



ENVIRONMENTAL RESOURCES MANAGEMENT  
POLLUTION CONTROL DIVISION  
33 S.W. 2nd AVENUE  
SUITE 800  
MIAMI, FLORIDA 33130-1540  
(305) 372-6817

January 23, 2002

NOTICE OF PERMIT

RECEIVED

JAN 28 2002

DEPT OF ENV PROTECTION  
WEST PALM BEACH

WACS NUMBER: SED/13/00059293  
FDEP Permit No.: 0133892-002-SO  
DERM File No.: F-10118, SW-1117

Michael D. Vardeman,  
Environmental Manager  
CSR Rinker Materials Corp.  
1200 NW 137 Avenue  
Miami, Florida 33182

CERTIFIED MAIL NO. 7000 1670 0004 7256 1800  
RETURN RECEIPT REQUESTED

Re: Final permit for CSR Rinker Materials Corp. facility (Permit File No. 10118; DEP File No. 0133892-002-SO), located at 1200 NW 137 Avenue, Miami, Miami-Dade County.

Dear Mr. Vardeman:

Enclosed is FDEP Permit Number 033892-002-SO, to operate and close a Solid Waste Management Facility for the storage, treatment and reuse of petroleum and coal tar contaminated materials.

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 FDEP 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 FDEP.

If you have any questions, please contact Mr. James A. Carter, P.E., of this office at telephone number (305) 372-6804.

Executed in Miami, Florida on this 23 day of JANUARY 2002.

DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT

Robert E. Johns, P.E., Chief  
Waste Regulation Section  
Department of Environmental Resources Management

**CERTIFICATE OF SERVICE**

This is to certify that this NOTICE OF PERMIT and all copies were mailed before the close of business on 1-23-02 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.

JC  


Clerk  Date 1-23-02

Enclosure:  
Final Permit

Copies furnished to:

Steven C. Cullen, P.E. (Koogler & Associates)  
Joe Lurix, FDEP  
Fred Wick, FDEP  
Indar Jagnarine, FDEP  
Nahum Fernandez, DERM  
DERM File #10118 (SW#1117)



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MIAMI, FLORIDA 33130-1540  
(305) 372-6817

PERMITTEE:

Mr. Michael D. Vardeman, Environmental Manager  
Cement Division  
Rinker Materials Corporation  
1200 N.W. 137th Avenue  
Miami, FL 33182

WACS NO.: SED/13/00059293  
PERMIT/CERTIFICATION NUMBER:0133892-002-SO  
EXPIRATION DATE: January 23, 2007  
COUNTY: Miami-Dade  
LATITUDE/LONGITUDE: 25°46'45" N/ 80°25'10" W  
SECTION/TOWNSHIP/RANGE: 34/53S/39E  
PROJECT: Stationary Soil Treatment Facility

This permit is issued on behalf of the FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) under the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-4, 62-701 and 62-713, Florida Administrative Code (F.A.C.). The above named permittee is hereby authorized to operate the facility shown on the application and approved drawings, plans, and other documents on file with the Department and made a part hereof and specifically described as follows:

**TO OPERATE:** A solid waste management facility for the thermal treatment of coal tar and petroleum contaminated soils, for use in the manufacture of portland cement. The cement manufacturing process involves the substitution of treated soils for a small percentage of raw materials (limestone, rock, sand, bottom ash and slag). Coal tar and Petroleum contaminated soils (as defined in Chapter 62-713.200(6)) will be accepted by this facility, only after Rinker Materials Corporation (RMC) determines, via analytical testing, that said contaminated soils are not a hazardous waste. Said contaminated soils will be received and stored inside Storage Area "A", which is an existing 33,660 square-foot building with 12-inches thick concrete floor. RMC will operate this facility seven days a week, 24 hours a day or 8760 hours per year. RMC shall not process more than 960 tons/day of coal tar and petroleum-contaminated soils at this facility.

**IN ACCORDANCE WITH:** An application received on February 27, 2001; additional information received on July 9, 2001, Chapters 62-4, 62-701 and 62-713, F.A.C. This permit replaces and supersedes General Permit No. SO13-290034, and Specific Permit No. SO13-300512.

**SITE LOCATION:** 1200 N.W. 137th Avenue, Miami, Dade County, FL.

**SUBJECT TO:** General Conditions 1-15 (attached as pages 2 and 3) and specific Conditions 1-31 (attached as pages 4 through 7).

