

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, 1989

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. James K. Poucher, President
CleanSoils Inc.
14120 23rd Avenue North
Minneapolis, Minnesota 55447

Dear Mr. Poucher:

Attached is one copy of the Technical Evaluation and Preliminary Determination and proposed permit to construct a soil remediation unit for operation throughout Florida.

Please submit any written comments you wish to have considered concerning the Department's proposed action to Mr. Bill Thomas of the Bureau of Air Regulation.

Sincerely,

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

CHF/WH/t

Attachments

cc: Gordon Dean, BWC
District Air Program Directors
County Program Air Sections
David Brashears, P.E.
Bruce Miller, EPA

P 938 762 714

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

Sent to Mr. James K. Poucher, Clean-	
Street and No. 14120 23rd Avenue North	
P.O., State and ZIP Code Minneapolis, Minnesota 55447	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date Mailed: 10-11-89 Permit: AC 48-166670	

PS Form 3800, June 1985

<p>● SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.</p> <p>1. <input type="checkbox"/> Show to whom delivered, date, and addressee's address. (Extra charge) 2. <input type="checkbox"/> Restricted Delivery (Extra charge)</p>	
3. Article Addressed to: Mr. James K. Poucher, President CleanSoils Inc. 14120 23rd Avenue North Minneapolis, Minnesota 55447	4. Article Number P 938 762 714 Type of Service: <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
5. Signature - Address X	Always obtain signature of addressee or agent and DATE DELIVERED.
6. Signature - Agent X <i>Debra L. Warm</i>	8. Addressee's Address (ONLY if requested and fee paid)
7. Date of Delivery 10-17-89	

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

In the Matter of
Application for Permit by:

CleanSoils Inc.
14120 23rd Avenue North
Minneapolis, Minnesota 55447

DER File No. AC 48-166670

INTENT TO ISSUE

The Department of Environmental Regulation hereby gives notice of its intent to issue a permit (copy attached) for the proposed project as detailed in the application specified above. The Department is issuing this Intent to Issue for the reasons stated in the attached Technical Evaluation and Preliminary Determination.

The applicant, CleanSoils Inc., applied on June 26, 1989, to the Department of Environmental Regulation for a permit to construct a portable 60 TPH soil remediation unit for operation throughout Florida.

The Department has permitting jurisdiction under Chapter 403, Florida Statutes, and Florida Administrative Code Rules 17-2 and 17-4. The project is not exempt from permitting procedures. The Department has determined that an air construction permit is required for the proposed work.

Pursuant to Section 403.815, F.S., and DER Rule 17-103.150, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Issue Permit. The notice shall be published one time only within 30 days in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. The applicant shall provide proof of publication to the Department, at the address specified within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

The Department will issue the permit with the attached conditions unless a petition for an administrative proceeding (hearing) is filed pursuant to the provisions of Section 120.57, F.S.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Petitions filed by the permit applicant and the parties listed below must be filed within 14 days of receipt of this intent. Petitions filed by other persons must be filed within 14 days of publication of the public notice or within 14 days of receipt of this intent, whichever first occurs. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The Petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;

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

(c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;

(d) A statement of the material facts disputed by Petitioner, if any;

(e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;

(f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and

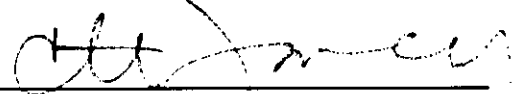
(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the application(s) have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office in General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such

person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION



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

Copies furnished to:

Gordon Dean, BWC
District Air Program Directors
County Program Air Sections
David Brashears, P.E.
Bruce Miller, EPA

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this NOTICE OF INTENT TO ISSUE and all copies were mailed before the close of business on 10-11-89.

FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to
§120.52(9), Florida Statutes, with
the designated Department Clerk,
receipt of which is hereby
acknowledged.

