

Accounting of Costs and Expenses

<u>Position</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Environmental Specialist II	50	17.12	\$ 856.00
Engineer I	8	11.50	92.00
Engineer IV	180	29.89	5,380.20
Environmental Manager	11	29.06	319.66
Professional Engineer	67.5	27.14	1,831.95
Program Administrator	10	32.87	328.70
Tallahassee Contractors	--	--	23,328.50
Film	12 rolls(24) + enlargements		672.00
Aerial Photo's-Redi Maps			1,480.00
Mileage	6 inspections at \$0.21 per mile x 120 miles		151.20
Depositions			800.00
Total			\$35,240.21

INTEROFFICE MEMORANDUM

Date: 15-May-1995 02:15pm EST  
From: Bill Parker TAL  
PARKER\_B@A1@DER  
Dept: Waste Management  
Tel No: 904/488-0300  
SUNCOM:

TO: Joe Lurix WPB ( LURIX\_J@A1@WPB1 )  
TO: Janet Bowman TAL ( BOWMAN\_J@A1@DER )  
CC: Jan Rae Clark TAL ( CLARK\_JR@A1@DER )  
CC: Frances Keith TAL ( KEITH\_F@A1@DER )  
CC: Jessie Carpenter TAL ( CARPENTER\_J@A1@DER )

Subject: Florida Tire Recycling - costs

Costs directly related to Florida Tire Recycling since  
August, 1993 to date.

T.A.G. Resource Recovery	\$24,600
( includes \$2,400 in sub-contracts)	
Spahn Engineering Services	2,683
Aerial Photos	1,516
Tom LeDew (2 trips)	1,076
Bernard Putersznit (1 trip)	398
	<hr/>
	\$30,273

This is direct costs and does not include salaries.

Accounting of Costs and Expenses

<u>Position</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Environmental Specialist II	50	17.12	\$ 856.00
Engineer I	8	11.50	92.00
Engineer IV	180	29.89	5,380.20
Environmental Manager	11	29.06	319.66
Professional Engineer	67.5	27.14	1,831.95
Program Administrator	10	32.87	328.70
Tallahassee Contractors	--	--	23,328.50
Film	12 rolls(24) + enlargements		672.00
Aerial Photo's-Redi Maps			1,480.00
Mileage	6 inspections at \$0.21 per mile x 120 miles		151.20
Depositions			800.00
	Total		\$35,240.21

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

Date: 15-May-1995 02:15pm EST  
From: Bill Parker TAL  
PARKER\_B@A1@DER  
Dept: Waste Management  
Tel No: 904/488-0300  
SUNCOM:

TO: Joe Lurix WPB ( LURIX\_J@A1@WPB1 )  
TO: Janet Bowman TAL ( BOWMAN\_J@A1@DER )  
CC: Jan Rae Clark TAL ( CLARK\_JR@A1@DER )  
CC: Frances Keith TAL ( KEITH\_F@A1@DER )  
CC: Jessie Carpenter TAL ( CARPENTER\_J@A1@DER )

Subject: Florida Tire Recycling - costs

Costs directly related to Florida Tire Recycling since  
August, 1993 to date.

T.A.G. Resource Recovery	\$24,600
( includes \$2,400 in sub-contracts)	
Spahn Engineering Services	2,683
Aerial Photos	1,516
Tom LeDew (2 trips)	1,076
Bernard Putersznit (1 trip)	398
	<hr/>
	\$30,273

This is direct costs and does not include salaries.

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

**Sensitivity:** COMPANY CONFIDENTIAL

**Date:** 15-May-1995 02:50pm EST  
**From:** Joe Lurix WPB  
LURIX\_J  
**Dept:** Southeast District Office  
**Tel No:** 407/433-2650  
**SUNCOM:** 232-2650

**TO:** Janet Bowman TAL

( BOWMAN\_J @ A1 @ DER )

**CC:** Joe Kahn WPB

( KAHN\_J )

**Subject:** FTR inspections

Janet,

Here are the dates that I made the inspections for the penalty calculations. Five of seven of these were done under client attorney privileged information with TLH and contractors. These dates are asterisked.

