

● **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 boxes for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. Restricted Delivery
↑(Extra charge)↑

3. Article Addressed to:
Mr. John J. Wilson
Florida Tire Recycling, Inc.
10151 Range Line Rd.
Port St. Lucie, FL 34987

4. Article Number
P 149 169 520

Type of Service:
 Registered Insured
 Certified COD
 Express Mail

Always obtain signature of addressee on agent and DATE DELIVERED.

5. Signature - Addressee
X

8. Addressee's Address (ONLY if requested and fee paid)

6. Signature - Agent
X *Walter Plunk*

7. Date of Delivery
7-22-89



AB

JUL 25 1989

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

In the Matter of an
Application for Permit by:

Mr. John J. Wilson, Secretary-Treasurer /
Florida Tire Recycling, Inc. /
10151 Range Line Road /
Port St. Lucie, FL 34987 /

DER File No. WT 56-165345
St. Lucie County

INTENT TO ISSUE

The Department of Environmental Regulation hereby gives notice of its Intent to Issue a permit (draft 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 below.

The applicant, Mr. John J. Wilson of Florida Tire Recycling, Inc., applied on May 25, 1989 to the Department of Environmental Regulation for a permit to operate a waste tire processing facility.

The Department has permitting jurisdiction under Section 403.087, F.S. and Chapter 17-711, Florida Administrative Code. The project is not exempt from permitting procedures. The Department has determined that a solid waste permit is required for the proposed work.

Pursuant to Sections 403.815, F.S., and DER Rule 17-103.150, you (the applicant) are required to publish at your own expense the enclosed Notice of Proposed Agency Action on permit application. The notice must be published one time only in the legal advertisement section of a newspaper meeting the requirements of Section 50.011 and 50.031, F.S. and having general circulation in the county in which the project is located. Proof of publication must be provided to the Department within seven (7) days of publication of the notice. 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 specific 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, F.S. Petitions shall be in the format required by F.A.C. Rules 17-103.155 and be filed with (received) in the Office of the General Counsel of the

Mr. John J. Wilson, Secretary-Treasurer /
Florida Tire Recycling, Inc.

DER File No. 56-165345
St. Lucie County

Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Petitions filed by the permit applicant must be filed within fourteen (14) days of receipt of this intent. Petitions filed by other persons must be filed within fourteen (14) days of publication of the public notice or within fourteen (14) days of receipt of this intent, whichever first occurs. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative proceeding under Section 120.57, F.S., concerning the subject permit application. If a petition is filed that does not substantially comply with the requirements of F.A.C. Rule 17-103.155(2), the Department shall issue an order dismissing the petition with leave to file an amended petition complying with the requirements of this rule within 15 days of service of the order. If an amended petition complying with this rule is not filed (received) within 15 days of service of the order, the petitioner's right to a proceeding under Section 120.57 F.S., is waived.

DONE AND ENTERED this 24th day of July, 1989 in the City of West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL
REGULATION

J. Scott Benyon
J. Scott Benyon
Deputy Assistant Secretary
1900 South Congress Ave.,
Suite A
West Palm Beach, FL 33406

JSB:jlh/24

Copies furnished to:

cc: Chris McGuire, Office of General Counsel/Tlh.
Bill Parker, Solid Waste, Tlh.
J. P. Terpening, Culpepper & Terpening

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 the date indicated on the return receipt request form.

Mary A. Smith

Signature 7/25/89

NOTICE OF INTENT TO ISSUE PERMIT

The Department of Environmental Regulation gives notice of its intent to issue a permit to John J. Wilson to operate a waste tire processing facility. The project site is located at 10151 Range Line Road, Port St. Lucie, St. Lucie County, Florida.

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, F.S. 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 (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 (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, 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 the Southeast Florida District Office, 1900 South Congress Avenue, Suite A, West Palm Beach, Florida 33406.



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Florida Department of Environmental Regulation

Southeast District • 1900 S. Congress Ave., Suite A • West Palm Beach, Florida 33406 • 407-964-9668

Bob Martinez, Governor

Dale Twachtmann, Secretary

John Shearer, Assistant Secretary

Scott Benvon, Deputy Assistant Secretary

PERMITTEE:

Mr. John J. Wilson, Secretary-Treasurer
Florida Tire Recycling, Inc.
10151 Range Line Road
Port St. Lucie, FL 34987

I.D. NUMBER:

PERMIT/CERTIFICATION NUMBER: WT 56-165345
DATE OF ISSUE:
EXPIRATION DATE: June 30, 1990
COUNTY: St. Lucie County
LATITUDE/LONGITUDE: 27°15'22"/80°29'00"W
SECTION/TOWNSHIP/RANGE: 1 - 37S - 38E
PROJECT: Waste Tire Processing Facility

This permit is issued under the provisions of Chapter 403.087, Florida Statutes, and Florida Administrative Code Rule 17-711.530. 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:

TO OPERATE: An existing 6,000 square foot recycling facility, processing a maximum of 50 tons/day of waste tires. The facility tranships approximately 33 per cent of the waste tire casings to retreading facilities or for conversion into patented rubber products through refabrication processes. The balances of the tires are shredded and shipped overseas as a tire-derived fuel.

