

RECEIVED

JUN 16 1997

DIVISION OF
RESOURCES MANAGEMENT

June 6, 1997

Mr. Perry Odum
General Counsel
Florida Department of Environmental Regulation
3900 Commonwealth Blvd.
Tallahassee, FL 32399

*Go - Howard Rhodes
see if he knows
such a letter
also, ask Howard to
ask appropriate person
to draft a reply for
my signature.*

6/12/97

Dear Mr. Odum:

I wrote a letter to your department on April 17, 1997 concerning the application of a permit by Rinker Materials to burn additional contaminated materials and I have not received any response of any kind. I feel my questions were legitimate and merited a response. I have spoken to several people who live in the area and none of them are aware of any contaminated and maybe hazardous materials having been incinerated in their neighborhood. If their permit was obtained by publishing notice in an obscure publication that is not read by the general public, I can understand how this has been going on without anyone knowing.

I feel that if the people in the surrounding area know about these activities they would be greatly alarmed and would question your agency's actions. The mere fact that it was published in an obscure publication and I have not gotten any response would indicate to me that our well being and concerns must be insignificant.

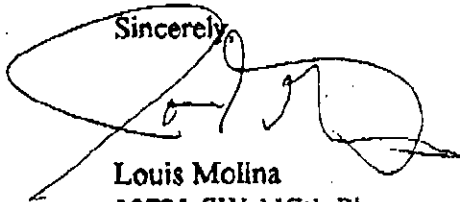
I recently learned that a similar type facility was not allowed to incinerate contaminated materials in Alachua County. Why did your agency not issue these permits? Was it simply that the people in that area were aware of what was going to happen and objected to it, as opposed to here, where I am confident in stating that the people in this area do not know?

Keeping all of this in mind I do not only question the new permit but the old one as well. My questions regarding these permits are:

1. How often is the air quality tested? If the waste being burned changes from day to day shouldn't it be tested on a regular basis?
2. Are all incoming materials tested before and after they come through the plant?
3. Does your agency have access to these tests and could the plant burn something that could release something like carcinogens or mercury into the atmosphere without your knowledge?
4. What are the long term effects of burning some of these wastes and exposure to the end products they put these materials in?

I have not hired an attorney to represent me because as an individual citizen I look to your agency to protect the health and well being of the public. Something of this magnitude should be well known to everyone it could effect, having been published in the Miami Herald and not the little-read **Miami Business Review**. Again, my primary concern is the health of my children and at the very least they should receive the same consideration and respect as the people of Alachua County. We feel this needs to be looked at in a careful manner and should we need an attorney, we would be prepared to ask other concerned parents at the school and other people that we make aware of this matter to assist in obtaining one.

Sincerely,



Louis Molina
 10731 SW 117th Place
 Miami, Fl 33196

5/17 "Unpublished
 -Phone #
 Directory Assistance
 MIAMI



"When one tugs at a single thing in Nature, (s)he finds it attached to the rest of the World" --John Muir

Ecosystem Management & Environmental Citizenship



EARTH DAY '96

6/19/97

Perry - Attached is a letter that you sent to Howard Rhodes to check out and draft a reply for you. Howard is out of the office, so Allinero (Bureau of Air Regulation 8-1344) checked on this permit.

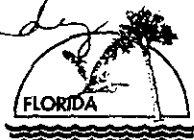
Mr. Molina had originally written to the department on 4/17. In response to this, Jeff Brown filed an "Order Dismissing Petition with Leave to Amend" on 5/14. Mr. Molina wrote again on 6/6 because he felt as though he had not received a reply to his first letter.

The Rinker permit is a solid waste permit. Joe Lurix in the Southeast District Waste Program (SUNCOM 226-6669) would have information about it.

Since this is not an air permit, we weren't sure how you wanted us to handle it. Please let us know if we need to do anything else.

Thanks,

Pat Kennedy
8-0114



Florida Department of Environmental Protection Office of Environmental Education

Printed on recycled paper

Chair/Al

Sent to

Perry

w/copy

to Joe L

6/19

Pat

To Rinker File

Al

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

LOUIS MOLINA,
Petitioner,

vs.

OCC Case No. 97-805

RINKER MATERIALS CORPORATION
and the STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Respondent.

ORDER DISMISSING PETITION WITH LEAVE TO AMEND

On April 21, 1997, the Florida Department of Environmental Protection (Department) received a letter that could be considered as a request for administrative hearing from Petitioner Louis Molina. See Exhibit 1. The Petitioner challenged the Department's decision to issue a permit (Permit No. S013-300512), to construct and operate a solid waste management facility in Dade County. Florida Administrative Code Rule 62-103.155(2) and the notice provided to Petitioner explain what must be included in a petition for a formal administrative proceeding. Petitioner's letter petition does not comply with rule 62-103.155(2) and therefore does not contain sufficient information to determine whether a formal administrative proceeding should be held. Specifically, the request does not include:

Post-It* Fax Note	7671	Date	6/19/97	# of pages	6
To	Kim Tober	From	Marjani Monahan		
Co./Dept.	DARM	Co.	OCC		
Phone #	488-1344	Phone #	921-9682		
Fax #	922-6979	Fax #	921-3000		

(a) A statement of how and when each Petitioner received notice of the Department's action or proposed action;

(b) A statement of the material facts (i.e., those facts upon which the Department's action or proposed action is based) disputed by Petitioner, if any;

(c) A statement of the facts that Petitioner contends warrant reversal or modification of the Department's action or proposed action; or

(d) A statement of which rules or statutes Petitioner contends require reversal or modification of the Department's action or proposed action.

