they're in use.

That's where you can help keep everyone safe. If you see a hazardous chemical container without a label, or with a label that's too faint or faded to read, tell your supervisor.

## How Labels Communicate

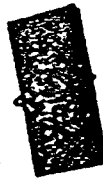
Labels come in many formats. Some labels use words to describe the hazards, and some use numbers and colors to help you quickly identify the kind and degree of hazard the chemical could present.

The labels on containers in your work area may look slightly different from the samples we'll describe here, but they should have the same basic information.

## Always Read the Label First

Always read the label before you move, handle, or open a chemical container. It has a lot of valuable information and instructions.

## A label tells you



The identity of the chemical—the common name, chemical name, or both, if the substance contains more than one chemical they'll all be listed.



The name and address of the company that manufactured or imported the chemical.



The chemical's physical hazards. That's what could happen if you don't handle it properly: Is it flammable or combustible? Explosive? Is it reactive? Radioactive?



The chemical's health hazards. These are the possible health problems that could result from overexposure. Is it toxic? An irritant? Could it cause cancer?



Some labels also include important information such as storage and handling instructions. This could include information like "use only in well-ventilated areas," or "store in tightly closed containers."



Basic protective clothing, equipment, and procedures that should be used to work safely with the chemical might also be listed. Here, you might be told to "avoid contact with skin," or to use eye protection, etc.

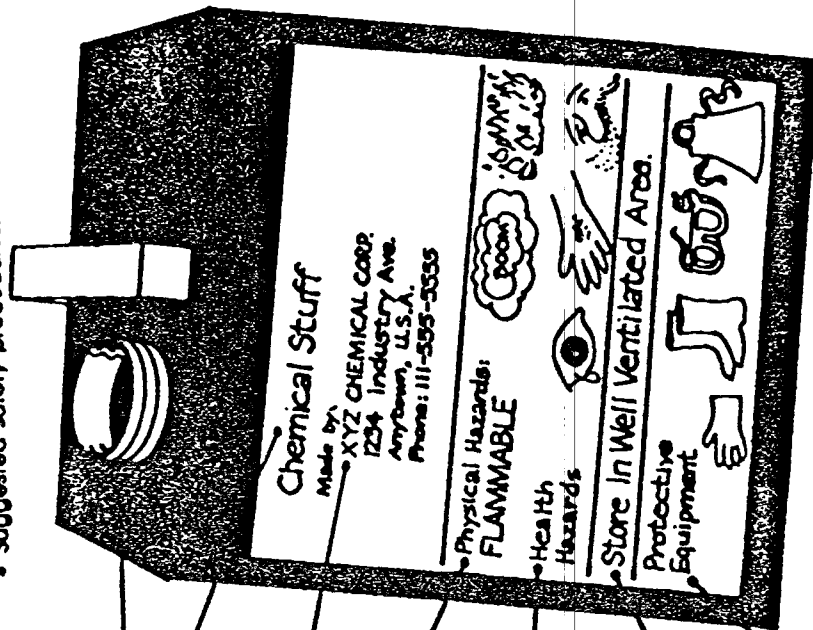
## What's on the Label?

The label should always tell you:

- The identity of the chemical;
- The name and address of the company that made or imported the chemical;
- The chemical's physical hazards; and
- The chemical's health hazards.

The label might also include:

- Important instructions for storing or handling the chemical;
- Protective clothing and equipment you should use when working with the chemical; and
- Suggested safety procedures.



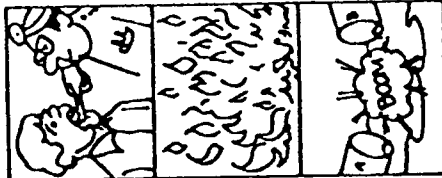
## COLOR/NUMBER LABELS

Two commonly used systems with numbers and colors on labels are the NFPA (National Fire Protection Association) system and the color-bar system.

### Colors Show Type of Hazard

In both systems, each color on the label stands for a different type of hazard:

- BLUE = health hazard
- RED = fire hazard
- YELLOW = reactivity hazard
- WHITE = special hazard (NFPA) or protective equipment required (color bar)



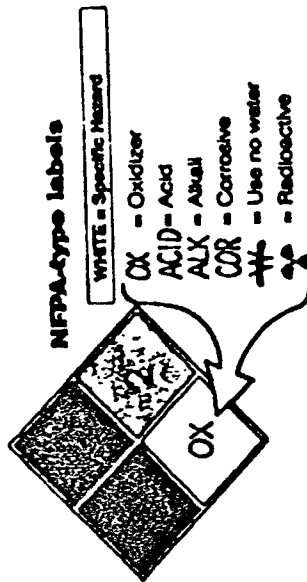
### Numbers Show 'Degree of Hazard'

Both the NFPA and the color-bar systems also use numbers from "0" to "4" to show the degree of hazard in an uncontrolled situation.

- 0 = Minimum hazard
- 1 = Slight hazard
- 2 = Moderate hazard
- 3 = Serious hazard
- 4 = Severe hazard

Example: A label with a 4 in its red section means a high degree of fire risk. If you don't handle the chemical correctly.

## NFPA-type Labels

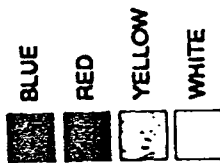


NFPA-type Labels

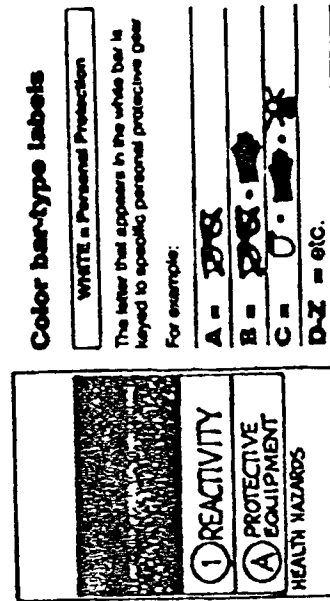
WHITE = Specific Hazard

OX = Oxidizer  
 ACID = Acid  
 ALX = Alkali  
 COR = Corrosive  
 Use no water  
 = Radioactive

Label Colors



## Color Bar-type Labels



Color bar-type labels

WHITE = Personal Protection

The letter that appears in the white bar is keyed to specific personal protective gear

For example:

A = DPH

B = DPH

C = U

D-Z = etc.

Note: Reactivity numbers refer to the danger of reactivity with air or water.



## Guide to Hazard Numbers (based on NFPA system)

- Health Hazard (BLUE) - possibility of injury**
- 4= Could cause death or irreversible injury.
  - 3= Could cause serious temporary or irreversible injury.
  - 2= Could cause temporary incapacitation.
  - 1= Could cause irritation.
  - 0= No health hazard.
- Flammability (RED) - possibility of ignition**
- 4= Flammable vapor or gas which burns readily.
  - 3= Flammable liquid or solid which can be readily ignited.
  - 2= Must be heated for ignition.
  - 1= Must be preheated before ignition can occur.
  - 0= No fire hazard.
- Reactivity (YELLOW) - possibility of reaction**
- 4= Readily capable of detonation or explosive reaction.
  - 3= May detonate when exposed to heat or initiating source.
  - 2= Readily capable of nonexplosive reaction.
  - 1= May become unstable at high temperatures.
  - 0= Stable materials.

**Important Note:** Just because a chemical has a low degree of hazard number doesn't mean there's no hazard. Every hazardous chemical has to be treated with care.

## Sample Label—Words Only

An example of a label that uses words to describe a chemical and its hazards is shown below:

**WONDER STAIN REMOVER**  
**CONTAINS 100% NAPHTHA**  
 Manufactured by:  
 Naphthamon Refiners Co. (fictitious company)  
 Naphthamon Lane  
 Naphthamon, PA 16999 (814) 555-2553  
**HAZARD WARNING!!**  
**DANGER: FLAMMABLE**  
**HARMFUL OR FATAL IF SWALLOWED**  
 NFPA H=1 F=4 R=0

### PRECAUTIONS:

Do not store or use near heat, sparks, or flame.  
 Use only with good ventilation—provide constant flow of fresh air. Avoid repeated or prolonged breathing of vapor. Avoid contact with eyes or skin. Close container tightly after each use and store only with container closed keep out of reach of children.

### SYMPTOMS OF EXPOSURE:

Acute exposure may result in  
 Loud breathing  
 Blush tint to skin  
 Drunkenness  
 Headache  
 Dizziness  
 Sleepiness  
 Nausea  
 Lack of appetite  
 Indigestion  
 Unconsciousness

### FIRST AID:

Eyes—Flush with water for at least 15 minutes if swallowed—Do not induce vomiting. Call a physician immediately.  
 Skin—Remove contaminated clothing. Flush skin with soap and water.  
 If inhaled—Move user to fresh air.  
 Maintain respiration. Call a poison center, emergency department, or physician immediately.  
**NOTE TO PHYSICIAN: SEVERE ASPIRATION HAZARD.**

# Chemical Hazard Classes

How do you remember all the materials and their hazards, and how do you remember all of the controls? An easy way to do this is to group chemicals into hazard classes.

These classes are flammable, corrosive, toxic and reactive. Virtually all chemical hazards fall into one of these four classes and many fit into more than one. For example, paint thinners are flammable and can also be toxic.



## Flammables

Flammable materials include those which will burn when ignited at or below room temperature. Combustibles, also included in this category, must be heated before they will burn. It is important to remember that all flammable materials burn only when there is the right concentration of material in the air to ignite.

Examples of flammable materials include:

- Alcohols
- Gasoline
- Hexane
- Acetone
- Toluene
- Propane

## How will it hurt me?

Repeated contact with flammables on skin can eventually eat away the fatty protective layer immediately under the skin and lead to irritation. Some flammables have toxic vapors and require the employee to use a respirator.

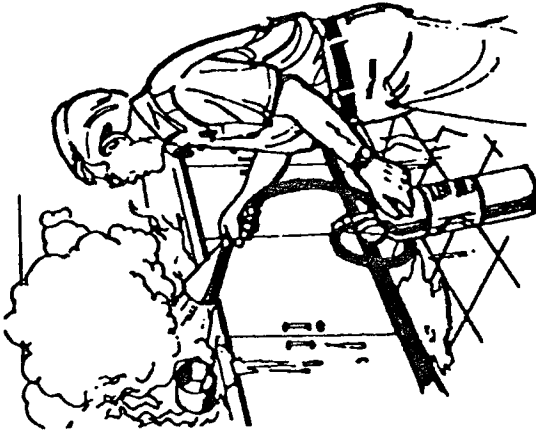
## Safe Handling And Use Of Flammables

- Eliminate all sources of flame or ignition
- Don't smoke
- Keep containers with flammable materials as small as possible
- Use adequate ventilation
- Clean up spills promptly
- Cover containers when not in use
- Store flammable soaked rags in covered protective containers
- Bond and ground all containers when dispensing
- Use explosion-proof wiring and equipment
- Use proper personal protective equipment

## Safe Storage Of Flammables

Flammables, especially solvents, should be stored in tight, unbreakable containers designed for flammable liquids. The container should have a flame arrester and a spring loaded cover.

Care should be taken to store flammables away from oxidizers and corrosives. Oxidizers may ignite an otherwise non-flammable mixture. Corrosives may destroy the container and allow the release of flammable vapors into the atmosphere.



## Corrosives

Acids and bases (sometimes called caustics or alkalis) are corrosives. Corrosives are materials which can cause damage on contact with the skin, eyes or when inhaled.

Acids and bases are used for many different purposes. Acids are used in metal finishing, plating operations, cleaning metal and other manufacturing processes. Bases are used to make soaps and detergents, to refine petroleum products, to extract metals, to bleach fabrics and paper, to clean metal and to treat water.



#### Examples of acids are:

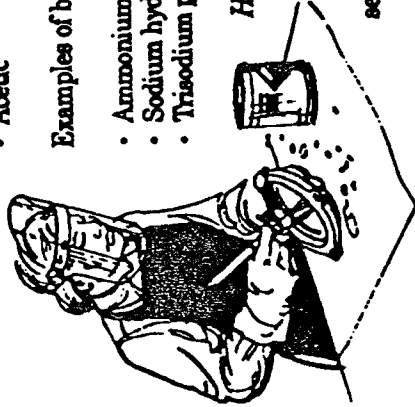
- Phosphoric
- Sulfuric
- Acetic
- Nitric
- Hydrochloric
- Chromic

#### Examples of bases are:

- Ammonium hydroxide
- Sodium hydroxide
- Trisodium phosphate
- Potassium hydroxide
- Sodium bicarbonate
- Lime

#### How will it hurt me?

Corrosives can cause damage to skin, eyes or lungs on contact. Tissue damage (burns) can be severe and deep, especially to the eyes.

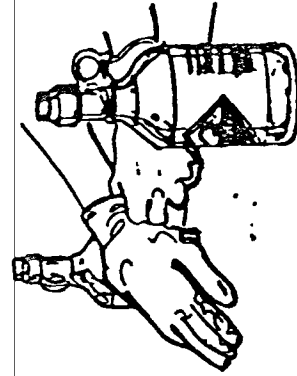


#### Safe Handling And Use Of Corrosives

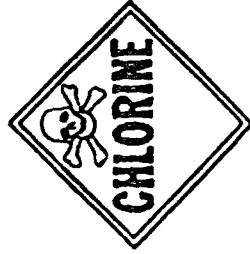
- If combining acids with water, slowly add the acid to water
- Keep bases and acids separated
- Use appropriate personal protective equipment
- Have good ventilation
- Contact lenses should not be worn when working with corrosives

#### Safe Storage Of Corrosives

Acids and bases should be stored in separate places. Keep all corrosives away from flammables. They may cause leaks in the flammable containers and lead to a fire. Some corrosives, such as nitric acid, are also oxidizers and may increase the size and intensity of a fire by adding oxygen.



## Toxics



Toxic materials are poisonous to the body's organ systems. The level of toxicity depends on how much you have been exposed to, how often you are exposed and for how long you are exposed.

The government and health professionals evaluate the hazards of materials and decide upon exposure limits. These levels are called Threshold Limit Values (TLVs). The TLV indicates the limit of exposure that a person should have during an eight hour work day, 40 hours per work week. The TLV should not be exceeded. The TLV for each material can be found on the MSDS.

Exposure limits are also referred to as Permissible Exposure Limits (PELs). These are the limits set by OSHA and are legally enforceable.

The following table of TLVs provides a rough guide in parts per million (ppm) for the toxicity of solvents or other toxic materials.

Mildly Toxic	500-1000 ppm
Moderately Toxic	50-500 ppm
Toxic	1-50 ppm
Highly Toxic	less than 1 ppm

Solvents are among the most common toxic materials in the workplace. Solvents are used as thinners in paints and adhesives and their vapors are also given off in many processes. All solvents can cause irritations to eyes and skin in high concentrations. Most will dissolve the protective layer of oils on the skin and leave it looking white. The early signs of overexposure often include headaches, dizziness and nausea.

### *Examples Of Solvents:*

- Freons
- Alcohols
- Halogenated solvents
- Acetone
- Methyl acrylate
- Dimethyl acetamide

Metals and other particulate solids can be toxic and are usually given off when welding or grinding. Dusts can irritate the skin and be ingested with food, drink or smoking materials if they are not washed off the hands and removed from clothing.

### *Examples Of Metals And Particulate Solids:*

- Gypsum
- Zinc fume
- Asbestos

Lubricants, coolants and machine oils are used when cutting, turning or milling metals. There are three types: petroleum based (straight oils), water based and synthetic fluids which contain no oils. Many cutting oils contain additives. The fumes and mist from these additives can be irritating to the eyes and lungs. Skin exposure can result in acne-like conditions.

Gases present a range of problems. Some, like nitrogen or methane, are simple asphyxiants - they prevent the body from getting enough oxygen by displacing it from the air. Some, like carbon monoxide or nitrous oxide, are chemically hazardous and cause poisoning of the body systems. Some are very toxic, like many of the gases used in the semi-conductor industry. These gases, which include silane, chlorosilane, arsine and phosphine, are very toxic - a few concentrated breaths can be fatal. Some are also very reactive (silane burns when exposed to air) and must be dealt with using carefully designed engineering controls. Other gases, like hydrogen and natural gas, are highly flammable and must be treated with great care. All compressed gas cylinders should be secured by chains or stands at all times, and only the proper fittings should be used.

Plastics, epoxies and polymers are a growing group of industrial chemicals. Most of these materials are not toxic in their final form, however when they are molded, extruded, vacuum formed or laid up, there can be significant hazards.

### *Examples Of Plastics, Epoxies, And Polymers:*

- Polystyrene
- Polypropylene
- Acrylate
- Polyacrylate
- Vinyl
- Polyurethane

Sensitizers are a class of materials that react with the body's immune system. On the first exposure, which may be rather high, some mild irritation may be experienced. But in future smaller exposures, severe immune reactions, hives and asthma-like symptoms can be disabling and even fatal.

### *Examples Of Sensitizers:*

- Isocyanates
- Epoxy systems

Mutagens are materials which cause a change in the genetic makeup of a cell. Mutagens that cause cancer are called carcinogens. Those which change the reproductive cells and can cause changes in the offspring are called teratogens.

Reproductive hazards can interfere in the capability for reproduction or can be toxic to fetuses in the womb. DBCP (dibromochloropropane) is a material which affects reproductive capabilities while dimethyl acetamide is a material which is more toxic to the developing fetus than to the mother.

### *How will it hurt me?*

Any material can be hazardous under the wrong conditions. The degree of the hazard depends on the dose.



Acute effects are usually due to a sudden overexposure to large quantities or concentrations of a material.

Chronic effects are not as easy to recognize. They are often the result of low levels of exposure over a long period of time and typically affect one or more of the body's organ systems.

### *Safe Handling And Use Of Toxics*

- Minimize contact with toxic materials.
- Use ventilation to draw contaminants away from the air.
- Use the proper personal protective equipment.

### *Safe Storage Of Toxics*

Use storage methods which minimize the release of volatile materials. Keep solvent containers tightly capped and stored in ventilated areas where possible. Keep the use of dip cleaning tanks and trays to a minimum. Use local exhaust ventilation to capture released material.



## **Reactives**

Reactives are materials which can change violently when combined with certain other materials or conditions. Oxidizers, the most commonly found reactive class, add oxygen to any situation where burning is occurring, making the fire more intense and difficult to put out. Other reactive materials cause problems when exposed to water or air. Sodium and potassium metals both react with water. Silane gas will burn when exposed to air.

### *Examples of reactives are:*

- Peroxides
- Chromic acid
- Sodium metals
- Perchloric acid
- Halogens
- Silane

### *How will it hurt me?*

Many reactives are toxic, corrosive or both. The physical hazard caused by a reactive is usually fire, heat or an explosion. Some reactives give off toxic gases when reacting with other materials.

### *Safe Handling And Use Of Reactives*

- Use the proper protective equipment required.
- Check the MSDS for incompatible materials.

### *Safe Storage Of Reactives*

Reactives should be stored away from other types of hazards. Many, such as lithium, require special conditions for storage, which necessitates separate rooms or facilities for storage.

## Routes Of Entry

**Inhalation:** Most chemicals get into the body by being inhaled. As we breathe in the material, which is probably a vapor or gas mixed with air, it enters our lungs. It is then transferred into our blood and travels throughout the body.

**Ingestion:** Some chemicals can hurt you if you accidentally eat or swallow them.

**Skin Absorption:** Some hazardous chemicals have the ability to pass through unprotected skin into the bloodstream.

**Injection:** Although this is not a very common route of entry, some chemicals can enter the body through injection with a needle or high pressure hose.



## Emergencies

### Exposures:

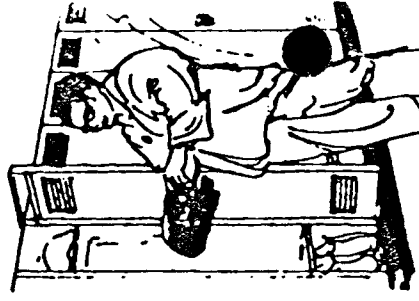
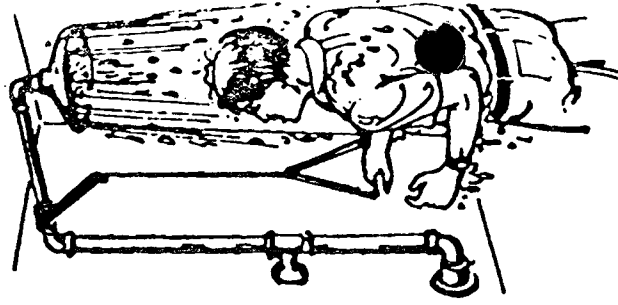
- Wash contaminated skin, clothes or eyes with water for at least 15 minutes.
- Remove all contaminated clothing.
- Get to fresh air if you feel dizziness, nausea or a burning sensation in your throat or lungs.
- Do not induce vomiting if a chemical is swallowed. Call the poison control center or medical assistance immediately and keep the container available for the medical personnel.
- Read the label or MSDS for emergency instructions.

### Spills:

- Small spills can be cleaned up immediately if the material is a low hazard and you use the proper protection and cleaning materials.
- Large spills should be handled by trained personnel.
- Shut down any electrical equipment.
- Stop the spill or leak from continuing.

### Fire:

- Report fires immediately.
- Fight fire only when properly trained and equipped.



## Chemical Safety In The Home

Many materials in the home fall into one of the chemical hazard classes. Below is a list of materials which fall into each category. Although this is not a complete list of each material that might be in your home, by using your chemical common sense and reading the labels carefully, you should be able to protect your family and yourself from these materials. Most importantly, remember to keep hazardous materials away from children.

**Flammables:** Gasoline, nail polish remover, rubbing alcohol and paint thinner.

**Corrosives:** Ammonia, hydrogen peroxide, lye, bathroom bowl and tub cleaners, swimming pool treatment chemicals and oven and drain cleaners.

**Toxics:** Rubbing alcohol, chlorine bleach, ammonia, oven cleaners, bathroom bowl and tub cleaners, nail polish remover and pesticides.

**Reactives:** Chlorine bleach and hydrogen peroxide.

## Conclusion

The OSHA Hazard Communication Standard was created to ensure that employees are trained and informed about materials they work with. But the standard doesn't help if you do not take responsibility for your safety and the safety of your co-workers.

Know the materials you work with; know if they are flammable, corrosive, toxic or reactive. Know the potential hazards, know the precautions to take and know what to do in an emergency. If you don't know about the materials, ask a supervisor. Once you know what you are working with, you're in control.

## Common Terms

Below is a list of terms used in this program, on container labels and on the MSDS. Although we have not included every term found in these sources, the most important ones are defined. If you do not understand a term or one of the definitions, ask your employer or supervisor.

**Absorption:** The movement of hazardous chemicals through the skin or lung tissue into the blood stream.

**Boiling Point:** The temperature at which a liquid boils at atmospheric pressure.

**Chronic:** Long-term effect. Low-level exposure over long period gives rise to symptoms that develop over time.

**Combustible:** A substance that catches fire and burns easily.

**Flammable:** Material that will burn when ignited at or below room temperature.

**Flash Point:** The temperature at which flammable or combustible liquids give off enough vapor to burn.

**Ingestion:** To take in by swallowing.

**Inhalation:** To take in by breathing.

**Lower Explosive Limit (LEL) - (Also known as Lower Flammable Limit - LFL):** The lowest concentration (expressed in percent of vapor or gas in air by volume) of a substance that will burn or explode when ignited. The range between the LEL and UEL is the flammable range or explosive range of a substance.

**Reactivity:** The ability of a material to undergo a reaction, releasing energy or heat.

*Threshold Limit Value - TLV or PEL:* The TLV is a safe exposure level set by the American Conference of Governmental Industrial Hygienists (ACGIH). It is the time weighted average concentration for a normal 8-hour workday and a 40-hour work week to which nearly all workers may be repeatedly exposed, day after day, without adverse effect. A PEL is a similar level set by OSHA.

*Toxicity:* The degree of injury or illness caused by a poisonous material.

*Upper Explosive Limit (UEL):* The highest concentration (expressed in percent of vapor or gas in air by volume) of a substance that will burn or explode when ignited. The range between the LEL and the UEL is the flammable range or explosive range of a substance.



**CSR**

**CSR America, Inc.**

**Right-To-Know Compliance Record**

**Complete Upon Commencement of Employment**

Employee ID \_\_\_\_\_ Employee Name \_\_\_\_\_ Date o Hire \_\_\_\_\_

Training Date \_\_\_\_\_ Location \_\_\_\_\_

Hazardous Material Inventory :

_____	_____
_____	_____
_____	_____
_____	_____

**Employee Understanding**

I certify that I have received on this date, training on the above listed toxic substances including safe handling procedures, emergency procedures and adverse health effects.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

**Management Evaluation**

In my opinion, this employee is qualified to work safely with the listed substances.

\_\_\_\_\_  
Trainer

\_\_\_\_\_  
Date

File: Original - Safety Section  
Copy - Personnel File

**QUARTERLY REPORT OF  
GROUNDWATER MONITORING**

**For Period:  
July, August and September 1998**

**RINKER MATERIALS CORPORATION  
1200 N.W. 137<sup>TH</sup> AVE.  
MIAMI, FLORIDA**

**SUBMITTED: November 20, 1998**

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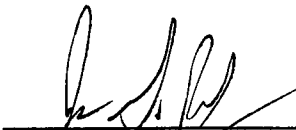

SUBMITTED TO:

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
TALLAHASSEE, FLORIDA

SUBMITTED BY:

METCALF & EDDY, INC.  
MIRAMAR, FLORIDA

SUBMITTED: November 20, 1998

  
\_\_\_\_\_  
JAMES G. PENKOSKY, P.E.  
PROJECT MANAGER  
\_\_\_\_\_  
STEVE DIAMOND, EI  
PROJECT ENGINEER

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Table 2	GROUNDWATER ELEVATIONS
Table 3	SPECIFIC CONDUCTIVITY, pH, AND TEMPERATURE
Table 4	GROUNDWATER ANALYTICAL SUMMARY

### **FIGURES**

Figure 1	USGS SITE LOCATION MAP
Figure 2	SITE MAP

### **APPENDICES**

Appendix A	FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION CompQAP APPROVAL
Appendix B	GROUNDWATER ANALYTICAL REPORT

Rinker Materials Corporation  
1200 N.W. 137th Avenue  
Miami, Florida

Quarterly Report of  
Groundwater Monitoring

## 1.0 BACKGROUND INFORMATION

Rinker Materials Corporation has retained Metcalf & Eddy, Inc. (M&E) to prepare and submit quarterly groundwater monitoring reports to the Florida Department of Environmental Protection (FDEP) in accordance with Rinker's General Permit Application to Construct/Operate a Soil Thermal Treatment Facility (as per Chapter 62-775 F.A.C.). As the 30th of the required quarterly reports, this report provides:

- groundwater analytical results, and;
- groundwater elevations,

from locations specified in Phase III of the April 1991 Groundwater Monitoring Plan (GWMP) Addendum A. **Figure 1** is a USGS Site Location Map and **Figure 2** illustrates the facility's layout.

This quarterly report is for the period from July through September 1998. The sampling program specified in the April 1991, Phase III GWMP (included as **Table 1**) has been followed.

## 2.0 GROUNDWATER MONITORING

The 30th quarterly groundwater monitoring event was performed on October 1, 1998. Prior to sampling, groundwater levels were measured from all monitoring wells and surface water points specified in the GWMP. **Table 2** presents the top of casing and groundwater elevations for each gauged monitoring well. Based on the water elevations recorded during this sampling event, the groundwater flow direction appears to be toward the east, which remains consistent with previous quarterly reports. **Figure 2** presents the groundwater elevation data recorded during this gauging event. A positive groundwater flow direction was unable to be determined during this gauging event; however, the previous quarterly reports indicated an apparent hydraulic gradient toward the East.

Groundwater quality sampling, including pre-sampling well purging, at this site has been conducted in accordance with the procedures outlined in M&Es approved Comprehensive Quality Assurance Plan (CompQAP) No. 900067G. A peristaltic pump was utilized to purge stagnant groundwater from the monitoring wells. Specific conductivity, pH and temperature readings were taken from well purge water until the readings stabilized to indicate sufficient purging. Despite the amount of purging required for the specific conductivity, pH and temperature to stabilize, a minimum of five well volumes of groundwater were purged from each well. Specific Conductivity, pH and temperature readings are presented as Table 3. Groundwater samples to be analyzed by EPA Methods 602 and 610 were collected with a teflon bailer that was properly sanitized before each monitoring well was sampled. Groundwater samples to be analyzed for Total RCRA Metals (total arsenic, barium cadmium, chromium, lead, mercury, selenium and silver) were collected directly from the teflon tubing connected to the peristaltic pump. The teflon tubing was also properly sanitized prior to purging and sampling each well. The samples were temporarily stored in a cooler at four degrees Celsius prior to delivery to an on-site laboratory the same day. The laboratory which is licensed under the name Rinker Environmental Services was approved as a Florida Department of Environmental Protection (FDEP) facility on October 21, 1997 with the acceptance of a complete CompQAP.

### 3.0 CONCLUSIONS

Analytical results from the October 1, 1998 sampling event indicates that concentrations of volatile organic aromatics (VOAs) and polynuclear aromatic hydrocarbons (PAHs), EPA Methods 602 and 610, respectfully, for all groundwater samples are below method detection limits (BDL).

All groundwater samples analyzed for Total RCRA Metals (by EPA Methods 6010A (arsenic), 200.7 (barium), 6010A (cadmium), 6010A (chromium), 6010A (lead), 245.1 (mercury), 6010A (selenium), and 6010A (silver)) were detected at concentrations below Florida Primary Drinking Water Standards (Chapter 62-550 F.A.C.). Table 4 summarizes the groundwater analytical results for Total RCRA Metals, and Appendix B contains a copy of the laboratory reports.

Quarterly groundwater sampling and reporting will continue in accordance with the approved plan. The next round of sampling is scheduled for January 9, 1998.



October 26, 1998

Mr. A.A. Linero, P.E.  
Administrator, New Source Review Section  
Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

**SUBJECT:** CSR Rinker Materials Corporation  
Cement Plant Modernization Project

**RECEIVED**

OCT 27 1998

BUREAU OF  
AIR REGULATION

Dear Mr. Linero:

This letter shall provide certain information requested in your letter dated May 5, 1998. (attached)  
This letter shall respond to the information request items in your letter. Certain of the ten (10) numbered items were declaratory in nature – no information is provided for those items.

1. **Response:** Declaratory – no response necessary.
2. **Response:** Declaratory – no response necessary. However, the requirement for a public notice is in question.
3. **Response:** Declaratory – no response necessary. However, CSR Rinker representatives met with DERM representatives on September 18, 1998; and resolved all outstanding pertinent issues.
4. We requested a more precise description of where and how the various wastes will be introduced within the pyroprocessing operation and provided your representatives with examples on how they should be presented.

**Response:** All solid supplemental fuel materials will be introduced in the vicinity of the feed shelf, as depicted on the drawing "A Typical Precalciner Cement Kiln", included as Attachment 1.

Introduction of fuel materials in this region, between the kiln feed end and the precalciner burner, will ensure that the precalciner burner will act as an afterburner. This will allow for more complete combustion of any organic compounds.

This is comparable to what are becoming standard systems throughout the industry for the handling of tires and other solid supplemental fuels. There is also a patent-pending fuel delivery system that has been evaluated by Rinker, in which solid supplemental fuels are input alongside the precalciner burner.

Rinker intends to use one of the existing types of systems where solid supplemental fuels are input below the calciner. The exact description of the supplemental fuel feed system is unavailable as it has not yet been designed.

Rinker will provide the Department with additional information as it becomes available.

5. **Response:** Declaratory – no response necessary.

6. It was pointed out by the Department that the permitted level of heat input from tires (40 percent) appears high. Our review of various references, reveals that the practical limit is approximately 25-30 percent as a maximum. Based on EPA and State of California documents on tire and tire-derived fuel burning as well as our discussions with industry experts, we suggest 25 percent is a more reasonable and supportable limit. We therefore request your concurrence in lowering the heat input from tires accordingly. Please submit the total weight (tons/hr) of tires.

**Response:** CSR Rinker has reasonable assurance that tires and tire-derived fuel could exceed 25 percent of the pyroprocessing system's heat input and approach 40 percent, while meeting all applicable emissions standards and producing acceptable clinker.

Rinker was told at the outset of burning tires in the existing kilns that the maximum contribution to heat input from tires was 25-30 percent, and that the typical contribution to heat input was in the 7-15 percent range. During preparation for compliance stack testing – "practicing" if you will, Rinker determined that these limits were not necessarily valid. In fact, heat input contribution from tires exceeded 45 percent during this period.

It was determined that 40 percent of heat input was easily achievable during stack testing, with an associated decrease in emissions when compared to baseline testing without tires.

Rinker believes that other cement producers are constrained in heat input from tires for various reasons, such as:

- Air flow characteristics
- Production parameters
- Primary fuel availability
- Availability of tires
- Raw material and fuel composition

Rinker sees no justification to lower their requested heat input percentage from tires, until testing can be conducted to determine the maximum percentage of heat input that can be effectively achieved and maintained.

No request was made by CSR Rinker to alter the 40 percent allowed by the construction permit. However, it is inherent that heat input contribution from tires/TDF will be limited during operation to the percentage at which compliance is demonstrated.



7. It was agreed that the kiln temperature requirement while burning tires will be deleted with the understanding that tires and tire derived fuel will not be introduced via the precalciner so that it may act somewhat as an afterburner. A protocol describing how and where tires will be introduced and the temperature needed for good combustion should be provided by RMC.

**Response:** Please see the response to Item 4. Tires and TDF will be introduced in the vicinity of the feed shelf. This will allow the precalciner burner to act as an afterburner.

Good combustion is, of course, a function of much more than temperature, including turbulence, residence time, and oxygen availability. As these parameters vary from kiln to kiln, the establishment of a temperature to replace the temperature requirement being removed from the permit is of little practical value.

8. It was agreed that in any case, the amount of heat input from wastes that can be characterized as solid waste needs to be limited to less than 30 percent by weight rather than by heat input. This is to insure that the kiln cannot be characterized as a municipal waste combustor per Section 129 of the Clean Air Act. Please submit the total weight (ton/hr) of the plant's fuel stream.

**Response:** CSR Rinker has reasonable assurance that the exemption from NSPS Subpart Eb, at 40 CFR 60.50b(p), will ensure that the kiln cannot be characterized as a municipal waste combustor per Section 129 of the Clean Air Act.

The heat content of the various supplemental fuel materials does vary, and preserving the limits in terms of heat value provides CSR Rinker with operational flexibility.

Rinker prefers to have solid supplemental fuels limited by heat input, instead of by weight. Many potentially useful materials would be unduly restricted if the permit was changed to a weight basis. An example is tires: 8-10 percent of the weight is steel belts, which become incorporated into the clinker, and reduce the need for supplemental iron from materials such as fly ash.

An additional solid supplemental fuel being considered is waste aspirin. The tablet coating (essentially sugar) has a heat value of approximately 15,000 Btu per pound, compared with approximately 13,000 Btu per pound for coal. Interestingly, 46 percent of the weight of the waste aspirin is filler material – calcium carbonate, the main raw material used in the production of cement.

Rinker can only consider alternative fuels and raw materials that will not adversely affect the quality of their clinker and the resulting cement. Rinker is continually evaluating nonhazardous industrial byproducts, seeking those materials that provide heat value or raw material needs (calcium, alumina, silica, and iron principally).

It is hoped that the permit will allow and even encourage these waste reduction and pollution prevention practices.

9. Estimates of the expected amount of waste from each category need to be provided. For example, neither RMC nor the Department would actually expect a stream of 30 percent unused diapers to be burned in the kiln. We have supplied Koogler and Associates with examples of combusting similar segregated wastes at resource recovery facilities.

**Response:** It is premature for CSR Rinker to provide fuel stream makeup at this time. It is reasonable to expect that any of the permitted fuels will be burned in amounts approaching the permitted amounts.

10. Regarding Comment No. 6 contained in the April 10 letter from Koogler and Associates, please provide the kiln's emission characteristics of a shutdown and malfunction and explain the type of malfunction that will be excluded from the daily average.

**Response:** The kiln's emission characteristics during a shutdown will be similar to those characteristics during startup when no clinker is being produced. This is because fuel combustion and kiln rotation continue during shutdown, to prevent extensive mechanical damage (especially kiln warpage) during shutdown. It is expected that the only pollutant significantly affected would be sulfur dioxide, which relies on the flow of raw material to maintain alkaline conditions in the pyroprocessing system.

To be consistent, it is requested that emissions during shutdown be addressed in the same way as emissions during startup.

Emissions data from all types of malfunctions, as described by Rule 62-210.200(179), FAC and modified by 62-210.700(4), FAC, would be excluded from the computation of the daily average. The combined definition of malfunction follows:

**"Malfunction"** - Any unavoidable mechanical and/or electrical failure of air pollution control equipment or process equipment or of a process resulting in operation in an abnormal or unusual manner. Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup, shutdown, or malfunction shall be prohibited.

For particulate matter, controlled throughout the plant by baghouses, malfunctions could include:

- Bag breakage
- Component or electrical failure

General malfunctions and excess emissions could result from:

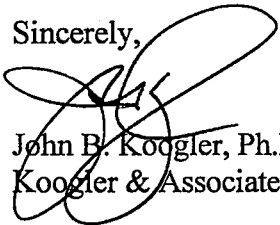
- Fire or explosion
- Sabotage
- Human error
- Electronic and mechanical failure
- Acts of God

As the causes and effects of malfunctions vary, it is impossible to generally characterize emissions during malfunctions.

---

I hope that this information is responsive to your request. If I can provide any further information, please contact me.

Sincerely,

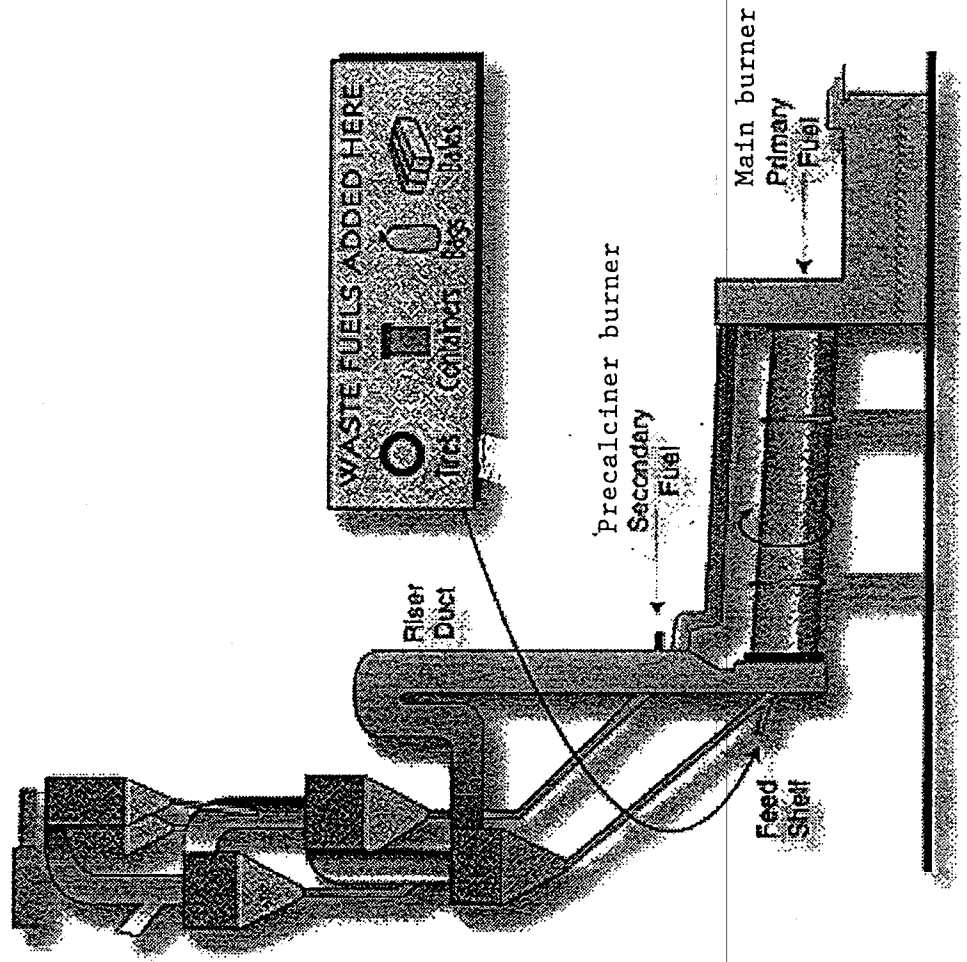


John B. Koogler, Ph.D., P.E.  
Koogler & Associates

attachment

copy w/attachment to: Michael Vardeman – CSR Rinker

# A TYPICAL PRECALCINER CEMENT KILN





# Department of Environmental Protection

Lawton Chiles  
Governor

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Virginia B. Wetherell  
Secretary

May 5, 1998

## CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. James S. Jenkins, III  
Vice President of Cement Operations  
Rinker Materials Corporation  
1200 Northwest 137th Avenue  
Miami, Florida 33182

Re: DRAFT Permit Modification No. 0250014-006-AC  
Modernization Project, Revisions of Permit Conditions

Dear Mr. Jenkins:

We received a letter dated April 10 from your consultant, Koogler and Associates, specifying the rationale for 11 issues or changes in the draft permit modification. We subsequently met with Mr. Steve Cullen, P.E., of Koogler and Associates and Mr. Mike Vardamen, representing Rinker Materials Corporation (RMC). Based on our review of the letter and our discussions at the meeting, we have the following comments and information requirements:

1. References to the emission guideline applicable to municipal waste combustors will be removed because of the exemption of cement kilns from the regulation.
2. A Public Notice of Intent to Issue will be published by RMC. Objections from the public are limited to only the modifications of the permit, but not the construction of the project as presently permitted.
3. Dade County DERM, who attended the meeting by teleconference, has taken the position that their rules apply to the burning of solid waste materials by resource recycling and management facilities in wellfield protection areas. RMC will work directly with DERM to sort out those issues. In this regard, the addition of permit conditions regarding certain off-site generated wastes (e.g. oil spill wastes, oil filters) is subject to challenge by DERM or the public. Obviously some kind of agreement between DERM and RMC for burning the described wastes needs to be reached apart from this permitting action.
4. We requested a more precise description of where and how the various wastes will be introduced within the pyroprocessing operation and provided your representatives with examples on how they should be presented.
5. It was agreed that sewage sludge will not be processed. Although there are some benefits to introducing this material into the process, there are some potential downsides. These include increased recirculations of various metals within the kiln, potential mild odors, and possible need for increased fan capacity.

Mr. James S. Jenkins, III  
May 5, 1998  
Page 2 of 2

6. It was pointed out by the Department that the permitted level of heat input from tires (40 percent) appears high. Our review of various references, reveals that the practical limit is approximately 25-30 percent as a maximum. Based on EPA and State of California documents on tire and tire-derived fuel burning as well as our discussions with industry experts, we suggest that 25 percent is a more reasonable and supportable limit. We therefore request your concurrence in lowering the heat input limit from tires accordingly. Please submit the total weight (tons/hr) of tires.
7. It was agreed that the kiln temperature requirement while burning tires will be deleted with the understanding that tires and tire derived fuel will not be introduced via the precalciner so that it may act somewhat as an afterburner. A protocol describing how and where tires will be introduced and the temperature needed for good combustion should be provided by RMC.
8. It was agreed that in any case, the amount of heat input from wastes that can be characterized as solid waste needs to be limited to less than 30 percent by weight rather than by heat input. This is to insure that the kiln cannot be characterized as a municipal waste combustor per Section 129 of the Clean Air Act. Please submit the total weight (ton/hr) of the plant's fuel stream.
9. Estimates of the expected amount of waste from each category need to be provided. For example, neither RMC nor the Department would actually expect a stream of 30 percent unused diapers to be burned in the kiln. We have supplied Koogler and Associates with examples of permit conditions for combusting similar segregated wastes at resource recovery facilities.
10. Regarding Comment No. 6 contained in the April 10 letter from Koogler and Associates, please provide the kiln's emission characteristics of a shutdown and malfunction and explain the type of malfunction that will be excluded from the daily average. Regarding this comment, the Department has previously negotiated this CEMs requirement with another cement plant and agreed to the condition as written in Rinker's permit. Please refer to the attached December 13, 1996 letter from RTP Environmental Associates Inc. Please be advised that Florida Crushed Stone is also permitted to construct a dry process cement kiln with preheater and precalciner.

The application is incomplete per our discussion with your representatives. We understand that RMC will meet with DERM to resolve any outstanding local issues. If you have any questions regarding this matter, please contact Ms. Teresa Heron at (850)921-9529 or Mr. Joe Kahn at (850)921-9519

Sincerely,

Handwritten signature of A. A. Linero, dated 5/5.

A. A. Linero, P.E. Administrator  
New Source Review Section

AAL/aal

cc: Patrick Wong, DERM  
Isadore Goldman, DEP  
Bob Johns, DERM  
Mike Vardeman, RMC  
Steve Cullen, P.E., Koogler and Associates

Date: 8/18/98 1:50:14 PM  
From: Paul Wierzbicki WPB  
Subject: FWD: Rinker Alternate Procedure Request

Mark  
So Carroll  
E-Block  
954-974-7055  
continuation

2

Date: 8/11/98 2:51:13 PM  
From: Tom Conrardy TAL  
Subject: Rinker Alternate Procedure Request

The following is an update of the Rinker alternate procedure request status.

Since I distributed the Rinker response to our comments to you in July, I discussed the site with Bill Neimes and he brought some aspects of their proposal that I had overlooked to my attention. Primarily, it appeared that they would only submit the Generator Certification "process knowledge" form for instances in which the normal pretreatment screening called for in Chapter 62-775 for petroleum contaminated soil shows some irregularity that raises suspicion. This is not consistent with what I had requested to Rinker in my previous letter. Bill and I called Geof Smith and discussed this problem with him. I informed him that since on contaminated soil from outside of a petroleum storage tank was deferred from RCRA regulation by EPA, they would need to do the form in every case that they wanted to accept and thermally treat soil-like materials from the sources described in their initial proposal, including tank bottom sludge, oil water separator sludge, car wash grit, etc. He said he would take this message back to Rinker. Geof Smith called me back today to tell me he is going to south Florida to discuss the issue with Rinker in a few days and he wants to know if that is the extent of our comments. Please respond to this message on whether any of you have any additional comments or whether you need more time for consideration of the issue. Also, FYI, Geof Smith included a statement in his letter that said something to the effect that the DEP should require that a similar form be used whenever landfills accept similar materials. I told him that if he was going to wait for us to agree to that before we issued the alternate procedure order, he would be waiting for quite awhile. He said that it was included more as a suggested policy statement and not as a proposed condition on the Department's side of approval of the alternate procedure order.

Thanks



# INTEROFFICE MEMORANDUM

**Sensitivity:** COMPANY CONFIDENTIAL

**Date:** 06-Aug-1998 12:33pm  
**From:** John M. Jones WPB  
JONES\_JM  
**Dept:** Southeast District Office  
**Tel No:** 561/681-6674

**To:** See Below

**Subject:** Re: Rinker Alternate Procedure Request

Tom, I have looked over the draft of the reply letter from Rinker. I think it covers most of the issues I raised in my previous correspondence to you, with only a few concerns left. Rinker is obviously wanting to ensure a "level playing field" with their competition. The SED Solid Waste section is very diligent in their enforcement of the regulations, and we in Hazardous Waste have evaluated the "Special Waste" procedures of Waste Management and Chambers on several occasions to make sure that no hazardous waste is managed illegally.

Process knowledge is indeed a concern, since it is very easy for a generator to claim "knowledge" with little back-up. When we visit facilities that claim process knowledge for various waste streams, we request some documentation. For example, if a paint booth filter is disposed of as non-hazardous using process knowledge, we would ask for MSDS sheets for the paint to show that no chromium or lead is used in the formulations. There is a tendency for the disposal facilities to use the generator statement as a "shield", and we attempt to maintain a dialogue with the receiving facilities to make sure that they are at least asking some questions of the generator during the acceptance procedure.

Accordingly, I have a question about how Rinker will screen the material from car wash facilities. How can Rinker (or anyone else, for that matter) make sure that only petroleum wastes are managed? Brake cleaners, gasoline, and other solvents may be present.

Other than that, I see no problem with Rinker accepting other wastes. Environmentally, it is probably preferable to landfilling.

If I can assist in any other way, please let me know. Thanks for allowing the opportunity to comment.

## Distribution:

<b>To:</b>	Tom Conrardy	TAL	( CONRARDY_T@A1@DER )
<b>To:</b>	Satish Kastury	TAL	( KASTURY_S@A1@DER )
<b>To:</b>	Bill Neimes	TAL	( NEIMES_B@A1@DER )
<b>To:</b>	Richard Tedder	TAL	( TEDDER_R@A1@DER )
<b>CC:</b>	Vivek Kamath	WPB	( KAMATH_V )
<b>CC:</b>	Paul Wierzbicki	WPB	( WIERZBICKI_P )
<b>CC:</b>	Lee Hoefert	WPB	( HOEFERT_L )

**Florida Department of  
Environmental Protection**

**Memorandum**

TO: Paul Alan Wierzbicki, P.G., Waste Cleanup Supervisor  
FROM: Jorge R. Patino, Waste Cleanup Section  
DATE:  
REF: Rinker Request for Approval of Alternate Procedures

ENFORCEMENT TRACKING	
DRAFT <u>7/23/98</u>	
Initial	Date
<u>JP</u>	<u>7/23/98</u>
<u>ERC</u>	<u>7/23/98</u>

I have reviewed the July 13, 1998 Memorandum from Tom Conrardy and enclosures regarding Rinker's proposed thermal treatment of materials other than petroleum contaminated soil. For the sake of continuity, I would suggest that anyone (e.g., you and Lee Martin) who has participated in the review process for this particular project review Tom's memorandum.

The only question I have deals with the July 2, 1998 letter from Blank, Rigsby & Meenan, P.A. (BRM), which responded to an earlier letter from Tom dated April 7, 1998. It seems that the Department's original intent to allow only the acceptance of car wash tank residues from auto and light truck car wash systems may have been expanded by BRM to include "other passenger vehicle washes". I am not sure what this category includes. Does it include mass transit passenger vehicles such as buses, trains, and airplanes or do these follow under the industrial category? Some of these vehicle wash systems use pressure or steam cleaners to wash engines and other vehicle parts. Is this acceptable?

If you have any questions or comments, please contact me at extension 6726.

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

## DISTRICT ROUTING SLIP

To: Paul Wierzbicki DATE: 7-14-98

CC To:

	<b>PENSACOLA</b>	<b>NORTHWEST DISTRICT</b>	
	Panama City	Northwest District Branch Office	
	Tallahassee	Northwest District Branch Office	
	Sopchoppy	Northwest District Satellite Office	
	<b>TAMPA</b>	<b>SOUTHWEST DISTRICT</b>	
	Punta Gorda	Southwest District Branch Office	
	Bartow	Southwest District Satellite Office	
	<b>ORLANDO</b>	<b>CENTRAL DISTRICT</b>	
	Melbourne	Central District Satellite Office	
	<b>JACKSONVILLE</b>	<b>NORTHEAST DISTRICT</b>	
	Gainesville	Northeast District Branch Office	
	<b>FORT MYERS</b>	<b>SOUTH DISTRICT</b>	
	Marathon	South District Branch Office	
X	<b>WEST PALM BEACH</b>	<b>SOUTHEAST DISTRICT</b>	
	Port St. Lucie	Southeast District Branch Office	

☐ Reply Optional  
Date Due \_\_\_\_\_

☐ Reply Required  
Date Due: \_\_\_\_\_ ☐ Info Only

Comments:

**RECEIVED**  
JUL 16 1998

DEPT. OF ENV. PROTECTION

From:

Tel.:

## Memorandum

## Environmental Protection

TO: Satish Kastury, Administrator  
Hazardous Waste Regulation Section  
Bureau of Solid and Hazardous Waste

William Neimes, PE III  
Bureau of Waste Cleanup

Richard Tedder, PE III  
Bureau of Solid and Hazardous Waste

FROM: Tom Conrardy, <sup>TK</sup> PE Administrator  
Petroleum Cleanup Section 3  
Bureau of Petroleum Storage Systems

DATE: July 13, 1998

SUBJECT: Rinker Soil Thermal Treatment Facility  
Proposed Thermal Treatment of Materials Other Than  
Petroleum Contaminated Soil

**RECEIVED**  
JUL 16 1998  
DEPT. OF ENV. PROTECTION

Last year the Department received similar requests for approval of alternate procedures from the Rinker and Magnum soil thermal treatment facilities to allow the thermal treatment of materials other than petroleum contaminated soil. Due to the overlapping regulatory concerns of several program areas I organized a task group consisting of representatives of the Hazardous Waste Regulation Section, the Technical Review Section and the Solid Waste Regulation Section. After our initial comments, Rinker continued to pursue the proposal but Magnum decided to wait on the sideline to see the results of Rinker's continued pursuit of their proposal and negotiation with the Department. Several meetings of the Department staff involved in this issue have been held in addition to email and memorandum exchange of comments. There have been a couple rounds of formal comments to Rinker on the issue, the most recent of which was my letter dated April 7, 1998. A copy of that letter is attached for your information.

Attached is Rinker's response to our last comment letter. Please review this letter or delegate to the staff members that were previously involved in this issue to determine whether Rinker's response adequately addresses our comment letter of April 7 from your program's perspective. Please let me know if you need a copy of any previous correspondence on this issue. If you are not reviewing this letter yourself, please let me know what staff member(s) will be conducting a review. If I do not hear from you in

Memorandum  
July 13, 1998  
Page Two

the next week or so, I will contact you or the appropriate staff members from your program area to determine whether there are any additional comments or we need to have a meeting to discuss.

If we determine that Rinker's proposal is adequate and issue an approval of alternate procedures, Magnum will likely submit an identical request.

Please email me or call at 921-0834 if you would like to discuss. Thanks for your continued assistance with this issue.

Attachment

cc: Mike Redig, Hazardous Waste Regulation Section  
(w/attachments)  
Chris McGuire, Office of General Council  
(w/attachments)  
Paul Wierzbicki, FDEP Southeast District (w/attachment)  
John Jones, FDEP Southeast District (w/attachment)  
Mike Sole  
John Ruddell

TC/tc

# BLANK, RIGSBY & MEENAN, P.A.

ATTORNEYS AT LAW

*Office Address:*

204 SOUTH MONROE STREET  
TALLAHASSEE, FLORIDA 32301  
(850) 681-6710

*Mailing Address:*

POST OFFICE BOX 11068  
TALLAHASSEE, FLORIDA 32302-3068  
FACSIMILE (850) 681-6713  
(850) 681-1003

E-Mail: Postmaster@BRMFirm.com

F. PHILIP BLANK\*  
H. RICHARD BISBEE  
WENDY A. DELVECCHIO  
A. KENNETH LEVINE  
THOMAS R. McSWAIN  
TIMOTHY J. MEENAN  
R. TERRY RIGSBY  
GEOFFREY D. SMITH

LEGAL ASSISTANT  
JOHN A. DICKSON, J.D.

\*Florida Bar Certified in Health Law

July 2, 1998

Thomas W. Conrardy, P.E.  
Bureau of Petroleum Storage Systems  
Florida Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, Fl. 32399-1024

Re: Rinker Materials Thermal Treatment Facility; Request for Approval of Alternate Procedures

Dear Tom:

Thank you for your letter of April 7, 1998 regarding Ringer's pending Request for Approval of Alternate Procedures. Rinker has carefully reviewed your concerns, and offers the following responses to the specific items you raised in your letter. We trust these responses will serve as the basis for the Department to issue an approval of the Department Procedures Request.

RESPONSES TO ITEM 1.a.:

- We appreciate DEP's concern with ensuring that materials which are characteristically hazardous are not improperly disposed of. We would hope that DEP will also address these same concerns in regulating the landfill disposal of the same type materials.
- We agree that "sludge" from gasoline storage tanks and absorbents from gasoline spill cleanup has a high likelihood of containing benzene in excess of TCLP standards. For this reason, Rinker does not typically accept "sludge" from gasoline tanks. Prior to accepting any sludge from a gasoline tank source, Rinker agrees that a TCLP analysis will need to be performed. Rinker will not accept any sludge that is characteristically hazardous.
- In summary, Rinker agrees with DEP's suggestion that a generator would have to provide TCLP analysis in order to have these materials accepted by Rinker for thermal treatment. Likewise, the same TCLP analysis by the generator should be required by DEP for landfill disposal of these materials.

RESPONSE TO ITEM 1.b.:

- DEP's concern over the adequacy and consistency of "process knowledge" determinations seems to be a general criticism of RCRA regulations which specifically allow for a generator to make a process knowledge determination. See, 40 CFR Section 262.11. By shipping materials to Rinker on a non-hazardous manifest, the generator is certifying compliance with the requirements of 40 CFR 262.11.

- In response to your concerns, Rinker has developed the attached "Generator Certification" form. This form requires that the generator explain the basis of their "process knowledge" determination. Rinker will use this form when laboratory data, or other information, indicates that the materials contain contaminants which may be hazardous, either due to characteristic or listing. We believe that DEP should also require this type of form for landfill disposal of the same materials. Otherwise, there will be unjustified inconsistency in treatment and disposal options for these materials.

RESPONSE TO ITEM 2.a.:

- Rinker agrees that only petroleum contaminated media and debris from sources such as oil/water separators, french drains, or soakage pits will be accepted for thermal treatment. Rinker will require laboratory analysis of these materials to ensure that no hazardous wastes are accepted. Rinker agrees that, unless otherwise authorized by the Department, Rinker will not accept media and debris that is characteristically hazardous for any constituent or that is contaminated with chlorinated solvents, degreasers, or other non-petroleum contaminants in excess of the clean soil criteria in 62-775, F.A.C..

RESPONSE TO 2.b.:

- Car wash reclaim water tank residues will be only from auto, light truck, and other passenger vehicle washes. Rinker will not accept wash water residues from industrial or agricultural vehicle wash facilities.

RESPONSE TO 3.:

- Rinker agrees that only mineral type absorbents (e.g. kitty litter) will be thermally treated. Materials such as absorbent booms, paper, plastic materials or acrylic polymers will not be treated in the soil thermal treatment facility, and will be screened out and segregated for proper disposal before thermal treatment of oil spill containment materials or cleanup debris.

Thomas W. Conrardy, P.E.

July 2, 1998

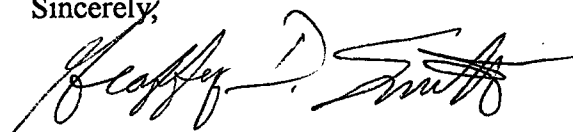
Page 3

RESPONSE TO 4:

- The media and debris to be treated under the Rinker Alternate Procedures Request would be blended with the petroleum contaminated soils for thermal treatment. In accordance with Chapter 62-775, F.A.C. blending would not be used to meet the definition of non-hazardous materials.

We believe that this information should fully address all of the Department's concerns. We look forward to the Department's approval of the Alternate Procedures Request.

Sincerely,

A handwritten signature in black ink, appearing to read "Geoffrey D. Smith", with a stylized flourish at the end.

Geoffrey D. Smith

GDS/meh

Enclosure



## GENERATOR CERTIFICATION

Dear \_\_\_\_\_:

Thank you for contacting CSR Rinker Environmental Services regarding proper disposition of petroleum contaminated materials generated at the above referenced site. Federal laws and regulations require that you, as the generator of a waste material, make a determination of whether the waste material is a hazardous waste. CSR Rinker Environmental Services is not authorized to accept shipments of hazardous waste.

Laboratory analysis received by CSR Rinker Environmental Services for the petroleum contaminated materials generated at the above referenced site indicates the presence of the following constituents in the concentration indicated:

Constituent

Analytical Result

Please provide the following clarification regarding the petroleum contaminated materials:

1. Describe the process/activity which generated the petroleum contaminated material.
2. Identify by brand or product name any solvent or cleaning agents used in the process or activity generating the petroleum contaminated materials.
3. Identify any other wastes or materials that have been mixed with or added to the petroleum contaminated material.
4. Please execute the following Generator's Waste Declaration:

To the best of my knowledge, the referenced petroleum contaminated materials presented to CSR Rinker Environmental Services for recycling contains no toxic or hazardous constituents that could cause the waste material to be classified as a characteristic or listed hazardous waste. Based

upon my knowldge of the source of the materials and the processes or activites involved in generating the materials, I hereby certify that the materials are not a hazardous waste.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title



# Department of Environmental Protection

Lawton Chiles  
Governor

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Virginia B. Wetherell  
Secretary

April 7, 1998

Mr. Geoffrey D. Smith  
Blank, Rigsby and Meenan, P.A.  
Post Office Box 11068  
Tallahassee, Florida 32302-3068

Re: Request for Approval of Alternate Procedures  
Rinker Materials Thermal Treatment Facility

Dear Mr. Smith:

The Division of Waste Management staff have reviewed your December 17, 1997 letter concerning a proposed alternate procedure for the Rinker soil thermal treatment facility. Your letter had responded to our earlier letter dated October 22, 1997 concerning a request to allow the thermal treatment of a number of types of materials that are not considered to be "petroleum contaminated soil" as defined by Rule 62-775.200(9), F.A.C. The Hazardous Waste Regulation Section and the Solid Waste Section of the Bureau of Solid and Hazardous Waste and the Technical Review Section in the Bureau of Waste Cleanup participated in the discussion which resulted in our determination on this matter. There are several issues yet to be resolved or clarifications made before we will consider the issuance of an Alternate Procedure Approval:

- 1.) One outstanding issue regarding this request concerns the need for TCLP testing of each source of material to be treated to determine whether it may be a characteristic hazardous waste. We have given further consideration to your request to allow discretion of the need for a TCLP test based on the generator's process knowledge of the waste materials. We have determined that this request may be reasonable with the following provisos.
  - a) It is the considered opinion of the staff members that evaluated this request that two of the categories of materials would have a high likelihood of containing benzene at a level that would fail a TCLP test if they were associated with gasoline contamination and we would expect that in all cases a TCLP test for benzene would be performed. These are the categories for "petroleum storage tank bottom residues" and "mineral type sorbent materials that have been

*"Protect, Conserve and Manage Florida's Environment and Natural Resources"*

Mr. Geoffrey D. Smith  
April 7, 1998  
Page Two

used for the cleanup of petroleum spills". If sludge from a gasoline tank bottom or absorbent material that has been used to clean up a gasoline spill will be thermally treated, we expect that Rinker will request evidence that a TCLP test for benzene had been performed.

- b) Staff have concerns about the need for assurances of the adequacy and consistency of the "process knowledge" determinations. We request a clarification from Rinker as to how the quality of process knowledge judgment will be assured and documented. We suggest a form be created by Rinker that will be used in a consistent manner whenever these materials are accepted to document the generator's basis for process knowledge. The documentation will demonstrate that the materials accepted by Rinker are only contaminated by petroleum substances. In addition, when accepting petroleum contaminated materials, the justification will provide a rationale of why a TCLP for benzene is not necessary. The forms will have to be maintained by Rinker and made available upon request to Department staff at periodic facility inspections.
- 2.) The original proposal implied that all of the materials in the request would be associated with petroleum facilities only, but the brief description of the nature of facilities that would generate these waste materials was of a fairly generic nature and therefore of some concern. We request an additional assurance by providing more details of the nature of the facilities that will be sources of some of the materials. The detailed source information must be sufficient to provide assurance to the Department that the petroleum contaminated residues will not contain other non-petroleum or hazardous constituents not appropriate for treatment in soil thermal treatment facilities. In particular:
- a) Oil water separator residues, french drain residues and soakage pit residues must be from facilities whose primary activities are petroleum related only. Please provide a more detailed explanation of the types of facilities or some typical examples of facilities which will have oil/water separators, french drains, or soakage pits that may be contaminated with petroleum but not other substances. It may be helpful if examples could be given of facilities for which

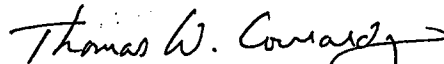
Mr. Geoffrey D. Smith  
April 7, 1998  
Page Three

process knowledge will be sufficient and of ones for which additional analysis would be necessary. Some staff members are particularly concerned with how residues from service station floor drains would be considered. Many of the degreasers currently used at service stations contain chlorinated solvents which could conceivably be contained in residues from the drain along with petroleum product chemicals.

- b) Please clarify that car wash reclaim water tank residues will come from car washes that are automobile and light truck only, not industrial or agricultural wash facilities.
- 3.) Staff have concerns that it is not uncommon for other oil spill containment materials/cleanup debris to be included in containers along with mineral type oil spill absorbent materials. Please clarify that only mineral-type, soil-like materials (e.g. - kitty litter) will be treated and not other materials not suitable for thermal treatment such as absorbent booms, sawdust, paper, or other plastic materials such as acrylic polymers.
- 4.) We are assuming that any high strength waste (e.g. - petroleum tank bottom residues) will always be blended with other petroleum contaminated soil prior to treatment to assure adequate thermal desorption and also to assure the facility will not operate in an unsafe manner. Please clarify.

If you have any questions, please call me at (850)488-3935.

Sincerely,



Thomas W. Conrardy P.E.  
PE Administrator  
Bureau of Petroleum Storage  
Systems

cc: Mike Vardeman, Rinker Materials  
John Ruddell  
Satish Kastury, Hazardous Waste Regulation Section  
William Neimes, Bureau of Waste Cleanup  
Paul Wierzbigki, FDEP Southeast District

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

# DISTRICT ROUTING SLIP

To: PAUL WIERZBICKI DATE: 6/25/98

CC To

	<b>PENSACOLA</b>	<b>NORTHWEST DISTRICT</b>	
	Panama City	Northwest District Branch Office	
	Tallahassee	Northwest District Branch Office	
	Sopchoppy	Northwest District Satellite Office	
	<b>TAMPA</b>	<b>SOUTHWEST DISTRICT</b>	
	Punta Gorda	Southwest District Branch Office	
	Bartow	Southwest District Satellite Office	
	<b>ORLANDO</b>	<b>CENTRAL DISTRICT</b>	
	Melbourne	Central District Satellite Office	
	<b>JACKSONVILLE</b>	<b>NORTHEAST DISTRICT</b>	
	Gainesville	Northeast District Branch Office	
	<b>FORT MYERS</b>	<b>SOUTH DISTRICT</b>	
	Marathon	South District Branch Office	
<input checked="" type="checkbox"/>	<b>WEST PALM BEACH</b>	<b>SOUTHEAST DISTRICT</b>	
	Port St. Lucie	Southeast District Branch Office	

☐ Reply Optional  
Date Due \_\_\_\_\_

☐ Reply Required  
Date Due: \_\_\_\_\_

☐ Info Only

Comments:

From:

Tel.:

LESLIE KULAKOWSKI

9278-3935

## Memorandum

## Florida Department of Environmental Protection

980717

To: Paul Wierzbicki, Southeast District Office  
THROUGH: Jim Crane, Bureau of Waste Cleanup *JPC*  
FROM: Zoe Kulakowski, Bureau of Waste Cleanup *ZPK*  
DATE: June 21, 1998  
SUBJECT: Rinker Portland Cement Corporation, 1200 Northwest  
137th Avenue, Miami, Dade County

I have reviewed the Chapter 62-775, F.A.C. Ground Water Monitoring Report dated May 14, 1998 for the referenced site. This report is acceptable except that the method detection limit for benzene was 3 ug/l which is too high to determine compliance with the ground water standard of 1 ug/l. This situation should be corrected before the September sampling event.

/zpk

*Incorporated into June Inspection Report  
Jrk*

*MAILED 7*  
JUN 21 1998  
DEPT. OF ENV. & NAT. RES.



**Rinker**

June 10, 1998

RECEIVED  
JUN 15 1998

DEPT OF ENV PROTECTION  
WEST PALM BEACH

Department of Environmental Protection  
Southeast District  
400 N. Congress Avenue  
P.O. Box 15425  
West Palm Beach, FL 33416

Attn: Mr. Jorge Patino  
Waste Cleanup

Dear Jorge:

Please find enclosed copies of CSR Rinker's employee safety Handbook and safety hand outs for new employees.

