



Department of Environmental Protection

Lawton Chiles
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Virginia B. Wetherell
Secretary

October 18, 1994

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. C. Anthony Cleveland, Esq.
Oertel, Hoffman, Fernandez & Cole, P.A.
2700 Blair Stone Road, Suite C
Tallahassee, Florida 32301

Dear Mr. Cleveland:

RE: Florida Crushed Stone Company (FCSC) and the Use of Used Oil
as a Startup Fuel and PCB Issues

The Department has reviewed your letter received September 20, 1994, which addressed the use of used oil as a startup fuel and PCB (polychlorinated biphenyls) issues; also, the letter proposed a permit amendment to address the issues related to PCBs. Based on the letter, I offer the following comments:

o For regulatory purposes, used oil fuel is presumed to contain PCBs above the detection limit of 2 ppm (parts per million). The detection limit is defined as 2 ug/g from any resolvable gas chromatographic peak, i.e., 2 ppm (see DARM Guidance Memo dated March 31, 1994; enclosure).

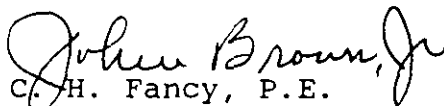
o FCSC had an analysis for PCBs performed on the used oil of concern and the laboratory results showed that there is no detection of PCBs greater than 1.0 ppm. The lab result is enclosed.

In conclusion, the continued use of the used oil as a startup fuel in the clinker kiln does not present an environmental or a regulatory concern. The level of demonstrated non-PCBs from a laboratory analysis is sufficient to the Department to negate the need for any amendment requirement. Therefore, the Department will not be initiating any further permitting action regarding this issue unless new evidence that is contrary to the above information is substantiated and presented to the Department.

Mr. C. Anthony Cleveland
Letter on FCSC and Used Oil-PCB Issues
October 18, 1994
Page 2

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

Sincerely,

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

CHF/BM/rbm

Enclosures

cc: B. Thomas, SWD
D. Beason, Esq., DEP
J. Harper, EPA
J. Bunyak, NPS
C. Hetrick, HCBCC
T. Mountain, FCSC

Is your RETURN ADDRESS completed on the reverse side?

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: Mr. C. Anthony Cleveland, Esq. Oertel, Hoffman, Fernandez & Cole 2700 Blair Stone Road, Suite C Tallahassee, Florida 32301		4a. Article Number Z 751 859 995	
		4b. PS Service Type <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise	
		7. Date of Delivery 10/19/94	
5. Signature (Addressee) <i>Mr. C. Anthony Cleveland</i>		8. Addressee's Address (Only if requested and fee is paid)	
6. Signature (Agent) <i>Harry H. Grantham</i>			

Thank you for using Return Receipt Service.

PS Form 3811, December 1991 *U.S. GPO: 1992-323-402 **DOMESTIC RETURN RECEIPT**

Z 751 859 995



Receipt for Certified Mail
 No Insurance Coverage Provided
 Do not use for International Mail
 (See Reverse)

PS Form 3800, March 1993

Sent to Mr. C. Anthony Cleveland	
Street and No. 2700 Blair Stone Rd. Ste. C	
P.O., State and ZIP Code Tallahassee, FL 32301	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date Fla. Crushed Stone Co. Mailed 10/19/94	

Memorandum

Florida Department of
Environmental Protection

DARM-PER/GEN-10

TO: John Ruddell, Director
Division of Waste Management

District Air Program Administrators
County Air Program Administrators
Bureau of Air Regulation Engineers

FROM: Howard L. Rhodes, Director *HLR*
Division of Air Resources Management

DATE: March 31, 1994

SUBJECT: Guidance on Burning Used Oil
Containing Low Concentrations of PCBs

The Department will use the 40 CFR 761 federal regulations on polychlorinated biphenyls (PCBs) as the basis for regulating the burning of "on-specification" used oil containing less than 50 ppm PCBs.

Used oil containing less than 50 ppm PCBs is an excluded product. Excluded PCBs products as applied to used oil means: oils which have a concentration of less than 50 ppm PCBs; were legally available before October 1, 1984; and have not been mixed with a material containing more than 50 ppm PCBs.

Used oil containing 50 ppm or more PCBs is not an excluded PCB product and is subject to the Toxic Substance Control Act (TSCA) regulations, 40 CFR 761. These regulations specify precisely how PCB contaminated material can be disposed of. EPA would be involved in approving the burning of used oil containing more than 50 ppm PCBs.

The following is a brief summary of the federal regulations (40 CFR 761) concerning burning of used or waste oil (products primarily derived from petroleum which include but are not limited to fuel oils, motor oils, gear oils, cutting oils, transmission fluids, hydraulic fluids, dielectric fluids, etc.) with low concentrations (less than 50 ppm) of PCBs for energy recovery.

