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- Complete items 3, 4a, and 4b.
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3. Article Addressed to:

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

4a. Article Number

P 109-462-888

4b. Service Type

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

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11-15

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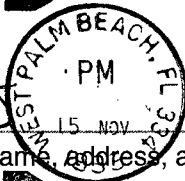
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10/13/99

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

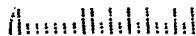
RECEIVED

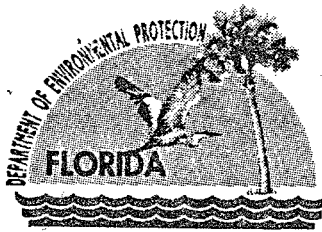
P. O. BOX 15425

NOV 17 1999

WEST PALM BEACH, FL 33416

DEPT OF ENV PROTECTION  
WEST PALM BEACH





# Department of Environmental Protection

FILE

7109-462 888  
David B. Struhs  
Secretary

Jeb Bush  
Governor

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

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

November 10, 1999

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 November 5, 1999

Dear Mr. Quarterson:

On November 5, 1999, Department personnel conducted an onsite 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 September 8, 1999 as settlement for the civil penalties and costs and expenses inquired by the Department in this case. The next quarterly installment payment is due on or before **December 1, 1999** 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,

FTRI had started construction of the MSSW system. On December 18, 1996, the Department received a written request from FTRI to extend the compliance date for the construction/certification of the MSSW system. On December 24, 1996, the Department granted a time extension till July 31, 1997. On September 5, 1997, the Department received a second written request from FTRI to extend the compliance date for the construction/certification of the MSSW system till September 1, 1998. This request has been forwarded to the ERP section of the Department for a written response. The certification for completion of the stormwater system is due on or before November 7, 1999 in accordance with the ERP/MSSW permit. Observations this date revealed that the storm water piping and concrete drop-down structures have been purchased and are onsite. Construction has started of the conveyance swales from the east side of the wet retention pond to the northeast corner of the property. 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 and September 17, 1997 revealed construction of the southern and most of the western MSSW berm. The FPL right-of-way to the north of the onsite retention pond was free of tire shreds. On June 3, 1999, an aerial reconnaissance revealed that FTRI has disposed of thousands of waste tires on the north side of the retention pond again - **noncompliance.**

**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, FTR had commenced the construction of the MSSW

system. The east-west roadway has decreased in width as compared to previous inspections, and contains several inches of tire shreds. 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 east-northeast section of the site, the east-west access roadway, around all tire piles and in the vicinity of the south side of the stormwater retention pond. Tire shreds were observed to be several inches in depth in these aforementioned areas. 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 has disposed of waste tires into the Florida Power and Light Easement on the north side of the MSSW stormwater pond - **noncompliance.**

**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 June 3, 1999 aerial reconnaissance and subsequently on July 12, 1999, September 24, 1999 and November 5, 1999 inspections, there are still a large pile of waste tires (@250,000 truck tires with estimated measurements of 570 feet long by 325 feet wide and 8 feet in height) on the south side of the entrance road due west of the new processing building. This waste tire pile far exceeds the size limitation specified in Chapter 62-711, F.A.C. (200 feet, by 50 feet and 15 feet in height) - **noncompliance.**

**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 March 31, 1997 - **compliance**. FTRI performed another third party closure cost estimate for this site and submitted this estimate to the district office for review during March 1997. The estimate was approved on March 31, 1997 and FTRI provided proof of the financial mechanism via Tallahassee. The Closure Cost Estimates are required by rule to be updated annually, or when the Department believes that estimate may be in shortfall due to an increase in the amount of waste tires observed onsite. A letter was hand delivered on November 5, 1999 requiring an updated Closure Cost Estimate for this facility within 30 days of receipt - **noncompliance**.

**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 for week ending on **October 31, 1999** - **compliance**.

**10 H.** FTR shall submit within 10 days of the end of each calendar month a monthly report that 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 1999, **compliance**.