I hope this can be of use. Let me know if I can be of further assistance.

Sincerely,

Dave Marple

cc: Mr. Lee Martin  
Waste Cleanup





Paul  
4/28/98

## MEETING DOCUMENTATION

<b>Attendees:</b> (see attached sheet)	<b>Location:</b> FDEP - WPB	<b>Date/Time:</b> April 20, 1998/2:00 p.m.
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**Meeting Requested by:** Rinker

**Meeting Objectives:**

The purpose of the meeting was to discuss modifications to Rinker's General Permit No. SO13-290034 and SO13-2900512.

**Notes:**

Rinker wants to continue as permitted, but would like to modify its existing permits to include the ability to produce clean soil per 62-775 (i.e., the proposed modifications would allow Rinker to not have to use all thermally treated clean soil as raw material for their cement-making process). Draft letters (dated January 20, 1998) outlining the proposed changes to the above permits were introduced. Concerns were expressed by the Department regarding the tracking of soil batches that come up hot, clean soil to be used off site, and additional testing requirements for clean soil resulting from the treatment of coal tar/petroleum soil mixture; the integrity/permeability of soil staging area; and possible need for modifying the ground water monitoring plan.

**Agreements/Conclusions:**

Consultant will re-submit request for changes to the permits with the following additional information: (1) how additional analytical requirements will be tracked whenever the end use of treated soil changes from clean-to-cement to clean-to-off-site, (2) a description of what to do if a batch fails the analytical tests, (3) how will the eight hour batch that fails be tracked, and (4) evaluate ground water monitoring plan changes.

**Follow-up Actions/Dates:** Rinker's consultant will submit the above information. DEP will review the information.

**Prepared by:** Jorge R. Patino

**Attachments :** List of Attendees







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APR 20 1998

DEPT. OF ENV. PROTECTION

**DRAFT**

*Discussed at mtg  
on 4/20/98*

January 20, 1998

Mr. Paul Wierzbicki -- Administrator  
Waste Cleanup Section  
FDEP Southeast District  
Post Office Box 15425  
West Palm Beach, Florida 33416

**SUBJECT:** Rinker Materials Corporation -- Miami Soil Thermal Treatment Facility  
Minor Modification to General Permit No. SO13-290034  
Request to Allow Production of Clean Soil per Rule 62-775.400, F.A.C.

Dear Mr. Wierzbicki:

This letter shall request the minor modification of Rinker's General Permit No. SO13-290034, to allow the processing of petroleum contaminated soil into clean soil per Rule 62-775.400, F.A.C. A similar request will be submitted to the Solid Waste Section, to allow the processing of coal tar contaminated soil into clean soil per Rule 62-775.400, F.A.C. To illustrate common points and differences between the two requests, a general discussion is included.

A check in the amount of \$500 is included as the applicable processing fee.

For this facility and this permit, this request represents a return to the basic intent and structure of Rule 62-775, F.A.C.

Certain important points are described here, with more detailed information provided in the attachment to this letter.

- For soil intended for clean soil, this request will increase the frequency of post treatment sampling/analysis
- PCB contaminated soil will only be processed into clinker after thermal treatment

Thank you for your consideration of this request. If further information is required, please contact me.

Sincerely,

Steven C. Cullen, P.E.  
Koogler & Associates

enclosures: General Discussion of Permits  
Specific Discussion of General Permit SO13-290034  
Notice of Intent to Use the General Permit to Operate a Soil Thermal Treatment Facility  
Process Flow Diagrams

**DRAFT**

January 20, 1998

Mr. Lee Hoefert -- Administrator  
Solid Waste Section  
FDEP Southeast District  
Post Office Box 15425  
West Palm Beach, Florida 33416

**SUBJECT:** Rinker Materials Corporation -- Miami Soil Thermal Treatment Facility  
Minor Modification to Permit No. SO13-300512  
Request to Allow Production of Clean Soil per Rule 62-775.400, F.A.C.

Dear Mr. Hoefert:

This letter shall request the minor modification of Rinker's Permit No. SO13-300512, to allow the processing of non-hazardous coal tar contaminated soil into clean soil per Rule 62-775.400, F.A.C. A similar request will be submitted to the Waste Cleanup Section, to allow the processing of petroleum contaminated soil into clean soil per Rule 62-775.400, F.A.C. To illustrate common points and differences between the two requests, a general discussion is included.

A check in the amount of \$250 is included as the applicable processing fee.

For this facility and this permit, this request represents a return to the basic intent and structure of Rule 62-775, F.A.C.

An important point is described here, with more detailed information provided in the attachment to this letter.

- For soil intended for clean soil, this request will increase the frequency of post treatment sampling/analysis

Thank you for your consideration of this request. If further information is required, please contact me.

Sincerely,

Steven C. Cullen, P.E.  
Koogler & Associates

enclosures: General Discussion of Permits  
Specific Discussion of Permit SO13-300512  
Process Flow Diagrams

## INTRODUCTION

This project is the minor modification of the operating permits for the Rinker Materials Corporation Miami Soil Thermal Treatment Facility. These modifications will allow the production of clean soil per Rule 62-775.400, F.A.C.

The facility is currently permitted and in operation. At this time, all post-treatment soil is utilized as raw material in the production of Portland cement in either of two on-site wet-process cement kilns.

Rinker Materials Corporation (Rinker) has identified market demands for clean fill, and is also responding to certain client requests for "their soil back".

This project will proceed on a parallel track, involving two submittals and distinct reviews. At a meeting with Department staff on November 17, 1997, the following processing parameters were provided:

DESCRIPTION	FEE
• Notice of Intent to Modify General Permit for Stationary Soil Thermal Treatment Facility [Paul Wierzbicki -- Administrator; Lee Martin -- Permit Engineer]	\$500
• Minor Modification of Solid Waste Permit [Lee Hoefert -- Administrator; Joe Lurix -- Permit Engineer]	\$250

## FACILITY

Rinker Materials Corporation  
Miami Soil Thermal Treatment Facility  
1200 N.W. 137th Avenue  
Miami, Florida 33182

FDEP Site No. 69998

## PERMITS

There are two permits applicable to the operation of the soil thermal treatment facility (STTF) -- not considering the requisite air permits.

### General Permit SO13-290034

This general permit is authorized by Rule 62-775, F.A.C., and currently allows the processing of:

- Petroleum contaminated soil
- Soil contaminated with low levels (<10 ppm) of polychlorinated biphenyls, per Rule 62-775.410(6)

An approved Alternate Procedure is in place for this permit (AP-STTF001), which allows the testing of the cement kiln product (clinker). This is instead of testing the post-treatment soil to demonstrate compliance with the rule requirements.

Another Alternate Procedure is in the process of receiving approval from the Department. This will allow the thermal treatment of other petroleum containing media, at this facility and under the general permit.

Permit SO13-300512

This permit is authorized by Rules 62-701 and 62-775, F.A.C., and specifically allows the processing of:

- Coal tar contaminated soil (non-hazardous)

This separate permit was required by the Department because the general permit can only be used for the processing of petroleum contaminated soil.

This permit also relies on the approved Alternate Procedure (AP-STTF001), which allows the testing of the cement kiln product (clinker). This is instead of testing the post-treatment soil to demonstrate compliance with the permit conditions and rule requirements.

DISCUSSION

The different scenarios are as follows:

- Petroleum contaminated soil, post-treatment: raw material for cement manufacturing
- Petroleum contaminated soil, post-treatment: clean soil per Rule 62-775.400
- Coal tar contaminated soil, post-treatment: raw material for cement manufacturing
- Coal tar contaminated soil, post-treatment: clean soil per Rule 62-775.400
- Polychlorinated biphenyl contaminated soil, raw material for cement manufacturing

Any mixing of batches will be limited to mixing of soil types with the same post-treatment analysis requirements, or the post-treatment analysis of the mixed batch using the most stringent applicable analyses.



### General Permit SO13-290034

This general permit is authorized by Rule 62-775, F.A.C., and currently allows the processing of:

- Petroleum contaminated soil
- Soil contaminated with low levels (<10 ppm) of polychlorinated biphenyls, per Rule 62-775.410(6)

An approved Alternate Procedure is in place for this permit (AP-STTF001), which allows the testing of the cement kiln product (clinker). This is instead of testing the post-treatment soil to demonstrate compliance with the rule requirements.

Another Alternate Procedure is in the process of receiving approval from the Department. This will allow the thermal treatment of other petroleum containing media, at this facility and under the general permit.

After the additional Alternate Procedure is finalized, the General Permit will authorize the processing of three types of soil:

- ◇ Petroleum contaminated soil
- ◇ Other petroleum containing media (as petroleum contaminated soil)
- ◇ Soil contaminated with low levels (<10 ppm) of polychlorinated biphenyls

### Petroleum Contaminated Soil

For this soil, the requested modification represents a return to the intent and structure of the general permit under Rule 62-775, F.A.C. The soil will be sampled and analyzed pre-treatment and post-treatment, in accordance with Rule 62-775.400, F.A.C. and Rule 62-775.410, F.A.C.

For this soil, the single change is the sampling and analysis of the post-treatment soil in accordance with Rule 62-775.410(5), rather than the sampling and analysis of the clinker in accordance with Alternate Procedure (AP-STTF001). This increases the frequency of sampling.

No changes in analysis parameters are necessitated by this modification request.

### Soil Containing Polychlorinated Biphenyls

The thermal treatment of this soil is already authorized by the General Permit. The treatment of this soil requires a pre-acceptance verification that the polychlorinated biphenyl concentration is less than 10 parts per million.

The applicable rule [Rule 62-775.410(6)(d)] requires that the post-treatment soil be used in a finished product line or disposed of at a permitted, lined landfill. This modification request does not include soils contaminated with polychlorinated biphenyls. These soils will continue to be processed in accordance with the General Permit and the Alternate Procedure (AP-STTF001).

### **Permit SO13-300512**

This permit is authorized by Rules 62-701 and 62-775, F.A.C., and specifically allows the processing of Coal tar contaminated soil (non-hazardous).

This separate permit was required by the Department because the general permit can only be used for the processing of petroleum contaminated soil.

This permit also relies on the approved Alternate Procedure (AP-STTF001), which allows the testing of the cement kiln product (clinker). This is instead of testing the post-treatment soil to demonstrate compliance with the permit conditions and rule requirements.

### **Changes to Permit Number SO13-300512**

#### **FROM:**

**TO CONSTRUCT AND OPERATE:** A solid waste resource recovery and management facility for volume reduction and materials recovery via a thermal soils desorption treatment unit for receiving and treating non-hazardous contaminated soils. Non-hazardous contaminated soils, as defined in Chapter 62-730, Florida Administrative Code, for this facility are only those soils that contain coal tar from manufactured gas plant sites. Non-hazardous contaminated soils will be accepted by the Rinker Materials Corporation (RMC) facility, only after RMC determines via analytical testing that the soils are non-hazardous. After RMC has determined that the soils are non-hazardous, the soils will be accepted and dumped into the storage building. The building "A" is an existing 33,660 square-foot covered structure with a 12-inch thick concrete floor. RMC will operate this facility seven days a week, 24 hours a day. The total hours of operation shall not exceed 8,760 hours per year and RMC shall not process greater than 40 tons/hour of soils contaminated with non-hazardous coal tar residue or petroleum contaminated soil at this facility. The maximum operating limit of this facility shall be 350,400 tons per year of soil contaminated with non-hazardous coal tar residue or petroleum contaminated soil, or a combination of the two (not to exceed 350,400 tons per year). The cement manufacturing process is initiated with the quantitative and qualitative processing of raw materials (limestone, rock, sand, bottom ash and slag) into a high solids slurry. The slurry is introduced into two 475 foot long rotary kilns for processing into clinker. The slurry remains in the kiln for 3.0 to 3.5 hours where it is heated, dried and calcined at material temperatures reaching 2750 degrees Fahrenheit. The feed materials fuse into a mineralogical product called "clinker". The clinker (approximately 1700 tons/day) is cooled and ground with gypsum and other admixtures to produce portland cement (approximately 1900 tons/day). All non-hazardous coal tar contaminated soils that are received by RMC are first thermally processed to remove the hydrocarbon contaminants and are then consumed completely in the production of Portland cement as a substitute (12%) of a portion of the raw materials (limestone, sand, clay). All thermally processed coal tar contaminated soil will be used as a substitute raw material in the production of Portland cement.

#### **TO:**

**TO CONSTRUCT AND OPERATE:** A solid waste resource recovery and management facility for volume reduction and materials recovery via a thermal soils desorption treatment unit for receiving and treating non-hazardous contaminated soils. Non-hazardous contaminated soils, as defined in Chapter 62-730, Florida Administrative Code, for this facility are only those soils that contain coal tar from manufactured gas plant sites. Non-hazardous contaminated soils will be accepted by the Rinker Materials Corporation (RMC) facility, only after RMC determines via analytical testing that the soils are non-hazardous. After RMC has determined that the

soils are non-hazardous, the soils will be accepted and dumped into the storage building. The building "A" is an existing 33,660 square-foot covered structure with a 12-inch thick concrete floor. RMC will operate this facility seven days a week, 24 hours a day. The total hours of operation shall not exceed 8,760 hours per year and RMC shall not process greater than 40 tons/hour of soils contaminated with non-hazardous coal tar residue or petroleum contaminated soil at this facility. The maximum operating limit of this facility shall be 350,400 tons per year of soil contaminated with non-hazardous coal tar residue or petroleum contaminated soil, or a combination of the two (not to exceed 350,400 tons per year). All non-hazardous coal tar contaminated soils that are received by RMC are thermally processed to remove the hydrocarbon contaminants. All thermally processed coal tar contaminated soil will be used either as a substitute raw material in the production of Portland cement, or as fill material for unrestricted use.

**FROM:**

**SPECIFIC CONDITION 9.c.:** All clinker shall be analyzed for the parameters listed in Specific Condition 9.a., using the EPA Methods indicated or other methods approved in writing by the Department. Clinker is not required to be analyzed for TCLP benzene. All clinker shall be analyzed for cyanide only if cyanide is detected in the soil contaminated with coal tar residue over minimum detection limits.

**TO:**

**SPECIFIC CONDITION 9.c.:** Post-treatment soil or clinker shall be analyzed for the parameters listed in Specific Condition 9.a., using the EPA Methods indicated or other methods approved in writing by the Department; and with the sampling frequency specified in Specific Condition 10.b (for clinker) or Specific Condition 10.c. (for soil). Post-treatment soil and clinker are not required to be analyzed for TCLP benzene. Post-treatment soil or clinker shall be analyzed for cyanide only if cyanide is detected in the soil contaminated with coal tar residue over method detection limits.

**FROM:**

**SPECIFIC CONDITION 10.b.:** Following thermal treatment, a clinker sample shall be collected at least once every 400 tons or every eight operational hours maximum time interval or, whichever is less and composite these samples on a weekly basis, and sample and analyze the clinker for the parameters as required by Specific Condition #9.

**TO:**

**SPECIFIC CONDITION 10.b.:** Following thermal treatment, a clinker sample shall be collected at least once every 400 tons or every eight operational hours maximum time interval or, whichever is less and composite these samples on a weekly basis, and sample and analyze the clinker for the parameters as required by Specific Condition #9.

**SPECIFIC CONDITION 10.c.:** Following thermal treatment, a soil sample shall be collected at least hourly and composited over an eight operational hour maximum time interval or at least once every 400 tons, whichever is less. Each composite sample shall be analyzed for the parameters as required by Specific Condition #9.

RECEIVED

APR 20 1998

DER Form #	17-775.900(1)
Not of Intent to Use the Gen. Perm. to Construct/ Form Title <u>Operate a Soil Thermal Treatment Facility</u>	
Effective Date	December 10, 1990
DER Application No.	(Filled in by DER)

## Notice of Intent to Use the General Permit to Construct/Operate a Soil Thermal Treatment Facility

**INSTRUCTIONS:** Please provide all information as requested below. For stationary facilities submit the original and four (copies) of this notice of intent application along with site location map, process flow chart drawings of the treatment facility, and groundwater monitoring plan to the appropriate district office. For mobile units submit applicable information to the Bureau of Waste Cleanup, Florida Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

Type: Stationary ☒ Mobile ☐ General Permit No.: SO13-290034

Name of Facility: MIAMI SOIL THERMAL TREATMENT FACILITY County: DADE

Facility Address: 1200 NW 137TH AVENUE, MIAMI, FL 33182

Latitude 25 ° 46 ' 45 "N Longitude 80 ° 25 ' 10 "W Telephone Number: (305) 229-2955

Name of Owner(s): RINKER MATERIALS CORPORATION

Owner(s) Address if different from above: SAME AS ABOVE

Department of Environmental Regulation Air Permit Number: AO13-234126 Expiration Date: 9/17/1998

Length of primary chamber (ft): 80 Heat generation capability (BTU/hr): 42.4 MM

Capacity of facility at a 25 minute retention time (yd<sup>3</sup>/hr): NA or (tons/hr): 40

Operating temperature of primary chamber (°F): 1000 DEG. F. DISCHARGE

Estimated average volume of soil to be processed (yd<sup>3</sup>/mth): <29,000

Covered storage area (ft<sup>2</sup>): 33,660 Height of cover (ft): 45

Floor construction (cement, asphalt, etc.): PORTLAND CEMENT CONCRETE

Statement by Applicant:

I hereby attest as the owner or authorized representative of RINKER MATERIALS CORPORATION (attach letter of authorization) the preceding information is accurate and that I will operate this facility in accordance with the requirements of Chapter 17-775 entitled "Soil Thermal Treatment Facilities." I understand that failure to operate this facility as required will constitute grounds for revocation of this permit.

Signature of Owner or Authorized Representative

JAMES S. JENKINS - VP CEMENT OPS.

Name and Title

Date: \_\_\_\_\_

DER Form #	17-775.900(1)
Not. of Intent to Use the Gen. Perm. to Construct/ Form Title	Operate a Soil Thermal Treatment Facility
Effective Date	December 10, 1990
DER Application No.	(Filled in by DER)

**Statement by Florida Registered Professional Engineer:**

I hereby certify that the above information pertinent to the construction and operation of this facility is correct and that this facility is capable of operating to achieve the requirements and standards as set forth in Chapter 17-775, of the Florida Administrative Code.

\_\_\_\_\_  
Signature of Engineer  
(affix seal)

\_\_\_\_\_  
STEVEN C. CULLEN

\_\_\_\_\_  
Engineer's Name (Please Type)

\_\_\_\_\_  
45188

\_\_\_\_\_  
Florida Registration Number

\_\_\_\_\_  
KOOGLER & ASSOCIATES

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
4014 NW 13TH ST. GAINESVILLE FL

\_\_\_\_\_  
Address Street City

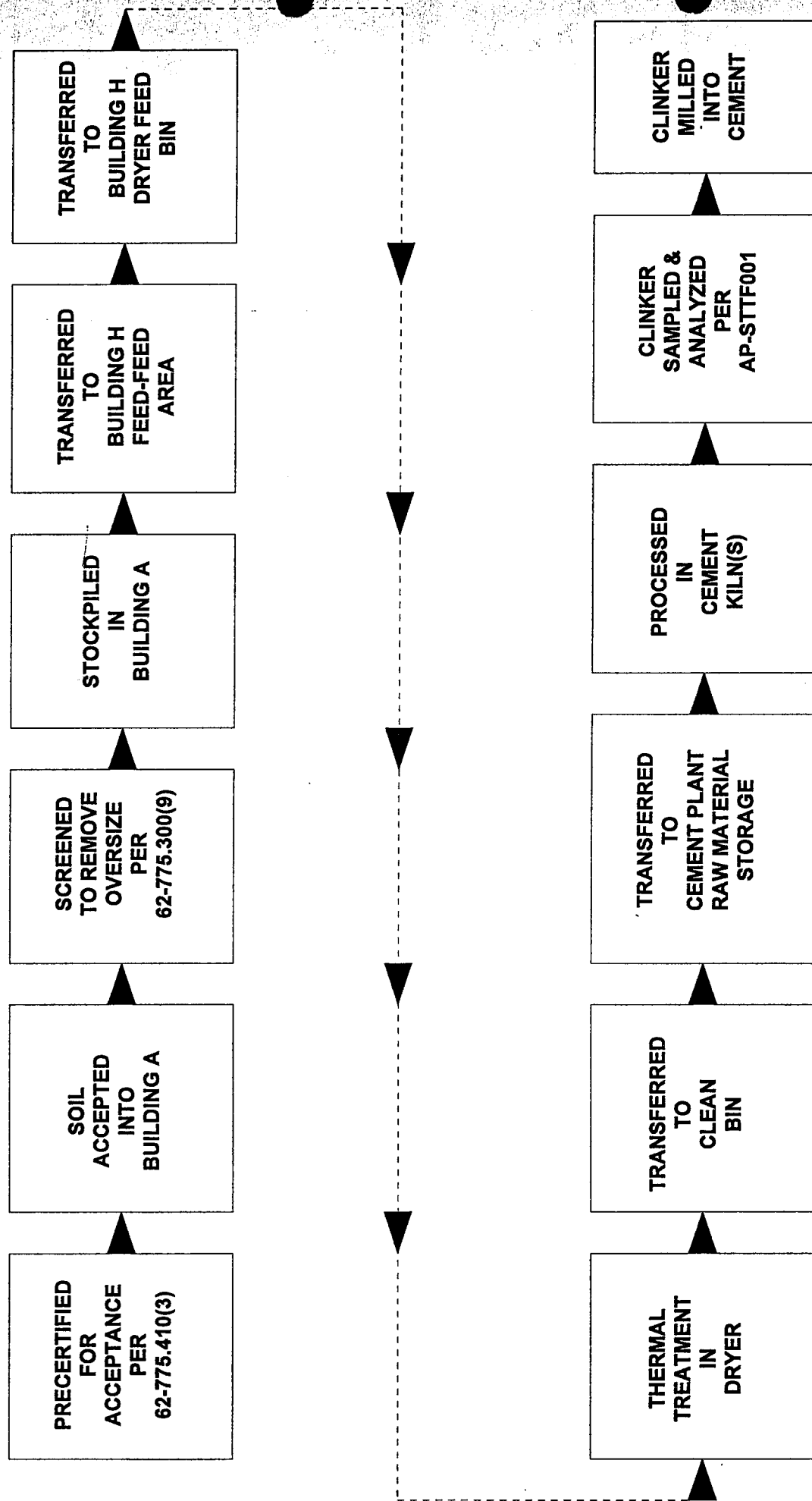
\_\_\_\_\_  
(352) 377-5822

\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone Number

# PROCESS FLOW DIAGRAM

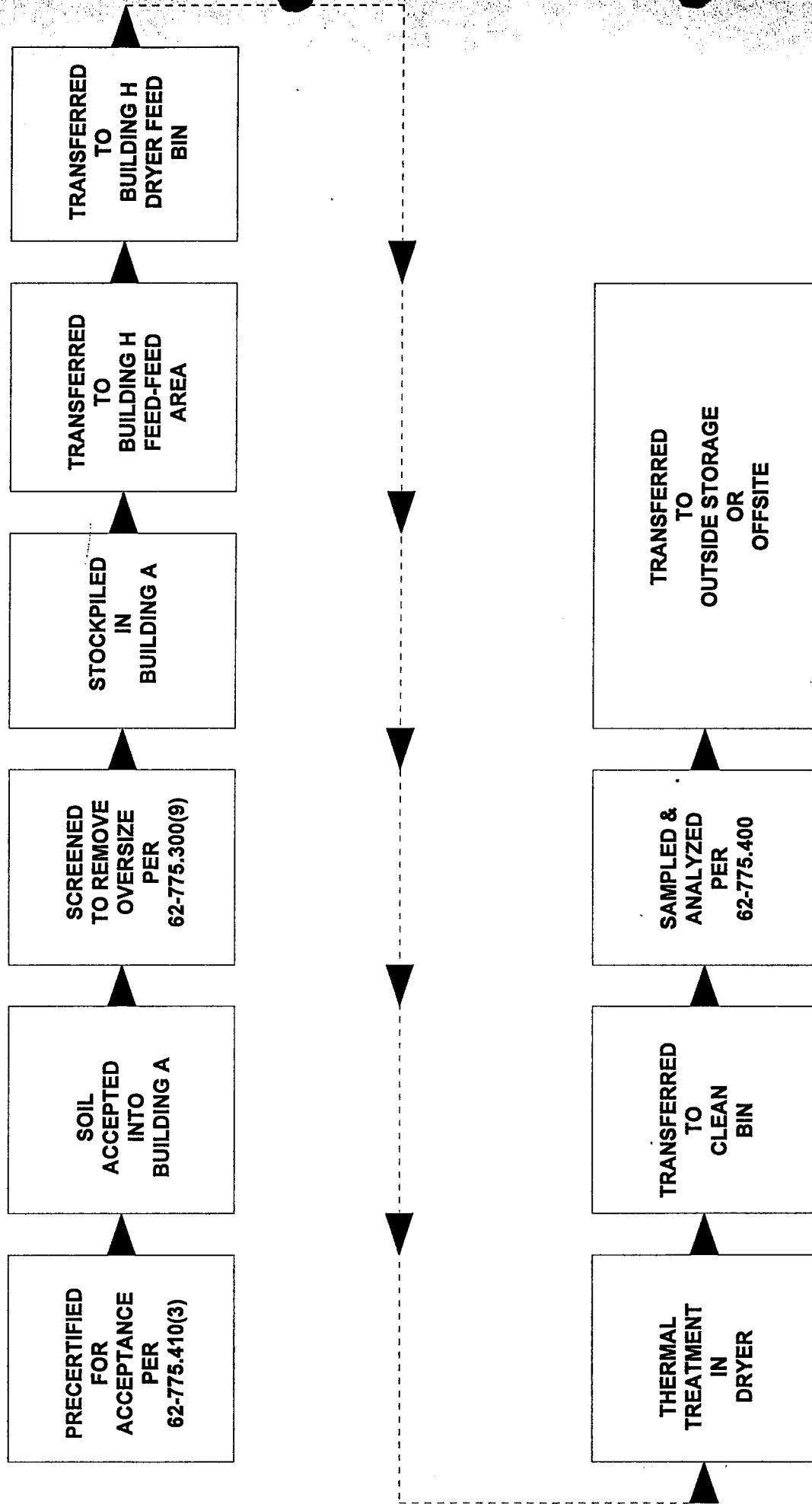
## PETROLEUM CONTAMINATED SOIL: CLINKER PER AP-STTF001



**KOOGLER & ASSOCIATES Environmental Services**

DATE: January 20, 1998  
FILENAME: D:\steve\rinker\clean1-7

# PROCESS FLOW DIAGRAM PETROLEUM CONTAMINATED SOIL: CLEAN SOIL PER 62-775

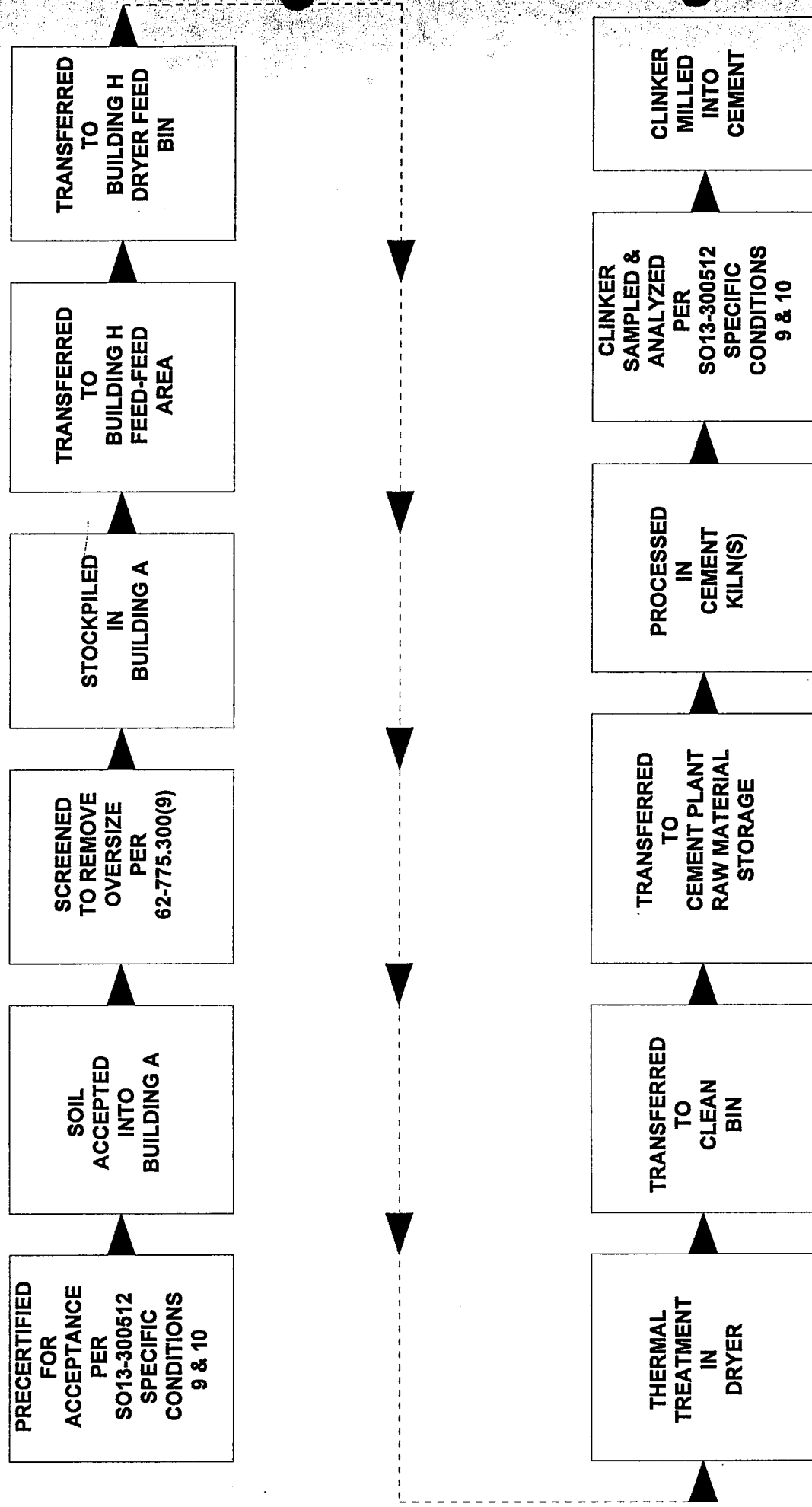


**KOOGLER & ASSOCIATES Environmental Services**

DATE: January 20, 1998  
FILENAME: D:\steve\linker\clean2-7

# PROCESS FLOW DIAGRAM

## COAL TAR CONTAMINATED SOIL: CLINKER PER SO13-300512



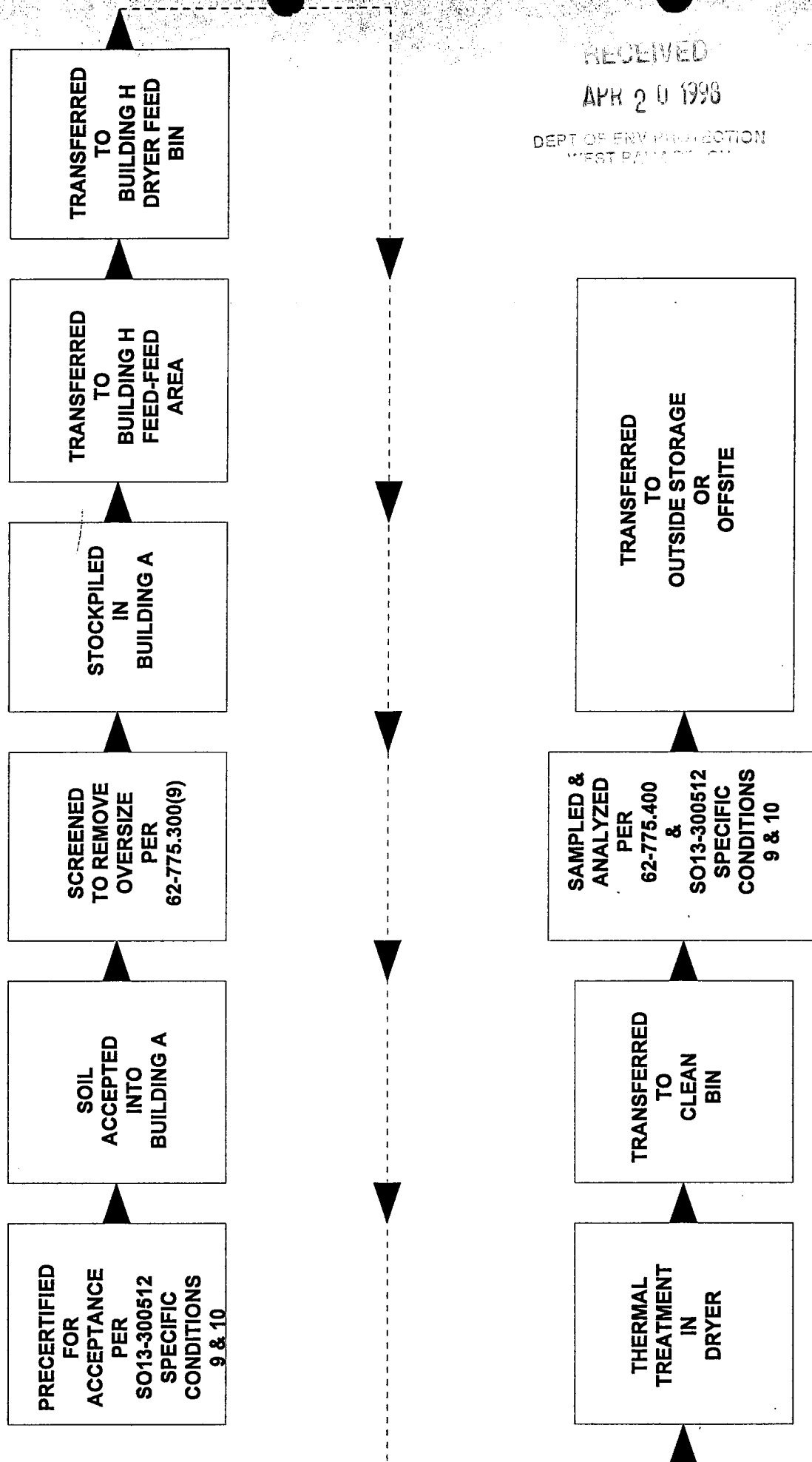
**KOOGLER & ASSOCIATES Environmental Services**

DATE: January 20, 1998  
FILENAME: D:\steve\linker\clean5-7



# PROCESS FLOW DIAGRAM

## COAL TAR CONTAMINATED SOIL: CLEAN SOIL PER 62-775



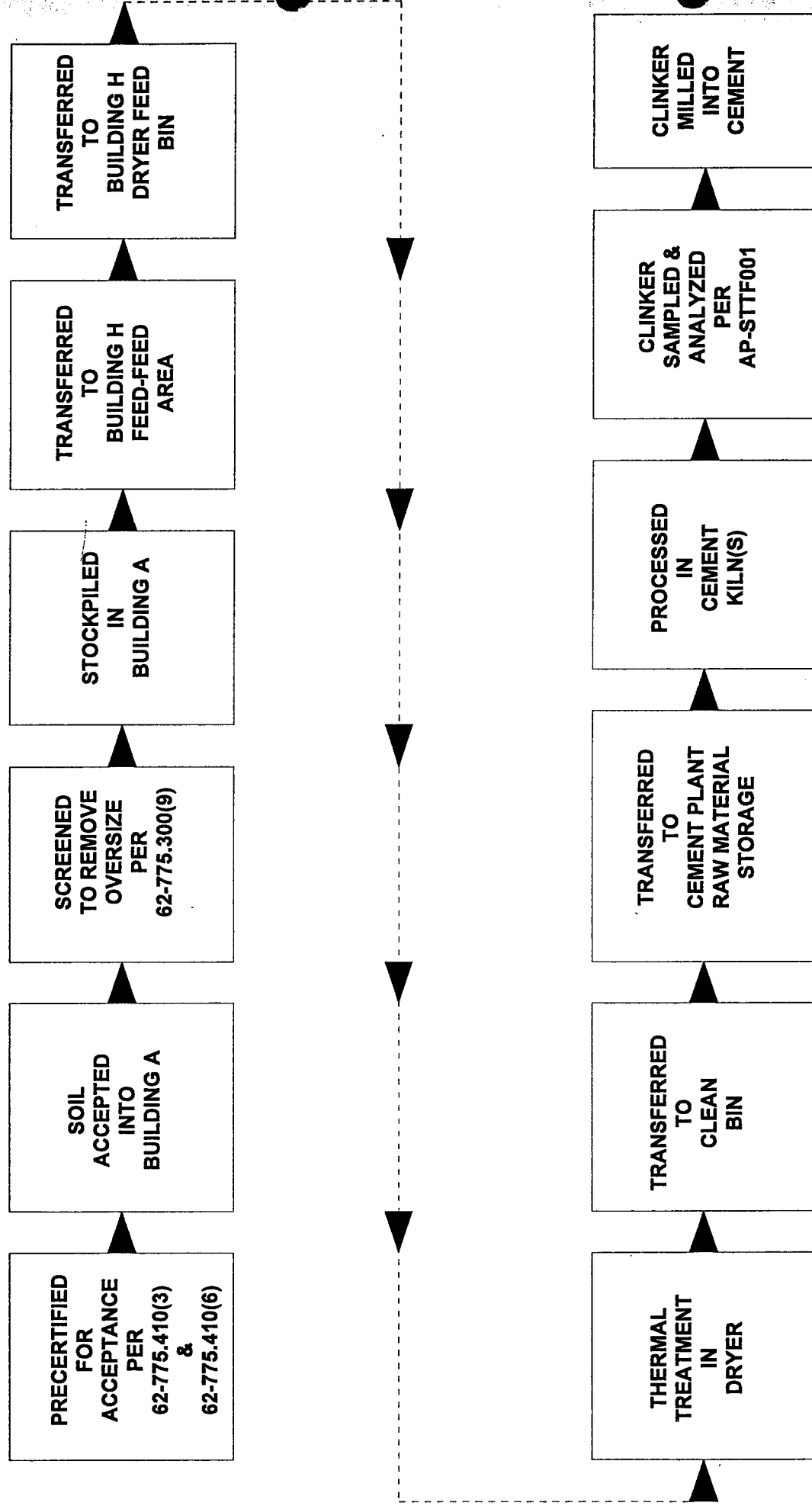
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APR 20 1998  
DEPT OF ENV PROTECTION  
WEST PALM BEACH

**KOOGLER & ASSOCIATES Environmental Services**

DATE: January 20, 1998  
FILENAME: D:\steve\rinker\clean6-7

# PROCESS FLOW DIAGRAM

## POLYCHLORINATED BIPHENYL CONTAMINATED SOIL: CLINKER PER AP-STTF001



**KOOGLER & ASSOCIATES Environmental Services**

DATE: January 20, 1998  
FILENAME: D:\steve\rinker\clean7-7

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DISTRICT ROUTING SLIP

To: Paul Weyzbicki

DATE: 4-8-98

CC To:

	<b>PENSACOLA</b>	<b>NORTHWEST DISTRICT</b>	
	Panama City	Northwest District Branch Office	
	Tallahassee	Northwest District Branch Office	
	Sopchoppy	Northwest District Satellite Office	
	<b>TAMPA</b>	<b>SOUTHWEST DISTRICT</b>	
	Punta Gorda	Southwest District Branch Office	
	Bartow	Southwest District Satellite Office	
	<b>ORLANDO</b>	<b>CENTRAL DISTRICT</b>	
	Melbourne	Central District Satellite Office	
	<b>JACKSONVILLE</b>	<b>NORTHEAST DISTRICT</b>	
	Gainesville	Northeast District Branch Office	
	<b>FORT MYERS</b>	<b>SOUTH DISTRICT</b>	
	Marathon	South District Branch Office	
<input checked="" type="checkbox"/>	<b>WEST PALM BEACH</b>	<b>SOUTHEAST DISTRICT</b>	
	Port St. Lucie	Southeast District Branch Office	

☐ Reply Optional  
Date Due \_\_\_\_\_

☐ Reply Required  
Date Due: \_\_\_\_\_

☐ Info Only

Comments:

From: \_\_\_\_\_

Tel: \_\_\_\_\_



# Department of Environmental Protection

980430

Lawton Chiles  
Governor

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Virginia B. Wetherell  
Secretary

April 7, 1998

Mr. Geoffrey D. Smith  
Blank, Rigsby and Meenan, P.A.  
Post Office Box 11068  
Tallahassee, Florida 32302-3068

RECEIVED  
APR 10 1998  
ENVIRONMENTAL PROTECTION

Re: Request for Approval of Alternate Procedures  
Rinker Materials Thermal Treatment Facility

Dear Mr. Smith:

The Division of Waste Management staff have reviewed your December 17, 1997 letter concerning a proposed alternate procedure for the Rinker soil thermal treatment facility. Your letter had responded to our earlier letter dated October 22, 1997 concerning a request to allow the thermal treatment of a number of types of materials that are not considered to be "petroleum contaminated soil" as defined by Rule 62-775.200(9), F.A.C. The Hazardous Waste Regulation Section and the Solid Waste Section of the Bureau of Solid and Hazardous Waste and the Technical Review Section in the Bureau of Waste Cleanup participated in the discussion which resulted in our determination on this matter. There are several issues yet to be resolved or clarifications made before we will consider the issuance of an Alternate Procedure Approval:

- 1.) One outstanding issue regarding this request concerns the need for TCLP testing of each source of material to be treated to determine whether it may be a characteristic hazardous waste. We have given further consideration to your request to allow discretion of the need for a TCLP test based on the generator's process knowledge of the waste materials. We have determined that this request may be reasonable with the following provisos.
  - a) It is the considered opinion of the staff members that evaluated this request that two of the categories of materials would have a high likelihood of containing benzene at a level that would fail a TCLP test if they were associated with gasoline contamination and we would expect that in all cases a TCLP test for benzene would be performed. These are the categories for "petroleum storage tank bottom residues" and "mineral type sorbent materials that have been

*"Protect, Conserve and Manage Florida's Environment and Natural Resources"*

Mr. Geoffrey D. Smith  
April 7, 1998  
Page Two

used for the cleanup of petroleum spills". If sludge from a gasoline tank bottom or absorbent material that has been used to clean up a gasoline spill will be thermally treated, we expect that Rinker will request evidence that a TCLP test for benzene had been performed.

- b) Staff have concerns about the need for assurances of the adequacy and consistency of the "process knowledge" determinations. We request a clarification from Rinker as to how the quality of process knowledge judgment will be assured and documented. We suggest a form be created by Rinker that will be used in a consistent manner whenever these materials are accepted to document the generator's basis for process knowledge. The documentation will demonstrate that the materials accepted by Rinker are only contaminated by petroleum substances. In addition, when accepting petroleum contaminated materials, the justification will provide a rationale of why a TCLP for benzene is not necessary. The forms will have to be maintained by Rinker and made available upon request to Department staff at periodic facility inspections.
- 2.) The original proposal implied that all of the materials in the request would be associated with petroleum facilities only, but the brief description of the nature of facilities that would generate these waste materials was of a fairly generic nature and therefore of some concern. We request an additional assurance by providing more details of the nature of the facilities that will be sources of some of the materials. The detailed source information must be sufficient to provide assurance to the Department that the petroleum contaminated residues will not contain other non-petroleum or hazardous constituents not appropriate for treatment in soil thermal treatment facilities. In particular:
- a) Oil water separator residues, french drain residues and soakage pit residues must be from facilities whose primary activities are petroleum related only. Please provide a more detailed explanation of the types of facilities or some typical examples of facilities which will have oil/water separators, french drains, or soakage pits that may be contaminated with petroleum but not other substances. It may be helpful if examples could be given of facilities for which

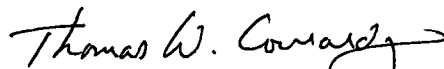
Mr. Geoffrey D. Smith . . . .  
April 7, 1998  
Page Three

process knowledge will be sufficient and of ones for which additional analysis would be necessary. Some staff members are particularly concerned with how residues from service station floor drains would be considered. Many of the degreasers currently used at service stations contain chlorinated solvents which could conceivably be contained in residues from the drain along with petroleum product chemicals.

- b) Please clarify that car wash reclaim water tank residues will come from car washes that are automobile and light truck only, not industrial or agricultural wash facilities.
- 3.) Staff have concerns that it is not uncommon for other oil spill containment materials/cleanup debris to be included in containers along with mineral type oil spill absorbent materials. Please clarify that only mineral-type, soil-like materials (e.g. - kitty litter) will be treated and not other materials not suitable for thermal treatment such as absorbent booms, sawdust, paper, or other plastic materials such as acrylic polymers.
- 4.) We are assuming that any high strength waste (e.g. - petroleum tank bottom residues) will always be blended with other petroleum contaminated soil prior to treatment to assure adequate thermal desorption and also to assure the facility will not operate in an unsafe manner. Please clarify.

If you have any questions, please call me at (850)488-3935.

Sincerely,



Thomas W. Conrardy, P.E.  
PE Administrator  
Bureau of Petroleum Storage  
Systems

cc: Mike Vardeman, Rinker Materials  
John Ruddell  
Satish Kastury, Hazardous Waste Regulation Section  
William Neimes, Bureau of Waste Cleanup  
Paul Wierzbicki, FDEP Southeast District

Date: 3/4/98 12:56:50  
From: Zoe Kulakowski TAL  
Subject: Rinker 62-775 GWMR  
To: Paul Wierzbicki WPB

980515

Paul, this reports indicates that Rinker is now using their own lab to perform the analyses and is reporting detection limits that are way above the appropriate ground water target level for benzene and many of the PAHs. They plan their next quarterly event for this March so we need to get the MDLs fixed quickly. The CompQAP was approved with a detection limit of 2.5ug/l (still too high for benzene) which would be OK for the PAHs. I'll be happy to help in any way that I can.

*Incorporated into next inspection comments*

## Memorandum

## Florida Department of Environmental Protection

To: Paul Wierzbicki, Southeast District Office  
Through: Jim Crane, Bureau of Waste Cleanup  
From: Zoe Kulakowski, Bureau of Waste Cleanup  
Date: March 4, 1998  
Subject: Rinker Portland Cement Corporation, 1200 Northwest  
137th Avenue, Miami, Dade County

I have reviewed the Chapter 62-775, F.A.C. Ground Water Monitoring Report dated February 11, 1998 for the referenced site. The method detection limits for benzene and many of the polynuclear aromatic hydrocarbons (PAHs) were too high to determine compliance of the facility with regard to potential ground water impact. Method detection limits for the 62-775 must be equal to or less than the 62-550/62-520 ground water standards and minimum criteria (FDEP guidance concentrations). This situation should be corrected before the March (next) sampling event.

/zpk



April 7, 1998

Mr. Geoffrey D. Smith  
Blank, Rigsby and Meenan, P.A.  
Post Office Box 11068  
Tallahassee, Florida 32302-3068

DRAFT

Re: Request for Approval of Alternate Procedures  
Rinker Materials Thermal Treatment Facility

Dear Mr. Smith:

The Division of Waste Management staff have reviewed your December 17, 1997 letter concerning a proposed alternate procedure for the Rinker soil thermal treatment facility. Your letter had responded to our earlier letter dated October 22, 1997 concerning a request to allow the thermal treatment of a number of types of materials that are not considered to be "petroleum contaminated soil" as defined by Rule 62-775.200(9), F.A.C. The Hazardous Waste Regulation Section and the Solid Waste Section of the Bureau of Solid and Hazardous Waste and the Technical Review Section in the Bureau of Waste Cleanup participated in the discussion which resulted in our determination on this matter. There are several issues yet to be resolved or clarifications made before we will consider the issuance of an Alternate Procedure Approval:

1.) One outstanding issue regarding this request concerns the need for TCLP testing of each source of material to be treated to determine whether it may be a characteristic hazardous waste. We have given further consideration to your request to allow discretion of the need for a TCLP test based on the generator's process knowledge of the waste materials. We have determined that this request may be reasonable with the following provisos.

a) It is the considered opinion of the staff members that evaluated this request that two of the categories of materials would have a high likelihood of containing benzene at a level that would fail a TCLP test if they were associated with gasoline contamination and we would expect that in all cases a TCLP test for benzene would be performed. These are the categories for "petroleum storage tank bottom residues" and "mineral type sorbent materials that have been

Mr. Geoffrey D. Smith  
April 7, 1998  
Page Two

used for the cleanup of petroleum spills". If sludge from a gasoline tank bottom or absorbent material that has been used to clean up a gasoline spill will be thermally treated, we expect that Rinker will request evidence that a TCLP test for benzene had been performed.

- b) Staff have concerns about the need for assurances of the adequacy and consistency of the "process knowledge" determinations. We request a clarification from Rinker as to how the quality of process knowledge judgment will be assured and documented. We suggest a form be created by Rinker that will be used in a consistent manner whenever these materials are accepted to document the generator's basis for process knowledge. The documentation will demonstrate that the materials accepted by Rinker are only contaminated by petroleum substances. In addition, when accepting petroleum contaminated materials, the justification will provide a rationale of why a TCLP for benzene is not necessary. The forms will have to be maintained by Rinker and made available upon request to Department staff at periodic facility inspections.
- 2.) The original proposal implied that all of the materials in the request would be associated with petroleum facilities only, but the brief description of the nature of facilities that would generate these waste materials was of a fairly generic nature and therefore of some concern. We request an additional assurance by providing more details of the nature of the facilities that will be sources of some of the materials. The detailed source information must be sufficient to provide assurance to the Department that the petroleum contaminated residues will not contain other non-petroleum or hazardous constituents not appropriate for treatment in soil thermal treatment facilities. In particular:
- a) Oil water separator residues, french drain residues and soakage pit residues must be from facilities whose primary activities are petroleum related only. Please provide a more detailed explanation of the types of facilities or some typical examples of facilities which will have oil/water separators, french drains, or soakage pits that may be contaminated with petroleum but not other substances. It may be helpful if examples could be given of facilities for which

Mr. Geoffrey D. Smith  
April 7, 1998  
Page Three

process knowledge will be sufficient and of ones for which additional analysis would be necessary. Some staff members are particularly concerned with how residues from service station floor drains would be considered. Many of the degreasers currently used at service stations contain chlorinated solvents which could conceivably be contained in residues from the drain along with petroleum product chemicals.

- b) Please clarify that car wash reclaim water tank residues will come from car washes that are automobile and light truck only, not industrial or agricultural wash facilities.
- 3.) Staff have concerns that it is not uncommon for other oil spill containment materials/cleanup debris to be included in containers along with mineral type oil spill absorbent materials. Please clarify that only mineral-type, soil-like materials (e.g. - kitty litter) will be treated and not other materials not suitable for thermal treatment such as absorbent booms, sawdust, paper, or other plastic materials such as acrylic polymers.
- 4.) We are assuming that any high strength waste (e.g. - petroleum tank bottom residues) will always be blended with other petroleum contaminated soil prior to treatment to assure adequate thermal desorption and also to assure the facility will not operate in an unsafe manner. Please clarify.

If you have any questions, please call me at (850)488-3935.

Sincerely,

Thomas W. Conrardy, P.E.  
PE Administrator  
Bureau of Petroleum Storage  
Systems

cc: Mike Vardeman, Rinker Materials  
John Ruddell  
Satish Kastury, Hazardous Waste Regulation Section  
William Neimes, Bureau of Waste Cleanup  
Paul Wierzbicki, FDEP Southeast District

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Paul

DISTRICT ROUTING SLIP

To:

Vivik Kamath

DATE:

3/20/98

CC To

	<b>PENSACOLA</b>	<b>NORTHWEST DISTRICT</b>	
	Panama City	Northwest District Branch Office	
	Tallahassee	Northwest District Branch Office	
	Sopchoppy	Northwest District Satellite Office	
	<b>TAMPA</b>	<b>SOUTHWEST DISTRICT</b>	
	Punta Gorda	Southwest District Branch Office	
	Bartow	Southwest District Satellite Office	
	<b>ORLANDO</b>	<b>CENTRAL DISTRICT</b>	
	Melbourne	Central District Satellite Office	
	<b>JACKSONVILLE</b>	<b>NORTHEAST DISTRICT</b>	
	Gainesville	Northeast District Branch Office	
	<b>FORT MYERS</b>	<b>SOUTH DISTRICT</b>	
	Marathon	South District Branch Office	
	<b>WEST PALM BEACH</b>	<b>SOUTHEAST DISTRICT</b>	
	Port St. Lucie	Southeast District Branch Office	

☐

Reply Optional

Date Due \_\_\_\_\_

☐

Reply Required

Date Due: \_\_\_\_\_

☐

Info Only

Comments:

FYI

From

Satish Kastury

Tel.:

291-9232

Memorandum

Florida Department of  
Environmental Protection

980382

TO: Tom Conrardy, P.E. Administrator  
Bureau of Petroleum Storage Systems

FROM: Satish Kastury, Environmental Administrator  
Bureau of Solid and Hazardous Waste  
Hazardous Waste Regulation

DATE: March 17, 1998

SUBJECT: Comments on the Draft Response to the Rinker Request for Approval of  
an Alternate Procedure.

*[Handwritten signature]*

*[Stamp: RECEIVED MAR 24 1998]*

Rinker Materials Corporation requested that in the letter dated December 17, 1997 that a TCLP analysis not be required for each individual source of contaminated materials for which thermal treatment was allowed. The letter noted "The hazardous waste determination requirements of 40 CFR 262.11(c), specifically authorize the determination to be made based on the generator's "process knowledge" of the waste materials." While this method can be used, process knowledge must be adequate to ensure that hazardous wastes are not improperly characterized and accepted for treatment. If improperly characterized hazardous wastes were to be accepted for treatment, RCRA requirements would still apply.

Due to the concern regarding use of process knowledge, the request to delete the requirement that a TCLP analysis be required for all sources was discussed with District RCRA personnel at the Workshop held February 4-6, 1998. Following the Workshop, specific comments on your draft response were requested from the Districts. Responses from the West Palm Beach and Tampa Districts are attached. In general, the comments received reflect the following concerns:

- a. The waste stream for which an alternate procedure is being requested would not be considered petroleum contaminated soils but are petroleum contaminated residues. The West Palm Beach District (1) noted that an MRF permit had been required when another facility, Magnum, had added coal tars to the waste streams accepted for treatment, and (2) asked why petroleum contaminated residues were to be treated differently.
- b. Residues from many of the oil/water separator, drain, pit, etc. could be from source where other non-petroleum contaminants could be expected. The Tampa District specifically asked how a residues from service station floor drains would be considered. Many of the degreasers currently used at service stations do contain chlorinated solvents and the Department has developed BMP guidance for the industry segment. However, residual contamination may still occur. Also, car/truck washes are defined in 62-660, F.A.C.
- c. It is not uncommon for oil spill containment materials/cleanup debris to be included in containers along with oil spill sorbent materials. These types of oil spill debris should go to a properly designed facility.

**MEMORANDUM**

**March 17, 1998**

**Page Two**

- d. Concern was also expressed that the alternate procedure approval be coordinated with air permitting requirements.

The comments on the draft also reflect the general workshop discussion with the addition that RCRA compliance personnel were not familiar with the types of sources that would generate residues from french drains and soakage pits. Pensacola District also questioned any potential deviation from limiting the alternate procedures approval to petroleum contaminated soils. The waste stream concerns should be considered when reviewing the detailed information to be provided by Rinker regarding the nature of the facilities that will be sources of materials.

It is recommended that the following sentence be added to the end of the first paragraph on page 2. "The detailed source information requested must be sufficient to provide assurance to the Department that the petroleum contaminated residues will not contain other hazardous constituents not appropriate for treatment in soil thermal treatment facilities."

Let me or Doug Outlaw know if you have any questions.

SK/dos

cc: Bill Hinkley, Bureau of Solid & Hazardous Waste  
Richard Tedder, Solid Waste Management  
Waste Program Administrators  
John Jones, DEP/West Palm Beach  
Beth Knauss, DEP/Tampa  
Bill Kellenberger, DEP/Pensacola

Date: 3/4/98 10:43:20 AM  
From: John M. Jones WPB  
Subject: Alternate Procedure request  
To: See Below

Per our discussions regarding the response to Geoffrey Smith's alternative procedure request, I have the following comments:

1. I don't agree that Petroleum tank bottom residues meet the intent of Petroleum contaminated soils. If a spill from a tank hits soil and the soil is excavated, I wouldn't have a problem. But bottoms from a storage tank are going to have much different physical and chemical properties than soil. Especially in Magnum's case, I would be concerned that proper destruction of the organic constituents may not occur. Residence time and temperature on that unit are not in the same category as for Rinker. Even performing the analysis to demonstrate that the waste is not hazardous does not meet the intent of 62-775 as I see it. Just because a waste is not hazardous does not mean that the thermal treatment facilities can provide adequate destruction of any contaminants.
2. Similarly, for car wash sumps, how can someone determine what has been placed into the sump? I don't think process knowledge is sufficient for this waste stream.
3. I believe the Department should place the burden of proving that the wastes accepted are "Petroleum Contaminated Soils" as defined in 62-775.100(4) on the Operator. For each waste stream they want to include that are not clearly Petroleum Contaminated Soils, the Operator should include in the facility Waste Analysis Plan procedures to ensure that the generator of the waste has sufficient knowledge of the process that generated the waste.
4. In issuing the Air Permits, what concentrations of organic compounds did the engineers anticipate? Have the emission control devices been designed to handle the waste streams that the Operators want to treat? I doubt that the permit applications referenced these waste streams.
5. When Magnum(TPS) wanted to accept coal tars, the Department reviewed the data and issued a MRF Permit. Why should these waste streams be treated differently?

To: Douglas Outlaw TAL  
CC: Paul Wierzbicki WPB  
CC: Vivek Kamath WPB  
CC: Satish Kastury TAL  
CC: Vincent Peluso WPB  
CC: Jeff Smith WPB

te: 3/2/98 9:55:23 AM  
m: Susan Pelz TPA  
oject: Re: FWD: Re: Draft Letter to Rinker request

ave a couple of comments:

They should specifically define the car/truck washes as those defined in 62-660, FAC.

In general, although I have not been privy to Magnum's or Rinker's requests, it sounds like they are not being specific enough about what they want to take. Did anyone in the air section review the alternate procedure? Do they really think that car wash sludges only have PETROLEUM contamination? What about "oil/water separator sludges"? These sludges often receive wastewaters (and leachate) that have constituents other than petroleum.

Has Bill Hinkley been involved in this review? I know when Geologic requested to burn pharmaceutical waste (and other industrial wastes), that Bill Hinkley was VERY interested (and opposed to it).

an



Date: 3/2/98 10:39:27 AM  
From: Douglas Outlaw TAL  
Subject: Re: Draft Letter to Rinker request  
To: See Below

Beth, some additional information on the Rinker request after getting your e-mail:

1. Rinker is requesting alternate procedure approval for the "soil" wording in the rule, not the "petroleum contamination" part. Further assurance on this point would be provided by the response to the comments. The response should also clarify the drains issue. Service station floor drains would be a source where other contaminants might reasonably be expected in sludges.
2. For Rinker, any treatment residues would be incorporated in the cement product. Magnum (for a similar alternate procedure request) would have "clean soils" after treatment and would have to meet the clean soil criteria under the rule. John Jones tells me that most of Magnum's treated soils are incorporated in asphalt at other plants.
3. Your question about screening plastics and about the composition of oil sorbent materials perhaps points out the need for clarification about what can be approved in an alternate procedure request.
4. BWC does plan to coordinate the response with DARM for any air permitting impacts. As I recall, an emergency order was required for Tampa Bay oil

I haven't had the chance to check the background documents. Is Rinker requesting an alternate procedure for the "Petroleum contaminated" or the "soil" part of the rule, or both? How would floor drains at service stations be viewed?

Does Rinker want to be able to dispose of treated materials as "clean fill" rather than as solid waste? Did the demonstration include data showing that Rinker's process is capable of treating other materials to remove contaminants to "clean soil" standards? Absorbent booms and pads should still have to be disposed of in a landfill, not used as fill.

Are air emissions for treating these materials the same as for treating soil? We have had cases where fires occurred at dirt burners. Is Rinker going to screen out plastics before thermal treatment? How?

To: Beth Knauss TPA  
To: Douglas Outlaw TAL  
To: Ashwin Patel JAX  
To: Michael Redig TAL  
To: Stephanie Syler TAL  
To: Vicky Valade JAX  
To: Kellenberger Bill  
To: Bob Snyder ORL  
To: John White ORL  
To: Beth Knauss TPA  
To: Stanley Tam TPA  
CC: Satish Kastury TAL  
CC: Tom Conrardy TAL  
CC: Ghousuddin Minhaj FTM  
CC: Charles Emery FTM  
CC: John M. Jones WPB  
CC: Jeff Smith WPB  
CC: Michael Fitzsimmons JAX  
CC: Thomas W. Moody PEN  
C: Vivek Kamath WPB  
C: Susan Pelz TPA

Date: 2/4/98 9:41:04 AM  
From: Tom Conrardy TAL  
Subject: alternate procedure status

FYI:

We had a followup meeting on Monday to discuss the Rinker Alternate procedure request. Attached is a letter that was created as a result of that meeting. I have distributed this letter to the staff that attended the meeting with a request for comments by the end of the week. Please let me know if you have any questions or comments.

Thanks

DRAFT

February 2, 1998

Mr. Geoffrey D. Smith  
Blank, Rigsby and Meenan, P.A.  
Post Office Box 11068  
Tallahassee, Florida 32302-3068

Re: Request for Approval of Alternate Procedures  
Rinker Materials Thermal Treatment Facility

Dear Mr. Smith:

The Division of Waste Management staff have reviewed your December letter concerning a proposed alternate procedure for the Rinker Soil Treatment Facility. Your letter had responded to our earlier letter dated October concerning a request to allow the thermal treatment of a number of types of materials that are not considered to be "petroleum contaminated soil" under Rule 62-775.200(9), F.A.C. The Hazardous Waste Regulation Section and the Waste Section of the Bureau of Solid and Hazardous Waste and the Technical Section in the Bureau of Waste Cleanup participated in the discussion of our determination on this matter.

The primary outstanding issue regarding this request concerns the testing of each source of material to be treated to determine whether it is characteristic hazardous waste. We have given further consideration to your request to allow discretion of the need for a TCLP test based on the general knowledge of the waste materials. We have determined that this request is consistent with the following provisos.

It is the considered opinion of the staff members that evaluated the categories of materials would have a high likelihood of containing a level that would fail a TCLP test if they were associated with gasoline and we would expect that in all cases a TCLP test for benzene would be required. These are the categories for "petroleum storage tank bottom residues" and sorbent materials that have been used for the cleanup of petroleum spills from a gasoline tank bottom or sorbent material that has been used to clean up a spill. If the material will be thermally treated, we expect that Rinker will request evidence that benzene testing was performed.

Also, the original proposal implied that all of the materials are associated with petroleum facilities only. We request an additional list of more details of the nature of the facilities that will be sources of the materials:

- oil water separator residues, french drain residues and soakage pit facilities whose primary activities are petroleum related only.
- car wash reclaim water tank residues will come from car washes that

light truck only, not industrial or agricultural wash facilities.

If you have any questions, please call me at (850)488-3935.

Sincerely,

Thomas W. Conrardy, P.E.  
PE Administrator  
Bureau of Petroleum Storage  
Systems

TC/tc

cc: Mike Vardeman, Rinker Materials  
John Ruddell  
Satish Kastury, Hazardous Waste Regulation Section  
William Neimes, Bureau of Waste Cleanup  
Paul Wierzbicki, FDEP Southeast District

DEP ROUTING AND TRANSMITTAL SLIP	
TO: (NAME, OFFICE, LOCATION)	
1. <u>John Jones, P.E.</u>	3. _____
2. <u>DEP/HW</u>	4. _____
	5. _____
<p>PLEASE PREPARE REPLY FOR:</p> <p>____ SECRETARY'S SIGNATURE</p> <p>____ DIV/DIST DIR SIGNATURE</p> <p>____ MY SIGNATURE</p> <p>____ YOUR SIGNATURE</p> <p>____ DUE DATE _____</p> <p>ACTION/DISPOSITION</p> <p>____ DISCUSS WITH ME</p> <p>____ COMMENTS/ADVISE</p> <p>____ REVIEW AND RETURN</p> <p>____ SET UP MEETING</p> <p>____ FOR YOUR INFORMATION</p> <p>____ HANDLE APPROPRIATELY</p> <p>____ INITIAL AND FORWARD</p> <p>____ SHARE WITH STAFF</p> <p>____ FOR YOUR FILES</p>	<p>COMMENTS:</p> <p>FY I -</p> <p>- Any comments?</p> <p>- would Jeff + Vince have comments, too?</p> <p>If so, pass along to them. Max</p> <p>Paul</p>
FROM: <u>Paul</u>	DATE: <u>12/29/97</u> PHONE: _____

Memorandum

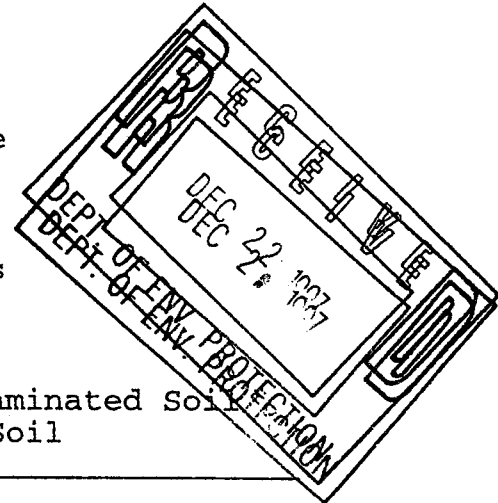
Florida Department of  
Environmental Protection

TO: Satish Kastury, Administrator  
Hazardous Waste Regulation Section  
Bureau of Solid and Hazardous Waste

FROM: Tom Conrardy, PE Administrator  
Petroleum Cleanup Section 3  
Bureau of Petroleum Storage Systems

DATE: December 18, 1997

SUBJECT: Proposed Thermal Treatment of Contaminated Soil  
Other Than Petroleum Contaminated Soil



Last August I sent you two proposals for approval of alternate procedures to allow two of the thermal treatment facilities to treat contaminated soil that does not meet our definition of "petroleum contaminated soil" in Chapter 62-775. I had requested that your staff provide input as to the RCRA implications and possible requirements related to treatment of the proposed materials. Several of your staff as well as staff from the Bureau of Waste Cleanup provided input to the Department's response to the requests. A copy of my previous memo to you and our response letter to Rinker Materials is attached for your information. A similar letter was sent to Magnum Thermal Treatment Facility in response to their request.

Rinker and Magnum both subsequently contacted me concerning the Department's position and I had a meeting with Rinker recently at which Rinker's representative expressed that they felt the Department's position was overly conservative, onerous, and unfair compared to the regulatory requirements for other means of disposal of contaminated soils, primarily landfills. I asked Rinker to make a counter offer to our proposal that they felt was fair, reasonable and consistent with applicable regulatory requirements. The attached letter dated December 17, 1997 is Rinker's proposal. Please forward this memo with attachments to the RCRA program staff members that had provided assistance to us with our earlier request (Michael Redig, Stephanie Syler, and David Crowley, OGC). We request that your staff indicate to us whether this proposal is consistent with applicable RCRA requirements, as well as any suggestions for sampling, analysis and recordkeeping. By copy of this memo to staff in the Bureau of Waste Cleanup, I am also requesting their comments on the request in consideration of Chapter 62-775 rule requirements.

Satish Kastury  
December 18, 1997  
Page Two

If you have any questions, please contact me at 488-3935. Thank you for your assistance in this matter.

