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(NOT A MEMBER OF THE FLORIDA BAR)

J. P. SUBRAMANI, Ph. D., P. E.
ENVIRONMENTAL CONSULTANT
(NOT A MEMBER OF THE FLORIDA BAR)

November 1, 1990

HAND DELIVERY

Clair H. Fancy, P.E.
Chief, Bureau of Air Regulation
Florida Department of Environmental
Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400

- RE: (1) Florida Crushed Stone Company; Amendment to
AC 27-118674; and
- (2) Florida Mining and Materials Company;
Amendments to AC 27-169616 and AC 27-173474.

Dear Mr. Fancy:

Our law firm has been retained by Hernando County to evaluate the proposals by the Florida Crushed Stone Company and Florida Mining and Materials to respectively burn industrial sludge, and tires and used oil, in their cement manufacturing operations. We respectfully request that the Department reconsider the permit authorization granted to Florida Crushed Stone Company to burn industrial sludge. We also request the Department not to allow the burning of the tires in the cement kilns owned by the Florida Mining and Materials Company. Our reasons are stated below.

1. ~~Proposal by Florida Crushed Stone Company to burn industrial sludge (AC 27-118674)~~

Our evaluation of this proposal clearly indicates that the Department approval was granted based on an inadequate and inappropriate review of the EP and TCLP toxicity characterization of the industrial sludge from the Jacksonville Electric Authority (JEA). The EP and TCLP procedures evaluate the solubility characteristics of the metals in the water medium and have no direct relationship to air pollution evaluation factors. The EP and TCLP characterization, while indicative of heavy metals content, is primarily appropriate for evaluating the threat to groundwater and surface water contamination.

Secondly, the Department authorization appears to have been based on the test results of the Gifford-Hill Cement Company in Harleyville, South Carolina. That test report indicates that the metals content of the industrial sludge are much lower than those of the JEA sludge. A comparison of the concentration of certain metals is listed below.

<u>PARAMETER</u>	<u>SOUTH CAROLINA SLUDGE (ppm)</u>	<u>JEA SLUDGE (ppm)</u>
Arsenic	40	6,500
Molybdenum	910	16,000
Nickel	8,200	20,000
Vanadium	26,800	64,000
Selenium	24	330

Additionally, the JEA sludge contains 170,000 ppm iron, 41,000 ppm magnesium, 66,000 ppm sulfates and 5,800 ppm chlorides. No information is available as to the Department's evaluation of air pollution effects due to high contents of these components in the sludge. We also note that the Department has relaxed the requirement of emission testing for dioxins and furons. The chemistry for dioxin formation is not clearly understood and therefore testing for the precursors may not yield reliable information.

2. Proposal by Florida Mining and Materials Company to burn tires and used oil

The company's proposal is to burn as much as 70 percent supplementary fuel consisting of tires and used oil. We believe ~~there will be increases in the emissions of many air pollutants,~~ especially, fine particulate matter, and heavy metals such as arsenic, cadmium, chromium, lead and zinc. We also believe that there will be significant increase in the emissions of sulfur dioxide, acid mist and polynuclear aromatic compounds. We learned that the Department had earlier authorized Florida Crushed Stone to test burn tires in its Brooksville facility. We would appreciate receiving copies of the stack test emissions for the above pollutants. We would also appreciate receiving test reports for the Modesto Energy facility located in Westley, California.

Clair H. Fancy, P.E.
November 1, 1990
Page Three

HAND DELIVERY

Please feel free to contact me if you have any questions.

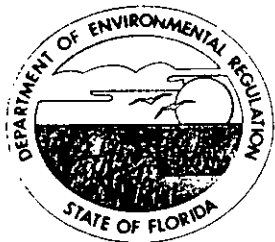
Sincerely,



J. P. Subramani

JPS:gg

cc: Bruce Snow, Esq.
Kathy Liles



Florida Department of Environmental Regulation

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

Bob Martinez, Governor

Dale Twachtmann, Secretary

John Shearer, Assistant Secretary

October 23, 1990

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Henry E. Andre - Vice President
Florida Mining and Materials
Post Office Box 6
Brooksville, Florida 34605-0006

Dear Mr. Andre:

Re: Completeness Review of Application to Construct/Modify
AC 27-186923

The Department has reviewed the above referenced application package received September 25, 1990, which requests a modification of the existing facility. Based on a technical review of the application package, it is deemed incomplete. Please submit to the Department's Bureau of Air Regulation the following information, including all reference material, assumptions and calculations, and the status will, again, be ascertained:

1. Calculate the potential emissions of all pollutants (i.e., PM, PM₁₀, SO₂, NO_x, CO, VOC, etc.) expected to be emitted from the No.1 kiln and based on new input rates of raw materials.
2. Referencing #1 above, calculate the potential pollutant emissions on each of the fuels (i.e., coal, fuel oil, and flolite) and at their maximum firing rates.
3. What is the maximum input rate of raw materials in TPH-dry?
4. What is the gas flow rate in dscfm?