Lyndee Deben
Clerk

10-11-89
Date

State of Florida
Department of Environmental Regulation
Notice of Intent to Issue

The Department of Environmental Regulation hereby gives notice of its intent to issue a permit to CleanSoils Inc., 14120 23rd Avenue North, Minneapolis, MN 55447, to construct a portable 60 TPH soil remediation unit with air pollution controlled by a baghouse and afterburner. The unit will be authorized to operate in any county in Florida. Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER) determinations were not required. The unit may emit 1.2 TPY particulate matter, 14.4 TPY VOC, and 2.3 TPY NO_x. These emissions will not cause a violation of any ambient air quality standard or Prevention of Significant Deterioration (PSD) increment.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within fourteen (14) days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The Petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;

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

(c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;

(d) A statement of the material facts disputed by Petitioner, if any;

(e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;

(f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and

(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Regulation
Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Dept. of Environmental Regulation
Northwest District
160 Governmental Center
Pensacola, Florida 32501-5794

Dept. of Environmental Regulation
Southwest District
4520 Oak Fair Boulevard
Tampa, Florida 33610-7347

Dept. of Environmental Regulation
South Florida District
2269 Bay Street
Ft. Myers, Florida 33901-2896

Dept. of Environmental Regulation
Northeast District
3426 Bills Road
Jacksonville, Florida 32207

Dept. of Environmental Regulation
Central Florida District
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803-3767

Dept. of Environmental Regulation
Southeast Florida District
1900 S. Congress Avenue, Suite A
West Palm Beach, Florida 33406

Broward County Environmental Quality
Control Board
621 South Andrews Avenue
Ft. Lauderdale, Florida 33310

Dade County Dept. of Environmental
Resources Management
Jose Marti Building
801 S.W. 3rd Avenue, 2nd Floor
Miami, Florida 33130

Duval County Dept. of Health, Welfare
and Bio-Environmental Services
421 West Church Street, Suite 412
Jacksonville, Florida 32202

Environmental Protection Commission of
Hillsborough County
1410 North 21st Street
Tampa, Florida 33605

Palm Beach County Health Dept.
Division of Environmental Science
and Engineering
901 E. Evernia Street
West Palm Beach, Florida 33402

Pinellas County Department of
Environmental Management
315 Court Street
Clearwater, Florida 34616

Sarasota County Environmental
Services Department
1301 Cattleman Road
Sarasota, Florida 33582-9631

Orange County Environmental
Protection Department
2002 E. Michigan Avenue
Orlando, Florida 32806

Any person may send written comments on the proposed action to Mr. Bill Thomas at the Department's Tallahassee address. All comments mailed within 14 days of the publication of this notice will be considered in the Department's final determination.



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

PERMITTEE:
CleanSoils Inc.
14120 23rd Avenue N.
Minneapolis, MN 55447

Permit Numbers: AC 48-166670
Expiration Date: July 15, 1990
County: Statewide Operation
Project: 60 TPH Portable Rotary
Kiln/Afterburner System

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 17-2 and 17-4. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

Authorization to construct a 60 TPH portable rotary kiln/afterburner system. The unit consists of a hopper/screen feed system, a rotary kiln (5'4" diameter x 20' long), knock-out box (400 ft³), quench chamber, Gencor baghouse (2260 ft² of filter area), ID fan (11,500 ACFM), afterburner (6' diameter x 34' Ht.), conveyors, and fuel systems (No. 2 fuel oil and propane).

The unit may operate throughout the state (all counties) after transfer of a valid permit to operate that authorizes its use at the new location.

The source shall be constructed in accordance with the permit application, plans, documents, amendments and drawings, except as otherwise noted in the General and Specific Conditions.

Attachments are listed below:

1. Application received Bureau of Air Regulation on June 26, 1989.
2. DER letter dated July 13, 1989.
3. Protox letter dated August 21, 1989.