Attachment

cc: Tom Douglas (w/attachment)  
Bill Neimes (w/attachment)  
Mike Sole  
John Ruddell  
Chris McGuire, Office of General Council  
~~Paul Wierzbicki~~, FDEP Southeast District (w/attachment)  
John Jones, FDEP Southeast District (w/attachment)

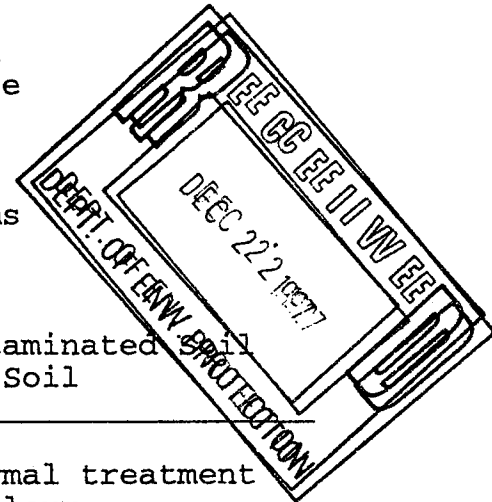
TC/tc

TO: Satish Kastury, Administrator  
Hazardous Waste Regulation Section  
Bureau of Solid and Hazardous Waste

FROM: Tom Conrardy, PE Administrator  
Petroleum Cleanup Section 3  
Bureau of Petroleum Storage Systems

DATE: August 26, 1997

SUBJECT: Proposed Thermal Treatment of Contaminated Soil  
Other Than Petroleum Contaminated Soil



Recently two of the ten stationary thermal treatment facilities that are permitted to treat petroleum contaminated soil under the provisions of Chapter 62-775, F.A.C. have submitted requests for our division to authorize the treatment of contaminated soil that does not meet our definition of "petroleum contaminated soil" in Chapter 62-775. Attached are two letters from Koogler and Associates, representing Rinker Materials thermal treatment facility, and Magnum Environmental Services, Inc., formerly known as TPS thermal treatment facility. These letters request an Approval of Alternate Procedures in accordance with Section 62-775.500, F.A.C. to allow the treatment of a number of different materials including:

1. tank bottom sludges from petroleum storage tanks
2. sorbent materials that have been used for the cleanup of petroleum spills
3. oil/water separator residues
4. soakage pit residues
5. car wash reclaim water tank residues
6. french drain residues

EPA's deferment of the media contaminated from leaking underground storage tanks from being subject to the RCRA rules is what allowed the state to develop state standards and permitting requirements for treating petroleum contaminated soil independently of EPA RCRA program considerations. It is not clear to our bureau staff whether these other materials that have been proposed to be treated would be subject to RCRA requirements due to either the nature of the source of the contamination or the characteristics of the contaminated media.

Items 1 through 3 above are petroleum in nature but they are materials that probably do not meet the provisions



Satish Kastury  
August 26, 1997  
Page Two

of the deferment of media contaminated from petroleum USTs. Items 1 and 2 have potentially very high concentrations of petroleum in the material. Items 4 through 6 would be expected to have relatively low concentrations but might have chemicals of concern in the media other than petroleum due to the nature of the activity at the site.

These materials are frequently generated during spill response, site remediation, tank upgrades, and construction activities. The materials need to be treated and disposed in some safe manner. We feel that thermal treatment potentially may be an effective, safe, and relatively inexpensive means of treating this material. We have some concerns that the relatively high concentrations in some of the media may be outside of the safe operating envelope of the thermal treatment facilities but this could be overcome by requiring the material to be blended with other petroleum contaminated soil prior to thermal treatment.

Prior to giving this request further consideration we request input from your section as to the RCRA regulatory status of these materials. A few weeks ago we had a meeting with a representative of Magnum when they were giving preliminary consideration to making this request. We invited Mike Redig of your section to our meeting and he was very insightful and helpful in the general discussion of RCRA considerations when treating materials other than soil contaminated from leaking petroleum fuel tanks. We request your section's assistance with determining the RCRA implications of treating and disposing of these materials. Please let us know whether the materials would be considered to be RCRA regulated hazardous waste due to the source type, may be RCRA regulated hazardous waste depending on the nature of the source (e.g. - might depend on what type of facility was connected to a soakage pit or french drain), or would be required to undergo a TCLP analysis to determine whether the material was a RCRA regulated hazardous waste.

In addition to the pending alternate procedure requests, this issue is relevant to our ongoing activities to modify the thermal treatment facility rule. Consideration of modifying the rule to allow materials such as these to be thermally treated is a rule development issue. Considering our timeframe for rule development and internal goals of responding to alternate procedure requests in a timely fashion, your prioritization and early consideration of this request would be appreciated. Please

Satish Kastury  
August 26, 1997  
Page Three

contact myself or Tom Douglas in the Bureau of Waste Cleanup  
if you have any questions.

Attachment

cc: Tom Douglas  
Mike Sole  
John Ruddell  
Chris McGuire, Office of General Council  
Paul Wierzbicki, FDEP Southeast District

TC/tc

# BLANK, RIGSBY & MEENAN, P.A.

ATTORNEYS AT LAW

**Office Address:**

204 SOUTH MONROE STREET  
TALLAHASSEE, FLORIDA 32301  
(850) 681-6710

**Mailing Address:**

POST OFFICE BOX 11068  
TALLAHASSEE, FLORIDA 32302-3068  
FACSIMILE (850) 681-6713

F. PHILIP BLANK\*  
WENDY A. DELVECCHIO  
A. KENNETH LEVINE  
THOMAS R. McSWAIN  
TIMOTHY J. MEENAN  
R. TERRY RIGSBY  
TIMOTHY G. SCHOENWALDER  
GEOFFREY D. SMITH

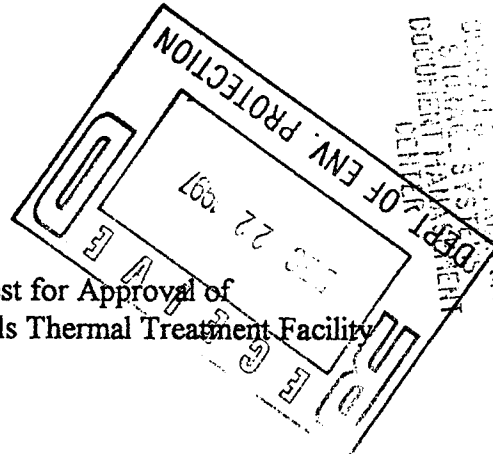
LEGAL ASSISTANT  
JOHN A. DICKSON, J.D.

\*Florida Bar Certified in Health Law

December 17, 1997

Thomas W. Conrardy, P.E.  
P.E. Administrator  
Bureau of Petroleum Storage Systems  
Florida Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, FL. 32399-1024

Via HAND DELIVERY



Re: Rinker Materials Corporation; Request for Approval of  
Alternate Procedures, Rinker Materials Thermal Treatment Facility

Dear Tom:

On behalf of Rinker Materials Corporation, thank you for your correspondence to Steven C. Cullen, P.E., of Koogler and Associates dated October 22, 1997. Your letter responds to a Request for Approval of Alternate Procedures filed on July 16, 1997, seeking DEP approval for Rinker to continue acceptance and treatment of petroleum contaminated media and debris in its permitted thermal treatment facility. The contaminants of concern to be treated are the same petroleum constituents found in contaminated soils from petroleum cleanup sites, which Rinker treats pursuant to DEP permits issued under Chapters 62-775 and 62-296, Florida Administrative Code. Because your response raises both technical and legal issues, I have prepared this response in consultation with Mr. Cullen for your consideration. We trust that this information will be sufficient to allow DEP to issue its final approval of the alternate procedures request.

As we discussed during a meeting in your office on December 3rd, Rinker's primary concern is that according to your response letter

*"the analysis of the contaminated materials described (by Rinker) by TCLP would not be discretionary and would be required in all instances if we allowed thermal treatment of those materials. A TCLP analysis would be required for each individual generator source of those materials."*

While Rinker certainly has no objection to a requirement that the generator of the petroleum contaminated debris perform a hazardous waste determination in accordance with the requirements of 40 CFR Section 262.11, the requirement for a TCLP analysis in every instance is unduly burdensome and would create an economic disincentive to use thermal treatment of such materials as opposed to the landfilling of the materials, which would not require a TCLP analysis in all

Thomas W. Conrardy, P.E.  
December 17, 1997  
Page 2

instances. The hazardous waste determination requirements of 40 CFR Section 262.11(c), specifically authorize the determination to be made based upon the generator's "process knowledge" of the waste materials.

The issue of establishing uniform standards for treatment and disposal of petroleum contaminated soils and debris has been the subject of ongoing discussion in the Division of Waste Management, as well as the Office of General Counsel. For example, rule development proceedings are underway to revise Chapter 62-775, Florida Administrative Code, to include uniform standards for treatment and disposal of petroleum contaminated soils. The Department has also recently proposed rules which would specifically authorize the landfilling of "oily wastes", without the requirement for TCLP analysis of each generator source of such materials. Under the proposed rule amendments, "oily wastes" including absorbents, rags, kitty litter, etc., could be disposed of in a landfill, without the necessity of TCLP laboratory analysis to determine whether or not the materials are characteristically hazardous. Rinker has previously written to Chris McGuire in the Office of General Counsel requesting that DEP apply a uniform policy to the landfilling and thermal treatment of such materials. (See enclosed correspondence) Mr. McGuire has indicated his agreement that there should be consistency in the Department's policy for handling such materials.

In order to finalize the issuance of DEP's approval of the pending Alternate Procedures Request, Rinker proposes that a condition be included in the approval to require that Rinker obtain from each generator, verification that a hazardous waste determination of the materials has been performed and that the materials have been determined to be non-hazardous. Once the materials are accepted by Rinker as non-hazardous, they will be managed in the same manner as petroleum contaminated soils pursuant to Chapter 62-775, F.A.C. and Rinker's existing permit. This should address the Department's concerns and provide for consistency in the policy for handling petroleum contaminated media and debris.

Thank you for your consideration. If you have any questions or need additional information, please contact Steve Cullen, Mike Vardeman, or me.

Sincerely,



Geoffrey D. Smith

GDS:sa

Enclosure

cc: Steve Cullen, P.E.  
Chris McGuire, Esq.  
Mike Vardeman

# BLANK, RIGSBY & MEENAN, P.A.

ATTORNEYS AT LAW

*Office Address:*

204 SOUTH MONROE STREET  
TALLAHASSEE, FLORIDA 32301  
(850) 681-6710

*Mailing Address:*

POST OFFICE BOX 11068  
TALLAHASSEE, FLORIDA 32302-3068  
FACSIMILE (850) 681-6713

F. PHILIP BLANK\*  
WENDY A. DELVECCHIO  
A. KENNETH LEVINE  
THOMAS R. McSWAIN  
TIMOTHY J. MEENAN  
R. TERRY RIGSBY  
TIMOTHY G. SCHOENWALDER  
GEOFFREY D. SMITH

LEGAL ASSISTANT  
JOHN A. DICKSON, J.D.

\*Florida Bar Certified in Health Law

November 20, 1997

Mr. Chris McGuire  
Assistant General Counsel  
Florida Department General Counsel  
2600 Blair Stone Road  
Tallahassee, Florida 32399-1024

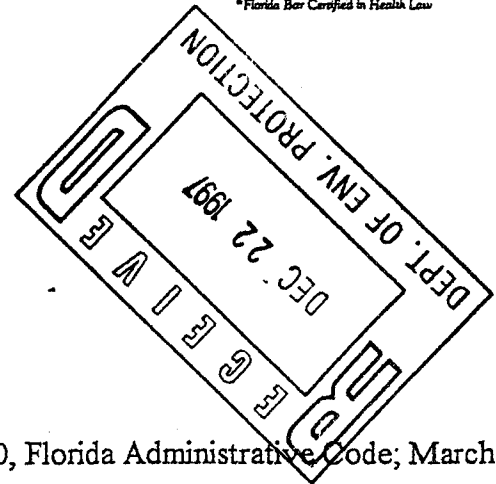
Re: Proposed Rule Development; Rule 62-701.300, Florida Administrative Code; March 28, 1997 F.A.W.

Dear Chris:

This will confirm our past discussions regarding the proposed rule amendments referenced above. On behalf of Rinker Materials Corporation, I have previously filed a request for a rule development workshop pursuant to Section 120.54(2)(c) and Rule 28-103.002, Florida Administrative Code. In subsequent discussions we have attempted to resolve the issues without the need for a formal rule development workshop. Unfortunately, it does not appear that the Department has been able to address Rinker's concerns, and I hereby renew my request that the workshop be scheduled and held.

Our main concern here is consistency in Department policy. Under the proposed rule amendments, "oily wastes" including absorbents, rags, kitty litter, etc., could be disposed of in a landfill, without the necessity of laboratory analysis to determine whether or not the materials are characteristically hazardous. This is directly contrary to recent correspondence received by Rinker in response to an alternate procedures request to accept these same type materials for treatment at Rinker's thermal treatment facility (copy enclosed). Apparently, the Department will require that Rinker conduct or obtain a laboratory analysis and hazardous waste determination for each shipment of these materials received at Rinker's facility.


We request that the Department formulate a consistent policy for handling of these "oily waste" type materials. If a hazardous waste analysis is required for Rinker to manage these materials at its permitted treatment facility, then the same standard should be applied to landfills which accept the same type of materials.



Mr. Chris McGuire  
November 20, 1997  
Page 2

Please notify me of the Department's decision on Rinker's request for public workshop.

Sincerely,



Geoffrey D. Smith

GDS/meh

Enclosure  
cc: Mike Vardeman  
Raoule Clarke  
Tom Conrardy

G:\USERS\GEOFF\INKER\82.06\OILHRG2.REQ



OCT 30 '97 11:38AM RINKER MATERIALS

F.2/3  
OCT 24 '97 10:34AM

# Department of Environmental Protection

Lawton Chiles  
Governor

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400  
October 22, 1997

Virginia B. Wetherell  
Secretary

Mr. Steven C. Cullen, P.E.  
Koogler and Associates, Inc.  
4014 NW Thirteenth Street  
Gainesville, Florida 33416

Re: Request for Approval of Alternate Procedures  
Rinker Materials Thermal Treatment Facility

Dear Mr. Cullen:

The Division of Waste Management staff have reviewed your July 16, 1997 letter which requested an Approval of Alternate Procedures to allow the thermal treatment of a number of types of materials that are not considered to be "petroleum contaminated soil" as defined by Rule 62-775.200(9), F.A.C. The Hazardous Waste Regulation Section in the Bureau of Solid and Hazardous Waste and the Technical Review Section in the Bureau of Waste Cleanup jointly provided input into our determination on this matter.

A primary consideration of this request was the nature of the recordkeeping requirements for treatment and disposal of petroleum contaminated soil contained in Chapter 62-775, F.A.C. The rule does not require that records be maintained of either the source of contaminated soil or the location of disposal of treated soil. We assumed that this would be the case if the Department allowed treatment of the types of contaminated materials described in your letter.

Your letter indicated that the pre-acceptance sampling and analysis requirements of Rule 62-775.410(3) and (4), F.A.C., would be followed. Rule 62-775.410(4), F.A.C., states that "The soil must not be thermally treated pursuant to this Chapter if it is classified as a hazardous waste. If any soil is suspected of containing a hazardous waste, then screening analyses for other contaminants may include, but are not limited to the following: volatile organic halogens; corrosivity; reactivity; toxicity characteristic constituents by the TCLP, which includes metals, pesticides, and additional organics." This language which includes the word "suspected" in the rule allows discretion in determining whether additional analysis of the petroleum contaminated soil is necessary to determine whether it is a hazardous waste. Such discretion is appropriate for conventional petroleum contaminated soil because there is a deferment of petroleum contaminated media from the RCRA rules. This deferment is what allows the FDEP to regulate the treatment of petroleum contaminated soil without regard

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Mr. Steven C. Cullen  
October 22, 1997  
Page Two

to Federal RCRA regulation considerations. The materials listed in your letter are not covered by this deferment.

Due to the combined considerations that the materials are not covered by the RCRA deferment provisions, and that Chapter 62-775 does not require that records be maintained of the source or nature of petroleum contaminated soil, the analysis of the contaminated materials described in your letter by TCLP would not be discretionary and would be required in all instances if we allowed the thermal treatment of those materials. A TCLP analysis would be required for each individual generator source of contaminated material. In addition, the material must not exhibit the characteristic of ignitability, corrosivity and reactivity as defined in Subpart C of 40 CFR 261. Finally, the material must not be a F001, F002, F003, F004, or F005 listed waste as defined in 40 CFR 261.31. Records would have to be maintained of the TCLP analysis results. Also, assurance would have to be provided to the Department that the soil was not classified as ignitable, corrosive, reactive or a F001 through F005 waste. It is suggested that your facility create a form for the generator of the waste to certify the waste material did not fall under any of these categories and that the form would be attached to the manifest for the material. If you are agreeable to these requirements, please notify this office in writing and we will prepare an alternate procedure order to allow the thermal treatment of the materials.

If you have any questions, please call me at (850)488-3935.

Sincerely,

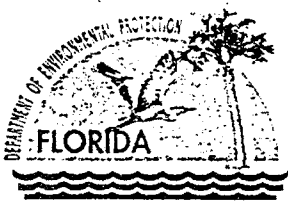
*Thomas W. Conrardy*

Thomas W. Conrardy, P.E.  
PE Administrator  
Bureau of Petroleum Storage  
Systems

TC/tc

cc: Mike Vardeman, Rinker Materials  
John Ruddell  
Satish Kastury, Hazardous Waste Regulation Section  
William Neimes, Bureau of Waste Cleanup  
Paul Wierzbicki, FDEP Southeast District





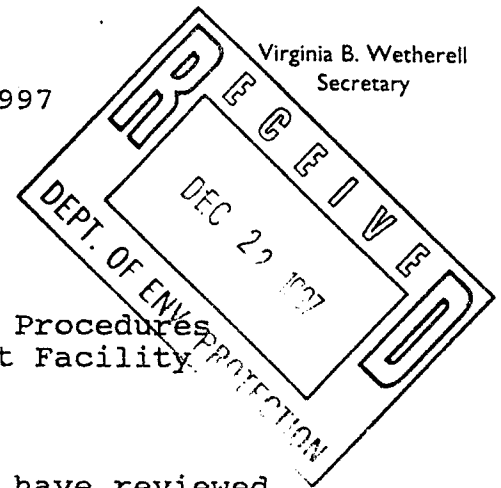
# Department of Environmental Protection

Lawton Chiles  
Governor

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400  
October 22, 1997

Virginia B. Wetherell  
Secretary

Mr. Steven C. Cullen, P.E.  
Koogler and Associates, Inc.  
4014 NW Thirteenth Street  
Gainesville, Florida 33416



Re: Request for Approval of Alternate Procedures  
Rinker Materials Thermal Treatment Facility

Dear Mr. Cullen:

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Your letter indicated that the pre-acceptance sampling and analysis requirements of Rule 62-775.410(3) and (4), F.A.C., would be followed. Rule 62-775.410(4), F.A.C., states that "The soil must not be thermally treated pursuant to this Chapter if it is classified as a hazardous waste. If any soil is suspected of containing a hazardous waste, then screening analyses for other contaminants may include, but are not limited to the following: volatile organic halogens; corrosivity; reactivity; toxicity characteristic constituents by the TCLP, which includes metals, pesticides, and additional organics." This language which includes the word "suspected" in the rule allows discretion in determining whether additional analysis of the petroleum contaminated soil is necessary to determine whether it is a hazardous waste. Such discretion is appropriate for conventional petroleum contaminated soil because there is a deferment of petroleum contaminated media from the RCRA rules. This deferment is what allows the FDEP to regulate the treatment of petroleum contaminated soil without regard

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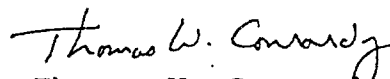
Mr. Steven C. Cullen  
October 22, 1997  
Page Two

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If you have any questions, please call me at (850)488-3935.

Sincerely,



Thomas W. Conrardy, P.E.  
PE Administrator  
Bureau of Petroleum Storage  
Systems

TC/tc

Enclosure

cc: Mike Vardeman, Rinker Materials  
John Ruddell  
Satish Kastury, Hazardous Waste Regulation Section  
William Neimes, Bureau of Waste Cleanup  
Paul Wierzbicki, FDEP Southeast District



# Department of Environmental Protection

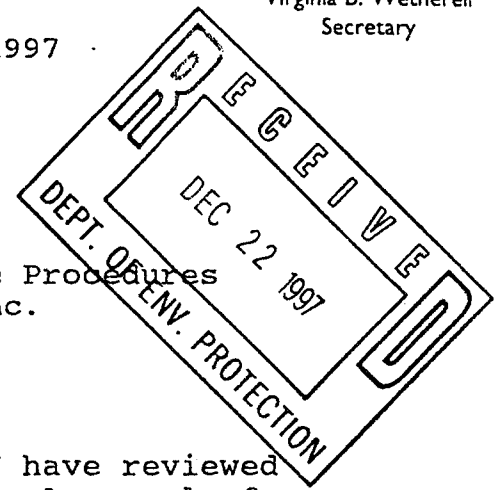
Lawton Chiles  
Governor

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400  
October 22, 1997

Virginia B. Wethereli  
Secretary

Mr. Brian D. Barnard  
Magnum Environmental Services, Inc.  
1280 N.E. 48th Street  
Pompano Beach, Florida 33064

Re: Request for Approval of Alternate Procedures  
Magnum Environmental Services, Inc.  
Soil Thermal Treatment Facility



Dear Mr. Barnard:

The Division of Waste Management staff have reviewed your July 25, 1997 letter which requested an Approval of Alternate Procedures to allow the thermal treatment of a number of types of materials that are not considered to be "petroleum contaminated soil" as defined by Rule 62-775.200(9), F.A.C. The Hazardous Waste Regulation Section in the Bureau of Solid and Hazardous Waste and the Technical Review Section in the Bureau of Waste Cleanup jointly provided input into our determination on this matter.

A primary consideration of this request was the nature of the recordkeeping requirements for treatment and disposal of petroleum contaminated soil contained in Chapter 62-775, F.A.C. The rule does not require that records be maintained of either the source of contaminated soil or the location of disposal of treated soil. We assumed that this would be the case if the Department allowed treatment of the types of contaminated materials described in your letter.

Your letter indicated that the pre-acceptance sampling and analysis requirements of Rule 62-775.410(3) and (4), F.A.C., would be followed. Rule 62-775.410(4), F.A.C., states that "The soil must not be thermally treated pursuant to this Chapter if it is classified as a hazardous waste. If any soil is suspected of containing a hazardous waste, then screening analyses for other contaminants may include, but are not limited to the following: volatile organic halogens; corrosivity; reactivity; toxicity characteristic constituents by the TCLP, which includes metals, pesticides, and additional organics." This language which includes the word "suspected" in the rule allows discretion in determining whether additional analysis of the petroleum contaminated soil is necessary to determine whether it is a hazardous waste. Such discretion is appropriate for conventional petroleum contaminated soil because there is a deferment of petroleum contaminated media from the RCRA

Mr. Brian D. Barnard  
October 22, 1997  
Page Two

rules. This deferment is what allows the FDEP to regulate the treatment of petroleum contaminated soil without regard to Federal RCRA regulation considerations. The materials listed in your letter are not covered by this deferment.

Due to the combined considerations that the materials are not covered by the RCRA deferment provisions, and that Chapter 62-775 does not require that records be maintained of the source or nature of petroleum contaminated soil, the analysis of the contaminated materials described in your letter by TCLP would not be discretionary and would be required in all instances if we allowed the thermal treatment of those materials. A TCLP analysis would be required for each individual generator source of contaminated material. In addition, the material must not exhibit the characteristic of ignitability, corrosivity and reactivity as defined in Subpart C of 40 CFR 261. Finally, the material must not be a F001, F002, F003, F004, or F005 listed waste as defined in 40 CFR 261.31. Records would have to be maintained of the TCLP analysis results. Also, assurance would have to be provided to the Department that the soil was not classified as ignitable, corrosive, reactive or a F001 through F005 waste. It is suggested that your facility create a form for the generator of the waste to certify the waste material did not fall under any of these categories and that the form would be attached to the manifest for the material. If you are agreeable to these requirements, please notify this office in writing and we will prepare an alternate procedure order to allow the thermal treatment of the materials.

If you have any questions, please call me at (850)488-3935.

Sincerely,



Thomas W. Conrardy P.E.  
PE Administrator  
Bureau of Petroleum Storage  
Systems

TC/tc

Enclosure

cc: John Ruddell  
Satish Kastury, Hazardous Waste Regulation Section  
William Neimes, Bureau of Waste Cleanup  
Paul Wierzbicki, FDEP Southeast District



# Department of Environmental Protection

970805

Lawton Chiles  
Governor

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400  
October 22, 1997

Virginia B. Wetherell  
Secretary

**RECEIVED**  
OCT 24 1997

Mr. Steven C. Cullen, P.E.  
Koogler and Associates, Inc.  
4014 NW Thirteenth Street  
Gainesville, Florida 33416

Re: Request for Approval of Alternate Procedures  
Rinker Materials Thermal Treatment Facility

**DEPT. OF ENV. PROTECTION**

Dear Mr. Cullen:

The Division of Waste Management staff have reviewed your July 16, 1997 letter which requested an Approval of Alternate Procedures to allow the thermal treatment of a number of types of materials that are not considered to be "petroleum contaminated soil" as defined by Rule 62-775.200(9), F.A.C. The Hazardous Waste Regulation Section in the Bureau of Solid and Hazardous Waste and the Technical Review Section in the Bureau of Waste Cleanup jointly provided input into our determination on this matter.

A primary consideration of this request was the nature of the recordkeeping requirements for treatment and disposal of petroleum contaminated soil contained in Chapter 62-775, F.A.C. The rule does not require that records be maintained of either the source of contaminated soil or the location of disposal of treated soil. We assumed that this would be the case if the Department allowed treatment of the types of contaminated materials described in your letter.

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Mr. Steven C. Cullen  
October 22, 1997  
Page Two

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If you have any questions, please call me at (850)488-3935.

Sincerely,

*Thomas W. Conrardy*

Thomas W. Conrardy, P.E.  
PE Administrator  
Bureau of Petroleum Storage  
Systems

TC/tc

cc: Mike Vardeman, Rinker Materials  
John Ruddell  
Satish Kastury, Hazardous Waste Regulation Section  
William Neimes, Bureau of Waste Cleanup  
✓ Paul Wierzbicki, FDEP Southeast District

**BLANK, RIGSBY & MEENAN, P.A.**

ATTORNEYS AT LAW

## Office Address:

204 SOUTH MONROE STREET  
TALLAHASSEE, FLORIDA 32301  
(850) 681-6710

## Mailing Address:

POST OFFICE BOX 11068  
TALLAHASSEE, FLORIDA 32302-3068  
FACSIMILE (850) 681-6713

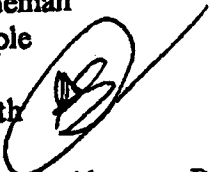
R. PHILIP BLANK\*  
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TIMOTHY G. SCHOENWALDER  
GEOFFREY D. SMITH

LEGAL ASSISTANT  
JOHN A. DICKSON, J.D.

\*Florida Bar Certified in Health Law

**MEMORANDUM****VIA: FACSIMILE**

To: Mike Vardeman  
Dave Marple

From: Geoff Smith 

Re: Status Update; Alternate Procedures Request

Date: September 25, 1997

As we discussed, I met with Tom Conrardy regarding the status of Rinker's alternate procedures request for proposed treatment of sludge and other waste materials. Tom confirmed that the request had been sent to the RCRA Section for review and comment. An in-house meeting of DEP staff (Conrardy, Satish Kastury, Tom Douglass, Dave Crowley-OGC) is scheduled for tomorrow morning.

I also met with Dave Crowley, the RCRA program attorney, in the Office of General Counsel. Dave said that he did not anticipate any problems with approval of the alternate procedures request from a RCRA perspective, provided TCLP analysis is performed on materials accepted for treatment, and only non-hazardous materials are treated. Dave said it might take a week or two to finalize the final order on the alternate procedures request. I told him to let me know if Rinker could be of any assistance or if he needed any help in drafting the final order.

Let me know if you need any additional information.

P.S The Brownfields rule development workshop went very well. I am working on written comments to DEP, and will forward these for your review.

GDS/meh

# Memorandum

## Florida Department of Environmental Protection

TO: Satish Kastury, Administrator  
Hazardous Waste Regulation Section  
Bureau of Solid and Hazardous Waste

FROM: Tom Conrardy, PE Administrator  
Petroleum Cleanup Section 3  
Bureau of Petroleum Storage Systems

DATE: August 26, 1997

SUBJECT: Proposed Thermal Treatment of Contaminated Soil  
Other Than Petroleum Contaminated Soil

**RECEIVED**  
AUG 29 1997

**DEPT. OF ENV. PROTECTION**

Recently two of the ten stationary thermal treatment facilities that are permitted to treat petroleum contaminated soil under the provisions of Chapter 62-775, F.A.C. have submitted requests for our division to authorize the treatment of contaminated soil that does not meet our definition of "petroleum contaminated soil" in Chapter 62-775. Attached are two letters from Koogler and Associates, representing Rinker Materials thermal treatment facility, and Magnum Environmental Services, Inc., formerly known as TPS thermal treatment facility. These letters request an Approval of Alternate Procedures in accordance with Section 62-775.500, F.A.C. to allow the treatment of a number of different materials including:

1. tank bottom sludges from petroleum storage tanks
2. sorbent materials that have been used for the cleanup of petroleum spills
3. oil/water separator residues
4. soakage pit residues
5. car wash reclaim water tank residues
6. french drain residues

EPA's deferment of the media contaminated from leaking underground storage tanks from being subject to the RCRA rules is what allowed the state to develop state standards and permitting requirements for treating petroleum contaminated soil independently of EPA RCRA program considerations. It is not clear to our bureau staff whether these other materials that have been proposed to be treated would be subject to RCRA requirements due to either the nature of the source of the contamination or the characteristics of the contaminated media.

Items 1 through 3 above are petroleum in nature but they are materials that probably do not meet the provisions



Satish Kastury  
August 26, 1997  
Page Two

of the deferment of media contaminated from petroleum USTs. Items 1 and 2 have potentially very high concentrations of petroleum in the material. Items 4 through 6 would be expected to have relatively low concentrations but might have chemicals of concern in the media other than petroleum due to the nature of the activity at the site.

These materials are frequently generated during spill response, site remediation, tank upgrades, and construction activities. The materials need to be treated and disposed in some safe manner. We feel that thermal treatment potentially may be an effective, safe, and relatively inexpensive means of treating this material. We have some concerns that the relatively high concentrations in some of the media may be outside of the safe operating envelope of the thermal treatment facilities but this could be overcome by requiring the material to be blended with other petroleum contaminated soil prior to thermal treatment.

Prior to giving this request further consideration we request input from your section as to the RCRA regulatory status of these materials. A few weeks ago we had a meeting with a representative of Magnum when they were giving preliminary consideration to making this request. We invited Mike Redig of your section to our meeting and he was very insightful and helpful in the general discussion of RCRA considerations when treating materials other than soil contaminated from leaking petroleum fuel tanks. We request your section's assistance with determining the RCRA implications of treating and disposing of these materials. Please let us know whether the materials would be considered to be RCRA regulated hazardous waste due to the source type, may be RCRA regulated hazardous waste depending on the nature of the source (e.g. - might depend on what type of facility was connected to a soakage pit or french drain), or would be required to undergo a TCLP analysis to determine whether the material was a RCRA regulated hazardous waste.

In addition to the pending alternate procedure requests, this issue is relevant to our ongoing activities to modify the thermal treatment facility rule. Consideration of modifying the rule to allow materials such as these to be thermally treated is a rule development issue. Considering our timeframe for rule development and internal goals of responding to alternate procedure requests in a timely fashion, your prioritization and early consideration of this request would be appreciated. Please

Satish Kastury  
August 26, 1997  
Page Three

contact myself or Tom Douglas in the Bureau of Waste Cleanup  
if you have any questions.

Attachment

cc: Tom Douglas  
Mike Sole  
John Ruddell  
Chris McGuire, Office of General Council  
~~Paul Wierzbicki~~, FDEP Southeast District

TC/tc

**Florida Department of  
Environmental Protection**

**Memorandum**

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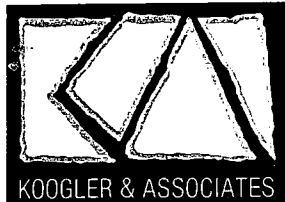
TO: Tom Conrardy/Bureau of Waste Cleanup  
THRU: *DAW* Paul Wierzbicki/Waste Cleanup Supervisor  
FROM: *Lee Martin* ~~Lee Martin~~/Waste Cleanup Section

DATE: JUL 30 1997

REF: Rinker Materials Alternate Procedure Request

---

The referenced document attached, received July 18, 1997, is forwarded for your review and action as discussed on July 30, 1997. Please copy this office on your final determination and thank you for your help in this matter.



**KOOGLER & ASSOCIATES**  
**ENVIRONMENTAL SERVICES**

4014 NW THIRTEENTH STREET  
GAINESVILLE, FLORIDA 32609  
352/377-5822 ■ FAX 377-7158

July 16, 1997

Mr. Paul Wierzbicki, P.G.  
Waste Cleanup Supervisor  
Department of Environmental  
Protection -- Southeast District  
Post Office Box 15425  
West Palm Beach, Florida 33416

**SUBJECT:** Request for Alternate Procedure per Rule 62-775.500, F.A.C.  
Rinker Materials Corporation -- Miami Soil Thermal Treatment Facility  
General Permit No. SO13-290034

Dear Mr. Wierzbicki:

This letter and the attached Request for Alternate Procedure ("Request") are in response to your letter to Rinker dated June 9, 1997.

In accordance with your suggestion, Rinker is requesting an Alternate Procedure per Rule 62-775.500, F.A.C., to allow the continued acceptance and thermal processing of petroleum contaminated sludges (described herein as other petroleum containing media).

The Request addresses all of the items contained in the referenced rule section, and also addresses the additional items listed in your letter.

If you have any questions, please contact me at (352) 377-5822, or Mike Vardeman of Rinker at (305) 229-2955.

Sincerely,

Steven C. Cullen, P.E.  
Koogler & Associates

**RECEIVED**  
JUL 18 1997

copy to: Mike Vardeman -- Rinker

**DEPT. OF ENV. PROTECTION**

### **Request for Approval of Alternate Procedure**

This request for the approval of an alternate procedure was suggested by Paul Alan Wierzbicki (DEP Southeast District, Waste Cleanup Section) in a letter to Rinker Materials Corporation, dated June 9, 1997.

This requests, in writing, a determination from the Department that Rule 62-775.200(9), F.A.C., does not apply in a limiting manner to this facility.

This request for approval of an alternate procedure will add certain other materials (see below) to the narrow definition of "*Petroleum Contaminated Soil*" found at Rule 62-775.200(9), F.A.C. This will allow the continued acceptance and processing of such materials at this facility.

#### **The facility for which an exception is sought:**

Rinker Materials Corporation  
Soil Thermal Treatment Facility  
1200 NW 137th Avenue  
Miami, Dade County, Florida 33182  
General Permit No. SO13-290034

#### **The specific provision of Rule 62-775, F.A.C. from which an exception is sought:**

Rule 62-775.200(9), F.A.C. Definitions

"Petroleum contaminated soil" means soil which has become contaminated with one or more of the following liquid products made from petroleum: all forms of fuel known as gasoline, diesel fuel, jet fuel, kerosene, grades 2 through 6 fuel oils, crude oil, bunker C oil, residual oils, and nonhazardous petroleum based lubricating, hydraulic, and mineral oils. This definition applies only to the regulation of soil thermal treatment facilities.

#### **The basis for the exception:**

It is Rinker's belief that other petroleum containing media should be included in the definition of petroleum contaminated soil, and such wording was inadvertently omitted during rulemaking.

Further, the Department has, to date, allowed the processing of other petroleum containing media in soil thermal treatment facilities permitted under Rule 62-775, F.A.C.

**The alternate procedure or requirement for which approval is sought:**

Rinker requests an expansion of the referenced definition of petroleum contaminated soil, to include other petroleum containing media, including

- sludges, and/or tank bottoms from petroleum product storage tanks
- mineral-type sorbent materials that have been used for the cleanup of petroleum spills and/or leaks
- oil/water separator residues
- soakage pit residues
- car wash reclaim water tank residues
- storm water catch basin residues
- French drain residues

**Demonstration that the alternate procedure provides a substantially equivalent degree of protection for the lands, surface waters, or ground waters of the state as the established requirement:**

The petroleum products are the same as those contained in the referenced definition -- only the "soil" fraction is different.

The reason for thermal processing is to volatilize the petroleum compounds from a solid matrix, and then expose such petroleum compounds to a specified combination of temperature and residence time.

Hence, the solid matrix, be it soil or other materials, will not affect the degree of protection for the environment.

The petroleum compounds are the same as defined above, and the requirements of Rule 62-296.415, F.A.C. provide an equivalent degree of protection for the lands, surface waters, or ground waters of the state as the established requirement.

Soil is defined by the Natural Resources Conservation Service (formerly Soil Conservation Service) as:

*A natural, three-dimensional body at the earth's surface. It is capable of supporting plants, and has properties resulting from the integrated effect of climate and living matter acting on earthy parent material, as conditioned by relief over periods of time.*

It is important to note that this definition does not include any chemical characteristics. The solid matrices requested for approval herein are not substantially different than components of soil.

Interestingly, Rule 62-775.300(9), F.A.C expressly allows the treatment of material other than soil:

*Soil thermal treatment facilities are allowed to treat debris, other than soil, such as concrete, rocks, and wood. [emphasis added]*

In summary, this request for alternate procedure to allow the thermal treatment of other petroleum containing media, will provide an equivalent degree of protection for the lands, surface waters, or ground waters of the state as the established requirement.

**Demonstration that the alternate procedure is at least as effective as the established requirement:**

The petroleum compounds are the same as defined above, and the operating requirements of Rules 62-775 and 62-296, F.A.C. are unchanged. Therefore the volatilization and destruction of the petroleum compounds will be unaffected by this request.

**Description of the specific types of sludges/residues you intend to accept at the facility:**

Within this request, the materials are described as other petroleum containing media, and include:

- petroleum storage tank bottom residues
- mineral-type sorbent materials that have been used for the cleanup of petroleum spills and/or leaks
- oil/water separator residues
- soakage pit residues
- car wash reclaim water tank residues
- storm water catch basin residues
- French drain residues

These other petroleum containing media are not hazardous wastes per 40 CFR 261.

Solid and semi-solid materials come in contact with petroleum compounds to generate other petroleum containing media. These materials include:

- sand/dirt/soil/grit/silt/clay
- sediment
- rust and other oxidation products
- debris
- algae and other similar organic matter
- leaves and twigs
- precipitates

Typically, the amount of moisture (as H<sub>2</sub>O), and the amount of petroleum compounds present in the petroleum containing media will control the viscosity. Petroleum containing media will range from granular solids to sludges, and will include some materials with liquid:solid phases.

**The types of containers the sludges/residues will be shipped in and storage/handling procedures to be used at the facility:**

- vacuum equipment designed for media handling and transportation
- roll-off containers
- drums
- dump trucks and dump trailers

**The acceptance criteria used to ensure the sludges/residues are not characterized as hazardous waste, do not fail TCLP criteria, and are contaminated with petroleum products only:**

Representative samples of the petroleum containing media will be obtained in accordance with the sampling frequency shown in Table II of Rule 62-775, F.A.C., and the samples will be analyzed in accordance with Rule 62-775.410(3) and (4). These procedures will ensure that the petroleum containing media are not characterized as hazardous waste, do not fail TCLP criteria, and are contaminated with petroleum products only.

Any liquid fraction which emerges from stockpiled soil, sludges or media is defined as leachate by Rule 62-775.200(7), F.A.C., and will be treated in the thermal treatment facility per Rule 62-775.620(5), F.A.C.

**The manner in which the sludges/residues are mixed/blended with other petroleum contaminated soils for incorporation into the treatment process:**

Once deemed acceptable, petroleum containing media will be mixed/blended with petroleum contaminated soil without restriction or limitation; as is presently authorized by General Permit SO13-290034 for soils currently acceptable under that permit.

This mixing/blending will be utilized, as necessary, for the following reasons:

- to "dry up" wet or viscous materials to improve handling
- to control heat input to the thermal treatment facility
- for effective utilization of storage space

Mixing/blending will typically be accomplished by mechanical means, such as a front-end loader, Bobcat, clamshell bucket, excavator, or manual shovel.



**Procedures to follow in the event of TCLP failure after acceptance:**

The petroleum containing media will be analyzed for applicable criteria before acceptance, or will be segregated on-site during acceptance analysis. The acceptance criteria includes total metals analysis for the eight RCRA metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver). In accordance with Rule 62-775.410(4), TCLP analysis for metals shall not be required if total metals analysis do not indicate the potential for toxic leachate concentrations.

The acceptance criteria and handling procedures ensure that material is accessible for proper removal if deemed unacceptable.



**KOOGLER & ASSOCIATES**  
**ENVIRONMENTAL SERVICES**

4014 NW THIRTEENTH STREET  
GAINESVILLE, FLORIDA 32609  
352/377-5822 ■ FAX 377-7158

970547  
July 16, 1997

Mr. Paul Wierzbicki, P.G.  
Waste Cleanup Supervisor  
Department of Environmental  
Protection -- Southeast District  
Post Office Box 15425  
West Palm Beach, Florida 33416

**SUBJECT:** Request for Alternate Procedure per Rule 62-775.500, F.A.C.  
Rinker Materials Corporation -- Miami Soil Thermal Treatment Facility  
General Permit No. SO13-290034

Dear Mr. Wierzbicki:

This letter and the attached Request for Alternate Procedure ("Request") are in response to your letter to Rinker dated June 9, 1997.

In accordance with your suggestion, Rinker is requesting an Alternate Procedure per Rule 62-775.500, F.A.C., to allow the continued acceptance and thermal processing of petroleum contaminated sludges (described herein as other petroleum containing media).

The Request addresses all of the items contained in the referenced rule section, and also addresses the additional items listed in your letter.

If you have any questions, please contact me at (352) 377-5822, or Mike Vardeman of Rinker at (305) 229-2955.

Sincerely,

Steven C. Cullen, P.E.  
Koogler & Associates

**RECEIVED**  
JUL 18 1997

copy to: Mike Vardeman -- Rinker

**DEPT. OF ENV. PROTECTION**

### **Request for Approval of Alternate Procedure**

This request for the approval of an alternate procedure was suggested by Paul Alan Wierzbicki (DEP Southeast District, Waste Cleanup Section) in a letter to Rinker Materials Corporation, dated June 9, 1997.

This requests, in writing, a determination from the Department that Rule 62-775.200(9), F.A.C., does not apply in a limiting manner to this facility.

This request for approval of an alternate procedure will add certain other materials (see below) to the narrow definition of "*Petroleum Contaminated Soil*" found at Rule 62-775.200(9), F.A.C. This will allow the continued acceptance and processing of such materials at this facility.

#### **The facility for which an exception is sought:**

Rinker Materials Corporation  
Soil Thermal Treatment Facility  
1200 NW 137th Avenue  
Miami, Dade County, Florida 33182  
General Permit No. SO13-290034

#### **The specific provision of Rule 62-775, F.A.C. from which an exception is sought:**

Rule 62-775.200(9), F.A.C. Definitions

"Petroleum contaminated soil" means soil which has become contaminated with one or more of the following liquid products made from petroleum: all forms of fuel known as gasoline, diesel fuel, jet fuel, kerosene, grades 2 through 6 fuel oils, crude oil, bunker C oil, residual oils, and nonhazardous petroleum based lubricating, hydraulic, and mineral oils. This definition applies only to the regulation of soil thermal treatment facilities.

#### **The basis for the exception:**

It is Rinker's belief that other petroleum containing media should be included in the definition of petroleum contaminated soil, and such wording was inadvertently omitted during rulemaking.

Further, the Department has, to date, allowed the processing of other petroleum containing media in soil thermal treatment facilities permitted under Rule 62-775, F.A.C.

**The alternate procedure or requirement for which approval is sought:**

Rinker requests an expansion of the referenced definition of petroleum contaminated soil, to include other petroleum containing media, including

- sludges, and/or tank bottoms from petroleum product storage tanks
- mineral-type sorbent materials that have been used for the cleanup of petroleum spills and/or leaks
- oil/water separator residues
- soakage pit residues
- car wash reclaim water tank residues
- storm water catch basin residues
- French drain residues

**Demonstration that the alternate procedure provides a substantially equivalent degree of protection for the lands, surface waters, or ground waters of the state as the established requirement:**

The petroleum products are the same as those contained in the referenced definition -- only the "soil" fraction is different.

The reason for thermal processing is to volatilize the petroleum compounds from a solid matrix, and then expose such petroleum compounds to a specified combination of temperature and residence time.

Hence, the solid matrix, be it soil or other materials, will not affect the degree of protection for the environment.

The petroleum compounds are the same as defined above, and the requirements of Rule 62-296.415, F.A.C. provide an equivalent degree of protection for the lands, surface waters, or ground waters of the state as the established requirement.

Soil is defined by the Natural Resources Conservation Service (formerly Soil Conservation Service) as:

*A natural, three-dimensional body at the earth's surface. It is capable of supporting plants, and has properties resulting from the integrated effect of climate and living matter acting on earthy parent material, as conditioned by relief over periods of time.*

It is important to note that this definition does not include any chemical characteristics. The solid matrices requested for approval herein are not substantially different than components of soil.

Interestingly, Rule 62-775.300(9), F.A.C expressly allows the treatment of material other than soil:

*Soil thermal treatment facilities are allowed to treat debris, other than soil, such as concrete, rocks, and wood.* [emphasis added]

In summary, this request for alternate procedure to allow the thermal treatment of other petroleum containing media, will provide an equivalent degree of protection for the lands, surface waters, or ground waters of the state as the established requirement.

**Demonstration that the alternate procedure is at least as effective as the established requirement:**

The petroleum compounds are the same as defined above, and the operating requirements of Rules 62-775 and 62-296, F.A.C. are unchanged. Therefore the volatilization and destruction of the petroleum compounds will be unaffected by this request.

**Description of the specific types of sludges/residues you intend to accept at the facility:**

Within this request, the materials are described as other petroleum containing media, and include:

- petroleum storage tank bottom residues
- mineral-type sorbent materials that have been used for the cleanup of petroleum spills and/or leaks
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- storm water catch basin residues
- French drain residues

These other petroleum containing media are not hazardous wastes per 40 CFR 261.

Solid and semi-solid materials come in contact with petroleum compounds to generate other petroleum containing media. These materials include:

- sand/dirt/soil/grit/silt/clay
- sediment
- rust and other oxidation products
- debris
- algae and other similar organic matter
- leaves and twigs
- precipitates

Typically, the amount of moisture (as H<sub>2</sub>O), and the amount of petroleum compounds present in the petroleum containing media will control the viscosity. Petroleum containing media will range from granular solids to sludges, and will include some materials with liquid:solid phases.

**The types of containers the sludges/residues will be shipped in and storage/handling procedures to be used at the facility:**

- vacuum equipment designed for media handling and transportation
- roll-off containers
- drums
- dump trucks and dump trailers

**The acceptance criteria used to ensure the sludges/residues are not characterized as hazardous waste, do not fail TCLP criteria, and are contaminated with petroleum products only:**

Representative samples of the petroleum containing media will be obtained in accordance with the sampling frequency shown in Table II of Rule 62-775, F.A.C., and the samples will be analyzed in accordance with Rule 62-775.410(3) and (4). These procedures will ensure that the petroleum containing media are not characterized as hazardous waste, do not fail TCLP criteria, and are contaminated with petroleum products only.

Any liquid fraction which emerges from stockpiled soil, sludges or media is defined as leachate by Rule 62-775.200(7), F.A.C., and will be treated in the thermal treatment facility per Rule 62-775.620(5), F.A.C.

**The manner in which the sludges/residues are mixed/blended with other petroleum contaminated soils for incorporation into the treatment process:**

Once deemed acceptable, petroleum containing media will be mixed/blended with petroleum contaminated soil without restriction or limitation; as is presently authorized by General Permit SO13-290034 for soils currently acceptable under that permit.

This mixing/blending will be utilized, as necessary, for the following reasons:

- to "dry up" wet or viscous materials to improve handling
- to control heat input to the thermal treatment facility
- for effective utilization of storage space

Mixing/blending will typically be accomplished by mechanical means, such as a front-end loader, Bobcat, clamshell bucket, excavator, or manual shovel.

**Procedures to follow in the event of TCLP failure after acceptance:**

The petroleum containing media will be analyzed for applicable criteria before acceptance, or will be segregated on-site during acceptance analysis. The acceptance criteria includes total metals analysis for the eight RCRA metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver). In accordance with Rule 62-775.410(4), TCLP analysis for metals shall not be required if total metals analysis do not indicate the potential for toxic leachate concentrations.

The acceptance criteria and handling procedures ensure that material is accessible for proper removal if deemed unacceptable.



# Department of Environmental Protection

Lawton Chiles

Governor JUL 02 1997

Southeast District

P.O. Box 15425

West Palm Beach, Florida 33416

Virginia B. Wetherell

Secretary

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Michael D. Vardeman  
Cement Division, Environmental Manager  
Rinker Materials Corporation  
1200 N.W. 137th Avenue  
Miami, FL 33182

Dade County  
SW - Rinker Materials Corp.  
Permit File

RE: Modification, Permit Number S013-300512  
File Number S013-308094

Dear Mr. Michael D. Vardeman:

The Department is in receipt of your request to modify the referenced permit. The permit has been modified as given below.

**FROM:**

**TO CONSTRUCT AND OPERATE:** A solid waste resource recovery and management facility for volume reduction and materials recovery via a thermal soils desorption treatment unit for receiving and treating non-hazardous contaminated soils. Non-hazardous contaminated soils, as defined in Chapter 62-730, Florida Administrative Code, for this facility are only those soils that contain coal tar from the distillation of coal. Non-hazardous contaminated soils will be accepted by the Rinker Materials Corporation (RMC) facility, only after RMC determines via analytical testing that the soils are non-hazardous. After RMC has determined that the soils are non-hazardous, the soils will be accepted and dumped into the storage building. The building "A" is an existing 33,660 square-foot covered structure with a 12-inch thick concrete floor. RMC will operate this facility seven days a week, 24 hours a day. The total hours of operation shall not exceed 8,760 hours per year and RMC shall not process greater than 40 tons/hour of soils contaminated with non-hazardous coal tar residue or petroleum contaminated soil at this facility. The maximum operating limit of this facility shall be 350,400 tons per year of soil contaminated with non-hazardous coal tar residue or petroleum contaminated soil, or a combination of the two (not to exceed 350,400 tons per year). The cement manufacturing process is initiated with the quantitative and qualitative processing of raw materials (limestone, rock, sand, bottom ash and slag) into a high solids slurry. The slurry is introduced into two 475 foot long rotary kilns for processing into clinker. The slurry remains in the kiln for 3.0 to 3.5 hours where it is heated, dried and calcined at material temperatures reaching 2750 degrees Fahrenheit. The feed materials fuse into a mineralogical product called "clinker". The clinker (approximately 1700 tons/day) is cooled and ground with gypsum and other admixtures to produce Portland cement (approximately 1900 tons/day). All hydrocarbon contaminated soils that are received by RMC are first thermally processed to remove the hydrocarbon contaminants and are then consumed completely in the production of Portland cement as a substitute (12%) of a portion of the raw materials (limestone, sand, clay). All thermally processed coal tar contaminated soil will be used as a substitute raw material in the production of Portland Cement.

**TO:**

**TO CONSTRUCT AND OPERATE:** A solid waste resource recovery and management facility for volume reduction and materials recovery via a thermal soils desorption treatment unit for receiving and treating non-hazardous contaminated soils. Non-hazardous contaminated soils, as defined in Chapter 62-730, Florida Administrative Code, for this facility are only those soils that contain coal tar from manufactured gas plant sites. Non-hazardous contaminated soils will be accepted by the Rinker Materials Corporation (RMC) facility, only after RMC determines via analytical testing that the soils are non-hazardous. After RMC has determined that the soils are non-hazardous, the soils will be accepted and dumped into the storage building. The building "A" is an existing 33,660



square-foot covered structure with a 12-inch thick concrete floor. RMC will operate this facility seven days a week, 24 hours a day. The total hours of operation shall not exceed 8,760 hours per year and RMC shall not process greater than 40 tons/hour of soils contaminated with non-hazardous coal tar residue or petroleum contaminated soil at this facility. The maximum operating limit of this facility shall be 350,400 tons per year of soil contaminated with non-hazardous coal tar residue or petroleum contaminated soil, or a combination of the two (not to exceed 350,400 tons per year). The cement manufacturing process is initiated with the quantitative and qualitative processing of raw materials (limestone, rock, sand, bottom ash and slag) into a high solids slurry. The slurry is introduced into two 475 foot long rotary kilns for processing into clinker. The slurry remains in the kiln for 3.0 to 3.5 hours where it is heated, dried and calcined at material temperatures reaching 2750 degrees Fahrenheit. The feed materials fuse into a mineralogical product called "clinker". The clinker (approximately 1700 tons/day) is cooled and ground with gypsum and other admixtures to produce Portland cement (approximately 1900 tons/day). All non-hazardous coal tar contaminated soils that are received by RMC are first thermally processed to remove the hydrocarbon contaminants and are then consumed completely in the production of Portland cement as a substitute (12%) of a portion of the raw materials (limestone, sand, clay). All thermally processed coal tar contaminated soil will be used as a substitute raw material in the production of Portland Cement.

This letter must be attached to the original permit and becomes a part of the permit.

A person whose substantial interests are affected by this modification may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes (F.S.). The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, within 14 days of receipt of this Modification. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S.

The Petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (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; and
- (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 modification. Persons whose substantial interests will be affected by any decision of the Department with regard to the application 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 14 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time 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.

This modification is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule

Mr. Michael D. Vardeman  
Page 3

DEP File No. S013-308094

62-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time this modification will not be effective until further Order of the Department.

When the Order (Modification) 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 the 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, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; 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 filed within 30 days from the date the Final Order is filed with the Clerk of the Department.

Should you have any questions, please contact Mr. Joseph Lurix of this office, telephone number (561)-681-6669.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

*Vivek Kamath* 7/1/97

Vivek Kamath, P.E. Date  
Waste Programs Administrator  
Southeast District

VK/LH/jl

*2*

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT MODIFICATION and all copies were mailed before the close of business on JUL 02 1997 to the listed persons.

FILING AND ACKNOWLEDGMENT: FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

D. Castiglione JUL 02 1997  
Clerk Date

Copies furnished to:

Jeff Brown, OGC/TLH  
Paul Lasa, MDCDERM  
Lee Casey, MDCDSWM  
Lee Martin, WCS/SED  
John B. Koogler, P.E.

**Florida Department of  
Environmental Protection**

**Memorandum**

---

TO: Joe Lurix/Solid Waste Section

THRU: Lee Hoefert/Solid Waste Supervisor

THRU: *PM* Paul Wierzbicki/Waste Cleanup Supervisor

FROM: *rfm* Lee Martin/Waste Cleanup Section

DATE: JUN 30 1997

REF: Rinker Materials MRF Permit Modification

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I have reviewed the referenced document submitted June 17, 1997, received June 19, 1997, and since the changes appear primarily editorial and do not change any of the specific conditions, concur with the proposed modification.

da\rinkmrf.mod\970472



KOOGLER & ASSOCIATES  
ENVIRONMENTAL SERVICES

4014 NW THIRTEENTH STREET  
GAINESVILLE, FLORIDA 32609  
352/377-5822 ■ FAX 377-7158

KA 263-96-07

June 17, 1997

Mr. Joe Lurix  
Bureau of Solid & Hazardous Waste  
Florida Department of  
Environmental Protection  
Southeast District  
400 North Congress Ave, PO Box 15425  
West Palm Beach, FL 33416-5425

RECEIVED

JUN 19 1997

DEPT OF ENV PROTECTION  
WEST PALM BEACH

Subject: Rinker Materials Corporation  
Dade County, Florida  
Permit S013-300512  
Request for Minor Modification

Dear Mr. Lurix:

As I discussed with you and Lee Martin by telephone recently, I would like to request two minor modifications to the recently issued referenced solid waste permit. The permit was issued to the Rinker Materials Corporation (Rinker) for a solid waste resource recovery and management facility for volume reduction and materials recovery through the use of thermal processing of soils contaminated with non-hazardous coal tar residues.

The minor modifications requested are editorial and apply only to the Project Description on page 1 of the referenced permit. The modifications requested require no changes whatsoever of any of the General or Specific Conditions contained in the permit.

It is requested that the second sentence of the paragraph entitled, TO CONSTRUCT AND OPERATE be changed as follows:

FROM: Non-hazardous contaminated soils, as defined in Chapter 62-730, Florida Administrative Code, for this facility are only those soils that contain coal tar from the distillation of coal.

TO: Non-hazardous contaminated soils, as defined in Chapter 62-730, Florida Administrative Code, for this facility are only those soils that contain coal tar from manufactured gas plant sites.

The rationale for the requested modification is that during the permitting of a similar facility in Manatee County, it came to our attention, and the attention of the Department, that "coal tar contaminated soil" at manufactured gas plant sites in some cases resulted from the destructive distillation of petroleum products and/or wood products instead of, or in addition to, the destructive distillation of coal. In the case of the Manatee County project, the Department determined that the nature of the contaminated soil at all manufactured gas plants was substantially the same and that the pre-processing test requirements of that permit (which are identical to the pre-processing testing requirements of the subject permit) would be adequate to characterize the soil. I have attached a copy of the first page of the solid waste permit for the Manatee County facility showing the reference to "manufactured gas plant sites."

The second minor modification requested is to the next to last sentence of the paragraph entitled, TO CONSTRUCT AND OPERATE. It is requested that this sentence be changed as follows:

FROM: All hydrocarbon contaminated soils that are received ....

TO: All non-hazardous coal tar contaminated soils that are ...."

The rationale for this modification is that the referenced solid waste permit is required for the processing of non-hazardous coal tar contaminated soil. Petroleum contaminated soil processing at the Rinker facility is covered by a General Permit and it is possible that Rinker might request a modification to the General Permit to allow the disposal of some of the processed petroleum contaminated soil as "clean soil." As stated in the referenced permit, all thermally processed coal tar contaminated soil will be consumed in the production of Portland cement.

As the referenced permit is required only because of the processing of non-hazardous coal tar contaminated soils and because of the fact that Rinker might be disposing of some of the thermally processed petroleum contaminated soil as "clean soil," this modification is requested to eliminate any chance of confusion or contradiction in permits applying to the Rinker facility.

It is our interpretation of Rule 62-4, F.A.C., that the requested modifications will be:

Minor modifications of permits that do not require substantial technical evaluation by the Department, do not require a new site inspection by the Department, and will not lead to substantially different environmental impacts or will lessen the impacts of the original permit: ...." Rule 62-4.050(4)(q), F.A.C.



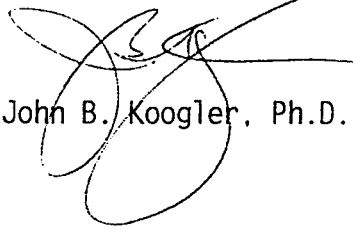
Mr. Joe Lurix  
Florida Department of  
Environmental Protection

June 17, 1997  
Page 3

If there will be a fee associated with this modification, please advise us. Further, if there are any questions regarding the requested modifications, please do not hesitate to contact me.

Very truly yours,

KOOGLER & ASSOCIATES

  
John B. Koogler, Ph.D., P.E.

JBK:wa

c: Mr. Lee Martin, FDEP, WPB  
Mr. Mike Vardeman, Rinker





# Department of Environmental Protection

Lawton Chiles  
Governor

Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619

Virginia B. Wetherell  
Secretary

## PERMITTEE

KleenSoil International, Inc.  
Trevor Cook, Vice President  
Operations  
13838 Harlee Road  
Palmetto, Florida 34221

## PERMIT/CERTIFICATION

Permit No: SO41-267846  
Date of Issue: 09/25/1995  
Expiration Date: 09/25/2000  
County: Manatee  
Lat/Long: 27°38'07"  
82°32'23"  
Project: Soil Thermal  
Treatment Facility

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule(s) 62-3, 62-4, 62-25, 62-520, 62-522, 62-550, 62-701, 62-730 and 62-775. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the department and made a part hereof and specifically described as follows:

To operate a soil thermal treatment facility, referred to as KleenSoil International, Inc. facility, for the thermal treatment of soils which are contaminated with non-hazardous coal tar residuals from manufactured gas plant sites, subject to the specific conditions attached, located at 13838 Harlee Road in Palmetto, Manatee County, Florida. The specific conditions attached are for the operation of:

### 1. Soil Thermal Treatment Facility

Replaces Permit Number: N/A, new facility

PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

6/28/97  
MIAMI  
DRAFT Permit No. 0250014-002-AC  
Rinker Materials Corporation  
Dade County

File →  
Rinker

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit to Rinker Materials Corporation (RMC) for a modernization project at its cement manufacturing facility located at 1200 Northwest 137th Avenue, Miami, Dade County. A Best Available Control Technology (BACT) determination and a PSD review were not required pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD). The applicant's name and address are: Rinker Materials Corporation, 1200 Northwest 137th Avenue in Miami, Dade County, Florida.

The proposed project consists of replacement of two "wet process" cement kilns and associated clinker coolers having an annual capacity of 650,000 tons per year (TPY) of clinker with a single "dry process" coal and petroleum coke-fired kiln with preheater, precalciner, and clinker cooler with an annual capacity of 1,200,000 TPY. Other equipment to be replaced or added includes primary crusher, raw material handling system, raw mill and raw meal handling and storage, clinker handling and storage equipment, finish mill, and a coal and petroleum coke preparation system. Fuels and materials previously approved for use under their existing permits include coal, gas, fuel oil, used oil, tires and solid waste. This draft permit also specifies burning of oil filters, booms and rags from spill cleanup, unused diapers, paper products, non-chlorinated plastic wastes, and sewage sludge from publicly-owned treatment works within the scope of solid waste.

Pollution control equipment consists of a common fabric filter system (baghouse) for particulate emissions from the kiln and cooler, absorption of sulfur compounds and metals into the product; combustion controls for volatile organic compounds (VOC) and carbon monoxide (CO); indirect firing, multiple burn points and other combustion controls for NO<sub>x</sub>; and baghouses for particulate emissions from other process emission units.

Although the capacity of the plant will increase, actual and potential emissions of most pollutants will either decrease or will not increase significantly with respect to PSD. The primary reason is that substantially less fuel is required per unit of product when using the dry process rather than the wet process. This is because there is no need to make a raw material slurry and then evaporate the water. The preheater/precalciner technology offers better combustion control of the process. New and better baghouses will be installed.

Total emissions of PSD criteria pollutants shall not exceed the following limits in tons per year:

Pollutant	Maximum Emissions	Net Emissions Change	PSD Significant Emission Rate
PM	353	-163.3	25
PM <sub>10</sub>	285	9.8	15
SO <sub>2</sub>	1340	-108.0	40
NO <sub>x</sub>	2970	11.8	40
CO	1807	57.6	100
VOC	60	32.9	40
H <sub>2</sub> SO <sub>4</sub>	8.4	-13.4	7
Hg	<0.056	<0	0.1
Pb	<0.18	<0	0.6
Be	0.0004	0.0002	0.0004

Based on review of actual emission data from similar plants in Florida, the Department projects that emissions of SO<sub>2</sub> and NO<sub>x</sub> will be significantly lower than the maximum values given above. In addition to the required continuous opacity monitor, RMC has agreed to install continuous emission monitors for SO<sub>2</sub> and NO<sub>x</sub> as well as process monitors to insure good combustion practices are followed at all times.

The Department will issue the FINAL Permit, in accordance with the conditions of the DRAFT Permit unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed DRAFT Permit issuance action for a period of 30 (thirty) days from the date of publication of this Notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit, the Department shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice.

The Department will issue FINAL Permit with the conditions of the DRAFT Permit unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S. or a party requests mediation as an alternative remedy under Section 120.573 before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57 F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, telephone: 904/488-9370, fax: 904/487-4938. Petitions must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. A petitioner must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition (or a request for mediation, as discussed below) within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-5.207 of the Florida Administrative Code.



A petition must contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Permit File Number and the county in which the project is proposed; (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 the facts that the petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the Department's action or proposed action addressed in this notice of intent.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

A person whose substantial interests are affected by the Department's proposed permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information: (a) The name, address, and telephone number of the person requesting mediation and that person's representative, if any; (b) A statement of the preliminary agency action; (c) A statement of the relief sought; and (d) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that the request has already filed, and incorporating it by reference.

The agreement to mediate must include the following: (a) The names, addresses, and telephone numbers of any persons who may attend the mediation; (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time; (c) The agreed allocation of the costs and fees associated with the mediation; (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation; (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen; (f) The name of each party's representative who shall have authority to settle or recommend settlement; and (g) The signatures of all parties or their authorized representatives.

As provided in Section 120.573 F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 F.S. remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of  
Environmental Protection  
Bureau of Air Regulation  
111 S. Magnolia Drive, Suite 4  
Tallahassee, Florida 32301  
Telephone: 904/488-1334  
Fax: 904/922-6979

Dade County Department of  
Environmental Resources Mgt.  
Suite 900  
33 Southwest Second Avenue  
Miami, Florida 33130-1540  
Telephone: 305/372-6925  
Fax: 305/372-6954

Department of Environmental Protection  
Southeast District Office  
400 North Congress Avenue  
West Palm Beach, Florida 33401  
Telephone: 407/681-6600  
Fax: 407/681-6755

The complete project file includes the application, technical evaluations, Draft Permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Resource Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 904/488-1344, for additional information.



# Department of Environmental Protection

Lawton Chiles  
Governor

Southeast District  
P.O. Box 15425  
West Palm Beach, Florida 33416

Virginia B. Wetherell  
Secretary

JUN 9 1997

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. James S. Jenkins, III  
Rinker Materials Corporation  
P.O. Box 24635  
West Palm Beach, FL 33416

Subject: Soil Thermal Treatment Facility; General Permit No. SO13-290034

Dear Mr. Jenkins,

The Department recently received a request for clarification on the acceptance of petroleum contaminated sludges by Soil Thermal Treatment Facilities. After discussion and review of 62-775, Florida Administrative Code (F.A.C.), it does not appear that petroleum contaminated sludges are included in the definition of "petroleum contaminated soils"; therefore, cannot be accepted for treatment pursuant to the general permitting requirements governed by that rule.

After discussion with Mr. Dave Marple concerning the current operation of your facility and review of your current permit, as previously modified for drummed material, it does not appear that petroleum contaminated sludges, such as tank bottom residues and oil/water separator residues, would be included in your current permit.

Since these sludges/residues would not be acceptable under the current rule, it is suggested that if you wish to continue acceptance of such materials at your facility, that you apply for an Alternative Procedure pursuant to 62-775.500, F.A.C. In addition to the items listed in the rule, your request should also address the following items:

1. A description of the specific types of sludges/residues you intend to accept at the facility.
2. The types of containers the sludges/residues will be shipped in and storage/handling procedures to be used at the facility.
3. The acceptance criteria used to ensure the sludges/residues are not characterized as hazardous waste, do not fail TCLP criteria, and are contaminated with petroleum products only. Testing protocol should address both the liquid and solid fraction of sludges.
4. The manner in which the sludges/residues are mixed/blended with other petroleum contaminated soils for incorporation into the treatment process.
5. Procedures to follow in the event of TCLP failure after acceptance.

If you have any questions or need further information, please contact Lee Martin at 561-681-6676.

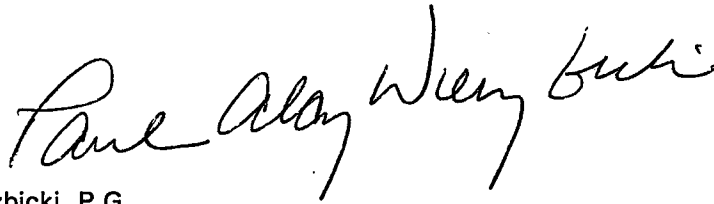
*"Protect, Conserve and Manage Florida's Environment and Natural Resources"*

*Printed on recycled paper.*

Rinker Materials Corp.

