



Jeb Bush  
Governor

# Department of Environmental Protection

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

David B. Struhs  
Secretary

FILE

7000/0600/0024/1600/2084  
7000/0600/0024/1600/2091

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

January 17, 2001

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 - December 13 and 28, 2000

Dear Mr. Quarterson:

On December 13 and 28, 2000, Department personnel from the solid waste program conducted an onsite inspection of FTRI for compliance with the terms of the Consent Judgment Order (C.J.O.), STIPULATION as entered into on September 11, 1995 and subsequent DEP letters as referenced above. 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 has submitted all the quarterly installment payments of \$3,000 for settlement for the civil penalties and costs and expenses incurred by the Department in this case - 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 was forwarded to the ERP section of the Department for a written response. The certification for completion of the stormwater system was due on or before November 7, 1999 in accordance with the ERP/MSSW permit.

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On January 4, 2000, the Department extended the completion date of the construction of the Interim Stormwater System to July 31, 2000. On February 23, 2000, the Department extended the completion of the Final Stormwater Management System until December 30, 2000. The MSSW system has been certified complete as of December 29, 2000 - compliance.

**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. The MSSW system has been certified complete - compliance.

**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 furnished a letter signed by the SLCFPFCD that states that the site fire protection systems design is acceptable to the SLCFPFCD -compliance.

**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 SLCFTPFCFCD that describes the fire-fighting resources available to fight a fire at the FTRI site. FTRI has furnished a letter signed by the SLCFPFCD that states that the site fire protection systems design is acceptable to the SLCFPFCD - compliance.

**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. On January 4, 2000 and February 23, 2000, the Department extended the compliance date of this item until December 31, 2000. As of the December 13 and 28, 2000 inspections, this item is in compliance.

**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.

As of the December 13 and 28, 2000 inspections, this item is in compliance.

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

**10 D.5.** FTRI had disposed of waste tires into the Florida Power and Light Easement on the north side of the MSSW stormwater pond. On January 4, 2000 and February 23, 2000, the Department extended the compliance date of this item until December 31, 2000. As of the December 13 and 28, 2000 inspections, this item is in compliance.

**10 D.6.** FTRI had 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 were 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 existing processing building.

Observations on April 3, 2000, revealed that the waste tire pile had been reduced to @420 feet long by 325 feet wide. In the area where the waste tire pile had been reduced, there is a new processing building built due west of the existing processing building. Observations on July 20, 2000, revealed that FTRI had continued to make progress in reducing this pile to less than one-half of its size observed on April 3, 2000. On January 4, 2000 and February 23, 2000, the Department extended the compliance date of this item until December 31, 2000. On October 16, 2000, the waste tire pile had been removed - compliance.

**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 should 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. Since then, FTR has exceeded the shortfall and is in compliance.

**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 had deposited \$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. FTRI provided an alternate financial mechanism with insurance via Frontier Insurance Company. FTRI submitted a revised closure cost estimate on December 20, 1999. The estimate was approved after the July 20, 2000 inspection. **FTRI provided proof of the financial mechanism via Tallahassee, however, the insurance company has subsequently been delisted from the Federal Registrar. FTRI is actively procuring a replacement mechanism – non-compliance.**

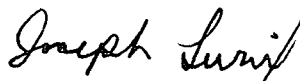
**10 G.** FTR shall provide the Department with weekly tallies of the weight of waste tires brought onto the site and the weight of waste tires removed from the site each day. The Department has received weekly tallies through December 30, 2000 - compliance.

**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 December 2000, - 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. FTRI had established financial assurance in exceedance of this amount of waste tires; **however, the insurance company has subsequently been delisted from the Federal Registrar. FTRI is actively procuring a replacement mechanism – non-compliance.** The first quarterly report is due on or before April 15, 2001, - compliance.

Please respond in writing to each item identified as non-compliance within fifteen (15) days upon receipt of this letter. Once the financial mechanism is replaced and approved by the financial tire coordinator in our Tallahassee Office, the district office will recommend deactivating the CFJ. 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

Jessie Carpenter, SW/TLH – MS4565  
Lt. Tom Whitley, SLCPFFCD – certified mail