IN ACCORDANCE WITH: An application to operate a Waste Tire Processing Facility dated May 23, 1989 along with engineering plans and drawings.

LOCATED AT: 10151 Range Line Road, Port St. Lucie, St. Lucie County, Florida.

TO SERVE: Florida

SUBJECT TO: General Conditions 1-15 and Specific Conditions 1-6.

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PERMITTEE:
Mr. John J. Wilson, Secretary-Treasurer
Florida Tire Recycling, Inc.

I.D. NUMBER:
PERMIT/CERTIFICATION NUMBER: WT 56-165345
DATE OF ISSUE:
EXPIRATION DATE: June 30, 1990

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the permittee and enforceable pursuant to the authority of Sections 403.161, Florida Statutes. The permittee is hereby placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of the "Permit Conditions" by the permittee, its agents, employees, servants or representatives.
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), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor 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 does not constitute 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, plant or aquatic life or property and penalties therefor caused by the construction or operation of this permitted source, 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.
6. The permittee shall at all times 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.
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, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:
 - a. Having access to and copying any records that must be kept under the conditions of the permit;
 - b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and
 - c. Sampling or monitoring 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 the permit, the permittee shall immediately notify and provide the Department with the following information:
 - a. a description of and cause of non-compliance; and
 - b. the period of non-compliance, including exact 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:
Mr. John J. Wilson, Secretary-Treasurer
Florida Tire Recycling, Inc.

I.D. NUMBER:
PERMIT/CERTIFICATION NUMBER: WT 56-165345
DATE OF ISSUE:
EXPIRATION DATE: June 30, 1990

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GENERAL CONDITIONS:

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 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 arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.73 and 403.111, Florida Statutes.
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 17-730.300, 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 is required to be kept at the work site of the permitted activity during the entire period of construction or operation.
13. This permit also constitutes:
 - () Determination of Best Available Control Technology (BACT)
 - () Determination of Prevention of Significant Deterioration (PSD)
 - () Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500)
 - () Compliance with New Source Performance Standards
14. The permittee shall comply with the following monitoring and record keeping requirements:
 - a. Upon request, the permittee shall furnish all records and plans required under Department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the Department, during the course of any unresolved enforcement action.
 - b. The permittee shall retain 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), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rule.
 - 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 date(s) analyses were performed;
 - the person responsible for performing the analyses;
 - analytical techniques or methods used; and
 - results of such analyses.
15. 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 submitted or corrected promptly.

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PERMITTEE:
Mr. John J. Wilson, Secretary-Treasurer
Florida Tire Recycling, Inc.

I.D. NUMBER:
PERMIT/CERTIFICATION NUMBER: WT 56-165345
DATE OF ISSUE:
EXPIRATION DATE: June 30, 1990

SPECIFIC CONDITIONS:

1. The permittee shall not accept any waste tires for processing when this facility has reached its storage limit. The storage limit for this facility is 1500 tons/day (based upon 30 times the daily through-put of the processing equipment used).
2. The permittee shall process, remove for disposal, recycle or dispose of in a permitted solid waste management facility at least 75 per cent of both the waste tires and processed tires that are delivered to or are contained on the site of the waste tire processing facility at the beginning of each calendar year (January).
3. Processed tires stored for recycling or disposal shall be cut into at least eight (8) substantially equal pieces.
4. The permittee shall submit to the Department an annual report on DER Form 17-711.900(4), that summarizes all of the information collected under subsection 17-711.530(3)(c), FAC, which is attached as Exhibit I.
5. All waste tires and processed tires shall be stored in accordance with the waste tire site requirements in Rule 17-711.510, FAC, which is attached as Exhibit II.
6. The permittee shall apply for a renewal of this permit at least sixty (60) days prior to the expiration date.

Issued this _____ day of _____, 1989

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

J. Scott Benyon
Deputy Assistant Secretary



Florida Department of Environmental Regulation

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

DER Form # 17-711-9004
Form Title Waste Tire Processing Facility Annual Report
Effective Date February 22 1989
DER Application No (Filed in by DER)

EXHIBIT I

Waste Tire Processing Facility Annual Report

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Pursuant to Rule 17-711.530, Florida Administrative Code, the owner or operator of a waste tire processing facility shall submit the following information to the Department annually.

- 1. Facility name:
2. Facility mailing address:
City County Zip
3. Facility permit number:
4. Facility telephone number: ()
5. Authorized person preparing report:
6. Affiliation with facility:
7. Telephone number (if different from above): ()
8. The year covered by the report:
9. Quantity of waste tires or processed tires, expressed in tons, received at the facility during the calendar year covered by the report (assume 100 tires per ton or 10 tires per cubic yard): tons
10. Quantity of waste tires or processed tires, expressed in tons, shipped from the facility during the calendar year covered by the report (assume 100 tires per ton or 10 tires per cubic yard): tons
11. Quantity of waste tires and processed tires, expressed in tons, located at the facility at the beginning of the calendar year covered by the report (assume 100 tires per ton or 10 tires per cubic yard): tons
12. Describe the general disposition of waste tires, processed tires, and residuals shipped from the facility during the year covered by the report:
% Shipped for disposal in a permitted solid waste management facility.
% Shipped to retreader.
% Shipped to another processing facility.
% Shipped to fuel user.
% Shipped to recycling end user. Describe type of recycling use:
% Other. Explain.

