



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 25, 1994

James R. Brindell, Esq.
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Phillips Point, Suite 600 East
777 South Flagler Drive
West Palm Beach, Florida 33401-6194

RECEIVED
APR 28 1994
DEPT OF ENV PROTECTION
WEST PALM BEACH

Dear Jim:

I was out of the office Friday and therefore did not receive your fax of April 22, 1994 until today. As I stated in my letter of April 21, 1994, removal of the tire shreds from the Florida Power & Light easement is not contingent upon receipt of the Management and Storage of Surface Waters permit and must be achieved 180 days from the issuance of Judge Smith's order. The material can either be removed from the site and properly disposed of or recycled, or temporarily moved elsewhere on the Florida Tire site as long as: 1) the material is not placed in jurisdictional wetlands or on the perimeter roads and fire lanes and 2) the pile size requirements of Chapter 17-711, F.A.C., are met. As the Department expects Florida Tire to timely construct the MSSW system upon receipt of a MSSW permit, it would be prudent for Florida Tire to avoid moving shreds into the location of the proposed MSSW system by either removing the shreds off-site or locating temporary piles elsewhere on the site outside of the FP & L easement.

If you have any questions, please call me at
(904) 488-9730.

Sincerely yours,

Janet E. Bowman
Janet E. Bowman

cc. Mary E.S. Williams
Joe Kahn
Marion Hedgepeth

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April 22, 1994

TELECOPY

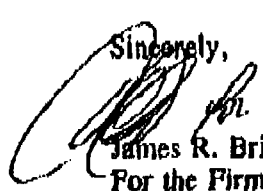
Janet E. Bowman, Esquire
Asst. General Counsel
Florida Dept. of Environmental Regulation, Office of Counsel
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Re: DEP vs. Florida Tire Recycling, Inc.

Dear Janet:

Florida Tire's written question, submitted to DEP on April 18, 1994 and orally previously, was whether or not Florida Tire can commence its reconfiguration, (assuming it otherwise complies with all other matters involved with the Stipulation, wetlands jurisdictional issues and Chapter 17-711) without awaiting the issuance of the Management and Storage of Surface Waters Permit? That is the single and simple question to which Florida Tire needs an immediate answer! The response Florida Tire has received has answered by saying, Florida Tire's question is irrelevant! Florida Tire most respectfully, but vehemently disagrees. * It needs a definitive answer immediately to the question asked, so that it can proceed with its reconfiguration.

Sincerely,


James R. Brindell
For the Firm

* DEP's new position of April 21, 1994 is quite disturbing and must be resolved at a later date. As all who participated in the negotiations for and drafting of the Stipulation/Order are aware, Florida Tire's submitted Business Plan of operations, the negotiations and the Stipulation unequivocally envisioned initially resolving DEP's concerns regarding the tire material in the easement by the mechanism of reconfiguration. Please reconsider these facts and the implications of DEP's mistaken position here. We want to cooperate and move forward.

cc: Skip Robinson
67416

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To Joe KAHN	From JANET BOWMAN	
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