02-02-90  
04-10-92  
\* 06-30-92  
\* 01-08-93  
\* 03-11-93  
\* 07-28-93  
\* 12-10-93

In addition, the only inspections in the files is the one dated 02-02-90. There are no notes or copies of the inspections in the files. Maybe these inspections or notes were forwarded to you for this case. Please check your files and advise.

Thanks

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

**Date:** 15-May-1995 03:33pm EST  
**From:** Joe Lurix WPB  
LURIX\_J  
**Dept:** Southeast District Office  
**Tel No:** 407/433-2650  
**SUNCOM:** 232-2650

**TO:** Janet Bowman TAL

( BOWMAN\_J @ A1 @ DER )

**CC:** Joe Kahn WPB

( KAHN\_J )

**Subject:** FTR inspections revised

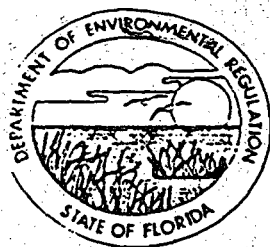
Janet,

Here are the dates that I made the inspections for the penalty calculations. Five of seven of these were done under client attorney privileged information with TLH and contractors. These dates are asterisked.

	02-02-90
	04-10-92
*	06-30-92
	01-08-93
*	03-11-93
*	07-28-93
*	09-27-93
*	12-10-93

In addition, the only inspections in the files is the one dated 02-02-90. There are no notes or copies of the inspections in the files. Maybe these inspections or notes were forwarded to you for this case. Please check your files and advise.

Thanks



## Florida Department of Environmental Regulation

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

Lawton Chiles, Governor

Telephone: 407/433-2650

Carol M. Browner, Secretary

Fax: 407/433-2666

JAN 27 1993

Certified Mail  
Return Receipt Requested

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

St. Lucie County  
SW - FTRI  
Enforcement Files

Ref: FTRI  
Waste Tire Processing Facility  
Permit #WT 56-165345  
Issued August 28, 1989

Dear Mr. Wilson:

A reinspection of FTRI was conducted by Department personnel on January 8, 1993, for compliance with your permit and Specific Conditions therein. After careful review of our files and based upon this inspection, the Department continues to allege that you are still violating the following Department rules and Specific Conditions of your permit:

1. Florida Administrative Code Rule (F.A.C.R.) 17-711.510(2), states in part that "Owners or operators of waste tire sites shall estimate the cost of processing and removing or disposing of all waste tires on-site before closure of the facility, and must update such estimates annually ...". Specific condition #4 requires an annual closure cost estimate be prepared yearly and submitted to the Department.

According to the permit application, the permittee submitted financial responsibility documents in favor of the State of Florida, for an estimated cost of processing, removing and disposing of all tires for \$15,000. A letter to you on February 9, 1990, stated that the Department estimated closure costs in excess of \$300,000 based upon the stock piles of waste tires observed on February 2, 1990. FTRI did not submit the revised closure cost estimates as required.



Mr. John J. Wilson  
Page 2

Subsequently, a Warning Letter was issued by the Department on April 21, 1992, addressing several alleged violations including financial responsibility. FTRI hired the services of an engineering consulting firm to determine the quantities of tires disposed of at this site. The financial estimate dated August 26, 1992, by your consulting firm revealed a closure cost estimate of \$241,849.25. However, FTRI to date has been unable to secure this latter amount of financial responsibility as required.

Furthermore, the Department hired its own consultant, T.A.G. Recourse Recovery, to estimate the quantities of waste tires at FTRI. Based upon their site inspections and Department rules T.A.G. Resources Recovery's estimate was significantly greater than FTRI's. A copy of this estimate was forwarded to FTRI under a separate cover letter dated October 22, 1992. To date, no response has been made by FTRI's consultant to T.A.G. Resource Recovery's report concerning the specific lack of description methodology, basis for individual piles for determining the volume of waste tires estimated.

