

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

APR 03 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

FILE

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;

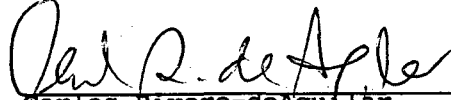
- (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;
- (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;
- (f) The name of each party's representative 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

VK
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.

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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

Specific Conditions Con.

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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 | |
| 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

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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 (tarp) 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

Specific Conditions t'd.

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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

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Specific conditions Cont'd.

returned to the generator or disposed of in accordance with applicable Department rules.

10. 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.

11. No objectionable odors are allowed beyond the property boundary.

12. 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.

3. 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.

4. 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

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Director of District Management
Southeast District

RA/VK/LH/jl

DOCUMENT APPROVAL SLIP

(Attach to Document File Copy)

PROJECT: Rinker - Sails Treatment other

LOCATION: Dade

PERMIT or CASE NO: SO 13-300512

SUBJECT: Sails Treatment - Cool Tan

DATE: 3-31-97

DOCUMENT ORIGINATOR SIGNATURE J. Lunn

APPROVED BY: William L. Martin 3/31/97

APPROVED BY: Paul A. Weyman 4/1/97

APPROVED BY: Lee C. Hefert 4/1/97 VK

FOR SIGNATURE BY DISTRICT MANAGER/ASST. DISTRICT MANAGER

Application/File No.

SD13-300512

I HEREBY CERTIFY that the features described in the referenced application/project and additional information submittals, if any, (provide) [provide/do not provide] reasonable assurance of compliance with the applicable provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Title 17. This review was limited to

Soil Processing/groundwater ¹⁰² monitoring requirements

aspects of the proposed project. I have not evaluated and I do not certify aspects of the proposed project outside of this review, as described above. In addition, I have not evaluated and I do not certify the aspects of the proposed project outside my area of expertise (including but not limited to the engineering features).

This review was conducted by

William Lee North, P.E.

Name

Paul Alan Wierzbicki

Paul Alan Wierzbicki, P.G. (SEAL)

4/1/97

Date

File/Application No. SD13-300512

Applicant Name Rinker Materials Corporation

I hereby state that the environmental engineering features described in the referenced application and its additional information submittals, if any, (provide) do not provide reasonable assurance of compliance with the applicable provisions of Chapter 403, Florida Statutes and Florida Administrative Code Title 62. The review was limited to the 62-701 aspects of the proposed project. In addition, I have not evaluated aspects of the project outside my area of expertise (including but not limited to the electrical, mechanical and structural features).

This review was conducted by Joe Lurix.
Name

Lee C. Hoffer
LEE C. HOFFER, P.E. (SEAL)

April 1, 1997
DATE

P 174 179 227

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to <i>Michael D Vardeman, Rinker</i>	
Street & Number <i>1200 NW 137 Ave</i>	
Post Office, State, & ZIP Code <i>Miami 33182</i>	
Postage	<i>APR - \$397</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, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date <i>JL/dc (SW) 4/4/97</i>	
<i>Intent to issue 5013-300512</i>	

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.
- ☐ 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:

Michael W. Vardeman
Cement Div, Environ. Mgr.
Rinker Materials Corp.
1200 N.W. 137th Ave.
Miami, FL 33182

5. Received By: (Print Name)

[Signature]

6. Signature: (Addressee or Agent)

X Travis Perkins

4a. Article Number

P174179227

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

4/17

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

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

o Print your name, address, and ZIP Code in this box o

(Lurix, Sw)

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

RECEIVED

APR 11 1997

DEPT OF ENV PROTECTION
WEST PALM BEACH