Without this information, Petitioner's letter petition must be dismissed as required by Florida Administrative Code Rule 62-103.155. Therefore, IT IS ORDERED:

The petition for hearing filed by Louis Molina is DISMISSED. Such dismissal is without prejudice to Louis Molina to amend his petition to provide the information listed above. The amended petition must be filed (received) in the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 15 days from the date set forth in the certificate of service on the last page of this order. This order constitutes final agency action of the Department unless a timely amended petition is filed in conformance with this order.

Any party to this order has the right to seek judicial review of the order under section 120.68 of the Florida Statutes by the filing of a notice of appeal under rule 9:110 of the Florida Rules of Appellate Procedure with the clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date this order is filed with the clerk of the Department.

DONE AND ORDERED this 13th of May 1997 in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

F. Perry Odom
F. PERRY ODOM
General Counsel

3900 Commonwealth Boulevard
Mail Station 35
Tallahassee, FL 32399-3000
Telephone: (904) 488-1554

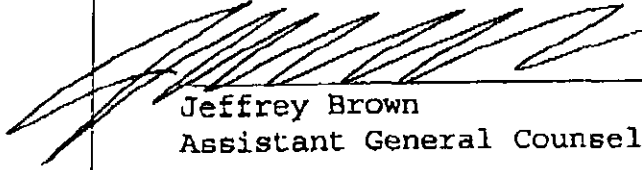
FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to S.120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Rebecca Rose
CLERK

5/14/97
DATE

CERTIFICATE OF SERVICE

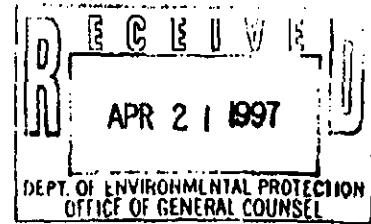
I CERTIFY that a true copy of the foregoing was mailed to Louis Molina, 10731 S.W. 117th Place, Miami, Florida 33196; to Peter Breton, P.O. Box 3588, West Palm Beach, Florida 33402-3888; to Geoff Smith, 204 S. Monroe Street, Tallahassee, Florida 32301 and to Michael D. Vardeman, Cement Division, Environmental Manager, Rinker Materials Corporation, 1200 N.W. 137th Avenue, Miami, Florida 33182 on this 14 day of May 1997.



Jeffrey Brown
Assistant General Counsel

3900 Commonwealth Boulevard
Mail Station 35
Tallahassee, FL 32399-3000
Telephone: (904) 488-9730

EXHIBIT "1"



April 17, 1997

Agency Clerk - Kathy Carter
Department of Environmental Protection
Office of General Counsel

RE: Issuance of Permit #6013-300512

Dear Ms. Carter:

It is my understanding that Rinker Materials has applied for a permit modification for their incinerator in Dade County which has me very concerned. I have two children that go to school less than five miles from their facility and I am worried about the effect on the air quality in the area.

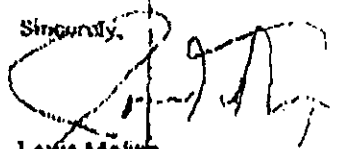
I have heard that their permit requires that they test their emissions only once per year. I feel these emissions should be checked on a regular basis and without their knowing about the test being done ahead of time.

I think that all the material they bring in for treatment should be checked to make sure it will not be harmful to the air quality once it is burned. The material should also be tested after it is burned to make sure it is safe for the environment.

The facility is located in a very populated area and I am very concerned about how it will affect my children and other people.

I would like to know that my concerns have been addressed before any additional permits are issued.

Sincerely,



Louis Molina
10731 S. W. 117th Place
Miami, FL 33196

DEP ROUTING AND TRANSMITTAL SLIP

TO: (NAME, OFFICE, LOCATION)

1. Howard Rhodes

3. _____
4. _____
5. _____

2. _____

To: CLAIR
6/16

PLEASE PREPARE REPLY FOR:

SECRETARY'S SIGNATURE

DIV/DIST DIR SIGNATURE

MY SIGNATURE

YOUR SIGNATURE

DUE DATE _____

ACTION/DISPOSITION

DISCUSS WITH ME

COMMENTS/ADVISE

REVIEW AND RETURN

SET UP MEETING

FOR YOUR INFORMATION

HANDLE APPROPRIATELY

INITIAL AND FORWARD

SHARE WITH STAFF

FOR YOUR FILES

COMMENTS:

MR. Rhodes:

Please see written note.

Call me if you have any questions

Thank you!

[Handwritten scribbles and signatures]

FROM: Z. Waters

DATE: 6/13/97

PHONE: 1-9670

DEP 15-926 (12/93)

[Handwritten notes: "Go de to CW..."]

[Handwritten notes: "Joe Lucix SE 21 Waste SC 2-246-6669"]