Again, to this date, FTRI has been unsuccessful in securing the minimal amount of financial responsibility estimated by your own consultants from any institution by any of the approved Department financial mechanisms as stated in the FTRI letter to your own legal counsel dated October 27, 1992.

Specific Condition #4 of your permit states that "the permittee shall submit to the Department an annual report on DER Form 17-711.900(4), that summarizes all the information collected under subsection 17-711.530(3)(c), F.A.C., which is attached as Exhibit I."

The Department received these annual reports for fiscal years 1989-1992 on June 9, 1992. These reports revealed that FTRI as of March 1992, has received 38,790 tons of waste tires, processed/shipped 27,628 tons of waste tires and has stored onsite 63,400 tons of waste tires. Therefore, FTRI has recycled less than 44% of the waste tires received in violation of Department rules and Specific Condition #2 of the permit.

2. F.A.C.R. 17-711.530(2), states in part that "...a waste tire processing facility may not accept 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 ..." and Specific Condition #1 states that "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)."

Mr. John J. Wilson  
Page 3

At the time of this inspection and since February 9, 1990, FTRI has been notified by the Department that FTRI continues to accept waste tires far in excess of the permitted capacity of the equipment which was presented in the application filed on May 23, 1989. To date, no permit modifications have been applied for by FTRI for usage of new equipment to increase FTRI's daily throughput or storage capacity.

Consultants representing both FTRI and the Department clearly document that FTRI has at a minimum two (2) times to a maximum of twenty-six (26) times greater than the permitted storage capacity of waste tires on-site as of June 30, 1992, respectively. The inspection on January 8, 1993, revealed that the waste tire piles have increased along the south side of the access road to this disposal site. However, a detailed inspection of the entire site could not be conducted due to the amount of standing water on-site and the fact that the access roads around the tire piles were inaccessible by a two (2) wheel drive vehicle. The access road up to the water storage tanks are graded with coarse tire shreds. These tire shreds have filled some of the pot holes but the roadway was not passable since no compaction of the tire shreds was accomplished. A letter dated June 24, 1992, from the St. Lucie County Fire District states that all roadways and fire lanes shall have an all weather driving surface.

3. F.A.C.R. 17-711.540(2)(b), states in part that "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 standards: an outdoor waste tire pile or processed tire pile shall have no greater than the following maximum dimensions:
  1. Width: 50 feet;
  2. Area: 10,000 square feet; and
  3. Height: 15 feet ..."

At the time of this inspection and since February 9, 1990, FTRI continues to stockpile tire shreds in excess of the above dimensions. This is in violation of Specific Condition #5.

In closing, the Department alleges that FTRI continues to violate Department rules and conditions of the permit issued. Consequently, this matter has been forwarded to the Office of General Counsel for further enforcement action.

Mr. John J. Wilson  
Page 4

If you have any questions, please contact Ms. Carol Meeds of  
this office at telephone number 407/433-2650.

Sincerely,

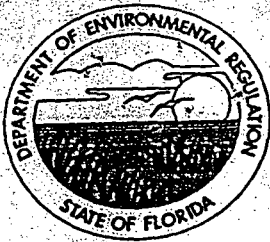
*Vivek Kamath*

Vivek Kamath, P.E.  
Waste Programs Administrator

VK:JL:sl:1/m.3  
*jr*

cc: Janet Bowman, OGC/Tlh  
Lieutenant Dick Lawrence, FGFC  
Captain Robert K. Tomlinson

Bill Parker, SW/Tlh  
Chris McGuire, OGC/Tlh



# Florida Department of Environmental Regulation

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

Lawton Chiles, Governor

Telephone: 407/433-2650

Carol M. Browner, Secretary

Fax: 407/433-2666

APR 21 1992

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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

WARNING LETTER # 92-0052SW56SED

Re: Florida Tire Recycling, Inc.

Dear Mr. Wilson:

A field inspection conducted on April 10, 1992 indicates that violations of Chapter 376, Florida Statutes and the Rules promulgated thereunder may exist at the above referenced facility.