GENERAL CONDITIONS

- (1) The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
- (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 403.987(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither 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 is not 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 this permit.
- (4) This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and 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, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; 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 properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when 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 and at reasonable times, access to the premises where the permitted activity is located or conducted to:
  - (a) Have access to and copy any records that must be kept under conditions of the permit;
  - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
  - (c) Sample or monitor 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 this permit, the permittee shall immediately provide the Department with the following information:
  - (a) A description of and cause of noncompliance; and
  - (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. 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 for revocation of this permit.
- (9) In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and

GENERAL CONDITIONS

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 involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

- (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. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.
- (11) This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-730.300, F.A.C., 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 or a copy thereof shall be kept at the work site of the permitted activity.
- (13) This permit also constitutes:
  - (a) Determination of Best Available Control Technology (BACT)
  - (b) Determination of Prevention of Significant Deterioration (PSD)
  - (c) Certification of compliance with State Water Quality Standards (Section 401, PL 92-500)
  - (d) Compliance with New Source Performance Standards
- (14) The permittee shall comply with the following:
  - (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
  - (b) The permittee shall hold 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) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These records shall be retained 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:
    - 1. The date, exact place, and time of sampling or measurements;
    - 2. The person responsible for performing the sampling or measurements;
    - 3. The dates analyses were performed;
    - 4. The person responsible for performing the analyses;
    - 5. The analytical techniques or methods used;
    - 6. The 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 the 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 corrected promptly.

SPECIFIC CONDITIONS:

1. Solid waste received for processing at this facility shall be limited to coal tar and petroleum-contaminated soils. This facility shall be maintained and operated in strict accordance with 62-713, F.A.C.; site plans received by FDEP on July 7, 1995, and the revised operations plan (process flow chart) and site plans, which are included as Attachments A and B, respectively, of the supplemental information dated July 6, 2001. Said supplemental information was submitted to DERM by Koogler & Associates and sealed (July 6, 2001) by Steven C. Cullen, P.E., a Professional Engineer registered in the State of Florida.
2. The allowances/restrictions set forth in this permit shall not negate any restrictions set forth in any air pollution permit issued to this facility.
3. 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 made available for inspection.
4. The prohibitions of Rule 62-713.300 (1) and (2) (c) – (h), F.A.C. shall not be violated.
5. This site shall be classified as a soil thermal treatment facility for the treatment of up to 960 tons/day of coal tar and petroleum contaminated soils at the RMC facility in Miami-Dade County, Florida. This facility shall be maintained and operated in accordance with all applicable requirements of Chapters 62-4, 62-701 and 62-713, F.A.C., and all applicable requirements of Department rules.
6. This facility shall be operated in accordance with all applicable requirements and restrictions of EQCB Board Order No. 99-55, issued by the Miami-Dade County Environmental Quality Control Board.
7. *Tipping of coal tar and petroleum-contaminated soils shall be done inside the facility designated as Building "A" in the supplemental information, dated July 6, 2001. Storage of said contaminated soils 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.*
8. Litter control shall be performed daily. Outdoor spillage of contaminated media shall be removed daily.
9. The owner or operator shall control disease vectors so as to protect the public health and welfare. Any complaint received from the general public, and confirmed by Department personnel upon inspection, shall constitute a nuisance violation. The permittee must take immediate corrective action to abate said nuisance.
10. Oversized materials that cannot be crushed to meet the requirements of F.A.C. Rule 62-713.500(4), and other debris generated by the screening operation, shall be stored inside of the existing contaminated soil storage building, pending disposal at a permitted Class I landfill or Waste-to-Energy facility, if allowed under that facility's permit or certification.
11. Pre-treatment testing of coal tar and petroleum contaminated soils shall be performed in accordance with 62-713.510(4) & (5), F.A.C., respectively.
12. Post-treatment testing of treated soils shall be performed in accordance with 62-713.510(6), (7) & (8), F.A.C.
13. Analytical results for petroleum contaminated soils from various job sites may be substituted for pre-treatment analysis provided that said results are recorded on Form 62-713.900(3) (Exhibit D). Untested contaminated soils from various sites may be blended prior to treatment after said soils have been analyzed in accordance with Specific Condition No. 11, and approved for treatment at the RMC facility.
14. At no time shall the total amount of contaminated soils and treated soils (which are untested or which does not meet the cleanfill criteria as defined in 62-713.520(2), F.A.C.) exceed 30,000 tons.

SPECIFIC CONDITIONS (Cont'd.)

15. The owner or operator of the facility shall maintain the waste records as detailed in 62-713.500(5) at the site for a minimum of five (5) years, and shall make them available for inspection by the Department.
16. Any hazardous waste that is inadvertently accepted, or is generated at the facility as a result of the treatment process, shall be managed as a hazardous waste pursuant to Chapter 62-730, F.A. C. The owner or the permittee shall notify the Department immediately (within 24 hours), and make every effort to determine the origin of the waste. Said hazardous waste shall be characterized and managed in accordance with applicable federal, state and local regulations.
16. A material balance report, showing the volumes of materials received, stored and removed from the site for use, disposal or treatment, shall be compiled monthly and submitted to the this office quarterly, by January 31<sup>st</sup>, April 30th, July 31st and October 31st of each year.
17. The facility owner or operator shall comply with all closure requirements of Rule 62- 713.600, F.A.C., and the Closure Plan submitted in the Engineering Report dated March 6, 1997. Closure shall be accomplished within 180 days of receiving the final shipment of contaminated soil in accordance with 62-713.600 (4), F.A.C.
18. Proper maintenance is required for buildings, processing equipment and containment and stormwater systems. In the event of damage or failure of any facility or portion of associated systems, or any spill, which may result in a release of contaminants to the air, waters or lands of the State of Florida, the permittee shall immediately (within 24 hours) notify the Department. Said notification must include an explanation of the occurrence and the remedial measures taken or planned, including the time needed for repairs or remediation. Detailed written notification shall be submitted to the Department within seven (7) days following the occurrence.
19. The permittee shall maintain compliance with the financial assurance requirements of Rule 62-713.600(6), F.A.C. All updated supporting documents required in accordance with Rule 62-701.630(4)(a) through (d), F.A.C., must be submitted to:

