



# Florida Department of Environmental Protection

Southwest District  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926  
Telephone: 813-632-7600

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

CERTIFIED MAIL 7009 1410 0001 0092 0130  
RETURN RECEIPT REQUESTED

April 7, 2010

In the matter of an  
Application for Permit by:

DEP File No. 297136-001-WT/02  
Sumter County

American Cement Company, LLC.  
Mr. Cary Cohrs, President  
P.O. Box 445  
Sumterville, FL 33585

## NOTICE OF PERMIT

Dear Mr. Cohrs:

Enclosed is **Permit No.: 297136-001-WT/02**, issued pursuant to Section(s) 403.087(1), Florida Statutes.

Any party to this Order (permit) has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Blvd., Mail Station 35, Tallahassee, 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this Notice is filed with the Clerk of the Department.

Executed in Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

Deborah A. Getzoff  
District Director  
Southwest District

DAG/ndg  
Attachment

Copies furnished to:

Sumter County Board of County Commissioners  
Sumter County Notification List  
Aimee Webb, Sumter County Development, [Aimee.Webb@sumtercountyfl.gov](mailto:Aimee.Webb@sumtercountyfl.gov)  
Charles Robertson, American Cement, LLC., [crobertson@americacementcompany.com](mailto:crobertson@americacementcompany.com)  
Steve Cullen, P.E., Koogler & Associates, Inc. [scullen@kooglerassociates.com](mailto:scullen@kooglerassociates.com)  
Ronni Moore, OGC Tallahassee (email)  
Fred Wick/Frank Hornbrook, FDEP Tallahassee (email)  
Richard Tedder, P.E., FDEP Tallahassee (email)  
Susan Pelz, P.E. FDEP Tampa (email)  
Permit Notebook

**CERTIFICATE OF SERVICE**

This undersigned duly designated deputy clerk hereby certifies that this **Notice of Permit** was mailed to the addressee, and either mailed or transmitted electronically to the listed persons before the close of business on April 7, 2010.  
(date)

**FILING AND ACKNOWLEDGMENT FILED,**  
on this date, pursuant to  
Section 120.52(11), Florida  
Statutes, with the designated  
Department Clerk, receipt of which  
is hereby acknowledged.

Anna Brantley  
(Clerk)

4-7-2010  
(Date)



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## PERMITTEE

Mr. Cary Cohrs, President  
American Cement Company, LLC.  
Post Office Box 445  
Sumterville, FL 33585

## PERMIT/CERTIFICATION

WACS ID No.: SWD/60/98523  
Permit No.: 297136-001-WT/02  
Date of Issue: **04/07/2010**  
Expiration Date: **04/07/2015**  
County: Sumter  
Lat/Long: 28°45'38"N  
82°01'35"W  
Sec/Town/Rge: 8/20S/23E  
Project: American Cement  
Waste Tire Processing Facility

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule(s) 62-4, 62-701, and 62-711. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or referenced in Specific Condition #A.2., and made a part hereof and specifically described as follows:

To operate a waste tire processing facility (approximately 10 acres), referred to as the American Cement Waste Tire Processing Facility, subject to the specific conditions attached, for storing and processing waste tires, located at 4750 East County Road 470, in Sumterville, Sumter County, Florida. The specific conditions attached are for the operation of a:

1. Waste Tire Processing Facility

## General Information:

Maximum tire storage	80.4 tons PTE's [ref. SC#A.2.a.(2)]
Maximum tire throughput	60 tons PTE's/day [ref. Op. Plan, Page 5]

**Replaces Permit No.: New**

This permit contains compliance items summarized in Attachment 1 that shall be complied with and submitted to the Department by the dates noted. If the compliance dates are not met and submittals are not received by the Department on the dates noted, enforcement action may be initiated to assure compliance with the conditions of this permit.