- 13. Attach the most recent closure cost estimate prepared using the criteria in Rule 17-711.510, F.A.C.
14. Certification:
To the best of my knowledge and belief, I certify the information provided in this report is true, accurate and complete.

Name of Authorized Agent Signature of Authorized Agent Date

Mail completed form to the appropriate district office listed below.

CHAPTER 17-711
WASTE TIRE RULE

- 17-711.100 Intent.
- 17-711.200 Definitions.
- 17-711.300 Waste Tire Permit Requirements.
- 17-711.310 Waste Tire Permit Exemptions.
- 17-711.320 Waste Tire Account; Priorities, Uses and Allocation of Funds.
- 17-711.321 Department Funding of Abatement.
- 17-711.400 Waste Tire Prohibitions.
- 17-711.500 Waste Tire Site Notification.
- 17-711.510 Waste Tire Site Requirements.
- 17-711.520 Waste Tire Collector Requirements.
- 17-711.530 Waste Tire Processing Facility Requirements.
- 17-711.540 Storage Requirements.
- 17-711.700 Closure.
- 17-711.801 General Permits.
- 17-711.900 Forms.

17-711.100 Intent. It is the purpose of this rule to protect the public health, welfare and the environment by providing for the regulation of waste tire storage, collection, transport, processing and disposal.

Specific Authority: 403.704, F.S., Chapter 88-130, Section 41, Laws of Florida.

Law Implemented: Chapter 88-130, Section 41, Laws of Florida.

History: New 2-19-89.

17-711.200 Definitions.

- (1) "Abatement" means a remedial action to process or remove waste tires for processing from a waste tire site.
- (2) "Department" means the Department of Environmental Regulation.
- (3) "Motor vehicle" means an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles as run only upon a track, bicycles, moped, or farm tractors and trailers.
- (4) "Person" means any and all persons, natural or artificial, including any individual, firm or association; any municipal or private corporation organized or existing under the laws of this state or any other; any county of this state; and any governmental agency of this state or the Federal government.
- (5) "Processed tire" means a waste tire that has been cut, shredded, burned or otherwise altered so that it is no longer whole.
- (6) "Quantity" means either weight, volume, or actual number of tires. For purposes of this rule, assume that there are 100 tires per ton and 10 tires per public yard.

17-711.100 -- 17-711.200(6)

- (7) "Residuals" means any liquids, sludges, metals, fabric or by-products resulting from the processing or storage of tires. Residuals do not include processed tires held for recycling or disposal, provided the conditions of Rule 17-711.530, F.A.C. are met.
- (8) "Tire" means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle.
- (9) "Tire disposal" means to deposit, dump, spill or place any waste tire, processed tire, or residuals into or upon any land or water. Tire disposal also includes the burning of any waste tire, processed tire, or residuals in a waste-to-energy facility, incinerator, or other facility used solely for the disposal of solid waste.
- (10) "Tire recycling" means any process by which waste tires, processed tires, or residuals are reused or returned to use in the form of products or raw materials.
- (11) "Waste tire" means a whole tire that is no longer suitable for its originally intended purpose because of wear, damage, or defect.
- (12) "Waste tire collection center" means a site where used or waste tires are collected from the public before being offered for recycling or disposal and where fewer than 1,000 tires are stored outdoors on the site on any given day.
- (13) "Waste tire collector" means a person who removes and transports waste tires or processed tires from one place to another over public highways.
- (14) "Waste tire processing facility" means a site where equipment is used to cut, burn, or otherwise alter whole waste tires so that they are no longer whole.
- (15) "Waste tire site" means a site at which 1,000 or more whole tires are accumulated in the outdoors.

Specific Authority: 403.704, F.S., Chapter 88-130, Section 41, Laws of Florida.

Law Implemented: Chapter 88-130, Section 41, Laws of Florida.

History: New 2-19-89.

17-711.300 Waste Tire Permit Requirements.

- (1) After July 1, 1989, waste tire processing facilities shall obtain a permit and shall meet the requirements for waste tire processing facilities in Rule 17-711.530, F.A.C.
- (2) After July 1, 1989, waste tire collection centers shall meet the general permitting requirements in Rule 17-711.801, F.A.C.
- (3) After July 1, 1989, waste tire collectors shall register with the Department and shall meet the requirements for waste tire collectors in Rule 17-711.520, F.A.C. Registration fees shall be \$25 per waste tire collection vehicle per year.