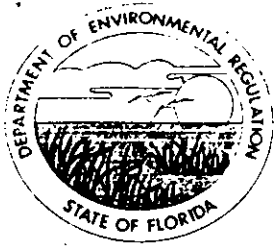
If there are any questions, please call Bruce Mitchell at 904-488-1344 or write to me at the above address.

Sincerely,

C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CHF/BM/plm

c: B. Thomas, SW Dist.
J. Tessitore, CIT & A
K. Liles, HC



Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2000 Blair Stone Road • Tallahassee, Florida 32399-2400

Lawton Chiles, Governor

Carol M. Browner, Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. C. M. Coleman Jr.
Vice President and General Manager
Florida Mining & Materials
Post Office Box 6
Brooksville, Florida 34605-0006

Dear Mr. Coleman:

Re: Amendment to Construction Permits Nos. AC 27-186923 & AC 27-173474 and PSD-FL-124B to Conduct Performance Test(s) on the Nos. 1 and 2 Cement Kilns While Burning Tire Derived Fuel and/or On-Specification Used Oil Fuel with Coal.

The Department has reviewed the requests that you provided on September 25, 1990. We have also considered the Department's legal authority to allow you to conduct the requested performance test(s). Paragraph 403.061(15), Florida Statutes (F.S.), authorizes the Department to consult with any person proposing to construct, install, or otherwise acquire a pollution control device or system concerning the efficacy of such device or system, or the pollution problem which may be related to the source, device, or system. Paragraph 403.061(16), F.S., authorizes the Department to encourage voluntary cooperation by persons in order to achieve the purposes of the state environmental control act. Paragraph 403.061(18), F.S., authorizes the Department to encourage and conduct studies, investigations, and research relating to the causes and control of pollution. Florida Administrative Code (F.A.C.) Rule 17-2.250(5) authorizes the Department to consider variations in industrial equipment and make allowances for excess emissions that provide practical regulatory controls consistent with the public interest.

In accordance with the provisions of Paragraphs 403.061(15), (16) and (18), F.S., and F.A.C. Rule 17-2.250(5), you are hereby authorized to conduct performance tests the Nos. 1 and 2 Cement Kilns for pollutant emissions while firing: 1) 100% coal for baseline conditions (actuals); 2) 80% coal and 20% tire derived fuel (TDF); 3) 50% coal and 50% on-specification used oil fuel; and, 4) 30% coal, 20% TDF and 50% on-specification used oil fuel. All of the percentages (%) referenced above relate to the maximum total (100%) fuel input to the Nos. 1 and 2 Cement Kilns.

Mr. C. M. Coleman Jr.

Page Two

The purpose of this authorization is to provide FM&M the opportunity to obtain performance test data on the Nos. 1 and 2 Cement Kilns to verify pollutant emissions and to see if the Nos. 1 and 2 Cement Kilns are capable of accommodating TDF and/or on-specification used oil fuel with coal under the Nos. 1 and 2 Cement Kilns' present physical configuration and what regulations the Nos. 1 and 2 Cement Kilns will be subject to if they are to be permitted to fire TDF and/or on-specification used oil fuel with coal on a continuous basis.

The performance test(s) shall be subject to the following conditions.

1. The permittee shall notify, in writing, the Department's Southwest District and Bureau of Air Regulation offices at least 15 days prior to commencement of the performance test(s). The test reports shall be submitted to these offices no later than 45 days upon completion of the last test run.
2. Prior to or after conducting pollutant emissions tests on the Nos. 1 and 2 Cement Kilns while firing combinations of TDF and/or on-specification used oil fuel with coal (Post-tests; Tables 1, 2, 3, 4 and 5;), emissions tests (Pre-tests) shall be conducted on the Nos. 1 and 2 Cement Kilns while firing 100% coal for all of the identified pollutants and pollutant categories (Table 2) in order to establish background levels, unless performance tests have already been conducted and the results can be provided to the Department. These tests, "Pre-tests" (i.e. coal only), shall be compared to the post-tests (TDF and/or on-specification used oil fuel with coal) to determine if:
 - a. PSD or non-PSD review is required, which includes the construction permit application(s) and the appropriate processing fee(s); or,
 - b. The current construction permits can be amended to allow the use of TDF and/or on-specification used oil fuel with coal.
3. All post-test results shall be compared to "actual emissions" for PSD review purposes (see Region IV, U.S. EPA's letter dated April 4, 1990).
4. a. The performance tests shall be in accordance with Table 1;