PERMITTEE:
CleanSoils Inc.
GENERAL CONDITIONS:

Permit Number: AC 48-166670
Expiration Date: July 15, 1990

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgement of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

PERMITTEE:
CleanSoils Inc.
GENERAL CONDITIONS:

Permit Number: AC 48-166670
Expiration Date: July 15, 1990

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:

- a. Have access to and copy any records that must be kept under the conditions of the permit;
- b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
- c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

- a. a description of and cause of non-compliance; and
- b. the period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

PERMITTEE:
CleanSoils Inc.
GENERAL CONDITIONS:

Permit Number: AC 48-166670
Expiration Date: July 15, 1990

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.73 and 403.111, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

11. This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 17-4.120 and 17-30.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

13. The permittee shall comply with the following:

- a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
- b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

PERMITTEE:
CleanSoils Inc.

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GENERAL CONDITIONS:

c. Records of monitoring information shall include:

- the date, exact place, and time of sampling or measurements;
- the person responsible for performing the sampling or measurements;
- the dates analyses were performed;
- the person responsible for performing the analyses;
- the analytical techniques or methods used; and
- the results of such analyses.

14. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

SPECIFIC CONDITIONS:

1. The permittee shall furnish the available information listed in Specific Condition No. 24 prior to operating the portable rotary kiln/afterburner system at its initial site. This permit requires compliance with any applicable local (county) regulations.

2. Only No. 2 fuel oil containing a maximum of 0.5% sulfur and propane shall be used as fuel for this unit. Maximum permitted fuel oil consumption is 162 GPH (22.1 MMBtu/hr). Maximum permitted propane consumption is 128 GPH (11.0 MMBtu/hr).

3. This unit shall be allowed to operate 8 hours per day, 5 days per week, 20 weeks/yr or 800 hrs/year. The permittee shall maintain a log that shows the unit's operation time during the preceeding 12 months. All required records must be available for inspection at the job site for the unit within 3 working days of a request by the Department.

4. Quench chamber water shall not be discharged to the waters of Florida.

5. Maximum soil charging rate to the unit shall not exceed 60 TPH. The permittee shall have means to determine the feed or production rate on site.

6. Only soils contaminated with virgin (non-recycled) petroleum products and "on-spec" used oil (see Specific Condition No. 7) shall be treated in this unit unless otherwise approved by the Local or District Air Program Administrator. The portable

PERMITTEE:
CleanSoils Inc.

Permit Number: AC 48-166670
Expiration Date: July 15, 1990

SPECIFIC CONDITIONS:

rotary kiln/afterburner system shall neither be used to thermally process materials that are listed in 40 CFR 261.31, 261.32, 261.33 (revised as of July 1, 1988) nor materials that have the hazardous characteristics of corrosivity, reactivity, EP toxicity, and ignitability. Prior to the acceptance of contaminated materials for processing, the permittee shall provide the Department with reasonable assurance that the soil is contaminated with only virgin petroleum products, i.e., certification from the generator that the material is not classified as a hazardous waste pursuant to the federal regulations cited in this specific condition. To obtain approval to treat soils contaminated with other materials, the permittee shall submit soil analysis results and calculations to the Local or District Air Program Administrator which show the impact of the emissions will not exceed the acceptable ambient air concentration (AAC) or violate any permit condition or regulation.

7. The following constituents of the virgin or "on-spec" petroleum products that contaminated the soil shall not be exceeded:

<u>Constituent</u>	<u>Allowable Level (max. ppm in oil)</u>
Arsenic	5
Cadmium	2
Chromium	10
Lead	100
<u>Total Halogens</u>	<u>4000</u>

To demonstrate compliance with Specific Condition No. 7, the petroleum product(s) responsible for contamination of the soil shall be tested for the listed contaminants. Test results shall be sent to the appropriate Department district office and approved local program at least 15 days prior to any soil remediation. This test may be waived by regulatory agencies if the owner or operator of the site can demonstrate that only virgin petroleum products are responsible for contamination of the site.