40 CFR 761, Polychlorinated Biphenyls; Exclusions, Exemptions and Use Authorizations, includes requirements for the burning of used oil with low concentrations of PCBs (less than 50 ppm) for energy recovery. Some of the requirements, explained in the preamble of this federal rule that was published in the June 27, 1988, Federal Register, are:

1. For regulatory purposes used oil fuel is presumed to contain PCBs above the detection limit of 2 ppm. These regulations define detectable as meaning the practical limit of quantification. 40 CFR 761.20(e)(2)

2. The detection limit is defined as 2 ug/g from any resolvable gas chromatographic peak, i.e. 2 ppm. The American Society of Testing and Materials (ASTM) analytical methods for PCBs referenced in 40 CFR 761.60(a)(3)(iii)(B)(6) is ASTM D-808-81 for chlorine. (Note that some regulations list a lower PCB detection concentration with a different analytical method). (40 CFR 761.3)
3. A claim that used oil fuel does not contain quantifiable levels (≥ 2 ppm) of PCBs must be documented by analysis or other information. The first person making the claim that the used oil does not contain PCBs is responsible for furnishing the documentation. The documentation can be tests, personal or special knowledge of the source and composition of the used oil, or a certification from the person generating the used oil claiming that the oil contains no detectable PCBs. (40 CFR 761.20(e)(2)(i))
4. Used oil containing less than 50 ppm PCBs is an excluded PCB product, but is subject to restrictions on use of PCB containing oil as a fuel. (40 CFR 761.3 (4) and 761.20(e))
5. Used oil containing less than 50 ppm PCBs may be burned in an industrial/electrical utility boiler or industrial furnace and other equipment as defined in 40 CFR 260.10 or referenced in Volumes I or II of PB-87-173-837, National Technology Information Service (NTIS), without a federal permit. (40 CFR 761.20(e)(3))
6. Used oil containing any detectable quantities of PCBs (≥ 2 ppm) cannot be used as a sealant, coating, or dust control agent and cannot be burned in a non-industrial boiler or furnace (boilers in hotels, offices, laundries, service stations, greenhouses, colleges, hospitals, schools, prisons, etc.). (40 CFR 761.20(d))
7. RCRA approved boilers (industrial boilers and electric utilities) and industrial furnaces (cement kilns, phosphate kilns, aggregate kilns, blast furnaces, asphalt plants, phosphate rock dryers, etc.) are among the facilities that can burn used oil with less than 50 ppm PCBs for energy recovery. They can only burn used oil while operating at their normal temperature. They cannot burn used oil containing PCBs during startup or shutdown. (40 CFR 761.20(e)(3))

John Ruddell
March 31, 1994
Page Three

8. Automobile manufacturers may burn used oil containing PCBs that they generate in their own space heaters. Other space heaters are not allowed to burn used oil containing detectable quantities of PCBs (≥ 2 ppm). (40 CFR 761.20(e)(1)(iii))
9. An eligible burner (person burning the used oil) must provide the marketer (person selling the used oil) with a one time written notice certifying that he will burn the used oil that is presumed to contain low concentrations of PCBs (2 to 50 ppm) in a qualified combustion device (40 CFR 279.61 and 40 CFR 260.10). The notice must state that EPA has been given a description of the used oil management activities and an industrial/electrical utility boiler or industrial furnace will be used to burn the oil. (40 CFR 761.20(e)(3))

Our only grounds at this time to limit the burning of used oil containing less than 50 ppm PCBs would need to be based on federal regulations or public health concern. The applicant will need to furnish the maximum PCBs content of the used oil that the source will burn for the Department to determine which regulations are applicable. Only industrial/electric utility boilers and industrial furnaces can burn used oil containing 2 to 50 ppm PCBs in Florida. EPA has concluded that the burning of used oil containing less than 50 ppm in an utility or industrial boiler and furnace is unlikely to cause unreasonable risk of injury to human health or the environment.

Based on this information, the Division of Air Resources Management has concluded that the burning of used oil with a PCB content of less than 50 ppm is allowed in a industrial/electric utility boiler or an industrial furnace by the federal regulations. "On-specification" used oil containing less than 2 ppm PCBs can be burned in any combustion device (industrial or nonindustrial) if authorized by a Department permit. The PCB content shall be determined using EPA, DEP, or ASTM approved methods.

For used oil containing 1 to 50 ppm PCBs, the Department's air permits must specifically state in a permit condition that used oil can be burned and if the used oil is "on-specification" or "off-specification". It should specify the maximum concentration of PCBs (<50 ppm unless otherwise specified by the applicant). It should also include the maximum quantity of used oil to be burned. The permit shall also require a copy of any applicable marketer's notice or EPA notification for the Department's files. No additional public notice shall be required for a source as described above to burn used oil containing up to 50 ppm PCBs.

HLR/CHF/WW

OERTEL, HOFFMAN, FERNANDEZ & COLE, P. A.