Page 2

Sincerely,

A handwritten signature in cursive script that reads "Paul Alan Wierzbicki". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Paul Alan Wierzbicki, P.G.  
Waste Cleanup Supervisor

PAW/wlm

cc: Paul Lasa, DERM, Miami  
Tom Conrardy, DEP/BWC, Tallahassee  
Dave Marple, Rinker Materials Substitution, Miami  
West Palm Beach File -- 201



# Department of Environmental Protection

Lawton Chiles  
Governor

Southeast District  
P.O. Box 15425  
West Palm Beach, Florida 33416

ENFORCEMENT TRACKING	
DRAFT	
Initial	Date
<i>[Signature]</i>	6/6/97
<i>[Signature]</i>	<i>[Signature]</i>

Virginia B. Wetherell  
Secretary

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. James S. Jenkins, III  
Rinker Materials Corporation  
P.O. Box 24635  
West Palm Beach, FL 33416

Subject: Soil Thermal Treatment Facility; General Permit No. SO13-290034

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Since these sludges/residues would not be acceptable under the current rule, it is suggested that if you wish to continue acceptance of such materials at your facility, that you apply for an Alternative Procedure pursuant to 62-775.500, F.A.C. In addition to the items listed in the rule, your request should also address the following items:

1. A description of the specific types of sludges/residues you intend to accept at the facility.
2. The types of containers the sludges/residues will be shipped in and storage/handling procedures to be used at the facility.
3. The acceptance criteria used to ensure the sludges/residues are not characterized as hazardous waste, do not fail TCLP criteria, and are contaminated with petroleum products only. Testing protocol should address both the liquid and solid fraction of sludges.
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5. Procedures to follow in the event of TCLP failure after acceptance.

If you have any questions or need further information, please contact Lee Martin at 561-681-6676.

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# Department of Environmental Protection

Lawton Chiles  
Governor

Southeast District  
P.O. Box 15425  
West Palm Beach, Florida 33416

Virginia B. Wetherell  
Secretary

JUN 05 1997

## NOTICE OF PERMIT

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Michael D. Vardeman  
Cement Division, Environmental Manager  
Rinker Materials Corporation  
1200 N.W. 137th Avenue  
Miami, FL 33182

DEP File No. SO13-300512  
Dade County  
Permit File

Dear Mr. Vardeman:

Enclosed is Permit Number SO13-300512 to construct and operate a solid waste management facility for volume reduction and materials recovery of a thermal soil treatment facility for non-hazardous petroleum and coal tar contaminated soils.

Any party to this Order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, Florida Statutes, by the 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, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; 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 filed within 30 days from the date this Notice is filed with the Clerk of the Department.

If you have any questions, please contact Mr. Joseph Lurix of this office, telephone number (561) 681-6669.

Executed in West Palm Beach, Florida on this 4 day of JUNE, 1997.

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

*Carlos Rivero-deAguilar*  
Carlos Rivero-deAguilar  
Director of District Management  
Southeast District

## CERTIFICATE OF SERVICE

This is to certify that this **NOTICE OF PERMIT** and all copies were mailed before the close of business on June 5, 1997 to the listed persons.

**FILING AND ACKNOWLEDGMENT:** FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

*D. Castiglione*  
Clerk

June 5, 1997  
Date

Copies furnished to:

John B. Koogler, P.E.  
Lee Martin, SED/WCS  
Jeff Brown, OGC/TLH  
Erika Frederick, SW/TLH  
Paul Lasa, DERM  
Lee Casey, MDCDSWM  
Nick Marotta, WMIF



# Department of Environmental Protection

Lawton Chiles  
Governor

Southeast District  
P.O. Box 15425  
West Palm Beach, Florida 33416

Virginia B. Wetherell  
Secretary

## PERMITTEE:

Mr. Michael D. Vardeman  
Cement Division, Environmental Manager  
Rinker Materials Corporation  
1200 N.W. 137th Avenue  
Miami, FL 33182

I.D. NUMBER: 5013P05691  
PERMIT/CERTIFICATION NUMBER: SO13-300512  
DATE OF ISSUE: June 4, 1997  
EXPIRATION DATE: June 4, 2002  
COUNTY: Dade  
LATITUDE/LONGITUDE: 25°46'45"/80°25'10"  
SECTION/TOWNSHIP/RANGE: 34/53S/39E  
PROJECT: Non-Hazardous Petroleum and Coal Tar  
Contaminated Soils

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-4, 62-520, 62-522, 62-701 and 62-775, Florida Administrative Code (F.A.C.). The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

**TO CONSTRUCT AND OPERATE:** A solid waste resource recovery and management facility for volume reduction and materials recovery via a thermal soils desorption treatment unit for receiving and treating non-hazardous contaminated soils. Non-hazardous contaminated soils, as defined in Chapter 62-730, Florida Administrative Code, for this facility are only those soils that contain coal tar from the distillation of coal. Non-hazardous contaminated soils will be accepted by the Rinker Materials Corporation (RMC) facility, only after RMC determines via analytical testing that the soils are non-hazardous. After RMC has determined that the soils are non-hazardous, the soils will be accepted and dumped into the storage building. The building "A" is an existing 33,660 square-foot covered structure with a 12-inch thick concrete floor. RMC will operate this facility seven days a week, 24 hours a day. The total hours of operation shall not exceed 8,760 hours per year and RMC shall not process greater than 40 tons/hour of soils contaminated with non-hazardous coal tar residue or petroleum contaminated soil at this facility. The maximum operating limit of this facility shall be 350,400 tons per year of soil contaminated with non-hazardous coal tar residue or petroleum contaminated soil, or a combination of the two (not to exceed 350,400 tons per year). The cement manufacturing process is initiated with the quantitative and qualitative processing of raw materials (limestone, rock, sand, bottom ash and slag) into a high solids slurry. The slurry is introduced into two 475 foot long rotary kilns for processing into clinker. The slurry remains in the kiln for 3.0 to 3.5 hours where it is heated, dried and calcined at material temperatures reaching 2750 degrees Fahrenheit. The feed materials fuse into a mineralogical product called "clinker". The clinker (approximately 1700 tons/day) is cooled and ground with gypsum and other admixtures to produce Portland cement (approximately 1900 tons/day). All hydrocarbon contaminated soils that are received by RMC are first thermally processed to remove the hydrocarbon contaminants and are then consumed completely in the production of Portland cement as a substitute (12%) of a portion of the raw materials (limestone, sand, clay). All thermally processed coal tar contaminated soil will be used as a substitute raw material in the production of Portland Cement.

**IN ACCORDANCE WITH:** An application received on January 29, 1997 to construct and operate a solid waste management facility utilizing a thermal soils desorption treatment unit for receiving and treating non-hazardous contaminated soils, with an Alternative Procedure File No. AP-STTF001, DONE and ORDERED April 1, 1991, and additional information received on March 7, 1997, March 10, 1997, March 14, 1997 and March 17, 1997, along with a notice of application published on February 13, 1997.

**LOCATED AT:** 1200 N.W. 137th Avenue, Miami, Dade County, Fl.

**SUBJECT TO:** General Conditions 1-15 (attached as pages 2 and 3) and Specific Conditions 1-34 (attached as pages 4 through 9).

page 1

DEP Form 62-1.201(5)  
Effective August 10, 1994

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

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**GENERAL CONDITIONS:**

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the permittee and enforceable pursuant to the authority of Sections 403.161, Florida Statutes. The permittee is hereby placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of the "Permit Conditions" by the permittee, its agents, employees, servants or representatives.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.087(6), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit does not constitute a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life or property and penalties therefor caused by the construction or operation of this permitted source, nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:
  - a. Having access to and copying any records that must be kept under the conditions of the permit;
  - b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and
  - c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in the permit, the permittee shall immediately notify and provide the Department with the following information:
  - a. a description of and cause of non-compliance; and
  - b. the period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or revocation of this permit.

**GENERAL CONDITIONS Cont'd:**

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the Department, may be used by the Department as evidence in any enforcement case arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.73 and 403.111, Florida Statutes.
10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
11. This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 62-4.120 and 62-730.300, as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction or operation.
13. This permit also constitutes:
  - ( ) Determination of Best Available Control Technology (BACT)
  - ( ) Determination of Prevention of Significant Deterioration (PSD)
  - ( ) Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500)
  - ( ) Compliance with New Source Performance Standards
14. The permittee shall comply with the following monitoring and record keeping requirements:
  - a. Upon request, the permittee shall furnish all records and plans required under Department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the Department, during the course of any unresolved enforcement action.
  - b. The permittee shall retain at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rule.
  - c. Records of monitoring information shall include:
    - the date, exact place, and time of sampling or measurements;
    - the person responsible for performing the sampling or measurements
    - the date(s) analyses were performed;
    - the person responsible for performing the analyses;
    - analytical techniques or methods used; and
    - results of such analyses.
15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be submitted or corrected promptly.



**SPECIFIC CONDITIONS:**

1. Solid waste received for processing at this facility shall be in strict accordance with the Site Layout Plan that was submitted with the application as Attachment H, dated December 2, 1995 and revised on January 12, 1996.
2. Tipping of solid waste (contaminated non-hazardous soils) shall be done on the concrete pad inside of the designated buildings in the application. Storage of solid waste in the designated building shall be done in a manner that does not result in vector breeding or animal attraction, or discharge of contaminants to the land or ground water or surface water, or create a sanitary nuisance.
3. Facility Designation. This site shall be classified as a soil thermal treatment facility for the thermal desorption of up to 350,400 tons/year of soil contaminated with non-hazardous coal tar residue at the RMC facility in Dade County, Florida. This facility shall be operated in accordance with all applicable requirements of Chapters 62-3, 62-4, 62-25, 62-28, 62-160, 62-520, 62-522, 62-550, 62-701, 62-730, 62-302 and 62-775, Florida Administrative Code (F.A.C.) and all applicable requirements of Department rules.
4. Permit Application Documentation. This permit is valid for operation of the soil thermal treatment facility and related facilities in accordance with the reports, plans and other information, submitted by Koogler & Associates, including the application to operate a Materials Recovery Facility for contaminated soils dated January 29, 1997, amended on March 6, 1997, signed and sealed by John B. Koogler on January 24, 1997, a Professional Engineer registered in the State of Florida; and in accordance with all applicable requirements of Department rules.
5. Permit Modifications. Any activities not approved as part of this permit shall require a separate Department permit unless the Department determines a permit modification to be more appropriate. Permits shall be modified in accordance with the requirements of Rule 62-4.080, F.A.C. A modification which is reasonably expected to lead to substantially different environmental impacts which require a detailed review by the Department is considered a substantial modification.
6. Permit Renewal. As required by Rule 62-4.090(1), F.A.C. no later than sixty (60) days before the expiration of the Department permit, the permittee shall apply for a renewal of a permit on forms and in a manner prescribed by the Department, in order to assure conformance with all applicable Department rules. Permits shall be renewed at least every five years as required by Rule 62-701.330(3), F.A.C.
7. Prohibitions. The prohibitions of Rule 62-701.300, F.A.C. shall not be violated.
8. Facility Operation Requirements.
  - a. The permittee shall operate this facility in accordance with the information submitted in the application, as revised March 6, 1997; applicable parts of F.A.C. 62-701.700 and 62-775; and any other applicable requirements.
  - b. The permittee shall require separate pre-treatment analyses for contaminated soil from each contaminated site to fully characterize the soil contamination prior to the acceptance of the shipment at the facility.
  - c. Oversized materials that cannot be crushed to meet the requirements of F.A.C. Rule 62-775.300(9) and other debris generated by the screening operation shall be disposed of at a permitted Class I disposal facility, or other solid waste disposal facility, subject to prior Department approval.
  - d. Litter control shall be performed daily. Outdoor spillage of contaminated media shall be removed daily.
9. Coal Tar Contaminated Soil Analyses.
  - a. Coal tar contaminated soil samples shall be analyzed for the following parameters using the test methods indicated or other methods approved by the Department:
    - (1) Total Volatile Organic Aromatics (VOA) EPA Method 5030/8021 or 5030/8020

## Specific Conditions Cont.

- |  |  |
|--|--|
| (2) Total Recoverable Petroleum Hydrocarbons | EPA Draft Method 3540/9073 or FL-PRO       |
| (3) Polynuclear Aromatic Hydrocarbons (PAH)  | EPA Method 8100, 8250, 8270 or 8310        |
| (4) Volatile Organic Halocarbons (VOH)       | EPA Method 5030/8021 or 5030/8010          |
| (5) Total Organic Halides                    | EPA Method 5050/9020, 5050/9252, 5050/9253 |
| (6) Metals                                   |  |
| Arsenic                                      | EPA Method 7060 or 7061                    |
| Barium                                       | EPA Method 7080, 7081 or 6010              |
| Cadmium                                      | EPA Method 7130, 7131 or 6010              |
| Chromium                                     | EPA Method 7190, 7191 or 6010              |
| Lead   | EPA Method 7420, 7421 or 6010              |
| Mercury                                      | EPA Method 7471                            |
| Selenium                                     | EPA Method 7740, 7741 or 6010              |
| Silver                                       | EPA Method 7760, 7761 or 6010              |
| Beryllium                                    | EPA Method 7090                            |
| (7) Cyanide                                  | EPA Method 9010                            |
| (8) Dibenzofurans                            | EPA Method 8270                            |
| (9) Phenols                                  | EPA Method 8040 or 8270                    |
| (10) *TCLP metals                            |  |
| Arsenic, Barium                              | EPA Methods 1311/7060, 6010                |
| Cadmium, Chromium                            | 7130, 7131, 6010, 7190 or 7191             |
| Lead, Mercury                                | 6010, 7470                                 |
| Selenium, Silver                             | 7740, 6010                                 |
| Beryllium                                    | 1311/7090                                  |
| (11) TCLP Benzene                            | EPA Method 1311/8020                       |

\* See specific condition 9.e.

b. All analytical methods used by RMC shall have detection levels that are less than or equal to the best achievable detection limits for the appropriate method listed in Specific Condition 9(a).

c. All clinker shall be analyzed for the parameters listed in Specific Condition 9.a., using the EPA Methods indicated or other methods approved in writing by the Department. Clinker is not required to be analyzed for TCLP benzene. All clinker shall be analyzed for cyanide only if cyanide is detected in the soil contaminated with coal tar residue over minimum detection limits.

d. The soil must not be thermally treated if it is classified as hazardous waste. If any soil is suspected of containing a hazardous waste, then screening analyses for other contaminants may include, but are not limited to the following: volatile organic halogens; corrosivity; reactivity; toxicity characteristic constituents by the TCLP, which includes metals, pesticides, and additional organics. Soil contaminated with used oil, hydraulic oil, or mineral oil may be a hazardous waste and should be tested using toxicity characteristic, for total organic halides. Excavated soil which is classified as a hazardous waste must be managed as a hazardous waste and treated or disposed of at an approved hazardous waste treatment/disposal facility.

e. TCLP analyses for metals are not required for pretreatment soils if the total concentration (ppm) for each metal does not exceed 20 times the respective TCLP hazardous waste limit (ppm) for the metal (i.e., for Lead the hazardous waste limit is 5 ppm therefore any sample with a total Lead concentration exceeding 100 ppm would require TCLP testing).

#### 10. Soil Sampling Frequency.

a. Pretreatment soil shall be analyzed as required by Specific Condition #9. The number of composite soil samples for each contamination site shall be in accordance with Table I. Each composite soil sample shall consist of soil samples taken from a least four locations. Each sample shall be collected from locations equally distributed throughout the soil surface area and from

## Specific Conditions Cont.

a depth of at least six inches below the surface. Sampling procedures are described in the Standard Operating Procedures Manual for Soil Thermal Treatment facilities pursuant to F.A.C. Rule 62-775.300(10).

TABLE I  
SOIL SAMPLING FREQUENCY

Amount of Soil by Volume (cubic yards)	by Weight (tons)	Quantity of Composite Samples
Less than 100	Less than 140	1
100 to 500	140 to 700	3
500 to 1000	700 to 1400	5
For each additional 500	For each additional 700	1

b. Following thermal treatment, a clinker sample shall be collected at least once every 480 tons or every eight operational hours maximum time interval or, whichever is less and composite these samples on a weekly basis, and sample and analyze the clinker for the parameters as required by Specific Condition #9.

## 11. Soil blending.

a. Soil blending of coal tar contaminated soil is acceptable under the following conditions:

(1) Coal tar contaminated soil and petroleum contaminated soil [as defined by F.A.C. Rule 62-775.200(9)] from various job sites may be blended prior to treatment after the soils have been analyzed in accordance with Specific Condition number 9, and approved for treatment at the RMC facility.

(2) Coal tar contaminated soil that has been thermally treated may be blended with unprocessed coal tar contaminated soil and retreated to reduce the concentration of one or more metals.

(3) RMC shall maintain records of soil blending activities on-site for a period of three years. The records shall be available for inspection by FDEP.

12. Treatment Criteria for Coal Tar Contaminated Soil. To assure satisfactory destruction of cyanides, PAHs and phenols that may be present in coal tar contaminated soil, RMC shall maintain the residence time/temperature criteria for thermal desorption of coal tar contaminated soils as required in the Department approved air operations permit for the facility.

13. Operation Plan and Operating Record. A copy of the Department approved permit, operational plan, construction reports and record drawings, and supporting information shall be kept at the facility at all times for reference and inspection.

## 14. Storage of Materials.

a. At no time shall the contaminated soil stored on-site in Building Storage Areas A and H as shown on the Site Plan dated December 2, 1995 and revised on January 12, 1996 exceed the storage capacity of the building; taking into consideration all permit limitations. On-site storage is limited to 86,400 tons of untreated soil.

b. Oversized materials and other debris or recyclable material generated by the screening operation shall be stored inside of the existing contaminated soil storage building in roll-off or other containers, or if outside, shall be covered (tarped) at the end of each working day, and during rain events.

## 15. Record keeping.

a. The owner or operator of the facility shall maintain the following waste records at the site for a period of three years, available for Department review during normal business hours:

(1) The quantity of material received, stored, processed and disposed/reused.

Specific Conditions Cont.

(2) The RMC Soil Data and Certification Sheet and RMC Manifest for each shipment accepted at the facility.

(3) The pre-treatment analyses, as required by Specific Condition #9, for each shipment of soil contaminated with coal tar residue from each separate contaminated site which is received at the facility, and post-treatment clinker analyses.

(4) Documentation that all the sampling and analyses performed by the generator or the permittee is in accordance with a Department approved Quality Assurance Plan.

(5) Records of blending ratios with calculations to estimate total contaminant concentrations of blended soil or resampling and analyses of blended soil shall be maintained.

(6) Daily Log Forms documenting the operating parameters for the Soil Treatment Facility.

(7) Soil Thermal Treatment Facility Untreated Soil Reporting Forms, DER Form 17-775.900(2), and Soil Thermal Treatment Facility Treated Soil Reporting Forms, DER Form 17-775.900(3).

b. The following information shall be compiled monthly and submitted to the this office quarterly, by January 31st, April 30th, July 31st and October 31st of each year:

(1) A material balance including the volumes of materials received, stored and removed from the site for use, disposal or treatment.

16. Monitoring of Waste. The permittee shall not accept any hazardous waste at this site. Hazardous wastes are those defined in Chapter 62-730, F.A.C. In the event that hazardous wastes are received at the facility, the owner or the permittee shall notify the Department immediately (within 24 hours). The owner or the permittee shall make every effort to determine the origin of the waste, and the waste shall be characterized and managed in accordance with applicable federal, state and local regulations.
17. Drainage Requirements. All areas shall be cleaned, as needed, to prevent nuisance conditions, hazardous conditions, odor or vector problems. Liquids which have contacted contaminated soils or wastes shall not be discharged outside of the secondary containment in the building.
18. Closure requirements. The facility owner or operator shall notify this office of the facility's closure, no later than 180 days prior to the date when the facility is expected to close, as required by F.A.C. Rule 62-701.700(3)(d). The facility shall be closed in accordance with F.A.C. 62-701.700(3)(d) and the Closure Plan submitted in the Engineering Report dated March 6, 1997.
19. Control of Nuisance Conditions. The owner or operator shall be responsible for the control of odors and fugitive particulates arising from this operation. Such control shall minimize the creation of nuisance conditions on adjoining property. Complaints received from the general public, and confirmed by Department personnel upon site inspection, shall constitute a nuisance condition, and the permittee must take immediate corrective action to abate the nuisance. The owner or operator shall control disease vectors so as to protect the public health and welfare.
20. Facility Maintenance and Repair. The site shall be properly maintained including building maintenance, maintenance of processing equipment, containment systems and stormwater systems. In the event of damage to any portion of the site facilities, failure of any portion of the associated systems, or any spill which may result in a release of contaminants to the air, water or lands of the State of Florida, the permittee shall immediately (within 24 hours) notify the Department of Environmental Protection explaining such occurrence and remedial measures to be taken and time needed for repairs or remediation. Written detailed notification shall be submitted to the Department within seven (7) days following the occurrence.
21. Professional Certification. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.), Florida Statutes, applicable portions of permit applications and supporting documents which are submitted to the Department for public record shall be signed and sealed by the professional(s) who prepared or approved them.
22. Permit Acceptance. By acceptance of this Permit, the Permittee certifies

## Specific Conditions Contained.

that he/she has read and understands the obligations imposed by the Specific and General Conditions contained herein, including date of permit expiration and renewal deadlines. It is a violation of this permit to fail to comply with all conditions and deadlines.

## GROUNDWATER MONITORING PLAN

23. In accordance with Rule 62-775 and 62-522, F.A.C., the permittee has installed and placed into operation a Ground Water Monitoring System. The Ground Water Monitoring System is designed and constructed in accordance with the plans on file in the Southeast District office as amended on March 6, 1997. All wells and surface monitoring sampling locations are to be kept clearly labeled and easily visible at all times.
24. If any monitoring well becomes damaged or inoperable, the permittee shall notify the Department immediately and a detailed written report shall follow within seven (7) days. The written report shall detail what problem has occurred and remedial measures that have been taken to prevent the recurrence. All monitoring well design and replacement shall be approved by the Department prior to installation of the replacement well. Inoperable monitor wells shall be plugged and abandoned in accordance with the rules of the Water Management District.
25. All ground water monitor wells shall be sampled and analyzed quarterly in accordance with the terms of the Soil Thermal Treatment Facility General Permit for the thermal treatment of petroleum contaminated soil with the following additions for the treatment of coal tar contaminated soils:
  - a. Prior to any coal tar contaminated soils being treated or stored in the building, a baseline sample from the leachate storage tank (2,000 gallons) will be collected and analyzed for the following compounds using the listed EPA or other DEP approved method.
 

Cyanide	EPA Method 9010, 6010
Dibenzofurans	EPA Method 8270
Total Phenols	EPA Method 8040 or 8270
  - b. Once the baseline sampling is completed, RMC will sample the leachate storage tank annually for the same parameters. If any parameters are detected in the leachate, the detected parameters will be added to the list of quarterly sampling parameters used for the facility's ground water monitoring wells. The results of the baseline and annual leachate testing will be submitted with the appropriate quarterly ground water monitoring report.
  - c. Copies of the quarterly groundwater monitoring reports, including annual leachate testing, shall be submitted to the Department at:
 

Florida Department of Environmental Protection  
Southeast District Waste Cleanup Section  
P.O. Box 15425  
West Palm Beach, FL 33416-5425; and a copy to

Florida Department of Environmental Protection  
Bureau of Solid and Hazardous Waste  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400
26. If at any time the water quality standards are exceeded, the permittee has 15 days from receipt of the laboratory analyses in which to resample the monitor well(s) to confirm the analysis. Should the permittee choose not to resample, the Department will consider the water quality analysis as representative of current ground water conditions at the facility.
27. All field testing, sample collection, preservation and laboratory testing, including quality control procedures, shall be in accordance with a current Department approved Comprehensive Quality Assurance Plan in accordance with Rule 62-160, F.A.C., and the Standard Operating Procedures Manual for Soil Thermal Treatment Facilities, November, 1991.
28. The permittee shall ensure the minimum criteria for ground water specified in Rule 62-520, F.A.C., shall not be violated.
29. This facility shall not accept or process any material suspected of being asbestos, hazardous or biomedical wastes. Should any asbestos, hazardous and/or biomedical wastes be delivered at the facility, the permittee shall immediately notify the Department, and shall arrange for the wastes to be

## Specific Conditions Cont

returned to the generator or disposed of in accordance with applicable Department rules.

30. The permittee may not accept other materials for processing unless an application has been made and approval has been granted by the Department prior to acceptance of other materials.
31. No objectionable odors are allowed beyond the property boundary.
32. The permittee shall establish and maintain financial assurance in accordance with the financial provisions of Rule 62-701.700(4), F.A.C. The permittee shall establish and maintain a performance bond and a standby trust fund in favor of the Department or establish and maintain one of the alternate financial mechanisms of Rule 62-701.630(6), F.A.C. Proof that the financial assurance mechanism is funded in accordance with 40 CFR Part 264 Subpart H as adopted by reference in Rule 62-701, F.A.C., shall be submitted to the Department sixty (60) days prior to the acceptance of any recyclable material at the facility. The approved closure cost estimate for this facility is \$2,635,200, dated March 17, 1997. All submittals in response to this specific condition shall be originally signed duplicates of Department forms. Submittals shall be sent to:

Florida Department of Environmental Protection  
Financial Coordinator - Solid Waste Section  
Twin Towers Office Building  
2600 Blair Stone Road MS 4565  
Tallahassee, Florida 32399-2400

b) The amount of the financial assurance mechanism shall be based on the closure cost estimates for the facility. The closure cost estimates shall be calculated in accordance with 40 CFR Part 264.142, as adopted by reference in Rule 62-701, F.A.C. The closure cost estimate shall be prepared, signed and sealed by a professional engineer registered in the state of Florida. All submittals in response to this specific condition shall be sent to the Department for review and approval. Submittals shall be sent to:

Florida Department of Environmental Protection  
Southeast Florida District office  
Solid Waste Section  
Post Office Box 15425  
West Palm Beach, Florida 33416

c) The permittee shall annually adjust the closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial assurance mechanism in accordance with 40 CFR Part 264.142, as adopted by reference in Rule 62-701, F.A.C. When there is a change in the closure cost estimate, the permittee shall revise the financial assurance mechanism by the anniversary of the mechanisms effective date and be submitted to the Department at the Tallahassee address listed above.

33. Upon closure of this facility, the permittee shall be responsible for the removal of all soils to a facility approved by the Department for disposal or recycling. Failure to properly remove all soils and close the site properly in accordance with Chapter 62-701, F.A.C., may result in forfeiture of the financial mechanism to the Department.
34. In the event of damage or failure of any of the site facilities or equipment, the permittee shall immediately notify the Department, explaining such occurrence and remedial measures to be taken and time needed for repairs. A detailed written notification shall be submitted within one week to the Department following the occurrence.

Issued this 4 day of JUNE, 1997

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

*Carlos Rivero-deAguilar*  
Carlos Rivero-deAguilar  
Director of District Management  
Southeast District

CRA/VK/LH/jl



# Department of Environmental Protection

Lawton Chiles  
Governor

Southeast District  
P.O. Box 15425  
West Palm Beach, Florida 33416

Virginia B. Wetherell  
Secretary

March 11, 1997

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Michael D. Vardeman  
Cement Division Environmental Manager  
Rinker Materials Corporation  
1200 N.W. 137th Avenue  
Miami, FL 33182

Dade County  
SW -Rinker  
Permit Files

Dear Mr. Vardeman:

This is to acknowledge receipt of your application, file number SO13-300512 for a permit to Construct and Operate a Solid Waste Management Facility for Volume Reduction and Materials Recovery.

- ☐ This letter constitutes notice that a permit will be required for your project pursuant to Chapter(s) \_\_\_\_\_, Florida Statutes.
- ☐ Your application for permit is complete as of \_\_\_\_\_ and processing has begun. You are advised that the Department under Chapter 120, Florida Statutes, must take final action on your application within ninety (90) days unless the time is tolled by administrative hearing.
- ☐ Your application for permit is incomplete. Please provide the information listed on the attached sheet(s) promptly. Evaluation of your proposed project will be delayed until all requested information has been received.
- ☒ The additional information received on March 7, 1997 was reviewed, however, the item(s) listed on the attached sheet(s) remain incomplete. Evaluation of your proposed project will continue to be delayed until we receive all requested information.
- ☐ At this time no permit is required for your project by the Solid Waste Section. Any modifications in your plans should be submitted for review, as changes may result in permits being required. This letter does not relieve you from the need to obtain any other permits (local, state or federal) which may be required.

If you have any questions, please contact me at telephone number 561-631-6669. When referring to this project, please use the file number indicated.

Sincerely,

Joseph Lurix, Engineer  
Solid Waste Section

cc: John B. Koogler, P.E.  
Lee Martin, SED/WCS  
Jeff Brown, OGC/TLH  
Erika Frederick, SW/TLH  
Paul Lasa, DERM  
Lee Casey, MDCDSWM  
Nick Marotta, WMIF

In order to complete review of your application pursuant to Section 403.087(4), Florida Statutes (F.S.), Sections 62-701, and 62-4.070(1), Florida Administrative Code (F.A.C.), please provide the following information.

1. The closure cost estimate dated March 6, 1997 has been approved by the district office, however you must provide proof of financial assurance by completing and submitting one of the approved bonding mechanisms (DEP Form 62-701.900(5)(a-g), FAC to the following address for review and approval:

F.D.E.P.  
Twin Towers Office Building  
c/o Ms. Erika Frederick, Solid Waste  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

telephone number 904/488-0300



STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

APR 03 1997

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

In the Matter of an  
Application for Permit by:

Mr. Michael D. Vardeman  
Cement Division, Environmental Manager  
Rinker Materials Corporation  
1200 N.W. 137th Avenue  
Miami, FL 33182

DEP File No. S013-300512  
Dade County  
Permit File

INTENT TO ISSUE

The Department of Environmental Protection gives notice of its Intent to Issue a permit (draft copy attached) for the proposed project as detailed in the application specified above. The Department is issuing this Intent to Issue for the reasons stated below.

The applicant, Mr. Michael D. Vardeman, Environmental Manager, Cement Division of Rinker Materials Corporation applied on January 29, 1997 to the Department of Environmental Protection for a permit to construct and operate a solid waste management facility for volume reduction and materials recovery at a thermal soil treatment facility for non-hazardous petroleum and coal tar contaminated soils. The project is located at 1200 N.W. 137th Avenue, Miami, Dade County, Florida.

The Department has permitting jurisdiction under Section 403.087, Florida Statutes (F.S.), to issue or deny permits for Solid Waste Resource Recovery and Management Facilities. The project is not exempt from permitting procedures. The Department has determined that a Solid Waste Permit is required for the proposed work.

The Department intends to issue this permit based on Chapters 62-4, 62-520, 62-522, 62-701 and 62-775, Florida Administrative Code (F.A.C.), and believes reasonable assurances have been provided to indicate the proposed project will not adversely impact the environment.

Pursuant to Section 403.815, F.S., and Rule 62-103.150, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Issue Permit. The notice shall be published one time only within 30 days, in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity

is to take place.

The applicant shall provide original copy of the proof of publication to the Department, at F.D.E.P., Southeast District, P.O. Box 15425, West Palm Beach, Florida 33416 within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit. The Department will issue the permit with the specific conditions unless a petition for an administrative proceeding (hearing) is filed pursuant to the provisions of Section 120.57, F.S.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 of the Florida Statutes, or all parties reach a written agreement on mediation as an alternative remedy under section 120.573 before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for pursuing mediation.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any other person must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. A petitioner must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition (or a request for mediation, as discussed below) within the appropriate time period shall constitute a waiver of that persons right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicants name and address, the Department Permit File Number, and the county in which

the project is proposed;

- (b) A statement of how and when each petitioner received notice of the Departments action or proposed action;
- (c) A statement of how each petitioners substantial interests are affected by the Departments action or proposed action;
- (d) A statement of the material facts disputed by the petitioner, if any;
- (e) A statement of the facts that the petitioner contends warrant reversal or modification of the Departments action or proposed action;
- (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Departments action or proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the action or proposed action addressed in this notice of intent.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Departments final action may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Any person may elect to pursue mediation by reaching a mediation agreement with all parties to the proceeding (which include the applicant, the Department, and any person who has filed a timely and sufficient petition for a hearing) and by showing how the substantial interests of each mediating party are affected by the Departments action or proposed action. The agreement must be filed in (received by) the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

The agreement to mediate must include the following:

- (a) The names, addresses, and telephone numbers of any persons who may attend the mediation;
- (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;
- (c) The agreed allocation of the costs and fees associated

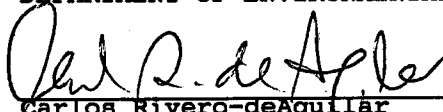
- with the mediation;
- (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;
  - (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;
  - (f) The name of each party's representative who shall have authority to settle or recommend settlement; and
  - (g) Either an explanation of how the substantial interests of each mediating party will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that each party has already filed, and incorporating it by reference.
  - (h) The signatures of all parties or their authorized representatives.


As provided in section 120.573 of the Florida Statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by sections 120.569 and 120.57 for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above, and must therefore file their petitions within fourteen days of receipt of this notice of intent. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under sections 120.569 and 120.57 remain available for disposition of the dispute, and the

notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

DONE AND ENTERED this 2 day of April, 1997 in the City of West Palm Beach, Florida.

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

  
Carlos Rivero-deAguilar  
Director of District Management  
Southeast District

<sup>VK</sup>  
CRA/VK/LH/jl  
attachments 

**CERTIFICATE OF SERVICE**

This is to certify that this **INTENT TO ISSUE** and all copies were mailed before the close of business on APR 03 1997 to the listed persons.

**FILING AND ACKNOWLEDGMENT:** FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

D. Castiglione APR 03 1997  
Clerk Date

Copies furnished to:

cc: John B. Koogler, P.E.  
Lee Martin, SED/WCS  
Jeff Brown, OGC/TLH  
Erika Frederick, SW/TLH  
Paul Lasa, DERM  
Lee Casey, MDCDSWM  
Nick Marotta, WMIF

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NOTICE OF INTENT TO ISSUE PERMIT

The Department of Environmental Protection gives notice of its intent to issue a permit, number SO13-300512, to Mr. Michael D. Vardeman, Environmental Manager, Cement Division of Rinker Materials Corporation to construct and operate a Solid Waste Management Facility to construct and operate a solid waste management facility for volume reduction and materials recovery at a thermal soil treatment facility for non-hazardous petroleum and coal tar contaminated soils. The project site is located at 1200 N.W. 137th Avenue, Miami, Dade County, Florida.

The Department will issue the permit unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 of the Florida Statutes, or all parties reach a written agreement on mediation as an alternative remedy under section 120.573 before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for pursuing mediation.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any other person must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. A petitioner must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition (or a request for mediation, as discussed below) within the appropriate time period shall constitute a waiver of that persons right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicants name and address, the Department Permit File Number, and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Departments action or proposed action;
- (c) A statement of how each petitioners substantial interests are affected by the Departments action or proposed action;
- (d) A statement of the material facts disputed by the petitioner, if any;
- (e) A statement of the facts that the petitioner contends warrant reversal or modification of the Departments action or proposed action;
- (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Departments action or proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the action or proposed action addressed in this notice of intent.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Departments final action may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Any person may elect to pursue mediation by reaching a mediation agreement with all parties to the proceeding (which include the applicant, the Department, and any person who has filed a timely and sufficient petition for a hearing) and by showing how the substantial interests of each mediating party are affected by the Departments action or proposed action. The agreement must be filed in (received by) the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee,

Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

The agreement to mediate must include the following:

- (a) The names, addresses, and telephone numbers of any persons who may attend the mediation;
- (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;
- (c) The agreed allocation of the costs and fees associated with the mediation;
- (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;
- (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;
- (f) The name of each party's representative who shall have authority to settle or recommend settlement; and
- (g) Either an explanation of how the substantial interests of each mediating party will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that each party has already filed, and incorporating it by reference.
- (h) The signatures of all parties or their authorized representatives.

As provided in section 120.573 of the Florida Statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by sections 120.569 and 120.57 for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above, and must therefore file their petitions within fourteen days of receipt of this notice of intent. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under sections 120.569 and 120.57 remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Southeast Florida District Office, 400 North Congress Avenue, West Palm Beach, Florida 33401.



# Department of Environmental Protection

Lawton Chiles  
Governor

Southeast District  
P.O. Box 15425  
West Palm Beach, Florida 33416

Virginia B. Wetherell  
Secretary

## DRAFT

### PERMITTEE:

Mr. Michael D. Vardeman  
Cement Division, Environmental Manager  
Rinker Materials Corporation  
1200 N.W. 137th Avenue  
Miami, FL 33182

I.D. NUMBER: 5013P05691  
PERMIT/CERTIFICATION NUMBER: 5013-300512  
DATE OF ISSUE:  
EXPIRATION DATE:  
COUNTY: Dade  
LATITUDE/LONGITUDE: 25°46'45"/80°25'10"  
SECTION/TOWNSHIP/RANGE: 34/53S/39E  
PROJECT: Non-Hazardous Petroleum and Coal Tar  
Contaminated Soils

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-4, 62-520, 62-522, 62-701 and 62-775, Florida Administrative Code (F.A.C.). The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

**TO CONSTRUCT AND OPERATE:** A solid waste resource recovery and management facility for volume reduction and materials recovery via a thermal soils desorption treatment unit for receiving and treating non-hazardous contaminated soils. Non-hazardous contaminated soils, as defined in Chapter 62-730, Florida Administrative Code, for this facility are only those soils that contain coal tar from the distillation of coal. Non-hazardous contaminated soils will be accepted by the Rinker Materials Corporation (RMC) facility, only after RMC determines via analytical testing that the soils are non-hazardous. After RMC has determined that the soils are non-hazardous, the soils will be accepted and dumped into the storage building. The building "A" is an existing 33,660 square-foot covered structure with a 12-inch thick concrete floor. RMC will operate this facility seven days a week, 24 hours a day. The total hours of operation shall not exceed 8,760 hours per year and RMC shall not process greater than 40 tons/hour of soils contaminated with non-hazardous coal tar residue or petroleum contaminated soil at this facility. The maximum operating limit of this facility shall be 350,400 tons per year of soil contaminated with non-hazardous coal tar residue or petroleum contaminated soil, or a combination of the two (not to exceed 350,400 tons per year). The cement manufacturing process is initiated with the quantitative and qualitative processing of raw materials (limestone, rock, sand, bottom ash and slag) into a high solids slurry. The slurry is introduced into two 475 foot long rotary kilns for processing into clinker. The slurry remains in the kiln for 3.0 to 3.5 hours where it is heated, dried and calcined at material temperatures reaching 2750 degrees Fahrenheit. The feed materials fuse into a mineralogical product called "clinker". The clinker (approximately 1700 tons/day) is cooled and ground with gypsum and other admixtures to produce Portland cement (approximately 1900 tons/day). All hydrocarbon contaminated soils that are received by RMC are first thermally processed to remove the hydrocarbon contaminants and are then consumed completely in the production of Portland cement as a substitute (12%) of a portion of the raw materials (limestone, sand, clay). All thermally processed coal tar contaminated soil will be used as a substitute raw material in the production of Portland Cement.

**IN ACCORDANCE WITH:** An application received on January 29, 1997 to construct and operate a solid waste management facility utilizing a thermal soils desorption treatment unit for receiving and treating non-hazardous contaminated soils, with an Alternative Procedure File No. AP-STTF001, DONE and ORDERED April 1, 1991, and additional information received on March 7, 1997, March 10, 1997, March 14, 1997 and March 17, 1997, along with a notice of application published on February 13, 1997.

**LOCATED AT:** 1200 N.W. 137th Avenue, Miami, Dade County, Fl.

**SUBJECT TO:** General Conditions 1-15 (attached as pages 2 and 3) and Specific Conditions 1-34 (attached as pages 4 through 9).

page 1

DEP Form 62-1.201(5)  
Effective August 10, 1994

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.



**DRAFT****GENERAL CONDITIONS:**

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the permittee and enforceable pursuant to the authority of Sections 403.161, Florida Statutes. The permittee is hereby placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of the "Permit Conditions" by the permittee, its agents, employees, servants or representatives.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.087(6), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit does not constitute a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life or property and penalties therefor caused by the construction or operation of this permitted source, nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:
  - a. Having access to and copying any records that must be kept under the conditions of the permit;
  - b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and
  - c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in the permit, the permittee shall immediately notify and provide the Department with the following information:
  - a. a description of and cause of non-compliance; and
  - b. the period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or revocation of this permit.

**DRAFT****GENERAL CONDITIONS Cont'd:**

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the Department, may be used by the Department as evidence in any enforcement case arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.73 and 403.111, Florida Statutes.
10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
11. This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 62-4.120 and 62-730.300, as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction or operation.
13. This permit also constitutes:
  - ( ) Determination of Best Available Control Technology (BACT)
  - ( ) Determination of Prevention of Significant Deterioration (PSD)
  - ( ) Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500)
  - ( ) Compliance with New Source Performance Standards
14. The permittee shall comply with the following monitoring and record keeping requirements:
  - a. Upon request, the permittee shall furnish all records and plans required under Department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the Department, during the course of any unresolved enforcement action.
  - b. The permittee shall retain at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rule.
  - c. Records of monitoring information shall include:
    - the date, exact place, and time of sampling or measurements;
    - the person responsible for performing the sampling or measurements
    - the date(s) analyses were performed;
    - the person responsible for performing the analyses;
    - analytical techniques or methods used; and
    - results of such analyses.
15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be submitted or corrected promptly.

**DRAFT****SPECIFIC CONDITIONS:**

1. Solid waste received for processing at this facility shall be in strict accordance with the Site Layout Plan that was submitted with the application as Attachment H, dated December 2, 1995 and revised on January 12, 1996.
2. Tipping of solid waste (contaminated non-hazardous soils) shall be done on the concrete pad inside of the designated buildings in the application. Storage of solid waste in the designated building shall be done in a manner that does not result in vector breeding or animal attraction, or discharge of contaminants to the land or ground water or surface water, or create a sanitary nuisance.
3. Facility Designation. This site shall be classified as a soil thermal treatment facility for the thermal desorption of up to 350,400 tons/year of soil contaminated with non-hazardous coal tar residue at the RMC facility in Dade County, Florida. This facility shall be operated in accordance with all applicable requirements of Chapters 62-3, 62-4, 62-25, 62-28, 62-160, 62-520, 62-522, 62-550, 62-701, 62-730, 62-302 and 62-775, Florida Administrative Code (F.A.C.) and all applicable requirements of Department rules.
4. Permit Application Documentation. This permit is valid for operation of the soil thermal treatment facility and related facilities in accordance with the reports, plans and other information, submitted by Koogler & Associates, including the application to operate a Materials Recovery Facility for contaminated soils dated January 29, 1997, amended on March 6, 1997, signed and sealed by John B. Koogler on January 24, 1997, a Professional Engineer registered in the State of Florida; and in accordance with all applicable requirements of Department rules.
5. Permit Modifications. Any activities not approved as part of this permit shall require a separate Department permit unless the Department determines a permit modification to be more appropriate. Permits shall be modified in accordance with the requirements of Rule 62-4.080, F.A.C. A modification which is reasonably expected to lead to substantially different environmental impacts which require a detailed review by the Department is considered a substantial modification.
6. Permit Renewal. As required by Rule 62-4.090(1), F.A.C. no later than sixty (60) days before the expiration of the Department permit, the permittee shall apply for a renewal of a permit on forms and in a manner prescribed by the Department, in order to assure conformance with all applicable Department rules. Permits shall be renewed at least every five years as required by Rule 62-701.330(3), F.A.C.
7. Prohibitions. The prohibitions of Rule 62-701.300, F.A.C. shall not be violated.
8. Facility Operation Requirements.
  - a. The permittee shall operate this facility in accordance with the information submitted in the application, as revised March 6, 1997; applicable parts of F.A.C. 62-701.700 and 62-775; and any other applicable requirements.
  - b. The permittee shall require separate pre-treatment analyses for contaminated soil from each contaminated site to fully characterize the soil contamination prior to the acceptance of the shipment at the facility.
  - c. Oversized materials that cannot be crushed to meet the requirements of F.A.C. Rule 62-775.300(9) and other debris generated by the screening operation shall be disposed of at a permitted Class I disposal facility, or other solid waste disposal facility, subject to prior Department approval.
  - d. Litter control shall be performed daily. Outdoor spillage of contaminated media shall be removed daily.
9. Coal Tar Contaminated Soil Analyses.
  - a. Coal tar contaminated soil samples shall be analyzed for the following parameters using the test methods indicated or other methods approved by the Department:
 

(1) Total Volatile Organic Aromatics (VOA)	EPA Method 5030/8021 or 5030/8020
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| (2) Total Recoverable Petroleum Hydrocarbons | EPA Draft Method 3540/9073 or FL-PRO       |
| (3) Polynuclear Aromatic Hydrocarbons (PAH)  | EPA Method 8100, 8250, 8270 or 8310        |
| (4) Volatile Organic Halocarbons (VOH)       | EPA Method 5030/8021 or 5030/8010          |
| (5) Total Organic Halides                    | EPA Method 5050/9020, 5050/9252, 5050/9253 |
| (6) Metals                                   | EPA Method 7060 or 7061                    |
| Arsenic                                      | EPA Method 7080, 7081 or 6010              |
| Barium                                       | EPA Method 7130, 7131 or 6010              |
| Cadmium                                      | EPA Method 7190, 7191 or 6010              |
| Chromium                                     | EPA Method 7420, 7421 or 6010              |
| Lead   | EPA Method 7471                            |
| Mercury                                      | EPA Method 7740, 7741 or 6010              |
| Selenium                                     | EPA Method 7760, 7761 or 6010              |
| Silver                                       | EPA Method 7090                            |
| Beryllium                                    |  |
| (7) Cyanide                                  | EPA Method 9010                            |
| (8) Dibenzofurans                            | EPA Method 8270                            |
| (9) Phenols                                  | EPA Method 8040 or 8270                    |
| (10) *TCLP metals                            | EPA Methods 1311/7060, 6010                |
| Arsenic, Barium                              | 7130, 7131; 6010, 7190 or 7191             |
| Cadmium, Chromium                            | 6010, 7470                                 |
| Lead, Mercury                                | 7740, 6010                                 |
| Selenium, Silver                             | 1311/7090                                  |
| Beryllium                                    |  |
| (11) TCLP Benzene                            | EPA Method 1311/8020                       |

\* See specific condition 9.e.

b. All analytical methods used by RMC shall have detection levels that are less than or equal to the best achievable detection limits for the appropriate method listed in Specific Condition 9(a).

c. All clinker shall be analyzed for the parameters listed in Specific Condition 9.a., using the EPA Methods indicated or other methods approved in writing by the Department. Clinker is not required to be analyzed for TCLP benzene. All clinker shall be analyzed for cyanide only if cyanide is detected in the soil contaminated with coal tar residue over minimum detection limits.

d. The soil must not be thermally treated if it is classified as hazardous waste. If any soil is suspected of containing a hazardous waste, then screening analyses for other contaminants may include, but are not limited to the following: volatile organic halogens; corrosivity; reactivity; toxicity characteristic constituents by the TCLP, which includes metals, pesticides, and additional organics. Soil contaminated with used oil, hydraulic oil, or mineral oil may be a hazardous waste and should be tested using toxicity characteristic, for total organic halides. Excavated soil which is classified as a hazardous waste must be managed as a hazardous waste and treated or disposed of at an approved hazardous waste treatment/disposal facility.

e. TCLP analyses for metals are not required for pretreatment soils if the total concentration (ppm) for each metal does not exceed 20 times the respective TCLP hazardous waste limit (ppm) for the metal (i.e., for Lead the hazardous waste limit is 5 ppm therefore any sample with a total Lead concentration exceeding 100 ppm would require TCLP testing).

#### 10. Soil Sampling Frequency.

a. Pretreatment soil shall be analyzed as required by Specific Condition #9. The number of composite soil samples for each contamination site shall be in accordance with Table I. Each composite soil sample shall consist of soil samples taken from a least four locations. Each sample shall be collected from locations equally distributed throughout the soil surface area and from

**DRAFT****Specific Conditions Cont'd.**

a depth of at least six inches below the surface. Sampling procedures are described in the Standard Operating Procedures Manual for Soil Thermal Treatment facilities pursuant to F.A.C. Rule 62-775.300(10).

TABLE I  
SOIL SAMPLING FREQUENCY

Amount of Soil by Volume (cubic yards)	by Weight (tons)	Quantity of Composite Samples
Less than 100	Less than 140	1
100 to 500	140 to 700	3
500 to 1000	700 to 1400	5
For each additional 500	For each additional 700	1

b. Following thermal treatment, a clinker sample shall be collected at least once every 400 tons or every eight operational hours maximum time interval or, whichever is less and composite these samples on a weekly basis, and sample and analyze the clinker for the parameters as required by Specific Condition #9.

11. Soil blending.

a. Soil blending of coal tar contaminated soil is acceptable under the following conditions:

(1) Coal tar contaminated soil and petroleum contaminated soil [as defined by F.A.C. Rule 62-775.200(9)] from various job sites may be blended prior to treatment after the soils have been analyzed in accordance with Specific Condition number 9, and approved for treatment at the RMC facility.

(2) Coal tar contaminated soil that has been thermally treated may be blended with unprocessed coal tar contaminated soil and retreated to reduce the concentration of one or more metals.

(3) RMC shall maintain records of soil blending activities on-site for a period of three years. The records shall be available for inspection by FDEP.

12. Treatment Criteria for Coal Tar Contaminated Soil. To assure satisfactory destruction of cyanides, PAHs and phenols that may be present in coal tar contaminated soil, RMC shall maintain the residence time/temperature criteria for thermal desorption of coal tar contaminated soils as required in the Department approved air operations permit for the facility.

13. Operation Plan and Operating Record. A copy of the Department approved permit, operational plan, construction reports and record drawings, and supporting information shall be kept at the facility at all times for reference and inspection.

14. Storage of Materials.

a. At no time shall the contaminated soil stored on-site in Building Storage Areas A and H as shown on the Site Plan dated December 2, 1995 and revised on January 12, 1996 exceed the storage capacity of the building; taking into consideration all permit limitations. On-site storage is limited to 86,400 tons of untreated soil.

b. Oversized materials and other debris or recyclable material generated by the screening operation shall be stored inside of the existing contaminated soil storage building in roll-off or other containers, or if outside, shall be covered (tarped) at the end of each working day, and during rain events.

15. Record keeping.

a. The owner or operator of the facility shall maintain the following waste records at the site for a period of three years, available for Department review during normal business hours:

(1) The quantity of material received, stored, processed and disposed/reused.

**DRAFT****Specific Conditions Cont'd.**

(2) The RMC Soil Data and Certification Sheet and RMC Manifest for each shipment accepted at the facility.

(3) The pre-treatment analyses, as required by Specific Condition #9, for each shipment of soil contaminated with coal tar residue from each separate contaminated site which is received at the facility, and post-treatment clinker analyses.

(4) Documentation that all the sampling and analyses performed by the generator or the permittee is in accordance with a Department approved Quality Assurance Plan.

(5) Records of blending ratios with calculations to estimate total contaminant concentrations of blended soil or resampling and analyses of blended soil shall be maintained.

(6) Daily Log Forms documenting the operating parameters for the Soil Treatment Facility.

(7) Soil Thermal Treatment Facility Untreated Soil Reporting Forms, DER Form 17-775.900(2), and Soil Thermal Treatment Facility Treated Soil Reporting Forms, DER Form 17-775.900(3).

b. The following information shall be compiled monthly and submitted to the this office quarterly, by January 31st, April 30th, July 31st and October 31st of each year:

(1) A material balance including the volumes of materials received, stored and removed from the site for use, disposal or treatment.

16. Monitoring of Waste. The permittee shall not accept any hazardous waste at this site. Hazardous wastes are those defined in Chapter 62-730, F.A.C. In the event that hazardous wastes are received at the facility, the owner or the permittee shall notify the Department immediately (within 24 hours). The owner or the permittee shall make every effort to determine the origin of the waste, and the waste shall be characterized and managed in accordance with applicable federal, state and local regulations.

17. Drainage Requirements. All areas shall be cleaned, as needed, to prevent nuisance conditions, hazardous conditions, odor or vector problems. Liquids which have contacted contaminated soils or wastes shall not be discharged outside of the secondary containment in the building.

18. Closure requirements. The facility owner or operator shall notify this office of the facility's closure, no later than 180 days prior to the date when the facility is expected to close, as required by F.A.C. Rule 62-701.700(3)(d). The facility shall be closed in accordance with F.A.C. 62-701.700(3)(d) and the Closure Plan submitted in the Engineering Report dated March 6, 1997.

19. Control of Nuisance Conditions. The owner or operator shall be responsible for the control of odors and fugitive particulates arising from this operation. Such control shall minimize the creation of nuisance conditions on adjoining property. Complaints received from the general public, and confirmed by Department personnel upon site inspection, shall constitute a nuisance condition, and the permittee must take immediate corrective action to abate the nuisance. The owner or operator shall control disease vectors so as to protect the public health and welfare.

20. Facility Maintenance and Repair. The site shall be properly maintained including building maintenance, maintenance of processing equipment, containment systems and stormwater systems. In the event of damage to any portion of the site facilities, failure of any portion of the associated systems, or any spill which may result in a release of contaminants to the air, water or lands of the State of Florida, the permittee shall immediately (within 24 hours) notify the Department of Environmental Protection explaining such occurrence and remedial measures to be taken and time needed for repairs or remediation. Written detailed notification shall be submitted to the Department within seven (7) days following the occurrence.

21. Professional Certification. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.), Florida Statutes, applicable portions of permit applications and supporting documents which are submitted to the Department for public record shall be signed and sealed by the professional(s) who prepared or approved them.

22. Permit Acceptance. By acceptance of this Permit, the Permittee certifies

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that he/she has read and understands the obligations imposed by the Specific and General Conditions contained herein, including date of permit expiration and renewal deadlines. It is a violation of this permit to fail to comply with all conditions and deadlines.

**GROUNDWATER MONITORING PLAN**

23. In accordance with Rule 62-775 and 62-522, F.A.C., the permittee has installed and placed into operation a Ground Water Monitoring System. The Ground Water Monitoring System is designed and constructed in accordance with the plans on file in the Southeast District office as amended on March 6, 1997. All wells and surface monitoring sampling locations are to be kept clearly labeled and easily visible at all times.
24. If any monitoring well becomes damaged or inoperable, the permittee shall notify the Department immediately and a detailed written report shall follow within seven (7) days. The written report shall detail what problem has occurred and remedial measures that have been taken to prevent the recurrence. All monitoring well design and replacement shall be approved by the Department prior to installation of the replacement well. Inoperable monitor wells shall be plugged and abandoned in accordance with the rules of the Water Management District.
25. All ground water monitor wells shall be sampled and analyzed quarterly in accordance with the terms of the Soil Thermal Treatment Facility General Permit for the thermal treatment of petroleum contaminated soil with the following additions for the treatment of coal tar contaminated soils:
  - a. Prior to any coal tar contaminated soils being treated or stored in the building, a baseline sample from the leachate storage tank (2,000 gallons) will be collected and analyzed for the following compounds using the listed EPA or other DEP approved method.
 

Cyanide	EPA Method 9010, 6010
Dibenzofurans	EPA Method 8270
Total Phenols	EPA Method 8040 or 8270
  - b. Once the baseline sampling is completed, RMC will sample the leachate storage tank annually for the same parameters. If any parameters are detected in the leachate, the detected parameters will be added to the list of quarterly sampling parameters used for the facility's ground water monitoring wells. The results of the baseline and annual leachate testing will be submitted with the appropriate quarterly ground water monitoring report.
  - c. Copies of the quarterly groundwater monitoring reports, including annual leachate testing, shall be submitted to the Department at:
 

Florida Department of Environmental Protection  
Southeast District Waste Cleanup Section  
P.O. Box 15425  
West Palm Beach, FL 33416-5425; and a copy to

Florida Department of Environmental Protection  
Bureau of Solid and Hazardous Waste  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400
26. If at any time the water quality standards are exceeded, the permittee has 15 days from receipt of the laboratory analyses in which to resample the monitor well(s) to confirm the analysis. Should the permittee choose not to resample, the Department will consider the water quality analysis as representative of current ground water conditions at the facility.
27. All field testing, sample collection, preservation and laboratory testing, including quality control procedures, shall be in accordance with a current Department approved Comprehensive Quality Assurance Plan in accordance with Rule 62-160, F.A.C., and the Standard Operating Procedures Manual for Soil Thermal Treatment Facilities, November, 1991.
28. The permittee shall ensure the minimum criteria for ground water specified in Rule 62-520, F.A.C., shall not be violated.
29. This facility shall not accept or process any material suspected of being asbestos, hazardous or biomedical wastes. Should any asbestos, hazardous and/or biomedical wastes be delivered at the facility, the permittee shall immediately notify the Department, and shall arrange for the wastes to be

**DRAFT****Specific Conditions Cont'd.**

returned to the generator or disposed of in accordance with applicable Department rules.

30. The permittee may not accept other materials for processing unless an application has been made and approval has been granted by the Department prior to acceptance of other materials.
31. No objectionable odors are allowed beyond the property boundary.
32. The permittee shall establish and maintain financial assurance in accordance with the financial provisions of Rule 62-701.700(4), F.A.C. The permittee shall establish and maintain a performance bond and a standby trust fund in favor of the Department or establish and maintain one of the alternate financial mechanisms of Rule 62-701.630(6), F.A.C. Proof that the financial assurance mechanism is funded in accordance with 40 CFR Part 264 Subpart H as adopted by reference in Rule 62-701, F.A.C., shall be submitted to the Department sixty (60) days prior to the acceptance of any recyclable material at the facility. The approved closure cost estimate for this facility is \$2,635,200, dated March 17, 1997. All submittals in response to this specific condition shall be originally signed duplicates of Department forms. Submittals shall be sent to:

Florida Department of Environmental Protection  
Financial Coordinator - Solid Waste Section  
Twin Towers Office Building  
2600 Blair Stone Road MS 4565  
Tallahassee, Florida 32399-2400

b) The amount of the financial assurance mechanism shall be based on the closure cost estimates for the facility. The closure cost estimates shall be calculated in accordance with 40 CFR Part 264.142, as adopted by reference in Rule 62-701, F.A.C. The closure cost estimate shall be prepared, signed and sealed by a professional engineer registered in the state of Florida. All submittals in response to this specific condition shall be sent to the Department for review and approval. Submittals shall be sent to:

Florida Department of Environmental Protection  
Southeast Florida District office  
Solid Waste Section  
Post Office Box 15425  
West Palm Beach, Florida 33416

c) The permittee shall annually adjust the closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial assurance mechanism in accordance with 40 CFR Part 264.142, as adopted by reference in Rule 62-701, F.A.C. When there is a change in the closure cost estimate, the permittee shall revise the financial assurance mechanism by the anniversary of the mechanisms effective date and be submitted to the Department at the Tallahassee address listed above.

33. Upon closure of this facility, the permittee shall be responsible for the removal of all soils to a facility approved by the Department for disposal or recycling. Failure to properly remove all soils and close the site properly in accordance with Chapter 62-701, F.A.C., may result in forfeiture of the financial mechanism to the Department.
34. In the event of damage or failure of any of the site facilities or equipment, the permittee shall immediately notify the Department, explaining such occurrence and remedial measures to be taken and time needed for repairs. A detailed written notification shall be submitted within one week to the Department following the occurrence.

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 1997

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

**DRAFT**  
\_\_\_\_\_  
Orlando Rivero-deAguilar  
Director of District Management  
Southeast District

RA/VK/LH/jl



**Florida Department of  
Environmental Protection**

**Memorandum**

---

TO: Lee Hoefert/Solid Waste Supervisor  
THRU: Paul Wierzbicki/Waste Cleanup Supervisor  
FROM: Lee Martin/Waste Cleanup Section  
DATE: FEB 21 1997  
REF: Rinker MRF Permit Application  
Miami, FL

---

I have reviewed the referenced document submitted January 28, 1997, received January 29, 1997, and offer the following comments:

1. Page 10 of the Report; The applicant proposes to remove metals from the post treatment testing protocol. Since the coal gasification process has been known to concentrate the metals in the coal tar, more so than petroleum contaminated soils, how will the permittee ensure the metals concentrations in the coal tar contaminated soils to be processed do not exceed the limits for "clean soil" established in 62-775.400 before or after processing?
2. Atch IV; Which process will be used? The narrative provided for the Soil Reduction Method does not match (no discussion of thermal desorption) the flow chart provided in the attachment.
3. Atch V; Do the organizations responsible for the sampling and analytical work have current ComQAPs? The ComQAP approval letters provided for the field sampling and laboratory organizations are not current (ComQAPs are renewed every 5 years and the ComQAP for Groundwater Specialists, Inc. #880557 has been canceled).
4. Atch VII; Why are copies of the expired permit SO13-195017 and the Notice of Intent to modify the expired permit included? These conditions have been included in the current general permit SO13-290034, to construct/operate a soil thermal treatment facility.
5. Atch VIII; Why are the wells currently monitored at the site not included in the plan? Note the site plan in Atch IX does include all wells currently monitored. Recommend a summary table which includes the wells and surface water locations currently monitored, parameters, and frequency to eliminate confusion through the historical data where wells have been abandoned and added when the soil storage area moved.
6. Atch VIII; How will the Groundwater Monitoring Plan included with the application safeguard against the potential spread of environmental contamination from the treatment of coal-tar contaminated soils?

da/rinker1.mrf



Lawton Chiles  
Governor

# Florida Department of Environmental Protection

Southeast District  
P.O. Box 15425  
West Palm Beach, Florida 33416

Virginia B. Wetherell  
Secretary

February 7, 1997

## NOTICE OF APPLICATION

Mr. Michael D. Vardeman  
Cement Division Environmental Manager  
Rinker Materials Corporation  
1200 N.W. 137th Avenue  
Miami, FL 33182

Dade County  
SW - Rinker  
Permit File

Dear Mr. Vardeman:

Pursuant to Section 403.815, Florida Statutes, and DEP Rule 62-103.150, Florida Administrative Code, you (the applicant) are required to publish at your own expense the enclosed Notice of Application. The notice shall be published one time only within 14 days, in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Section 50.011 and 50.031, F.S., in the county where the activity is to take place. Where there is more than one newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the undersigned at the address or telephone number listed below.

The applicant shall provide proof of publication to the Department, at the Southeast District Office of the Florida Department of Environmental Protection at P.O. Box 15425, West Palm Beach, Florida 33416, within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

If you have any questions, please contact me at telephone number (516) 681-6669.

Sincerely,

A handwritten signature in cursive script, reading "Joseph Lurix", is written over a horizontal line.

Joseph Lurix, Engineer  
Solid Waste Programs

cc: John B. Koogler, Ph.D., P.E.  
Jeff Brown, OGC/TLH  
Paul Lasa, DERM  
Paul Wierzbicki, WCS/SED

Lee Casey, MDCSWM  
Erika Frederick, SW/TLH  
Inger Hansen, SLERP/SED

State of Florida  
Department of Environmental Protection  
Notice of Application

The Department announces receipt of an application for the construction and operation of a solid waste management facility for volume reduction and materials recovery of a thermal soil treatment facility for non-hazardous petroleum and coal tar contaminated soils. This project is located at 1200 N.W. 137th Avenue, Miami, Dade County, Florida.

This application, file No. SO13-300512 is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Southeast District Office of the Florida Department of Environmental Protection at 400 N. Congress Avenue, West Palm Beach, Florida 33401. Any comments or objections should be filed in writing with the Department at F.D.E.P., Southeast District, P.O. Box 15425, West Palm Beach, FL 33416. Comments or objections should be submitted as soon as possible to ensure that there is adequate time for them to be considered in the Department's decision on the application.



Lawton Chiles  
Governor

Florida Department of  
**Environmental Protection**

Southeast District  
P.O. Box 15425  
West Palm Beach, Florida 33416

Virginia B. Wetherell  
Secretary

DEPARTMENT OF ENVIRONMENTAL PROTECTION

PHOTOCOPY REQUEST FORM

DATE OF REQUEST: 12/12/96

DATE NEEDED: 12/12/96

REQUESTED BY: Stephen Diamond

COMPANY/ADDRESS 4 Kips Ridge Montclair, NJ. 0  
201-783-0332

NO. OF SINGLE-SIDED COPIES 52 AT \$.15 PER COPY: 7.80

NO. OF DOUBLE-SIDE COPIES \_\_\_\_\_ AT \$.20 PER COPY: \_\_\_\_\_

EXTENSIVE CLERICAL OR SUPERVISORY ASSISTANCE:

\* Hourly rate \$ \_\_\_\_\_ times hours  
spent on photocopy assignment: \$ \_\_\_\_\_

POSTAGE: \$ \_\_\_\_\_

TOTAL CHARGE FOR PHOTOCOPIES: \$ 7.80

*Pd.*  
*Check # 2987*

\* EMPLOYEE'S MONTHLY GROSS SALARY MULTIPLIED BY 1.375 EQUALS  
TOTAL SALARY COST, INCLUDING FRINGE BENEFITS. TOTAL SALARY COST  
DIVIDED BY 174 HOURS EQUALS HOURLY RATE.

SPECIAL INSTRUCTIONS: \_\_\_\_\_

FILE REVIEW

DATE: 12/12/96

FILE NAME

TIME: 8:10

Rinker

NAME: Stephen Diamond

COMPANY: Encon Assoc.

PHONE: 201-783-0332

PURPOSE OF FILE REVIEW:

Environmental Audit of facility for Exxon, who sends  
materials to Rinker -

ATTACH BUSINESS CARD(S) IF AVAILABLE.

**ENCON ASSOCIATES INC.**

STEPHEN A. DIAMOND, Ph.D.  
Senior Environmental Advisor

4 Kips Ridge  
Montclair, NJ 07044  
Far Hills Center  
P.O. Box 857, Rt. 202  
Far Hills, NJ 07931

Tel: (201) 783-0332  
Fax: (201) 783-7908

Tel: (908) 781-1180  
Fax: (908) 781-1181

Department of Environmental Regulation  
**Routing and Transmittal Slip**

To: (Name, Office, Location)

1. TOM HERBERT
2. P.O. BOX 10129
3. TALLAHASSEE, FL 32302-2129
- 4.

Remarks:

Additional material from "Rinker  
 Used Oil Permit" file review.  
 Copied in-house.



STATE OF FLORIDA  
 DEPARTMENT OF  
 ENVIRONMENTAL PROTECTION  
 SOUTHEAST DISTRICT

WILLIAM "LEE" MARTIN, P.E.  
 WASTE CLEANUP

400 N. CONGRESS AVENUE  
 P.O. BOX 15425  
 WEST PALM BEACH, FL 33416  
 (561) 681-6600

(561) 681-6676  
 SUNCOM: 226-6676  
 FAX: (561) 681-6770  
 Martin\_L@wpb1.oep.state.fl.us

Date  
 12/18/96  
 Phone

N

9/ Time: 3:00

Shell

Soil +

\*\*\*\*\*

modification

how

Submitted

\*\*\*\*\*

3d ASAP.

- Alt Proc. Review

\*\*\*\*\*

Follow-up Actions/Dates:

Rev to Review DAP.



Lawton Chiles  
Governor

# Florida Department Environmental Protection

Southeast District  
P.O. Box 15425  
West Palm Beach, Florida 33416

Virginia B. Wetherell  
Secretary

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### PHOTOCOPY REQUEST FORM

DATE OF REQUEST:

12/10/96

DATE NEEDED:

asap

REQUESTED BY:

Tom Werbert

*Business card  
on pg. 2.*

COMPANY/ADDRESS

546 E. Call Street

Tallahassee, F

32301

904-222-4634

NO. OF SINGLE-SIDED COPIES \_\_\_\_\_ AT \$.15 PER COPY: \_\_\_\_\_

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\* Hourly rate \$ \_\_\_\_\_ times hours  
spent on photocopy assignment:

\$ \_\_\_\_\_

POSTAGE:

\$ \_\_\_\_\_

TOTAL CHARGE FOR PHOTOCOPIES:

\$ \_\_\_\_\_

\* EMPLOYEE'S MONTHLY GROSS SALARY MULTIPLIED BY 1.375 EQUALS  
TOTAL SALARY COST, INCLUDING FRINGE BENEFITS. TOTAL SALARY COST  
DIVIDED BY 174 HOURS EQUALS HOURLY RATE.

