



Department of Environmental Protection

Lawton Chiles
Governor

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Virginia B. Wetherell
Secretary

SEP 4 - 1996

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James S. Jenkins, III
Rinker Materials Corp.
P.O. Box 24635
West Palm Beach, FL 33416

Dade County
HW-Rinker Materials Corp.

RE: Revised Settlement of Rinker Materials Corp. Soil Thermal Treatment Facility
OGC File No. 96-2058

Dear Mr. Jenkins:

On August 5, 1996, the Department received a letter from Mr. Geoffrey D. Smith detailing a proposal to reduce the civil penalty proposed in the short form consent order submitted to your office on July 23, 1996.

After careful consideration of the issues, we have decided that an adjustment to the penalty is warranted. The adjustment would result from a change in the multi-day characterization of the civil penalty. The following is a brief description of the changes made to the civil penalty:

1. Violation: *Operating a Soil Thermal Treatment Facility for petroleum contaminated soils with an expired general permit.* Upon review of the evidence you provided, we believe sufficient information is available to warrant deleting the multi-day aspects of this penalty. The Department is revising the civil penalty in this case from \$7,680.00 plus \$500.00 for cost and expenses, for a total of \$8,180.00, to \$150.00 plus \$500.00 for cost and expenses, for a total of \$650.00.

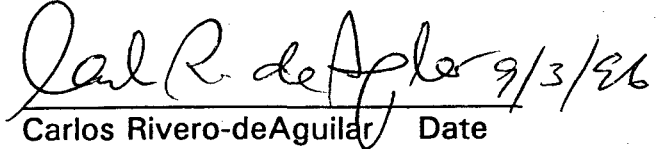
Enclosed is a revised short form consent order to settle the violation of operating a soil thermal treatment facility under an expired general permit. Please review the proposed civil penalty and short form consent order. If you do not sign and return the short form consent order to the Department at the District address within 20 days of receiving it, the Department will assume that you are not interested in settling this matter and will proceed accordingly.

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

Printed on recycled paper.

Thank you for your cooperation. If you have any questions regarding this matter please contact Paul Wierzbicki at 561/681-6677.

Sincerely,

 9/3/96

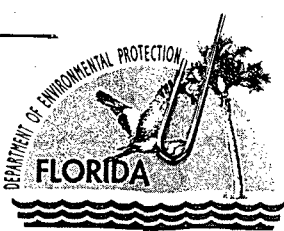
Carlos Rivero-deAguilar Date
Director of District Management
Southeast District

Enclosure:

Short Form Consent Order

^{vk}
CRA/vk/wlm

cc: Geoffrey D. Smith, Blank, Rigsby & Meenan, Tallahassee
Mike Vardeman, Rinker Materials Corp., Miami
Metro-Dade Environmental Resources Management
Luna Ergas, DEP/OGC, Tallahassee
Vivek Kamath, DEP, West Palm Beach
~~West Palm Beach, DEP File~~



Department of Environmental Protection

Lawton Chiles
Governor

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

ENFORCEMENT TRACKING	
DRAFT	
Initial	Date
<i>nm</i>	8/28/96
<i>nm</i>	8/28/96
<i>nm</i>	8/29/96
<i>nm</i>	9/3/96

Virginia B. Wetherell
Secretary

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RETURN RECEIPT REQUESTED

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P.O. Box 24635
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1. Violation: *Operating a Soil Thermal Treatment Facility for petroleum contaminated soils with an expired general permit.* Upon review of the evidence you provided, ~~and additional discussion within the Department,~~ ^{we believe} sufficient information is available to warrant deleting the multi-day aspects of this penalty. The Department is revising the civil penalty in this case from \$7,680.00 plus \$500.00 for cost and expenses, for a total of \$8,180.00, to \$150.00 plus \$500.00 for cost and expenses, for a total of \$650.00.

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CHECKLIST FOR CONSENT ORDER (FOR EXECUTION)

06C 94-2058

CASE NAME & NO. Rinkew Materials Corp

☒ ~~MA~~

COVER LETTER

NEWS RELEASE FORM

SIGNED CONSENT ORDER

EXHIBIT(S):

NO. OF EXHIBITS None

OTHER/COMMENTS \$ amounts returned per CRAA.

CLERKED BY: _____ DATE _____

See changes made.

