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PETROLEUM CLEANUP SECTION 3

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January 18, 2000

SWAP 99-7

VIA: HAND DELIVERY

Ms. Mary Jean Yon
Department of Environmental Regulation
Twin Towers
2600 Blair Stone Road, MS 4565
Tallahassee, Florida 32399-2400

RE: Rinker Materials Corporation, Soil Thermal Treatment Facility, Dade County;
Request for Approval of Alternate Procedure.

Dear Ms. Yon:

On behalf of Rinker Materials Corporation, a request is hereby made for approval of an alternate procedure, to allow Rinker to continue using thermally treated soils as raw material feedstock in the manufacture of Portland cement which is ultimately incorporated and encapsulated in concrete ready mix and products. This request is made in accordance with the requirements of Rule 62-701.310, Florida Administrative Code. The required processing fee of \$500 is enclosed.

A. Specific Facility For Which An Exception Is Sought:

Rinker Materials Corporation
Soil Thermal Treatment Facility
1200 NW 137th Avenue
Miami, Dade County, Florida, 33182
General Permit No. SO13-290034

B. The Specific Provisions For Which An Exception Is Sought:

Rinker seeks an exception from the requirement that soil treatment facilities operating under an existing General Permit must meet newly enacted Soil Cleanup Target Levels

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Solid Waste Section

("SCTLs") set forth in Table II to Chapter 62-777, F.A.C. as the "clean soil" standards for soil treatment facilities as of February 1, 2000. Specifically, Rinker seeks an exception from the SCTL or "clean soil" standard for "arsenic" which is 0.8 ppm. Under the Department's rules, a soil treatment facility that does not meet the SCTLs for its treated soil may either treat the soil again, blend the soil to achieve the SCTL, dispose of the soil in a landfill or WTE facility, or seek approval of an alternate procedure. Rinker therefore seeks an alternate procedure to allow for the continued practice of incorporating treated soils, that may in some instances exceed the SCTL for arsenic, into Rinker's cement manufacturing process. The specific rule provisions at issue are as follows:

- Rule 62-713.300(1)(b), F.A.C. which provides:
 - (b) No person shall construct or operate a soil treatment facility without a permit issued by the Department. Persons operating soil treatment facilities under a permit (including a general permit) issued by the Department prior to August 5, 1999, may continue to operate that facility under the terms of their existing permit until it expires, except that the treated soil shall meet the requirements of Rule 62-713.520, F.A.C., by February 1, 2000. All modifications or renewals of existing permits, and all new construction or operation permits issued on or after August 5, 1999 for soil treatment facilities shall comply with this rule.
- Rule 62-713.520(2)(a), F.A.C. which provides (in pertinent part):
 - (2) Cleaned soil can be land applied or used without further restrictions, except that the cleaned soil shall not be deposited in surface waters or wetlands unless it can be demonstrated that the cleaned soil is not expected to cause surface water violations or to be toxic to aquatic life and does not contain other chemicals or materials which could cause nuisance odors if saturated. Cleaned soil is treated soil which meets all of the following criteria:
 - (a) The concentrations of all contaminants detected in the treated soil are at or below the corresponding concentrations for Residential Direct Exposure soil cleanup target levels contained in Table II of Chapter 62-777, F.A.C.....
- The Soil Cleanup Target Level ("SCTL") for Arsenic pursuant to Chapter 62-777, F.A.C. Table II, which is 0.8 ppm.
- Rule 62-713.520(4), F.A.C., which provides:
 - (4) Treated soil which does not meet the criteria for cleaned soil shall be managed in one of the following manners:
 - (a) It may be treated again;

- (b) It may be blended in accordance with Rule 62-713.300(2)(e), F.A.C., so that it meets the criteria for cleaned soil;
- (c) It may be disposed of in a Class I landfill or Waste-to-Energy facility if allowed under that facility's permit or certification; or
- (d) It may be beneficially used in accordance with an approval of alternate procedures and requirements as provided in Rule 62-713.220, F.A.C.