- b. The test parameters and methods shall be in accordance with Table 2; however, other test methods may be used if prior written approval from the Department has been received;
 - c. The performance test fuel combination scenarios shall be in accordance with Table 3;
 - d. The on-specification used oil fuel shall be as defined in 40 CFR 266.40 (July, 1990 version) and shall not exceed the constituent/property levels specified in Table 6 (40 CFR 266.40(e)); total halogens shall be limited to 1,000 ppm maximum;
 - e. Analysis and recordkeeping for on-specification used oil fuel shall be in accordance with 40 CFR 266.43(b)(1) and (6);
 - f. Maximum process input rates shall be in accordance with Table 5;
 - g. The use of on-specification used oil fuel shall be in accordance with all applicable provisions of 40 CFR 266, Subpart E (July, 1990 version); and,
 - h. An ultimate analysis of each delivery of on-specification used oil fuel shall be required and submitted to the Department prior to performance testing and shall establish, at a minimum, the levels of the sulfur content (weight %), metals on a constituent basis, moisture content, etc., using the appropriate ASTM Methods (i.e., ASTM D1552-83, ASTM D396-78, ASTM D129-64, etc.) in accordance with F.A.C. Rule 17-2.700 and 40 CFR (July, 1990 version).
5. An ultimate analysis of the particulate filter(s) shall be required. Also, an ultimate analysis of a representative sample(s) from the baghouse hopper shall be required.
6. This authorized performance test(s) shall not result in the release of objectionable odors pursuant to F.A.C. Rule 17-2.620(2).
7. Performance testing shall immediately cease upon the occurrence of a valid environmental complaint by a citizen or other party, or a nuisance or danger to public health or welfare. Performance testing shall not resume until appropriate measures to correct the problem have been implemented.

Mr. C. M. Coleman Jr.

Page Four

8. The performance test(s) shall be conducted under the direct supervision and responsible charge of a professional engineer registered in Florida.
9. This Department action is just to authorize the performance tests for pollutant emissions on the Nos. 1 and 2 Cement Kilns while firing TDF and/or on-specification used oil fuel with coal. The firing of TDF and used oil after the last performance test run is completed will be deemed a violation of the current air construction permits, Nos. AC 27-186923 & AC 27-173474 and PSD-FL-124B.
10. Complete documentation of the amount (i.e., weight or volume) of TDF and on-specification used oil fuel usage in the Nos. 1 and 2 Cement Kilns shall be required (i.e., start-up and testing).
11. The Department shall be notified in writing on the date of the last test run completion.
12. From the initial date of using TDF and on-specification used oil fuel, which shall be documented in writing to the Department, the permittee shall be limited to 45 days to stabilize the Nos. 1 and 2 Cement Kilns and to submit notification of performance testing. If additional time is needed, the permittee shall provide the Department with documentation of the progress accomplished to date and shall identify what is left to be done in order to achieve stabilization of the Nos. 1 and 2 Cement Kilns for performance testing purposes.
13. Visible emissions shall not exceed 10% opacity in accordance with EPA Method 9 pursuant to F.A.C. Rules 17-2.660 and 17-2.700 and 40 CFR 60 (July, 1990 version).
14. This amendment does not relieve the permittee from complying with the conditions of the construction permits, Nos. AC 27-186923 & AC 27-173474 and PSD-FL-124.
15. Attachments (See Attachment Section) are incorporated.

The Department has relied on the information referenced in the Attachments and conversations with representatives of FM&M, the U.S. EPA-Region IV, and the Department of Interior's National Park Service in authorizing this permit letter amendment to the air construction permits, Nos. AC 27-186923 & AC 27-173474 and PSD-FL-124B.

Mr. C. M. Coleman Jr.
Page Five

A copy of this letter and its Attachments shall be attached to the air construction permits, Nos. AC 27-186923 & AC 27-173474 and PSD-FL-124B.

Issued this _____ day
of _____, 1991

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

Carol M. Browner
Secretary

CMB/bm

Attachments

cc: B. Thomas, SW District
J. Tessitore, P.E., C/T&A
C. Shaver, NPS
J. Harper, EPA
G. Smallridge, DER
P. Cunningham, HBG&S
C. Hetrick, HCBCC

TABLE 1
PROCESS DATA
Cement Kiln No. 1 or 2

Kiln Feed Rate	130 T/hr
Clinker Production Rate	79.6 T/hr
Maximum Heat Input	3.0×10^8 Btu/hr

TABLE 2
 PROPOSED PERFORMANCE TEST MATRIX
 Cement Kiln No. 1 or 2

The proposed testing would include stack sampling during four separate cases for the kiln. These are represented in the following matrix.