17-711.200(7) -- 17-711.300(3)

(4) After July 1, 1989, permitted solid waste management facilities shall have submitted existing permits for modification, pursuant to Rule 17-711.510, F.A.C., to authorize the storage and processing of waste tires if they maintain a waste tire site and process the waste tires for recycling or disposal. Conditions of certification for facilities certified before the effective date of this rule, pursuant to Chapter 403, Part II, Florida Statutes, shall be automatically modified pursuant to the provisions of Section 403.511(5)(a), F.S. No permit fee shall be required.

(5) By July 1, 1989, waste tire sites which are not an integral part of a waste tire processing facility or which do not meet the requirements of Rule 17-711.510(4), F.A.C. shall have closed in compliance with Rule 17-711.700, F.A.C. or shall have received a closure permit from the Department pursuant to Rule 17-711.700(4), F.A.C.

(6) All applications for permits, permit modifications, and registrations required by this rule for existing facilities or mobile operations shall be submitted to the Department within 90 days after the effective date of this rule unless otherwise indicated.

(7) All permits issued under this rule, except for general permits pursuant to Rule 17-711.801, F.A.C., must include an approved closure plan which meets the requirements of Rule 17-711.700, F.A.C.

(8) All permit applications shall be accompanied by the appropriate permit fee, as specified in Rule 17-4.050, F.A.C.
Specific Authority: 403.704, F.S., Chapter 88-130, Section 41, Laws of Florida.
Law Implemented: 403.707, F.S., Chapter 88-130, Section 41, Laws of Florida.
History: New 2-19-89.

17-711.310 Waste Tire Permit Exemptions. A permit is not required for:
(1) A tire retreading business, unless 1,000 or more waste tires are stored outdoors on the business premises;
(2) A single facility that, in the ordinary course of business, removes tires from motor vehicles, unless 1,000 or more waste tires are stored outdoors on the business premises; or
(3) A retail tire-selling business which is serving as a waste tire collection center, unless 1,000 or more waste tires are stored outdoors on the business premises.
Specific Authority: 403.704, F.S., Chapter 88-130, Section 41, Laws of Florida.
Law Implemented: Chapter 88-130, Section 41, Laws of Florida.
History: New 2-19-89.

17-711.320 Waste Tire Account; Priorities, Uses and Allocation of Funds.
Monies allocated to the Solid Waste Management Trust Fund from waste tire fees shall be accounted for separately in the Waste Tire Account, and shall be used in the following manner in order of priority:
17-711.300(4) -- 17-711.320

(1) Up to three percent of the fund may be used to pay Department costs for administering these funds and programs;
(2) Up to ten percent of the fund may be used to provide funding for research and demonstration projects relating to solving solid waste problems, resulting from waste tires;

(3) Up to forty percent of the fund may be used to provide funds for removal of tires from an illegal waste tire site when the site owner is financially incapable of complying with the law and
(4) Up to seventy percent of the fund may be used to provide grants to counties to accomplish the purposes set forth in section 43(1), Chapter 88-130, Laws of Florida. However, if in any one fiscal year less than seventy percent of the fund is used for such grants, any unused funds may be used by the Department for the purposes set forth in subsection (3) above.
Specific Authority: 403.704, F.S., Chapter 88-130, Section 41, Laws of Florida.
Law Implemented: Chapter 88-130, Sections 17 and 41, Laws of Florida.
History: New 2-19-89.

17-711.321 Department Funding of Abatement.
(1) Pursuant to Rule 17-711.320, F.A.C., the Department may use funds from the Waste Tire Account of the Solid Waste Management Trust Fund to provide for removal of tires from an illegal waste tire site when the owner is financially incapable of complying with the law.
(2) To be considered as "financially incapable of complying with the law," the owner of an illegal waste tire site must:

(a) Provide the Department with a reasonable estimate of the costs of complying with this rule; and
(b) Provide the Department with a reviewed financial statement from a Certified Public Accountant demonstrating that the owner does not have and cannot, through any effort, obtain sufficient funds to comply with this rule.

(3) By October 1 of each year, the Department shall compile a list of those waste tire sites which the Department may abate, and shall prioritize those sites based upon the threat posed to public health and the environment. The Department shall expend funds to abate waste tire sites only in order of priority, unless the Secretary of the Department finds that an emergency situation exists which requires immediate abatement to protect the public health or welfare, properly, of the environment. The Department shall consider the following criteria when prioritizing waste tire sites for abatement:

- (a) The size of the waste tire site;
- (b) The fire hazard posed by the waste tire site;
- (c) The public health and welfare threat posed by the waste tire site due to mosquito or rodent infestation;
- (d) The proximity of the waste tire site to populated areas;
- (e) The natural resources that may be affected by the waste tire site; and

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(f) The probability that the waste tire site will be abated without Department funding.
Specific Authority: 403.704, F.S., Chapter 88-130, Section 41, Laws of Florida.
Law Implemented: Chapter 88-130, Section 41, Laws of Florida.
History: New 2-19-89.

17-711.400 Waste Tire Prohibitions.

