



# 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

Flow for Steady-State Modeling. Office of Water Regulations and Standards. Washington, DC. EPA/440/4-87/004.

(k) USEPA. 1985. Water Quality Assessment: A Screening Procedure for Toxic and Conventional Pollutants. Office of Research and Development. Athens, Ga. EPA/600/6-85/002 a and b.

(10) If there is evidence of possible water quality violations as set forth in subsection (8) above, and if the water quality criterion for the pollutant is lower than the MDL, the Department shall require the permittee to use the approved analytical method with the lowest MDL from those published by the Department or established by the permittee's laboratory for each such pollutant, for all reports and applications, to establish permit conditions and determine compliance. The Department shall not require the permittee to use an MDL lower than necessary to demonstrate compliance.

(11) If there is evidence that a pollutant in the effluent is reasonably expected to cause or contribute to water quality violations but there is no evidence of the presence of that pollutant in the ambient background receiving water, the Department shall treat the ambient background value of that pollutant in the receiving water as zero in establishing the pertinent effluent limit.

Specific Authority: 403.061, 403.087, 403.504, 403.704, 403.804, 403.805, F.S.

Law Implemented: 403.021, 403.061, 403.087, 403.088, 403.091, 403.101, 403.121, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708, F.S.

History: Formerly 17-3.03, Amended and Renumbered 3-1-79, Amended 4-26-87, 8-31-88, Amended 6-4-92, 6-13-93, Formerly 17-4.246.

62-4.249 Preservation of Rights. In the event any of the moderating provisions described in 62-3.011(18)(b), F.A.C., are declared invalid by a court of competent jurisdiction or a hearing officer pursuant to Section 120.56, Florida Statutes, then the Environmental Regulation Commission shall, at the earliest opportunity, reconsider the affected provisions and all other relevant portions of this rule to determine if alternative provisions should be adopted in order to resolve issues resulting from such decision or action and to assure that the intent expressed in 62-3.011(18), F.A.C., is fully implemented.

Specific Authority: 403.061, 403.062, 403.087, 403.504, 403.704, 403.804, 403.805, F.S.

Law Implemented: 403.021, 403.061, 403.087, 403.088, 403.091, 403.101, 403.121, 403.141, 403.161, 403.182,

62-4.246(9)(j) (cont'd.) - 62-4.249(History)

403.502, 403.702, 403.708, F.S.

History: New 3-1-79; Amended 8-31-88, Formerly 17-4.249.

62-4.250 Water Pollution Temporary Operation Permits; Conditions.

(1) A person who does not qualify for a water pollution operation permit or has been denied such permit may apply to the Department for a water pollution temporary operation permit. Application shall be made in accordance with Part I of Chapter 62-4, Florida Administrative Code.

(2) The Department shall give notice to residents in the drainage area affected by the proposed discharge informing them when they may present objections to the proposed discharge.

(3) No water pollution temporary permit shall be granted until all requirements of subsection (3) of 403.088, FS., are fulfilled.

(4) If the Department deems such action is necessary or desirable to protect the quality of the receiving waters and promotes the public interest, it may issue a Temporary Operation Permit which places restrictions or limitations on increasing the flows of sewage through or additional connections to the sewage treatment facility involved.

(5) No Temporary Operation Permit may be issued or renewed for a direct discharge to an Outstanding Florida Water or Outstanding National Resource Water.

Specific Authority: 403.021, 403.031, 403.061, 403.088, F.S. Law Implemented: 403.021, 403.031, 043.061, 403.087, 403.088(5)(c), F.S.

History: New 5-17-72, Amended 3-26-74, 8-31-88, 10-4-89, Previously numbered as 17-4.25, Formerly 17-4.250.

### PART III

62-4.510 Scope of Part III. This part defines general permits and establishes the procedures for persons who may wish to use a general permit, except that the procedures for any person who may wish to use a general permit for a major source of air pollution (Title V source), and all conditions of such a general permit, are established at Chapter 62-215, F.A.C. The provisions of this Part shall not apply to activities regulated under Part IV of Chapter 373, F.S., except those activities in the geographical territory of the Northwest Florida Water Management District and to those activities grandfathered under Sections 373.414(11),

(12)(a), (13), (14), (15) and (16), F.S. Specific Authority: 373.026, 373.043, 373.044, 373.109, 373.113, 373.418, 403.021, 403.031, 403.061, 403.087, 403.814(1), F.S.

62-4.249(History) (cont'd.) - 62-4.510(History)

Law Implemented: 373.026, 373.044, 373.109, 373.409, 373.413, 373.4135, 373.414(9), (11), (12)(a), (13), (14), (15) and (16), 373.4145, 373.418, 403.021, 403.031, 403.061, 403.087, 403.088, 403.814, 403.702-403.73, 403.851-403.864, F.S.

History: New 7-8-82, Formerly 17-4.51, Amended 8-31-88, 7-4-95, 10-16-95.

62-4.520 Definition. A general permit is a permit issued by rule of the Department pursuant to Section 403.814(1), Florida Statutes, which authorizes persons to undertake certain activities which cause minimal adverse environmental impact when performed in accordance with specific requirements and practices set forth in the general permit. A general permit also constitutes water quality certification pursuant to Section 401, Public Law 92-500, 33 USC Section 1341, for the activity described in the general permit when the activity is performed in accordance with all applicable rules of the Department.

Specific Authority: 403.814, F.S.

Law Implemented: 403.061, 403.087, 403.088, 403.814, 403.702-403.73, 403.851-403.864, 403.91 - 403.938, F.S.

History: New 7-8-82. Amended 8-31-88, 7-11-90. Previously numbered as 17-4.52, Formerly 17-4.520.