Department personnel observed the following at your facility:

- 1) The outside storage of whole waste tires and processed waste tires totaling approximately 36,000 tons. The size of the waste tire piles exceeded 50 feet in width, 200 feet in length and 15 feet in height. There are no apparent 50 foot wide fire lanes placed around the perimeter of the waste tire piles.
- 2) Owners or operators of waste tire sites shall estimate the costs of processing and removing or disposal of all waste tires on site before the closure of the facility, and must update such estimates annually. These cost estimates shall be based on a third party performing the work, reported on a per unit basis. A review of your files reveals that you have \$15,000 in an Irrevocable Letter of Credit No. 1989-27, issued by the First National Bank and Trust Company of Stuart on August 7, 1989.

The basis of your estimate was due to the fact that you had a Waste Tire Processing Agreement, effective April 1, 1990, for the free disposal of processed waste tires at the St. Lucie County-Glades Road Landfill. In addition, this estimate was for 2,500 tons of processed waste tires, only.

Subsequently, on March 31, 1992, this Agreement expired and has not been renewed by the County. The disposal fee at the Glades Road Landfill for processed tires is \$51/ton and \$80/ton for unprocessed waste tires.

Furthermore, you were notified of your deficient monies for this Irrevocable Letter of Credit on March 16 and December 13, 1990 respectively, copies enclosed and have not corrected these violations. Therefore, you are requested to provide proof of financial responsibility immediately by a third party performing the work via an approved financial mechanism, copies enclosed, at current dollars.

- (3) 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. According to the application on file, the maximum storage limit, you are 24 times greater than permitted storage limits allowed by rule.

FACR 17-711.510(1)(2) requires that waste tire sites shall meet the following requirements after July 1, 1989:

- (1) The facility shall meet the waste tire storage standards of Rule 17-711.540, 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.

FACR 17-711.540(2)(b)(c) requires that an outdoor waste tire pile or processed tire pile shall have no greater than the following maximum dimensions:

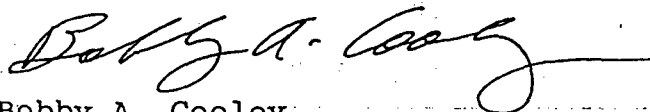
- (1) Width: 50 feet;
- (2) Area: 10,000 square feet; and
- (3) Height: 15 feet.

- (a) 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.

It is a violation of Section 17-4.030, Florida Administrative Code and Sections 403.161(1)(b) and 403.087, Florida Statutes, for any facility that can reasonably be expected to be a source of pollution to operate without an appropriate and valid permit issued by the Department. Also, a facility that causes or allows the disposal of pollutant materials onto the ground may be in violation of Sections 376.302, and 403.088, Florida Statutes and 17-3.404, Florida Administrative Code, if the disposal results in a discharge to groundwater.

You are advised that any activity at your facility that may be contributing to violations of the above described statutes and rules should be ceased immediately. Operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to \$10,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes.

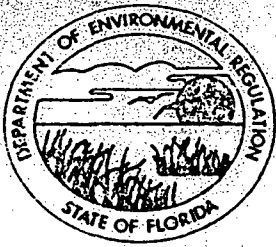
Sincerely,



Bobby A. Cooley  
Acting Director of District Management

BAC:jl:gml.974.42  
Enclosure

cc: Lieutenant Dick Lawrence, FGFC  
Captain Perry Sessoms, St. Lucie District  
Sam Amerson, P.E.  
Bill Parker, SW/Tlh.  
Janet Bowman, OGC/Tlh.  
Bill Krumholtz, South District/DER



AB

## 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 Twachtman, Secretary

John Shearer, Assistant Secretary  
Scott Benyon, Deputy Assistant Secretary

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
FEB 09 1990

SW-St. Lucie County  
Florida Tire Recycling, Inc.  
Permit File

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

Dear Mr. Wilson:

Ref: Florida Tire Recycling, Inc.  
Permit #WT 56-165345

Sub: Waste Tire Processing Facility

A routine inspection was conducted by Department personnel on February 2, 1990 of your Waste Tire Processing Facility. After careful review of our files, the Department alleges that you are violating the following Department rules and Specific Conditions of Permit #WT 56-165345:

1. Florida Administrative Code Rule (FACR) 17-711-510(2), states in part that "Owners or operators of waste tires sites shall estimate the cost of processing and removing or disposing of all waste tires on site before closure of the facility, and must update such estimates annually..."