- (1) After July 1, 1989, no person may maintain a waste tire site unless such site is an integral part of a permitted waste tire processing facility, except as provided in Rules 17-711.510(4) and 17-711.700(5), F.A.C. For the purpose of this rule, "an integral part of a waste tire processing facility" means the waste tire site is on the same property as the processing facility.
- (2) After July 1, 1989, no person shall dispose of waste tires or processed tires except at a permitted solid waste management facility. The illegal disposal of waste tires or processed tires may be considered a violation of section 403.419, F.S., as well as other provisions of law.
- (3) After July 1, 1989, whole waste tires may not be disposed of in a landfill. Waste tires that have been cut into sufficiently small parts may be disposed of or used as daily cover at a permitted landfill.
 - (a) For use as daily cover, a sufficiently small part means that 70 percent of the waste tire material is cut into pieces of 4 square inches or less and 100 percent of the waste tire material is 32 square inches or less.
 - (b) For purposes of disposal, a sufficiently small part means that the tire has been cut into at least eight substantially equal pieces. Any processed tire which is disposed of in a landfill and which does not meet the size requirement of subsection (a) above must receive initial cover, as defined in Rule 17-701.020(28), F.A.C., once every week.
 - (4) After July 1, 1989, no person shall store waste tires unless the waste tires are:
 - (a) Collected and stored at a permitted waste tire collection center;
 - (b) Collected and stored before processing at a waste tire site which is an integral part of a permitted waste tire processing facility; or
 - (c) Collected and stored before processing and recycling or disposal in a permitted solid waste management facility.
 - (d) Collected and stored at a facility exempted under Rule 17-711.310, F.A.C.
 - (5) No person may contract or arrange with another person to transport waste tires or processed tires for storage or disposal who is not a collector holding a waste tire identification number from the Department, unless the collector is exempted by Rule 17-711.520(2) F.A.C.

Specific Authority: 403.704, F.S., Chapter 88-130, Section 41, Laws of Florida.
Law Implemented: Chapter 88-130, Section 41, Laws of Florida.
History: New 2-19-89.

17-711.321(3)(X) -- 17-711.400(History)

17-711.500 Waste Tire Site Notification.
The owner or operator of any waste tire site shall, by April 1, 1989, provide the Department with information concerning the site's size, location, and the quantity of waste tires accumulated at the site. Form 17-711.900(3) shall be used for such information, and shall include the following:

- (1) Name of owner and operator;
 - (2) Mailing address of owner and operator, including the telephone number and county;
 - (3) Location, including the street address, township, range and section, latitude and longitude;
 - (4) Property size and the dimensions of the waste tire piles; and
 - (5) Quantity of waste tires accumulated at the site.
- Specific Authority: 403.704, F.S., Chapter 88-130, Section 41, Laws of Florida.
Law Implemented: Chapter 88-130, Section 41, Laws of Florida.
History: New 2-19-89.

17-711.510 Waste Tire Site Requirements. Waste tire sites shall meet the following requirements after July 1, 1989:

- (1) The facility shall meet the waste tire storage standards of Rule 17-711.940, F.A.C.
- (2) Owners or operators of waste tire sites shall estimate the costs of processing and removing or disposing of all waste tires on site before closure of the facility, and must update such estimates annually. Cost estimates must be approved by the Department. The costs shall be based on a third party performing the work, reported on a per unit basis. Owners or operators of waste tire sites must provide the Department with proof of financial responsibility issued in favor of the State of Florida in the amount of such approved estimate for closure of the facility. Proof of financial responsibility may include the following financial instruments: escrow accounts; surety bonds, including performance bonds or financial guarantee bonds; irrevocable letters of credit; certificates of deposit; securities; and other documents approved by the Department. The financial instruments shall be issued by a surety company or financial institution licensed to do business in the State of Florida. Permitted or certified solid waste management facilities whose proof of financial responsibility for closure of the landfill is deemed adequate by the Department to cover closure costs of the waste tire site need not submit new documentation of financial responsibility.
- (3) Any person owning or operating a waste tire site under a Consent Order with the Department which is less stringent than this rule shall meet the requirements of this rule or shall modify the Consent Order to accomplish the purposes of this rule. The existence of such a Consent Order, unless modified, is not a defense to any enforcement action the Department may initiate for violations of this rule.

17-711.500 -- 17-711.510(3)

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(2) A waste tire processing facility may not accept any waste tires for processing if it has reached its storage limit. The storage limit for processing facilities is 30 times the daily through-put of the processing equipment used. At least 75 percent of both the waste tires and processed tires that are delivered to or are contained on the site of the waste tire processing facility at the beginning of each calendar year must be processed and removed for disposal or recycling from the facility during the year, or disposed of on the site in a permitted solid waste management facility. Processed tires stored for recycling or disposal must meet the minimum size requirements specified in 17-711.400(3)(b) unless otherwise authorized by the Department. Initial cover shall not be required for those stored, processed tires meeting the time and turnover requirements of this section.