SPECIAL INSTRUCTIONS:

Have Knightriders copy  
& forward to above address.

FILE REVIEW

DATE: 12/10/96 FILE NAME: \_\_\_\_\_  
TIME: \_\_\_\_\_  
NAME: Tom Herbert  
COMPANY: Lamp/Herbert Consultants  
PHONE: 904-222-4634

PURPOSE OF FILE REVIEW:

Rinker Materials  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTACH BUSINESS CARD(S) IF AVAILABLE.

Thomas A. Herbert, Ph.D., P.G.  
Principal/Professional Geologist



**LAMP/HERBERT CONSULTANTS**

P.O. Box 10129  
Tallahassee, Florida 32302-2129  
Tel: (904) 222-4634 Fax: (904) 224-9952

The Resource Industries Consulting Group



NAME OF FILE FOLDER	TO BENCHMARK	FROM BENCHMARK
	DATE/INITIALS	DATE/INITIALS
(white Notebook) # 5013-193578 Notice of Intent to use General Permit To Construct/operate a soil thermal Treatment Facility - Dated: March, 8, 1991		
Rinker Materials/Miami Stationary Soil Thermal modification		
Rinker materials Soil Thermal File # 3 13195017		
Rinker materials Soil Thermal File # 2 13195017		
CSR Rinker materials 5013-285389		
Rinker Materials Soil Thermal File # 1 13195017		
Rinker materials Corp. 17-775, F.A.C. Thermal Treatment		

Nov 5 '96 18:01

OK

813052298015



## Department of Environmental Protection

Post-It® Fax Note	7671	Date	11/5/96	# of pages	1
To	DAVE MARPLE	From	LEE MARTIN		
Co./Dept.	RINKER	Co.	FDEP		
Phone #		Phone #	561-681-6676		
Fax #	305-229-8015	Fax #	561-681-6770		

rs Office Building  
1r Stone Road  
Florida 32399-2400

Virginia B. Wetherell  
Secretary

October 14, 1996

Mr. James R. Lindsey  
Florida Power and Light  
6001 A Village Blvd.  
West Palm Beach, Florida 33407

Re: Request for Approval of Alternate Procedures  
FPL Cutler Power Plant  
Soil Thermal Treatment Facility  
Alternate Procedure File No. AP-STTF0022

Dear Mr. Lindsey:

The Bureau of Waste Cleanup staff have reviewed your September 9, 1996 letter which requested an Approval of Alternate Procedures for the PCB contaminated soil at the referenced site. Enclosed is an executed copy of the Approval of Alternate Procedures. Our review of this issue and the terms of the alternate procedure order address the PCB contamination only. We did not evaluate the appropriateness of disposal of the other constituents, including heavy metals, as part of this alternate procedure evaluation and the approval does not pertain to those constituents. }

If you have any questions regarding this approval, please call me at (904) 488-3935.

Sincerely,

*Thomas W. Conrardy*  
Thomas W. Conrardy, P.E.  
Bureau of Waste Cleanup

TC/tc



Department of  
Environmental Protection

Lawton Chiles  
Governor

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Virginia B. Wetherell  
Secretary

*Return to Lee M. for filing w  
encl file. Pm*  
August 1, 1996

Geoffrey D. Smith  
Blank, Rigsby & Meenan, P.A.  
Post Office Box 11068  
Tallahassee, FL 32302-3068

RECEIVED  
AUG 6 - 1996  
DEPT. ENV. PROTECTION  
WEST PALM BEACH

RE: Permits Pertaining to Landfill Bioremediation or  
Treatment of Petroleum Contaminated Soils

Dear Geoff:

Bill Hinkley asked me to respond to your letter of July 19, 1996, in which you requested to be provided notice of "any permit applications, agency preliminary actions, rule workshops or hearing, or other notices pertaining to any proposal for the bioremediation or treatment of petroleum contaminated soils at landfills or other facilities located in any District of the Department." I'm sorry to tell you that the Department cannot grant this request.

Section 120.60(3), F.S. requires the Department to provide written notice of its intent to grant or deny a particular permit to "each person who has requested notice of agency action." This section does not require the Department to provide actual notice of agency actions on any future, hypothetical permit applications which may be submitted. Section 120.54(1)(a), F.S., requires the Department to provide a copy of a Notice of Rulemaking for a specific rule to anyone who has requested it, but does not require actual notice of any future, hypothetical rulemaking actions. I am not aware of any statutory or rule requirement that the Department provide actual notice of preliminary actions or "other notices." If you know of any, I would appreciate it if you would bring them to my attention.

More importantly, the Department has no reasonable way of complying with your request. There is no central filing system which would include every document relating to future bioremediation proposals from each District and Division of the Department, and thus there is no way to assure that every Department employee is made aware that actual notice should be provided.

Of course, you may ask for actual notice of agency action on any specific permit application by contacting the appropriate District Office, and you may ask for actual notice of any

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

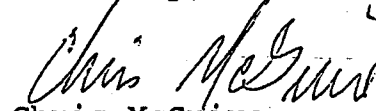
Printed on recycled paper.

specific Notice of Rulemaking by contacting the appropriate Tallahassee staff. Most such notices are published in the Florida Administrative Weekly. You may also make a public records request for any existing Department documents.

Finally, you noted that your July 19 letter was intended to "preserve any right to participate in proceedings involving such proposals for bioremediation or treatment of petroleum contaminated soils." I may be misunderstanding the purpose of this language, but I do not believe that either your letter or my response has any impact on whatever rights your client may have to participate in such proceedings.

If you have any additional questions, please feel free to call me at (904) 921-9627.

Sincerely,



Chris McGuire  
Assistant General Counsel

cc: Bill Hinkley  
Vic Kamath  
Phil Barbaccia  
Bill Kutash  
Bill Bostwick  
Mike Fitzsimmons  
Tom Moody

# BLANK, RIGSBY & MEENAN, P.A.

ATTORNEYS AT LAW

*Office Address:*

204 SOUTH MONROE STREET  
TALLAHASSEE, FLORIDA 32301  
(904) 681-6710

*Mailing Address:*

POST OFFICE BOX 11068  
TALLAHASSEE, FLORIDA 32302-3068  
FACSIMILE (904) 681-6713

F. PHILIP BLANK\*

SONYA A. CHAMBERLAIN  
WENDY A. DELVECCHIO  
A. KENNETH LEVINE  
THOMAS R. MCSWAIN  
TIMOTHY J. MEENAN  
R. TERRY RIGSBY  
TIMOTHY G. SCHOENWALDER  
GEOFFREY D. SMITH

LEGAL ASSISTANT  
JOHN A. DICKSON, J.D.

\*Florida Bar Certified in Health Law

July 19, 1996

Bill Hinkley, Chief  
Bureau of Solid and Hazardous Waste  
Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Re: Permits Pertaining to Landfill Bioremediation or Treatment of Petroleum  
Contaminated Soils

Dear Bill:

On behalf of Rinker Materials Corporation, request is hereby made that the following persons be provided notice of any permit applications, agency preliminary actions, rule workshops or hearing, or other notices pertaining to any proposal for the bioremediation or treatment of petroleum contaminated soils at landfills or other waste facilities located in any District of the Department of Environmental Protection:

Geoffrey D. Smith  
Blank, Rigsby & Meenan, P.A.  
P.O. Box 11068  
Tallahassee, FL 32302

J. Scott Benyon, Director  
Rinker Materials Corporation  
Environmental & Engineering Services  
P.O. Box 24635  
West Palm Beach, FL 33416

Mike Vardeman, Environmental Manager  
Cement Division  
Rinker Materials Corporation  
P.O. Box 650679  
Miami, FL 33265

HAZARDOUS WASTE  
BUREAU OF SOLID AND  
LIQUID WASTE  
CHIEF'S OFFICE

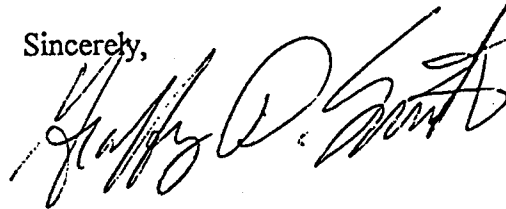
JUL 22 1996

RECEIVED

Bill Hinkley  
July 19, 1996  
Page Two

Please let me know if you need any additional information. Rinker Materials Corporation intends, through this letter, to preserve any right to participate in proceedings involving such proposals for bioremediation or treatment of petroleum contaminated soils.

Sincerely,



Geoffrey D. Smith

GDS\bss

cc: Mike Vardeman  
J. Scott Benyon  
Vik Kamuth, DEP, SEFD  
Phil Barbaccia, DEP, SFD  
Bill Kutash, DEP, SWFD  
Bill Bostwick, DEP, CFD  
Mike Fitsimmons, DEP, NEFD  
Tom Moody, DEP, NWFD

gds\rinker\8204\waspro.ltr

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION SOUTHEAST DISTRICT  
NATURAL DISASTER EMERGENCY CONTINGENCY PLAN**

**5.5. SOIL THERMAL TREATMENT FACILITY.**

**5.5.1. PRE- DISASTER, SOIL THERMAL TREATMENT FACILITY.**

1. DISASTER	2. TEAM MEMBER NAMES	3. AGENCY
HURRICANE BERTHA		FDEP, SED WASTE MANAGEMENT
4. TEAM NUMBER	5. LOCATION ASSESSED	6. DATE/TIME
		7/10/96 @ 1044
7. THREATCON	8. INITIAL OR FOLLOW-UP REPORT	9. FACILITY RANKING
Charlie	initial.	

**A. Facility Information:**

- (1) Facility Name: RINKER MATERIALS  
 (2) Address: 1200 NW 137<sup>th</sup> AVE, MIAMI  
 (3) Telephone: 305-221-7645  
 (4) FAX: \_\_\_\_\_  
 (5) POC: DAVE MARPLE  
 (6) LAT/LONG: 26° 46' 48" 80° 25' 10"

**B. Does the facility have a formal Hurricane Plan?** YES NO

**C. Is the facility still accepting contaminated soil?** YES NO

If "YES", when will the facility stop accepting? after hurricane warning is posted

**D. Is the facility still processing contaminated soil?** YES NO

If "YES", when will the facility stop processing? after hurricane warning is posted

(1) Is storage of untreated and treated soil adequate according to the facility?

YES NO

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION SOUTHEAST DISTRICT  
NATURAL DISASTER EMERGENCY CONTINGENCY PLAN**

(2) How long will the facility be in operation prior to the storm event?

within 24 hrs after hurricane warning posted

E. What is the emergency telephone number for a facility contact during/after the event? Is there an alternate telephone number outside of the projected impact area?

Emergency number Same as above Alternate WPB office  
833-5535

F. What steps are being taken to protect facility records from damage?

System backed on tape each night

G. Will the facility require any assistance from FDEP prior to the storm event? If so, what type of assistance?

none

**NOTE: INFORM THE FACILITY THAT FDEP WILL BE PHONING AND OR VISITING THE FACILITY SHORTLY AFTER THE EMERGENCY IN ORDER TO INSPECT AND DETERMINE FACILITY COMPLIANCE. THE INSPECTION WILL ALSO HELP THE FDEP TO DETERMINE IF ANY SPECIAL ASSISTANCE MAY BE REQUIRED.**

H. Comments:

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STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

## DISTRICT ROUTING SLIP

To: Paul Wierzbicki

DATE: 6-21-96

CC To:

	<b>PENSACOLA</b>	<b>NORTHWEST DISTRICT</b>	
	Panama City	Northwest District Branch Office	
	Tallahassee	Northwest District Branch Office	
	Sopchoppy	Northwest District Satellite Office	
	<b>TAMPA</b>	<b>SOUTHWEST DISTRICT</b>	
	Punta Gorda	Southwest District Branch Office	
	Bartow	Southwest District Satellite Office	
	<b>ORLANDO</b>	<b>CENTRAL DISTRICT</b>	
	Melbourne	Central District Satellite Office	
	<b>JACKSONVILLE</b>	<b>NORTHEAST DISTRICT</b>	
	Gainesville	Northeast District Branch Office	
	<b>FORT MYERS</b>	<b>SOUTH DISTRICT</b>	
	Marathon	South District Branch Office	
X	<b>WEST PALM BEACH</b>	<b>SOUTHEAST DISTRICT</b>	
	Port St. Lucie	Southeast District Branch Office	

☐ Reply Optional  
Date Due \_\_\_\_\_

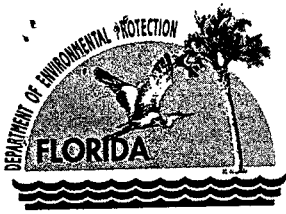
☐ Reply Required  
Date Due: \_\_\_\_\_

☐ Info Only

Comments:

From: \_\_\_\_\_

Tel.: \_\_\_\_\_



# Department of Environmental Protection

Lawton Chiles  
Governor

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Virginia B. Wetherell  
Secretary

June 17, 1996

Mr. Craig Hurst  
H<sub>2</sub>O Environmental, Inc.  
1061 W. Oakland Park Boulevard  
Ft. Lauderdale, Florida 33311

Re: Request for Approval of Alternate Procedures  
Shell Service Station located at  
901 North 60th Avenue  
Hollywood, Florida and  
Rinker Materials - Soil Thermal Treatment Facility  
Alternate Procedure File No. AP-STTF18

Dear Mr. Hurst:

The Engineering Support Section has reviewed your June 6, 1996 letter which requested an Approval of Alternate Procedures for the referenced site and the Rinker Materials soil thermal treatment facility. Enclosed is an executed copy of the Approval of Alternate Procedures.

If you have any questions regarding this approval, please call me at (904) 488-3935.

Sincerely,

Thomas W. Conrardy, P.E.  
PE Administrator  
Bureau of Waste Cleanup

TC/tc

Enclosure

cc: ✓ Paul Wierzbicki, FDEP Southeast District

RECEIVED

JUN 24 1996

DEPT OF ENV PROTECTION  
TALLAHASSEE

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN RE:

File No. AP-STTF0018

H<sub>2</sub>O Environmental, Inc. and                     )  
Rinker Materials Corporation                    )  
Request Pursuant to Florida                    )  
Administrative Code Rule 62-775.500            )

APPROVAL OF ALTERNATE PROCEDURES

This cause comes before me upon receipt of a June 6, 1996 request by the applicant, H<sub>2</sub>O Environmental, Inc., on behalf of Rinker Materials Corporation, for the approval of an alternate procedure, pursuant to Section 62-775.500 of the Florida Administrative Code (F.A.C.). This alternate procedure is for the thermal treatment of PCB-contaminated soil/sludge which was removed from the stormwater catch basin during the renovation of the Shell facility located at 901 North 60th Avenue, Hollywood, Florida.

FINDINGS OF FACT

1. The applicant requests that an exemption be granted from Rule 62-775.410(6)(b), F.A.C. That rule does not permit the thermal treatment of soil contaminated by polychlorinated biphenyls (PCB) at a stationary thermal treatment facility if the soil contains greater than 20 parts per billion (ppb) PCB, unless: (a) a sample of the used oil is obtained from the generator, and analyzed and shown to be a non-PCB oil, which is defined as having a concentration of PCBs of less than 50 parts

per million (ppm), or (b) if a generator's sample is not available, a previous record of laboratory analytical data is used to show that the 50 ppm criterion has been met.

2. The applicant indicates that during renovations at the Shell facility a stormwater catch basin had been cleaned out. The material that was removed consisted of water and sludge that had accumulated in the structure over a several year period. Sample analysis of the sludge showed that it contains 1.5 parts per million (ppm) of PCBs. Because the catch basin is not designed to be a petroleum storage device and the sludge accumulation is a result of years of use, the probable source of PCB contamination no longer exists and a sample of the oil which contaminated the sludge cannot be obtained. It is therefore not possible to obtain a generator's sample for analysis, pursuant to Rule 62-775.410(6)(b), F.A.C., to show that the source of PCBs in the soil was a non-PCB oil containing less than 50 ppm PCB, as defined in the Code of Federal Regulations, Title 40, Part 761.3.

3. With exception of analytical proof required by Rule 62-775.410(6)(b), F.A.C., that the soil was contaminated by a non-PCB oil, other criteria set forth in Rule 62-775.410(6), F.A.C., have been met, especially the critical criterion of Rule 62-775.410(6)(a), F.A.C., which sets 10 ppm as the maximum allowable concentration of PCB in soil to be thermally treated, and which requires any soil exceeding that concentration of PCB to be handled as a hazardous waste per the Code of Federal Regulations, Title 40, Part 761. The sludge from the catch

basin, to be thermally treated, contains 1.5 ppm PCB, which is well within the 10 ppm criterion.

4. The stationary soil thermal treatment facility for which this exception is sought is Rinker Materials Corporation, 1200 Northwest 137th Avenue, Miami, Florida, 33182. The Rinker Materials soil thermal treatment facility has been permitted by the Department to accept and treat soil with low concentrations of PCBs (less than 10 ppm).

5. The applicant contends that this request satisfies the criteria for approval of an alternate procedure and requirement as set forth in Section 62-775.500, F.A.C., and has provided sufficient information for the Department to determine that the alternate procedure will be at least as effective as the established procedure in that portion of the Florida Administrative Code specifically exempted by this order.

In the case of this incident, the Department concludes that knowledge of the 1.5 ppm PCB concentration in the sludge -- which is the only PCB information available -- is sufficient for making a determination as to whether thermal treatment is a suitable method of disposal. The soil meets the critical 10 ppm criterion, and there is no known or continuing source of PCB contamination at the site.

The Department believes it would be unreasonable to insist that the applicant produce a sample of the used oil which may have contaminated the soil, since this is impossible in the absence of a known source.

As indicated in Subpart G, 40 CFR 761.120, the provisions set forth regarding PCBs by the EPA were developed as corrective actions with electrical equipment-type spills in mind. It is obvious that the former oil/water separator does not fall into the electrical equipment category, for which the source of the oil containing the PCBs, and analyses of the source are readily available. EPA indicates that some flexibility may be exercised on a case by case basis, and that cleanup requirements may be more or less stringent, depending on the age of the spill, risk-mitigating factors, practicality, and site-specific conditions.

In an attempt to remain in keeping with the EPA philosophy described above, the Bureau of Waste Cleanup believes that the disposition of the PCB-contaminated soil from the site should be determined as a practical and site-specific matter. Given the relatively small concentration in comparison to the maximum tolerated by thermal treatment facilities, we believe it is reasonable and cost-effective to remediate the soil in such a way.

#### CONCLUSIONS OF LAW

F.A.C. Rule 62-775.500 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 groundwaters of the State as the established

requirements and that the alternate procedure is at least as effective as the established requirements.

Upon consideration of the foregoing it is therefore ORDERED that the request of H<sub>2</sub>O Environmental, Inc., 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 H<sub>2</sub>O Environmental, Inc., and Rinker Materials Corporation. 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; 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 the petitioner, if any;

(e) A statement of facts which the petitioner contends warrant reversal or modification of the Department's action or proposed action;

(f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action;

(g) A statement of the relief sought by the petitioner, stating precisely the action the 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 timeframe 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

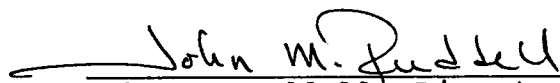


subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

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 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 filed within 30 days from the date the Final Order is filed with the Clerk of the Department.

DONE AND ORDERED this 20<sup>th</sup> day of June, 1996 in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
\_\_\_\_\_  
John M. Ruddell, Director  
Division of Waste Management  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400



# Department of Environmental Protection

Lawton Chiles  
Governor

Southeast District  
P.O. Box 15425  
West Palm Beach, Florida 33416

Virginia B. Wetherell  
Secretary

JUN 28 1998

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. James S Jenkins, III  
Rinker Materials Corporation  
P.O. Box 24635  
West Palm Beach, FL 33416

General Permit No. SO13-290034  
County: Dade  
Project: To Construct/Operate a Soil  
Thermal Treatment Facility  
Expiration Date: June 7, 2001

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 Rule 62-775.

This General Permit is subject to the General Conditions of Florida Administrative Code Rule 62-4.510 through 62-4.540 (see attached).

If you need further information, please contact Lee Martin at (561) 681-6676 or myself at (561) 681-6677 or after hours at (904) 413-9911 for emergencies.

Sincerely,

Paul Alan Wierzbicki, P.G.  
Waste Cleanup Supervisor

cc: T. Conrardy, DEP/BWC, Tallahassee  
Z. Kulakowski, DEP/BWC, Tallahassee  
M. Vardeman, Rinker Materials, Miami  
I. Goldman, DEP/Air, West Palm Beach  
R. Johns, DERM, Miami  
West Palm Beach DEP files

P 893 731 860



# Receipt for Certified Mail

No Insurance Coverage Provided  
Do not use for International Mail  
(See Reverse)

*Wm*  
*(lm)*

Sent to

Mr. James S. Jenkins III

Street and No.

PO Box 24635

P.O., State and ZIP Code

WPB FL 33416

Postage

\$

Certified Fee

1.10

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing  
to Whom & Date Delivered

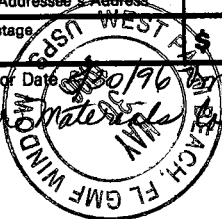
1.10

Return Receipt Showing to Whom,  
Date, and Addressee's AddressTOTAL Postage  
& Fees

Postmark or Date

5/30/96  
Kinko Materials Corp.  
Wm: lm

PS Form 3800, June 1991



UNITED STATES POSTAL SERVICE



Official Business

RECEIVED

PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE, \$300



JUN 4 1996

DEPT OF ENV PROTECTION  
WEST PALM BEACH

Print your name, address and ZIP Code here

*Martin*

F.D.E.P., SOUTHEAST DISTRICT

P.O. BOX 15

WEST PALM BEACH FL 33416

*Mr*

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

## 3. Article Addressed to:

Mr. James S. Jenkins III  
Rinker Materials Corp.  
P.O. Box 24635  
West Palm Bch, Fl. 33416

## 4a. Article Number

P893.731-860

## 4b. Service Type

- ☐ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail ☐ Return Receipt for Merchandise

## 7. Date of Delivery

JUN 3 1996

## 5. Signature (Addressee)

(lm)

## 8. Addressee's Address (Only if requested and fee is paid)

## 6. Signature (Agent)

*[Signature]*



# Department of Environmental Protection

Lawton Chiles  
Governor

Southeast District  
P.O. Box 15425  
West Palm Beach, Florida 33416

Virginia B. Wetherell  
Secretary

MAY 30 1996

Mr. James S. Jenkins, III  
Rinker Materials Corporation  
P.O. Box 24635  
West Palm Beach, FL 33416

Dear Mr. Jenkins,

It has been brought to our attention the Soil Thermal Treatment Facility General Permit for your facility at 1200 NW 137th Avenue, Miami, FL, expired on April 4, 1996. Chapter 62-4.540(13), Florida Administrative Code (F.A.C.) allows continued use of a general permit by notifying the Department thirty (30) days before it expires. Since this permit has expired all pertinent information as required in 62-4.530, F.A.C., for issuance of a new general permit will be required. This information should be accompanied by a Notice of Intent to Use the General Permit to Construct/Operate a Soil Thermal Treatment Facility, DER Form 17-775.900(1) and the current general permit fee of \$500.00. Projects undertaken without proof of notice to the Department shall be considered as being undertaken without a permit and shall be subject to enforcement pursuant to Section 403.161, Florida Statutes (F.S.).

If you have any questions or need further information, please contact Lee Martin at 561-681-6676 or myself at 561-681-6677.

Sincerely,

Paul Alan Wierzbicki, P.G.  
Waste Cleanup Supervisor

PAW/wlm

cc: Mike Vardeman, Rinker Materials, Miami  
Paul Lasa, DERM, Miami  
Tom Conrardy, DEP/BWC, Tallahassee  
Vivek Kamath, P.E., DEP/WPB  
John Jones, DEP/WPB  
West Palm Beach File



# Department of Environmental Protection

Lawton Chiles  
Governor

Southeast District  
P.O. Box 15425  
West Palm Beach, Florida 33416

Virginia B. Wetherell  
Secretary

## FAX TRANSMITTAL

DATE 5/20/96 # OF PAGES 3  
(including this page)

FROM LEE MARTIN  
FDEP

TO MIKE VARDEMAN

FAX NUMBER 305/229-8015

AGENCY RINKER

PHONE	(407) 681-6600
SUNCOM	226-6600
FAX#	(407) 681-6755
SUNCOM	226-6755

COMMENTS AS DISCUSSED THIS MORNING, THE ATTACHED NOTICE,  
PLUS APPLICATION PACKAGE PLUS \$500 FEE WOULD BE  
NEEDED FOR THE STTF GP SINCE THE OLD ONE EXPIRED  
LAST MONTH.

Check Message

May 30 '96 12:28

OK

813052298015



## Department of Environmental Protection

Lawton Chiles  
Governor

Southeast District  
P.O. Box 15425  
West Palm Beach, Florida 33416

Virginia B. Wetherell  
Secretary

### FAX TRANSMITTAL

DATE 5/30/96 # OF PAGES 3  
(including this page)

FROM LEE MARTIN  
FDEP

TO MIKE VARDEMAN

PHONE (407) 681-6600

FAX NUMBER 305/229-8015

SUNCOM 226-6600

FAX# (407) 681-6755

AGENCY RINKER

SUNCOM 226-6755

COMMENTS AS DISCUSSED THIS MORNING, THE ATTACHED NOTICE,  
PLUS APPLICATION PACKAGE PLUS \$500 FEE WOULD BE  
NEEDED FOR THE STIF GP SINCE THE OLD ONE EXPIRED  
LAST MONTH.



## APPLICATION TRACKING SYSTEM

05/30/96

24 FPL NO:240731

3 APPL RECVD:11/09/93 TYPE CODE:SD SUBCODE:17

LAST UPDATE:11/22/93

4 DER OFFICE RECVD:WPB DER OFFICE TRANSFER TO:\_\_\_ APPLICATION COMPLETE:11/09/93

5 DER PROCESSOR:WIERZBICKI, PAUL

6 APPL STATUS:GP DATE:11/22/93 (ACTIVE/DENIED/WITHDRAWN/EXEMPT/ISSUED/GENERAL)

7 RELIEF:\_\_\_ (SSAC/EXEMPTIONS/VARIANCE)

8 (Y/N) N MANUAL TRACKING

DISTRICT:50 COUNTY:13

9 (Y/N) N DGC HEARING REQUESTED

LAT/LONG:25.46.48/80.25.10

10 (Y/N) N PUBLIC NOTICE REQ?

BASIN-SEGMENT:\_\_\_

11 (Y/N) N GOV BODY LOCAL APPROVAL REQ?

CODE #:

12 (Y/N) Y LETTER OF INTENT REQ? (I/ISSUE D/DENY)

ALT#:GM-5013P03669

14 PROJECT SOURCE NAME:RINKER/STATIONARY SOIL THERMAL

15 STREET:1200 NW 137TH AVE.

CITY:MIAMI

16 STATE:FL

ZIP:33182

PHONE:305-221-7645

17 APPLICATION NAME:JAMES S. JENKINS III,VP CEMENT OPER

18 STREET:P.O.BOX 24635

CITY:WEST PALM BEACH

19 STATE:FL

ZIP:33416

PHONE:\_\_\_-\_\_\_-\_\_\_

20 AGENT NAME:DONALD BEERS

21 STREET:SAME

CITY:

22 STATE:

ZIP:

PHONE:407-820-8346

23 FEE #1 DATE PAID:11/09/93

AMOUNT PAID:00500

RECEIPT NUMBER:00220903

25 DATE APPLICANT INFORMED OF NEED FOR PUBLIC NOTICE - - - - -

26 DATE DER SENT DNR APPLICATION/SENT DNR INTENT - - - - -

27 DATE DER REQ. COMMENTS FROM GOV. BODY FOR LOCAL APP. - - - - -

28 DATE #1 ADDITIONAL INFO REQ--REC FROM APPLICANT - - - - -

29 DATE #2 ADDITIONAL INFO REQ--REC FROM APPLICANT - - - - -

30 DATE #3 ADDITIONAL INFO REQ--REC FROM APPLICANT - - - - -

31 DATE #4 ADDITIONAL INFO REQ--REC FROM APPLICANT - - - - -

32 DATE #5 ADDITIONAL INFO REQ--REC FROM APPLICANT - - - - -

33 DATE #6 ADDITIONAL INFO REQ--REC FROM APPLICANT - - - - -

34 DATE LAST 45 DAY LETTER WAS SENT - - - - -

35 DATE FIELD REPORT WAS REQ--REC - - - - -

36 DATE DNR REVIEW WAS COMPLETED - - - - -

38 DATE APPLICATION WAS COMPLETE - - - - - 11/09/93

39 DATE GOVERNING BODY PROVIDED COMMENTS OR OBJECTIONS - - - - -

40 DATE NOTICE OF INTENT WAS SENT--REC TO APPLICANT - - - - -

41 DATE PUBLIC NOTICE WAS SENT TO APPLICANT - - - - -

42 DATE PROOF OF PUBLICATION OF PUBLIC NOTICE RECEIVED - - - - -

43 WAIVER DATE BEGIN--END (DAY 90) - - - - -

45 COMMENTS:EXPIRATION DATE 04/04/96

## APPLICATION TRACKING SYSTEM

05/30/96

PPL NO:195017

APPL RECVD:04/04/91 TYPE CODE:SO SUBCODE:17

LAST UPDATE:04/17/91

DER OFFICE RECVD:WPB DER OFFICE TRANSFER TO:\_\_\_ APPLICATION COMPLETE:04/04/91

DER PROCESSOR:WIERZBICKI, PAUL

APPL STATUS:GP DATE:04/17/91 (ACTIVE/DENIED/WITHDRAWN/EXEMPT/ISSUED/GENERAL)

RELIEF:\_\_\_ (SSAC/EXEMPTIONS/VARIANCE)

(Y/N) N MANUAL TRACKING

DISTRICT:50 COUNTY:13

(Y/N) N DGC HEARING REQUESTED

LAT/LONG:25.46.48/80.25.10

(Y/N) N PUBLIC NOTICE REQD?

BASIN-SEGMENT:\_\_\_

(Y/N) N GOV BODY LOCAL APPROVAL REQD?

CODE #:

(Y/N) Y LETTER OF INTENT REQD? (I/ISSUE D/DENY)

ALT#:GMS-5013P03669

PROJECT SOURCE NAME:RINKER MATERIALS SOIL THERMAL

STREET:1200 NW 137TH AVE.

CITY:MIAMI

STATE:FL

ZIP:33182

PHONE:305-221-7645

APPLICATION NAME:RINKER MATERIAL CORP

STREET:P.O. BOX 24635

CITY:WEST PALM BEACH

STATE:FL

ZIP:33416

PHONE:\_\_\_-\_\_\_-\_\_\_

AGENT NAME:DONALD BEERS

STREET:SAME

CITY:\_\_\_

STATE:\_\_\_

ZIP:\_\_\_

PHONE:407-833-5555

FEE #1 DATE PAID:04/04/91

AMOUNT PAID:00025

RECEIPT NUMBER:00170051

DATE APPLICANT INFORMED OF NEED FOR PUBLIC NOTICE - - - - - / - - - - -

DATE DER SENT DNR APPLICATION/SENT DNR INTENT - - - - - / - - - - -

DATE DER REQ. COMMENTS FROM GOV. BODY FOR LOCAL APP. - - - - - / - - - - -

DATE #1 ADDITIONAL INFO REQ--REC FROM APPLICANT - - - - - / - - - - -

DATE #2 ADDITIONAL INFO REQ--REC FROM APPLICANT - - - - - / - - - - -

DATE #3 ADDITIONAL INFO REQ--REC FROM APPLICANT - - - - - / - - - - -

DATE #4 ADDITIONAL INFO REQ--REC FROM APPLICANT - - - - - / - - - - -

DATE #5 ADDITIONAL INFO REQ--REC FROM APPLICANT - - - - - / - - - - -

DATE #6 ADDITIONAL INFO REQ--REC FROM APPLICANT - - - - - / - - - - -

DATE LAST 45 DAY LETTER WAS SENT - - - - - / - - - - -

DATE FIELD REPORT WAS REQ--REC - - - - - / - - - - -

DATE DNR REVIEW WAS COMPLETED - - - - - / - - - - -

DATE APPLICATION WAS COMPLETE - - - - - 04/04/91

DATE GOVERNING BODY PROVIDED COMMENTS OR OBJECTIONS - - - - - / - - - - -

DATE NOTICE OF INTENT WAS SENT--REC TO APPLICANT - - - - - / - - - - -

DATE PUBLIC NOTICE WAS SENT TO APPLICANT - - - - - / - - - - -

DATE PROOF OF PUBLICATION OF PUBLIC NOTICE RECEIVED - - - - - / - - - - -

DATE WAIVER DATE BEGIN--END (DAY 90) - - - - - / - - - - -

COMMENTS:EXPIRATION DATE 4/4/96

*Pinker file*

Department of Environmental Protection  
**Routing and Transmittal Slip**

Name	MS	Name	MS
1. <i>Heare Crigger</i>		5.	
2. <b>SE District</b>		6.	
3.		7.	
4.		8.	

Remarks:

From: **Technical Review Section**  
**Bureau of Waste Cleanup**

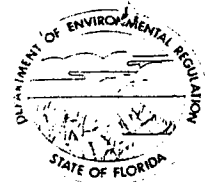
*Goe Kulakowski*

Date:

*5/1/96*

Phone:

**278-3935**



State of Florida  
DEPARTMENT OF ENVIRONMENTAL REGULATION

For Routing To Other Than The Addressee	
To: _____	Location: _____
To: _____	Location: _____
To: _____	Location: _____
From: _____	Date: _____

# Interoffice Memorandum

**TO:** Kelsey Helton, Hazardous Waste Cleanup Section, BWC  
**THROUGH:** Jim Crane, Technical Review Section, BWC  
**FROM:** Zoe Kulakowski, Technical Review Section, BWC  
**DATE:** November 18, 1991  
**SUBJECT:** Chemform Site, Pompano Beach, Broward County

RECEIVED  
MAY 02 1996  
DEPT OF ENV PROTECTION  
WEST PALM BEACH

I have reviewed the October 25, 1991 letter and attachments from Terry L. Zinn to Alexander Padva regarding potential disposal of contaminated soils from Chemform at Rinker Materials via cement production. Additional information is needed to evaluate this proposal to insure that permit requirements will not be exceeded.

- 1) Describe in detail how the soils will be used and processed at Rinker. Will the soils be blended at the site or at Rinker? For each batch of clinker, what percentage of the raw material will be the Chemform soils? How and when will the soils be transported? Where will the soils be stored at Rinker until use? How long will it take Rinker to process all of the Chemform soils? What analyses are proposed to document input and final concentrations? Could incineration change the chemical form of the metals and allow greater solubility after treatment?
- 2) Did Chemform use any chlorinated organics or any semivolatile organics? What specific wastestreams were disposed (and how) to cause the documented soil contamination? A groundwater sample needs to be collected adjacent to and on the downgradient side of the waste water trench by Sp-5/6 for complete analysis to verify the absence of groundwater contamination.
- 3) Have all the potential source areas onsite been investigated? Provided data to show that site soils were sufficiently delineated and that soil removal was complete (confirmation sampling). Areas SP-1 and SP-2 do not exceed Chapter 17-775 F.A.C. soil criteria, do not require removal, nor require documentation of delineation.
- 4) Identify the location and specifics of samples SbS-2B-12, SbS-2C-12, SbS-3B-24, SbS-3C-24.
- 5) In Table 4-2, the lead concentration for SP-3 should say 29 mg/kg as shown on the lab results.

/sr

Returned letters & attachments  
to Kelsey to forward  
to air.

11-13-91

Chemform Pompano Beach.

~500 yd<sup>3</sup> soil <sup>excavated & stockpiled</sup> ~~removed~~ from upper 16" in 5 areas -  
soil on 10 mil PVC liners & covered.

SP-1 not excavated because of access issue but was also  
sampled 0-1'

SP-5/6 one stockpile.

✓ Provide both analyses for SP-5/6 before averaging  
for total & TCLP.

✓ Provide both ~~to~~ results for SP-7 for Barium  
before averaging

	<u>Total</u> <u>SP-5</u>	<u>TCLP</u> <u>SP-6</u>	<u>Total</u> <u>SP-7</u>	<u>TCLP</u>
As	1.6 <	1.6 <	<	
Ba	6.7 <del>1.1</del> <	7.2 <del>1.1</del> <	111,095	.062/.06
Cd	21 <sup>.062</sup> <del>3.1</del>	25 <sup>.063</sup> <del>3.1</del>	1.0/1.0	.28/.27
Cr	13,000 <sup>3.4</sup> /3.1	13,000 <sup>3.6</sup> /3.2	<	
Pb	54 <	57 <	<	
Hg	68 <	49 <	<	
Ni	26,000	23,000		
Se	< 1 <	< 1 <	<	
Ag	33 <	33 <	<	

→ Identify the location and specifics of samples  
SbS-2B-12, SbS-2C-12, SbS-3B-24, SbS-3C-24.  
(max Cr = 11 mg/kg & max Ni = 17 mg/kg)



Soil samples for <sup>volatile</sup>organics analysis were mixed in a glass pan prior to analysis (June 13, 1990)  
⇒ mixing releases volatiles.

EPA 8240 - ND for all samples.

- noted low OVA rds in field up to 22ppm

- Provide data to show that site soils were sufficiently delineated. Confirmation sampling for excavation areas?

Describe in detail how the soils will be used at Rinker. Will the soils be blended at the site or at Rinker? For each batch of clinker, what percentage of raw material will incorporate ~~the~~ Chemform soils? ~~where~~ ~~with~~ How will the soils be transported? Time of day? Where will the soils be stored until use at Rinker? How long will it take Rinker to process all the Chemform soils? What analyses are proposed to document input concentrations and final concentrations?

Did Chemform use any chlorinated organics? What specific wastestreams were disposed to cause the documented soil contamination? Have g.w. samples been collected in & d.g. of the contaminated soils areas for complete organic analysis? Could semivolatiles be present?

RECEIVED  
OCT 28 1984  
DEPT. OF ENVIRONMENTAL REG.  
WEST PALM BEACH

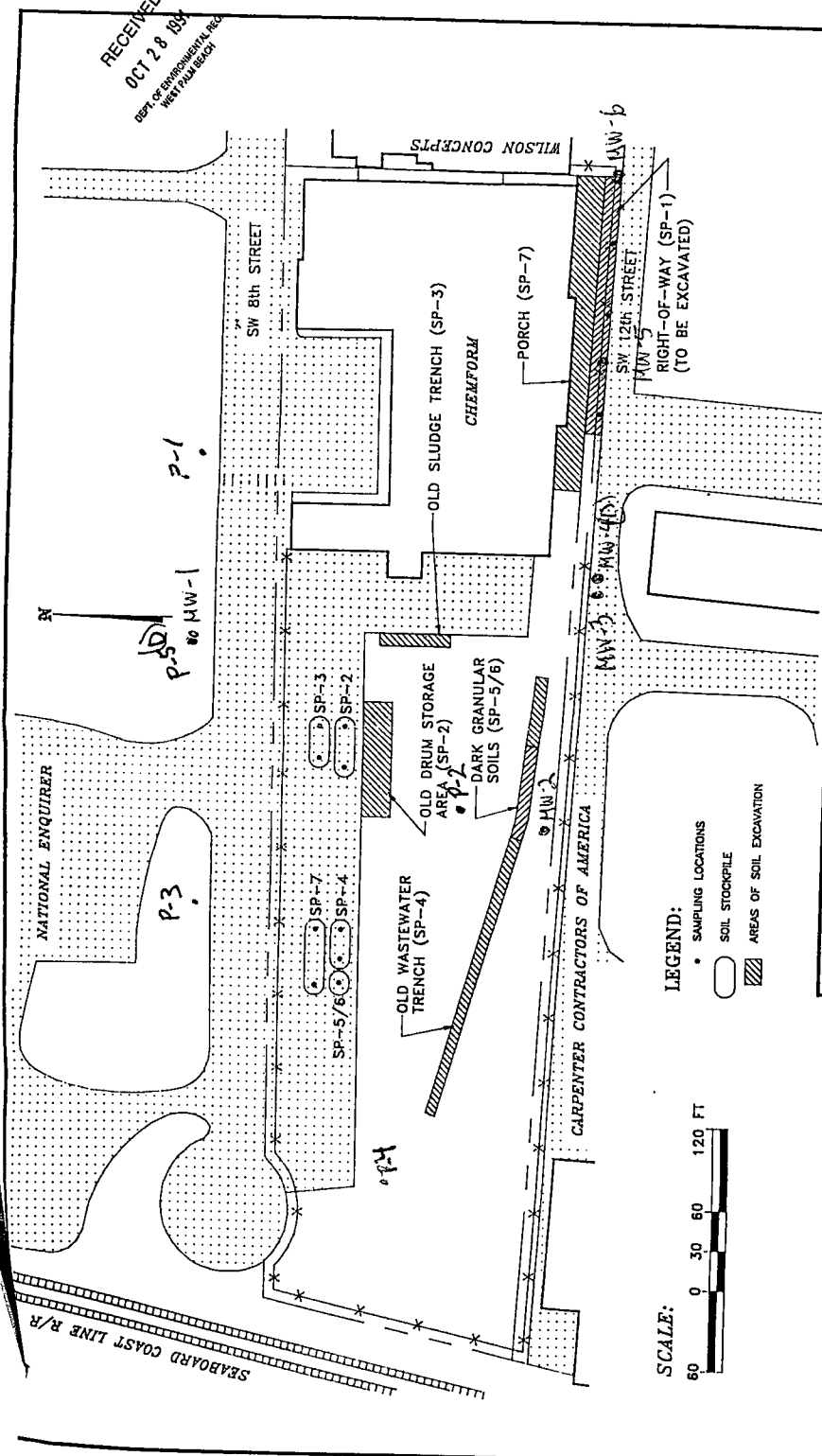


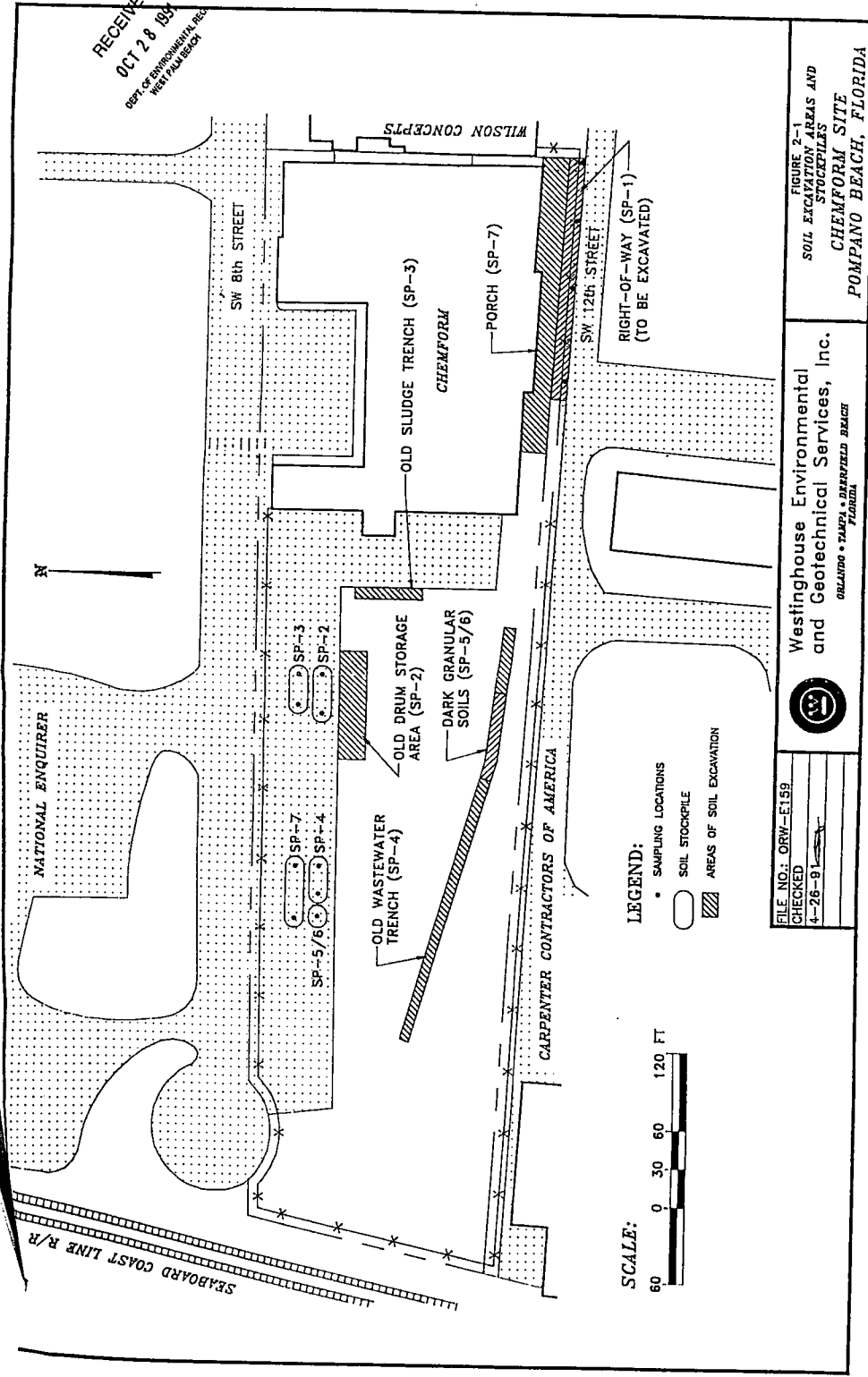
FIGURE 2-1  
SOIL EXCAVATION AREAS AND  
STOCKPILES  
CHEMFORM SITE  
POMPAHO BEACH, FLORIDA

Westinghouse Environmental  
and Geotechnical Services, Inc.  
ORLANDO • TAMPA • DEERFIELD BEACH  
FLORIDA

FILE NO.: ORW-E159  
CHECKED  
4-26-81

*piezometers*  
*MW*

RECEIVED  
OCT 28 1994  
DEPT. OF ENVIRONMENTAL REG.  
WEST PALM BEACH



FILE NO.: ORW-E159  
CHECKED  
4-26-91

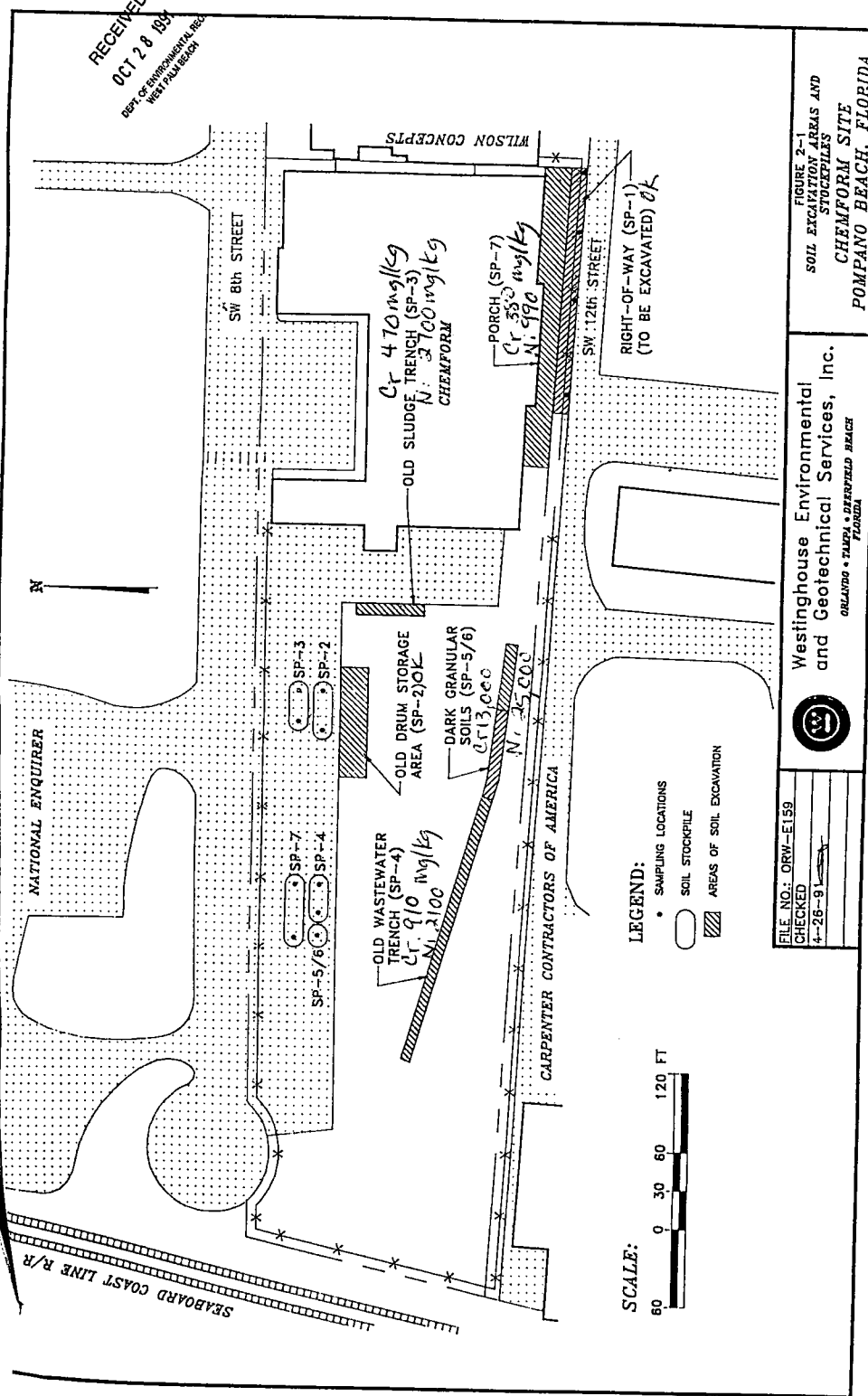


Westinghouse Environmental  
and Geotechnical Services, Inc.  
ORLANDO • TAMPA • DUNEDIN BEACH  
FLORIDA

FIGURE 2-1  
SOIL EXCAVATION AREAS AND  
STOCKPILES  
CHEMFORM SITE  
POMPAÑO BEACH, FLORIDA







**Table 4-2**  
**Total Metals Concentrations in Soil Stockpiles**  
**Chemform Site, Pompano Beach, Florida**

Parameter	SP-1 <sup>1</sup>	SP-2	SP-3	SP-4	Sp-5/6 <sup>2</sup>	SP-7	Volume Weighted Average <sup>3</sup>	Clean Soil Standard <sup>4</sup>
Arsenic	3.4	< 1.0	1.3	< 1.0	1.6	32	18	55
Barium	4.2	3.2	2.9	1.4	7.0	7.5	5.4	2,750
Cadmium	2.8	1.9	20	3.2	23	23	16	55
Chromium	230	210	470 <sup>5</sup>	910	13,000	380	850	275
Lead	14	43	2.9 <sup>5</sup>	12	56	48	40	77
Mercury	0.85	0.25	2.0	4.6	59	7.0	6.8	17
Nickel	520	120	2,700	2,100	25,000	990	2,000	NA <sup>6</sup>
Selenium	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	165
Silver	< 1.0	2.3	2.1	3.6	33	3.2	4.1	165

- Notes: 1) SP-1 soil was not stockpiled and is not included in weighted average.
- 2) SP-5/6 values are arithmetic averages of duplicate analyses.
- 3) The following estimated stockpile volumes were used in calculation of the weighted average:

<u>Stockpile</u>	<u>Volume (cu. yd.)</u>
SP-2	77
SP-3	34
SP-4	67
SP-5/6	15
SP-7	231

- 4) Florida Chapter 17-775.400 criteria for clean soil for thermal treatment facilities.
- 5) Shaded values exceed clean soil standard.
- 6) Not applicable.

All concentrations in mg/kg dry weight.



**Table 4-3**  
**TCLP Metals/Concentrations in Soil Stockpiles**  
**Chemform Site, Pompano Beach, Florida**

Parameter	SP-1	SP-2	SP-3	SP-4	Sp-5/6 <sup>1</sup>	SP-7	Clean Soil Standard <sup>2</sup>
Arsenic	< 0.20	< 0.20	< 0.20	< 0.20	< 0.20	< 0.20	5.0
Barium	0.99	0.085	< 0.05	< 0.05	< 0.05	0.086 <sup>3</sup>	100.0
Cadmium	0.046	0.041	0.28	0.05	0.063	0.64 <sup>3</sup> , 1.0	1.0
Chromium	< 0.05	< 0.05	< 0.05	1.0	3.5	< 0.050	5.0
Lead	< 0.10	< 0.10	< 0.10	< 0.10	< 0.10	< 0.10	5.0
Mercury	< 0.02	< 0.02	< 0.02	< 0.02	< 0.02	< 0.02	0.2
Selenium	< 0.20	< 0.20	< 0.20	< 0.20	< 0.20	< 0.20	1.0
Silver	< 0.010	< 0.010	< 0.010	< 0.010	< 0.010	< 0.010	5.0

Notes: 1) SP-5/6 values are arithmetic averages of duplicate analyses.

2) Florida Chapter 17-775.400 criteria for clean soil for thermal treatment facilities.

3) Average of 2 sequential analyses of same sample.

All concentrations in mg/l.



Nov. 91 Technical Memorandum  
Phase IIA G.W. Sampling

W.L. 8-14-91

W.Q. 8-14-91 <sup>all well</sup> Tcz inorganics (except CN), Cr<sup>+6</sup>, VOC, pesticides/PCBs

MW-3 also extractable organics

ND Sb, As, Be, Cd, Cu, Pb, Mn, Hg, Ni, Se, Ag, Th, Va

~~all~~ other inorganics detected below ARAR

<sup>10 1 2</sup>  
Sb, Be, Th <sup>ug/l</sup> > proposed MCL

MW-5 Cr 20 vs 50 ug/l.

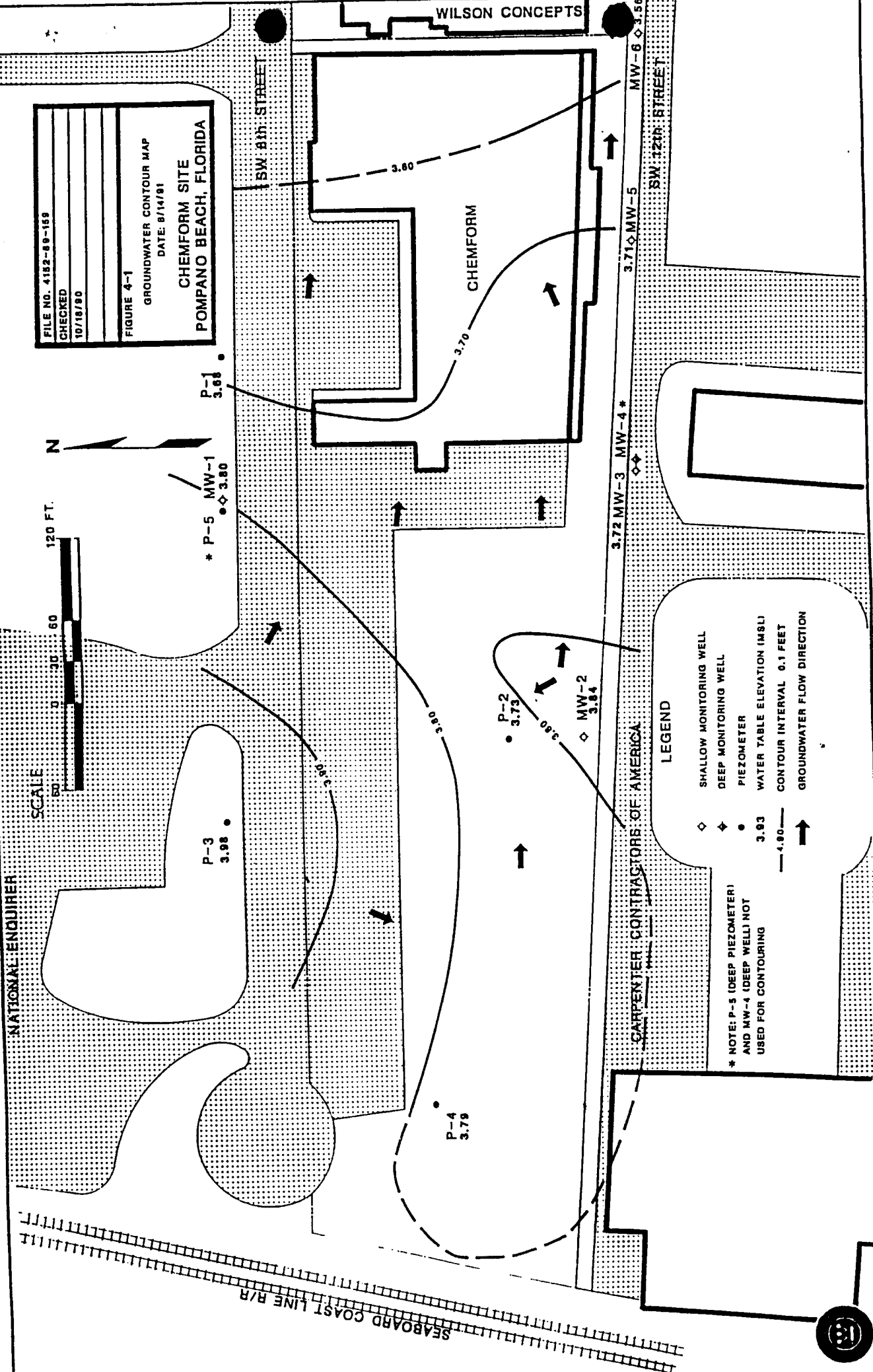
Also THM < 100 ug/l

7-91 broken sewer pipe close by + upgradient of MW-5

- also could have been from drilling water (from  
Pompano Beach public supply)

→ Need a MW adjacent to on d.g. side of WW trench by  
SP-5/6 to verify no g.w. contamination.  
(existing)

FILE NO. 4152-89-159  
 CHECKED  
 10/18/90  
 FIGURE 4-1  
 GROUNDWATER CONTOUR MAP  
 DATE: 8/14/91  
 CHEMFORM SITE  
 POMPANO BEACH, FLORIDA





State of Florida  
DEPARTMENT OF ENVIRONMENTAL REGULATION

For Routing To Other Than The Addressee	
To <i>Chair</i>	Location _____
To _____	Location _____
To _____	Location _____
From _____	Date _____

# Interoffice Memorandum

TO: Kelsey Helton  
FROM: Barry Andrews *BA*  
DATE: November 22, 1991

SUBJ: Rinker Materials Corporation - Processing of  
Contaminated Soils from the Chemform Superfund Site

The proposal to allow Rinker Matrerials Corporation to process contaminated soils from the above referenced site has been considered. Presently, the air permits for sources at Rinker Materials Corporation allow the company to process soils that are contaminated with "on-spec" petroleum products and certain steam cleaning sludges. The permits do not authorize the processing of soils contaminated with other materials.

Pursuant to Rule 17-2.210, F.A.C., the owner or operator of any source of air pollution is required to obtain an air construction permit prior to beginning construction, modification, or operation of the source. Rule 17-2.100(127), F.A.C., defines a modification as, "Any physical change in, change in the method of operation of, or addition to a stationary source or facility which increases the actual emissions of any air pollutant regulated under this Chapter, including any not previously emitted, from any source or facility." It is our opinion that processing of contaminated soils from the Chemform site would be a change in the method of operation and may result in an increase in actual air pollutant emissions and/or the emission of pollutants that were not previously emitted. If Rinker Materials Corporation wishes to process the contaminated soil, then the company will need to submit a permit application for a modification.

The permit review process will give Rinker Materials Corporation an appropriate forum to provide the Department with reasonable assurance that treatment of the contaminated soil will neither result in any violations of ambient air quality standards nor endanger public health and welfare. If Rinker Materials Corporation does not believe that treatment of the contaminated soil would be a modification, the permit review process is still the appropriate forum to provide the Department with the

TO: Kelsey Helton  
DATE: November 22, 1991  
PAGE: 2

reasonable assurance to support the dissenting point of view. The permitting process will also ensure that both the Department-approved local air program and the public have an opportunity to comment on the proposal.

It is our understanding that Superfund Cleanup activities involve sites that are contaminated with hazardous wastes. The information included in the package that you provided indicates that the Department may not elect to classify the contaminated soil as a hazardous waste. If the soil is classified as a hazardous waste, Rinker Materials Corporation will need to obtain both an air construction permit and a RCRA permit. The air permit application and the RCRA permit application would be processed jointly by both programs.

If you have any questions, please call me at (904) 488-1344.

BDA\mdh

cc: C. Fancy  
J. Pennington  
P. Lewis  
M. Harley  
I. Goldman  
S. Brooks  
P. Wong



file

# MORGAN, LEWIS & BOCKIUS

PHILADELPHIA  
LOS ANGELES  
MIAMI  
LONDON  
FRANKFURT

COUNSELORS AT LAW  
5300 SOUTHEAST FINANCIAL CENTER  
200 SOUTH BISCAYNE BOULEVARD  
MIAMI, FLORIDA 33131-2339  
TELEPHONE: (305) 579-0300  
FAX: (305) 579-0321

WASHINGTON  
NEW YORK  
HARRISBURG  
SAN DIEGO  
BRUSSELS  
TOKYO

TERRY L. ZINN  
DIAL DIRECT (305) 579-0386

November 21, 1991

Dr. Alexander Padva  
Waste Programs Administrator  
Florida Department of Environmental  
Regulation  
Southeast Florida District  
1900 S. Congress Avenue  
Suite A  
West Palm Beach, Florida 33406

VIA FEDERAL EXPRESS

Mr. Robert Johns  
Chief, Hazardous Waste Section  
Dade County DERM  
Suite 1310  
111 N.W. First Street  
Miami, Florida 33128-1971

BY HAND

Re: Use of Soils From the Chemform Site in the  
Materials Substitution Program at the Rinker  
Materials Cement Kiln

Dear Dr. Padva and Mr. Johns:

This letter is a follow up to the letter I sent you on October 25, 1991. We have received analysis as of the this date of the soils we are proposing to send to Rinker Materials for their materials substitution program. The soils have, we discovered, very low levels of PCBs, less than .52 parts per million in them. Based on the blending of the soils which will be required in loading them at the Chemform site as well as the blending which will be required because of the metal content and pursuant to 17-775 at the Rinker Cement Kiln, the soils will have PCBs below detection levels by the time they are substituted for materials in the cement kiln. In accordance with our discussions with Rinker Materials, we understand that once the materials are ready to be introduced into the kiln they will meet all the criteria of Rinker Materials' permits.

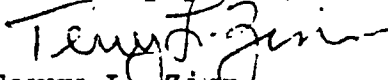
*10<sup>-6</sup> soil risk  
.38 ppm  
.755 ppm  
leachade*

Since we just received this data, we wanted to make sure that you were fully apprised of all the information we had

Dr. Alexander Padva  
November 21, 1991  
Page 2

regarding the soils. I would be more than glad to discuss these results with you or you are free to call Joel Balmat at Westinghouse Environmental at (407) 331-5967.

Sincerely yours,

  
Terry L. Zim

TLZ/go  
Enc.

c.c. Joel Balmat  
Richard A. Pettigrew

# SL SAVANNAH LABORATORIES & ENVIRONMENTAL SERVICES, INC.

2846 Industrial Plaza Drive (32301) • P.O. Box 13056 • Tallahassee, FL 32317-3056 • (904) 878-3994 • Fax (904) 878-9504

LOG NO: T1-02815

Received: 31 OCT 91

Mr. Joel Balmat  
Westinghouse Environmental Services  
370 South North Lake Blvd., Suite 1028  
Altamonte Springs, Florida 32701

Project: ORWE 159/Chemform  
Sampled By: Client

## REPORT OF RESULTS

Page 1

LOG NO	SAMPLE DESCRIPTION , SOLID OR SEMISOLID SAMPLES		DATE SAMPLED	
02815-1	SP-4		10-30-91	
02815-2	SP-7A		10-30-91	
02815-3	SP-7B		10-30-91	
02815-4	SP-7C		10-30-91	
PARAMETER	02815-1	02815-2	02815-3	02815-4
C1-Pesticides/PCB (8080)				
Aroclor-1016, ug/kg dw	<430	<86	<86	<86
Aroclor-1221, ug/kg dw	<430	<86	<86	<86
Aroclor-1232, ug/kg dw	<430	<86	<86	<86
Aroclor-1242, ug/kg dw	<430	<86	<86	<86
Aroclor-1248, ug/kg dw	<430	<86	<86	<86
Aroclor-1254, ug/kg dw	510	<86	<86	<86
Aroclor-1260, ug/kg dw	<430	160	160	152
Surrogate - Dibutylchlorodate, %	84 %*	97 %*	80 %*	86 %*
Date Extracted	11.04.91	11.04.91	11.04.91	11.04.91
Date Analyzed	11.14.91	11.12.91	11.14.91	11.14.91

\* Reported surrogate is TCX. Dibutyl chlorodate surrogate recovery was low due to the abundance of target analyte in the sample.

# SL SAVANNAH LABORATORIES & ENVIRONMENTAL SERVICES, INC.

2848 Industrial Plaza Drive (32301) • P.O. Box 13056 • Tallahassee, FL 32317-3056 • (904) 878-3994 • Fax (904) 878-9504

LOG NO: T1-02815

Received: 31 OCT 91

Mr. Joel Balmat  
Westinghouse Environmental Services  
370 South North Lake Blvd., Suite 1028  
Altamonte Springs, Florida 32701

Project: ORWE 159/Chamform  
Sampled By: Client

## REPORT OF RESULTS

Page 2

### LOG NO SAMPLE DESCRIPTION, QC REPORT FOR SOLID/SEMISOLID

02815-5	Method Blank - Solid
02815-6	Matrix Spike % Recovery (MS)/Duplicate
02815-7	Accuracy Control Limit
02815-8	% Difference, MS/MSD
02815-9	Precision Control Limit

PARAMETER	02815-5	02815-6	02815-7	02815-8	02815-9
Cl-Pesticides/PCB (8080)					
Aroclor-1016, ug/kg dw	<80	---	---	---	---
Aroclor-1221, ug/kg dw	<80	---	---	---	---
Aroclor-1232, ug/kg dw	<80	---	---	---	---
Aroclor-1242, ug/kg dw	<80	---	---	---	---
Aroclor-1248, ug/kg dw	<80	---	---	---	---
Aroclor-1254, ug/kg dw	<80	---	---	---	---
Aroclor-1260, ug/kg dw	<80	76/79 %	50-130 %	9.6 %	<30 %
Surrogate -	113 %*	97/100 %*	20-150 %*	3.0 %*	<40 %*
Dibutylchlorodate, %					
Date Extracted	11.04.91	11.04.91	---	---	---
Date Analyzed	11.14.91	11.14.91	---	---	---

\* Reported surrogate is TCX. Dibutyl chlorodate surrogate recovery was low due to the abundance of target analyte in the sample.