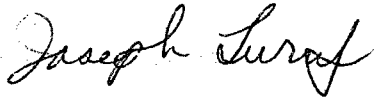
**10 K.** By July 31, 1996, FTR shall remove and dispose of all waste tires for which storage is not authorized by a DEP Waste Tire Processing Facility permit. The maximum amount of waste tires that is authorized in accordance with the approved plans is 9,700 tons. The 4th quarterly report for calendar year 1998 reveals that FTRI had an ending inventory of 18,539 tons onsite. Although this amount is more than what is allowed in the CFJ, FTRI has established financial assurance for this amount of waste tires, therefore FTRI is in

November 10, 1999  
Mr. David Quarterson  
Page 6 of 6

compliance. Be advised that we have received the first, second and third quarterly reports for calendar year 1999. The **fourth quarterly report is due on or before January 15, 2000 - compliance.**

Please respond in writing to each item identified as noncompliance within fifteen (15) days upon receipt of this letter. If you have any questions, please contact me at telephone number 561/681-6669.

Sincerely,

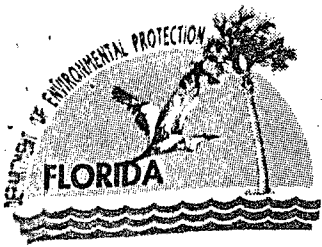


Joseph Lurix, Engineer  
Solid Waste Programs

cc: Melissa L. Meeker, SED  
Al Ford, OGC/TLH  
Dana Civetti, PSL/ERP

Jessie Carpenter, SW/TLH  
Inger Hansen, WPB/ERP  
Indar Jagnarine, WPB/ERP





Jeb Bush  
Governor

# Department of Environmental Protection

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

41202  
David B. Struhs  
Secretary

HAND DELIVERED

November 5, 1999

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: GMS I.D. No.: 5156P00818  
Permit No: 41202-SO-001

Dear Mr. Quarterson:

A file review conducted by the Department revealed that you have not submitted your annual updated closure cost estimate for the above referenced facility. The last estimate received was dated March 27, 1997.

Your cost estimates must be revised annually in accordance with Rule 62-701.630, Florida Administrative Code, and 40 CFR 264 Subpart H. Please send the revised cost estimates to this office for review within thirty (30) days upon receipt of this letter. This estimate must be signed and sealed by a professional engineer registered in the State of Florida by a third party performing the work.

If you have any questions, please call me at (561)681-6669.

Sincerely,

*Joseph Lurix*  
Joseph Lurix, Engineer  
Solid Waste Section

Cc: JanRae Clark, SW/TLH

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

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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 is still 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 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 recently issued FTR a permit dated March 18, 1996 for your facility. At the time of this inspection, FTR has commenced the construction of the MSSW system. However, the MSSW system is not completed nor certified complete as of this inspection date - noncompliance.

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

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. 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 E.(1.) FTRI has provided weekly totals that reveal that FTRI has complied with this item through the end date of November 30, 1996. C.J.O. requires that FTRI shall remove at least 1,000 tons of waste tires more than the volume received from 9-1-95 to 11-30-95 at the site these specific calendar months. By summing the actual amount of waste tires in tons brought on to the site each working day during the month plus 1,000 tons ("base removal amount") and comparing that figure with the total amount of waste tires removed from the site during month, the total amount removed shall equal or exceed the base removal amount. DEP shall have the right to inspect FTR's records of waste tire intake and removal on a daily basis. Starting 12-01-95 through 07-31-96, FTR shall remove 1,500 tons for the BRA.

(2) At the end of the 3 month period, DEP shall evaluate if FTR has achieved the removal requirements.

