

# Department of Environmental Protection

Lawton Chiles  
Governor

SEP 26 1996

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

Virginia B. Wetherell  
Secretary

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Rinker Materials Corp.  
Materials Substitution Facility  
CU-Dade County

Mr. James S. Jenkins, III  
CSR Rinker Materials Corporation  
Post Office Box 24635  
West Palm Beach, Florida 33416

Dear Mr. Jenkins:

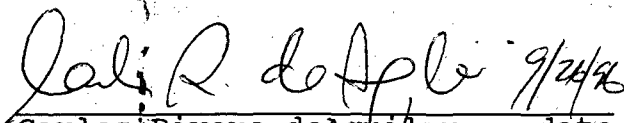
RE: Department of Environmental Protection vs. Rinker Materials Corporation, Materials Substitution Facility, Consent Order, OGC Case No. 96-2058

Enclosed for your implementation is a copy of the fully executed and filed Consent Order in the referenced matter. Please familiarize yourself with the compliance dates and terms of the Consent Order so that the complete and timely performance of those obligations is accomplished.

Should you have questions, please call Mr. William Lee Martin, P.E. at 561/681-6676 (direct).

Thank you for your cooperation in this matter.

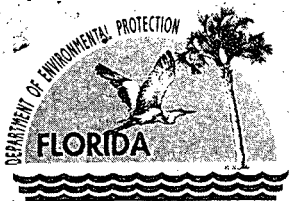
Sincerely,

  
Carlos Rivero-deAguilar date 9/24/96  
Director of District Management  
Southeast District

enclosures: Executed Consent Order with one exhibit

CRA/VK/paw

cc: Luna Ergas, Esq., OGC, Tallahassee  
Bureau of Waste Cleanup, DEP, Tallahassee  
Mike Vardeman, Rinker Materials, Miami  
Metro Dade Environmental Resources Management  
File, Reporting Coordinator  
West Palm Beach DEP files



# Department of Environmental Protection

Lawton Chiles  
Governor

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Secretary

SEP 4 - 1996

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

RECEIVED

SEP 20 1996

DEPT OF ENV PROTECTION  
WEST PALM BEACH

Dade County

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

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

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the non-compliance letter dated May 30, 1996, a copy of which is attached. (The corrective actions required to bring your facility into compliance have been performed and a new permit was issued June 28, 1996.) In order to resolve the matters identified in the attached non-compliance Letter, you are assessed civil penalties in the amount of \$150.00, along with \$500.00 to reimburse the Department costs, for a total of \$650.00. This payment must be made payable to the Department of Environmental Protection by certified check or money order and shall include the OGC File Number assigned above and the notation "Ecosystem Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, P.O. Box 15425, West Palm Beach, FL 33416, within 60 days of your signing this letter.

Your signing this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department which shall be enforceable pursuant to Section 120.69 and 403.121, Florida Statutes.

If you do not sign and return this letter to the Department at the District address within twenty (20) days of receipt, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights of substantive interest are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely,

Carlos R de Aguilera 9/4/96

Carlos Rivero-deAguilar / Date  
Director of District Management  
Southeast District

I, James S. Jenkins III, on behalf of CSR Rinker Materials Corporation

HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

For Rinker Materials Corp.:

By: James S. Jenkins III

For the Department:

Carlos R de Aguilera 9/26/96

Carlos Rivero-deAguilar / Date  
Director of District Management

Entered into this 26 day of SEPT, 1996, in West Palm Beach, Florida.