(3) The owner or operator of a waste tire processing facility shall record and maintain for three years the following information regarding their activities, which records shall be available for inspection by Department personnel during normal business hours:

- (a) For all waste tires and processed tires shipped from the facility, the name and waste tire collector identification number of the waste tire collector who accepted the waste tires or processed tires for transport, and the quantity of waste tires or processed tires shipped with that collector; and if the waste tires were shipped with a person who is not a waste tire collector, the number of tires shipped, the person's name, address and telephone number; and the place where the waste tires or processed tires were deposited;
- (b) For all waste tires and processed tires received at the facility, the name and waste tire collector identification number of the collector who delivered the waste tires or processed tires to the facility, and the quantity of waste tires or processed tires received from that collector; and if more than five waste tires were delivered by a person who is not a waste tire collector, the number of tires delivered and the person's name, address and telephone number; and
- (c) For all waste tires removed for recapping, the quantity and type removed, and the name and location of the recapping facility receiving the tires.
- (4) Owners and operators of waste tire processing facilities shall submit to the Department an annual report, by March 1, that summarizes the information collected under subsection (3) above. The report shall be submitted to the Department on Form 17-711.900(4), provided by the Department. The following information shall be included, at a minimum:
 - (a) The facility name, address and permit number;
 - (b) The year covered by the report;
 - (c) The total quantity and type of waste tires or processed tires received at the facility during the year covered by the report;
 - (d) The total quantity and type of waste tires or processed tires shipped from the facility during the year covered by the report;
 - (e) The general disposition of waste tires or processed tires;

17-711.530X(2) -- 17-711.530(4)(e)

(1) The total quantity and type of waste tires or processed tires located at the facility on the first day of the calendar year; and

(y) The most recent closure cost estimate prepared using the criteria of Rule 17-711.510(2), F.A.C.

(ii) Applications for processing facility permits shall be submitted to the Department on Form 17-711.900(6), provided by the Department. Specific Authority: 403.704, F.S., Chapter 88-130, Section 41, Laws of Florida. Law Implemented: Chapter 88-130, Section 41, Laws of Florida. History: New 2-19-89.

17-711.640 Storage Requirements.

(1) Waste tires stored indoors shall be stored under conditions that meet those in "The Standard for Storage of Rubber Tires", NFPA 231D-1986 edition, published by the National Fire Protection Association, Battery March Park, Quincy, Massachusetts. Copies of this document are available for inspection in each district office of the Department.

(2) All waste tire sites, collection centers and any processing or disposal facilities which store waste tires or processed tires outdoors must comply with the following technical and operational standards:

- (a) A waste tire site shall not be constructed, maintained or operated in or within 200 feet of a water body, or in any wetland, transitional wetland or isolated wetlands. A person may maintain a waste tire site within the 200 foot setback, upon authorization by the Department that permanent control methods for residuals will result in compliance with water quality standards in Chapter 17-3, F.A.C. Stormwater control methods shall meet stormwater requirements of Chapter 17-26, F.A.C. The site shall be managed in such a way as to divert stormwater or floodwaters around and away from the storage piles. This section shall not apply to artificial reefs constructed pursuant to Department permit.
- (b) An outdoor waste tire pile or processed tire pile shall have no greater than the following maximum dimensions:
 - 1. Width: 60 feet;
 - 2. Area: 10,000 square feet; and
 - 3. Height: 16 feet.
- (c) A 50-foot wide fire lane shall be placed around the perimeter of each waste tire pile. Access to the fire lane for emergency vehicles must be unobstructed at all times.

- (d) The owner or operator shall control mosquitoes and rodents or request such control measures from the local mosquito control office, so as to protect the public health and welfare.
- (e) If the site receives tires from persons other than the operator of the site, a sign shall be posted at the entrance of the site stating operating hours, code of disposal and site rules.
- (f) No operations involving the use of open flames shall be conducted within 25 feet of a waste tire pile.
- (g) An approach and access road to the waste tire site shall be kept passable for any motor vehicle at all times.

17-711.530X(1) -- 17-711.640(R)(g)

(h) Access to the site shall be controlled through the use of fences, gates, natural barriers or other means.

(i) An attendant shall be present when the waste tire site is open for business if the site receives tires from persons other than the operator of the site.

(j) The site shall be bermed or given other adequate protection. If necessary, it shall be kept liquid runoff from a potential fire from entering water bodies.

(k) Fire protection services for the site shall be assured through notification to local fire protection authorities. A fire safety survey shall be conducted.

(l) Communication equipment shall be maintained at the waste tire site to assure that the site operator can contact local fire protection authorities in case of a fire.

(m) The waste tire site shall be kept free of grass, underbrush, and other potentially flammable vegetation at all times.

(n) The operator of the site shall prepare and keep at the site an emergency preparedness manual. The manual shall be updated at least once a year, upon changes in operations at the site or if required by the Department. The manual shall contain the following elements:

- 1. A list of names and numbers of persons to be contacted in the event of a fire, flood, or other emergency;
- 2. A list of the emergency response equipment at the site, its location, and how it should be used in the event of a fire or other emergency; and
- 3. A description of the procedures that should be followed in the event of a fire, including procedures to contain and dispose of the oily material generated by the combustion of large numbers of tires.