**SL SAVANNAH LABORATORIES**  
& ENVIRONMENTAL SERVICES, INC.

2846 Industrial Plaza Drive (32301) • P O. Box 13056 • Tallahassee, FL 32317-3056 • (904) 878-3994 • Fax (904) 878-9504

LOG NO: T1-02815

Received: 31 OCT 91

Mr. Joel Balmat  
Westinghouse Environmental Services  
370 South North Lake Blvd., Suite 1028  
Altamonte Springs, Florida 32701

Project: ORWE 159/Chemform  
Sampled By: Client

## REPORT OF RESULTS

Page 3

LOG NO	SAMPLE DESCRIPTION , LIQUID SAMPLES	DATE SAMPLED
02815-10	Equipment Blank	10-30-91
PARAMETER	02815-10	
Cl-Pesticides/PCB (8080)		
Aroclor-1016, ug/l	<0.50	
Aroclor-1221, ug/l	<0.50	
Aroclor-1232, ug/l	<0.50	
Aroclor-1242, ug/l	<0.50	
Aroclor-1248, ug/l	<0.50	
Aroclor-1254, ug/l	<0.50	
Aroclor-1260, ug/l	<0.50	
Surrogate - Dibutylchlorodata, %	44 %	
Date Extracted	11.05.91	
Date Analyzed	11.12.91	

# SL SAVANNAH LABORATORIES & ENVIRONMENTAL SERVICES, INC.

2846 Industrial Plaza Drive (32301) • P.O. Box 13056 • Tallahassee, FL 32317-3056 • (904) 878-3994 • Fax (904) 878-9504

LOG NO: T1-02815

Received: 31 OCT 91

Mr. Joel Balmat  
Westinghouse Environmental Services  
370 South North Lake Blvd., Suite 1028  
Altamonte Springs, Florida 32701

Project: ORWE 159/Chamform  
Sampled By: Client

## REPORT OF RESULTS

Page 4

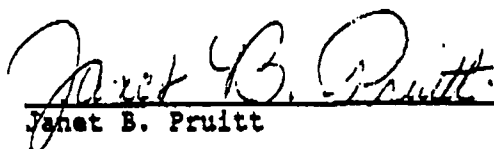
### LOG NO SAMPLE DESCRIPTION , REPORT FOR LIQUID SAMPLES

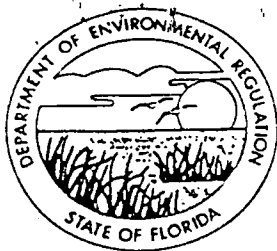
02815-11 Method Blank - Liquid  
02815-12 Lab Control Standard  
02815-13 Accuracy Control Limit  
02815-14 % Difference, LCS/LCSD  
02815-15 Precision Control Limit

PARAMETER	02815-11	02815-12	02815-13	02815-14	02815-15
Cl-Pesticides/PCB (8080)					
Aroclor-1016, ug/l	<0.50	---	---	---	---
Aroclor-1221, ug/l	<0.50	---	---	---	---
Aroclor-1232, ug/l	<0.50	---	---	---	---
Aroclor-1242, ug/l	<0.50	---	---	---	---
Aroclor-1248, ug/l	<0.50	---	---	---	---
Aroclor-1254, ug/l	<0.50	---	---	---	---
Aroclor-1260, ug/l	<0.50	79 X	50-120 X	7.6 X	<40 X
Surrogate - Dibutylchlorodane, %	42 X	48 X	24-154 X	13 X	<40 X
Date Extracted	11.05.91	---	---	---	---
Date Analyzed	11.12.91	---	---	---	---

Method: EPA SW-846

HRS Certification #'s: 81291, 87279, E81005, E87052

  
Janet B. Pruitt



## Florida Department of Environmental Regulation

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

Lawton Chiles, Governor.

Carol M. Browner, Secretary

November 26, 1991

Mr. Terry L. Zinn  
Morgan, Lewis & Bockius  
200 South Biscayne Boulevard  
Miami, Florida 33131-2339

Dear Mr. Zinn:

In your letter of August 31, 1990, you stated that Rinker believes that its materials substitution program qualifies as recycling and, therefore, is exempt from RCRA's permitting program. The letter requested an exemption for RCRA contaminated soils (toxicity characteristic only) used by Rinker.

As stated in 40 CFR 262.2(e)(1), materials are not solid wastes when they can be shown to be recycled by being used or reused as ingredients in an industrial process to make a product, provided the materials are not being reclaimed. To distinguish any sham recycling situations, the preamble to 50 FR 614 indicates some of those situations which would be regarded as shams. These situations include:

- a. Where a secondary material is ineffective or only marginally effective for the claimed use;
- b. When secondary materials are used in excess of an amount necessary for operating a process;
- c. When the secondary material is not as effective as what it is replacing;
- d. Absence of records regarding recycling transaction;
- e. Not handling the secondary materials in a manner consistent with their use as raw materials or commercial product substitutes.

In your letter, you refer to the wastes only as contaminated soils, which reduces its (Rinker's) need for sand and limestone. Without additional information describing use of ingredients in the production process, composition of the substituted materials and effectiveness of the substituted materials as ingredients, your request cannot be evaluated.

RECEIVED  
DEC 12 1991

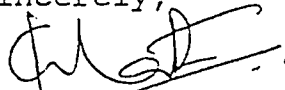
Letter to Mr. Zinn  
November 26, 1991  
Page 2

I am enclosing an EPA memorandum dated April 26, 1989, which includes an attachment listing criteria that should be considered in evaluating recycling schemes. New regulatory requirements for boilers and industrial furnaces promulgated by EPA on February 21, 1991, provide additional guidance on use of hazardous waste solely as an ingredient. Boilers and industrial furnaces subject to the new requirements will be regulated by EPA until the requirements are adopted by the state and authorization is received from EPA.

The department's hazardous waste and air permitting personnel met with Mr. Michael Vardeman and other representatives from Rinker on May 1, 1991, to discuss burning of used oil and changes to the facility's air permit due to thermal treatment of soils regulated under 17-775, Florida Administrative Code. The air permit would require additional modification if Rinker induces materials in the manufacturing process not covered in the current or revised air permit. A hazardous waste permit may also be necessary if hazardous wastes are stored on-site. After receipt of state authorization, any applicable boiler and industrial furnace requirements must be included in a hazardous waste permit.

If you have any questions concerning the above comments, please call me or Doug Outlaw of my staff at 904/488-0300.

Sincerely,



Satish Kastury  
Environmental Administrator

SK/DO/rz

Enclosure

cc: James Kutzman, EPA/Region IV  
Bob Kukleski, DER/West Palm Beach





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

G

301

WES  
WCS  
STATES  
ORC  
ESD

APR 26 1989

OFFICE OF  
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: F006 Recycling

FROM: Sylvia K. Lowrance, Director  
Office of Solid Waste (OS-300)

TO: Hazardous Waste Management Division Directors  
Regions I-X

It has come to the attention of EPA Headquarters that many of the Regions and authorized States are being requested to make determinations on the regulatory status of various recycling schemes for F006 electroplating sludges. In particular, companies have claimed that F006 waste is being recycled by being used as: (1) an ingredient in the manufacture of aggregate, (2) an ingredient in the manufacture of cement, and (3) feedstock for a metals recovery smelter. The same company may make such requests of more than one Region and/or State. Given the complexities of the regulations governing recycling vs. treatment and the definition of solid waste, and the possible ramifications of determinations made in one Region affecting another Region's determination, it is extremely important that such determinations are consistent and, where possible, coordinated.

Two issues are presented. The first issue is whether these activities are legitimate recycling, or rather just some form of treatment called "recycling" in an attempt to evade regulation. Second, assuming the activity is not sham recycling, the issue is whether the activity is a type of recycling that is subject to regulation under sections 261.2 and 261.6 or is it excluded from our authority.

With respect to the issue of whether the activity is sham recycling, this question involves assessing the intent of the owner or operator by evaluating circumstantial evidence, always

a difficult task. Basically, the determination rests on whether the secondary material is "commodity-like." The main environmental considerations are (1) whether the secondary material truly has value as a raw material/product (i.e., is it likely to be abandoned or mismanaged prior to reclamation rather than being reclaimed?) and (2) whether the recycling process (including ancillary storage) is likely to release hazardous constituents (or otherwise pose risks to human health and the environment) that are different from or greater than the processing of an analogous raw material/product. The attachment to this memorandum sets out relevant factors in more detail.

If the activity is not a sham, then the question is whether it is regulated. If F006 waste is used as an ingredient to produce aggregate, then such aggregate would remain a solid waste if used in a manner constituting disposal (e.g., road-base material) under sections 261.2(c)(1) and 261.2(e)(2)(i) or if it is accumulated speculatively under section 261.2(e)(2)(iii). Likewise, the F006 "ingredient" is subject to regulation from the point of generation to the point of recycling. The aggregate product is, however, entitled to the exemption under 40 CFR 266.20(b), as amended by the August 17, 1988, Land Disposal Restrictions for First Third Scheduled Wastes final rule (see 53 FR 31197 for further discussion). However, if the aggregate is not used on the land, then the materials used to produce it would not be solid wastes at all, and therefore neither those materials nor the aggregate would be regulated (see section 261.2(e)(1)(i)).

Likewise, cement manufacturing using F006 waste as an ingredient would yield a product that remains a solid waste if it is used in a manner constituting disposal, also subject to section 266.20(b). There is an additional question of whether the cement kiln dust remains subject to the Bevill exclusion. In order for the cement kiln dust to remain excluded from regulation, the owner or operator must demonstrate that the use of F006 waste has not significantly affected the character of the cement kiln dust (e.g., demonstrate that the use of F006 waste has not significantly increased the levels of Appendix VIII constituents in the cement kiln dust leachate). [NOTE: This issue will be addressed more fully in the upcoming supplemental proposal of the Boiler and Industrial Furnace rule, which is pending Federal Register publication.]

For F006 waste used as a feedstock in a metals recovery smelter, the Agency views this as a recovery process rather than use as an ingredient in an industrial process and, therefore, considers this to be a form of treatment that is not currently regulated (see sections 261.2(c) and 261.6(c)(1)). Furthermore, because this is a recovery process rather than a production process, the F006 waste remains a hazardous waste (and must be

managed as such prior to introduction to the process), and the slag from this process would normally be considered a "derived from" F006 waste. However, for primary smelters, the slag may be considered subject to the Bevill exclusion provided that the owner or operator can demonstrate that the use of F006 waste has not significantly affected the hazardous constituent content of the slag (i.e., make a demonstration similar to the one discussed above for the cement kiln dust). [NOTE: In the supplemental proposal of the Boiler and Industrial Furnace rule noted above, the Agency will be proposing a definition of "indigenous waste" based on a comparison of the constituents found in the waste to the constituents found in an analogous raw material. Should the F006 waste meet the definition of an "indigenous waste," the waste would cease to be a waste when introduced to the process and the slag would not be derived from a hazardous waste.]

Also, you should be aware that OSW is currently reevaluating the regulations concerning recycling activities, in conjunction with finalizing the January 8, 1988 proposal to amend the Definition of Solid Waste. While any major changes may depend on RCRA reauthorization, we are considering regulatory amendments or changes in regulatory interpretations that will encourage on-site recycling, while ensuring the protection of human health and the environment.

Headquarters is able to serve as a clearinghouse to help coordinate determinations on whether a specific case is "recycling" or "treatment" and will provide additional guidance and information, as requested. Ultimately, however, these determinations are made by the Regions and authorized States. Attached to this memorandum is a list of criteria that should be considered in evaluating the recycling scheme. Should you receive a request for such a determination, or should you have questions regarding the criteria used to evaluate a specific case, please contact Mitch Kidwell, of my staff, at FTS 475-8551.

Attachment

The difference between recycling and treatment is sometimes difficult to distinguish. In some cases, one is trying to interpret intent from circumstantial evidence showing mixed motivation, always a difficult proposition. The potential for abuse is such that great care must be used when making a determination that a particular recycling activity is to go unregulated (i.e., it is one of those activities which is beyond the scope of our jurisdiction). In certain cases, there may be few clear-cut answers to the question of whether a specific activity is this type of excluded recycling (and, by extension, that a secondary material is not a waste, but rather a raw material or effective substitute); however, the following list of criteria may be useful in focusing the consideration of a specific activity. Here too, there may be no clear-cut answers but, taken as a whole, the answers to these questions should help draw the distinction between recycling and sham recycling or treatment.

- (1) Is the secondary material similar to an analogous raw material or product?
  - o Does it contain Appendix VIII constituents not found in the analogous raw material/product (or at higher levels)?
  - o Does it exhibit hazardous characteristics that the analogous raw material/product would not?
  - o Does it contain levels of recoverable material similar to the analogous raw material/product?
  - o Is much more of the secondary material used as compared with the analogous raw material/product it replaces? Is only a nominal amount of it used?
  - o Is the secondary material as effective as the raw material or product it replaces?
- (2) What degree of processing is required to produce a finished product?
  - o Can the secondary material be fed directly into process (i.e., direct use) or is reclamation (or pretreatment) required?
  - o How much value does final reclamation add?

- (3) What is the value of the secondary material?
- o Is it listed in industry news letters, trade journals, etc.?
  - o Does the secondary material have economic value comparable to the raw material that normally enters the process?
- (4) Is there a guaranteed market for the end product?
- o Is there a contract in place to purchase the "product" ostensibly produced from the hazardous secondary materials?
  - o If the type of recycling is reclamation, is the product used by the reclaimer? The generator? Is there a batch tolling agreement? (Note that since reclaimers are normally TSDFs, assuming they store before reclaiming, reclamation facilities present fewer possibilities of systemic abuse).
  - o Is the reclaimed product a recognized commodity? Are there industry-recognized quality specifications for the product?
- (5) Is the secondary material handled in a manner consistent with the raw material/product it replaces?
- o Is the secondary material stored on the land?
  - o Is the secondary material stored in a similar manner as the analogous raw material (i.e., to prevent loss)?
  - o Are adequate records regarding the recycling transactions kept?
  - o Do the companies involved have a history of mismanagement of hazardous wastes?
- (6) Other relevant factors.
- o What are the economics of the recycling process? Does most of the revenue come from charging generators for managing their wastes or from the sale of the product?
  - o Are the toxic constituents actually necessary (or of sufficient use) to the product or are they just "along for the ride."

These criteria are drawn from 53 FR at 522 (January 8, 1988); 52 FR at 17013 (May 6, 1987); and 50 FR at 638 (January 4, 1985).



State of Florida  
DEPARTMENT OF ENVIRONMENTAL REGULATION

For Routing To Other Than The Addressee	
To: _____	Location: _____
To: _____	Location: _____
To: _____	Location: _____
From: _____	Date: _____

# Interoffice Memorandum

Bureau of Waste Cleanup

TO: Mr. Joel Balmat, SEC Donahue  
FROM: Bruce Mitchell, BAR *BBM*  
THRU: Barry Andrews, BAR *BA*  
DATE: April 22, 1992  
SUBJ: Action Direction to be Taken in Order to Obtain a Permit Amendment to be Allowed to Treat Soils from the Chemform Site at the Rinker Materials Corporation Facility

APR 27 1992

Technical Review Section

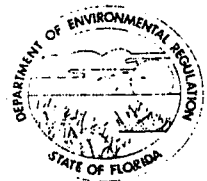
Based on discussions with representatives of the Department (i.e., Bureau of Air Regulation, Bureau of Waste Cleanup, and Office of General Counsel), the following action shall be required in order to obtain a permit amendment to treat the contaminated soils at the Chemform Site:

- o Submit a request to the Department's Bureau of Air Regulation (BAR) to treat the Chemform soil at the Rinker facility under the seal of a Florida registered P.E. The request should include, at a minimum, a description of the treatment operation, storage locations of the contaminated soils at Rinker prior to treatment, fugitive emissions prevention procedures, the maximum amount of material to be treated, the desired feed rate of the contaminated soil, any blending requirements, testing protocol (i.e., EPA MM5 for metals, etc.), and the expected time to completely treat the material. Please identify the present and active permit(s) for the source(s) that will be used to treat the contaminated soils.
- o A processing fee of \$250.00 is required.
- o Upon receipt of this information, the BAR will issue an Intent package, which will include a Public Notice requirement of the Department's Intent. (~3 days processing time)
- o The Public Notice is to be published one time only and is to run for 14 days.
- o If no adverse response to the Public Notice is received (i.e., request for an Administrative Hearing, etc.), then the Department will issue the permit amendment. (~3 days after conclusion of the Public Notice)

Mr. Joel Balmat  
Page 2

If there are any questions, please call Bruce Mitchell at  
(904)488-1344.

cc: C. Fancy, BAR  
J. Ruddell, DWM  
P. Wong, DERM  
S. Brooks, SED  
K. Helton, BWC  
Z. Kulakowski, BWC  
T. Conrardy, BWC



State of Florida  
DEPARTMENT OF ENVIRONMENTAL REGULATION

For Routing To Other Than The Addressee	
To: _____	Location: _____
To: _____	Location: _____
To: _____	Location: _____
From: _____	Date: _____

**Bureau of Waste Cleanup**

# Interoffice Memorandum

APR 21 1992

Technical Review Section

TO: Barry Andrews  
Bureau of Air Regulation

FROM: *TC* Tom Conrardy, Engineering Support Section  
Bureau of Waste Cleanup

DATE: April 21, 1992

SUBJECT: Chemform Site, Materials Treatment at Rinker

I have discussed the proposal to send contaminated soil from Chemform to Rinker Materials for their materials substitution program with John Ruddell. To summarize the proposal, the Chemform soil is primarily contaminated with heavy metals but there have been PCBs detected in some samples. The soil would be blended with other suitable, non-contaminated soil, processed through the kiln and ultimately incorporated into the concrete mix. This appears to be a feasible technique for immobilizing the heavy metals contaminants. Your Division had concerns of whether treatment of the soil would conflict with our policy and proposed language in Chapter 17-775 that PCB contaminated soil should not be treated at a soil thermal treatment facility.

We have no objection to this proposal provided it is recognized that this proposal is not a Chapter 17-775 activity. The soil being treated is not petroleum contaminated soil. This may be permitted under the existing air emissions permit for the facility but no implications should be made that this is being performed under the requirements and provisions of Chapter 17-775, F.A.C. It may be appropriate to define conditions related to material handling and storage in a manner consistent with the provisions of Chapter 17-775, however. Please let me know if you need any assistance in this regard. If you have any questions, please call me at 8-0190.

TC/wp

cc: John Ruddell  
Kelsey Helton  
Zoe Kulakowski



## Chemform/Rinker Substitution Program Summary Analysis

Rinker proposes a 10 percent input feed rate substitution of chemform soil in their two clinker kilns. The feed rate for each kiln is 56.2 TPH of raw materials and 6.8 TPH of coal. The maximum feed rate of chemform soil to each unit would be approximately 5.6 TPH and the total amount of soil to be treated is 551 tons. Each kiln has two precipitators for particulate control and both kilns are vented to the same stack.

The parameters given are as follows:

Stack height - 150 feet      Exit diameter - 15 feet  
Exit gas Temp. - 260 to 300 F  
Exit gas flow rate - 112,000 acfm (1 unit)  
Each precipitator loaded at 10,000 lbs/hr  
Each kiln permitted to emit 32 lbs/hr of particulate  
Each kiln typically emits 15 to 20 lbs/hr of particulate

Calculation and modeling results:

Parameter	Soil Conc. (mg/kg)	Emission Rate* (g/s)	Impact** 8 hr avg (ug/m3)	No Threat Level (ug/m3)
Arsenic	18	0.051	0.085	2
Barium	5.4	0.015	0.025	5
Cadmium	16	0.045	0.075	0.5
Chromium	850	2.41	4.03	5
Lead	40	0.113	0.189	1.5
Mercury	6.8	0.019	0.032	1
Nickel	2000	5.66	9.46	0.5
Selenium	<1.0	0.0025	0.004	2
Silver	4.1	0.012	0.020	0.1

\* Emission rates assume that all metals going into the kilns come out the stack

\*\* Impacts estimated using Toxic Screen Model

### Comments:

The air impact is too high for nickel and is questionable for chromium. In order to lower the air impact of nickel to 0.5 (the No Threat Level), the emission rate would have to be lowered to 0.295 g/s. This is approximately a 95 percent reduction in the amount of nickel going into the kilns. Reduction would be achieved by retention of metals in the clinker and the removal metals by the precipitators.

# Meeting Attendance Record

Project: Rinker-Chemform Soils Date: 4-17-92

Subject: Departmental Evaluation of Proposal for Treatment

Name	Affiliation / Position	Phone Number
------	------------------------	--------------

R. Bruce Mitchell	FDER / DAMM / BAR	904-488-1344
Kelsey Hether	DER / BWC / HWCS	904-488-0190
ZOE KULAKOWSKI	FDER / BWC / TRS	904-488-0190
Michael Stewart	FDER / AIR / BAR	904-488-1344
Tom Conrardy	FOER / BWC / Eng Supp.	904-488-0190
Barry Andrews	FDER / DAMM / BAR	904-488-1344

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

## DISTRICT ROUTING SLIP

To: Paul Wierzbicki DATE: 3/19/96

CC To

	<b>PENSACOLA</b>	<b>NORTHWEST DISTRICT</b>	
	Panama City	Northwest District Branch Office	
	Tallahassee	Northwest District Branch Office	
	Sopchoppy	Northwest District Satellite Office	
	<b>TAMPA</b>	<b>SOUTHWEST DISTRICT</b>	
	Punta Gorda	Southwest District Branch Office	
	Bartow	Southwest District Satellite Office	
	<b>ORLANDO</b>	<b>CENTRAL DISTRICT</b>	
	Melbourne	Central District Satellite Office	
	<b>JACKSONVILLE</b>	<b>NORTHEAST DISTRICT</b>	
	Gainesville	Northeast District Branch Office	
	<b>FORT MYERS</b>	<b>SOUTH DISTRICT</b>	
	Marathon	South District Branch Office	
<input checked="" type="checkbox"/>	<b>WEST PALM BEACH</b>	<b>SOUTHEAST DISTRICT</b>	
	Port St. Lucie	Southeast District Branch Office	

☐

Reply Optional  
Date Due \_\_\_\_\_

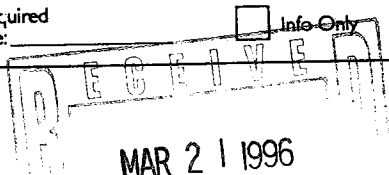
☐

Reply Required  
Date Due: \_\_\_\_\_

☐

Info Only

Comments:



From:

Tel.:



# Department of Environmental Protection

Lawton Chiles  
Governor

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Virginia B. Wetherell  
Secretary

March 15, 1996

Mr. Scott Wojcicki  
Handex of Florida, Inc.  
1001 Broken Sound Parkway, N.W.  
Suite C  
Boca Raton, Florida 33487

Re: Request for Approval of Alternate Procedures  
Rinker Materials Corporation  
Soil Thermal Treatment Facility  
Alternate Procedure File No. AP-STTF0016

Dear Mr. Wojcicki:

The Engineering Support Section has reviewed your March 5, 1996 letter which requested an Approval of Alternate Procedures for the referenced site. Enclosed is an executed copy of the Approval of Alternate Procedures.

If you have any questions regarding this approval, please call me at (904) 488-3935.

Sincerely,

*Thomas W. Conrardy*  
Thomas W. Conrardy, P.E.  
PE Administrator  
Bureau of Waste Cleanup

TC/tc

Enclosure

cc: ☒ Paul Wierzbicki, FDEP Southeast District

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN RE:

File No. AP-STTF0016

Rinker Materials Corporation                    )  
Request Pursuant to Florida                    )  
Administrative Code Rule 62-775.500            )

APPROVAL OF ALTERNATE PROCEDURES

This cause comes before me upon receipt of a March 5, 1996 request by the applicant, Handex of Florida, Inc., on behalf of Rinker Materials Corporation and Amoco Oil Company, for the approval of an alternate procedure, pursuant to Section 62-775.500 of the Florida Administrative Code (F.A.C.). This alternate procedure is for the thermal treatment of PCB-contaminated soil which was excavated during the petroleum remediation activities related to removal of soil at the Amoco Service Station No. 595 located at 7055 North Miami Avenue, Miami, Florida.

FINDINGS OF FACT

1. The applicant requests that an exemption be granted from Rule 62-775.410(6)(b), F.A.C. That rule does not permit the thermal treatment of soil contaminated by polychlorinated biphenyls (PCB) at a stationary thermal treatment facility if the soil contains greater than 20 parts per billion (ppb) PCB,

unless: (a) a sample of the used oil is obtained from the generator, and analyzed and shown to be a non-PCB oil, which is defined as having a concentration of PCBs of less than 50 parts per million (ppm), or (b) if a generator's sample is not available, a previous record of laboratory analytical data is used to show that the 50 ppm criterion has been met.

2. The applicant indicates that an oil/water separator had been excavated on a previous remediation activity at the Amoco No. 595 site and its contents previously disposed of. Recently another excavation activity to remove soil in the area of the former oil/water separator was conducted. Sample analysis of this soil showed that the soil contained 69.3 parts per billion (ppb) of PCBs. Because the oil/water separator was removed previously, the probable source of PCB contamination no longer exists and a sample of the oil which contaminated the soil cannot be obtained. It is therefore not possible to obtain a generator's sample for analysis, pursuant to Rule 62-775.410(6)(b), F.A.C., to show that the source of PCBs in the soil was a non-PCB oil containing less than 50 ppm PCB, as defined in the Code of Federal Regulations, Title 40, Part 761.3.

3. With exception of analytical proof required by Rule 62-775.410(6)(b), F.A.C., that the soil was contaminated by a non-PCB oil, other criteria set forth in Rule 62-775.410(6), F.A.C., have been met, especially the critical criterion of Rule 62-775.410(6)(a), F.A.C., which sets 10 ppm as the maximum

allowable concentration of PCB in soil to be thermally treated, and which requires any soil exceeding that concentration of PCB to be handled as a hazardous waste per the Code of Federal Regulations, Title 40, Part 761. The eight 55 gallon drums of soil from the site, to be thermally treated, contains 0.0693 ppm (69.3 ppb) PCB, which is well within the 10 ppm criterion.

4. Petroleum hydrocarbons represent the bulk of the contamination present in the soil excavated from the former site of the oil/water separator. They are the primary contaminants of concern and the reason the soil will be thermally treated.

5. The stationary soil thermal treatment facility for which this exception is sought is Rinker Materials Corporation, 1200 Northwest 137th Avenue, Miami, Florida, 33182. The Rinker Materials soil thermal treatment facility has been permitted by the Department to accept and treat soil with low concentrations of PCBs (less than 10 ppm).

6. The applicant contends that this request satisfies the criteria for approval of an alternate procedure and requirement as set forth in Section 62-775.500, F.A.C., and has provided sufficient information for the Department to determine that the alternate procedure will be at least as effective as the established procedure in that portion of the Florida Administrative Code specifically exempted by this order.

In the case of this incident, the Department concludes that knowledge of the 0.069 ppm PCB concentration in the soil -- which

In the case of this incident, the Department concludes that knowledge of the 0.069 ppm PCB concentration in the soil -- which is the only PCB information available -- is sufficient for making a determination as to whether thermal treatment is a suitable method of disposal. The soil meets the critical 10 ppm criterion, and there is no known or continuing source of PCB contamination at the site.

The Department believes it would be unreasonable to insist that the applicant produce a sample of the used oil which may have contaminated the soil, since this is impossible in the absence of a known source.

As indicated in Subpart G, 40 CFR 761.120, the provisions set forth regarding PCBs by the EPA were developed as corrective actions with electrical equipment-type spills in mind. It is obvious that the former oil/water separator does not fall into the electrical equipment category, for which the source of the oil containing the PCBs, and analyses of the source are readily available. EPA indicates that some flexibility may be exercised on a case by case basis, and that cleanup requirements may be more or less stringent, depending on the age of the spill, risk-mitigating factors, practicality, and site-specific conditions.

In an attempt to remain in keeping with the EPA philosophy described above, the Bureau of Waste Cleanup believes that the disposition of the PCB-contaminated soil from the site should be determined as a practical and site-specific matter. Given the relatively small concentration in comparison to the maximum tolerated by thermal treatment facilities, we believe it is



tolerated by thermal treatment facilities, we believe it is reasonable and cost-effective to remediate the soil in such a way.

#### CONCLUSIONS OF LAW

F.A.C. Rule 62-775.500 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 groundwaters of the State as the established requirements and that the alternate procedure is at least as effective as the established requirements.

Upon consideration of the foregoing it is therefore ORDERED that the request of Handex of Florida, Inc. 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 Handex of Florida, Inc. and Rinker Materials Corporation. 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; 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 the petitioner, if any;

(e) A statement of facts which the petitioner contends warrant reversal or modification of the Department's action or proposed action;

(f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action;

(g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wants the Department to take with respect to the Department's action or proposed action.

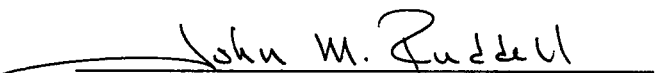
If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard 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 F.A.C. Rule 28-5.207.

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 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 filed within 30 days from the date the Final Order is filed with the Clerk of the Department.

DONE AND ORDERED this 19<sup>th</sup> day of March, 1996 in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
\_\_\_\_\_  
John M. Ruddell, Director  
Division of Waste Management  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400



File  
Hurricane  
Plan

# Department of Environmental Protection

Lawton Chiles  
Governor

Southeast District  
P.O. Box 15425  
West Palm Beach, Florida 33416

Virginia B. Wetherell  
Secretary

## Permitted Stationary Thermal Treatment Facility Disaster Readiness Report

**Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_ **PERSON MAKING INQUIRY:** \_\_\_\_\_

**Facility Name:** Rinker Materials Corporation **County:** Dade

**Facility Address:** 1200 NW 137th Avenue, Miami, FL 33182

**Facility Telephone:** 305/221-7645

**Facility FAX:** 305/220-9875

**Facility Contact:** Michael Vardeman or David Marple

**Facility LAT:** 25° 46' 48" North; **LONG:** 80° 25' 10" West

1. How is the facility preparing for the Hurricane?
2. Is the facility still accepting soil?
3. Are they processing untreated soil?
  - a. Estimated time of completion of processing untreated soil
  - b. Is storage of untreated and untreated soil adequate (according to facility)?
  - c. How long will facility be in operation prior to the emergency?
4. What is the emergency telephone number for a facility contact during the emergency? And Alternate (if available)

Permitted Stationary Thermal Treatment Facility Disaster  
Readiness Report  
Page Two of Three

5. What steps are being taken to protect facility records from damage?

6. Does the facility need any assistance from the Department?

7. Inform the facility that we will be phoning and/or visiting the facility shortly after the emergency to inspect and determine facility compliance.

Permitted Stationary Thermal Treatment Facility Disaster  
Readiness Report  
Page Three of Three

Additional page for notes:

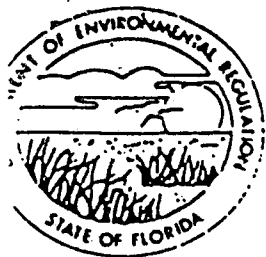


EXHIBIT A

# Florida Department of Environmental Regulation

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

Lawton Chiles, Governor

RECEIVED

Carol M. Browner, Secretary

NOTICE OF INTENT TO ~~NOV 19 1993~~ THE GENERAL PERMIT TO  
CONSTRUCT/OPERATE A SOIL THERMAL TREATMENT FACILITY

DEPT. OF ENV. PROTECTION  
WEST PALM BEACH

INSTRUCTIONS: Please provide all information as requested below. For stationary facilities submit the original and four copies of this notice of intent application along with site location map, process flow chart drawings of the treatment facility, and groundwater monitoring plan to the appropriate district office, and one copy of the groundwater monitoring plan to the Bureau of Waste Cleanup. For mobile units submit applicable information to the Bureau of Waste Cleanup, Florida Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

Type: Stationary X Mobile     General Permit No.: 5013-195017

Name of Facility: RINKER MATERIALS CORPORATION County: DADE

Facility Address: 1200 NW 137 AVENUE MIAMI, FLORIDA 33182

Latitude 25 ° 46 ' 48 " N Longitude 80 ° 25 ' 10 " W

Telephone Number: 305-221-7645

Name of Owner(s): RINKER MATERIALS CORPORATION

Owner(s) Address if different from above: SAME

Department of Environmental Regulation Air Permit Number: A013-233208

Expiration Date: January 15, 1995

Length of primary chamber (ft): 80ft.

Heat generation capability (BTU/hr): 40mm

Capacity of facility at a 25 minute retention time  
(yd<sup>3</sup>/hr):            or (tons/hr): 40

Operating temperature of primary chamber (°F): 1000° Discharge

Estimated average volume of soil to be processed (yd<sup>3</sup>/mth): 5,000 To 29,000

Covered storage area (ft<sup>2</sup>): 30,000 Height of cover (ft): 45'

Floor construction (cement, asphalt, etc.): Cement

RECEIVED

AUG 10 1993



RECEIVED  
NOV 09 1993  
DEPT. OF ENV. PROTECTION  
WEST PALM BEACH

Statement by Applicant:

I hereby attest as the owner or authorized representative of  
RINKER MATERIALS CORPORATION (attach letter of  
authorization) the preceding information is accurate and that I  
will operate this facility in accordance with the requirements of  
Chapter 17-775 entitled "Soil Thermal Treatment Facilities." I  
understand that failure to operate this facility as required will  
constitute grounds for revocation of this permit.

James S. Jenkins III  
Signature of Owner or Authorized Representative

James S. Jenkins III, V.P. Cement Operations  
Name and Title

8-5-93  
Date

Statement by Florida Registered Professional Engineer:

I hereby certify that the above information pertinent to the  
construction an operation of this facility is correct and that  
this facility is capable of operating to achieve the requirements  
and standards as set forth in Chapter 17-775 of the Florida  
Administrative Code.

Donald A. Beers  
Signature of Engineer  
(affix seal)

Donald A. Beers, P.E.  
Engineer's Name (Please Type)

PE 0032530  
Florida Registration Number

Rinker Materials Corporation  
Company Name

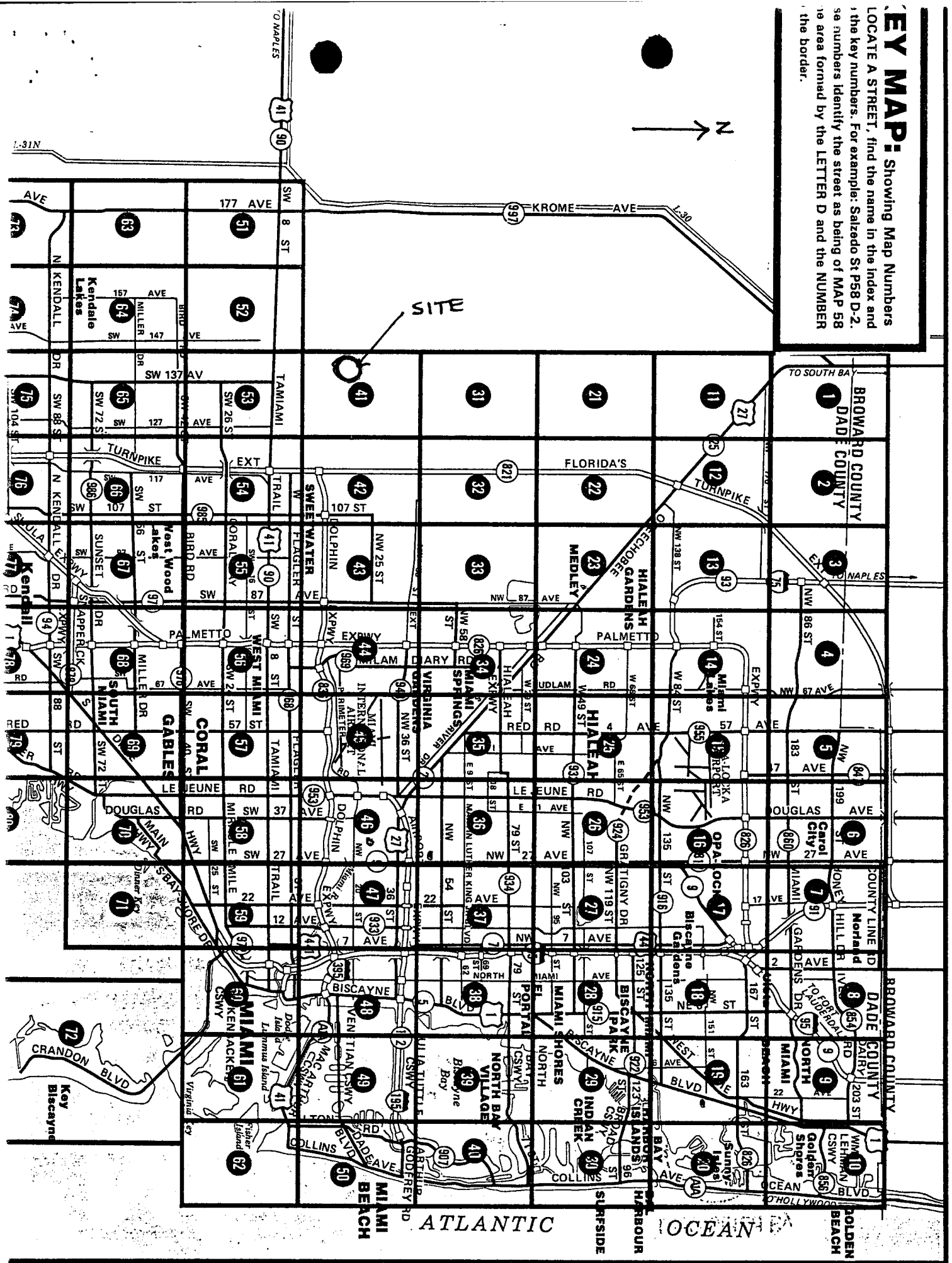
P.O. BOX 24635 West Palm Beach  
Address Street City 33416-4635

8/10/93 407-820-8346  
Date Telephone Number

DLB  
11/9/93

RECEIVED  
AUG 10 1993  
DEPT. OF ENV. PROTECTION  
WEST PALM BEACH

**KEY MAP:** Showing Map Numbers  
 LOCATE A STREET, find the name in the index and the key numbers. For example: Salzedo St P58 D-2. The numbers identify the street as being of MAP 58 in the area formed by the LETTER D and the NUMBER 2.



11

12

13

14

27



LAKE

26

LAKE

LAKE

CANAL

33182

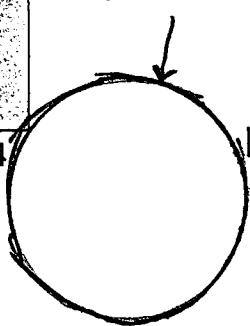
35

LAKE

LAKE

34

Rinker  
SITE



15 ST

14 ST

130 AVE

129 AVE

13 ST

12 ST

128 AV

TER

LOT 3

3

LOT 2

2

AV

133 AV

8 ST

NW

132

6

PROPOSED

836



# Department of Environmental Protection

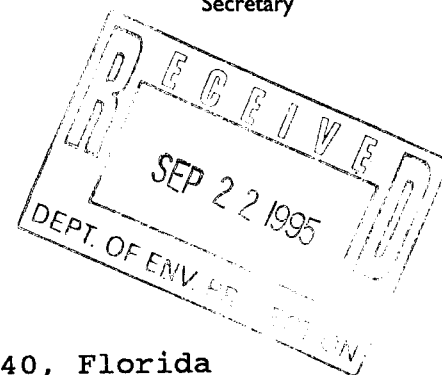
Lawton Chiles  
Governor

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Virginia B. Wetherell  
Secretary

September 21, 1995

Geoffrey D. Smith  
BLANK, RIGSBY & MEENAN, P.A.  
Post Office Box 11068  
Tallahassee, FL 32302-3068



Re: Petroleum Contact Water, Proposed Rule 62-740, Florida  
Administrative Code

Dear Mr. Smith:

This is in response to your letter of September 7, 1995, which described Rinker Material Corporation's ("Rinker") management of Petroleum Contact Water ("PCW"). In your letter, you requested on behalf of Rinker three determinations, whether Rinker's management of PCW as described therein would constitute "other Department approved management" pursuant to the proposed Rule 62-740.040(4)(f), F.A.C. Secondly, you requested a Department determination, if Rinker obtained and complied with the conditions of a used oil processing general permit pursuant to Rule 62-740.300, F.A.C., whether Rinker's management of PCW as described would be in compliance with the product recovery requirements for a recovery facility pursuant to proposed Rule Chapter 62-740, F.A.C. Thirdly, you requested a Department determination whether Chapter 62-740, F.A.C., requires a recovery facility operating under a used oil processor general permit to segregate, store and process its PCW separate from its used oil in the product recovery operations. The following is a response to the three inquiries.

In order for Rinker's operations to qualify under 62-740.040(4)(f), F.A.C., as "other Department approved management", Rinker would have to be a PCW producer who has determined the PCW to be non-hazardous, and has determined not to recover product from the PCW. Rinker's operations could be considered "other Department approved management" if the Department has given its approval for the use of the non-hazardous PCW as slurry make-up water. The District office would have to be involved in this approval process. Given the operation described with institutional controls, it seems approvable.

If Rinker obtains and is in compliance with its used oil processing general permit of 62-740.300, F.A.C., it may act as a PCW recovery facility. The operating procedures outlined in your

Geoffrey D. Smith  
September 21, 1995  
Page 2

letter do not appear to violate the management standards of the proposed Rule Chapter 62-740, F.A.C. Recovery facilities are not required to segregate used oil from the PCW in its product recovery operations for the purposes of complying with Rule Chapter 62-740, F.A.C.

Thank you for your participation in the rule drafting process, the technical advisory meetings, and the rule workshop. If I can be of further help to you in clarifying the proposed rule as it applies to Rinker, please do not hesitate to call me.

Sincerely,



Diana D. Coleman  
Assistant General Counsel

DDC/mcm

cc: Raoul Clarke  
Mike Redig  
Knox McKee

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION SOUTHEAST DISTRICT  
NATURAL DISASTER EMERGENCY CONTINGENCY PLAN**

**5.5. SOIL THERMAL TREATMENT FACILITY.**

**5.5.1. PRE- DISASTER, SOIL THERMAL TREATMENT FACILITY.**

1. DISASTER	2. TEAM MEMBER NAMES	3. AGENCY
HURRICANE ERIN	LEE MARTIN	FDEP, SED WASTE MANAGEMENT
4. TEAM NUMBER	5. LOCATION ASSESSED	6. DATE/TIME
		7/31/95 @ 1000
7. THREATCON	8. INITIAL OR FOLLOW-UP REPORT	9. FACILITY RANKING
	INITIAL	

**A. Facility Information:**

- (1) Facility Name: RINKER MATERIALS CORP.  
 (2) Address: 1200 NW 137th AVE MIAMI  
 (3) Telephone: 1-800-226-7647  
 (4) FAX: 1-305-229-8015  
 (5) POC: DAVE MARPLE  
 (6) LAT/LONG: N26°46'48" W80°25'10"

**B. Does the facility have a formal Hurricane Plan?** YES NO

**C. Is the facility still accepting contaminated soil?** YES NO  
 If "YES", when will the facility stop accepting? Stops day in advance

**D. Is the facility still processing contaminated soil?** YES NO  
 If "YES", when will the facility stop processing? Stops day in advance

(1) Is storage of untreated and treated soil adequate according to the facility?  
YES NO

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION SOUTHEAST DISTRICT  
NATURAL DISASTER EMERGENCY CONTINGENCY PLAN**

(2) How long will the facility be in operation prior to the storm event?

up to the day before then all electricity is shut off and  
motors covered. Large kilns are idled with pony engine.

E. What is the emergency telephone number for a facility contact during/after the event? Is there an alternate telephone number outside of the projected impact area?

Emergency number 1-800-226-7647 Alternate 407-833-5555  
1-800-226-5521

F. What steps are being taken to protect facility records from damage?

Files are moved to main bldg via backup  
tapes.

G. Will the facility require any assistance from FDEP prior to the storm event? If so, what type of assistance?

NONE

**NOTE: INFORM THE FACILITY THAT FDEP WILL BE PHONING AND  
OR VISITING THE FACILITY SHORTLY AFTER THE EMERGENCY IN  
ORDER TO INSPECT AND DETERMINE FACILITY COMPLIANCE. THE  
INSPECTION WILL ALSO HELP THE FDEP TO DETERMINE IF ANY  
SPECIAL ASSISTANCE MAY BE REQUIRED.**

H. Comments:

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**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION SOUTHEAST DISTRICT  
NATURAL DISASTER EMERGENCY CONTINGENCY PLAN**

**5.5.2. POST DISASTER, SOIL THERMAL TREATMENT  
FACILITY.**

<b>1. DISASTER</b>	<b>2. TEAM MEMBER NAMES</b>	<b>3. AGENCY</b>
HURRICANE ERIN	LEE MARTIN	FDEP, SED WASTE MANAGEMENT
<b>4. TEAM NUMBER</b>	<b>5. LOCATION ASSESSED</b>	<b>6. DATE/TIME</b>
		8/3/95 @ 1000
<b>7. THREATCON</b>	<b>8. INITIAL OR FOLLOW-UP REPORT</b>	<b>9. MAP ATTACHED</b> YES <input checked="" type="radio"/> NO <input type="radio"/>
DELTA	INITIAL	

**A. (1) Soil Thermal Treatment Facility OR Facility Undergoing Remediation:**

- RINKER MATERIALS CORP.
- (2) Address: 1200 NW 137<sup>th</sup> AVE, MIAMI
- (3) Contact Person: DAVE MARPLE
- (4) Telephone: 1-800-226-7647
- (5) Facility ID No. or Permit Number: 5013-195017
- (6) Lat/Long: N26° 46' 48" W 80° 25' 10"

**B. STORAGE:**

**(1) Describe Damage to Storage Facilities and Evaluate Condition:**

NONE

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**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION SOUTHEAST DISTRICT  
NATURAL DISASTER EMERGENCY CONTINGENCY PLAN**

(2) FDEP Assistance Required:

*NONE*

(3) Is there evidence that untreated soils or untreated waters have been spread to previously uncontaminated areas? If so, describe:

*NONE*

(4) What steps are being taken to abate/repair the discharge:

*N/A*

**DAMAGE AND LIMITING FACTORS TO CONSIDER:**

- (1) Above and Underground Storage Tanks (2) Vents (3) Structural Integrity  
(4) Leachate Management (5) Monitoring wells (6) Drum/Container Storage  
(7) Dispensers/pumps (8) Mobile Tanks

**C. TREATMENT OPERATIONS:**

(1) Describe Damage to Treatment Process:

*NONE*

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION SOUTHEAST DISTRICT  
NATURAL DISASTER EMERGENCY CONTINGENCY PLAN**

(2) FDEP Assistance Required:

*NONE*

**DAMAGE AND LIMITING FACTORS TO CONSIDER:**

Chemicals	Conveyors	Pumps	Stacks	Power
Public Water	Waste Disposal	Access to Facility(s)		
Stripping Towers	Carbon Units	Thermal Treatment Unit		

**D. RECORD KEEPING:**

(1) Were facility records damaged/lost. If so, describe:

*NO RECORDS LOST*

**E. COMMENTS:**

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION SOUTHEAST DISTRICT  
NATURAL DISASTER EMERGENCY CONTINGENCY PLAN**

**5.5. SOIL THERMAL TREATMENT FACILITY.**

**5.5.1. PRE- DISASTER, SOIL THERMAL TREATMENT FACILITY.**

1. DISASTER	2. TEAM MEMBER NAMES	3. AGENCY
HURRICANE ERIN	LEE MARTIN	FDEP, SED WASTE MANAGEMENT
4. TEAM NUMBER	5. LOCATION ASSESSED	6. DATE/TIME
		7/31/95 @ 1000
7. THREATCON	8. INITIAL OR FOLLOW-UP REPORT	9. FACILITY RANKING
	INITIAL	

**A. Facility Information:**

- (1) Facility Name: RINKER MATERIALS CORP.  
 (2) Address: 1200 NW 137th AVE MIAMI  
 (3) Telephone: 1-800-226-7647  
 (4) FAX: 1-305-229-8015  
 (5) POC: DAVE MARPLE  
 (6) LAT/LONG: N26°46'48" W80°25'10"

**B. Does the facility have a formal Hurricane Plan?** YES NO

**C. Is the facility still accepting contaminated soil?** YES NO  
 If "YES", when will the facility stop accepting? Stops day in advance

**D. Is the facility still processing contaminated soil?** YES NO  
 If "YES", when will the facility stop processing? Stops day in advance

(1) Is storage of untreated and treated soil adequate according to the facility?  
YES NO

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION SOUTHEAST DISTRICT  
NATURAL DISASTER EMERGENCY CONTINGENCY PLAN**

(2) How long will the facility be in operation prior to the storm event?

up to the day before then all electricity is shut off and  
motors covered. Large blns are idled with pony engine.

E. What is the emergency telephone number for a facility contact during/after the event? Is there an alternate telephone number outside of the projected impact area?

Emergency number 1-800-226-7647 Alternate 407-833-5555  
1-800-226-5521

F. What steps are being taken to protect facility records from damage?

Files are moved to main bldg via backup  
tapes.

G. Will the facility require any assistance from FDEP prior to the storm event? If so, what type of assistance?

NONE

**NOTE: INFORM THE FACILITY THAT FDEP WILL BE PHONING AND  
OR VISITING THE FACILITY SHORTLY AFTER THE EMERGENCY IN  
ORDER TO INSPECT AND DETERMINE FACILITY COMPLIANCE. THE  
INSPECTION WILL ALSO HELP THE FDEP TO DETERMINE IF ANY  
SPECIAL ASSISTANCE MAY BE REQUIRED.**

H. Comments:

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**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION SOUTHEAST DISTRICT  
NATURAL DISASTER EMERGENCY CONTINGENCY PLAN**

**5.5.2. POST DISASTER, SOIL THERMAL TREATMENT  
FACILITY.**

<b>1. DISASTER</b>	<b>2. TEAM MEMBER NAMES</b>	<b>3. AGENCY</b>
HURRICANE ERIN	LEE MARTIN	FDEP, SED WASTE MANAGEMENT
<b>4. TEAM NUMBER</b>	<b>5. LOCATION ASSESSED</b>	<b>6. DATE/TIME</b>
		8/3/95 @ 1000
<b>7. THREATCON</b>	<b>8. INITIAL OR FOLLOW-UP REPORT</b>	<b>9. MAP ATTACHED</b> YES <input type="radio"/> NO <input checked="" type="radio"/>
DELTA	INITIAL	

**A. (1) Soil Thermal Treatment Facility OR Facility Undergoing Remediation:**

- RINKER MATERIALS CORP.
- (2) Address: 1200 NW 137TH AVE, MIAMI
- (3) Contact Person: DAVE MARPLE
- (4) Telephone: 1-800-226-7647
- (5) Facility ID No. or Permit Number: 5013-195017
- (6) Lat/Long: N26° 46' 48" W80° 25' 10"

**B. STORAGE:**

**(1) Describe Damage to Storage Facilities and Evaluate Condition:**

NONE

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**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION SOUTHEAST DISTRICT  
NATURAL DISASTER EMERGENCY CONTINGENCY PLAN**

(2) FDEP Assistance Required:

*NONE*

**DAMAGE AND LIMITING FACTORS TO CONSIDER:**

Chemicals	Conveyors	Pumps	Stacks	Power
Public Water	Waste Disposal	Access to Facility(s)		
Stripping Towers	Carbon Units	Thermal Treatment Unit		

D. RECORD KEEPING:

(1) Were facility records damaged/lost. If so, describe:

*NO RECORDS LOST*

E. COMMENTS:

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION  
ENFORCEMENT TELEPHONE LOG

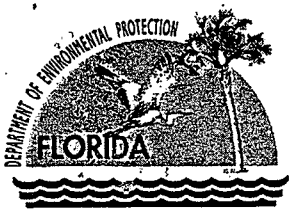
CASE NAME: Rinker DATE: 7/31/95 TIME: 1540

CONTACT: Dave Mayple OF: \_\_\_\_\_ CALLER/  
WAS CALLED

\*\*\*\*\*

DISCUSSION: Called to confirm they had implemented their hurricane plan. They have implemented their plan as of 1000 AM and don't foresee any problems.

PREPARED BY: W. Martin



# Department of Environmental Protection

Lawton Chiles  
Governor

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Virginia B. Wetherell  
Secretary

June 26, 1995

RECEIVED

JUL 03 1995

DEPT OF ENV PROTECTION  
WEST PALM BEACH

Mr. Scott Benyon  
Director, Environmental and  
Engineering Services  
1501 Belvedere Road  
West Palm Beach, FL 33406

RE: Rinker Materials  
1200 NW 137 Avenue  
Miami, Florida  
DEP Facility #138521974

Dear Mr. Benyon:

The Site Rehabilitation Completion Report (SRCR) dated December 1994 (received December 19, 1994), demonstrated that this site has been rehabilitated in accordance with Chapter 62-770, Florida Administrative Code (F.A.C.). Documentation submitted with this report confirms that the target levels set forth in Section 62-770.730(5), F.A.C. were achieved during the monitoring period of the approved Monitoring Only Plan. The SRCR is hereby incorporated by reference in this Order. Therefore, your site rehabilitation is hereby determined to be complete and, except as set forth below, you are released from any further obligation to conduct site rehabilitation at the above-referenced site.

In the event contaminant concentrations increase significantly from the levels approved in this Order, or if a subsequent discharge of petroleum or petroleum product occurs at the site, the Department may require site rehabilitation in order to reduce contaminant concentrations to the levels approved through review of the SRCR or otherwise allowed by Chapter 62-770, F.A.C.

Additionally, you are required to properly abandon all monitoring wells except compliance wells required by Chapter 62-761 F.A.C. for release detection. The wells must be abandoned in accordance with the requirements of Section 62-532.500(4) F.A.C.



June 26, 1995  
Mr. Benyon  
Page 2

Persons whose substantial interests are affected by this Site Rehabilitation Completion Order have the right to challenge the Department's decision. Such a challenge may include filing a petition for an administrative determination (hearing) as described in the following paragraphs. However, pursuant to Chapter 62-103, F.A.C., you may request an extension of time to file the Petition. All requests for extensions of time to file a petition or petitions for administrative determinations must be filed directly with the Department's Office of General Counsel at the address given below within twenty-one (21) days of receipt of this notice (do not send them to the Bureau of Waste Cleanup).

Notwithstanding the above, a person whose substantial interests are affected by this Site Rehabilitation Completion Order may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes (F.S.). The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within twenty-one (21) days of receipt of this notice. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S.

The petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the Department file number (DEP facility number), and the name and address of the facility;
- (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 each petitioner, if any;
- (e) A statement of facts which each petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes each petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by each petitioner, stating precisely the action each petitioner wants the Department to take with respect to the Department's action or proposed action.

This Site Rehabilitation Completion Order is final and effective on the date of receipt of this Order unless a petition (or time extension) is filed in accordance with the preceding paragraphs. Upon the timely filing of a petition, this Order will not be effective until further order of the Department.

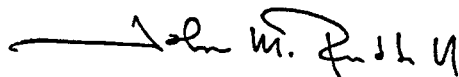
June 26, 1995  
Mr. Benyon  
Page 3

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 filed within thirty (30) days from the date the Final Order is filed with the Clerk of the Department.

The DEP Facility number for this site is 138521977. Please use this identification on all future correspondence with the Department.

Any questions you may have on the technical aspects of this Site Rehabilitation Completion Order should be directed to Wilbur Mayorga at (305) 372-6700. Contact with the above named person does not constitute a petition for administrative determination.

Sincerely,



John M. Ruddell, Director  
Division of Waste Management

BH

pc: Dallas Troutt - FDEP  
Wilbur Mayorga - DERM (#7689/UT-1166)  
Alan Fass - Blasland, Bouck & Lee



**Rinker**

Rinker Materials Corporation  
1200 N.W. 137th Avenue  
Miami, FL 33182

P.O. Box 650679  
Miami, FL 33265-0679

Facsimile (305) 223-5403  
Telephone (305) 221-7645

Department of Environmental Protection  
1900 South Congress Ave  
Suite A  
West Palm Beach, FL 33406

Attn: Mr. Lee Martin

Dear Lee Martin:

In regards to our conversation of January 3, 1995. Please find enclosed a copy of the " TCLP " for arsenic. The project reference is 302-94030 dated 10/28/94.

If you require further information please let me know.

Sincerely,

David Marple

*Lee*

RECEIVED

JAN 27 1995

*Sorry for delay.*

DEPT OF ENV PROTECTION  
WEST PALM BEACH

*Letter was returned  
due to new address not  
on our file*

*David*

Project Number: 050305296-071504  
 Project ID: 19650 NE 18th AVE.  
 MIAMI, FL  
 Work Order Number: F4-08-0117  
 B4H110033-001

RECEIVED

JAN 27 1995

DEPT OF ENV PROTECTION  
 WEST PALM BEACH

## ANALYTICAL RESULTS

Total Metals in Soil<sup>a</sup>

GTEL Sample Number				080117-01	080117-02	080117-03	--
Client Identification				COMPOSITE SB-19	COMPOSITE SB-20	COMPOSITE SB-21	--
Date Sampled				08-09-94	08-09-94	08-09-94	--
Date Digested				08-15-94	08-15-94	08-15-94	--
Analyte	Method #	RL <sup>b</sup>	Date Analyzed	Concentration, mg/kg			
Arsenic	7060	1.0	08-16-94	8.1	310	6.2	--
Barium	6010	20	08-16-94	<RL	<RL	<RL	--
Cadmium	6010	1.0	08-16-94	<RL	<RL	<RL	--
Chromium	6010	1.0	08-16-94	9.6	7.0	18	--
Lead	6010	15	08-16-94	17	<RL	<RL	--
Mercury	7471	0.1	08-15-94	<RL	<RL	<RL	--
Potassium	6010	500	08-16-94	<RL	<RL	<RL	--
Selenium	7740	2.0	08-16-94	<RL	<RL	<RL	--
Silver	7761	2.0	08-18-94	<RL	<RL	<RL	--
Sodium	6010	500	08-16-94	<RL	<RL	<RL	--
Dilution Multiplier <sup>c</sup>				1	1	1	--

- a Test Methods for Evaluating Solid Waste, SW-846, Third Edition, Revision 0, US EPA September 1986; digestion EPA Method 3050 (except for Mercury).  
 b RL = Reporting Limit.  
 c The Dilution Multiplier indicates the factor necessary for the adjustment of the reporting limits due to sample dilutions.

Project Number: 050305296-071504  
 Project ID: 19650 NE 18th AVE.  
 MIAMI, FL  
 Work Order Number: F4-08-0268

RECEIVED  
 JAN 27 1995  
 DEPT OF ENV. PROTECTION  
 WEST PALM BEACH

## ANALYTICAL RESULTS

Metals in TCLP Leachate<sup>a</sup>

GTEL Sample Number		080268-01	--	--	--
Client Identification		COMP SB-20	--	--	--
Date Sampled		08-09-94	--	--	--
Dates Leached		08-26-94 08-27-94	--	--	--
Date Analyzed (Method 6010)		08-29-94	--	--	--
Analyte	Method # <sup>b</sup>	RL <sup>c</sup>	Concentration, mg/L		
Arsenic	6010	0.50	<RL	--	--
Dilution Multiplier <sup>d</sup>		4	--	--	--

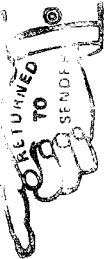
a Test Methods for Evaluating Solid Waste, SW-846, Third Edition, July 1992. Method 1311.

b Test Methods for Evaluating Solid Waste, SW-846, Third Edition, Revision 0, US EPA September 1986; digestion by Method 3010 (except for Mercury).

c RL = Reporting Limit.

d The Dilution Multiplier indicates the factor necessary for the adjustment of the reporting limits due to sample dilutions.

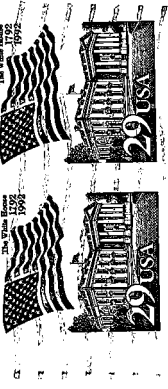
RINKER  
MATERIALS SUBSTITUTION  
1200 N.W. 137th AVENUE  
MIAMI, FL. 33182



- ☐ MOVED—LEFT NO ADDRESS
- ☒ FORWARDING ORDER EXPIRED
- ☐ ATTEMPTED—NOT KNOWN
- ☐ UNCLAIMED ☐ REFUSED
- ☐ NO SUCH STREET
- ☐ NO SUCH NUMBER
- ☐ INSUFFICIENT ADDRESS
- ☐ NO MAIL RECEIPTABLE
- ☐ TEMPORARILY AWAY
- ☐ VACANT

ROUTE NO. 636 DATE 1/11/83  
CARR/INITIALS HE

Department of Environmental Protection  
1900 South Congress Ave  
Suite A  
West Palm Beach, FL 33406



STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

ENFORCEMENT TELEPHONE LOG

CASE NAME: Rivka/Tomas for Miami DATE: 5/2/95 TIME: 3:30p  
CONTACT: Mary Adinsky OF: US GAO WASH, DC CALLED  
PHONE: 202/512-6560 WAS CALLED

DISCUSSION:

- Kuy referred call to US.
- With Tom Tittle (AIR), Lee Mathu + I on a speaker phone, we called Ms. Adinsky. She claims she is reviewing a EPA Document about "Cement Kiln Dust" stockpiled on ground at both sites.
- DEP knows of no "CKD" at either site - all goes into process. Insp. 3/4 the way - name known she will send info.

PREPARED BY: Paul W.

## MEMO FOR RECORD

FILE: Rinker Materials GMP Review

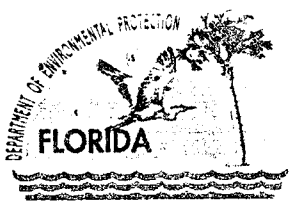
DATE:

The quarterly groundwater monitoring data for November 1994-January 1995 has been reviewed with no problems noted.

Prepared by: J. Martin 3/27/95

Reviewed by: Paul A. Weyburn





# Department of Environmental Protection

Lawton Chiles  
Governor

JAN 09 1995

Southeast District  
P.O. Box 15425  
West Palm Beach, Florida 33416

Virginia B. Wetherell  
Secretary

Mr. Michael Vardeman  
Rinker Materials Corporation  
1200 NW 137th Ave.  
Miami, FL 33182

REF: Request for Modification of STTF Permit SO13-195017

Dear Mr. Vardeman,

The Department has reviewed your letter request for modification submitted December 22, 1994, received December 30, 1994 and has determined the request to be incomplete. The request is being returned for additional information.

Since the modification represents a significant change in the testing and analytical protocol from those procedures submitted with the original application, the new procedures should be transmitted with a new signed and sealed Notice of Intent (DER Form 17-775.900(1)) in sufficient detail to support the modification. The notice of intent should include at a minimum; a detailed list of parameters and methods for sample analysis, a detailed discussion of the procedures and frequency used to obtain subsamples for the composite sample, procedures for compositing the subsamples, a description and diagram/drawing identifying the point at which subsamples are taken, a diagram/drawing identifying the components of the treatment process and the treated soil storage area, a detailed discussion of procedures to be used to identify and manage any treated soils which may exceed the clean soil criteria after testing, a detailed discussion of the procedures proposed to manage and stockpile PCB contaminated soils both before and after treatment to ensure disposition in either a finished product or a lined landfill, and any recordkeeping proposed to determine disposition of the treated PCB contaminated soils.

If you have any questions, please contact me or Lee Martin at 407-433-2650.

Sincerely,

Paul A. Wierzbicki, P.G.  
Waste Cleanup Supervisor

cc: T. Conrardy, DEP/BWC, Tallahassee  
R. Johns, DERM, Miami  
West Palm Beach Files

State of Florida  
Department of Environmental Regulation

# District Routing Slip

To: Paul Wierzbicki

Date: 12/30

C.C. To:

	<b>Pensacola</b>	<b>Northwest District</b>	
	Panama City	Northwest District Branch Office	
	Tallahassee	Northwest District Branch Office	
	Apalachicola	Northwest District Satellite Office	
	<b>Tampa</b>	<b>Southwest District</b>	
	Punta Gorda	Southwest District Branch Office	
	Bartow	Southwest District Satellite Office	
	<b>Orlando</b>	<b>Central District</b>	
	Melbourne	Central District Satellite Office	
	<b>Jacksonville</b>	<b>Northeast District</b>	
	Gainesville	Northeast District Branch Office	
	<b>Fort Myers</b>	<b>South District</b>	
	Marathon	South District Branch Office	
X	<b>West Palm Beach</b>	<b>Southeast District</b>	
	Port St. Lucie	Southeast District Branch Office	
Reply Optional <input type="checkbox"/>		Reply Required <input type="checkbox"/>	Info Only <input type="checkbox"/>
Date Due _____		Date Due: _____	

Comments:

This was erroneously sent to Tallahassee,  
where it was (also erroneously) passed  
on to me.

From:

Connie Benson

Tel.:

(Sc) 278-0130



0100249

**Rinker**

Rinker Materials Corporation  
1200 N.W. 137th Avenue  
Miami, FL 33182

P.O. Box 650679  
Miami, FL 33265-0679

Facsimile (305) 223-5403  
Telephone (305) 221-7645

December 22, 1994

Mr. Paul Wierzbicki  
Florida Department of Environmental Protection  
Twin Tower Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

FLA. DEPT. OF ENVIRONMENTAL REG.  
WEST PALM BEACH

RECEIVED  
05 JAN 5 PM 2 14

104 DEC

**Re: Permit Modification - General Permit No. 5013-195017**

Dear Paul:

This letter is submitted requesting modification of General Permit No. 5013-195017. The requested modification is to allow Rinker to treat soil to clean fill standards. This modification would abandon the existing alternate procedure where our product-clinker is tested instead of the cleaned soil exiting the dryer.

Rinker will comply with F.A.C. 17-775.410(5) for sampling and testing. Composite samples will be analyzed as specified in Rule 17.775.400(1), (2)(a) and 3, F.A.C. If the clean soil criteria in Rule 17.775.400(2)(a) is exceeded, the soil will be analyzed for PAH and VOH parameters identified in Rule 17.775.400(2)(b), F.A.C.

The new sampling point for treated soils will be at the discharge of the dryer. These treated materials are discharged from the soil treatment unit into the bins currently used for these processed soils. Processed soils will stay in these bins until testing certifies them clean, at which time they will be used or moved as needed.

Testing of these materials will continue to be performed by VOC Laboratories at this time.

This change does not affect any other aspect of our existing soil operations for precertification, receiving, storage or treatment, etc.

RECEIVED  
SUBS. LANDS & ENV. REG.  
DEC 30 1994

Mr. Paul Wierzbicki  
Page 2

Your consideration in this matter is appreciated. If you have questions, please contact me at 305-229-3855.

Very truly yours,



Michael D. Vardeman  
Cement Division, Environmental Manager

MDV/lb

RECEIVED  
SUBLANDS  
DEC 30 1984

Paul

I finally spoke with Tom Conrady at FDEP. I described what we were (going) to modify. He didn't see any problem since we were no longer attempting to do both methods of testing of treated soils/clinker.

Anyway I went over what I intended to submit. - The reason for not co-certifying our laboratory is that for Rinke to meet all of the requirements there is additional equipment required above that which we currently have. (Duplication of equipment). This will take more than a month and we want to go ahead with this modification. I will resubmit for testing when our lab is ready.

If there are questions please hold this. I'll be back January 3, 1995.

Thanks for your help.

Very Truly Yours  
Michael Williams

DEC 30 1994

RECEIVED  
SUBLANDS & ENV. REG.

**Rinker**

63-568  
631

BANK OF AMERICA  
CAMPBELL AT JEFFERSON ST.  
TALLAHASSEE, FL 32301

108121

P.O. BOX 24635  
WEST PALM BEACH, FL 33416-4635  
PHONE (407) 833-5555

DATE

CHECK NO.

0100249

NET AMOUNT

08/10/94

00108121

\*\*\*\*\*500.00

\*\*\*\*\*  
FIVE HUNDRED AND 00/100

TO THE  
ORDER  
OF

FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION  
P.O. BOX 15425  
WEST PALM BEACH FL 33416

RINKER MATERIALS CORPORATION  
TWO SIGNATURES REQUIRED IF OVER \$25,000.00

RECEIVED  
SUB LANDS & ENV RES  
DEC 30 1994

9/14/94 Rinker mtg on permit mod.

- Mike Vandeman, Paul Wieglicki, Lee Martin attending.
- Some material to be diverted after treatment to other areas. Now treating  $\approx 600$  tons a day, placed in dry stone bin after treatment ( $\approx 6500$  tons). May go to other parts of the company.
- 62-775 Testing = hourly for 8 hrs or 400 tons whichever is less.
- Propose to check internally for TRPH coming out of stone dryer then send split to certified labs for final analysis. Only propose to sample for VOA/VOH since metals are below criteria going in (confirmed only in house) and would do metals once a week to confirm.
- Since procedures would be different from Rule would need an alternate procedure approval.
- Checked current permit, many ref to cement product and specifically excludes use as clean fill. Would need extensive changes so may just go with separate general permit to address clean fill path.
- Mike to check with Tom Comandy on Alt. Procedures angle.