Fuel Type	Test Conditions			
	1*	2	3	4
	% of Total Fuel Supply			
Coal (min.)	100	80	50	30
Waste Tires (max.)	0	20	0	20
Used Oil (max.)	0	0	50	50

*Baseline

TABLE 3
FUEL COMBINATION SUMMARY DATA
Cement Kiln No. 1 or 2

	<u>Current Fuels</u>		<u>Proposed Fuels</u>	
	<u>Coal</u>	<u>Fiolite¹</u>	<u>Waste Tires</u>	<u>Used Oil</u>
Case 1				
Consumption	24,170 lb/hr	--	0	0
Heat Input (Btu/hr)	3.0×10^8	--	0	0
Portion of Total Fuel Supply (%)	100	--	0	0
Case 2				
Consumption	19,336 lb/hr	--	4286 lb/hr	0
Heat Input (Btu/hr)	2.4×10^8	--	0.6×10^8	0
Portion of Total Fuel Supply (%)	80	--	20	0
Case 3				
Consumption	12,085 lb/hr	--	0	1034 gal/hr
Heat Input (Btu/hr)	1.5×10^8	--	0	1.5×10^8
Portion of Total Fuel Supply (%)	50	--	0	50
Case 4				
Consumption	7251 lb/hr	--	4286 lb/hr	1034 gal/hr
Heat Input (Btu/hr)	0.9×10^8	--	0.6×10^8	1.5×10^8
Portion of Total Fuel Supply (%)	30	--	20	50

¹ Fiolite will mainly be used during start-up of kiln operations and during periods when raw materials feed is stopped and kiln temperature must be maintained, and Fiolite is normally used only as a substitute for coal. In cases where fiolite and coal are used concurrently, the maximum heat input rate will not exceed 3.0×10^8 Btu/hr.

TABLE 4
ADDITIONAL FUELS DATA

	Heat Capacity	Sulfur Content ²
Current:		
Coal	12,500 Btu/lb	1.0 %
Flolite ¹	145,000 Btu/gal	1.0 %
Proposed:		
Used Oil	145,000 Btu/gal	1.5 %
Waste Tires	14,000 Btu/lb	< 1.0 %

(1) Flolite will mainly be used during start-up of kiln operations and during periods when raw materials feed is stopped and kiln temperature must be maintained, and flolite is normally used only as a substitute for coal. In cases where flolite and coal are used concurrently, the maximum heat input rate will not exceed 3.0×10^8 Btu/hr.

(2) Values shown are approximate.

TABLE 5
SUMMARY OF TEST PARAMETERS

Particulate Matter	EPA Method 5
Visible Emissions	EPA Method 9
Metals:	EPA Method 5 (filter and probe rinse)
Aluminum	Barium
Arsenic	Copper
Cadmium	Nickel
Chromium (Total)	Iron
Lead	Vanadium
Zinc	
NO _x	EPA Method 7
Sulfur Dioxide	EPA Method 6 (in back half of Method 5 train)
Carbon Monoxide	EPA Method 10
Volatile Organic Compounds	VOST
Semi-Volatile Organic Compounds	Modified Method 5
CO ₂ /O ₂	EPA Method 3
Stack Gas Flow/Moisture/Temp.	EPA Methods 2 and 4 (in conjunction with EPA Method 5)
PCDDS/PCDFS	EPA Method 23
Polynuclear Aromatic Hydrocarbons	Modified Method 5
Benzene	EPA Method 18
Mercury	EPA Method 101 or 101A

TABLE 6

ON-SPEC USED OIL FUEL CHARACTERISTICS

As specified in 40 CFR 266.40(e), "Used Oil Burned For Energy Recovery", the following characteristics are applicable to on-specification used oil fuel:

Arsenic	5 ppm maximum
Cadmium	2 ppm maximum
Chromium	10 ppm maximum
Lead	100 ppm maximum
Flash Point	100° F minimum
Total Halogens	1,000 ppm maximum

Attachment Section

1. Ms. Patricia K. Rykowski's letter with enclosures received September 25, 1990.
2. Ms. Jewell A. Harper's letter dated April 4, 1990.
3. 40 CFR (July, 1990 version).
4. Ms. Kay Rykowski's letter received April 1, 1991, via FAX.
5. Intent to Issue Package dated April 9, 1991.
6. 40 CFR 266, Subpart E (July, 1990 version)

ATTACHMENT 1

Available Upon Request

ATTACHMENT 2



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

APR 4 1990

4APT-AEB

RECEIVED

APR 09 1990

DER-BAQM

Mr. C. H. Fancy, P.E., Chief
Bureau of Air Regulation
Florida Department of Environmental
Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RE: Florida Crushed Stone (PSD-FL-091)

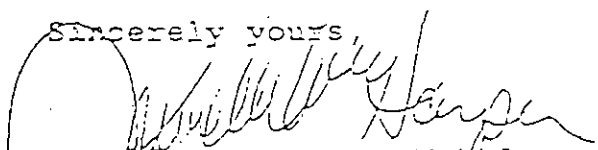
Dear Mr. Fancy:

This is to acknowledge receipt of your letter dated March 15, 1990, transmitting a request by Florida Crushed Stone to amend their prevention of significant deterioration (PSD) permit to allow the burning of tire derived fuel (TDF) in their cement kiln. The current permit for the source limits the fuel of the kiln to coal only. As discussed between Mr. Bruce Mitchell of your staff and Mr. Gregg Worley of my staff on March 30, 1990, we have the following comments.

