



Florida Department of Environmental Protection

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Jonathan P. Steverson
Secretary

May 24, 2016

Via Electronic Mail
rmanz@dacollins.com

Mr. Robert D. Manz, P.E.
ESMI of New York
304 Towpath Lane
Fort Edward, NY 12828

Re: **On-Site Thermal Treatment of contaminated soils and sediments
Thermal Desorption Unit (TDU)**

Dear Mr. Manz:

The Florida Department of Environmental Protection's Division of Waste Management (Division) hereby accepts the Thermal Desorption Unit (TDU) for the onsite thermal treatment of impacted by petroleum and other suitable contaminants soils and sediments.

The technology was originally accepted by the Division on May 17, 2005. The technology has not changed since that time. This letter does not replace or supersede the acceptance letter dated May 17, 2005. The subject letter's intent is to reflect the name of your firm (ESMI) as a provider of the on-site thermal treatments of contaminated soils and sediments via Thermal Desorption Units and address the changed numbering of some of the applicable Florida Administrative Code rules.

This acceptance applies only to the regulatory jurisdiction and the remediation needs of the Petroleum Restoration Program (PRP), which is the cleanup of petroleum contamination pursuant to Chapter 62-780, F.A.C. There are no objections to the use of the TDU provided the considerations of this letter are taken into account, and a site-specific Remedial Action Plan is submitted pursuant to Chapter 62-780, F.A.C. Applicable regulations are cited in Enclosure 1. Other agencies and local governments may choose to recognize this acceptance if their needs and regulations are similar. This Program, however, is not responsible for applications beyond its jurisdiction.

While the Department of Environmental Protection does not provide endorsement of specific remediation products or processes, it does recognize the need to determine their acceptability from a regulatory standpoint, and the interests of public health and safety. Vendors must then market the products and processes on their own merits regarding performance, cost, and safety in comparison to

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competing alternatives in the marketplace. In no way, however, shall this regulatory acceptance letter be construed as Department certification of performance. Additionally, the Department emphasizes a distinction between its regulatory “acceptance” letters and an approval. Products and processes are accepted but they are not approved.

Also, it is not a requirement that a particular remediation product or process have an official acceptance letter in order for it to be proposed in a site-specific Remedial Action Plan. The plan, however, must contain sufficient information about the product or process to show that it meets all applicable and appropriate rules and regulations.

The Department reserves the right to revoke its acceptance of a product or process if it has been falsely represented. Additionally, Department acceptance of any product or process does not imply it has been deemed applicable for all cleanup situations, or that it is preferred over other treatment or cleanup techniques in any particular case. A site-specific evaluation of applicability and cost-effectiveness must be considered for any product or process, whether conventional or innovative, and adequate site-specific design details must be provided in a Remedial Action Plan. If you have questions, please contact Elena Compton at (850) 245-8911, through Mail Station 4580 at the letterhead address, or by e-mail at Elena.Compton@dep.state.fl.us.

Sincerely,



Elena Compton, M.S., P.E.

Professional Engineer II

PRP Team 2, FDEP

850-245-8911

Enclosures: (1) Regulatory Information

ec: John Wright - FDEP, Tallahassee - John.Wright@dep.state.fl.us
Kenneth Busen – FDEP, Tallahassee - Kenneth.Busen@dep.state.fl.us

History:

05/17/2005 burlab #1307

05/24/2016 burlab #1542

REGULATORY INFORMATION

- a. Applicable cleanup target regulations: The onus is on ESMI and users of the TDU to comply with all applicable and appropriate rules and regulations. For soil remediation, the applicable chapters of the Florida Administrative Code (F.A.C.) include but are not necessarily limited to Chapter 62-777, for cleanup target levels, and 62-780, for petroleum cleanup.
- b. Permits: For on-site remediation of petroleum-contaminated soil by the TDU, pursuant to Section 62-780.700, F.A.C., under the authorization of a Department-approved site-specific Remedial Action Plan, no permit is needed.

However, if ESMI in the future should decide to market the TDU as a stationary or mobile, commercial soil treatment facility pursuant to Chapter 62-713, F.A.C., then a permit is needed for such a facility.

- c. Active Remediation phase: For onsite remediation of excavated soil by the TDU during the Active Remediation phase, Section 62-780.700, F.A.C., applies. An approved site-specific Remedial Action Plan is required, and the soil cleanup goals of Chapter 62-777, F.A.C., as referenced by Chapter 62-780, F.A.C., apply. The unconditional cleanup target levels for treated soil are the lower of the direct exposure residential cleanup target levels and the leachability-based cleanup target levels specified in Chapter 62-777, F.A.C., Table II. Treated soil that meets these cleanup target levels can be disposed either onsite or offsite, but responsible parties are advised that federal and local requirements may apply. Although there is an option for either onsite or offsite disposal of treated soil meeting these cleanup levels, the prudent course of action in most cases, from a liability standpoint, may be to return the treated soil to the same excavation pit from which it originated.
- d. Safety: As in any remediation project, the user is expected to pay attention to safety in both the design and operation of a TDU remediation system. This includes, but is not necessarily limited to, safety considerations in the following categories: fire, electrical, mechanical, personnel, the handling and compatibility of chemicals, air emissions, and passersby.