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Consult postmaster for fee.

3. Article Addressed to:

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

4a. Article Number

P 893 731 512

4b. Service Type

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

7. Date of Delivery

11-1-95

Con. Judge. 93-895 CA (JL)

5. Signature (Addressee)

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Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

October 30, 1995

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

SU: INSPECTION REPORT OCTOBER 12, 1995

Dear Mrs. Wilson:

On October 12, 1995, Department personnel conducted an inspection of your facility 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 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.

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. This reconfiguration is for the southern half of the property south of the existing east-west central access roadway only. 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

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Permit No. 56-2451186, was modified and the modification was issued on July 17, 1995. As of September 17, 1995, FTRI has not commenced the construction of the MSSW system. 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. At this time, FTRI has not responded to the Department's request for this additional documentation, and consequently this item has been determined to be 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 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 did construct a temporary wooden fence across the majority of the southern access roadway; however, this is not a permanent control gate as required in the STIPULATION. It is our understanding that FTRI will install the permanent control gate after the MSSW permit was issued. At this time, however, this item remains as - noncompliance.

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 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 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. 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, nor along the southern property boundary, just north of the drainage ditch. All waste tires shall be removed to the bare ground. This item remains in noncompliance.

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.

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

10 D.5. FTRI still has not removed all remaining shredded tires from the Florida Power and Light Easement within the 180 days from the entry of the Stipulation Order - noncompliance. The depth of the tire shreds is several inches and greater in this area.

10 D.6. FTRI has not maintained a 50 foot separation between the shredded tire piles. In addition, there still remains a substantial amount of shredded tires disposed of between the shredded 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.

10 E. FTRI has provided weekly totals that reveal that FTRI has complied with this item through the end date of April 15, 1995. However, the C.J.O. requires that FTRI shall remove at least 1,000 tons of waste tires more than what is received each month at the FTRI site during the calendar month starting September 1, 1995. For the month of September 1995, FTRI has received 1,803.92 tons of waste tires. The C.J.O. requires that the removal rate would be 1,803.92 tons received plus an additional 1,000 tons totaling 2,803.92 tons off-site. FTRI has removed only 1,364.92 tons from the site. There is a short fall of 1,439 tons remaining on the FTRI site - 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 for the month of September 1995 - compliance.

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 October 21, 1995 - compliance.

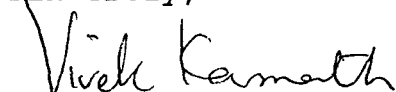
10. H. FTR shall submit within 10 days of the end of each calendar month a monthly report which details the volume and weight of waste tires brought on and removed from the site. This report shall also include details of the progress that FTRI has made in complying with the terms of the C.J.O. and the Stipulation. Be advised that the Department has received monthly reports up to and including September 1995 - compliance.

Item 9. C.J.O. FTR has submitted the first quarterly installment of \$5,740.21 on October 6, 1995 as settlement for the civil penalties and costs and expenses inquired by the Department in this case. The next quarterly payment is due on December 1, 1995 for the amount of \$3,000.00.

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 Mr. Joseph Lurix at telephone number 407/433-2650, extension 110.

Sincerely,



Vivek Kamath, P.E.
Waste Programs Administrator

cc: Carlos Rivero-deAguilar
Jim Brindell, Esq.
Frances Keith, SW/TLH

Luna Ergas, OGC/TLH
Marion Hedgepeth, WPB