According to the permit application, the permittee submitted financial responsibility, in favor of the State of Florida, for an estimated cost of processing, removing and disposing of all waste tires for \$15,000. At the time of the inspection, two large piles of shredded tires approximately 37,000 cubic yards (8,300 tons based upon 450 pounds/cubic yards) were observed on site. Disposal costs at the nearest landfill are estimated to exceed \$300,000 for these piles. If appears that the monies allocated for the closure of this site are not sufficient.

2. FACR 17-711.530(2), states in part that "A waste tire processing facility may not accept 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..." and Specific Condition #1 states that "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)."

Mr. John J. Wilson  
Page 2

At the time of the inspection, this facility was still receiving waste tires even though you had exceeded the daily through-put and storage capacity by greater than five (5) times allowed by rule and permit conditions stated in item #1 above.

3. FACR 17-711.540(2)(b), states in part that "All waste tires sites, collection centers and any processing or disposal facilities which store waste tires or processed tires outdoors must comply with the following technical standards:  
An outdoor waste tire pile or processed tire pile shall have no greater than the following maximum dimensions:
1. Width: 50 feet;
  2. Area: 10,000 square feet; and
  3. Height: 15 feet...."

At the time of the inspection two (2) shredded waste tire piles were observed onsite. The western pile dimensions were estimated to be 180 feet wide, 225 feet long (40,500 square feet) and 10 feet high. The eastern pile was estimated to be 180 feet wide, 330 feet long (59,400 square feet) and ten feet high. The eastern pile was estimated to be 180 feet wide, 330 feet long (59,400 square feet) and ten feet high. You are advised to remove the excess tire shreds off-site to a permitted Department sanitary landfill or recycle this material within sixty (60) days of the date of this inspection.

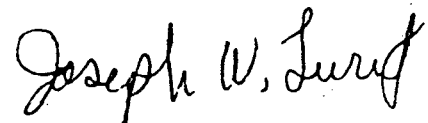
4. Note: In your application, the existing 6,000 square foot building was for a "recycling facility".

At the time of the inspection, Department personnel observed one horse trailer and one over-nite camper in the building with no apparent use for "recycling".

You are hereby requested to bring this facility into compliance with Department rules and permit conditions within sixty (60) days upon receipt of this letter. You are further requested to respond within fourteen (14) days upon receipt of this letter to each alleged violation. Failure to respond or correct these violations may result in enforcement action with significant penalties.

Should you have any questions, please contact Mr. Javier De Gracia or Mr. Joe Lurix of this office at telephone number (407) 964-9668.

Sincerely,



Joseph W. Lurix  
Solid Waste Permitting

WL:jlh/33



CIVIL PENALTY AUTHORIZATION  
SOUTHEAST FLORIDA DISTRICT

Investigators: Joseph Kahn & Joseph Lurix *JL*

Date Submitted: December 13, 1993

1. VIOLATOR(S): Florida Tire Recycling Inc. (F.T.R.)  
Susan K. & John J. Wilson
2. LOCATION OF VIOLATION: 9675 Range Line Road  
Port St. Lucie, Florida
3. NATURE OF VIOLATION:

F.T.R. owns and operates a Waste Tire Processing Facility on 32.83 acres of property. The property consists of two adjacent parcels; the first is an 8.4369 acre parcel deeded to Trinity Holding Co., Inc. (merged into F.T.R.) and the second is a 24.34 acre parcel deeded to F.T.R.