**FILING AND ACKNOWLEDGMENT:** FILED, on this date, pursuant to Section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Andrell Maylie  
Clerk

SEP 26 1996  
Date

<sup>vk</sup>  
CRA/VK/wlm  
Attachments

cc: Luna Ergas, DEP/OGC, Tallahassee  
Tom Conrardy, DEP/BWC, Tallahassee  
Robert Johns, DERM, Miami  
West Palm Beach DEP File

RECEIVED

SEP 20 1996

DEPT OF ENV PROTECTION  
WEST PALM BEACH

CHECKLIST FOR CONSENT ORDER (FOR EXECUTION)

CASE NAME & NO. 2. Irken materials

MA COVER LETTER

X NEWS RELEASE FORM

X SIGNED CONSENT ORDER

X EXHIBIT(S):

NO. OF EXHIBITS 1 1 tr.

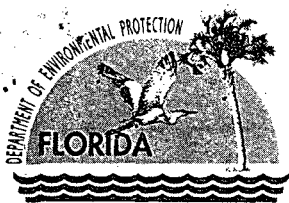
X OTHER/COMMENTS permit noncompliance

CLERKED BY: \_\_\_\_\_ DATE \_\_\_\_\_

\$/ Paid = \$ 650.00

as follows: \$ 500.00 C+G  
\$ 150.00 penalty

ENFORCEMENT TRACKING	
DRAFT <u>9/24/94</u>	
INITIAL <u>Paw</u>	DATE <u>9/24/94</u>



# Department of Environmental Protection

Lawton Chiles  
Governor

SEP 26 1996

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

Virginia B. Wetherell  
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Rinker Materials Corp.  
Materials Substitution Facility  
CU-Dade County

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Post Office Box 24635  
West Palm Beach, Florida 33416

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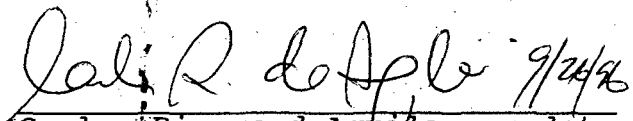
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Director of District Management  
Southeast District

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Bureau of Waste Cleanup, DEP, Tallahassee  
Mike Vardeman, Rinker Materials, Miami  
Metro Dade Environmental Resources Management  
File, Reporting Coordinator  
West Palm Beach DEP files



# Department of Environmental Protection

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DEPT OF ENV PROTECTION  
WEST PALM BEACH  
Dade County

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

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

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Sincerely,

Carlos R. de Aguilera 9/4/96

Carlos Rivero-deAguilar / Date  
Director of District Management  
Southeast District

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For Rinker Materials Corp.:

By:

James S. Jenkins III

For the Department:

Carlos R. de Aguilera 9/26/96

Carlos Rivero-deAguilar / Date  
Director of District Management

Entered into this 26 day of SEPT, 1996, in West Palm Beach, Florida.

**FILING AND ACKNOWLEDGMENT:** FILED, on this date, pursuant to Section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Andreell Maylie  
Clerk

SEP 26 1996  
Date

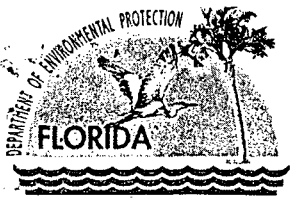
<sup>vm</sup>  
CRA/VK/wlm  
Attachments

cc: Luna Ergas, DEP/OGC, Tallahassee  
Tom Conrardy, DEP/BWC, Tallahassee  
Robert Johns, DERM, Miami  
West Palm Beach DEP File

RECEIVED

SEP 20 1996

DEPT OF ENV PROTECTION  
WEST PALM BEACH



# 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

RECEIVED

SEP 20 1996

DEPT OF ENV PROTECTION  
WEST PALM BEACH



# FedEx USA Airbill

Tracking  
Number

6705917816

Recipient's Copy

38 50 63527950 5220M

1 From **9-19-96**

Date **9-19-96**

Sender's Name **Michael D. Vardeman** Phone **305-221-1423**

Company **RINKER PORTLAND CEMENT CORP** Dept./Floor  Suite/Room

Address **1200 NW 137TH AVE**

City **MIAMI** State **FL** Zip **33182**

2 Your Internal Billing Reference Information

3 To **Carlos Rivero-de-Aguilar** Phone **(561) 681-6676**

Recipient's Name **Department of Environmental Protection** Dept./Floor **South East** Suite/Room **District**