Under the scenario presented by the source, the switch to the use of TDF in the kiln would not constitute a major modification for the purposes of PSD provided that the increase in pollutants due to the fuel switch did not exceed significant emissions increase levels. It is important to note that the change in emissions must be evaluated from "old actual" to "new allowable" emissions. The old actual emissions must be based on the previous two years of operating data unless some other period is deemed to be more representative of normal operating conditions. The new allowable emissions will be those emissions which are reflected in the amended permit. Also, it was noted that the list of pollutants to be tested did not include benzene. Since benzene is a pollutant regulated under the Clean Air Act for which a significant emissions rate has not been established, any increase of emissions of benzene would subject the source to PSD.

Thank you for the opportunity to review and comment on this package. If you have any further questions or comments, please do not hesitate to contact Mr. Gregg Worley of my staff at 404/347-1864.

Sincerely yours,


Jewel A. Harper, Chief
Air Enforcement Branch
Air, Pesticides and Toxics
Management Division

ATTACHMENT 3

Available Upon Request

ATTACHMENT 4

CROSS/TESSITORE & ASSOCIATES, P.A.
4763 South Conway Road, Suite F.
Orlando, Florida 32812

Telephone: 407-851-1484
Fax#: 407-855-0369

URGENT FACSIMILE DOCUMENT

ATTN: BRUCE MITCHELL FAX#: 904-487-4938

COMPANY: FDER/BUREAU OF AIR REGULATION

FROM: KAY RYKOWSKI FAX#: 407-855-0369

SUBJECT: FLORIDA MINING & MATERIALS

C/TA PROJECT NUMBER: F03.178

DATE: MARCH 29, 1991

NO. OF PAGES (INCLUDING THIS SHEET): 1 HARD COPY TO FOLLOW YES X
NO

Bruce:

My records show the current permit for Florida Mining & Materials' No. 2 Kiln as AC27-173474 which expires December 31, 1991. Please let me know if the extension is still required.

Thank you,

Kay Rykowski

ATTACHMENT 6

(d) *Required notices.* Before a burner accepts the first shipment of hazardous waste fuel from a marketer, he must provide the marketer a one-time written and signed notice certifying that:

- (1) He has notified EPA and identified his waste-as-fuel activities; and
- (2) He will burn the fuel only in a boiler or furnace identified in § 266.31(b).

(e) *Recordkeeping.* In addition to the applicable recordkeeping requirements of Parts 264 and 265 of this chapter, a burner must keep a copy of each certification notice that he sends to a marketer for three years from the date he last receives hazardous waste fuel from that marketer.

(The notification requirements contained in paragraph (b) of this section were approved by the Office of Management and Budget under control number 2050-0028. The storage requirements contained in paragraph (c) of this section were approved by the Office of Management and Budget under control number 2050-0009. The certification requirements contained in paragraph (d) of this section were approved by the Office of Management and Budget under control number 2050-0047. The recordkeeping requirements contained in paragraph (e) of this section were approved by the Office of Management and Budget under control number 2050-0047.)

[50 FR 49204, Nov. 29, 1985, as amended at 52 FR 11821, Apr. 13, 1987]

Subpart E—Used Oil Burned for Energy Recovery

Source: 50 FR 49205, Nov. 29, 1985, unless otherwise noted.

§ 266.40 Applicability.

(a) The regulations of this subpart apply to used oil that is burned for energy recovery in any boiler or industrial furnace that is not regulated under Subpart O of Part 264 or 265 of this chapter, except as provided by paragraphs (c) and (e) of this section. Such used oil is termed "used oil fuel". Used oil fuel includes any fuel produced from used oil by processing, blending, or other treatment.

(b) "Used oil" means any oil that has been refined from crude oil, used, and, as a result of such use, is contaminated by physical or chemical impurities.

(c) Except as provided by paragraph (d) of this section, used oil that is mixed with hazardous waste and burned for energy recovery is subject to regulation as hazardous waste fuel under Subpart D of Part 266. Used oil containing more than 1000 ppm of total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Subpart D of Part 261 of this chapter. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix VIII of Part 261 of this chapter).

(d) Used oil burned for energy recovery is subject to regulation under this subpart rather than as hazardous waste fuel under Subpart D of this part if it is a hazardous waste solely because it:

- (1) Exhibits a characteristic of hazardous waste identified in Subpart C of Part 261 of this chapter, provided that it is not mixed with a hazardous waste; or
- (2) Contains hazardous waste generated only by a person subject to the special requirements for small quantity generators under § 261.5 of this chapter.