On May 25, 1989, the Department received a Waste Tire Processing Facility permit application which identified only the 8.4369 acre parcel. On August 28, 1989, the Department issued a permit to John J. Wilson to operate a Waste Tire Processing Facility (WT 56-165345). The Permit authorizes F.T.R. to process and store a maximum of 1500 tons/day of waste tires, and included the following 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 which is 50 tons).
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 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.
3. 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), Florida Administrative Code.
4. All waste tires and processed tires shall be stored in accordance with the waste tire site requirements in Rule 17-711.510, Florida Administrative Code.

On February 2, 1990, the Department conducted an inspection of the Florida Tire Facility and Department personnel observed that: the volume of waste tires outdoors were 8,300 tons; and the size of the shredded piles exceeded 50 feet in width, 200 feet in length and 15 feet in height.

On April 10, 1992, the Department conducted an inspection of the Florida Tire Facility and Department personnel observed that: the volume of outside storage of whole waste tires and processed waste tires totaled approximately 36,000 tons; and the size of the whole and shredded waste

St. Lucie County-Unauthorized Waste Tire Site

tire piles exceeded 50 feet in width, 200 feet in length and 15 feet in height. Waste tires were stored on both the 8.4369 and 24.34 acre parcels. The Permit only authorizes the operation of a waste tire processing facility on the 8.4369 acre parcel. There were more than 1,000 waste tires accumulated outdoors on the 24.34 acre parcel by F.T.R. Therefore, F.T.R. was maintaining (and continues to maintain) a waste tire site as defined by Section 403.717 (1)(g), Florida Statutes, and Rule 17-711.200 (15), Florida Administrative Code.

On April 21, 1992, the Department sent John J. Wilson of F.T.R. a Warning Letter informing him of violations of Chapter 17-711, Florida Administrative Code. On June 30, 1992, a site inspection was conducted by the Department's contractor. Based on the site visit, the contractor estimated that the whole tire piles at the Florida Tire site contained 596,000 passenger tire equivalents and that the shredded tire piles contained 4,094,000 passenger tire equivalents. A passenger tire equivalent is equal to twenty pounds of whole or shredded tire material and 100 passenger tire equivalents equals one ton. Fire lanes are not provided for this site as required by rule.

On or about September 10, 1992, F.T.R. provided the Department with a waste tire estimate from its consultant. The consultant estimates the presence of 326,000 whole tires at the Florida Tire site. The report does not include the volume or number of shredded tires. The amount of financial responsibility is estimated by F.T.R.'s consultant to be \$241,849. F.T.R. has only provided financial assurance for \$15,000.

On January 8, 1993, the Department conducted an inspection of the Florida Tire Facility and Department personnel observed that: 1) the volume of tires on the site had increased from the previous inspection and numerically were up to twenty-six times the volume allowed by the permit; 2) twenty of the waste tire and processed tire piles greatly exceeded the maximum dimensions allowed by Rule 17-711.540(2)(b), Florida Administrative Code; and 3) Florida Tire still failed to maintain adequate financial responsibility.

On January 27, 1993, the Department sent John J. Wilson a letter of noncompliance informing him of violations of Chapter 17-711, Florida Administrative Code, at the Florida Tire site. On March 11, 1993, the Department's contractor again inspected the Florida Tire site, and based on that visit, estimated that as of March 11, 1993 the whole tire piles contained 849,000 passenger tire equivalents and the shredded tire piles contained approximately 4,885,000 passenger tire equivalents. In total, the Florida Tire site was estimated to contain a total of 5,734,000 passenger tire equivalents.

The Florida Tire Waste site contains a large pile of shredded tires occupying approximately 115,000 square feet. The large shred pile extends within 50 feet at ground level of high voltage electrical transmission lines and within approximately 30 feet of a railroad spur on which railroad tank cars containing chlorine gas, sulphuric acid, hydrochloric acid and caustic soda were located at the time of inspection on July 28, 1993.