ALUMINA -

cracking dust

check next insp.

Cracking catalyst - our ltr indicated storage should ~~be~~ not be on bare ground. Lab results indicated Pb = 78 ppm from Hess. Questions on how sample was taken, <sup>pts of container vessel</sup> where, containers used, composite or discreet, etc. If from different source than before they should sample again and if lead levels above clean soil yard leaching definitely not on bare ground.

Former VOSHA  
Union Rep? P. Laidman  
3a/420

3a/424-

0272

called Pete Foreman/OSHA who indicated they were launching an investigation based on an anonymous complaint. His primary concern was exposure to lead laden dust in the large containers the catalyst are brought in. See atch lab <sup>Wim</sup> results. 1/30/99

Sample of dust no. 200  
material

2057



07-19-94 07:22 AM FROM OSEA, FT LAUDERDALE

001-487-1198-&gt;

385 424 3873 FAX NETWORK GATEWAY

Page 3

Time / Type	Q11n/ B
30. Analyte Name	31. Analysis Results /
Q100 Qualitative Elemental Analysis	72.0000 % silica
Q100 Qualitative Elemental Analysis	T Si
Q100 Qualitative Elemental Analysis	6.4880 % aluminum
Q100 Qualitative Elemental Analysis	T Al
Q100 Qualitative Elemental Analysis	0.8300 % iron
Q100 Qualitative Elemental Analysis	T Fe
Q100 Qualitative Elemental Analysis	0.8300 % titanium
Q100 Qualitative Elemental Analysis	T Ti
Q100 Qualitative Elemental Analysis	0.3580 % phosphorus
Q100 Qualitative Elemental Analysis	T P
Q100 Qualitative Elemental Analysis	0.2680 % nickel
Q100 Qualitative Elemental Analysis	T Ni
Q100 Qualitative Elemental Analysis	0.3580 % potassium
Q100 Qualitative Elemental Analysis	T K
Q100 Qualitative Elemental Analysis	0.2300 % calcium
Q100 Qualitative Elemental Analysis	T Ca
Q100 Qualitative Elemental Analysis	0.1500 % sulphur
Q100 Qualitative Elemental Analysis	T S
Q100 Qualitative Elemental Analysis	0.1300 % cesium
Q100 Qualitative Elemental Analysis	T Cs
Q100 Qualitative Elemental Analysis	0.1200 %
Q100 Qualitative Elemental Analysis	T La
Q100 Qualitative Elemental Analysis	790.0000 P vanadium
Q100 Qualitative Elemental Analysis	T V
Q100 Qualitative Elemental Analysis	410.0000 P
Q100 Qualitative Elemental Analysis	T Cl
Q100 Qualitative Elemental Analysis	260.0000 P zinc
Q100 Qualitative Elemental Analysis	T Zn
Q100 Qualitative Elemental Analysis	220.0000 P lead
Q100 Qualitative Elemental Analysis	T Pb
Q100 Qualitative Elemental Analysis	190.0000 P
Q100 Qualitative Elemental Analysis	T Sr
Q100 Qualitative Elemental Analysis	150.0000 P barium
Q100 Qualitative Elemental Analysis	T Ba
Q100 Qualitative Elemental Analysis	92.0000 P zinc

OPTIONAL FORM 89 (7-89)

## FAX TRANSMITTAL

# of pages 1

To	From
Gary Waters	OSHA
Dept./Agency	Phone #
Fax #	Fax #
305-633 0698	424-3873
NSN 7540-01-817-7388	5089-101
GENERAL SERVICES ADMINISTRATION	

DEARM

PAUL WIERZBICKI

407-433-2666

Case File Page 1 of

T Zn

TEA calculated on actual time sampled. The I.H. is free to make changes on the Form 91B and submit them directly to I.H.

## UNITS of MEASURE are:

P = Parts per million	M = Milligramme per cubic meter	L = Milligramme per liter (urine)
F = Fibers per cubic centimeter	% = Percent	D = Microgramme per deciliter (blood)
X = Micrograms	Y = Milligramme	C = Pino curies per liter (Radon gas)

Analyte codes are chosen by the laboratory. The I.H. should review them for applicability. If there are any questions call the laboratory for appropriate analyte codes (ie. ICP uses fume analyte codes when the I.H. may have sampled for dust).

Bulk samples are analyzed to provide an estimate of the composition of the material submitted. The results reported should be considered semi-quantitative only.

Sampling Number: 913222691

Electronic Copy



# Department of Environmental Protection

FILE

Lawton Chiles  
Governor

Southeast District  
P.O. Box 15425  
West Palm Beach, Florida 33416

Virginia B. Wetherell  
Secretary

## Permitted Stationary Thermal Treatment Facility Disaster Readiness Report

**Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_ **PERSON MAKING INQUIRY:** \_\_\_\_\_

**Facility Name:** Rinker Materials Corporation **County:** Dade

**Facility Address:** 1200 NW 137th Avenue, Miami, FL 33182

**Facility Telephone:** 305/221-7645

**Facility FAX:** 305/220-9875

**Facility Contact:** Michael Vardeman or David Marple

**Facility LAT:** 25° 46' 48" North; **LONG:** 80° 25' 10" West

1. How is the facility preparing for the Hurricane?
2. Is the facility still accepting soil?
3. Are they processing untreated soil?
  - a. Estimated time of completion of processing untreated soil
  - b. Is storage of untreated and untreated soil adequate (according to facility)?
  - c. How long will facility be in operation prior to the emergency?
4. What is the emergency telephone number for a facility contact during the emergency? And Alternate (if available)

Permitted Stationary Thermal Treatment Facility Disaster  
Readiness Report  
Page Two of Three

5. What steps are being taken to protect facility records from damage?

6. Does the facility need any assistance from the Department?

7. Inform the facility that we will be phoning and/or visiting the facility shortly after the emergency to inspect and determine facility compliance.

Permitted Stationary Thermal Treatment Facility Disaster  
Readiness Report  
Page Three of Three

Additional page for notes:

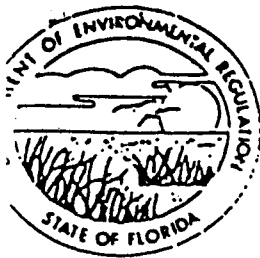


EXHIBIT A

# Florida Department of Environmental Regulation

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

Lawton Chiles, Governor

RECEIVED

Carol M. Browner, Secretary

NOTICE OF INTENT TO ~~NOT~~ <sup>AUG 10 1993</sup> THE GENERAL PERMIT TO  
CONSTRUCT/OPERATE A SOIL THERMAL TREATMENT FACILITY

DEPT. OF ENV. PROTECTION  
WEST PALM BEACH

INSTRUCTIONS: Please provide all information as requested below. For stationary facilities submit the original and four copies of this notice of intent application along with site location map, process flow chart drawings of the treatment facility, and groundwater monitoring plan to the appropriate district office, and one copy of the groundwater monitoring plan to the Bureau of Waste Cleanup. For mobile units submit applicable information to the Bureau of Waste Cleanup, Florida Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

Type: Stationary X Mobile      General Permit No.: 5013-195017

Name of Facility: RINKER MATERIALS CORPORATION County: DADE

Facility Address: 1200 NW 137 AVENUE MIAMI, FLORIDA 33182

Latitude 25 ° 46 ' 48 " N Longitude 80 ° 25 ' 10 " W

Telephone Number: 305-221-7645

Name of Owner(s): RINKER MATERIALS CORPORATION

Owner(s) Address if different from above: SAME

Department of Environmental Regulation Air Permit Number: A013-233208

Expiration Date: January 15, 1995

Length of primary chamber (ft): 80ft.

Heat generation capability (BTU/hr): 40mm

Capacity of facility at a 25 minute retention time  
(yd<sup>3</sup>/hr):            or (tons/hr): 40

Operating temperature of primary chamber (°F): 1000° Discharge

Estimated average volume of soil to be processed (yd<sup>3</sup>/mth): 5,000 To 29,000

Covered storage area (ft<sup>2</sup>): 30,000 Height of cover (ft): 45'

Floor construction (cement, asphalt, etc.): Cement

RECEIVED

AUG 10 1993

RECEIVED  
NOV 09 1993  
DEPT. OF ENV. PROTECTION  
WEST PALM BEACH

Statement by Applicant:

I hereby attest as the owner or authorized representative of  
RINKER MATERIALS CORPORATION (attach letter of  
authorization) the preceding information is accurate and that I  
will operate this facility in accordance with the requirements of  
Chapter 17-775 entitled "Soil Thermal Treatment Facilities." I  
understand that failure to operate this facility as required will  
constitute grounds for revocation of this permit.

James S. Jenkins III  
Signature of Owner or Authorized Representative

James S. Jenkins III, V.P. Cement Operations  
Name and Title

8-5-93  
Date

Statement by Florida Registered Professional Engineer:

I hereby certify that the above information pertinent to the  
construction and operation of this facility is correct and that  
this facility is capable of operating to achieve the requirements  
and standards as set forth in Chapter 17-775 of the Florida  
Administrative Code.

[Signature]  
Signature of Engineer  
(affix seal)

Donald A. Beers, P.E.  
Engineer's Name (Please Type)

PE 0032530  
Florida Registration Number

Rinker Materials Corporation  
Company Name

P.O. BOX 24635 West Palm Beach  
Address Street City 33416-4635

8/10/93 407-820-8346  
Date Telephone Number

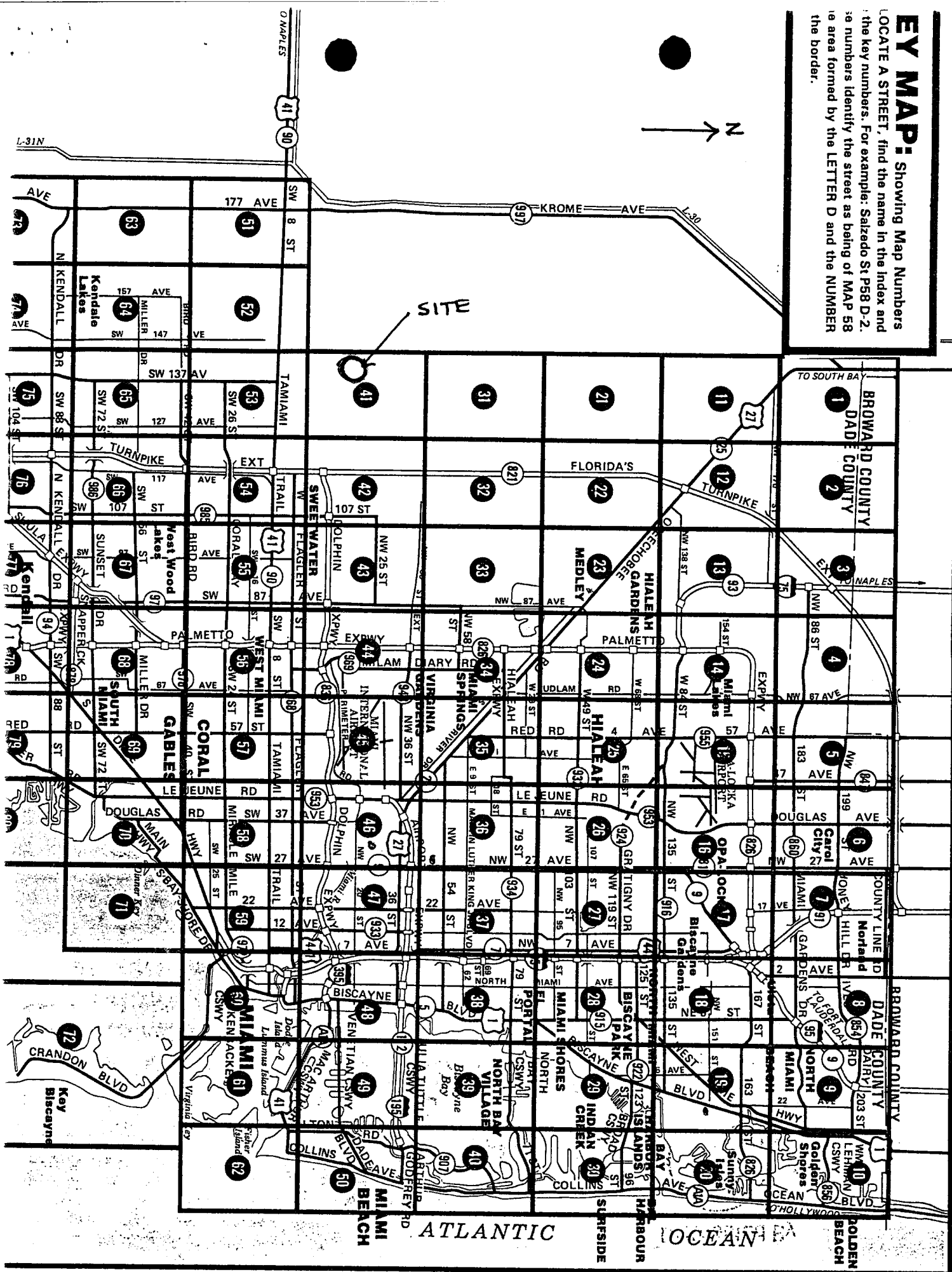
[Signature]  
11/9/93

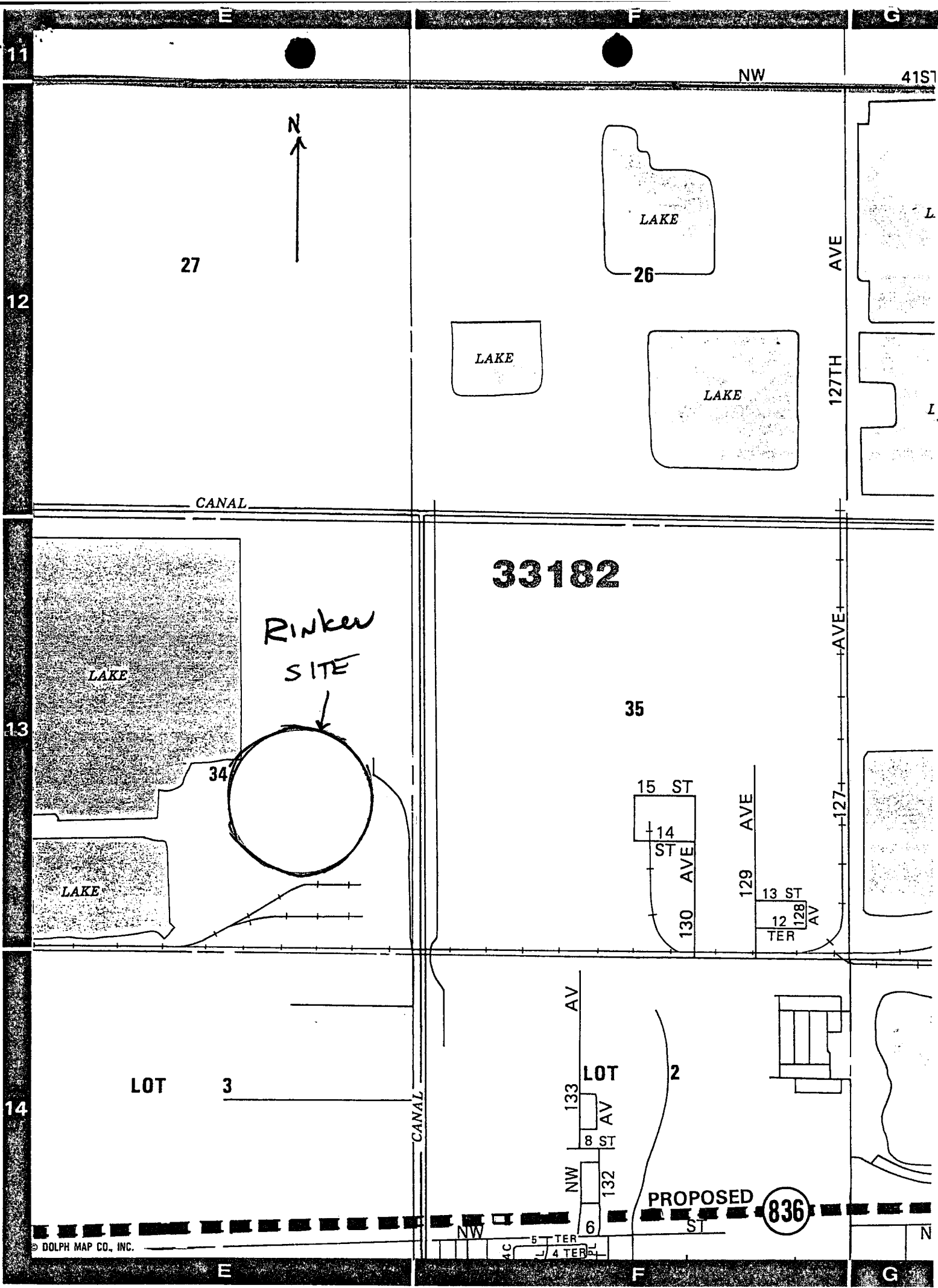
RECEIVED  
AUG 10 1993

DEPT. OF ENV. PROTECTION  
WEST PALM BEACH

# EY MAP: Showing Map Numbers

LOCATE A STREET, find the name in the index and the key numbers. For example: Salzedo St P58 D-2. The numbers identify the street as being of MAP 58 in the area formed by the LETTER D and the NUMBER the border.





27

LAKE

26

LAKE

LAKE

CANAL

33182

35

LAKE

RINK SITE

34

LAKE

15 ST

14 ST

130 AVE

129 AVE

13 ST

12 ST

128 AV

TER

LOT 3

LOT 2

133 AV

8 ST

NW

132

6

PROPOSED

836



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION IV  
345 COURTLAND STREET  
ATLANTA GEORGIA 30365

OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE, \$300

4WD-RCRA

*Paul,  
Let's talk  
about this  
VK*

Mr. paul Wierzvicki  
Southeast District  
Florida Department of Environmental  
Protection  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

ATL GA 303 20 12 05/D3/94 #3

RECEIVED

JUN 9 1994

DEPT OF ENV PROTECTION  
WEST PALM BEACH





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.  
ATLANTA, GEORGIA 30365

4WD-RCRA

JUN 03 1994

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. James Jenkins  
Vice President  
Rinker Materials Corporation  
P.O. Box 24635  
West Palm Beach, Florida 33416-4635

**SUBJ: CERCLA Off-Site Rule: Affirmative Determination of Acceptability  
for Rinker Materials Corporation, Miami, Florida**

Dear Mr. Jenkins:

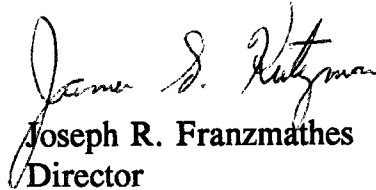
This letter serves to inform you that the U.S. Environmental Protection Agency (EPA) has made an affirmative determination of acceptability for the receipt of off-site waste at Rinker Materials Corporation (Rinker), Miami, Florida, FLD 981 758 485. Pursuant to 40 C.F.R. Section 300.440(a)(4), EPA has completed an initial assessment of Rinker, and finds the facility acceptable for the receipt of off-site waste. Such off-site wastes are defined as those wastes generated as a result of activities authorized or funded by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). On September 22, 1993, EPA amended the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, by adding Section 300.440, now known as the Off-site Rule. The rule implements and codifies the requirements contained in CERCLA Section 121(d)(3), and incorporates many provisions of the November 13, 1987 OSWER Directive (No. 9834.11), known as the Off-site Policy. The Off-site Rule establishes the criteria and procedures for determining if facilities are acceptable for the off-site receipt of CERCLA waste, and outlines the actions affected by the standard. The Off-site Rule requires that prior to a facility's initial receipt of CERCLA waste, EPA shall determine if there are relevant releases or relevant violations at the facility.

On September 24, 1993, and February 22, 1994, the Florida Department of Environmental Protection (FDEP) conducted Compliance Inspections (CEI) of the Soil Treatment Facility located at Rinker, to determine Rinker's compliance with the Resource Conservation and Recovery Act (RCRA) and other applicable environmental standards. Results from the September 24, 1993, and February 22, 1994, CEIs, indicate that Rinker is currently in compliance with RCRA and other applicable

environmental standards. Therefore, effective upon receipt of this letter Rinker is acceptable to receive CERCLA off-site waste at the facility described above. Should any new information affecting this determination develop, the Agency reserves the right to revisit this decision.

If you have any questions concerning this matter, please contact Edmond J. Burks, Regional Off-Site Contact, Region IV, at (404) 347-7603.

Sincerely yours,



Joseph R. Franzmathes  
Director

Waste Management Division

Enclosure

1. Off-Site Rule

cc: Vivek Kamath, Southeast District, FDEP  
Satish Kastury, Tallahassee, FDEP-HQ  
Nancy Browne, Office of Waste Programs Enforcement (OWPE)  
Ellen Epstein, OWPE  
Paul Wierzbicki, Southeast District, FDEP ✓  
Kenneth LaPierre, RCS, EPA  
Jeff Pallas, RCS, EPA  
Galo Jackson, Waste Division, EPA Region IV  
Beth Davis, EPA Region IV, ORC



# Florida Department Environmental Protection

Lawton Chiles  
Governor

Southeast District  
P.O. Box 15425  
West Palm Beach, Florida 33416

Virginia B. Wetherell  
Secretary

MAY 23 1994

Mr. John E. Dickinson, P.E., Chief  
RCRA Compliance Section  
Office of RCRA and Federal Facilities  
United States Environmental Protection Agency  
Region IV  
345 Courtland Street, N.E.  
Atlanta, GA 30365

Dear Mr. Dickinson:

RE: Environmental Compliance Audit, Rinker Materials Corporation,  
Materials Substitution Facility, 1200 Northwest 137th Avenue,  
Miami, Florida 33182

The Waste Programs Section of the Southeast District has reviewed and made photocopies of recent inspection reports for the Rinker facility referenced above. At this time, the only files that are available in the Waste Section deal with the facility's Chapter 17-775, Florida Administrative Code (F.A.C.) Soil Thermal Treatment Facility general permit. The permit allows Rinker to manage and thermally treat non-RCRA soils generated from the petroleum cleanups conducted pursuant to Chapter 17-770, F.A.C. Photocopies of the last several Soil Thermal Treatment Facility Inspection Reports are enclosed.

A permit was also issued by the Solid Waste Section to allow for waste tire processing, however, an inspection conducted on February 22, 1994 did not reveal any solid waste violations.

We have asked our Air Section for information and photocopies of the compliance inspections conducted at the facility. The Air Section has an agreement with the Metropolitan Dade Department of Environmental Resources Management (DERM) to conduct compliance inspections of the Rinker facility. The air inspection details are at the DERM office in Miami, however, a computer printout was obtained and is enclosed. You may wish to contact DERM directly for air inspection information. Please be advised that activities/materials not specifically allowed by the air permit would require a detailed review and possibly a permit modification by the Southeast District Air Section. Rinker should make this determination after a review of their permit and the waste material proposed to be managed.

Additionally, the Storage Tank Section Inventory shows several tanks at the facility. Enclosed are storage tank details for your information.

Mr. Dickinson  
Page Two of Two

Should you have questions, please contact Mr. Paul Wierzbicki at 407/433-2650.

Sincerely,

*Vivek Kamath*

Vivek Kamath, P.E.  
Waste Programs Administrator

enclosures

cc: I. Goldman, P.E., Air Section (w/EPA letter)  
Don Harris, Bureau of Waste Cleanup, DEP, Tall (w/EPA ltr.)  
Metro Dade Environmental Resources Management  
T. Rahrig, DEP, West Palm Beach (w/EPA letter)  
West Palm Beach DEP files



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.  
ATLANTA, GEORGIA 30365

Paul -  
file

RECEIVED

MAY 13 1994

DEPT OF ENV PROTECTION  
WEST PALM BEACH

4WD-RCRA

MAY 10 1994

Vivek Kamath, P.E.  
Waste Programs Administrator  
Florida Department of Environmental Protection  
P.O.Box 15425  
West Palm Beach, Florida 33416-5425

SUBJ: Environmental Compliance Audit of Rinker Materials Corporation  
Miami, Florida, conducted pursuant to the  
Acceptability Criteria as specified in 40 C.F.R. 300.440(b).

Dear Mr. Kamath:

The Environmental Protection Agency (EPA), Region IV, is conducting an assessment of Rinker Materials Corporation (Rinker), Miami, Florida, for the purpose of confirming the facility's compliance with 40 C.F.R. Section 300.440, known as the CERCLA Off-Site Rule. EPA must determine if any conditions exist at Rinker which may render the facility unacceptable for the receipt of off-site waste. Such off-site wastes are defined as those generated as a result of activities authorized by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). On September 22, 1993, EPA amended the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), by adding Section 300.440: Procedures for Implementing Off-Site Response Actions (Off-Site Rule). The Off-Site Rule implements and codifies the requirements contained in CERCLA Section 121(d)(3), and incorporates provisions of the Off-Site Policy (OSWER Directive No. 9834.11, November 13, 1987). The Off-Site Rule establishes the criteria and procedures for determining if facilities are acceptable for the off-site receipt of CERCLA waste, and outlines the actions affected by the standard.

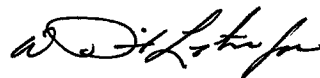
40 C.F.R. 300.440(a)(4) mandates that EPA determine if there are relevant releases or relevant violations at a facility prior to the facility's initial receipt of CERCLA waste for treatment, storage, or disposal. In order to achieve this requirement, EPA requests your assistance by conducting an environmental audit of your records for the facility described above. By using 40 CFR 300.440(b) as guidance, determine if the facility is in physical compliance with the Resource Conservation and Recovery Act (RCRA), Toxic Substances Control Act (TSCA), and other applicable Federal laws. Rinker must also be in compliance with applicable State requirements within your State's jurisdiction. A copy of the rule is enclosed for your review. For the purposes of the rule, the term "release" is defined by Section

101(22) of CERCLA, which, is repeated in 40 C.F.R. 300.6 of the NCP, and in RCRA Section 3008(h) guidance materials. In summary, a release is any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injection, escaping, leaching, dumping or disposing to the environment. This includes releases to surface water, ground water, land surface, soil and air.

Your findings should include, but are not limited to, the most recent Compliance Evaluation Inspection (CEI), a copy of the most recent CEI Report, and a copy of the RCRA Facility Assessment, where applicable, or other facility-wide investigations, where such information is available. Where the findings support the determination that violations of applicable Federal or State laws and/or requirements have occurred, or that an uncontrolled release has occurred, the State shall make the findings available to EPA. Once EPA has collected information on the compliance and release status of the facility, EPA will determine, after consulting with the State as appropriate, if the violation is relevant under the rule, and issue the appropriate determination.

Please submit the results of your evaluation, along with your recommendations, to Edmond J. Burks, Regional Off-Site Contact, Region IV. Thank you for your expeditious attention to this matter. If you have any questions concerning this request, please contact Mr. Burks, at (404) 347-3555 extension 6390, or myself, at (404) 347-7603.

Sincerely yours,



John E. Dickinson, P.E., Chief,  
RCRA Compliance Section  
Office of RCRA and Federal Facilities

Enclosure

1. Off-Site Rule

cc: Paul Wierzbicki, Palm Beach District, FDEP  
Galo Jackson, Waste Division, EPA Region IV

acceptability of facilities within their Region.

However, in order to ensure that the information is readily available, EPA will strongly encourage the maintenance of a back-up contact for use when the primary Off-Site Contact is unavailable. EPA will keep a copy of the ROCs in the Superfund docket and with the RCRA/CERCLA Hotline (a list is also included as Appendix I to this preamble, although it will obviously become outdated in the future, and interested parties should consult with the sources named for revised lists).

Due to the dynamic nature of the acceptability determinations, EPA has no plans at this time to publish a national list of acceptable (or unacceptable) units. The Agency believes that such lists could serve more as a source of misinformation (or out-of-date information) than reliable information. EPA's recognition of the dynamic nature of acceptability is reflected in the Agency's policy that an off-site facility does not need to be acceptable to bid on accepting waste from a CERCLA clean-up, but must be acceptable under this rule to be awarded such a contract.

In order to avoid problems resulting from contractors whose designated receiving facilities become unacceptable under this rule, agencies and PRPs may want to provide for back-up or alternative facilities in their contracts.

#### J. Manifest Requirements

One commenter objected to the statement in the preamble to the proposed rule (53 FR 48230) that limits the requirement to file a "Uniform Hazardous Waste Manifest" form to CERCLA wastes that are also RCRA wastes; the commenter asked that the requirement cover all types of wastes.

The preamble simply noted that already existing manifest requirements under RCRA must be met. There is no manifest requirement under CERCLA, and this rule does not establish an independent tracking system for CERCLA wastes. Compliance with the rule is assured through inspections, and enforcement of contract provisions.

#### V. Regulatory Analysis

##### A. Regulatory Impact Analysis

Under Executive Order No. 12291, EPA must determine whether a regulation is "major" and thus whether the Agency must prepare and consider a Regulatory Impact Analysis in connection with the rule. Today's rule is not major because it simply codifies an Agency policy that has been in effect since May of 1985 and largely mirrors

a revision of that policy that has been in effect since November of 1987. As discussed in the preamble to the proposed rule (53 FR 48230-48231), this rule contains criteria that EPA will use to determine where it will send waste from Superfund cleanups, but does not regulate or otherwise impose any new requirements on commercial waste handlers. Acceptability under this rule is largely based on compliance with applicable regulations the Agency already enforces. As a result of today's rule some facilities may choose to initiate corrective action sooner than if they waited for the corrective action conditions in their final operating permit pursuant to RCRA 3004 (u) and (v). However, regardless of the requirements of this rule, under the authority of section 3008(h) of RCRA, EPA already compels corrective action at RCRA interim status facilities with known or suspected releases. The rule, then, should not result in increased long-term costs to the commercial waste handling industry.

##### B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, at the time an Agency publishes any proposed or final rule, it must prepare a Regulatory Flexibility Analysis that describes the impact of the rule on small entities, unless the Administrator certifies that the rule will not have a significant impact on a substantial number of small entities. Today's final rule describes procedures for determining the acceptability of a facility for off-site management of CERCLA wastes. It does not impose significant additional requirements or compliance burdens on the regulated community. Therefore, pursuant to 5 U.S.C. 601b, I certify that this regulation will not have a significant economic impact on a substantial number of small entities.

##### C. Paperwork Reduction Act

This rule does not contain any new information collection requirements subject to OMB review under the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*

##### VI. Supplementary Document

#### APPENDIX I.—REGIONAL OFF-SITE CONTACTS (ROCs)

Region	Primary contact/phone	Backup contact/phone
I .....	Lynn Hanlan, (617) 573-8662.	Austine Frawley, (617) 573-1754.

#### APPENDIX I.—REGIONAL OFF-SITE CONTACTS (ROCs)—Continued

Region	Primary contact/phone	Backup contact/phone
II .....	Greg Zaccardi, (212) 264-9504.	Joel Golumbek, (212) 264-2638.
III .....	Sarah Caspar, (215) 597-1857.	Naomi Henry, (215) 597-8338.
IV .....	Edmund Burks, (404) 347-7803.	John Dickinson, (404) 347-7803.
V .....	Gertrud Matuschkovitz, (312) 353-7921.	Uylaine McMahon, (312) 886-4445.
VI .....	Ron Shannon, (214) 655-2282.	Joe Dougherty, (214) 655-2281.
VII .....	Gerald McKinney, (913) 551-7816.	David Doyle, (913) 551-7867.
VIII .....	Terry Brown, (303) 293-1823.	George Dancik, (303) 293-1506.
IX .....	Diane Bodine, (415) 744-2130.	Gloria Brownley, (415) 744-2114.
X .....	Ron Litch, (206) 553-6646.	Kevin Schanlec, (206) 553-1061.

#### List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Hazardous substance, Hazardous waste, Intergovernmental relations, Natural resources, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 14, 1993.

Carol M. Browner,  
Administrator.

40 CFR part 300 is amended as follows:

#### PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES CONTINGENCY PLAN

1. The authority citation for part 300 continues to read as follows:

Authority: 42 U.S.C. 9601-9657; 33 U.S.C. 1321(c)(2); E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

2. Section 300.440 is added to part 300 to read as follows:

§ 300.440 Procedures for planning and implementing off-site response actions.

(a) *Applicability.* (1) This section applies to any remedial or removal action involving the off-site transfer of any hazardous substance, pollutant, or



contaminant as defined under CERCLA sections 101 (14) and (33) ("CERCLA waste") that is conducted by EPA, States, private parties, or other Federal agencies, that is Fund-financed and/or is taken pursuant to any CERCLA authority, including cleanups at Federal facilities under section 120 of CERCLA, and cleanups under section 311 of the Clean Water Act (except for cleanup of petroleum exempt under CERCLA). Applicability extends to those actions taken jointly under CERCLA and another authority.

(2) In cases of emergency removal actions under CERCLA, emergency actions taken during remedial actions, or response actions under section 311 of the Clean Water Act where the release poses an immediate and significant threat to human health and the environment, the On-Scene Coordinator (OSC) may determine that it is necessary to transfer CERCLA waste off-site without following the requirements of this section.

(3) This section applies to CERCLA wastes from cleanup actions based on CERCLA decision documents signed or consent decrees lodged after October 17, 1986 ("post-SARA CERCLA wastes") as well as those based on CERCLA decision documents signed and consent decrees lodged prior to October 17, 1986 ("pre-SARA CERCLA wastes"). Pre-SARA and post-SARA CERCLA wastes are subject to the same acceptability criteria in § 300.440(b) (1) and (2).

(4) EPA (usually the EPA Regional Office) will determine the acceptability under this section of any facility selected for the treatment, storage, or disposal of CERCLA waste. EPA will determine if there are relevant releases or relevant violations at a facility prior to the facility's initial receipt of CERCLA waste. A facility which has previously been evaluated and found acceptable under this rule (or the preceding policy) is acceptable until the EPA Regional Office notifies the facility otherwise pursuant to § 300.440(d).

(5) Off-site transfers of those laboratory samples and treatability study CERCLA wastes from CERCLA sites set out in paragraphs (a)(5) (i) through (iii) of this section, are not subject to the requirements of this section. However, those CERCLA wastes may not be transferred back to the CERCLA site unless the Remedial Project Manager or OSC assures the proper management of the CERCLA waste samples or residues and gives permission to the laboratory or treatment facility for the samples and/or residues to be returned to the site.

(i) Samples of CERCLA wastes sent to a laboratory for characterization;

(ii) RCRA hazardous wastes that are being transferred from a CERCLA site for treatability studies and that meet the requirements for an exemption for RCRA under 40 CFR 261.4(e); and

(iii) Non-RCRA wastes that are being transferred from a CERCLA site for treatability studies and that are below the quantity threshold established at 40 CFR 261.4(e)(2).

(b) *Acceptability criteria.* (1) *Facility compliance.* (i) A facility will be deemed in compliance for the purpose of this rule if there are no relevant violations at or affecting the unit or units receiving CERCLA waste:

(A) For treatment to standards specified in 40 CFR part 268, subpart D, including any pre-treatment or storage units used prior to treatment;

(B) For treatment to substantially reduce its mobility, toxicity or persistence in the absence of a defined treatment standard, including any pre-treatment or storage units used prior to treatment; or

(C) For storage or ultimate disposal of CERCLA waste not treated to the previous criteria at the same facility.

(ii) Relevant violations include significant deviations from regulations, compliance order provisions, or permit conditions designed to: ensure that CERCLA waste is destined for and delivered to authorized facilities; prevent releases of hazardous waste, hazardous constituents, or hazardous substances to the environment; ensure early detection of such releases; or compel corrective action for releases. Criminal violations which result in indictment are also relevant violations. In addition, violations of the following requirements may be considered relevant:

(A) Applicable subsections of sections 3004 and 3005 of RCRA or, where applicable, other Federal laws (such as the Toxic Substances Control Act and subtitle D of RCRA);

(B) Applicable sections of State environmental laws; and

(C) In addition, land disposal units at RCRA subtitle C facilities receiving RCRA hazardous waste from response actions authorized or funded under CERCLA must be in compliance with RCRA section 3004(c) minimum technology requirements. Exceptions may be made only if the unit has been granted a waiver from these requirements under 40 CFR 264.301.

(2) *Releases.* (i) Release is defined in § 300.5 of this part. Releases under this section do not include:

(A) *De minimis releases;*

(B) Releases permitted under Federal programs or under Federal programs delegated to the States (Federally

permitted releases are defined in § 300.5), except to the extent that such releases are found to pose a threat to human health and the environment; or

(C) Releases to the air that do not exceed standards promulgated pursuant to RCRA section 3004(n), or absent such standards, or where such standards do not apply, releases to the air that do not present a threat to human health or the environment.

(ii) Releases from units at a facility designated for off-site transfer of CERCLA waste must be addressed as follows:

(A) *Receiving units at RCRA subtitle C facilities.* CERCLA wastes may be transferred to an off-site unit regulated under subtitle C of RCRA, including a facility regulated under the permit-by-rule provisions of 40 CFR 270.60 (a), (b) or (c), only if that unit is not releasing any hazardous waste, hazardous constituent, or hazardous substance into the ground water, surface water, soil or air.

(B) *Other units at RCRA subtitle C land disposal facilities.* CERCLA wastes may not be transferred to any unit at a RCRA subtitle C land disposal facility where a non-receiving unit is releasing any hazardous waste, hazardous constituent, or hazardous substance into the ground water, surface water, soil, or air, unless that release is controlled by an enforceable agreement for corrective action under subtitle C of RCRA or other applicable Federal or State authority. For purposes of this section, a RCRA "land disposal facility" is any RCRA facility at which a land disposal unit is located, regardless of whether a land disposal unit is the receiving unit.

(C) *Other units at RCRA subtitle C treatment, storage, and permit-by-rule facilities.* CERCLA wastes may not be transferred to any unit at a RCRA subtitle C treatment, storage or permit-by-rule facility, where a release of any hazardous waste, hazardous constituent, or hazardous substance from non-receiving units poses a significant threat to public health or the environment, unless that release is controlled by an enforceable agreement for corrective action under subtitle C of RCRA or other applicable Federal or State authority.

(D) *All other facilities.* CERCLA wastes should not be transferred to any unit at an other-than-RCRA subtitle C facility if the EPA Regional Office has information indicating that an environmentally significant release of hazardous substances has occurred at that facility, unless the release is controlled by an enforceable agreement for corrective action under an applicable Federal or State authority.

(iii) Releases are considered to be "controlled" for the purpose of this section as provided in § 300.440 (f)(3)(iv) and (f)(3)(v). A release is not considered "controlled" for the purpose of this section during the pendency of administrative or judicial challenges to corrective action requirements, unless the facility has made the requisite showing under § 300.440(e).

(c) *Basis for determining acceptability.* (1) If a State finds that a facility within its jurisdiction is operating in non-compliance with state law requirements including the requirements of any Federal program for which the State has been authorized, EPA will determine, after consulting with the State as appropriate, if the violation is relevant under the rule and if so, issue an initial determination of unacceptability.

(2) If a State finds that releases are occurring at a facility regulated under State law or a Federal program for which the State is authorized, EPA will determine, after consulting with the State as appropriate, if the release is relevant under the rule and if so, issue an initial determination of unacceptability.

(3) EPA may also issue initial determinations of unacceptability based on its own findings. EPA can undertake any inspections, data collection and/or assessments necessary. EPA will then notify with the State about the results and issue a determination notice if a relevant violation or release is found.

(d) *Determination of unacceptability.* (1) Upon initial determination by the EPA Regional Office that a facility being considered for the off-site transfer of any CERCLA waste does not meet the criteria for acceptability stated in § 300.440(b), the EPA Region shall notify the owner/operator of such facility, and the responsible agency in the State in which the facility is located, of the unacceptability finding. The notice will be sent by certified and first-class mail, return receipt requested. The certified notice, if not acknowledged by the return receipt card, should be considered to have been received by the addressee if properly sent by regular mail to the last address known to the EPA Regional Office.

(2) The notice shall generally: state that based on available information from a RCRA Facility Assessment (RFA), inspection, or other data sources, the facility has been found not to meet the requirements of § 300.440; cite the specific acts, omissions, or conditions which form the basis of these findings; and inform the owner/operator of the procedural recourse available under this regulation.

(3) A facility which was previously evaluated and found acceptable under this rule (or the preceding policy) may continue to receive CERCLA waste for 60 calendar days after the date of issuance of the notice, unless otherwise determined in accordance with paragraphs (d)(8) or (d)(9) of this section.

(4) If the owner or operator of the facility in question submits a written request for an informal conference with the EPA Regional Office within 10 calendar days from the issuance of the notice, the EPA Regional Office shall provide the opportunity for such conference no later than 30 calendar days after the date of the notice, if possible, to discuss the basis for the underlying violation or release determination, and its relevance to the facility's acceptability to receive CERCLA cleanup wastes. State representatives may attend the informal conference, submit written comments prior to the informal conference, and/or request additional meetings with the EPA Region, relating to the unacceptability issue during the determination process. If no State representative is present, EPA shall notify the State of the outcome of the conference. An owner/operator may submit written comments by the 30th day after issuance of the notice, in addition to or instead of requesting an informal conference.

(5) If the owner or operator neither requests an informal conference nor submits written comments, the facility becomes unacceptable to receive CERCLA waste on the 60th day after the notice is issued (or on such other date designated under paragraph (d)(9) of this section). The facility will remain unacceptable until such time as the EPA Regional Office notifies the owner or operator otherwise.

(6) If an informal conference is held or written comments are received, the EPA Region shall decide whether or not the information provided is sufficient to show that the facility is operating in physical compliance with respect to the relevant violations cited in the initial notice of unacceptability, and that all relevant releases have been eliminated or controlled, as required in paragraph (b)(2) of this section, such that a determination of acceptability would be appropriate. EPA will notify the owner/operator in writing whether or not the information provided is sufficient to support a determination of acceptability. Unless EPA determines that information provided by the owner/operator and the State is sufficient to support a determination of acceptability, the facility becomes

unacceptable on the 80th calendar day after issuance of the original notice of unacceptability (or other date established pursuant to paragraphs (d)(8) or (d)(9) of this section).

(7) Within 10 days of hearing from the EPA Regional Office after the informal conference or the submittal of written comments, the owner/operator or the State may request a reconsideration of the unacceptability determination by the EPA Regional Administrator (RA). Reconsideration may be by review of the record, by conference, or by other means deemed appropriate by the Regional Administrator; reconsideration does not automatically stay the determination beyond the 60-day period. The owner/operator will receive notice in writing of the decision of the RA.

(8) The EPA Regional Administrator may decide to extend the 60-day period if more time is required to review a submission. The facility owner/operator shall be notified in writing if the Regional Administrator extends the 60 days.

(9) The EPA Regional Office may decide that a facility's unacceptability is immediately effective (or effective in less than 60 days) in extraordinary situations such as, but not limited to, emergencies at the facility or egregious violations. The EPA Region shall notify the facility owner/operator of the date of unacceptability, and may modify timeframes for comments and other procedures accordingly.

(e) *Unacceptability during administrative and judicial challenges of corrective action decisions.* For a facility with releases that are subject to a corrective action permit, order, or decree, an administrative or judicial challenge to the corrective action (or a challenge to a permit modification calling for additional corrective action) shall not be considered to be part of a corrective action "program" controlling those releases and shall not act to stay a determination of unacceptability under this rule. However, such facility may remain acceptable to receive CERCLA waste during the pendency of the appeal or litigation if:

(1) It satisfies the EPA Regional Office that adequate interim corrective action measures will continue at the facility; or

(2) It demonstrates to the EPA Regional Office the absence of a need to take corrective action during the short-term, interim period.

Either demonstration may be made during the 60-day review period in the context of the informal conference and RA reconsideration.

(f) *Re-evaluating unacceptability.* If, after notification of unacceptability and

the opportunity to confer as described in § 300.440(d), the facility remains unacceptable, the facility can regain acceptability. A facility found to be unacceptable to receive CERCLA wastes based on relevant violations or releases may regain acceptability if the following conditions are met:

(1) *Judgment on the merits.* The facility has prevailed on the merits in an administrative or judicial challenge to the finding of noncompliance or uncontrolled releases upon which the unacceptability determination was based.

(2) *Relevant violations.* The facility has demonstrated to the EPA Region its return to physical compliance for the relevant violations cited in the notice.

(3) *Releases.* The facility has demonstrated to the EPA Region that:

(i) All releases from receiving units at RCRA subtitle C facilities have been eliminated and prior contamination from such releases is controlled by a corrective action program approved under subtitle C of RCRA;

(ii) All releases from other units at RCRA subtitle C land disposal facilities are controlled by a corrective action program approved under subtitle C of RCRA;

(iii) All releases from other units at RCRA subtitle C treatment and storage facilities do not pose a significant threat to human health or the environment, or are controlled by a corrective action program approved under subtitle C of RCRA.

(iv) A RCRA subtitle C corrective action program may be incorporated into a permit, order, or decree, including the following: a corrective action order under RCRA section 3008(h), section 7003 or section 3013, a RCRA permit under 40 CFR 264.100 or 264.101, or a permit under an equivalent authority in a State authorized for corrective action under RCRA section 3004(u). Releases will be deemed controlled upon issuance of the order, permit, or decree which initiates and requires completion of one or more of the following: a RCRA Facility Investigation, a RCRA Corrective Measures Study, and/or Corrective Measures Implementation. The release remains controlled as long as the facility is in compliance with the order, permit, or decree, and enters into subsequent agreements for implementation of additional corrective action measures when necessary, except during periods of administrative or judicial challenges, when the facility must make a demonstration under § 300.440(e) in order to remain acceptable.

(v) Facilities with releases regulated under other applicable Federal laws, or

State laws under a Federally-delegated program may regain acceptability under this section if the releases are deemed by the EPA Regional Office not to pose a threat to human health or the environment, or if the facility enters into an enforceable agreement under those laws to conduct corrective action activities to control releases. Releases will be deemed controlled upon the issuance of an order, permit, or decree which initiates and requires one or more of the following: a facility investigation, a corrective action study, and/or corrective measures implementation. The release remains controlled as long as the facility is in compliance with the order, permit, or decree, and enters into subsequent agreements for implementation of additional corrective measures when necessary, except during periods of administrative or judicial challenges, when the facility must make a demonstration under § 300.440(e) in order to remain acceptable.

(4) Prior to the issuance of a determination that a facility has returned to acceptability, the EPA Region shall notify the State in which the facility is located, and provide an opportunity for the State to discuss the facility's acceptability status with EPA.

(5) An unacceptable facility may be reconsidered for acceptability whenever the EPA Regional Office finds that the facility fulfills the criteria stated in § 300.440(b). Upon such a finding, the EPA Regional Office shall notify the facility and the State in writing.

[FR Doc. 93-23069 Filed 9-21-93; 8:45 am]  
BILLING CODE 6560-50-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### 45 CFR Parts 205 and 233

RIN 0970-AB14

#### Aid to Families With Dependent Children Program; Certain Provisions of the Omnibus Budget Reconciliation Act of 1990

AGENCY: Administration for Children and Families (ACF), HHS.

ACTION: Interim final rule.

**SUMMARY:** These interim final rules implement three sections of the Omnibus Budget Reconciliation Act (OBRA) of 1990 that apply to the Aid to Families with Dependent Children (AFDC) program. They are: Section 5053, which deletes all references to

income deeming by legal guardians in minor parent cases; section 5054, which expands State agency responsibility for reporting, to an appropriate agency or official, known or suspected instances of child abuse and neglect of a child receiving AFDC; and section 5055, which adds an explicit reference to title IV-E on the list of programs for which information about AFDC applicants and recipients may be made available.

In addition, we deleted the reference to title IV-C since the WIN program is no longer operative. Other OBRA 90 changes pertaining to the AFDC-UP program and the Earned Income Tax Credit disregard were published July 9, 1992, in the final rules implementing the related AFDC amendments of the Family Support Act of 1988 (57 FR 30408-30409).

**DATES:** Effective Date: September 22, 1993.

**Comments:** Comments must be received on or before October 22, 1993.

**ADDRESSES:** Comments should be submitted in writing to the Assistant Secretary for Children and Families, Attention: Mr. Mack A. Storrs, Director, Division of AFDC Program, Office of Family Assistance, Fifth Floor, 370 L'Enfant Promenade, SW., Washington, DC 20447. Comments may be inspected between 8 a.m. and 4:30 p.m. during regular business days by making arrangements with the contact person identified below.

**FOR FURTHER INFORMATION CONTACT:** Mack A. Storrs, Director, Division of AFDC Program, Office of Family Assistance, Fifth Floor, 370 L'Enfant Promenade, SW., Washington, DC 20447, telephone (202) 401-9289.

#### SUPPLEMENTARY INFORMATION:

##### Discussion of Interim Rule Provisions

*Eliminating the Use of the Term "Legal Guardian" (Section 233.20 of the Interim Rule)*

The Omnibus Budget Reconciliation Act (OBRA) of 1981 added section 402(a)(39) of the Social Security Act to require that, in determining AFDC benefits for a dependent child whose parent or legal guardian is under the age of 18, the State agency must include the income of the minor parent's own parents or legal guardians who are living in the same home.

Section 5053 of Omnibus Budget Reconciliation Act of 1990 (OBRA 90) amended section 402(a)(39) of the Social Security Act by eliminating the use of the term "legal guardian." Section 402(a)(39) provides that in determining AFDC benefits for a dependent child whose parent is under the age of 18, the



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.  
ATLANTA, GEORGIA 30365

4WD-RCRA

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DEPT OF ENV PROTECTION  
WEST PALM BEACH

Vivek Kamath, P.E.  
Waste Programs Administrator  
Florida Department of Environmental Protection  
P.O.Box 15425  
West Palm Beach, Florida 33416-5425

SUBJ: Environmental Compliance Audit of Rinker Materials Corporation  
Miami, Florida, conducted pursuant to the  
Acceptability Criteria as specified in 40 C.F.R. 300.440(b).

Dear Mr. Kamath:

The Environmental Protection Agency (EPA), Region IV, is conducting an assessment of Rinker Materials Corporation (Rinker), Miami, Florida, for the purpose of confirming the facility's compliance with 40 C.F.R. Section 300.440, known as the CERCLA Off-Site Rule. EPA must determine if any conditions exist at Rinker which may render the facility unacceptable for the receipt of off-site waste. Such off-site wastes are defined as those generated as a result of activities authorized by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). On September 22, 1993, EPA amended the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), by adding Section 300.440: Procedures for Implementing Off-Site Response Actions (Off-Site Rule). The Off-Site Rule implements and codifies the requirements contained in CERCLA Section 121(d)(3), and incorporates provisions of the Off-Site Policy (OSWER Directive No. 9834.11, November 13, 1987). The Off-Site Rule establishes the criteria and procedures for determining if facilities are acceptable for the off-site receipt of CERCLA waste, and outlines the actions affected by the standard.

40 C.F.R. 300.440(a)(4) mandates that EPA determine if there are relevant releases or relevant violations at a facility prior to the facility's initial receipt of CERCLA waste for treatment, storage, or disposal. In order to achieve this requirement, EPA requests your assistance by conducting an environmental audit of your records for the facility described above. By using 40 CFR 300.440(b) as guidance, determine if the facility is in physical compliance with the Resource Conservation and Recovery Act (RCRA), Toxic Substances Control Act (TSCA), and other applicable Federal laws. Rinker must also be in compliance with applicable State requirements within your State's jurisdiction. A copy of the rule is enclosed for your review. For the purposes of the rule, the term "release" is defined by Section

101(22) of CERCLA, which, is repeated in 40 C.F.R. 300.6 of the NCP, and in RCRA Section 3008(h) guidance materials. In summary, a release is any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injection, escaping, leaching, dumping or disposing to the environment. This includes releases to surface water, ground water, land surface, soil and air.

Your findings should include, but are not limited to, the most recent Compliance Evaluation Inspection (CEI), a copy of the most recent CEI Report, and a copy of the RCRA Facility Assessment, where applicable, or other facility-wide investigations, where such information is available. Where the findings support the determination that violations of applicable Federal or State laws and/or requirements have occurred, or that an uncontrolled release has occurred, the State shall make the findings available to EPA. Once EPA has collected information on the compliance and release status of the facility, EPA will determine, after consulting with the State as appropriate, if the violation is relevant under the rule, and issue the appropriate determination.

Please submit the results of your evaluation, along with your recommendations, to Edmond J. Burks, Regional Off-Site Contact, Region IV. Thank you for your expeditious attention to this matter. If you have any questions concerning this request, please contact Mr. Burks, at (404) 347-3555 extension 6390, or myself, at (404) 347-7603.

Sincerely yours,



John E. Dickinson, P.E., Chief,  
RCRA Compliance Section  
Office of RCRA and Federal Facilities

Enclosure

1. Off-Site Rule

cc: Paul Wierzbicki, Palm Beach District, FDEP  
Galo Jackson, Waste Division, EPA Region IV

acceptability of facilities within their Region.

However, in order to ensure that the information is readily available, EPA will strongly encourage the maintenance of a back-up contact for use when the primary Off-Site Contact is unavailable. EPA will keep a copy of the ROCs in the Superfund docket and with the RCRA/CERCLA Hotline (a list is also included as Appendix I to this preamble, although it will obviously become outdated in the future, and interested parties should consult with the sources named for revised lists).

Due to the dynamic nature of the acceptability determinations, EPA has no plans at this time to publish a national list of acceptable (or unacceptable) units. The Agency believes that such lists could serve more as a source of misinformation (or out-of-date information) than reliable information. EPA's recognition of the dynamic nature of acceptability is reflected in the Agency's policy that an off-site facility does not need to be acceptable to bid on accepting waste from a CERCLA clean-up, but must be acceptable under this rule to be awarded such a contract.

In order to avoid problems resulting from contractors whose designated receiving facilities become unacceptable under this rule, agencies and PRPs may want to provide for back-up or alternative facilities in their contracts.

#### J. Manifest Requirements

One commenter objected to the statement in the preamble to the proposed rule (53 FR 48230) that limits the requirement to file a "Uniform Hazardous Waste Manifest" form to CERCLA wastes that are also RCRA wastes; the commenter asked that the requirement cover all types of wastes.

The preamble simply noted that already existing manifest requirements under RCRA must be met. There is no manifest requirement under CERCLA, and this rule does not establish an independent tracking system for CERCLA wastes. Compliance with the rule is assured through inspections, and enforcement of contract provisions.

#### V. Regulatory Analysis

##### A. Regulatory Impact Analysis

Under Executive Order No. 12281, EPA must determine whether a regulation is "major" and thus whether the Agency must prepare and consider a Regulatory Impact Analysis in connection with the rule. Today's rule is not major because it simply codifies an Agency policy that has been in effect since May of 1985 and largely mirrors

a revision of that policy that has been in effect since November of 1987. As discussed in the preamble to the proposed rule (53 FR 48230-48231), this rule contains criteria that EPA will use to determine where it will send waste from Superfund cleanups, but does not regulate or otherwise impose any new requirements on commercial waste handlers. Acceptability under this rule is largely based on compliance with applicable regulations the Agency already enforces. As a result of today's rule some facilities may choose to initiate corrective action sooner than if they waited for the corrective action conditions in their final operating permit pursuant to RCRA 3004 (u) and (v). However, regardless of the requirements of this rule, under the authority of section 3008(h) of RCRA, EPA already compels corrective action at RCRA interim status facilities with known or suspected releases. The rule, then, should not result in increased long-term costs to the commercial waste handling industry.

#### B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, at the time an Agency publishes any proposed or final rule, it must prepare a Regulatory Flexibility Analysis that describes the impact of the rule on small entities, unless the Administrator certifies that the rule will not have a significant impact on a substantial number of small entities. Today's final rule describes procedures for determining the acceptability of a facility for off-site management of CERCLA wastes. It does not impose significant additional requirements or compliance burdens on the regulated community. Therefore, pursuant to 5 U.S.C. 601b, I certify that this regulation will not have a significant economic impact on a substantial number of small entities.

#### C. Paperwork Reduction Act

This rule does not contain any new information collection requirements subject to OMB review under the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*

#### VI. Supplementary Document

##### APPENDIX I.—REGIONAL OFF-SITE CONTACTS (ROCS)

Region	Primary contact/phone	Backup contact/phone
I .....	Lynn Hanftan, (617) 573-9882.	Austine Frawley, (617) 573-1754.

##### APPENDIX I.—REGIONAL OFF-SITE CONTACTS (ROCS)—Continued

Region	Primary contact/phone	Backup contact/phone
II .....	Greg Zaccardi, (212) 264-8504.	Joel Golumbek, (212) 264-2638.
III .....	Sarah Caspar, (215) 597-1857.	Naomi Henry, (215) 597-8338.
IV .....	Edmund Burks, (404) 347-7803.	John Dickinson, (404) 347-7803.
V .....	Gertrud Matuschkovitz, (312) 353-7921.	Uylaine McMahon, (312) 886-4445.
VI .....	Ron Shannon, (214) 655-2282.	Joe Dougherty, (214) 655-2281.
VII .....	Gerald McKinney, (913) 551-7818.	David Doyle, (913) 551-7867.
VIII .....	Terry Brown, (303) 293-1823.	George Dancik, (303) 293-1506.
IX .....	Diane Bodine, (415) 744-2130.	Gloria Brownley, (415) 744-2114.
X .....	Ron Lillich, (206) 553-6646.	Kevin Schantlec, (206) 553-1081.

#### List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Hazardous substance, Hazardous waste, Intergovernmental relations, Natural resources, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 14, 1993.

Carol M. Browner,  
Administrator.

40 CFR part 300 is amended as follows:

#### PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES CONTINGENCY PLAN

1. The authority citation for part 300 continues to read as follows:

Authority: 42 U.S.C. 9601-9657; 33 U.S.C. 1321(c)(2); E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

2. Section 300.440 is added to part 300 to read as follows:

§ 300.440 Procedures for planning and implementing off-site response actions.

(a) *Applicability.* (1) This section applies to any remedial or removal action involving the off-site transfer of any hazardous substance, pollutant, or

contaminant as defined under CERCLA sections 101 (14) and (33) ("CERCLA waste") that is conducted by EPA, States, private parties, or other Federal agencies, that is Fund-financed and/or is taken pursuant to any CERCLA authority, including cleanups at Federal facilities under section 120 of CERCLA, and cleanups under section 311 of the Clean Water Act (except for cleanup of petroleum exempt under CERCLA). Applicability extends to those actions taken jointly under CERCLA and another authority.

(2) In cases of emergency removal actions under CERCLA, emergency actions taken during remedial actions, or response actions under section 311 of the Clean Water Act where the release poses an immediate and significant threat to human health and the environment, the On-Scene Coordinator (OSC) may determine that it is necessary to transfer CERCLA waste off-site without following the requirements of this section.

(3) This section applies to CERCLA wastes from cleanup actions based on CERCLA decision documents signed or consent decrees lodged after October 17, 1986 ("post-SARA CERCLA wastes") as well as those based on CERCLA decision documents signed and consent decrees lodged prior to October 17, 1986 ("pre-SARA CERCLA wastes"). Pre-SARA and post-SARA CERCLA wastes are subject to the same acceptability criteria in § 300.440(b) (1) and (2).

(4) EPA (usually the EPA Regional Office) will determine the acceptability under this section of any facility selected for the treatment, storage, or disposal of CERCLA waste. EPA will determine if there are relevant releases or relevant violations at a facility prior to the facility's initial receipt of CERCLA waste. A facility which has previously been evaluated and found acceptable under this rule (or the preceding policy) is acceptable until the EPA Regional Office notifies the facility otherwise pursuant to § 300.440(d).

(5) Off-site transfers of those laboratory samples and treatability study CERCLA wastes from CERCLA sites set out in paragraphs (a)(5) (i) through (iii) of this section, are not subject to the requirements of this section. However, those CERCLA wastes may not be transferred back to the CERCLA site unless the Remedial Project Manager or OSC assures the proper management of the CERCLA waste samples or residues and gives permission to the laboratory or treatment facility for the samples and/or residues to be returned to the site.

(i) Samples of CERCLA wastes sent to a laboratory for characterization;

(ii) RCRA hazardous wastes that are being transferred from a CERCLA site for treatability studies and that meet the requirements for an exemption for RCRA under 40 CFR 261.4(e); and

(iii) Non-RCRA wastes that are being transferred from a CERCLA site for treatability studies and that are below the quantity threshold established at 40 CFR 261.4(e)(2).

(b) *Acceptability criteria.* (1) *Facility compliance.* (i) A facility will be deemed in compliance for the purpose of this rule if there are no relevant violations at or affecting the unit or units receiving CERCLA waste:

(A) For treatment to standards specified in 40 CFR part 268, subpart D, including any pre-treatment or storage units used prior to treatment;

(B) For treatment to substantially reduce its mobility, toxicity or persistence in the absence of a defined treatment standard, including any pre-treatment or storage units used prior to treatment; or

(C) For storage or ultimate disposal of CERCLA waste not treated to the previous criteria at the same facility.

(ii) Relevant violations include significant deviations from regulations, compliance order provisions, or permit conditions designed to: ensure that CERCLA waste is destined for and delivered to authorized facilities; prevent releases of hazardous waste, hazardous constituents, or hazardous substances to the environment; ensure early detection of such releases; or compel corrective action for releases. Criminal violations which result in indictment are also relevant violations. In addition, violations of the following requirements may be considered relevant:

(A) Applicable subsections of sections 3004 and 3005 of RCRA or, where applicable, other Federal laws (such as the Toxic Substances Control Act and subtitle D of RCRA);

(B) Applicable sections of State environmental laws; and

(C) In addition, land disposal units at RCRA subtitle C facilities receiving RCRA hazardous waste from response actions authorized or funded under CERCLA must be in compliance with RCRA section 3004(c) minimum technology requirements. Exceptions may be made only if the unit has been granted a waiver from these requirements under 40 CFR 264.301.

(2) *Releases.* (i) Release is defined in § 300.5 of this part. Releases under this section do not include:

(A) *De minimis* releases;

(B) Releases permitted under Federal programs or under Federal programs delegated to the States (Federally

permitted releases are defined in § 300.5), except to the extent that such releases are found to pose a threat to human health and the environment; or

(C) Releases to the air that do not exceed standards promulgated pursuant to RCRA section 3004(n), or absent such standards, or where such standards do not apply, releases to the air that do not present a threat to human health or the environment.

(ii) Releases from units at a facility designated for off-site transfer of CERCLA waste must be addressed as follows:

(A) *Receiving units at RCRA subtitle C facilities.* CERCLA wastes may be transferred to an off-site unit regulated under subtitle C of RCRA, including a facility regulated under the permit-by-rule provisions of 40 CFR 270.60 (a), (b) or (c), only if that unit is not releasing any hazardous waste, hazardous constituent, or hazardous substance into the ground water, surface water, soil or air.

(B) *Other units at RCRA subtitle C land disposal facilities.* CERCLA wastes may not be transferred to any unit at a RCRA subtitle C land disposal facility where a non-receiving unit is releasing any hazardous waste, hazardous constituent, or hazardous substance into the ground water, surface water, soil, or air, unless that release is controlled by an enforceable agreement for corrective action under subtitle C of RCRA or other applicable Federal or State authority. For purposes of this section, a RCRA "land disposal facility" is any RCRA facility at which a land disposal unit is located, regardless of whether a land disposal unit is the receiving unit.

(C) *Other units at RCRA subtitle C treatment, storage, and permit-by-rule facilities.* CERCLA wastes may not be transferred to any unit at a RCRA subtitle C treatment, storage or permit-by-rule facility, where a release of any hazardous waste, hazardous constituent, or hazardous substance from non-receiving units poses a significant threat to public health or the environment, unless that release is controlled by an enforceable agreement for corrective action under subtitle C of RCRA or other applicable Federal or State authority.

(D) *All other facilities.* CERCLA wastes should not be transferred to any unit at an other-than-RCRA subtitle C facility if the EPA Regional Office has information indicating that an environmentally significant release of hazardous substances has occurred at that facility, unless the release is controlled by an enforceable agreement for corrective action under an applicable Federal or State authority.



(iii) Releases are considered to be "controlled" for the purpose of this section as provided in § 300.440 (f)(3)(iv) and (f)(3)(v). A release is not considered "controlled" for the purpose of this section during the pendency of administrative or judicial challenges to corrective action requirements, unless the facility has made the requisite showing under § 300.440(e).

(c) *Basis for determining acceptability.* (1) If a State finds that a facility within its jurisdiction is operating in non-compliance with state law requirements including the requirements of any Federal program for which the State has been authorized, EPA will determine, after consulting with the State as appropriate, if the violation is relevant under the rule and if so, issue an initial determination of unacceptability.

(2) If a State finds that releases are occurring at a facility regulated under State law or a Federal program for which the State is authorized, EPA will determine, after consulting with the State as appropriate, if the release is relevant under the rule and if so, issue an initial determination of unacceptability.

(3) EPA may also issue initial determinations of unacceptability based on its own findings. EPA can undertake any inspections, data collection and/or assessments necessary. EPA will then notify with the State about the results and issue a determination notice if a relevant violation or release is found.

(d) *Determination of unacceptability.* (1) Upon initial determination by the EPA Regional Office that a facility being considered for the off-site transfer of any CERCLA waste does not meet the criteria for acceptability stated in § 300.440(b), the EPA Region shall notify the owner/operator of such facility, and the responsible agency in the State in which the facility is located, of the unacceptability finding. The notice will be sent by certified and first-class mail, return receipt requested. The certified notice, if not acknowledged by the return receipt card, should be considered to have been received by the addressee if properly sent by regular mail to the last address known to the EPA Regional Office.

(2) The notice shall generally: state that based on available information from a RCRA Facility Assessment (RFA), inspection, or other data sources, the facility has been found not to meet the requirements of § 300.440; cite the specific acts, omissions, or conditions which form the basis of these findings; and inform the owner/operator of the procedural recourse available under this regulation.

(3) A facility which was previously evaluated and found acceptable under this rule (or the preceding policy) may continue to receive CERCLA waste for 60 calendar days after the date of issuance of the notice, unless otherwise determined in accordance with paragraphs (d)(8) or (d)(9) of this section.

(4) If the owner or operator of the facility in question submits a written request for an informal conference with the EPA Regional Office within 10 calendar days from the issuance of the notice, the EPA Regional Office shall provide the opportunity for such conference no later than 30 calendar days after the date of the notice, if possible, to discuss the basis for the underlying violation or release determination, and its relevance to the facility's acceptability to receive CERCLA cleanup wastes. State representatives may attend the informal conference, submit written comments prior to the informal conference, and/or request additional meetings with the EPA Region, relating to the unacceptability issue during the determination process. If no State representative is present, EPA shall notify the State of the outcome of the conference. An owner/operator may submit written comments by the 30th day after issuance of the notice, in addition to or instead of requesting an informal conference.

(5) If the owner or operator neither requests an informal conference nor submits written comments, the facility becomes unacceptable to receive CERCLA waste on the 60th day after the notice is issued (or on such other date designated under paragraph (d)(9) of this section). The facility will remain unacceptable until such time as the EPA Regional Office notifies the owner or operator otherwise.

(6) If an informal conference is held or written comments are received, the EPA Region shall decide whether or not the information provided is sufficient to show that the facility is operating in physical compliance with respect to the relevant violations cited in the initial notice of unacceptability, and that all relevant releases have been eliminated or controlled, as required in paragraph (b)(2) of this section, such that a determination of acceptability would be appropriate. EPA will notify the owner/operator in writing whether or not the information provided is sufficient to support a determination of acceptability. Unless EPA determines that information provided by the owner/operator and the State is sufficient to support a determination of acceptability, the facility becomes

unacceptable on the 60th calendar day after issuance of the original notice of unacceptability (or other date established pursuant to paragraphs (d)(8) or (d)(9) of this section).

(7) Within 10 days of hearing from the EPA Regional Office after the informal conference or the submittal of written comments, the owner/operator or the State may request a reconsideration of the unacceptability determination by the EPA Regional Administrator (RA). Reconsideration may be by review of the record, by conference, or by other means deemed appropriate by the Regional Administrator; reconsideration does not automatically stay the determination beyond the 60-day period. The owner/operator will receive notice in writing of the decision of the RA.