Address **400 North Congress Avenue**

City **West Palm Beach** State **FL** Zip **33401**

For "HOLD" Service check here

☐ Weekday ☐ Saturday  
(Not available at all locations)

For Saturday Delivery check here

☐ (Extra Charge Not available to all locations)



4 Service\*

☒ FedEx Priority Overnight (Next business morning) ☐ FedEx Standard Overnight (Next business afternoon) ☐ FedEx 2Day (Second business day)

☐ FedEx Govt. Overnight (Authorized user only)

☐ FedEx Overnight Freight (For packages over 150 pounds. Call for delivery schedule.) ☐ FedEx 2Day Freight

\*Delivery commitment may be later in some areas.

5 Packaging

☒ FedEx Letter\* ☐ FedEx Pak\* ☐ FedEx Box ☐ FedEx Tube ☐ Other Packaging

\*Declared value limit \$500.

6 Special Handling

Does this shipment contain dangerous goods? ☐ No ☐ Yes (As per attached Shipper's Declaration) ☐ Yes (Shipper's Declaration not required)

☐ Dry Ice (Dry Ice, 9 UN 1845 III) x kg 904 CA ☐ Cargo Aircraft Only

(Dangerous Goods Shipper's Declaration not required)

7 Payment

Bill to: ☒ Sender Account no. in section 1 will be billed ☐ Recipient ☐ Third Party ☐ Credit Card ☐ Cash/Check

☐ Obtain Recipient FedEx Account No.



Total Packages	Total Weight	Total Declared Value*	Total Charges
		\$ .00	\$

\*When declaring a value higher than \$100 per package, you pay an additional charge. See SERVICE CONDITIONS, DECLARED VALUE AND LIMIT OF LIABILITY section for further information.

8 Release Signature

Your signature authorizes Federal Express to deliver this shipment without obtaining a signature and agrees to indemnify and hold harmless Federal Express from any resulting claims.

194



September 19, 1996

Attn: Carlos Rivero-de-Aguilar  
Director of District Management

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

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

Attached is the signed short form consent order and the \$650.00 check  
settling this matter.

If there are any questions, please contact me at 305-229-2955.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael D. Vardeman".

Michael D. Vardeman  
Cement Division Environmental Manager

mv/lm

RECEIVED

SEP 20 1996

DEPT OF ENV PROTECTION  
WEST PALM BEACH



**Rinker**

63-568  
631

BANKETT BANK  
COUN AT JEFFERSON ST.  
TALLAHASSEE, FL 32301

227664

P.O. BOX 24635\*  
WEST PALM BEACH, FL 33416-4635  
PHONE (407) 833-5555

DATE

CHECK NO.

NET AMOUNT

09/17/96

00227664

\*\*\*\*\*650.00

PAY

SIX HUNDRED FIFTY AND 00/100

TO THE  
ORDER  
OF

FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION  
P.O. BOX 15425  
WEST PALM BEACH FL 33416

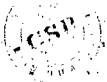
RINKER MATERIALS CORPORATION  
TWO SIGNATURES REQUIRED IF OVER \$25,000.00

*Eileen C. Bare*

68811

9/20

*Lee Martin*



# Rinker

63-568  
631

BARNETT BANK  
COUN AT JEFFERSON ST.  
TALLAHASSEE, FL 32301

## 227664

P.O. BOX 24635  
WEST PALM BEACH, FL 33416-4635  
PHONE (407) 833-5555

DATE

CHECK NO.

NET AMOUNT

09/17/96

00227664

\*\*\*\*\*650.00

PAY

\*\*\*\*\*

SIX HUNDRED FIFTY 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

*Eileen C. Bare*

1

*9/20 Lee Martin*