On December 10, 1993, an aerial reconnaissance inspection revealed that F.T.R. is digging drainage canals along the western and southern property boundaries. Two culverts were installed at the southeast corner of

St. Lucie County-Unauthorized Waste Tire Site

F.T.R.'s property connecting the surface waters from F.T.R. to the drainage canal system along the west side of Range Line Road. Range Line Road drainage canals convey surface water to the C-24 Canal. F.T.R. does not possess a permit for the management and storage of surface waters at this site from the Department.

The immense size and configuration of the whole and shredded tire piles at the Florida Tire facility creates a serious fire hazard. An accumulation of whole and shredded tires of the size existing at the Florida Tire facility represents a potentially significant source of air and water pollution in the event of a fire. Combustion of the large tire and shred piles would be virtually impossible to extinguish and would be expected to generate large quantities of dense black smoke and pyrolytic oils for an extended period of time. If pyrolytic oils and heavy metals penetrate the surface soil, the resulting water table contamination could create a hazardous waste site requiring substantial remediation costs. An accumulation of whole and shredded tires of the size existing at the Florida Tire site creates a public health threat by providing a breeding area for mosquitoes which carry St. Louis Encephalitis and Eastern Equine Encephalitis. The Asian Tiger Mosquito (Aedes albopictus), an aggressive day biter, and Aedes aegypti have been identified at the Florida Tire site. Aedes aegypti is a vector for Yellow Fever, Dengue, and Dog Heartworm and Aedes albopictus is a vector for Yellow Fever, Dengue, Eastern Equine Encephalitis and St. Louis Encephalitis.

4. PENALTY RATIONALE:

In accordance with Department Penalty Guidelines, penalties are being sought for the aforementioned violations.

1) The exceedance of the waste tire pile dimensions, exceedances of storage requirements and lack of fire lanes are determined to be a MAJOR potential for harm and a MAJOR extent of deviation. The mid-range of \$9,000 was selected.

2) Increasing the storage capacity of this site without applying and receiving a modification of the permit is determined to be a MAJOR potential for harm and a MAJOR extent of deviation. The mid-range of \$9,000 was selected.

3) F.T.R. had received a General Permit from South Florida Water Management District (S.F.W.M.D.) for constructing a storm water control system on 8.4369 acres. F.T.R. signed notarized affidavits that F.T.R. owned less than ten acres and no other contiguous property. On November 8, 1993, S.F.W.M.D. revoked the General Permit and requested F.T.R. to apply and receive a storm water permit from the Department. The construction of a storm water control system without a permit is determined to be a MINOR potential for harm but a MAJOR extent of deviation. The mid-range of \$900 was selected.

4) The failure to submit a) yearly reports; b) updated financial estimates; c) inadequate financial responsibility; d) failure to place the Waste Tire Collector's Decal on the driver's door of the vehicle; and e) failure to recycle 75% of the processed and whole waste tires off site are determined to be a MINOR potential for harm and a MODERATE extent of deviation. The mid-range of \$400 was selected.

St. Lucie County-Unauthorized Waste Tire Site

5. PENALTY RECOMMENDATION:

I recommend that the civil penalties be sought against F.T.R. as calculated on the attached worksheet.

Vivek Kamath

Waste Programs Administrator

May McWilliams

Director of District Management

H. G. Smith, Jr.  
for Virginia Wetherell, Secretary

✓ Approved

       Disapproved

Date: 12/22/93

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PENALTY COMPUTATION WORKSHEET

Violator's Name: JOHN J. WILSON & SUSAN K. WILSON

Identify Violator's Facility: FLORIDA TIRE RECYCLING, INC

Name of Department Staff Responsible for the Penalty Computations:

JOSEPH LURIX & CAROL MEEDS (6-12-92 original calc.) & JOSEPH LURIX & JOSEPH KATHN (12-13-93)