Solid Waste Financial Assurance  
Bureau of Solid and Hazardous Waste  
Florida Department of Environmental Protection  
2600 Blair Stone Road, MS 4565  
Tallahassee, FL 32399-2400

Also a copy to:

The Department of Environmental Resources Management  
Waste Regulation Section  
33 SW 2<sup>nd</sup> Avenue, Suite 800  
Miami, FL 33130;

20. Upon closure of this facility, the permittee shall be responsible for the removal of all contaminated materials, and treated materials which fail the criteria specified in Specific Condition 15, to a facility approved by the Department, for disposal or reuse. The permittee shall also be responsible for post-closure long-term care as defined in 62-713.600(5), F.A.C. Failure to properly close this site may result in forfeiture of the financial mechanism provided to the Department.

SPECIFIC CONDITIONS (Cont'd.)

GROUNDWATER MONITORING

21. The permittee shall ensure the minimum criteria and standards for ground water specified in Rule 62-520, F.A.C., shall not be violated.
22. The zone of discharge for this site shall be in accordance with the requirements of Rule 62-522.410, F.A.C.; horizontally extend as shown in Exhibit C, and extend vertically to the first confining layer.
23. The permittee shall install and place into operation a Ground Water Monitoring System that meets the requirements of Rule 62-522, 62-701.510 and 62-713.400(3), F.A.C. Said Ground Water Monitoring System must be designed and constructed in accordance with the plans on file in this office, and as updated in supplemental submittal dated July 6, 2001. All wells and surface water monitoring locations are to be kept clearly labeled and easily visible at all times.
24. All new monitoring wells shall be installed within forty-five (45) days of permit issuance by a Florida certified monitoring well contractor. Well completion reports shall be submitted to the Department within thirty (30) days of installation. The installation of additional down gradient wells may be required should the designated down gradient wells be deemed insufficient, based on the determination of site-specific groundwater flow direction.
25. Background water quality shall be determined by sampling and analysis performed in accordance with the provisions of Rule 62-701.510(6)(b), F.A.C. In addition, all background and detection wells shall be sampled and analyzed at least once prior to permit renewal for those parameters listed in Rule 62-701.510(8)(a), F.A.C.
26. 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 problems had occurred, the remedial measures taken, and the measures taken to prevent the recurrence. All monitoring well design and replacement shall be approved by the Department prior to installation. Inoperable monitor wells shall be plugged and abandoned in accordance with the rules of the Water Management District.
27. All ground water monitoring wells shall be sampled and analyzed quarterly for field parameters listed in F.A.C. 62-701.510(8)(a), and laboratory parameters listed in 62-713.400(3)(c)1&2, F.A.C. Groundwater flow direction, level measurements and elevations for all the monitoring wells shall be recorded and reported in feet NGVD (to the nearest 0.01 feet) for each reporting period. The analytical results shall be submitted on FDEP Form 62-522.900(2) (Exhibit E), and in compliance with the reporting requirements of 62-701.510(9)(a), F.A.C.
28. Any leachate collected in the leachate collection tank (2,000 gallons) shall be sampled annually for parameters listed in Rule 62-701.510(8)(c) and 62-713.400(3)(c)1&2, F.A.C. The results of the annual leachate testing must be submitted with the appropriate quarterly ground water monitoring report.
29. The Department shall be notified in writing at least fourteen (14) days prior to any well installation or regular sampling event so that the Department, if desired, may observe the drilling and sampling, or collect split samples. Copies of the quarterly groundwater monitoring reports, including annual leachate testing, shall be submitted within forty-five (45) days of sampling to DERM at:

The Department of Environmental Resources Management  
Waste Regulation Section  
33 SW 2<sup>nd</sup> Avenue, Suite 800  
Miami, FL 33130;



SPECIFIC CONDITIONS (Cont'd.)

Also a copy to

Florida Department of Environmental Protection  
Bureau of Solid and Hazardous Waste  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

30. If at any time the water quality standards are exceeded, the permittee has fourteen (14) days (from receipt of the laboratory analyses) in which to resample the monitoring 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.
31. All field testing, sample collection, preservation and laboratory testing, including quality control procedures, shall be in accordance with Rule 62-160, F.A.C.

Issued this 22 day of JANUARY, 2001

DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT

*FOR*   
John W. Renfrow, Director  
Department of Environmental Resources Management

Exhibits:

- A. Process flow diagram
- B. Site Plan
- C. Zone of discharge
- D. Form 620-713.900(3)
- E. Form 62-522.600(2)