C. The Basis For The Exception:

The affect of the requested exception from the above referenced rule provisions will be to authorize Rinker to continue to utilize thermally treated soils as raw material feedstock in the manufacture of Portland cement which is encapsulated into concrete ready mix and concrete products (blocks, pipes, concrete structures, etc). Rinker has historically used 100% of its treated soils in its soil thermal treatment facility as raw material in its cement manufacturing process. This request will apply only to petroleum contaminated soils and the petroleum contaminated media which Rinker is authorized to treat pursuant to its General Permit, as modified, and Alternate Procedure Approval (No. AP-STTF0036). It is not the intent of this request to authorize the treatment of soil or media that is primarily contaminated with chemicals of concern other than petroleum products.

The basis for the exception is that the newly enacted requirements for "Soil Cleanup Target Levels" include a target level of 0.8 ppm for arsenic based on assumptions of potential direct exposure to arsenic in soils. Due to naturally occurring, and anthropegenic background levels in some petroleum-contaminated soils, Rinker's treated soils will, at times, exceed this newly adopted arsenic cleanup target level. (Even the naturally occurring soils and rock used in the cement manufacturing process, will at times exceed the arsenic SCTL of 0.8 ppm.) Therefore, Rinker requests approval of an alternate procedure to authorize the use of treated soils, with concentrations of arsenic in excess of 0.8 ppm, as feedstock in the cement manufacturing process.

The treatment and reuse of contaminated soils is consistent with statutory provisions that encourage the treatment and reuse of contaminated materials in lieu of landfill disposal.

D. The alternate procedure or requirements for which approval is sought and a demonstration that the alternate procedure or requirement provides an equal degree of protection for the public and environment:

As discussed above, the alternate procedure will be to incorporate the treated soil, with arsenic in excess of 0.8 ppm, into the cement manufacturing process. Rinker will utilize 100%

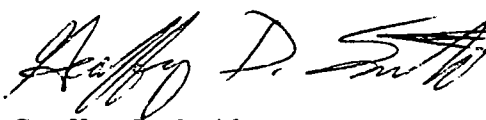
of its treated soils in its cement manufacturing process. The encapsulation of the arsenic in concrete products eliminates the potential pathways of exposure to the public and eliminates the possibility of release to the environment. Thus, this procedure will provide an equivalent degree of protection as would the direct land application of treated soils that meet the SCTLs. Rinker will continue to comply with the existing requirements of its General Permit and prior Alternate Procedure Approval.

E. Conclusion:

The Department has long recognized the benefits of having a viable soil treatment industry in Florida for the management of soils and media contaminated with petroleum products. Further, the Department has long recognized encapsulation of contaminants in a finished product line such as cement, concrete, or asphalt as a safe and beneficial method of reusing petroleum contaminated soils. In order to avoid any disruption in its operations, Rinker therefore requests that the Department approve this alternate procedure request on an expedited basis. The new SCTLs are scheduled to take affect on February 1, 2000.

Please fell free to call if you have any questions.

Sincerely,



Geoffrey D. Smith

GDS/meh

Enclosures

cc: John Ruddell
Mike Sole
Tom Conrardy
Chris McGuire
Scott Benyon
Mike Vardeman
Don Emery

30407

BLANK, RIGSBY & MEENAN, P.A.

DATE	DESCRIPTION	AMOUNT	DEDUCTION	NET AMOUNT
DEP 01/18/00	86.06 Application for approval of alternate procedure	500.00		500.00

CHECK DATE	NUMBER	TOTALS →
01/18/00	30407	

Gross: 500.00 Ded: 0.00 Net: 500.00

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63-778/631

30407

DATE CONTROL NO. AMOUNT
01/18/00 *****\$500.00

PAY
TO THE
ORDER OF

*** FIVE HUNDRED & 00/100 DOLLARS

DEP

OPERATING ACCOUNT

AUTHORIZED SIGNATURE

TEST TO VIEW 1