Date: 12-13-93

PART I - Class B (no penalty) Determination

Rationale for Class B determination: \_\_\_\_\_

PART II - Class A Penalty Determinations

Violation Type	Potential for Harm	Extent of Dev.	Matrix Amount	Multi-day	Adjustments	Total
1. EXCEEDING WASTE PILE DIMENSIONS, NO FIRE LANES & STORAGE REQUI	IA.1. (Pg 17)	IA.1.2.				
MAJOR	MAJOR		9,000	x 6 -	Based on site inspections	54,000
2. NO PERMIT MOD. TO MAINTAIN A WASTE TIRE SITE OR INCREASE STORAGE	IC.1. (Pg 7)	IC.1.				
MAJOR	MAJOR		9,000	x 6 -	Based on site inspections	54,000
3. MODIFIED MSSW-NO PERMIT LATE YEARLY	Pg 18 - WMI.	1.	900	x 1		900
4. REPORTS	ID. (Pg 20)	2.	400	x 4 -	Based on 4 years without reports	1,600
5. FINANCIAL EST. INADEQUATE	ID. (Pg 20)	2.	400	x 3 -	Based on 3 years	1,200
6. FINANCIAL RESP.	ID. (Pg 20)	2.	400	x 4 -	Based on 4 years	1,600
7. TRANSPORTING WASTE TIRE - NO DEAL	ID. (Pg 20)	2.	400	x 1		400
8. FAILURE TO RECYCLE/REMOVE 75% TO WT. YEARLY	IA.		400	x 4 -	Based on 4 years	1,600
9.						

Total Penalties for all Violations: 115,300  
+ Costs & expenses + 35,240.21  
\$150,540.21

(Attach Part III for each violation for which an adjustment on multi-day penalty is determined.)

PENALTY COMPUTATION WORKSHEET

Part III - Multi-day Penalties and Adjustments

ADJUSTMENTS

Dollar Amount

Good faith/Lack of good faith prior to discovery: \_\_\_\_\_

Justification: \_\_\_\_\_

Good faith/Lack of good faith after discovery: \_\_\_\_\_

Justification: \_\_\_\_\_

History of non-compliance: \_\_\_\_\_

Justification: \_\_\_\_\_

Economic benefit of non-compliance: \_\_\_\_\_

Justification: \_\_\_\_\_

Ability to pay: \_\_\_\_\_

Justification: \_\_\_\_\_

Total Adjustments: \_\_\_\_\_

MULTI-DAY PENALTIES

Dollar Amount

Number of days adjustment factor(s) to be applied: \_\_\_\_\_

Justification: \_\_\_\_\_

Or

Number of days matrix amount is to be multiplied: \_\_\_\_\_

Justification: Items #1 & 2 → 6 TIMES

Item #3 & 7 → 1 TIME

Item #4 & 8 → 4 TIMES

Item #5 → 3 TIMES

Item #6 → 4 TIMES

115,300 TOTAL

PENALTY COMPUTATION WORKSHEET

Part IV - Other Adjustments Made After Meeting with the  
Responsible Party

ADJUSTMENTS

Dollar Amount

Relative merits of the case:

\_\_\_\_\_

Resource considerations:

\_\_\_\_\_

Other justification:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director of District Management

**Memorandum**

**Florida Department of  
Environmental Protection**

TO: Larry Morgan  
Deputy General Counsel

FROM: Mary E.S. Williams *MESW*  
Director of District Management

DATE: December 13, 1993

SUBJECT: St. Lucie County - Unauthorized Waste Tire Site.

---

Attached is a Civil Penalty Authorization for the above referenced case.  
This document is client-attorney privileged and is not a public record.

RECEIVED  
JAN - 5 1994  
DEPT. OF ENV. PROTECTION  
WEST PALM BEACH



Accounting of Costs and Expenses

<u>Position</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Environmental Specialist II	50	17.12	\$ 856.00
Engineer I	8	11.50	92.00
Engineer IV	180	29.89	5,380.20
Environmental Manager	11	29.06	319.66
Professional Engineer	67.5	27.14	1,831.95
Program Administrator	10	32.87	328.70
Tallahassee Contractors	--	--	23,328.50
Film	12 rolls(24) + enlargements		672.00
Aerial Photo's-Redi Maps			1,480.00
Mileage	6 inspections at \$0.21 per mile x 120 miles		151.20
Depositions			800.00
	Total		\$35,240.21