

Department of Environmental Protection

Lawton Chiles
Governor

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Virginia B. Wetherell
Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

FILE

December 19, 1996

Mr. David Quarterson
Florida Tire Recycling, Inc. (FTRI)
9675 Range Line Road
Port St. Lucie, FL 34987

St. Lucie County
SW - FTRI
Enforcement Files

RE: CONSENT JUDGMENT ORDER ADOPTING THE TERMS OF
STIPULATION AND CONSENT FOR INJUNCTION, "STIPULATION"
CASE NO. 93-895 CA

SU: INSPECTION REPORT December 18, 1996

Dear Mr. Quarterson:

On December 18, 1996, Department personnel conducted an inspection of FTRI for compliance with the terms of the Consent Judgment Order (C.J.O.) and STIPULATION as entered into on September 11, 1995. The purpose of this letter is to inform you of items of compliance and noncompliance in the same numerical order as shown in the C.J.O. and STIPULATION. Items presently in compliance with the C.J.O. and STIPULATION are noted "compliance"; items not presently in compliance are noted "noncompliance".

ITEM 9. FTR submitted the quarterly installment payment of \$3,000 on December 3, 1996 as settlement for the civil penalties and costs and expenses incurred by the Department in this case. The next quarterly installment payment is due on or before March 1, 1997 for the amount of \$3,000.00 - compliance.

ITEM 10 A. FTRI met with the Department on January 20, 1994 for a pre-application conference to discuss possible wetland areas and a surface water management system - compliance.

FTRI submitted an application for dredge and fill on February 14, 1994 - compliance. A dredge and fill permit (#562453458) was issued on March 23, 1994 and modified on September 16, 1994.

FTRI applied for a permit for the Management and Storage of Surface Waters (MSSW) on February 9, 1994 with the correct application fee submitted on February 15, 1994 - compliance. The MSSW permit was issued on August 14, 1994 and modified on November 7, 1994 and July 17, 1995. The CFJ required commencement of the MSSW system not later than November 1, 1995 and the certification of construction completion of the MSSW system not later than March 1, 1996. As of June 12, 1996,

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. David Quarterson
Florida Tire Recycling
9675 Range Line Road
Coconut Grove, FL 33133

Re: insp 12/18/96

5. Received By: (Print Name)

Signature: (Addressee or Agent)

4a. Article Number

2359641012

4b. Service Type

- | | |
|---|---|
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Insured |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD |

7. Date of Delivery

12/23/96

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

FTRI has started construction of the MSSW system. However, the MSSW system is not completed nor certified complete as of this inspection date - **noncompliance**.

NOTE: FTRI requested a meeting for March 18, 1996 at their facility to show that a good faith effort was forthcoming by stating that they have purchased equipment (trackhoe) to commence construction of the MSSW pond by April 1, 1996. In addition, FTRI stated that two (2) dump trucks are being rented to haul the dirt from the pond and start construction of the MSSW perimeter roadway while a Small Business Association loan was pending. FTRI subsequently has received the SBA loan during the month of September 1996. An aerial flight of FTRI on December 17, 1996 revealed construction of the southern and most of the western MSSW berm.

ITEM 10 B. The STIPULATION states that FTRI shall commence design and construction of a 24' wide perimeter roadway around the site and a central access roadway in an east-west direction approximately dividing the site. FTRI's consultant submitted design drawings for the proposed roadway construction on February 9, 1994 and subsequently submitted modifications to the proposed reconfiguration of the facility. The C.J.O. requires that the construction of the roadway and MSSW system shall occur by November 1, 1995, or sixty days (60) after the Department issues the MSSW permit, whichever occurs first. The MSSW Permit No. 56-2451186, was modified and the modification was issued on July 17, 1995. FTRI has filed a letter dated September 14, 1995, requesting a time extension for the construction of the MSSW system due to the lack of receipt of a pending permit from St. Lucie County. The Department responded on September 25, 1995, and requested additional documentation to be submitted by FTRI which would reveal that this delay for compliance was or will be caused by circumstances beyond the reasonable control of FTRI and could not have been or cannot be overcome by FTRI's due diligence pursuant to item #15 in the STIPULATION. It is our understanding that St. Lucie County has issued FTRI a permit dated March 18, 1996 for your facility. At the time of this inspection, FTRI had commenced the construction of the MSSW system. However, the MSSW system is not completed nor certified complete as of this inspection date - **noncompliance**.

ITEMS 10 C 1, 2, 5 THROUGH 8.

10 C.1(a). The tire and waste tire storage areas are designated as no smoking areas - compliance.

10 C.1(b). Flammable and combustible liquids must be segregated and stored in appropriate containers and configuration - compliance.

10 C.1(c). Spark arresters must be placed on all internal combustion equipment. The spark arresters have been installed according to records provided to the Department from FTRI - compliance.

10 C.1(d). Cutting (other than shredding or chopping of tires), welding, heating devices, and open fires must be prohibited in the tire and waste tire storage area - compliance.

10 C.2(a). FTRI shall provide security by a company whose personnel

hold at least a Class D license. FTRI has acquired the services of American Securities Associates of Florida per the monthly status report - compliance.

10 C.2(b). FTRI shall construct and install a control gate at the southern access road. FTRI has constructed a metal gate along the southern access roadway of the MSSW berm - compliance.

10 C.2(c). Perimeter lighting along the eastern boundary of FTRI has been installed via Florida Power and Light Company and is operational since March 10, 1994 - compliance.

10 C.2(d). An enclosed operations area must be provided for the security personnel. FTRI has provided this per the monthly status report - compliance.

10 C.3. & 4. FTRI has not been able to furnish a letter signed by the SLCFPFCD that states that the site fire protection systems design is acceptable to the SLCFPFCD - **noncompliance**.

