

Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

August 19, 1994

Certified Mail
Return Receipt Requested

Mrs. Susan K. Wilson, President
Florida Tire Recycling, Inc. (FTRI)
9675 Range Line Road
Port St. Lucie, FL 34987

St. Lucie County
SW - FTRI
Enforcement Files

RE: STIPULATION AND CONSENT FOR INJUNCTION, "STIPULATION"
CASE NO. 93-895 CA

SU: FTRI Monthly Summary Report #4/ For Month of July, 1994 &
Inspection Report Status Conducted on 8-04-94

Dear Mrs. Wilson:

On August 11, 1994, the Department received the above referenced summary report from Mr. Skip Robinson concerning specific items in the STIPULATION regarding your facility. The purpose of this letter is two fold. First, the Department will provide you with a response to each of his statements in the same numerical sequence as identified in Mr. Robinson's letter and secondly, to provide you with a summary of the inspection conducted on August 4, 1994.

FTRI MONTHLY SUMMARY REPORT #4
Exhibit A - ITEM 2.

"All fire lanes as required in the Stipulation have been installed and completed."

The basic configuration of the fires lanes have been constructed. However there still remains a significant amount of tire shreds in the fire lanes. The fire lanes must be maintained even during reconfiguration of the tire piles. Consequently, this item is in non-compliance.

Exhibit A - ITEM 4.

"Most all of the shreds located in the FP&L easement have been removed from the easement. Those which remain represent approximately 20% of the original quantity and are located at the extreme southern margin of the 440' easement area, far from the transmission lines. It is anticipated that the removal of the material in the easement will be completed before the end of August."

In our opinion, it is difficult to tell exactly where the FPL easement is located and it is hard to determine the amount relocated. There are no physical survey markers on the FTR property delineating where the FPL easement actually is. The Department respectfully requests

that FTR have a land survey performed by a professional land surveyor to physically delineate specifically where the FPL easement is located to determine compliance with the Stipulation. Please provide the Department when FTRI will have this survey conducted.

At this time, due to lack of a definitive physical location of the FPL easement at this site, it appears that you are in non-compliance. This determination is based upon not only this inspection, but in addition comparing the site plan with the FPL easements shown to the aerial and land photographs taken over time. Again, be advised that there appears to be several inches of tire shreds on the ground in the easement along with the tire shred piles that remain in the easement. The Department does note that FTRI has made substantial relocation/removal of the tire shred piles at the facility.

Exhibit A - Engineering and Permit Applications

It is our understanding that an Intent to Issue a Waste Tire Processing Facility permit was issued to FTRI recently for the Lakeland site.

INSPECTION REPORT AUGUST 4, 1994

On August 4, 1994, Department personnel conducted an inspection of your facility for compliance with the terms of the STIPULATION as entered into on January 14, 1994. The purpose of of this letter is to inform you of items of compliance and noncompliance in the same numerical order as shown in the STIPULATION. Items presently in compliance with the STIPULATION are noted "compliance"; items not presently in compliance are noted "noncompliance".

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 applied for a permit for the Management and Storage of Surface Waters (MSSW) on February 9 with the correct application fee on February 15, 1994 - compliance. The MSSW permit was issued on August 14, 1994.

FTRI submitted an application for wetlands dredging and filling on February 14, 1994 - compliance. The dredge and fill application is pending.

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 proposed roadway construction on February 9, 1994 for the proposed reconfiguration of the facility for the southern half of the property only. The design of the roadway didn't include the northern half of the property which is north of the existing east-west central access roadway. On March 29, 1994, Mr. Joseph Friscia, FTR's engineer, submitted a revised site plan to FPL which contained a temporary interim loop road around the shred pile in the northern margin of the property located in the FPL easement. On April 11, 1994, FTR forwarded a copy of a response letter from FPL (dated April 6, 1994 addressed to Mr. Joseph Friscia) that requested that the site plan for the northern access roadway be resubmitted and revised for review.

Since no further documentation has been submitted to the Department regarding this item, it appears that FTRI is in 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 accordingly 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 provided 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 did construct a wooden fence across the majority of the southern access roadway, however this is not a control gate. It is our understanding that FTRI will install the permanent control gate now since the MSSW permit has been issued. At this time however, this item remains as - noncompliance.

10 C.2(c). Installation of 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 furnished 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 SLCFPFCD 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 SLCFPFCD, however none of those letters to date have stated that this plan is acceptable to the SLCFPFCD - noncompliance.

10 D.1. FTRI shall clear shreds from a 50' perimeter around the site to allow equipment access for installation of perimeter roadways. A 50' clear perimeter road has not been installed and maintained clear of tire shreds for the site along the rail spur in the northeast section of the site. All tires and shreds shall be removed to the bare ground. This item remains in noncompliance.

10 D.2. & 3. Fire Lanes must be maintained free of tire shreds to serve the intended purpose. The Department recognizes that FTRI is working in these areas, however shreds were observed on the ground in Fire Lanes 2, 3, 4, 5, 6 and 7 on August 4, 1994. Consequently, FTRI is in non-compliance with this item.

10 D.4. The heights of the existing tires shreds all appear to be at or lower than 15 feet in height - compliance.

10 D.5. FTRI has not removed all remaining whole and shredded tires from the Florida Power and Light Easement within the 180 days from the entry of the Stipulation Order - noncompliance.

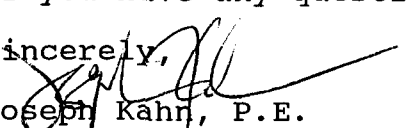
10 E. FTRI has provided monthly status reports and weekly totals that reveal that FTRI has complied with this item through the end date of July 14, 1994.

10 F. FTRI submitted a copy of the Financial Responsibility document on February 9 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 - compliance. 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. Please provide a written statement as to the amount of the deposit that should have been made or actually occurred for this item - noncompliance.

Please respond to each item of noncompliance and each item requiring clarification within 10 days of receipt of this letter.

If you have any questions, please contact me 407/433-2650.

Sincerely,


Joseph Kahn, P.E.
Solid Waste Supervisor

cc: Janet Bowman, OGC/TLH
Jim Brindell
Frances Keith

Vivek Kamath
Marion Hedgepeth

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Mrs. Susan K. Wilson, President
Florida Tire Recycling, Inc.
9675 Range Line Road
Port St. Lucie, FL 34987

4a. Article Number

P 893 729 801

4b. Service Type

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6. Signature (Agent)

Melanie E. Drumm

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