8. Unless the Department has determined other concentrations are required to protect public health and safety, predicted ambient air impact of any toxic pollutant, as determined by the PTPLU 6 model or other DER BAQM approved models, shall not exceed the concentration calculated by the following formula:

$$AAC = \frac{40}{X} \cdot \frac{1}{\text{safety factor}} \quad (\text{OEL})$$

where,

AAC = acceptable ambient concentration

PERMITTEE:
CleanSoils Inc.

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SPECIFIC CONDITIONS:

Safety Factor = 100 for category A substances and
50 for category B substances

X = 40 or the hours/week or actual operation,
whichever is larger

OEL - Occupational exposure level such as ACGIH, OSHA,
and NIOSH published standards for toxic materials.

(TWA-TLV) is the threshold limit value (8 hrs/day,
40 hrs/wk) maximum exposure concentration considered
safe for workers by the ACGIH.

Data in the application shows that, for continuous
operation, an emission of 1 gram/sec will have a maximum
ambient impact of 0.01 mg/m³ (8 hr. avg).

Maximum allowable = $\frac{\text{AAC mg/m}^3}{0.01}$
Emissions (g/sec)

9. Benzene emissions shall not exceed 5.6 lbs/hr. Total VOC emissions shall not exceed 36 lbs/hr. Compliance shall be determined from soil analysis, production rate, and the afterburner destruction efficiency which shall be established by a Method 25 test (40 CFR 60, Appendix A, revised as of July 1, 1988) or other test method as approved by the Department.

10. Sampling and analysis of the contaminated soil at each site, based on the procedures prescribed in SW-846, shall be conducted prior to remediation. Minimum number of composite samples for analysis for benzene and volatile organic compounds (VOC) at each site prior to remediation shall be as follows:

<u>Soil Quantity (yards³)</u>	<u>No. of Composite Samples</u>
Less than 100	1
100 to 500	3
500 to 1000	5
Over 1000	9

The degree of treatment of the soil and its disposal must comply with the Bureau of Waste Cleanup policy. Presently, this requires that the soil exiting the dryer be sampled on an hourly basis during operation and an analysis of a daily composite sample made up of the hourly samples shall be performed for benzene, toluene, ethyl benzene, and xylenes concentration using EPA Method 5030/8020, and total recoverable petroleum hydrocarbon concentration using EPA Method 418.1. Records shall be kept on

PERMITTEE:
CleanSoils Inc.

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SPECIFIC CONDITIONS:

the date, time, and number of samples taken for each composite sample. Test results shall be sent to the appropriate Department district office and approved local air program within 15 working days of such testing. All soil samples taken at the remediation site and exiting the soil dryer shall be stored in a sealed glass container immediately upon sampling. Disposal of the treated soil must comply with the Bureau of Waste Cleanup policy on remedial action at petroleum contaminated sites.

11. Any analysis required by Specific Condition No. 10 which indicates a potential violation of any condition in this permit shall be reported as soon as feasible to the appropriate Department's District Air Program Administrator and DER approved local air program. An average concentration of benzene above 783 ppm in the soil or total hydrocarbons above 5,000 ppm indicate a violation of this permit. The soil may be decontaminated provided no condition of this permit is violated. This can be accomplished by operating at less than the 60 TPH production rate, or other means with prior approval of the Department. The permittee must propose the method of compliance with this permit.

12. The operation of this source shall not result in the emissions of air pollutants which cause or contribute to an objectionable odor pursuant to F.A.C. Rule 17-2.600(c)2. Objectionable odor is defined as any odor present in the outdoor atmosphere which, by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance pursuant to F.A.C. Rule 17-2.100(131).

13. Reasonable precautions shall be used to minimize unconfined emissions of particulate matter generated by this operation (F.A.C. Rule 17-2.610(3)). This includes hauling the soil in covered trucks and keeping the work areas wet where the soil is being removed and treated.

