



Lawton Chiles
Governor

Florida Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Virginia B. Wetherell
Secretary

April 21, 1994

James R. Brindell
Gunster, Yoakley & Stewart, P.A.
Phillips Point, Suite 500 East
777 South Flagella Drive
West Palm Beach, Florida 33401-6194

RECEIVED
APR 26 1994
DEPT OF ENV PROTECTION
WEST PALM BEACH

Re: DEP vs. Florida Tire Recycling

Dear Jim:

Thank you for your letter of April 18, 1994 regarding the tire material located under the Florida Power and Light easement. Paragraph D.(5) of the Stipulation Order requires that Florida Tire "Remove all remaining whole and shredded tires from the Florida Power and Light Easement within 180 days of the entry of the Stipulation Order." The removal of the whole and shredded tires from the Florida Power and Light Easement and disposal off-site is not dependent upon the receipt of any permit from the Department that Florida Tire does not already possess; therefore, the 180 days runs from date the Order adopting the Stipulation was signed by Judge Smith. Removal can be accomplished by properly transporting and disposing of the material off-site to a waste-to-energy facility, landfill etc.

If any of the tire material is relocated on-site outside of the FP & L easement, it must be configured in piles of no more than 15 feet in height and not exceed the dimensions set forth in Chapter 17-711, F.A.C. In addition, the material can not be placed in jurisdictional wetlands or in the perimeter roadways and fire lanes required by the stipulation.

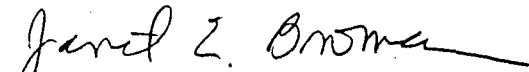
In addition, I would like to point out that Department and not the South Florida Water Management District is reviewing Florida Tire's Management and Storage of Surface Waters Permit (MSSW) and wetlands resource permit. A November 1993 letter from the SFWMD informed Florida Tire that the facility was not eligible for an MSSW exemption because the facility was greater than 10 acres and that a MSSW permit application

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needed to be submitted to the Department. It is necessary pursuant to both the Stipulation Order and Chapter 17-711, F.A.C., to comply with the management and storage of surface waters rules as a prerequisite to obtaining a waste tire processing facility permit.

If you have any questions regarding the above, please give me a call at (904) 488-9730.

Sincerely yours,

A handwritten signature in cursive script, reading "Janet E. Bowman", with a long horizontal flourish extending to the right.

Janet E. Bowman
Assistant General Counsel

cc. Mary E.S. Williams
Joe Kahn