ENFORCEMENT TRACKING

DRAFT _____

INITIAL

DATE

MA

9/30/96

Corrected MA

9/3/96

VH

9/3

P 433 057 721

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	James S. Jenkins, III
Street & Number	P.O. Box 24635
Post Office, State, & ZIP Code	WPCB, FL 33416
Postage	\$.55
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, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.15

Postmark or Date 9/4/96 WPCB
 proposed settlement of
 Kincaid Material Corp. v. Soil
 Thermal Treatment Inc. OGC# 96-20
 WPCB

PS Form 3800, April 1995

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
Rentier Materials Corp.
P.O. Box 24635
West Palm Beach, FL
33416

4a. Article Number

P433 057 721

4b. Service Type

- ☐ Registered ☐ Insured
- ☐ Certified ☐ COD
- ☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

SEP 9 1996

5. Signature (Addressee)

6. Signature (Agent)

[Handwritten signature]

8. Addressee's Address (Only if requested and fee is paid)

UNITED STATES POSTAL SERVICE

RECEIVED

Official Business

SEP 10 1996

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



DEPT OF ENV PROTECTION
WEST PALM BEACH

Print your name, address and ZIP Code here

• *Lee Martin* (max) •

F.D.E.P., Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Z 359 640 856

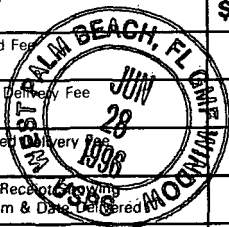


Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, March 1993

Sent to <i>Mr. James S. Jenkins, II</i>	
<i>Rinker Materials Corp</i>	
Street and No. <i>PO Box 24635</i>	
P.O., State and ZIP Code <i>West Palm Bch, FL 33416</i>	
Postage	\$ <i>0.32</i>
Certified Fee	<i>1.10</i>
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	<i>1.10</i>
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$ <i>2.52</i>
Postmark or Date <i>6/28/96 PW/dc WC</i>	
<i>GP# S013-290034</i>	
<i>Soil Thermal Treatment</i>	
<i>Facility Permit</i>	



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.
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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. Jerke
Rinker Materials Corp
P.O. Box 24635
West Palm Beach, FL 33416

re: Permit # 5013-29003

4a. Article Number

359 640856

4b. Service type

- | | |
|--|---|
| <input type="checkbox"/> Registered | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD |
| <input checked="" type="checkbox"/> Express Mail | <input type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300

RECEIVED



JUL 8 1996

DEPT OF ENV PROTECTION
WEST PALM BEACH

Print your name, address and ZIP Code here

Paul W. / WC

F.D.E.P., SOUTHEAST DISTRICT
P.O. BOX 15425
WEST PALM BEACH FL 33416



P 433 057 049

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to

James S. Jenkins

Street & Number

P.O. Box 24635

Post Office, State, & ZIP Code

West Palm Beach, FL 33416

Postage

\$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing to Whom & Date Delivered

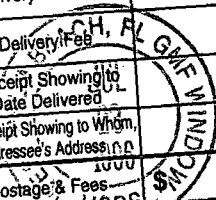
Return Receipt Showing to Whom, Date, & Addressee's Address

TOTAL Postage & Fees

Postmark or Date

7-13-96 WLM:Am
Proposed Settlement of Rinker
materials Corp. soil thermal
Triton fac. OG C# 96-205

PS Form 3800, April 1995



SENDER:

- Complete item 1 and/or 2 for additional services.
- Complete item 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
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- The Return Receipt will show to whom the article was delivered and the date delivered.

☐ also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. James S. Jenkins, III
 Bunker Materials Corp.
 P.O. Box 24635
 West Palm Beach, FL 33416

4a. Article Number

P433-057-049

4b. Service Type

- | | |
|---|---|
| <input type="checkbox"/> Registered | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery

JUL 25 1996

5. Signature (Addressee)

6. Signature (Agent)

[Handwritten Signature]

8. Addressee's Address (Only if requested and fee is paid)

UNITED STATES POSTAL SERVICE



Official Business

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Print your name, address and ZIP Code here

RECEIVED

Wm. Martin (Marie)

JUL 26 1996

DEPT OF ENV PROTECTION
WEST PALM BEACH

STATE OF FLORIDA
Dept. of Environmental Protection
Southeast Florida District
P.O. Box 15425
West Palm Beach, Florida 33416

P 33 058 228

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
James S. Jenkins	
Street & Number	
P O. Box 24635	
Post Office, State, & ZIP Code	
WPB. FL 33416	
Postage	\$
Certified Fee	1.10
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	1.10
TOTAL Postage & Fees	\$
Postmark or Date 9/26/96 LM:am	
CSP Rinker Materials Corp	
OGC# 96-2058	
WCTI	

PS Form 3800, April 1995

SENDER:

- ☐ Complete items 1 and/or 2 for additional services.
☐ Complete items 3, 4a, and 4b.
☐ Print your name and address on the reverse of this form so that we can return this card to you.
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1. ☐ Addressee's Address
 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. James S. Jenkins, III
 CSR Binker Materials Corp.
 P.O. Box 24635
 West Palm Beach, FL 33416

4a. Article Number

P 433 058 228

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

SEP 30 1996

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X

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 •

Martin

RECEIVED (max)

OCT 2 1996

DEPT OF ENV PROTECTION
WEST PALM BEACH

F.D.E.P., Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416