(e) Except as provided by paragraph (c) of this section, used oil burned for energy recovery, and any fuel produced from used oil by processing, blending, or other treatment, is subject to regulation under this subpart unless it is shown not to exceed any of the allowable levels of the constituents and properties in the specification shown in the following table. Used oil fuel that meets the specification is subject only to the analysis and recordkeeping requirements under § 266.43(b) (1) and (6). Used oil fuel that exceeds any specification level is termed "off-specification used oil fuel".

USED OIL EXCEEDING ANY SPECIFICATION LEVEL IS SUBJECT TO THIS SUBPART WHEN BURNED FOR ENERGY RECOVERY *

Constituent/property	Allowable level
Arsenic.....	5 ppm maximum.
Cadmium.....	2 ppm maximum.
Chromium.....	10 ppm maximum.
Lead.....	100 ppm maximum.
Flash Point.....	100 °F minimum.
Total Halogens.....	4,000 ppm maximum.*

* The specification does not apply to used oil fuel mixed with a hazardous waste other than small quantity generator hazardous waste.

† Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste under the rebuttable presumption provided under § 266.40(c). Such used oil is subject to Subpart O of this part rather than this subpart when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

§ 266.41 Prohibitions.

(a) A person may market off-specification used oil for energy recovery only:

(1) To burners or other marketers who have notified EPA of their used oil management activities stating the location and general description of such activities, and who have an EPA identification number; and

(2) To burners who burn the used oil in an industrial furnace or boiler identified in paragraph (b) of this section.

(b) Off-specification used oil may be burned for energy recovery in only the following devices:

(1) Industrial furnaces identified in § 260.10 of this chapter; or

(2) Boilers, as defined in § 260.10 of this chapter, that are identified as follows:

(i) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes;

(ii) Utility boilers used to produce electric power, steam, or heated or cooled air or other gases or fluids for sale; or

(iii) Used oil-fired space heaters provided that:

(A) The heater burns only used oil that the owner or operator generates or used oil received from do-it-yourself oil changers who generate used oil as household waste;

(B) The heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour; and

(C) The combustion gases from the heater are vented to the ambient air.

§ 266.42 Standards applicable to generators of used oil burned for energy recovery.

(a) Except as provided in paragraphs (b) and (c) of this section, generators of used oil are not subject to this subpart.

(b) Generators who market used oil directly to a burner are subject to § 266.43.

(c) Generators who burn used oil are subject to § 266.44.

§ 266.43 Standards applicable to marketers of used oil burned for energy recovery.

(a) Persons who market used oil fuel are termed "marketers". Except as provided below, marketers include generators who market used oil fuel directly to a burner, persons who receive used oil from generators and produce, process, or blend used oil fuel from these used oils (including persons sending blended or processed used oil to brokers or other intermediaries), and persons who distribute but do not process or blend used oil fuel. The following persons are not marketers subject to this subpart:

(1) Used oil generators, and collectors who transport used oil received only from generators, unless the generator or collector markets the used oil directly to a person who burns it for energy recovery. However, persons who burn some used oil fuel for purposes of processing or other treatment to produce used oil fuel for marketing are considered to be burning incidentally to processing. Thus, generators and collectors who market to such incidental burners are not marketers subject to this subpart;

(2) Persons who market only used oil fuel that meets the specification under § 266.40(e) and who are not the first person to claim the oil meets the specification (i.e., marketers who do not receive used oil from generators or initial transporters and marketers who

neither receive nor market off-specification used oil fuel).

(b) Marketers are subject to the following requirements:

(1) *Analysis of used oil fuel.* Used oil fuel is subject to regulation under this subpart unless the marketer obtains analyses or other information documenting that the used oil fuel meets the specification provided under § 266.40(e).

(2) *Prohibitions.* The prohibitions under § 266.41(a);

(3) *Notification.* Notification to EPA stating the location and general description of used oil management activities. Even if a marketer has previously notified EPA of his hazardous waste management activities under section 3010 of RCRA and obtained a U.S. EPA Identification Number, he must renotify to identify his used oil management activities.

(4) *Invoice system.* When a marketer initiates a shipment of off-specification used oil, he must prepare and send the receiving facility an invoice containing the following information:

- (i) An invoice number;
- (ii) His own EPA identification number and the EPA identification number of the receiving facility;
- (iii) The names and addresses of the shipping and receiving facilities;
- (iv) The quantity of off-specification used oil to be delivered;
- (v) The date(s) of shipment or delivery; and
- (vi) The following statement: "This used oil is subject to EPA regulation under 40 CFR Part 266";

NOTE: Used oil that meets the definition of combustible liquid (flash point below 200 °F but at or greater than 100 °F) or flammable liquid (flash point below 100 °F) is subject to Department of Transportation Hazardous Materials Regulations at 49 CFR Parts 100 through 177.