ATTORNEYS AT LAW

TIMOTHY P. ATKINSON
M. CHRISTOPHER BRYANT
R. L. CALEEN, JR.
C. ANTHONY CLEVELAND
TERRY COLE
ROBERT C. DOWNIE, II
SEGUNDO J. FERNANDEZ
KENNETH F. HOFFMAN
KENNETH G. OERTEL
PATRICIA A. RENOVITCH
SCOTT SHIRLEY
THOMAS G. TOMASELLO
W. DAVID WATKINS

SUITE C
2700 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32301

MAILING ADDRESS:
POST OFFICE BOX 6507
TALLAHASSEE, FLORIDA 32314-6507

TELEPHONE (904) 877-0088
FACSIMILE (904) 877-0981

NORMAN H. HORTON, JR.
OF COUNSEL

JOHN H. MILLICAN
ENVIRONMENTAL CONSULTANT
(NOT A MEMBER OF THE FLORIDA BAR)

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

RECEIVED

SEP 20 1994

Bureau of
Air Regulation

VIA FACSIMILE
922-6979

September 15, 1994

Mr. Bruce Mitchell
Bureau of Air Regulation
Department of Environmental Protection
2700 Blair Stone Road
Tallahassee, FL 32301

Dear Bruce:

With respect to the proposed DEP amendment to Florida Crushed Stone Company's Permit AC27-222095 and PSP-FL-091(E), Hernando County suggests that the following language be utilized for new Specific Condition No. 20:

Specific Condition No. 20.: (New)

The burning of used oil containing polychlorinated biphenyls is prohibited. Within 30 days from the date this condition becomes final, the permittee shall conduct a one-time test of a representative sample of its on-site generated on-specification used oil to confirm that such used oil does not contain polychlorinated biphenyls. The test method utilized by permittee in this regard shall have a minimum detection limit of less than or equal to 2 ppm.

This language appears to be appropriate since Florida Crushed Stone is restricted to utilizing on-specification used oil as a start-up fuel only.

Mr. Bruce Mitchell
September 15, 1994
Page 2

Thank you for your assistance in this regard. Please do not hesitate to call me if you have any questions regarding this proposed language.

Sincerely,

C. Anthony Cleveland 
C. Anthony Cleveland

CAC/dg/1579
C:\Work1\MitchLt.CAC



FLORIDA CRUSHED STONE COMPANY

RECEIVED

OCT 17 1994

October 11, 1994

Bureau of
Air Regulation

Mr. Bruce Mitchell
Florida Department of Environmental Protection
Twin Towers Bld.
2600 Blair Stone Rd.
Tallahassee, Fl. 32399-2400

Re: Used Oil PCB Test - FCS Cement Plant

Mr. Mitchell:

Attached is a copy of the PCB test results from the sample taken from the used transfer tank at the FCS Cement Plant located in Hernando County, Florida. This is the same sample table last month that yielded results which proved the used oil was "on - spec" according to permit conditions.

The PCB test results indicate no detectable levels of PCBs in the used oil at the FCS Cement Plant. These results should be sufficient in responding to Hernando County concerns. No further amendment to the FCS Kiln permit should be necessary.

Sincerely,

A handwritten signature in cursive script that reads "Tom Mountain".

Tom Mountain
Environmental Manager

copy w/attachments L. Jennings, HCPD
L. Garcia, HCPD



Progress Environmental Laboratories

4420 Pendola Point Road
 Tampa, Florida 33619
 (813) 247-2805
 FAX: (813) 248-1537

- CERTIFICATE OF ANALYSIS -
 (HRS #E84207 and FDER CompQap #900306G)

To: Florida Crushed Stone
 10311 Cement Plant Road

Report Date: 9/15/94
 Page: 1

Brooksville, FL 34601

Attn: Butch Wheeler

PEL Lab # : 9409-00074-1
 Client ID : Waste Oil
 Project ID :
 Location : Fl Crushed Stone
 Matrix : Oil

Collection Information:
 Sample Date: 6/28/94
 Sample Time: 0:00
 Sampled By: Client
 Sample Quality:

**EPA 8080 PERFORMED OUT OF HOLDING TIME.

ND = Less than MDL

Parameter	Method	Results	Units	MDL
PCB	EPA 8080			
PCB-1016	EPA 8080	ND	ug/kg	1000.0
PCB-1221	EPA 8080	ND	ug/kg	1000.0
PCB-1232	EPA 8080	ND	ug/kg	1000.0
PCB-1242	EPA 8080	ND	ug/kg	1000.0
PCB-1248	EPA 8080	ND	ug/kg	1000.0
PCB-1254	EPA 8080	ND	ug/kg	500.0
PCB-1260	EPA 8080	ND	ug/kg	500.0

Respectfully submitted,
 Vincent M. Giampa, Laboratory Supervisor.