14. The stack sampling facilities must comply with F.A.C. Rule 17-2.700(4).

15. Particulate matter emissions from this process shall neither exceed 0.08 grains/dscf corrected to 50% excess air nor 3.0 lbs/hr. Visible emissions from any part of the process shall not exceed 5% opacity. The exhaust stack for this process must be tested concurrently for particulate matter and visible emissions by EPA Methods 5 and 9 pursuant to 40 CFR 60, Appendix A, revised as of July 1, 1988, within 5 days after placing the unit in

PERMITTEE:
CleanSoils Inc.

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SPECIFIC CONDITIONS:

commercial operation under this permit and annually thereafter. Operating at each subsequent site requires an EPA Method 9 test to be performed within 3 days of placing the unit in service.

16. This source must be tested at the maximum process weight rate at which the permittee intends to operate. Operation at rates that are more than 10 percent above the tested rate will require the Department to be notified and, within 15 days, the source must be tested for compliance at this higher rate by appropriate test methods. The unit shall not operate above the maximum permitted rate of 60 TPH.

17. When the Department, after investigation, has good reason (such as complaints, increased visible emissions, or questionable maintenance of control equipment) to believe that any applicable emission standard contained in Chapter 17-2, F.A.C., or in this permit is being violated, it may require the owner or operator of the source to conduct compliance tests which identify the nature and quantity of pollutant emissions from the source and to provide a report on the results of said tests to the Department.

18. The appropriate Department district office and, if applicable, the Department approved local air program office, shall be notified in writing at least 15 days in advance of any compliance test to be conducted on this source.

19. A differential pressure gauge to measure the pressure drop across the baghouse and a thermocouple to measure the temperature in the afterburner shall be installed on this unit and its readings recorded during any compliance test.

20. There shall be no discharge of liquid effluent or contaminated runoff to surface or ground water without prior approval from the Department. Untreated soil removed from the ground shall be stored under waterproof covers and on an impermeable surface.

21. The system shall be properly operated and maintained (Rule 17-2.210(2), F.A.C.). No person shall circumvent any pollution control device or allow the emissions of air pollutants without the applicable air pollution control device operating properly (Rule 17-2.240, F.A.C.).

22. All required test reports, except stack tests for PM and VOC, shall be filed with the Department as soon as practical but no later than 15 working days after the last sampling run of each test is completed (F.A.C. Rule 17-2.700 (7)(a), (b) and (c)). Stack test results shall be submitted within 45 days of the test.

PERMITTEE:
CleanSoils Inc.

Permit Number: AC 48-166670
Expiration Date: July 15, 1990

SPECIFIC CONDITIONS:

23. The construction shall reasonably conform to the plans and schedule submitted in the application.

24. This unit shall not be operated at any other site until its operation permit is transferred to authorize its use at the new site. At least 15 days prior to relocating the unit, the permittee shall notify the Air Program Administrator in the appropriate Department District office and approved local air program that the unit is being relocated. This notification shall provide the permit number of the unit, a copy of the last stack test report, the date of the proposed move, the new site for the unit, and the locations and contamination levels of the soils to be treated. The unit is permitted to operate in any county in Florida.

25. The permittee, for good cause, may request that this construction permit be extended. Such a request shall be submitted to the Bureau of Air Regulation prior to 60 days before the expiration of the permit (F.A.C. 17-4.090).

26. An application for an operation permit must be submitted to the District office where the initial compliance tests were conducted and the Bureau of Air Regulation office at least 90 days prior to the expiration date of this construction permit or within 45 days after completion of compliance testing, whichever occurs first. To properly apply for an operation permit, the applicant shall submit the appropriate application form, fee, certification that construction was completed noting any deviations from the conditions in the construction permit, and compliance test reports as required by this permit (F.A.C. 17-4.220).

Issued this _____ day
of _____, 1989

**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION**

Dale Twachtmann, Secretary