(8) The EPA Regional Administrator may decide to extend the 60-day period if more time is required to review a submission. The facility owner/operator shall be notified in writing if the Regional Administrator extends the 60 days.

(9) The EPA Regional Office may decide that a facility's unacceptability is immediately effective (or effective in less than 60 days) in extraordinary situations such as, but not limited to, emergencies at the facility or egregious violations. The EPA Region shall notify the facility owner/operator of the date of unacceptability, and may modify timeframes for comments and other procedures accordingly.

(e) *Unacceptability during administrative and judicial challenges of corrective action decisions.* For a facility with releases that are subject to a corrective action permit, order, or decree, an administrative or judicial challenge to the corrective action (or a challenge to a permit modification calling for additional corrective action) shall not be considered to be part of a corrective action "program" controlling those releases and shall not act to stay a determination of unacceptability under this rule. However, such facility may remain acceptable to receive CERCLA waste during the pendency of the appeal or litigation if:

(1) It satisfies the EPA Regional Office that adequate interim corrective action measures will continue at the facility; or

(2) It demonstrates to the EPA Regional Office the absence of a need to take corrective action during the short-term, interim period.

Either demonstration may be made during the 60-day review period in the context of the informal conference and RA reconsideration.

(f) *Re-evaluating unacceptability.* If, after notification of unacceptability and



the opportunity to confer as described in § 300.440(d), the facility remains unacceptable, the facility can regain acceptability. A facility found to be unacceptable to receive CERCLA wastes based on relevant violations or releases may regain acceptability if the following conditions are met:

(1) *Judgment on the merits.* The facility has prevailed on the merits in an administrative or judicial challenge to the finding of noncompliance or uncontrolled releases upon which the unacceptability determination was based.

(2) *Relevant violations.* The facility has demonstrated to the EPA Region its return to physical compliance for the relevant violations cited in the notice.

(3) *Releases.* The facility has demonstrated to the EPA Region that:

(i) All releases from receiving units at RCRA subtitle C facilities have been eliminated and prior contamination from such releases is controlled by a corrective action program approved under subtitle C of RCRA;

(ii) All releases from other units at RCRA subtitle C land disposal facilities are controlled by a corrective action program approved under subtitle C of RCRA;

(iii) All releases from other units at RCRA subtitle C treatment and storage facilities do not pose a significant threat to human health or the environment, or are controlled by a corrective action program approved under subtitle C of RCRA.

(iv) A RCRA subtitle C corrective action program may be incorporated into a permit, order, or decree, including the following: a corrective action order under RCRA section 3008(h), section 7003 or section 3013, a RCRA permit under 40 CFR 264.100 or 264.101, or a permit under an equivalent authority in a State authorized for corrective action under RCRA section 3004(u). Releases will be deemed controlled upon issuance of the order, permit, or decree which initiates and requires completion of one or more of the following: a RCRA Facility Investigation, a RCRA Corrective Measures Study, and/or Corrective Measures Implementation. The release remains controlled as long as the facility is in compliance with the order, permit, or decree, and enters into subsequent agreements for implementation of additional corrective action measures when necessary, except during periods of administrative or judicial challenges, when the facility must make a demonstration under § 300.440(e) in order to remain acceptable.

(v) Facilities with releases regulated under other applicable Federal laws, or

State laws under a Federally-delegated program may regain acceptability under this section if the releases are deemed by the EPA Regional Office not to pose a threat to human health or the environment, or if the facility enters into an enforceable agreement under those laws to conduct corrective action activities to control releases. Releases will be deemed controlled upon the issuance of an order, permit, or decree which initiates and requires one or more of the following: a facility investigation, a corrective action study, and/or corrective measures implementation. The release remains controlled as long as the facility is in compliance with the order, permit, or decree, and enters into subsequent agreements for implementation of additional corrective measures when necessary, except during periods of administrative or judicial challenges, when the facility must make a demonstration under § 300.440(e) in order to remain acceptable.

(4) Prior to the issuance of a determination that a facility has returned to acceptability, the EPA Region shall notify the State in which the facility is located, and provide an opportunity for the State to discuss the facility's acceptability status with EPA.

(5) An unacceptable facility may be reconsidered for acceptability whenever the EPA Regional Office finds that the facility fulfills the criteria stated in § 300.440(b). Upon such a finding, the EPA Regional Office shall notify the facility and the State in writing.

[FR Doc. 93-23069 Filed 9-21-93; 8:45 am]

BILLING CODE 6550-50-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### 45 CFR Parts 205 and 233

RIN 0970-AB14

### Aid to Families With Dependent Children Program; Certain Provisions of the Omnibus Budget Reconciliation Act of 1990

AGENCY: Administration for Children and Families (ACF), HHS.

ACTION: Interim final rule.

**SUMMARY:** These interim final rules implement three sections of the Omnibus Budget Reconciliation Act (OBRA) of 1990 that apply to the Aid to Families with Dependent Children (AFDC) program. They are: Section 5053, which deletes all references to

income deeming by legal guardians in minor parent cases; section 5054, which expands State agency responsibility for reporting, to an appropriate agency or official, known or suspected instances of child abuse and neglect of a child receiving AFDC; and section 5055, which adds an explicit reference to title IV-E on the list of programs for which information about AFDC applicants and recipients may be made available.

In addition, we deleted the reference to title IV-C since the WIN program is no longer operative. Other OBRA 90 changes pertaining to the AFDC-UP program and the Earned Income Tax Credit disregard were published July 9, 1992, in the final rules implementing the related AFDC amendments of the Family Support Act of 1988 (57 FR 30408-30409).

**DATES:** Effective Date: September 22, 1993.

**Comments:** Comments must be received on or before October 22, 1993.

**ADDRESSES:** Comments should be submitted in writing to the Assistant Secretary for Children and Families, Attention: Mr. Mack A. Storrs, Director, Division of AFDC Program, Office of Family Assistance, Fifth Floor, 370 L'Enfant Promenade, SW., Washington, DC 20447. Comments may be inspected between 8 a.m. and 4:30 p.m. during regular business days by making arrangements with the contact person identified below.

**FOR FURTHER INFORMATION CONTACT:** Mack A. Storrs, Director, Division of AFDC Program, Office of Family Assistance, Fifth Floor, 370 L'Enfant Promenade, SW., Washington, DC 20447, telephone (202) 401-9289.

#### SUPPLEMENTARY INFORMATION:

##### Discussion of Interim Rule Provisions

*Eliminating the Use of the Term "Legal Guardian" (Section 233.20 of the Interim Rule)*

The Omnibus Budget Reconciliation Act (OBRA) of 1981 added section 402(a)(39) of the Social Security Act to require that, in determining AFDC benefits for a dependent child whose parent or legal guardian is under the age of 18, the State agency must include the income of the minor parent's own parents or legal guardians who are living in the same home.

Section 5053 of Omnibus Budget Reconciliation Act of 1990 (OBRA 90) amended section 402(a)(39) of the Social Security Act by eliminating the use of the term "legal guardian." Section 402(a)(39) provides that in determining AFDC benefits for a dependent child whose parent is under the age of 18, the

WASTE MANAGEMENT DIVISION  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION IV  
345 COURTLAND STREET, N.E.  
ATLANTA, GEORGIA 30365

**FACSIMILE TRANSMISSION SHEET**

(Please Number All Pages)

DATE: 5/10/94 # OF PAGES (Including Cover Sheet) 2  
TO: Paul Wierzbicki FAX NUMBER: 407-433-2666  
ADDRESS: FDEP PHONE NUMBER: \_\_\_\_\_

FROM: \_\_\_\_\_ FAX NUMBER: (404) 347- \_\_\_\_\_

IF THE FOLLOWING MESSAGE IS RECEIVED POORLY, PLEASE CALL  
IN OUR OFFICE AT (404) 347- 7608

E. Burles

SPECIAL NOTES OR INSTRUCTIONS:

See today's conversation.

THANKS!

THE FAX, MAN,  
AND NOTHING BUT  
THE FAX.



Paul -  
We have a  
very small file on  
this site - but you  
could get more  
info from DEEM (Bob  
Johns) if you need it.  
Jane.



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

## REGION IV

345 COURTLAND STREET, N.E.  
ATLANTA, GEORGIA 30365

4WD-RCRA

MAY 10 1994

Vivek Kamath, P.E.  
Waste Programs Administrator  
Florida Department of Environmental Protection  
P.O. Box 15425  
West Palm Beach, Florida 33416-5425

SUBJ: Environmental Compliance Audit of Rinker Materials Corporation  
Miami, Florida, conducted pursuant to the  
Acceptability Criteria as specified in 40 C.F.R. 300.440(b).

Dear Mr. Kamath:

The Environmental Protection Agency (EPA), Region IV, is conducting an assessment of Rinker Materials Corporation (Rinker), Miami, Florida, for the purpose of confirming the facility's compliance with 40 C.F.R. Section 300.440, known as the CERCLA Off-Site Rule. EPA must determine if any conditions exist at Rinker which may render the facility unacceptable for the receipt of off-site waste. Such off-site wastes are defined as those generated as a result of activities authorized by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). On September 22, 1993, EPA amended the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), by adding Section 300.440: Procedures for Implementing Off-Site Response Actions (Off-Site Rule). The Off-Site Rule implements and codifies the requirements contained in CERCLA Section 121(d)(3), and incorporates provisions of the Off-Site Policy (OSWER Directive No. 9834.11, November 13, 1987). The Off-Site Rule establishes the criteria and procedures for determining if facilities are acceptable for the off-site receipt of CERCLA waste, and outlines the actions affected by the standard.

40 C.F.R. 300.440(a)(4) mandates that EPA determine if there are relevant releases or relevant violations at a facility prior to the facility's initial receipt of CERCLA waste for treatment, storage, or disposal. In order to achieve this requirement, EPA requests your assistance by conducting an environmental audit of your records for the facility described above. By using 40 CFR 300.440(b) as guidance, determine if the facility is in physical compliance with the Resource Conservation and Recovery Act (RCRA), Toxic Substances Control Act (TSCA), and other applicable Federal laws. Rinker must also be in compliance with applicable State requirements within your State's jurisdiction. A copy of the rule is enclosed for your review. For the purposes of the rule, the term "release" is defined by Section

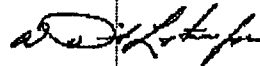
2

101(22) of CERCLA, which, is repeated in 40 C.F.R. 300.6 of the NCP, and in RCRA Section 3008(h) guidance materials. In summary, a release is any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injection, escaping, leaching, dumping or disposing to the environment. This includes releases to surface water, ground water, land surface, soil and air.

Your findings should include, but are not limited to, the most recent Compliance Evaluation Inspection (CEI), a copy of the most recent CEI Report, and a copy of the RCRA Facility Assessment, where applicable, or other facility-wide investigations, where such information is available. Where the findings support the determination that violations of applicable Federal or State laws and/or requirements have occurred, or that an uncontrolled release has occurred, the State shall make the findings available to EPA. Once EPA has collected information on the compliance and release status of the facility, EPA will determine, after consulting with the State as appropriate, if the violation is relevant under the rule, and issue the appropriate determination.

Please submit the results of your evaluation, along with your recommendations, to Edmond J. Burks, Regional Off-Site Contact, Region IV. Thank you for your expeditious attention to this matter. If you have any questions concerning this request, please contact Mr. Burks, at (404) 347-3555 extension 6390, or myself, at (404) 347-7603.

Sincerely yours,



John E. Dickinson, P.E., Chief,  
RCRA Compliance Section  
Office of RCRA and Federal Facilities

Enclosure

1. Off-Site Rule

cc: Paul Wierzbicki, Palm Beach District, FDEP  
Galo Jackson, Waste Division, EPA Region IV



# Florida Department of Environmental Protection

Lawton Chiles  
Governor

MAR. 14 1994

Southeast District  
P.O. Box 15425  
West Palm Beach, Florida 33416

Virginia B. Wetherell  
Secretary

Mr. Mike Vardeman  
Rinker Materials Corporation  
1200 NW 137th Ave  
Miami, FL 33182

RE: New Raw Material Sources

Dear Mr. Vardeman,

As discussed in our telecon on November 5, 1993, the Department has reviewed the proposal to use spent petroleum catalysts as substitute raw materials for cement production and any impact it may have on the General Permit No. SO13-195017 for the Soil Thermal Treatment Facility. The Department has determined there is no need to regulate the handling, treatment, or disposal of this material pursuant to Rule 17-775, Florida Administrative Code, since it's purpose is for cement production and is not related to the thermal treatment of petroleum contaminated soils. However, the VOA levels reported indicate storage requirements should be consistent with petroleum contaminated soils (i.e., the Soil Storage Facility) versus some other raw materials (i.e., the bare ground).

If any process changes occur which could alter the Department's interpretation, please notify the Department immediately. If you have any questions, please contact Paul Wierzbicki or Lee Martin at 407-433-2650.

Sincerely,

A handwritten signature in cursive script that reads "Vivek Kamath".

Vivek Kamath, P.E.  
Waste Programs Administrator

cc: T. Conrardy P.E., DEP/BWC, Tallahassee  
L. Mora-Applegate, DEP/BWC, Tallahassee  
R. Johns P.E., DERM, Miami  
West Palm Beach Files



Lawton Chiles  
Governor

# Florida Department of Environmental Protection

Southeast District  
P.O. Box 15425  
West Palm Beach, Florida 33416

Virginia B. Wetherell  
Secretary

Mr. Mike Vardeman  
Rinker Materials Corporation  
1200 NW 137th Ave  
Miami, FL 33182

RE: New Raw Material Sources

Dear Mr. Vardeman,

As discussed in our telecon on November 5, 1993, the Department has reviewed the proposal to use spent petroleum catalysts as substitute raw materials for cement production and any impact it may have on the General Permit No. SO13-195017 for the Soil Thermal Treatment Facility. The Department has determined there is no need to regulate the handling, treatment, or disposal of this material pursuant to Rule 17-775, Florida Administrative Code, since it's purpose is for cement production and is not related to the thermal treatment of petroleum contaminated soils. However, the VOA levels reported indicate storage requirements should be consistent with petroleum contaminated soils (i.e., the Soil Storage Facility) versus some other raw materials (i.e., the bare ground).

If any process changes occur which could alter the Department's interpretation, please notify the Department immediately. If you have any questions, please contact Paul Wierzbicki or Lee Martin at 407-433-2650.

Sincerely,

Vivek Kamath, P.E.  
Waste Programs Administrator

cc: T. Conrardy P.E., DEP/BWC, Tallahassee  
L. Mora-Applegate, DEP/BWC, Tallahassee  
R. Johns P.E., DERM, Miami  
West Palm Beach Files

ENFORCEMENT TRACKING	
FINAL _____	
Initial	Date
<i>WV</i>	3/10/94
<i>WV</i>	3/15/94

Memorandum

Environmental Protection

TO: Paul Wierzbicki, Southeast District Office  
 FROM: Tom Conrardy, <sup>TC</sup>Engineering Support Section  
 Bureau of Waste Cleanup  
 DATE: February 28, 1994  
 SUBJECT: Rinker Materials Corporation  
 New Raw Materials Sources

RECEIVED  
 MAR 3 1994  
 DEPT OF ENV PROTECTION  
 WEST PALM BEACH

I have reviewed the information provided with your November 9, 1994 memo regarding new raw materials sources to be used at the Rinker Materials Corporation Soil Thermal Treatment Facility. Additionally, I have consulted with Ligia Mora-Applegate of the Technical Review Section. Attached is a copy of Ligia's comments. I agree that there is no need to regulate the handling, treatment, or disposal of the material as a Rule 17-775 activity since it's purpose is for cement production and is unrelated to the thermal treatment of petroleum contaminated soils. There appears to be no public health or environmental concerns since the material will be incorporated into a concrete product. If you have any questions, please call me at Suncom 278-0190.

TC/tc

## Memorandum

## Florida Department of Environmental Protection

TO: Tom Conrardy, Engineering Support Section  
Bureau of Waste Cleanup

THROUGH: Jim Crane, Technical Review Section *ZPK for JC*  
Bureau of Waste Cleanup

FROM: Ligia Mora-Applegate, Technical Review Section  
Bureau of Waste Cleanup

DATE: January 12, 1994

SUBJECT: *New Raw Material Sources*  
*Rinker Materials Substitution,*  
*Miami, Florida*  
*Dade County*

---

As you have explained, this operation would not be part of the soil thermal activities and the soils would not be disposed as clean fill but would become part of a concrete/cement product. If the analytical results are representative of the material, I do not have any objection to their proposal.

If the material were to be used as clean fill they would need to comply with Chapter 17-775 F.A.C.

If you have any questions, please let me know.



Memorandum

Florida Department of  
Environmental Protection

TO: Tom Conrardy/Engineering Support Section/Tallahassee

THRU: Paul Wierzbicki/Waste Cleanup Supervisor

FROM: Lee Martin/Waste Cleanup Section

DATE: NOV. 09 1993

REF: New Raw Material Sources  
Rinker Materials Substitution, Miami, Fl

---

As we discussed during our telecon on November 5, 1993, with Mike Vardeman/Rinker present, the attached laboratory analyses on catalysts from Hess and Exxon represent those materials which Rinker considers as raw materials. Some of the questions we have are:

1. Would the use of these new "raw materials" require a modification to their general permit under 17-775, FAC?
2. Could these catalysts be stored as other non-petroleum contaminated raw materials on site?
3. Since the Hess Cat may exceed the TRPH criteria for clean soil (needs additional analysis) and the Exxon Cat exceeds the total VOA criteria for clean soil, should they be processed through with other petroleum contaminated soils, or if used in phase of the process after the kiln is any thermal treatment even necessary?

Thank you for your help and review of this matter.

RECEIVED

SEP - 7 1993

DEPT. OF ENV. PROTECTION  
WEST PALM BEACH



**Rinker**

Rinker Materials Corporation  
1200 N.W. 137th Avenue  
Miami, FL 33182

P.O. Box 650679  
Miami, FL 33265-0679

Facsimile (305) 223-5403  
Telephone (305) 221-7645

May 6, 1993

Metro-Dade County  
Environmental Resource Management  
33 S.W. 2ND Avenue  
Miami, Florida 33131

Attn: Robert E. Johns, Chief  
Hazardous Waste Section  
Pollution Prevention Division

Dear Mr. Robert:

Rinker is in the process of adding new raw material sources for the alumina constituents required to produce portland cement. These new materials are rejected and spent catalyst recovered from various petroleum production facilities.

As was our previous agreement with your department, we are providing representative analysis of the new raw materials and will be commencing the receipt of these materials on or about June 1, 1993.

Your acknowledgement of our notice to utilize these raw materials would be appreciated.

Sincerely,

Dave Marple

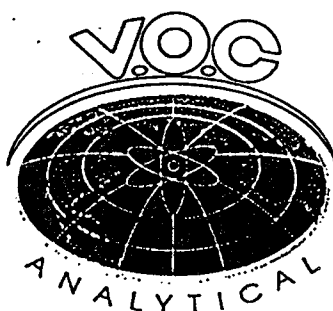
Rec'd  
Fla  
6/1/93  
DERM

CC JOE KAHN

- Cement TCP  
- Slag Replacement  
INFO

RECEIVED

SEP - 7 1993

DEPT. OF ENV. PROTECTION  
WEST PALM BEACH

CLIENT # 18  
 ADDRESS: RINKER MATERIALS  
 PO BOX 650679  
 MIAMI, FL 33165  
 ATTN: MIKE VARDEMAN  
 SAMPLE DESCRIPTION: RINKER MATERIALS

fi  
 PAGE: 1  
 DATE: 04-13-1993  
 LOG #: 4841-1

LABEL: HESS CAT  
 DATE SAMPLED: 04/02/93 fi  
 DATE RECEIVED: 04/02/93  
 COLLECTED BY: CLIENT

Parameter	Result	Units	Method	Detection Limit	Extr. Date	Anal Date	Analyst
EPA 8021 in soil		mg/kg	5030/8021		04/06/93	04/06/93	GP
Bromodichloromethane	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
Bromoform	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
Bromomethane	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
Carbon Tetrachloride	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
Chloroethane	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
Cis-1,2-Dichloroethene	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
Chloroform	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
Chloromethane	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
Dibromochloromethane	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
1,2-Dichlorobenzene	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
1,3-Dichlorobenzene	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
1,4-Dichlorobenzene	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
Dichlorofluoromethane	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
Chlorobenzene	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
Vinyl Chloride	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
1,1-Dichloroethane	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
1,2-Dichloroethane	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
1,1-Dichloroethene	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
Trans-1,2-Dichloroethene	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
1,2-Dichloropropane	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
Cis,-1,3-Dichloropropene	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
Trans-1,3-Dichloropropene	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
Methylene Chloride	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
1,1,2,2-Tetrachloroethane	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
Tetrachloroethene	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
1,1,1-Trichloroethane	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
1,1,2-Trichloroethane	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
Trichloroethene	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
Trichlorofluoromethane	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
Benzene	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
Toluene	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
MTBE	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
Ethyl Benzene	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP
Total Xylenes	BDL	mg/kg	5030/8021	0.05	04/06/93	04/06/93	GP

RECEIVED

SEP - 7 1993

DEPT. OF ENV. PROTECTION  
WEST PALM BEACH

CLIENT # 18  
ADDRESS: RINKER MATERIALS  
PO BOX 650679  
MIAMI, FL 33165  
ATTN: MIKE VARDEMAN  
SAMPLE DESCRIPTION: RINKER MATERIALS

PAGE: 2  
DATE: 04-13-1993  
LOG #: 4841-1

LABEL: HESS CAT  
DATE SAMPLED: 04/02/93  
DATE RECEIVED: 04/02/93  
COLLECTED BY: CLIENT

Parameter	Result	Units	Method	Detection Limit	Extr. Date	Anal Date	Analyst
Dilution Factor	1						
Silver	BDL	mg/kg	5030/8021	1.0	04/06/93	04/06/93	GP
Arsenic	7.5	mg/kg	3050/7760	1.0	04/05/93	04/06/93	JK
Barium	107.0	mg/kg	3050/7061	1.0	04/05/93	04/06/93	JK
Cadmium	BDL	mg/kg	3050/7080	1.0	04/05/93	04/06/93	JK
Chromium	24.7	mg/kg	3050/7130	1.0	04/05/93	04/06/93	JK
Mercury	BDL	mg/kg	3050/7190	1.0	04/05/93	04/06/93	JK
Lead	78.6	mg/kg	3050/7471	0.1	04/05/93	04/12/93	JK
Selenium	BDL	mg/kg	3050/7420	1.0	04/05/93	04/06/93	JK
Acid Digestion	DONE						
Copper	113.0	mg/kg	3050/7741	1.0	04/05/93	04/06/93	JK
Molybdenum	BDL	mg/kg	3050		04/05/93	04/05/93	JK
Nickel	156.0	mg/kg	3050/7210	1.0	04/05/93	04/08/93	JK
Titanium	68.0	mg/kg	3050/7480	1.0	04/05/93	04/09/93	JK
Zinc	21.0	mg/kg	3050/7520	1.0	04/05/93	04/08/93	JK
PERCENT WATER	BDL	%	3050/	1.0	04/05/93	04/12/93	JK
TRPH	39.4	mg/kg	3050/7950	1.0	04/05/93	04/08/93	JK
Total Halogens	247	mg/kg	N/A	1.0	04/08/93	04/08/93	JV
Vanadium	123.0	mg/kg	9073	2.7	04/06/93	04/07/93	JV
		mg/kg	5050/9252	12	04/07/93	04/07/93	JV
		mg/kg	3050/7911	1.0	04/05/93	04/09/93	JK

\* BDL = Below Detection Limits

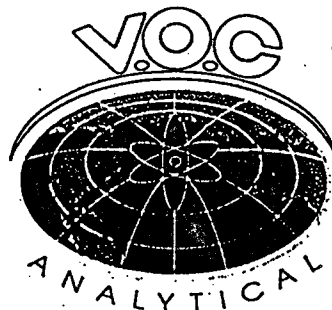
All analyses were performed using EPA, ASTM, USGS, or Standard Methods

QAP # 90-0376G  
HRS # E86240, 86356  
SUB HRS# 86122, 86109, E86048  
ADEM ID# 40720

Respectfully Submitted,

Jeffrey S. Glass  
Laboratory Director

4841-1



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SEP - 7 1993

DEPT. OF ENV. PROTECTION  
WEST PALM BEACH

CLIENT # 18  
 ADDRESS: RINKER MATERIALS  
 PO BOX 650679  
 MIAMI, FL 33165  
 ATTN: MIKE VARDEMAN  
 SAMPLE DESCRIPTION: RINKER MATERIALS

fi  
 PAGE: 1  
 DATE: 04-26-1993  
 LOG #: 5058-1

LABEL: HESS CAT  
 DATE SAMPLED: 04/02/93 fi  
 DATE RECEIVED: 04/16/93  
 COLLECTED BY: CLIENT

Parameter	Result	Units	Method	Detection Limit	Extr. Date	Anal Date	Analyst
TCLP Silver	BDL	mg/l	1311/7760	0.1	04/19/93	04/23/93	JK
TCLP Arsenic	BDL	mg/l	1311/7061	0.10	04/19/93	04/21/93	JK
TCLP Barium	0.44	mg/l	1311/7080	0.10	04/19/93	04/21/93	JK
TCLP Cadmium	BDL	mg/l	1311/7130	0.10	04/19/93	04/21/93	JK
TCLP Chromium	BDL	mg/l	1311/7190	0.10	04/19/93	04/21/93	JK
TCLP Mercury	BDL	mg/l	1311/7471	0.001	04/19/93	04/21/93	JK
TCLP Lead	BDL	mg/l	1311/7420	0.10	04/19/93	04/21/93	JK
TCLP Selenium	BDL	mg/l	1311/7741	0.010	04/19/93	04/21/93	JK
TCLP Extraction	DONE	---	1311		04/19/93	04/19/93	JK
TCLP Copper	BDL	mg/l	1311/7210	0.20	04/19/93	04/20/93	JK
TCLP Nickel	0.16	mg/l	1311/7520	0.20	04/19/93	04/20/93	JK
TCLP Zinc	0.13	mg/l	1311/7950	0.20	04/19/93	04/23/93	JK
TCLP Molybdenum	0.11	mg/l	1311/7480	0.10	04/19/93	04/22/93	JK
TCLP Vanadium	0.12	mg/l	1311/7911	0.10	04/19/93	04/26/93	JK
TCLP Titanium	BDL	mg/l	1311/	0.10	04/19/93	04/26/93	JK

\* BDL = Below Detection Limits

All analyses were performed using EPA, ASTM, USGS, or Standard Methods

QAP # 90-0376G  
 HRS # E86240, 86356  
 SUB HRS# 86122, 86109, E86048  
 ADEM ID# 40720

Respectfully Submitted,

Jeffrey S. Glass  
 Laboratory Director

5058-1

RECEIVED

SEP - 7 1993

DEPT. OF ENV. PROTECTION  
WEST PALM BEACH

CLIENT # 18  
 ADDRESS: RINKER MATERIALS  
 PO BOX 650679  
 MIAMI, FL 33165  
 ATTN: MIKE VARDEMAN  
 SAMPLE DESCRIPTION: RINKER MATERIALS

ñ  
 PAGE: 1  
 DATE: 04-13-1993  
 LOG #: 4841-2

LABEL: EXXON CAT  
 DATE SAMPLED: 04/02/93 ñ  
 DATE RECEIVED: 04/02/93  
 COLLECTED BY: CLIENT

Parameter	Result	Units	Method	Detection Limit	Extr. Date	Anal Date	Analyst
EPA 8021 in soil		mg/kg	5030/8021		04/06/93	04/06/93	GP
Bromodichloromethane	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
Bromoform	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
Bromomethane	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
Carbon Tetrachloride	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
Chloroethane	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
Cis-1,2-Dichloroethene	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
Chloroform	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
Chloromethane	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
Dibromochloromethane	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
1,2-Dichlorobenzene	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
1,3-Dichlorobenzene	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
1,4-Dichlorobenzene	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
Dichlorofluoromethane	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
Chlorobenzene	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
Vinyl Chloride	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
1,1-Dichloroethane	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
1,2-Dichloroethane	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
1,1-Dichloroethene	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
Trans-1,2-Dichloroethene	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
1,2-Dichloropropane	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
Cis,-1,3-Dichloropropene	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
Trans-1,3-Dichloropropen	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
Methylene Chloride	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
1,1,2,2-Tetrachloroethan	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
Tetrachloroethene	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
1,1,1-Trichloroethane	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
1,1,2-Trichloroethane	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
Trichloroethene	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
Trichlorofluoromethane	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
Benzene	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
Toluene	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
MTBE	BDL	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
Ethyl Benzene	0.3	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP
Total Xylenes	0.5	mg/kg	5030/8021	0.125	04/06/93	04/06/93	GP

RECEIVED

SEP - 7 1993

DEPT. OF ENV. PROTECTION  
WEST PALM BEACH

CLIENT # 18  
 ADDRESS: RINKER MATERIALS  
 PO BOX 650679  
 MIAMI, FL 33165  
 ATTN: MIKE VARDEMAN  
 SAMPLE DESCRIPTION: RINKER MATERIALS

h  
 PAGE: 2  
 DATE: 04-13-1993  
 LOG #: 4841-2

LABEL: EXXON CAT  
 DATE SAMPLED: 04/02/93 h  
 DATE RECEIVED: 04/02/93  
 COLLECTED BY: CLIENT

Parameter	Result	Units	Method	Detection Limit	Extr. Date	Anal Date	Analyst
Dilution Factor	1	mg/kg	5030/8021		04/06/93	04/06/93	GP
Silver	BDL	mg/kg	3050/7760	1.0	04/05/93	04/06/93	JK
Arsenic	1.6	mg/kg	3050/7061	1.0	04/05/93	04/06/93	JK
Barium	BDL	mg/kg	3050/7080	1.0	04/05/93	04/06/93	JK
Cadmium	BDL	mg/kg	3050/7130	1.0	04/05/93	04/06/93	JK
Chromium	BDL	mg/kg	3050/7190	1.0	04/05/93	04/06/93	JK
Mercury	BDL	mg/kg	3050/7471	0.1	04/05/93	04/12/93	JK
Lead	33.1	mg/kg	3050/7420	1.0	04/05/93	04/06/93	JK
Selenium	BDL	mg/kg	3050/7741	1.0	04/05/93	04/06/93	JK
Acid Digestion	DONE	---	3050		04/05/93	04/05/93	JK
Copper	BDL	mg/kg	3050/7210	1.0	04/05/93	04/08/93	JK
Molybdenum	BDL	mg/kg	3050/7480	1.0	04/05/93	04/09/93	JK
Nickel	1.6	mg/kg	3050/7520	1.0	04/05/93	04/08/93	JK
Titanium	BDL	mg/kg	3050/	1.0	04/05/93	04/12/93	JK
Zinc	1.7	mg/kg	3050/7950	1.0	04/05/93	04/08/93	JK
PERCENT WATER	19.5	%	N/A	1.0	04/08/93	04/08/93	JV
TRPH	4.3	mg/kg	9073	2.7	04/06/93	04/07/93	JV
Total Halogens	202	mg/kg	5050/9252	12	04/07/93	04/07/93	JV
Vanadium	BDL	mg/kg	3050/7911	1.0	04/05/93	04/12/93	JK

\* BDL = Below Detection Limits

All analyses were performed using EPA, ASTM, USGS, or Standard Methods

QAP # 90-0376G  
 HRS # E86240, 86356  
 SUB HRS# 86122, 86109, E86048  
 ADEM ID# 40720

ISLANDS  
 LA  
 PA  
 TEXAS

320  
~~2375~~ OF PRODUCT

FOR REPLACEMENT OF:

BOXITE

SLAG

STEELITE

Respectfully Submitted,

Jeffrey S. Glass  
 Laboratory Director

4841-2

RECEIVED

SEP - 7 1993

DEPT. OF ENV. PROTECTION  
WEST PALM BEACH

CLIENT # 18  
ADDRESS: RINKER MATERIALS  
PO BOX 650679  
MIAMI, FL 33165  
ATTN: MIKE VARDEMAN  
SAMPLE DESCRIPTION: RINKER MATERIALS

PAGE: 1  
DATE: 04-26-1993  
LOG #: 5058-2

LABEL: EXXON CAT  
DATE SAMPLED: 04/02/93 n  
DATE RECEIVED: 04/16/93  
COLLECTED BY: CLIENT

Parameter	Result	Units	Method	Detection Limit	Extr. Date	Anal Date	Analyst
TCLP Silver	BDL	mg/l	1311/7760	0.1	04/19/93	04/23/93	JK
TCLP Arsenic	BDL	mg/l	1311/7061	0.10	04/19/93	04/21/93	JK
TCLP Barium	BDL	mg/l	1311/7080	0.10	04/19/93	04/21/93	JK
TCLP Cadmium	BDL	mg/l	1311/7130	0.10	04/19/93	04/21/93	JK
TCLP Chromium	BDL	mg/l	1311/7190	0.10	04/19/93	04/21/93	JK
TCLP Mercury	BDL	mg/l	1311/7471	0.001	04/19/93	04/21/93	JK
TCLP Lead	0.31	mg/l	1311/7420	0.10	04/19/93	04/21/93	JK
TCLP Selenium	BDL	mg/l	1311/7741	0.010	04/19/93	04/21/93	JK
TCLP Extraction	DONE	---	1311		04/19/93	04/19/93	JK
TCLP Copper	BDL	mg/l	1311/7210	0.20	04/19/93	04/20/93	JK
TCLP Nickel	BDL	mg/l	1311/7520	0.20	04/19/93	04/20/93	JK
TCLP Zinc	BDL	mg/l	1311/7950	0.20	04/19/93	04/23/93	JK
TCLP Molybdenum	BDL	mg/l	1311/7480	0.10	04/19/93	04/22/93	JK
TCLP Vanadium	BDL	mg/l	1311/7911	0.10	04/19/93	04/26/93	JK
TCLP Titanium	BDL	mg/l	1311/	0.10	04/19/93	04/26/93	JK

\* BDL = Below Detection Limits

All analyses were performed using EPA, ASTM, USGS, or Standard Methods

QAP # 90-0376G  
HRS # E86240, 86356  
SUB HRS# 86122, 86109, E86048  
ADEM ID# 40720

Respectfully submitted,

Jeffrey S. Glass  
Laboratory Director

5058-2



Department of Environmental Regulation  
**Routing and Transmittal Slip**

To: (Name, Office, Location)

1. Zoe Kulakowski
2. EOSP/BWC Hall
- 3.
- 4.

Remarks:

FYI + files

From:

Paul Wierzbicki

Date

12/22/93

Phone

562-232-2650

a Department of  
Environmental Protection

observations:

however, Cadmium  
during 1Q93 and .005 mg/l  
W-7 during both events,

cc: Z. Kulakowski

Florida Department of  
**Environmental Protection**

**Memorandum**

*PM*  
TO: Paul Wierzbicki/Waste Cleanup Supervisor

*gmm*  
FROM: Lee Martin/Waste Cleanup Section

DATE: NOV. 30 1993

REF: 1Q93 and 2Q93 Quarterly Groundwater Monitoring  
Rinker Materials, 1200 NW 137th Ave, Miami, FL

---

I have reviewed the referenced documents and offer the following observations:

1. No volatiles were detected and no metals exceeded the MCL; however, Cadmium remains sporadic around the scale house in MW-7 (i.e., BDL during 1Q93 and .005 mg/l during 2Q93) and low levels of Chromium were observed in MW-7 during both events, in addition to all wells around the soil storage building in 2Q93.

da\rink1&2Q.dat

CC: Z. Kulczewski

**Memorandum**

**Florida Department of  
Environmental Protection**

*Paul*  
TO: Paul Wierzbicki/Waste Cleanup Supervisor

*Lee*  
FROM: Lee Martin/Waste Cleanup Section

DATE: NOV. 30 1993

REF: 1Q93 and 2Q93 Quarterly Groundwater Monitoring  
Rinker Materials, 1200 NW 137th Ave, Miami, FL

---

I have reviewed the referenced documents and offer the following observations:

1. No volatiles were detected and no metals exceeded the MCL; however, Cadmium remains sporadic around the scale house in MW-7 (i.e., BDL during 1Q93 and .005 mg/l during 2Q93) and low levels of Chromium were observed in MW-7 during both events, in addition to all wells around the soil storage building in 2Q93.

da\rink1&2Q.dat

CC: Z. Kulczewski



HANDEX OF FLORIDA, INC., 1001 Broken Sound Parkway N. W., Suite C, Boca Raton, Florida 33487  
(407) 995-9551 Fax: (407) 995-9830

RECEIVED

October 1, 1993  
CEM

OCT - 5 1993  
DEPT. OF ENV. PROTECTION  
WEST PALM BEACH


Ms. Zoe Kulakowski  
Florida DEP  
Bureau of Waste Cleanup  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32339-2400

Re: Quarterly Report of Groundwater Monitoring for the period May through July, 1993,  
Rinker Portland Cement Corp., 1200 NW 137th Avenue, Miami, Florida.

Dear Ms. Kulakowski:

On behalf of the Rinker Portland Cement Corp., we herewith submit the referenced report. Please call to discuss this report as needed.

Very truly yours,  
HANDEX OF FLORIDA, INC.

  
Greg Soucy  
Hydrogeologist II

PJ/jm  
ENCLOSURE

cc: Mr. Michael Vardeman, Rinker  
Mr. Paul Wierzbicki, FDER, WPB  
Ms. Julie Baker, Dade County, DERM

K:\HOME\WP\SHARE\LETTERS\ZKOCT1.CEM



HANDEX OF FLORIDA, INC., 1001 Broken Sound Parkway N. W., Suite C, Boca Raton, Florida 33487  
(407) 995-9551 Fax: (407) 995-9830

June 30, 1993  
CEM

RECEIVED

JUL - 6 1993

DEPT. OF ENVIRONMENTAL REG.  
WEST PALM BEACH

Ms. Zoe Kulakowski  
Florida DER  
Bureau of Waste Cleanup  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32339-2400

Re: Quarterly Report of Groundwater Monitoring for the period February through April, 1993, Rinker Portland Cement Corp., 1200 NW 137th Avenue, Miami, Florida.

Dear Ms. Kulakowski:

On behalf of the Rinker Portland Cement Corp., we herewith submit the referenced report. Please call to discuss this report as needed.

Very truly yours,  
HANDEX OF FLORIDA, INC.

Paul G. Jakob, P.G.  
Principal Hydrogeologist

PJ/jm  
ENCLOSURE

cc: Mr. Michael Vardeman, Rinker  
Mr. Paul Wierzbicki, FDER, WPB  
Ms. Diana Cutt, Dade County, DERM

K:\HOME\WP\SHARE\LETTERS\ZKJUN30.CEM

METROPOLITAN DADE COUNTY, FLORIDA



RECEIVED

OCT 1 1993

September 17, 1993

ENVIRONMENTAL RESOURCES MANAGEMENT  
33 S.W. 2nd AVENUE  
MIAMI, FLORIDA 33130-1540  
(305) 372-6789

DEPT. OF ENV. PROTECTION  
WEST PALM BEACH

Mr. D. Marple  
Rinker Materials Corp.  
1200 N.W. 137 Avenue  
Miami, Florida 33182

Dear Mr. Marple:

The Hazardous Waste Section of the Department of Environmental Resources Management (DERM) has no objection to the use of spent catalyst, recovered from various petroleum production facilities, in the cement making process.

The Florida Department of Environmental Protection has been informed of this new raw material and must concur.

If you have any additional questions, please contact Paul Lasa of the Hazardous Waste Section at 372-6832.

Sincerely,

A handwritten signature in cursive script that reads "Paul Lasa" followed by the letters "FOR".

Robert E. Johns, P.E., Chief  
Hazardous Waste Section  
POLLUTION PREVENTION DIVISION

PL/np  
7595

cc: Joe Kahn, DEP

RECEIVED  
SEP 28 1993  
DEPT. OF ENV. PROTECTION  
WEST PALM BEACH



# Rinker

Rinker Materials Corporation  
1200 N.W. 137th Avenue  
Miami, FL 33182

P.O. Box 650679  
Miami, FL 33265-0679

Facsimile (305) 223-5403  
Telephone (305) 221-7645

September 20, 1993

Department of Environmental Protection  
1900 South Congress Avenue  
Suite A  
West Palm Beach, Fl 33406

Attn: Mr. Lee Martin

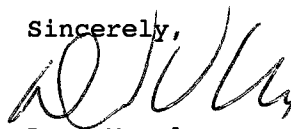
Dear Lee:

In regards to your question about the metal results over limits, please find attached the appropriate TCLP analysis.

1. Lot 243-93011 - Lead TCLP
2. Lot 382-93001 - Arsenic, Chrome, Lead TCLP
3. Lot 106-93044 - Arsenic TCLP
4. Lot 136-93009 - Lead TCLP

Please let me know if you require any added information.

Sincerely,



Dave Marple

243-93011  
PT. MANATEE

# Envirodyne Inc.

4301 Oak Circle Drive #21  
Boca Raton, FL 33431  
407-368-7737AUCHTER INDUSTRIAL VAC OF FLORIDA, INC.  
751 WASHBURN ROAD  
MELBOURNE, FL 32951PAGE 1 OF 1  
JUNE 23, 1993  
REPORT # 6667  
CERT# E86188

ATT: GLEN E. MOLL

SAMPLE COLLECTED: 06/04/93  
SAMPLE RECEIVED : 06/07/93

COLLECTED BY: GLEN E. MOLL

SAMPLE DESCRIPTION: 93-658 COASTAL FUELS PT. MANATEE, FL.

REPORT OF ANALYSIS: SOIL COMPOSITE

METHOD 1311

PARAMETER

RESULT

UNITS

DL

DATE

Lead, T.C.L.P.  
(Method 239.2)

BDL

MG/L

0.010 06/18/93

RECEIVED

SEP 28 1993

DEPT. OF ENV. PROTECTION  
WEST PALM BEACH

ANALYSIS PERFORMED IN ACCORDANCE WITH E.P.A. METHODS.

RESPECTFULLY SUBMITTED,

  
MICHAEL RENTOUMIS  
PRESIDENTBDL = BELOW DETECTION LIMIT  
DL = DETECTION LIMIT



**TOXICITY CHARACTERISTIC LEACHATE SURVEILLANCE  
REPORT OF EXTRACT ANALYSES**

**392-93001**

SAMPLE ID: T-6/22/93-01

SAMPLE DATE: 6/22/93  
*Martin Plant*

**TCLP EXTRACT SEMIVOLATILE RESULTS**

<u>COMPOUND</u>	<u>RESULT (mg/L)</u>	<u>RCRA REGULATORY LEVEL(mg/L)</u>
CHLORDANE	<0.02	0.03
TOTAL CRESOLS	<0.02	200
2,4-DINITROTOLUENE	<0.02	0.13
ENDRIN	<0.01	0.02
HEPTACHLOR & ITS HYDROXIDE	<0.005	0.008
HEXACHLOROBENZENE	<0.02	0.13
HEXACHLOROBUTADIENE	<0.02	0.5
HEXACHLOROETHANE	<0.02	3
LINDANE	<0.02	0.4
METHOXYCHLOR	<0.02	10
NITROBENZENE	<0.02	2
PENTACHLOROPHENOL	<0.02	100
PYRIDINE	<0.5	5
TOXAPHENE	<0.5	0.5
2,4,5-TRICHLOROPHENOL	<0.02	400
2,4,6-TRICHLOROPHENOL	<0.02	2

SEMIVOLATILE ANALYSIS BY: Rhonda Bobich ANALYSIS DATE: 6/24/93

**TCLP EXTRACT VOLATILE RESULTS**

<u>COMPOUND</u>	<u>RESULT (mg/L)</u>	<u>RCRA REGULATORY LEVEL (mg/L)</u>
BENZENE	<0.0025	0.5
CHLOROBEZENE	<0.0033	100
METHYL ETHYL KETONE (MEK)	<0.05	200
VINYL CHLORIDE	<0.0025	0.2
1,1-DICHLOROETHENE	<0.0033	0.7
CHLOROFORM	<0.0025	6.0
CARBON TETRACHLORIDE	<0.0015	0.5
1,2-DICHLOROETHANE	<0.0038	0.5
TRICHLOROETHENE	<0.0015	0.5
TETRACHLOROETHENE	<0.0015	0.7
1,4-DICHLOROBEZENE	<0.003	7.5

VOLATILE ANALYSIS BY: J. Oberon ANALYSIS DATE: 6/24/93

**TCLP EXTRACT METALS RESULTS**

<u>COMPOUND</u>	<u>RESULT (mg/L)</u>	<u>RCRA REGULATORY LEVEL (mg/L)</u>
ARSENIC	0.02	5
BARIUM	0.73	100
CADMIUM	0.05	1
CHROMIUM	<0.04	5
LEAD	0.07	5
MERCURY	<0.01	0.2
SELENIUM	<0.004	1
SILVER	<0.03	5

**RECEIVED**

**SEP 28 1993**

DEPT. OF ENV. PROTECTION  
WEST PALM BEACH

METALS ANALYSIS BY: Sheila M. Guzman D. Pinner DATE COMPLETED: 6/27/93

**TCLP EXTRACT HERBICIDE RESULTS**

<u>COMPOUND</u>	<u>RESULT (mg/L)</u>	<u>RCRA REGULATORY LEVEL (mg/L)</u>
2,4D**	<10	10
SILVEX (2,4,5-TP)**	<1	1

(\*\* ONLY SCREENED FOR HERBICIDES)

(2)



# Progress Environmental Laboratories

4420 Pendola Point Road  
Tampa, Florida 33619  
(813) 241-2805  
FAX: (813) 248-1537

106-93044  
Knights Key

- CERTIFICATE OF ANALYSIS -  
(HRS #E84207 and FDER CompQap #900306G)

To: Westinghouse Remediation Services  
111 Kelsey Lane  
Suite B, # H  
Tampa, FL 33619

Report Date: 05/12/93

Attn: Bob Moody

Collection Information:

PEL Lab # : 505472  
Client ID : Northern 1/3 of Stockpile  
Project ID : 2330-93-3407  
Location : Knights Key, Marathon, Fl.  
Matrix : Soil

Sample Date: 05/04/93  
Sample Time: 0800  
Sampled By : GG

ND = Less than MDL

Lab#	Parameter	Method	Results	Units	MDL
505472	Arsenic TCLP EPA 1311	EPA 6010	0.323	mg/l	0.10
	PCB-1016	EPA 8080	ND	ug/kg	303.03
	PCB-1221	EPA 8080	ND	ug/kg	303.03
	PCB-1232	EPA 8080	ND	ug/kg	30.30
	PCB-1242	EPA 8080	ND	ug/kg	30.30
	PCB-1248	EPA 8080	ND	ug/kg	30.30
	PCB-1254	EPA 8080	ND	ug/kg	15.15
	PCB-1260	EPA 8080	ND	ug/kg	15.15

RECEIVED

SEP 28 1993

DEPT. OF ENV. PROTECTION  
WEST PALM BEACH

Respectfully submitted, Michael Sora  
Vincent M. Giampa, Laboratory Supervisor

3



# Progress Environmental Laboratories

4420 Pandora Point Road  
Tampa, Florida 33619  
(813) 247 2805  
FAX: (813) 248-1567

- CERTIFICATE OF ANALYSIS -  
(HRS #E84207 and FDER CompQap #900306G)

To: Westinghouse Remediation Services  
111 Kelsey Lane  
Suite B, # H  
Tampa, FL 33619

Report Date: 05/12/93

Attn: Bob Moody

Collection Information:

PEL Lab # : 505473  
Client ID : Middle 1/3 of Stockpile  
Project ID : 2330-93-3407  
Location : Knights Key, Marathon, FL.  
Matrix : Soil

Sample Date: 05/04/93  
Sample Time: 0805  
Sampled By : GG

ND = Less than MDL

Lab#	Parameter	Method	Results	Units	MDL
505473	Arsenic TCLP EPA 1311	EPA 6010	0.363	mg/l	0.10
	PCB-1016	EPA 8080	ND	ug/kg	303.03
	PCB-1221	EPA 8080	ND	ug/kg	303.03
	PCB-1232	EPA 8080	ND	ug/kg	30.30
	PCB-1242	EPA 8080	ND	ug/kg	30.30
	PCB-1248	EPA 8080	ND	ug/kg	30.30
	PCB-1254	EPA 8080	ND	ug/kg	15.15
	PCB-1260	EPA 8080	ND	ug/kg	15.15

RECEIVED

SEP 28 1993

DEPT. OF ENV. PROTECTION  
WEST PALM BEACH

Respectfully submitted, Michael Sana  
Vincent M. Giampa, Laboratory Supervisor



# Progress Environmental Laboratories

4420 Pendola Point Road  
Tampa, Florida 33619  
(813) 247-2006  
FAX: (813) 248-1587

- CERTIFICATE OF ANALYSIS -  
(HRS #E84207 and FDER CompGap #900306G)

To: Westinghouse Remediation Services  
111 Kelsey Lane  
Suite B, # H  
Tampa, FL 33619

Report Date: 05/12/93

Attn: Bob Moody

Collection Information:

PEL Lab # : 505474  
Client ID : Southern 1/3 of Stockpile  
Project ID : 2330-93-3407  
Location : Knights Key; Marathon, Fl.  
Matrix : Soil

Sample Date: 05/04/93  
Sample Time: 0810  
Sampled By : GG

ND = Less than MDL

Lab#	Parameter	Method	Results	Units	MDL
505474	Arsenic TCLP EPA 1311	EPA 6010	0.303	mg/l	0.10
	PCB-1016	EPA 8080	ND	ug/kg	303.03
	PCB-1221	EPA 8080	ND	ug/kg	303.03
	PCB-1232	EPA 8080	ND	ug/kg	30.30
	PCB-1242	EPA 8080	ND	ug/kg	30.30
	PCB-1248	EPA 8080	ND	ug/kg	30.30
	PCB-1254	EPA 8080	ND	ug/kg	15.15
	PCB-1260	EPA 8080	ND	ug/kg	15.15

RECEIVED

SEP 28 1993

DEPT. OF ENV. PROTECTION  
WEST PALM BEACH

4

Respectfully submitted, *Michael Giampa*  
Vincent M. Giampa, Laboratory Supervisor

**SL SAVANNAH LABORATORIES**  
& ENVIRONMENTAL SERVICES, INC.

136-93009

Dawn Marine

414 SW 12th Avenue • Deerfield Beach, Florida 33442 • (305) 421-7400 • Fax (305) 421-2584

LOG NO: D3-22002

Received: 10 JUN 93

Mr. Jim Labowski  
Biohazard Compliance  
P.O. Box 638525  
Margate, FL 33063

Project: Dawson Marine  
Sampled By: B. Morris

REPORT OF RESULTS

Page 1

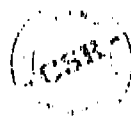
LOG NO	SAMPLE DESCRIPTION , SOLID OR SEMISOLID SAMPLES	DATE SAMPLED
22002-1	Composite Soil	06-10-93
PARAMETER	22002-1	
Lead (TCLP)		
Lead (TCLP), mg/l	0.58	
Date Analyzed	06.17.93	
Method Number	EPA 6010	

RECEIVED

SEP 28 1993

DEPT. OF ENV. PROTECTION  
WEST PALM BEACH

4

**Rinker**

Rinker Materials Corporation  
1200 N.W. 137th Avenue  
Miami, FL 33182

P.O. Box 650679  
Miami, FL 33265-0679

305-225-1423  
OR 305-225-1427

## M A T E R I A L S      S U B S T I T U T I O N

FAX: 305-220-9875

WE ARE TRANSMITTING 3 PAGES INCLUDING COVER SHEETTO: 1-407-433-2666DATE: 9/3/93ATTN: Lee MartinFROM: D. Maugh

*Lee per your request*

- 1. DERM letter*
- 2. VOTH report in "ppb"*
- 3. Lab. 1/1 Look into your questions about  
Arsenic 5/3 then 5/9*

METROPOLITAN DADE COUNTY, FLORIDA



METRO-DADE CENTER

ENVIRONMENTAL RESOURCES MANAGEMENT

SUITE 1310

111 N.W. 1st STREET  
MIAMI, FLORIDA 33128-1971

(305) 375-3376

RECEIVED JUN 09 1992

June 4, 1992

CERTIFIED MAIL NO. P-289-532-717  
RETURN RECEIPT REQUESTED

Mr. J. Jenkins III  
Vice-President  
Rinker Cement Operations  
P.O. Box 650679  
Miami, Florida 33265-0679

Dear Mr. Jenkins:

The Hazardous Waste Section of the Department of Environmental Resources Management (HWS/DERM) approves your request to modify Solid Waste Permit SW 1117-91, last issued on September 27, 1991, with the following comments:

1. The intent of this modifications is to grant Rinker conditional approval authority for the acceptance of non-hazardous petroleum based soils for incorporation into Rinker product. Approval authority is granted for a period of sixty (60) days after which time, evaluation will follow.
2. Actual analyses supplied to Rinker shall be provided to DERM within forty-eight (48) hours of Rinker approval during the sixty (60) day trial period.
3. Contaminated materials accepted shall be limited to non-hazardous, petroleum contaminated soils profiled pursuant to FDER Chapter 17-775 FAC and DERM requirements as stated herein.

Contaminated soils from other than petroleum sources and/or exceeding these limits that follow may not be accepted without prior DERM review and approval:

- A. Contaminated soils shall not exceed 1,000 ppm total volatile organic halocarbons (EPA method 8010).
- B. Contaminated soils shall not exceed 1,000 ppm total volatile organic aromatics (EPA method 8020).
- C. Contaminated soils shall not exceed 1,000 ppm total halogens.

Rinker Cement Operations Permit Modification

page 2 of 2

- D. Additional TCLP analyses shall be required prior to approval of soils exhibiting levels of total benzene in excess of twenty (20) times the stated maximum Federal toxicity limit of .5 mg/L (i.e. a total benzene level of 10 ppm would warrant TCLP analysis). Likewise, additional TCLP analyses are required for all parameters comprising the listed maximum concentration of contaminants for the toxicity characteristic as found in 40 CFR 261.24 table 1, if the totals exceed twenty (20) times the maximum concentration there stated for each parameter. The TCLP analyses shall be within the maximum concentration listed in 40 CFR 261.24.
4. Blending of soils to meet metals limits is allowed only at the soil generation site and as specified in the attached DERM letter. This procedure is to be followed until further clarifications of Chapter 17-775 F.A.C. (now underway) are reviewed by the DERM Hazardous Waste Section.
  5. Numerical averaging of metals analytical results shall be based on the samples collected and at the soil generation site, not at the Rinker facility.
  6. A fee of \$50.00 per contaminated soil site shall be collected by Rinker and forwarded to DERM on a monthly basis to cover review costs.

If you have any questions concerning this letter, please contact Paul Lasa or Lori Cunniff of the Hazardous Waste Section at 375-3321.

This letter shall become part of Solid Waste Permit SW 1117-91.

Sincerely,



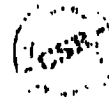
Robert E. Johns, Chief  
Hazardous Waste Section  
POLLUTION PREVENTION DIVISION

PL/LC:ml

Attachement: DERM letter

cc: P. Wong, DERM  
R. Abrahante, DERM



**Rinker**

Rinker Materials Corporation  
1200 N.W. 137th Avenue  
Miami, FL 33182

P.O. Box 650879  
Miami, FL 33265-0879

305-225-1423  
OR 305-225-1427

**M A T E R I A L S       S U B S T I T U T I O N****FAX: 305-220-9875****WE ARE TRANSMITTING 8 PAGES INCLUDING COVER SHEET**

**TO:** (407) 433-2666  
**ATTN:** Lee Martin

**DATE:** 9-22-93  
**FROM:** Dave Marple

**Rinker**

Rinker Materials Corporation  
1200 N.W. 197th Avenue  
Miami, FL 33182

P.O. Box 650679  
Miami, FL 33265-0679

Facsimile (305) 223-6403  
Telephone (305) 221-7846

September 20, 1993

Department of Environmental Protection  
1900 South Congress Avenue  
Suite A  
West Palm Beach, FL 33406

Attn: Mr. Lee Martin

Dear Lee:

In regards to your question about the metal results over limits, please find attached the appropriate TCLP analysis.

1. Lot 243-93011 - Lead TCLP
2. Lot 382-93001 - Arsenic, Chrome, Lead TCLP
3. Lot 106-93044 - Arsenic TCLP
4. Lot 136-93009 - Lead TCLP

Please let me know if you require any added information.

Sincerely,  
  
Dave Marple

A CSR America Company

4073667737

ENVIRODYNE INC.

919 '01

JUN 27 '93 22:47

243-93011  
P.L. MANATEE**Envirodyne Inc.**4301 Oak Circle Drive #21  
Boca Raton, FL 33401  
407-366-7737AUGHTER INDUSTRIAL VAC OF FLORIDA, INC.  
751 WASHBURN ROAD  
MELBOURNE, FL 32951PAGE 1 OF 1  
JUNE 23, 1993  
REPORT # 6667  
CERT# E86188

ATT: GLEN E. MOLL

SAMPLE COLLECTED: 06/04/93  
SAMPLE RECEIVED: 06/07/93

COLLECTED BY: GLEN E. MOLL

SAMPLE DESCRIPTION: 93-658 COASTAL FUELS PT. MANATEE, FL.

REPORT OF ANALYSIS: SOIL COMPOSITE

METHOD 1311

PARAMETER	RESULT	UNITS	DL	DATE
-----------	--------	-------	----	------

Lead, T.C.L.P. (Method 239.2)	BDL	MG/L	0.010	06/18/93
----------------------------------	-----	------	-------	----------

ANALYSIS PERFORMED IN ACCORDANCE WITH E.P.A. METHODS.

RESPECTFULLY SUBMITTED,

  
MICHAEL RENTOUMIS  
PRESIDENTBDL = BELOW DETECTION LIMIT  
DL = DETECTION LIMIT

## REPORT OF EXTRACT ANALYSES

382695001

SAMPLE ID: T-8/22/93-01

## TCLP EXTRACT SEMIVOLATILE RESULTS

SAMPLE DATE: 8/22/93

Mack's Plant

COMPOUND	RESULT (mg/L)	RCRA REGULATORY LEVEL(mg/L)
CHLORDANE	<0.02	0.03
TOTAL CRESOLS	<0.02	200
2,4-DINITROTOLUENE	<0.02	0.13
ENDRIN	<0.01	0.02
HEPTACHLOR & ITS HYDROXIDE	<0.005	0.008
HEXACHLOROBENZENE	<0.02	0.13
HEXACHLOROBUTADIENE	<0.02	0.5
HEXACHLOROETHANE	<0.02	3
LINDANE	<0.02	0.4
METHOXYCHLOR	<0.02	10
NITROBENZENE	<0.02	2
PENTACHLOROPHENOL	<0.02	100
PYRIDINE	<0.5	5
TOXAPHENE	<0.5	0.5
2,4,5-TRICHLOROPHENOL	<0.02	400
2,4,6-TRICHLOROPHENOL	<0.02	2

SEMIVOLATILE ANALYSIS BY: Rhonda Bobich

ANALYSIS DATE: 8/24/93

## TCLP EXTRACT VOLATILE RESULTS

COMPOUND	RESULT (mg/L)	RCRA REGULATORY LEVEL (mg/L)
BENZENE	<0.0025	0.5
CHLOROBENZENE	<0.0033	100
METHYL ETHYL KETONE (MEK)	<0.05	200
VINYL CHLORIDE	<0.0025	0.2
1,1-DICHLOROETHENE	<0.0033	0.7
CHLOROFORM	<0.0025	6.0
CARBON TETRACHLORIDE	<0.0015	0.5
1,2-DICHLOROETHANE	<0.0033	0.5
TRICHLOROETHENE	<0.0015	0.5
TETRACHLOROETHENE	<0.0015	0.7
1,4-DICHLOROETHENE	<0.003	7.5

VOLATILE ANALYSIS BY: J. Obeson

ANALYSIS DATE: 8/24/93

## TCLP EXTRACT METALS RESULTS

COMPOUND	RESULT (mg/L)	RCRA REGULATORY LEVEL (mg/L)
ARSENIC	0.02	5
BARIUM	0.73	100
CADMIUM	0.05	1
CHROMIUM	<0.04	5
LEAD	0.07	5
MERCURY	<0.01	0.2
SELENIUM	<0.004	1
SILVER	<0.03	5

METALS ANALYSIS BY: Sheila M. Dizon

DATE COMPLETED: 6/27/93

## TCLP EXTRACT HERBICIDE RESULTS

COMPOUND	RESULT (mg/L)	RCRA REGULATORY LEVEL (mg/L)
2,4-D**	<10	10
SILVEX (2,4,5-TP)**	<1	1
(** ONLY SCREENED FOR HERBICIDES)		

(2)



# Progress Environmental Laboratories

4450 Pandois Point Road  
Tampa, Florida 33610  
(813) 241-2500  
FAX: (813) 241-1037

106-93044  
Knights Key

- CERTIFICATE OF ANALYSIS -  
(HRS #884207 and FDER CompQap #9003060)

To: Westinghouse Remediation Services  
111 Kelsey Lane  
Suite B, # H  
Tampa, FL 33619

Report Date: 05/12/93

Attn: Bob Moody

Collection Information:

PEL Lab # : 505472  
Client ID : Northern 1/3 of Stockpile  
Project ID : 2330-93-3407  
Location : Knights Key, Marathon, Fl.  
Matrix : Soil

Sample Date: 05/04/93  
Sample Time: 0800  
Sampled By : GG

ND = Less than MDL

Lab#	Parameter	Method	Results	Units	MDL
505472	Arsenic TCLP EPA 1311	EPA 8010	0.323	mg/l	0.10
	PCB-1016	EPA 8080	ND	ug/kg	303.03
	PCB-1221	EPA 8080	ND	ug/kg	303.03
	PCB-1232	EPA 8080	ND	ug/kg	30.30
	PCB-1242	EPA 8080	ND	ug/kg	30.30
	PCB-1248	EPA 8080	ND	ug/kg	30.30
	PCB-1254	EPA 8080	ND	ug/kg	15.15
	PCB-1260	EPA 8080	ND	ug/kg	15.15

Respectfully submitted, Michael Sora  
Vincent M. Giampa, Laboratory Supervisor

③



# Progress Environmental Laboratories

4420 Perdido Point Road  
Tampa, Florida 33619  
(813) 247 2808  
FAX (813) 248-1057

- CERTIFICATE OF ANALYSIS -  
(HRS #884207 and FDER CompQap #900306G)

To: Westinghouse Remediation Services  
111 Kelsey Lane  
Suite B, # H  
Tampa, FL 33619

Report Date: 05/12/93

Attn: Bob Moody

Collection Information:

PER Lab # : 505473  
Client ID : Middle 1/3 of Stockpile  
Project ID : 2330-93-3407  
Location : Knights Key, Marathon, Fl.  
Matrix : Soil

Sample Date: 05/04/93  
Sample Time: 0805  
Sampled By : GG

ND = Less than MDL

Lab#	Parameter	Method	Results	Units	MDL
505473	Arsenic TQLP EPA 1311	EPA 6010	0.363	mg/l	0.10
	PCB-1016	EPA 8080	ND	ug/kg	303.03
	PCB-1221	EPA 8080	ND	ug/kg	303.03
	PCB-1232	EPA 8080	ND	ug/kg	30.30
	PCB-1242	EPA 8080	ND	ug/kg	30.30
	PCB-1248	EPA 8080	ND	ug/kg	30.30
	PCB-1254	EPA 8080	ND	ug/kg	15.15
	PCB-1260	EPA 8080	ND	ug/kg	15.15

Respectfully submitted, Michael Davis  
Vincent M. Giampa, Laboratory Supervisor



# Progress Environmental Laboratories

4420 Perdola Point Road  
Tampa, Florida 33610  
(813) 847-8000  
FAX: (813) 748-1557

## - CERTIFICATE OF ANALYSIS - (HRS #884207 and FDER CompGap #9003060)

To: Westinghouse Remediation Services  
111 Kelsey Lane  
Suite B, # H  
Tampa, FL 33619

Report Date: 05/12/93

Attn: Bob Moody

### Collection Information:

Sample Date: 05/04/93  
Sample Time: 0810  
Sampled By: OG

PEL Lab # : 505474  
Client ID : Southern 1/3 of Stockpile  
Project ID : 2330-93-3407  
Location : Knights Key, Marathon, FL.  
Matrix : Soil

ND = Less than MDL

Lab#	Parameter	Method	Results	Units	MDL
505474	Arsenic TCLP EPA 1311	EPA 6010	0.303	mg/l	0.10
	PCB-1016	EPA 8080	ND	ug/kg	303.03
	PCB-1221	EPA 8080	ND	ug/kg	303.03
	PCB-1232	EPA 8080	ND	ug/kg	30.30
	PCB-1242	EPA 8080	ND	ug/kg	30.30
	PCB-1248	EPA 8080	ND	ug/kg	30.30
	PCB-1254	EPA 8080	ND	ug/kg	15.15
	PCB-1260	EPA 8080	ND	ug/kg	15.15

Respectfully submitted, Michael J. Giampa  
Vincent M. Giampa, Laboratory Supervisor

136-93009

Dawn Marine

**SL SAVANNAH LABORATORIES**  
& ENVIRONMENTAL SERVICES, INC.

414 SW 12th Avenue • Deerfield Beach, Florida 33442 • (305) 421-7400 • Fax (305) 421-2584

LOG NO: D3-22002

Received: 10 JUN 93

Mr. Jim Labowski  
Biohazard Compliance  
P.O. Box 638525  
Margate, FL 33063Project: Dawson Marine  
Sampled By: B. Morris

## REPORT OF RESULTS

Page 1

LOG NO	SAMPLE DESCRIPTION , SOLID OR SEMISOLID SAMPLES	DATE SAMPLED
22002-1	Composite Soil	06-10-93
PARAMETER	22002-1	
Lead (TCLP)		
Lead (TCLP), mg/l	0.58	
Date Analyzed	06.17.93	
Method Number	EPA 6010	

(4)



P 253 330 211



# Receipt for Certified Mail

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Return Receipt Showing to Whom, Date, and Addressee's Address	
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PS Form 3800, June 1991

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Print Sender's name, address, and ZIP Code in the space below.

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION  
1900 SOUTH CONGRESS AVE., SUITE A  
WEST PALM BEACH, FL 33406

PAUL W



PENALTY FOR PRIVATE  
USE, \$300

**SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. Additional fees for the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3: Article Addressed to:

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

4. Article Number

P 253 330 211

Type of Service:

- ☐ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee

X

6. Signature - Agent

X

7. Date of Delivery

FEB 1 1993

8. Addressee's Address (ONLY if requested and fee paid)

Z 359 641 164



# **Receipt for Certified Mail**

No Insurance Coverage Provided  
waste/lm/jd

Mr. James S. Jenkins, III  
Rinkers Materials Corporation  
P. O. Box 24635  
West Palm Beach, FL 33416

PS Form 3800, March 1993

Postage	\$ 7.32
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, and Addressee's Address	
Postage	\$ 2.78
Postmark or Date: Soil Treatment Facility	

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

F.D.E.P., SOUTHEAST DISTRICT

P.O. BOX 15425

WEST PALM BEACH FL 33416

RECEIVED

JUN 18 1997

DEPT OF ENV PROTECTION  
WEST PALM BEACH

**SENDER:**

- Complete items 1 and 2 for additional services.
- Complete items 3, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

**3. Article Addressed to:**

waste/lm/jd

Mr. James S. Jenkins, III  
Rinkers Materials Corporation  
P. O. Box 24635  
West Palm Beach, FL 33416

**4a. Article Number**

2359-6411-164

**4b. Service Type**

- |   |   |
|---|---|
| <input type="checkbox"/> Registered                     | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail                   | <input type="checkbox"/> Insured              |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD                  |

**7. Date of Delivery**

JUN 17 1997

**5. Received By: (Print Name)****8. Addressee's Address (Only if requested and fee is paid)****6. Signature: (Addressee or Agent)**

X