#### 62-4.530 Procedures.

(1) Persons wishing to use one or more of the general permits set forth in the Department's Rules shall, at least 30 days before beginning any work, notify the Department in writing or on forms adopted by the Department. They shall describe the proposed project, and include supporting documents depicting the proposed project, its location, and other pertinent information as required by Rule to demonstrate that they qualify for the requested general permit. Persons wishing to use a general permit shall notify the appropriate office of the Department in writing. Persons wishing to use a general permit are hereby placed on notice that 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, F.S.

(2) A proposed project which may be reasonably expected to violate air quality standards, water quality standards, or drinking water standards or which will not meet the public interest requirements set forth in Chapter 403, F.S., shall not be entitled to use of a general permit.

(3) Pursuant to s. 258.397, F.S., no project which is located in the Biscayne Bay Aquatic Preserve is eligible for a general permit.

62-4.510(History)(cont'd.) - 62-4.530(3)

EFFECTIVE 10-16-95

(4) Suspension or revocation of the use of a general permit shall be in accordance with Chapter 120, F.S. Good cause for the suspension or revocation shall include:

(a) Submission of false or inaccurate information in the notification for use of a general permit or in the required reports;

(b) Violation of law, Department orders, rules or permit conditions;

(c) Refusal of lawful inspection under Section 403.091, F.S.; or

(d) Any other act on the part of the permittee in the use of the general permit which results or may result in harm or injury to human health or welfare or which causes harm or injury to animal, plant or aquatic life, or to property.

(5) Unless otherwise required below as part of a specific category of general permit, persons qualifying for the use of a general permit are not required to, but may, publish in a newspaper of general circulation in the area affected by the proposed project a notice of intent to use a general permit. The notice, if published, shall follow substantially the format in Fla. Admin. Code Rule 62-103.150 and shall be published within 14 days of the date when the Department receives notification pursuant to Rule 62-4.530(1). No person who has published notice shall begin work until after the 21 days for requesting a hearing has passed or a hearing is held and a decision is rendered.

(6) Any person complying with the requirements of a general permit may use the permit 30 days after giving notice to the Department without any agency action. When no agency action is taken, unless the Department or the applicant publishes notice of the application, the provisions of Chapter 120, Florida Statutes, granting to affected parties the right to an administrative hearing do not apply.

Specific Authority: 403.814(1), F.S.

Law Implemented: 253.123, 253.124, 258.165, 403.061, 403.087, 403.088, 403.702-403.73, 403.814, 403.851-403.864, F.S.

History: New 7-8-82, Amended 6-16-84, 8-31-88, 3-19-90. Previously numbered as 17-4.53, Formerly 17-4.530.

#### 62-4.540 General Conditions for All General Permits.

(1) The terms, conditions, requirements, limitations, and restrictions set forth in this Part are "general permit conditions" and are binding upon the permittee. The conditions are enforceable under Chapter 403, F.S.

62-4.530(4) - 62-4.540(1)

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(2) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit. The permittee is placed on notice that violation of the permit may result in suspension or revocation of the permittee's use of the general permit and may cause the Department to begin legal proceedings.

(3) The general permit does not convey any vested rights or any exclusive privileges. It does not authorize any injury to public or private property nor any invasion of personal rights. It does not authorize any infringement of federal, state or local laws or regulations. It does not eliminate the necessity for obtaining any other federal, state or local permits that may be required, or allow the permittee to violate any more stringent standards established by federal or local law.

(4) The general permit does not relieve the permittee from liability and penalties when the construction or operation of the permitted activity causes harm or injury to human health or welfare; causes harm or injury to animal, plant or aquatic life; or causes harm or injury to property. It does not allow the permittee to cause pollution in contravention of Florida Statutes and Department rules.

(5) The general permit conveys no title to land or water, nor does it constitute State recognition or acknowledgment of title. It does not constitute authority for reclamation of submerged lands. Only the Board of Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

(6) No general permit shall authorize the use of state owned land without the prior consent of the Board of Trustees of the Internal Improvement Trust Fund pursuant to Section 253.77, F.S.

(7) The general permit may be modified, suspended or revoked in accordance with Chapter 120, Florida Statutes, if the Secretary determines that there has been a violation of any of the terms or conditions of the permit, there has been a violation of state water quality standards or state air quality standards, or the permittee has submitted false, incomplete or inaccurate data or information.

(8) The general permit shall not be transferred to a third party except pursuant to Fla. Admin. Code Rule 62-4.120.

(9) The general permit authorizes construction and where applicable operation of the permitted facility.

(10) The permittee agrees in using the general permit to make every reasonable effort to conduct the specific activity or construction authorized by the general permit in

62-4.540(2) - 62-4.540(10)

a manner that will minimize any adverse effects on adjacent property or on public use of the adjacent property, where applicable, and on the environment, including fish, wildlife, natural resources of the area, water quality or air quality.

(11) The permittee agrees in using the general permit to allow a duly authorized representative of the Department access to the permitted facility or activity at reasonable times to inspect and test upon presentation of credentials or other documents as may be required by law to determine compliance with the permit and the Department rules.

(12) The permittee agrees to maintain any permitted facility, or activity in good condition and in accordance with the plans submitted to the department under Rule 62-4.530(1).

(13) A permittee's use of a general permit is limited to five years. However, the permittee may request continued use of the general permit by notifying the Department pursuant to Rule 62-4.530(1). However, the permittee shall give notice of continued use of a general permit thirty days before it expires.

Specific Authority: 403.814(1), F.S.

Law Implemented: 253.123, 253.124, 403.061, 403.087, 403.088, 403.702-403.73, 403.814, 403.851-403.864, F.S.

History: New 7-8-82. Amended 8-31-88. Previously numbered as 17-5.54, Formerly 17-4.540.

62-4.540(10) (cont'd.) - 62-4.540(History)