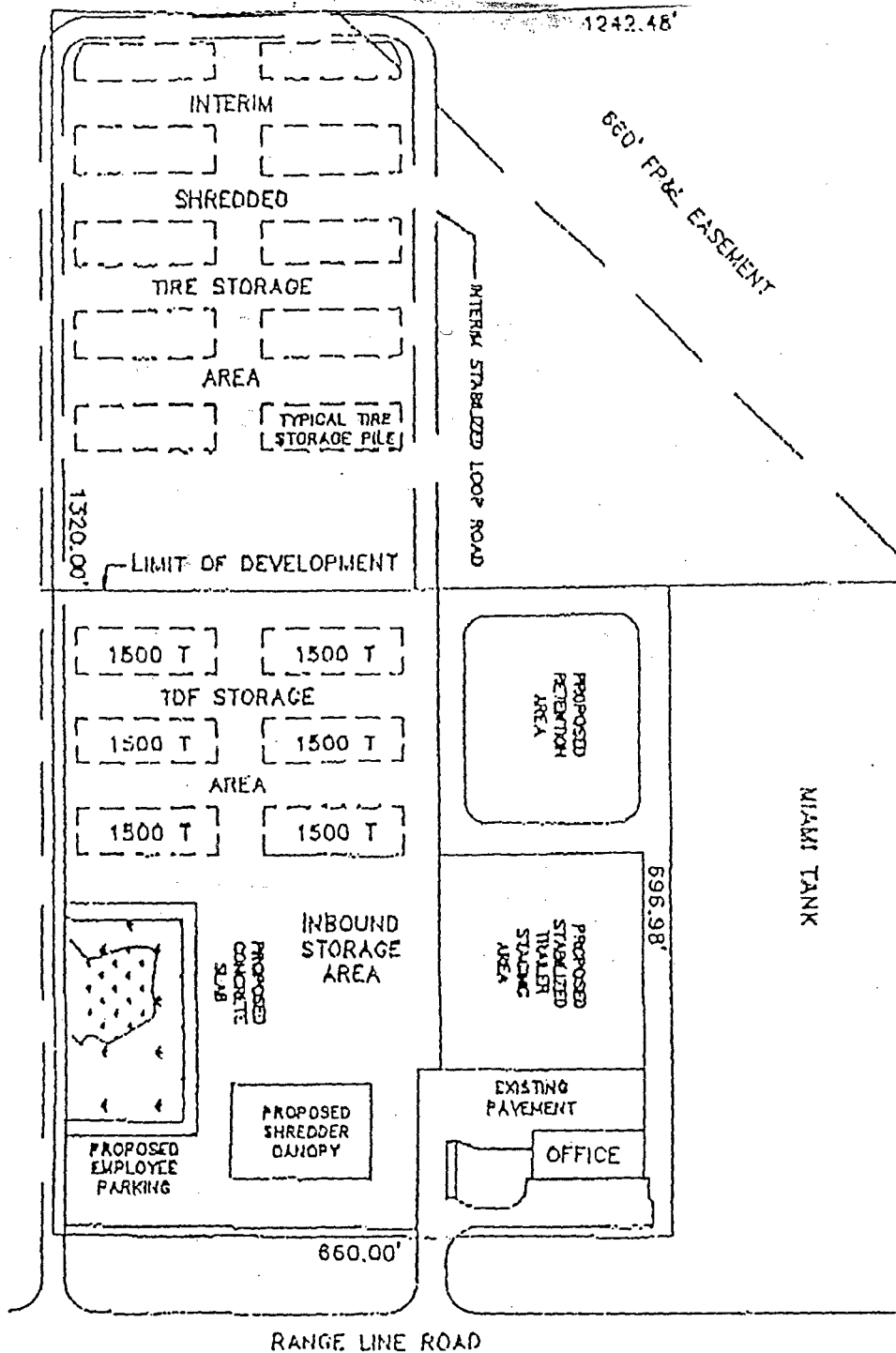
(3)(a) If FTR fails to remove at least 80% of the BRA for the first 3 months, FTR shall cease accepting waste tires by 12-31-95 and submit a plan for site closure. If FTR meets or exceeds 80% but less than 100% BRA, then FTR shall demonstrate that they are capable of performing with the removal, construction and permitting of the STIPULATION and other imposed deadlines for compliance. This is due in the form of a report by 12-10-95.

(3)(b) DEP shall respond to the report by 12-15-95.

(4) FTR shall within 60 days ( due by 10-31-96), clear all waste tire and establish fire lanes between and around the piles shown on Exhibit B.

(5) By 11-01-95, or sixty days after the DEP issues the MSSW permit, whichever occurs first, FTR shall start construction of the MSSW system and certify completion by 03-01-96 or within 150 days of issuance of the MSSW permit, whichever occurs first.

10 K. By 07-31-96, FTR shall remove and dispose of all waste tires for which storage is not authorized by a DEP WTPF permit. Maximum authorized by approved plans is 9,700 tons.



— EXHIBIT B —

CAD DWO 9343AEYA

DRAWN BY: J.T.F.  
 CHECKED BY: J.T.F.  
 DATE: 04/12/95  
 SCALE: 1" = 200'  
 JOB NO.: 9243

# FLORIDA TIRE RECYCLING CONCEPTUAL PLAN

1122 SW BILTMORE ST.  
 PORT ST. LUCIE, FLORIDA 34884  
 407-210-4090