(5) *Required notices.* (i) Before a marketer initiates the first shipment of off-specification used oil to a burner or other marketer, he must obtain a one-time written and signed notice from the burner or marketer certifying that:

(A) The burner or marketer has notified EPA stating the location and general description of his used oil management activities; and

(B) If the recipient is a burner, the burner will burn the off-specification used oil only in an industrial furnace or boiler identified in § 266.41(b); and

(ii) Before a marketer accepts the first shipment of off-specification used oil from another marketer subject to the requirements of this section, he must provide the marketer with a one-time written and signed notice certifying that he has notified EPA of his used oil management activities; and

(6) *Recordkeeping.*—(i) *Used oil fuel that meets the specification.* A marketer who first claims under paragraph (b)(1) of this section that used oil fuel meets the specification must keep copies of analysis (or other information used to make the determination) of used oil for three years. Such marketers must also record in an operating log and keep for three years the following information on each shipment of used oil fuel that meets the specification. Such used oil fuel is not subject to further regulation, unless it is subsequently mixed with hazardous waste or unless it is mixed with used oil so that it no longer meets the specification.

(A) The name and address of the facility receiving the shipment;

(B) The quantity of used oil fuel delivered;

(C) The date of shipment or delivery; and

(D) A cross-reference to the record of used oil analysis (or other information used to make the determination that the oil meets the specification) required under paragraph (b)(6)(i) of this section.

(ii) *Off-specification used oil fuel.* A marketer who receives or initiates an invoice under the requirements of this section must keep a copy of each invoice for three years from the date the invoice is received or prepared. In addition, a marketer must keep a copy of each certification notice that he receives or sends for three years from the date he last engages in an off-specification used oil fuel marketing transaction with the person who sends or receives the certification notice.

(The analysis requirements contained in paragraph (b)(1) of this section were approved by OMB under control number 2050-

0047. The notification requirements contained in paragraph (b)(3) of this section were approved by OMB under control number 2050-0028. The invoice requirements contained in paragraph (b)(4) of this section were approved by OMB under control number 2050-0047. The certification requirements contained in paragraph (b)(5) of this section were approved by OMB under control number 2050-0047. The recordkeeping requirements contained in paragraph (b)(6) of this section were approved by OMB under control number 2050-0047.)

[50 FR 49205, Nov. 29, 1985, as amended at 52 FR 11822, Apr. 13, 1987]

§ 266.44 Standards applicable to burners of used oil burned for energy recovery.

Owners and operators of facilities that burn used oil fuel are "burners" and are subject to the following requirements:

(a) *Prohibition.* The prohibition under § 266.41(b);

(b) *Notification.* Burners of off-specification used oil fuel, and burners of used oil fuel who are the first to claim that the oil meets the specification provided under § 266.40(e), except burners who burn specification oil that they generate, must notify EPA stating the location and general description of used oil management activities. Burners of used oil fuel that meets the specification who receive such oil from a marketer that previously notified EPA are not required to notify. Owners and operators of used oil-fired space heaters that burn used oil fuel under the provisions of § 266.41(b)(2) are exempt from this notification requirement. Even if a burner has previously notified EPA of his hazardous waste management activities under section 3010 of RCRA and obtained an identification number, he must renotify to identify his used oil management activities.

(c) *Required notices.* Before a burner accepts the first shipment of off-specification used oil fuel from a marketer, he must provide the marketer a one-time written and signed notice certifying that:

(1) He has notified EPA stating the location and general description of his used oil management activities; and

(2) He will burn the used oil only in an industrial furnace or boiler identified in § 266.41(b); and

(d) *Used oil fuel analysis.* (1) Used oil fuel burned by the generator is subject to regulation under this subpart unless the burner obtains analysis (or other information) documenting that the used oil meets the specification provided under § 266.40(e).

(2) Burners who treat off-specification used oil fuel by processing, blending, or other treatment to meet the specification provided under § 266.40(e) must obtain analyses (or other information) documenting that the used oil meets the specification.

(e) *Recordkeeping.* A burner who receives an invoice under the requirements of this section must keep a copy of each invoice for three years from the date the invoice is received. Burners must also keep for three years copies of analyses of used oil fuel as may be required by paragraph (d) of this section. In addition, he must keep a copy of each certification notice that he sends to a marketer for three years from the date he last receives off-specification used oil from that marketer.

(The notification requirements contained in paragraph (b) of this section were approved by OMB under control number 2050-0028. The certification requirements contained in paragraph (c) of this section were approved by OMB under control number 2050-0047. The analysis requirements contained in paragraph (d) of this section were approved by OMB under control number 2050-0047. The recordkeeping requirements contained in paragraph (e) of this section were approved by OMB under control number 2050-0047.)

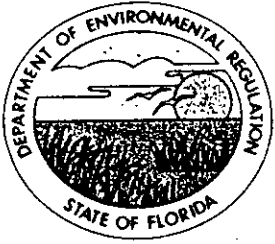
[50 FR 49205, Nov. 29, 1985, as amended at 52 FR 11822, Apr. 13, 1987]

Subpart F—Recyclable Materials Utilized for Precious Metal Recovery

§ 266.70 Applicability and requirements.

