

APR 19 1993

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Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Lawton Chiles, Governor

Virginia B. Wetherell, Secretary

April 8, 1993



Mr. William H. Ferguson
Regional Vice President
Wheelabrator McKay Bay, Inc.
107 North 34th Street
Tampa, Florida 33675

Dear Mr. Ferguson:

The Department has completed its review of the Wheelabrator McKay Bay Demonstration Project which was prepared for your company by Geraghty & Miller, Inc. Our review of the information you provided to date supports your contention that, from an environmental standpoint, treated bottom ash from the McKay Bay Waste-To-Energy facility (ie; McKaynite) is a suitable material for road construction. Therefore, we have determined that McKaynite may be considered a recovered material, and that its use will not require a permit from the Department, pursuant to Section 403.7045(1)(f), Florida Statutes (F.S.) provided that a majority of McKaynite is demonstrated to be sold, used, or reused annually, and provided that neither McKaynite or your processing operation is found to be a source of pollution.

Rule 17-702.600, Florida Administrative Code (F.A.C.) contains the requirements which you must meet to demonstrate these two conditions. In addition to the information you have already submitted, the following conditions are required to demonstrate continued compliance:

1. Wheelabrator or its licensees shall specify in their contracts with McKaynite consumers that their product shall be used in a manner that complies with all state, local and federal laws. The contracts must also require the owner to dispose of any debris containing McKaynite which is not recycled by the owner at a permitted solid waste management facility in accordance with Chapter 17-701, F.A.C., particularly Rule 17-701.300, F.A.C.
2. Chemical and physical properties of commercially used McKaynite will be characterized monthly and submitted to the Department's Southwest District office on a quarterly basis.

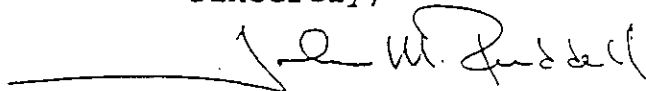
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3. During the production of McKaynite, records shall be kept for a minimum of three years and shall include the following:
 - a. Name of the McKaynite manufacturing facility.
 - b. Name of the purchaser/contractor.
 - c. Name or location of the jobsite.
 - d. Number of tons delivered to each jobsite.
 - e. Monthly characterization of chemical and physical properties of ash being used, including a comparison that these ash results do not differ significantly from the baseline study.
 - f. Total amount of ash used in commercial production.

4. Any unprocessed ash or material not meeting the McKaynite specifications which is generated by Wheelabrator must be disposed of pursuant to the Ash Management Plan submitted to the Department in accordance with Permit Number A029-206279 or may be used as landfill cover in accordance with Rule 17-701.520(6), F.A.C.

Failure to comply with these conditions may result in a determination that your process no longer meets the requirements of Section 403.7045 F.S. I appreciate your cooperation in furnishing information to date. If you have any questions concerning the Department's procedure or position, please contact Mary Jean Yon, the Administrator of our Solid Waste Section at 904/922-6104.

Sincerely,



John M. Ruddell, Director
Division of Waste Management

JMR/myv

cc: Rick Garrity
Bill Hinkley
Mary Jean Yon
Chris McGuire
Bill Preston - Hopping, Boyd, Green & Sams