(o) The operator of the site shall immediately notify the Department in the event of a fire or other emergency if that emergency has potential off-site effects. Within two weeks of any emergency involving potential off-site impact, the operator of the site shall submit to the Department a written report on the emergency. This report shall describe the origins of the emergency, the actions that were taken to deal with the emergency, the results of the actions that were taken, and an analysis of the success or failure of the actions.

(p) The operator of the site shall maintain records of the quantity of waste tires and processed tires received at the site, stored at the site, and shipped from the site.

(3) The storage of processed tires shall meet all of the storage criteria above.

(4) The temperature of any above-ground piles of compacted, processed tires over 1,000 cubic yards in size shall be monitored and may not exceed 300 degrees Fahrenheit. Temperature control measures shall be instituted so that pile temperatures do not exceed 300 degrees Fahrenheit. Temperature monitoring and controls are not required for processed tires disposed of in permitted landfills.

(5) Any residuals from waste tire processing must be managed so as to be contained on-site, and must be controlled and disposed of in a permitted solid waste management facility or properly recycled.

17-711.540(2)(n) -- 17-711.540(5)

(b) The Department may approve exceptions to the preceding technical and operational standards for a person processing waste tires if:

(a) No waste tire or processed tires are stored on that site for more than one month; and

(b) The Department and the local fire authority are satisfied that the site owner or operator has sufficient fire suppression equipment or materials on site to extinguish any potential fire fire within an acceptable length of time.

Specific Authority: 403.704, F.S., Chapter 88-130, Section 41, Laws of Florida. Law Implementation: Chapter 88-130, Section 41, Laws of Florida. History: New 2-19-89.

17-711.700 Closure.

(1) Except as provided in subsection (5) below, any waste tire site which does not meet the requirements of this rule, and which will no longer accept, collect or process tires must close by July 1, 1989.

(2) In closing any waste tire site the owner or operator shall:

- (a) Stop public access to the site;
- (b) Post a notice indicating the site is closed and the nearest site where waste tires can be deposited;
- (c) Notify the Department and county government of the closing;
- (d) Remove all waste tires, processed tires and residuals to a waste tire processing facility, solid waste management facility authorized to accept waste tires or processed tires, a legitimate user of processed tires, or other facility approved by the Department;
- (e) Remove any solid waste to a permitted solid waste management facility; and
- (f) Notify the Department when closure is complete.

(3) All permits issued under this rule shall include an approved closure plan. The closure plan shall include:

- (a) A description of how the closure requirements of subsection (2) above will be met;
- (b) A closure schedule, including time period for completion;
- (c) A plan for site rehabilitation if deemed necessary by the Department; and
- (d) Proof of financial responsibility pursuant to Rule 17-711.510(2), F.A.C.

(4) After receiving notification that site closure is complete, the Department shall inspect the site. If all procedures have been correctly completed, the Department shall approve the closure in writing. If proof of financial responsibility for closure has been required by this rule, the Secretary or his designee shall release the financial instruments within 30 days of closure approval.

(5) The owner or operator of an existing waste tire site who desires to close the site but is incapable of doing so by July 1, 1989, shall apply for a closure permit from the Department to close the site, using Form 17-711.900(7) and shall meet the following requirements:

17-711.540(6) -- 17-711.700(5)

- (a) The waste tire site requirements of Rule 17-711.510, F.A.C. are met.
- (b) The owner or operator of the site has contracted with a waste tire processor or collector to complete the following by July 1, 1990:
 1. Process all waste tires on the site and remove them for disposal or recycling.
 2. Process all waste tires on the site and obtain a solid waste management facility permit for disposal or recycling on the site; or
 3. Transport all waste tires on the site to a permitted processing facility for processing and disposal or recycling.
- (c) A closure plan is submitted to the Department for approval which meets the requirements of subsection (3) above, and which assures that the site will be closed by July 1, 1990.
- (6) Quarterly reports detailing the status of the processing or removal efforts from the closing site must be submitted to the Department as a condition of the closure permit.

Specific Authority: 403.704, F.S., Chapter 88-130, Section 41, Laws of Florida.
 Law Implemented: Chapter 88-130, Section 41, Laws of Florida.
 History: New 2-19-89.

- 17-711.801 General Permits:
 - (1) The following waste tire facilities or equipment shall operate pursuant to a general permit and shall meet the applicable general permit requirements stated below and in Rules 17-4.510 through 17-4.540, F.A.C.:
 - (a) A waste tire collection center which stores no more than 1,000 waste tires outdoors at any one time and the owner or operator, at least once a year, removes all waste tires from the site for recycling or processing, and the facility is in compliance with the storage requirements in Rule 17-711.540.
 - (b) A waste tire processing facility used for processing not more than 500 waste tires during any 30 days if the facility is in compliance with the storage requirements in Rule 17-711.540, F.A.C.
 - (c) The owners or operators of mobile chopping, cutting, or shredding equipment if they comply with the following conditions:
 1. The chopping, cutting, or shredding equipment is located at the waste tire site or waste tire collection center for less than 120 days.
 2. The waste tire site has notified the Department as required by Rule 17-711.500, F.A.C., or the collection center has submitted the notification required in subsection (2) below; and
 3. All processed tires and residuals are removed from the site for recycling or further processing, or are disposed of in a permitted solid waste management facility within 30 days after the completion of the chopping, cutting, or shredding operation.

