


Memorandum

Florida Department of Environmental Protection

TO: Tom Conrardy, P.E. Administrator
Bureau of Petroleum Storage Systems

FROM: Satish Kastury, Environmental Administrator
Bureau of Solid and Hazardous Waste
Hazardous Waste Regulation 

DATE: March 17, 1998

SUBJECT: Comments on the Draft Response to the Rinker Request for Approval of
an Alternate Procedure

Rinker Materials Corporation requested that in the letter dated December 17, 1997 that a TCLP analysis not be required for each individual source of contaminated materials for which thermal treatment was allowed. The letter noted "The hazardous waste determination requirements of 40 CFR 262.11(c), specifically authorize the determination to be made based on the generator's "process knowledge" of the waste materials." While this method can be used, process knowledge must be adequate to ensure that hazardous wastes are not improperly characterized and accepted for treatment. If improperly characterized hazardous wastes were to be accepted for treatment, RCRA requirements would still apply.

Due to the concern regarding use of process knowledge, the request to delete the requirement that a TCLP analysis be required for all sources was discussed with District RCRA personnel at the Workshop held February 4-6, 1998. Following the Workshop, specific comments on your draft response were requested from the Districts. Responses from the West Palm Beach and Tampa Districts are attached. In general, the comments received reflect the following concerns:

- a. The waste stream for which an alternate procedure is being requested would not be considered petroleum contaminated soils but are petroleum contaminated residues. The West Palm Beach District (1) noted that an MRF permit had been required when another facility, Magnum, had added coal tars to the waste streams accepted for treatment, and (2) asked why petroleum contaminated residues were to be treated differently.
- b. Residues from many of the oil/water separator, drain, pit, etc. could be from source where other non-petroleum contaminants could be expected. The Tampa District specifically asked how a residues from service station floor drains would be considered. Many of the degreasers currently used at service stations do contain chlorinated solvents and the Department has developed BMP guidance for the industry segment. However, residual contamination may still occur. Also, car/truck washes are defined in 62-660, F.A.C.
- c. It is not uncommon for oil spill containment materials/cleanup debris to be included in containers along with oil spill sorbent materials. These types of oil spill debris should go to a properly designed facility.

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- d. Concern was also expressed that the alternate procedure approval be coordinated with air permitting requirements.

The comments on the draft also reflect the general workshop discussion with the addition that RCRA compliance personnel were not familiar with the types of sources that would generate residues from french drains and soakage pits. Pensacola District also questioned any potential deviation from limiting the alternate procedures approval to petroleum contaminated soils. The waste stream concerns should be considered when reviewing the detailed information to be provided by Rinker regarding the nature of the facilities that will be sources of materials.

It is recommended that the following sentence be added to the end of the first paragraph on page 2. "The detailed source information requested must be sufficient to provide assurance to the Department that the petroleum contaminated residues will not contain other hazardous constituents not appropriate for treatment in soil thermal treatment facilities."

Let me or Doug Outlaw know if you have any questions.

SK/dos

cc: Bill Hinkley, Bureau of Solid & Hazardous Waste
Richard Tedder, Solid Waste Management
Waste Program Administrators
John Jones, DEP/West Palm Beach
Beth Knauss, DEP/Tampa
Bill Kellenberger, DEP/Pensacola

Date: 3/4/98 10:43:20 AM
From: John M. Jones WPB
Subject: Alternate Procedure request
To: See Below

Per our discussions regarding the response to Geoffrey Smith's alternative procedure request, I have the following comments:

1. I don't agree that Petroleum tank bottom residues meet the intent of Petroleum contaminated soils. If a spill from a tank hits soil and the soil is excavated, I wouldn't have a problem. But bottoms from a storage tank are going to have much different physical and chemical properties than soil. Especially in Magnum's case, I would be concerned that proper destruction of the organic constituents may not occur. Residence time and temperature on that unit are not in the same category as for Rinker. Even performing the analysis to demonstrate that the waste is not hazardous does not meet the intent of 62-775 as I see it. Just because a waste is not hazardous does not mean that the thermal treatment facilities can provide adequate destruction of any contaminants.
2. Similarly, for car wash sumps, how can someone determine what has been placed into the sump? I don't think process knowledge is sufficient for this waste stream.
3. I believe the Department should place the burden of proving that the wastes accepted are "Petroleum Contaminated Soils" as defined in 62-775.100(4) on the Operator. For each waste stream they want to include that are not clearly Petroleum Contaminated Soils, the Operator should include in the facility Waste Analysis Plan procedures to ensure that the generator of the waste has sufficient knowledge of the process that generated the waste.
4. In issuing the Air Permits, what concentrations of organic compounds did the engineers anticipate? Have the emission control devices been designed to handle the waste streams that the Operators want to treat? I doubt that the permit applications referenced these waste streams.
5. When Magnum(TPS) wanted to accept coal tars, the Department reviewed the data and issued a MRF Permit. Why should these waste streams be treated differently?

To: Douglas Outlaw TAL
CC: Paul Wierzbicki WPB
CC: Vivek Kamath WPB
CC: Satish Kastury TAL
CC: Vincent Peluso WPB
CC: Jeff Smith WPB

Date: 3/2/98 9:55:23 AM
From: Susan Pelz TPA
Subject: Re: FWD: Re: Draft Letter to Rinker request

I have a couple of comments:

- 1. They should specifically define the car/truck washes as those defined in 62-660, FAC.**
- 2. In general, although I have not been privy to Magnum's or Rinker's requests, it sounds like they are not being specific enough about what they want to take. Did anyone in the air section review the alternate procedure? Do they really think that car wash sludges only have PETROLEUM contamination? What about "oil/water separator sludges"? These units often receive wastewaters (and leachate) that have constituents other than petroleum.**
- 3. Has Bill Hinkley been involved in this review? I know when Geologic requested to burn pharmaceutical waste (and other industrial wastes), that Bill Hinkley was VERY interested (and opposed to it).**

Susan

Date: 3/2/98 10:39:27 AM
From: Douglas Outlaw TAL
Subject: Re: Draft Letter to Rinker request
To: See Below

Beth, some additional information on the Rinker request after getting your e-mail:

1. Rinker is requesting alternate procedure approval for the "soil" wording in the rule, not the "petroleum contamination" part. Further assurance on this point would be provided by the response to the comments. The response should also clarify the drains issue. Service station floor drains would be a source where other contaminants might reasonably be expected in sludges.
2. For Rinker, any treatment residues would be incorporated in the cement product. Magnum (for a similar alternate procedure request) would have "clean soils" after treatment and would have to meet the clean soil criteria under the rule. John Jones tells me that most of Magnum's treated soils are incorporated in asphalt at other plants.
3. Your question about screening plastics and about the composition of oil sorbent materials perhaps points out the need for clarification about what can be approved in an alternate procedure request.
4. BWC does plan to coordinate the response with DARM for any air permitting impacts. As I recall, an emergency order was required for Tampa Bay oil

I haven't had the chance to check the background documents . Is
]Rinker requesting an alternate procedure for the "Petroleum
]contaminated" or the "soil" part of the rule, or both? How would
]floor drains at service stations be viewed?
]

]Does Rinker want to be able to dispose of treated materials as "clean
]fill" rather than as solid waste? Did the demonstration include data
]showing that Rinker's process is capable of treating other materials
]to remove contaminants to "clean soil" standards? Absorbent booms and
]pads should still have to be disposed of in a landfill, not used as
]fill.
]

]Are air emissions for treating these materials the same as for
]treating soil? We have had cases where fires occurred at dirt
]burners. Is Rinker going to screen out plastics before thermal
]treatment? How?

To: Beth Knauss TPA
To: Douglas Outlaw TAL
To: Ashwin Patel JAX
To: Michael Redig TAL
To: Stephanie Syler TAL
To: Vicky Valade JAX
To: Kellenberger Bill
To: Bob Snyder ORL
To: John White ORL
To: Beth Knauss TPA
To: Stanley Tam TPA
CC: Satish Kastury TAL
CC: Tom Conrardy TAL
CC: Ghousuddin Minhaj FTM
CC: Charles Emery FTM
CC: John M. Jones WPB
CC: Jeff Smith WPB
CC: Michael Fitzsimmons JAX
CC: Thomas W. Moody PEN
CC: Vivek Kamath WPB
CC: Susan Pelz TPA