10 C.5. FTRI has received the AFFF, 60 gallons of foam and hoses from the Municipal Equipment Company on April 29, 1994. Operational use of the equipment was observed on June 6, 1994 by Department personnel - compliance.

10 C.6. FTRI has established a fire training program with fire instructors from Indian River Community College - compliance.

10 C.7. FTRI has supplied a resource list for equipment which may be deployed to the FTRI site on February 17, 1994 and a subsequent supplemental letter dated March 21, 1994 - compliance.

10 C.8. FTRI has prepared and supplied a fire plan to the SLCFTPFCD that describes the fire-fighting resources available to fight a fire at the FTRI site. FTRI has provided copies of several different letters from the SLCFTPFCD; however, none of those letters to date have stated that this plan is acceptable to the SLCFTPFCD - **noncompliance**.

10 D.1. FTRI shall remove all tire shreds a minimum distance of a 50' perimeter around the site to allow equipment access for installation of perimeter roadways. The 50' clear perimeter road needs to be maintained clear of tire shreds for the site along the rail spur in the northeast section of the site and in the vicinity of the stormwater pond. This item is in **noncompliance** presently.

10 D.2. & 3. Fire Lanes shall be free of tire shreds and whole waste tires to serve the intended purpose. The Department recognizes that FTRI is working in these areas; however, tire shreds were observed on the ground in-between the tire shred piles to be a depth of several inches and greater in these areas. Item 8.A.(4) of the C.J.O. requires that FTRI shall clear all waste tires and establish fire lanes between and around the piles located in the interim storage area as shown in Exhibit B, not later than October 31, 1995. This item is in **noncompliance** presently.

10 D.4. The heights of the existing tire shreds all appear to be near 15 feet in height - compliance.

10 D.5. FTRI appears to have removed all remaining shredded tires from the Florida Power and Light Easement with the construction of the MSSW stormwater pond and relocation of waste tire shred piles - compliance.

10 D.6. FTRI has not maintained a 50 foot separation between the shredded tire piles due to the disposal of tire shreds located on the ground between the tire piles. Item 8.A.(4) of the C.J.O. requires that FTRI shall clear all waste tires and establish fire lanes between and around the piles located in the interim storage area as shown in Exhibit B, not later than October 31, 1995. As of the December 12, 1996 inspection, it appears that the waste tire pile on the south side of the entrance road does not meet the size limitation specified in Chapter 62-711, F.A.C. (200 feet, by 50 feet and 15 feet in height) - **noncompliance**. FTRI was actively processing these tires.

10 E. FTRI has provided weekly totals that revealed that FTRI had exceeded the minimum rate of removal (80% of the base removal amount of waste tires plus an additional 1,000 tons of waste tires more than received onsite) from September 1, 1995 through November 30, 1995. In addition, the C.J.O. also required that FTRI shall remove at least 1,500 tons of waste tires more than what is received each month at the FTRI site during the calendar months starting December 1, 1995 through July 31, 1996. For the months of December 1995 through July 1996, FTRI had a **shortfall** of approximately 3350.38 tons that should have been removed from the site, according to the records submitted by FTRI to the Department - **noncompliance**.

10 F. FTRI submitted a copy of the Financial Responsibility document on February 9, 1994 and the original signed documents on February 17, 1994. The Department determined that the Solid Waste Management Facility Trust Fund Agreement dated February 8, 1994 is in order as stated in the April 6, 1994 letter of approval. This item also requires that after the 180 day Site Stabilization period is completed, July 14, 1994, that FTRI shall deposit \$4,000 per month or 5% of the monthly tipping fee revenues generated at the Port St. Lucie site each month, whichever is greater, into the trust fund until either all whole and processed tires are removed from the site or Florida Tire meets the financial responsibility requirements of a waste tire processing permit for the St. Lucie County site, whichever occurs first. FTRI has continued to deposit \$4,000.00 into the Trust Fund through the month of November 1996 - compliance. It is suggested that FTRI perform another third party closure cost estimate by the end of the month of February 1997 and submit this estimate to the district office for review. The estimate shall be signed and sealed by a professional engineer registered in the State of Florida. The amount of the estimate will be compared to the moneys in the trust fund presently for adequacy.

10 G. FTR shall provide the Department with weekly tallies of the weight of waste tires brought onto the site and the weight of waste tires removed from the site each day. The Department has received weekly tallies through November 30, 1996 - compliance. Please submit

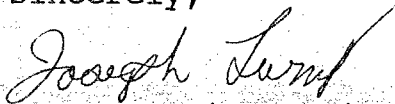
weekly tallies occurring after this date to this office as soon as possible.

10 H. FTR shall submit within 10 days of the end of each calendar month a monthly report which details the volume and weight of waste tires brought on and removed from the site. This report shall also include details of the progress that FTRI has made in complying with the terms of the C.J.O. and the Stipulation. Be advised that the Department has received monthly reports up to and including October 1996. However, we have not received the monthly report for November 1996. Please submit this report - **noncompliance**.

10 K. By July 31, 1996, FTR shall remove and dispose of all waste tires for which storage is not authorized by a DEP Waste Tire Processing Facility permit. The maximum amount of waste tires that is authorized in accordance with the approved plans is 9,700 tons. The third quarterly report for calendar year 1996 reveals that FTRI had an ending inventory of 20,305 tons onsite - **noncompliance**.

Please respond within 30 days upon receipt of this letter to those items alleged to be in **noncompliance**. Overall improvements to the site continue to be observed. If you have any questions, please contact me at telephone number 561/681-6669.

Sincerely,



Joseph Lurix, Engineer
Solid Waste Programs

cc: Carlos Rivero-deAguilar
Luna Ergas, OGC/TLH

Frances Keith, SW/TLH
Marion Hedgepeth, SLERP