

I N T E R O F F I C E M E M O R A N D U M

Date: 31-May-1995 09:11am EST
From: Steve Morgan TPA
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Dept: Southwest District Offi
Tel No: 813/744-6100
SUNCOM:

TO: Joe Lurix WPB

(LURIX_J@A1@WPB1)

CC: Robert Butera TPA

(BUTERA_R@A1@TPA1)

Subject: National Tire

Joe:

This is a quick and dirty summary of the National Tire case. The site has never had a permit to operate. We have an outstanding Consent Order, OGC #90-1298 with National Tire Recycling. Under the terms of the Consent Order, the Consent Order was their authorization to operate until such time as a permit was issued or denied or until a drop dead date. The permit application was denied on September 15, 1993.

In February 1994, we sent a letter to National, informing them that continued operation beyond September 15, 1994 was a violation of the Consent Order and that stipulated penalties of \$11,300 had accrued to that point. National and a representative of Viking Recycling met with the Department in March 1994 and informed the Department that Viking was in the process of purchasing National and would be able to clean up the site once their processing permit was issued. We drafted a Consent Order outlining deadlines and removal rates which both National and Viking would be responsible for. The Consent Order included the outstanding \$11,300 in stipulaed penalties.

The Department awaited Viking's aquisition of National for several months, until such time as Viking application for a tire proceesing facility was denied. During that period of time, National continued to work on stabilization and removal of tires at the site, making significant progress toward site stabilization, and minimal progress toward decreasing the number of tires on site, and additional stipulated penalties were not being assessed.

We have subsequently had Terry Gray visit the site and develop a site stabilization and tire removal plan based on site conditions, National's past tire acceptance rate, and a 1 in 2 out removal rate. We have incorporated this plan into a Consent Order which is being sent to National Tire for signature. The previous \$11,300 outstanding stipulated penalties are included in this Order. We have sent a draft to National for their review and

will be arranging a meeting with National to discuss the Consent Order shortly.

Since I'm not familiar with your dealings with FTR on their site, I can't offer a comparisons of the two cases, but as far as National Tire is concerned, the site is basically stabilized, is not increasing in volume, and while their past efforts have not been very effective in mitigating the site, National has always been cooperative with the Department.

I N T E R O F F I C E M E M O R A N D U M

Date: 30-May-1995 05:01pm EST
From: Jack McNulty PEN
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Dept: Northwest District Offi
Tel No: 904/436-8360
SUNCOM:

TO: Joe Lurix WPB (LURIX_J@A1@WPB1)
CC: Vivek Kamath WPB (KAMATH_V@A1@WPB1)
CC: Joe Kahn WPB (KAHN_J@A1@WPB1)
CC: Janet Bowman TAL (BOWMAN_J@A1@DER)

Subject: RE: Escambia County

Joe,

No such tire case in Escambia County since I've been here. I started in July 92. I haven't hear of such a case before that date.

He might be referring to the Bobby Smith case in Wakulla County. In that case Smith accumulated 1.2 million tires. Enforcement action was taken against him ordering clean up and payment of a fine of \$492,000. The clean up never came nor did the payment. A final order was presented to a Wakulla County judge and Smith was ordered to pay the fine, the judgment still stands.

Next the Department went after the land owner, J. M. McKenzie Tank Lines. Their fine was computed at \$40,000. After McKenzie spent \$800,000 cleaning up the site the \$40,000 fine was waived.

Hope this helps. Jack