(a) The regulations of this subpart apply to recyclable materials that are reclaimed to recover economically significant amounts of gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these.

(b) Persons who generate, transport, or store recyclable materials that are regulated under this subpart are subject to the following requirements:



Florida Department of Environmental Regulation

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

Bob Martinez, Governor

Dale Twachtman, Secretary

John Shearer, Assistant Secretary

October 5, 1990

Mrs. Kathy Liles
20 North Main Street, Room 262
Brooksville, Florida 34601

Dear Mrs. Liles:

Re: Request to Process Tire Derived Fuel and Used Oil
Florida Mining and Materials - Cement Kilns Nos. 1 and 2

The enclosed information is being forwarded to you for completeness review.

Florida Mining and Materials has requested to process tire derived fuel and used oil in their existing cement kilns. Even though the claim is that there will be no actual pollutant emission increases, which will have to be verified, the sources are not permitted to process these fuels.

Due to the potential controversy with this operational change, the Department will require public notice of the company's intent prior to amending their construction permits.

If you have any questions, please call Bruce Mitchell at 904-488-1344 or write to me at the above address. All comments, written or oral, should be received by November 2, 1990. If it is convenient to FAX a response to us, the FAX number to use is 904-922-6979.

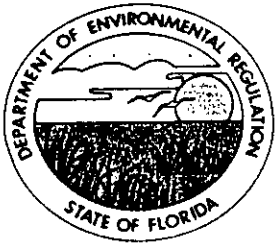
Sincerely,

for C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CHF/BM/plm

Attachments

c: B. Mitchell, BAR



Florida Department of Environmental Regulation

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

Bob Martinez, Governor

Dale Twachtmann, Secretary

John Shearer, Assistant Secretary

October 5, 1990

Ms. Jewell Harper, Chief
Air Enforcement Branch
U.S. EPA, Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30365

Dear Ms. Harper:

Re: Request to Process Tire Derived Fuel and Used Oil
Florida Mining and Materials - Cement Kilns Nos. 1 and 2


The enclosed information is being forwarded to you for completeness review.

Florida Mining and Materials has requested to process tire derived fuel and used oil in their existing cement kilns. Even though the claim is that there will be no actual pollutant emission increases, which will have to be verified, the sources are not permitted to process these fuels.

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Sincerely,

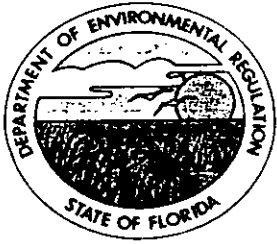

C. H. Fancy, P.E.
Chief

Bureau of Air Regulation

CHF/BM/plm

Attachments

c: B. Mitchell, BAR



Florida Department of Environmental Regulation

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

Bob Martinez, Governor

Dale Twachtman, Secretary

John Shearer, Assistant Secretary

October 5, 1990

Mr. Bill Thomas, Administrator
Air Programs
Southwest District
4520 Oak Fair Boulevard
Tampa, Florida 33610-7347

Dear Mr. Thomas:

Re: Request to Process Tire Derived Fuel and Used Oil
Florida Mining and Materials - Cement Kilns Nos. 1 and 2


The enclosed information is being forwarded to you for completeness review.

Florida Mining and Materials has requested to process tire derived fuel and used oil in their existing cement kilns. Even though the claim is that there will be no actual pollutant emission increases, which will have to be verified, the sources are not permitted to process these fuels.

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If you have any questions, please call Bruce Mitchell at 904-488-1344 or write to me at the above address. All comments, written or oral, should be received by November 2, 1990. If it is convenient to FAX a response to us, the FAX number to use is 904-922-6979.

Sincerely,

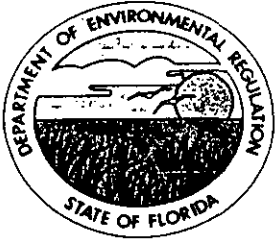

C. H. Fancy, P.E.
Chief

Bureau of Air Regulation

CHF/BM/plm

Attachments

c: B. Mitchell, BAR



Florida Department of Environmental Regulation

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

Bob Martinez, Governor

Dale Twachtmann, Secretary

John Shearer, Assistant Secretary

October 5, 1990

Mrs. Chris Shaver, Chief
Permit Review and Technical Support Branch
National Park Service
Air Quality Division
Post Office Box 25287
Denver, Colorado 80255

Dear Mrs. Shaver:

Re: Request to Process Tire Derived Fuel and Used Oil
Florida Mining and Materials - Cement Kilns Nos. 1 and 2


The enclosed information is being forwarded to you for completeness review.

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Sincerely,


C. H. Fancy, P.E.
Chief

Bureau of Air Regulation

CHF/BM/plm

Attachments

c: B. Mitchell, BAR