17-711.700(5)(a) -- 17-711.801(1)(c)(3).

- (2) To obtain a general permit the owners and operators of qualifying facilities or mobile equipment described in subsection (1) above shall notify the Department on Form 17-711.900(2). For an existing facility or mobile equipment operation, the notification must be submitted within 90 days after the effective date of this rule. For a new facility or mobile equipment operation, or for renewal of a general permit, the notification must be submitted 30 days before the operation begins or the existing general permit expires. The notification shall contain the following information:
 - (a) The name, address, and telephone number of the owner and operator of the facility or equipment, and the name, address, and telephone number of the facility;
 - (b) A description of the general operation of the facility or equipment, including quantities of waste tires received, accumulated or processed per month;
 - (c) A description of arrangements made to acquire fire protection services for the facility;
 - (d) The township, range, and section numbers and latitude and longitude of the facility; and
 - (e) A description of how and where the waste tires, processed tires, and residuals from processing will be disposed of.
 - (3) Owners or operators of mobile chopping, cutting, or shredding equipment must report to the Department every three months, describing each site at which the chopper, cutter, or shredder has operated. The owner or operator shall use Form Number 17-711.900(2) for such reports.
 - (4) Any waste tire processing facility which does not fulfill the requirements of a general permit shall obtain a waste tire processing facility permit or shall close in compliance with Rule 17-711.700, F.A.C.
 - (5) The general permit for a collection center or processor shall be valid for five years. The general permit for a mobile chopper, cutter, or shredder shall be valid for one year. A general permit may be renewed by submission of the notification required in subsection (2) above.
- Specific Authority: 403.704, F.S., 403.814, F.S., Chapter 88-130, Section 41, Laws of Florida.
 Law Implemented: 403.814, F.S., Chapter 88-130, Section 41, Laws of Florida.
 History: New 2-19-89.

17-711.900 Forms. The forms and instructions used by the Department in the Waste Tire Program are adopted and incorporated by reference in this section. The forms are listed by rule number, which is also the form number, and with the subject title and effective date. Copies of forms may be obtained by writing to the Administrator, Solid Waste Section, Bureau of Waste Planning and Regulation, Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

- (1) Waste Tire Collector Registration Application.
- (2) Waste Tire General Permit Application.

17-711.801(2) -- 17-711.900(2)

- (3) Waste Tire Site Notification.
 - (4) Waste Tire Processing Facility Annual Report.
 - (5) Waste Tire Collector Annual Report
 - (6) Waste Tire Processing Facility Permit Application.
 - (7) Waste Tire Site Closure Permit Application.
- Specific Authority: 120.53(i), 403.704, F. S.
Law Implemented: 120.53(i), 88-130 Section 41, F. S.
History: New 2-19-89

17-711.900(3) -- 17-711.900(History)

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2-19-89

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July 28, 1989

RECEIVED

JUL 31 1989

Dept. of Environmental Reg.
West Palm Beach

Irrevocable Letter of Credit No. 1989-27

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

Attention: Joe Lurix

We hereby authorize you to draw on First National Bank & Trust company of the Treasure Coast for the account of Florida Tire Recycling, Inc. up to the aggregate amount of Fifteen Thousand Dollars and 00/100 (\$15,000.00) by means of your sight draft on us accompanied by:

1. This original letter of credit.
2. A signed statement from you to the effect that the amount for which the draft is drawn represents amounts due and payable by Florida Tire & Recycling, Inc. which are unpaid.

Partial drawings are not permitted. Draft must be marked "Drawn under Irrevocable Letter of Credit No. 1989-27, Florida Tire Recycling, Inc. which are unpaid."

Except so far as otherwise expressly stated, this letter of credit is subject to the Uniform Customs and Practice for Documentary Credits (1983 Revision) International Chamber of Commerce Publication no. 400.

We hereby agree with you that drafts drawn under and in compliance with the terms of this letter of credit will be duly honored upon presentation at our offices in Stuart, Florida USA on or before July 1, 1994.

Sincerely,



Charles R. Schad
Senior Vice President

CRS/eam

Suite 100
Private Banking

RECEIVED

JUL 31 1989

Dept. of Environmental Reg.
West Palm Beach

July 28, 1989

Florida Department of Environmental
Regulation Southern District
1900 South Congress Avenue, Suite A
West Palm Beach, Florida 33406

Attention: Joe Lurix,

Please find enclosed an irrevocable letter of credit
#1989-27 in the amount of \$15,000.00 for the account
of Florida Tire Recycling, Inc.

Upon receipt, please forward to us, in the enclosed
postage paid return envelope, the irrevocable letter
of credit #1989-16 previously issued to you on behalf
of Florida Tire Recycling, Inc.

If you should have any questions, please do not
hesitate to call.

Thank you.

Sincerely,



Tina Crane
Administrative Assistant
PRIVATE BANKING