**GENERAL CONDITIONS:**

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.161, 403.727, or 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of rights, nor any infringement of federal, State, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

**GENERAL CONDITIONS:**

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:

- (a) Have access to and copy any records that must be kept under conditions of the permit;
- (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
- (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

- (a) A description of and cause of noncompliance; and
- (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

11. This permit is transferable only upon Department approval in accordance with Rule 62-4.120 and 62-730.300, Florida Administrative Code, as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

**GENERAL CONDITIONS:**

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

13. This permit also constitutes:

- (a) Determination of Best Available Control Technology (BACT)
- (b) Determination of Prevention of Significant Deterioration (PSD)
- (c) Certification of compliance with State Water Quality Standards (Section 401, PL 92-500)
- (d) Compliance with New Source Performance Standards

14. The permittee shall comply with the following:

- (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
- (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
- (c) Records of monitoring information shall include:
  - 1. the date, exact place, and time of sampling or measurements;
  - 2. the person responsible for performing the sampling or measurements;
  - 3. the dates analyses were performed;
  - 4. the person responsible for performing the analyses;
  - 5. the analytical techniques or methods used;
  - 6. the results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

**SPECIFIC CONDITIONS: PART A -SOLID WASTE FACILITY GENERAL REQUIREMENTS**

1. **Facility Designation.** This site shall be classified as a **waste tire processing facility** and shall be operated and closed in accordance with all applicable requirements of Chapters 62-4, 62-711, and 62-701, Florida Administrative Code (F.A.C.). This facility is limited to the acceptance of whole waste tires only. Other wastes shall not be accepted at this facility.

2. **Permit Application Documentation.** This permit is valid for construction and operation of the waste tire processing facility in accordance with all applicable requirements of Department rules and the reports, plans and other information, prepared by Koogler & Associates, Inc. as follows:

a. American Cement Company, LLC. Waste Tire Processing Facility Application for a Waste Tire Facility Permit, dated August 3, 2009 (rcv'd August 20, 2009), as revised, replaced or amended (information collated into 3 ring binder), dated November 19, 2009 (rcv'd November 20, 2009), dated December 17, 2009, and December 28, 2009 (rcv'd January 04, 2010). This information includes, but is not limited to:

- 1) *Revised Comprehensive Operations Plan [Op Plan]*, Received November 20, 2009, Revised December 28, 2009;
- 2) *Engineering Calculations*, Revised December 17, 2009;
- 3) Plan Sheets, Figures 1-12 (12 sheets), received November 20, 2009.

3. **Permit Modifications.**

a. Any construction or operation not previously approved as part of this permit shall require a separate Department permit unless the Department determines a permit modification to be more appropriate, or unless otherwise approved in writing by the Department. Permits shall be modified in accordance with the requirements of Rule 62-4.080, F.A.C. A modification which is reasonably expected to lead to substantially different environmental impacts, which require a detailed review by the Department, is considered a substantial modification.

4. **Permit Renewal.** On or before **October 15, 2014** the permittee shall notify the Department in writing or electronically of its intent to apply for renewal of this permit and of the anticipated date of submittal of the permit renewal application. **No later than January 5, 2014**, the permittee shall apply for a renewal of a permit on forms and in a manner prescribed by the Department, in order to assure conformance with all applicable Department rules. Permits shall be renewed at least every five years as required by Rule 62-4.090, F.A.C. and Rule 62-701.320(10)(b), F.A.C. In the event that the regulations governing this permitted operation are revised, the permit renewal shall include modification of those specific operation conditions affected by the revision of regulations to incorporate those revisions in accordance with Specific Condition A.8.

**SPECIFIC CONDITIONS: PART A -SOLID WASTE FACILITY GENERAL REQUIREMENTS**

5. **Professional Certification.** Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.), Florida Statutes, applicable portions of permit applications and supporting documents, which are submitted to the Department for public record, shall be signed and sealed by the professional(s) who prepared or approved them.

6. **General Conditions.** The permittee shall be aware of and operate under the "General Conditions". General Conditions are binding upon the permittee and enforceable pursuant to Chapter 403, Florida Statutes.

7. **Permit Acceptance.** By acceptance of this Permit, the Permittee certifies that he/she has read and understands the obligations imposed by the Specific and General Conditions contained herein and also including date of permit expiration and renewal deadlines. It is a violation of this permit for failure to comply with all conditions and deadlines.

8. **Regulations.** Chapters 62-701, effective January 6, 2010, and 62-711, effective March 22, 2000, F.A.C., are incorporated into this permit by reference. In the event that the regulations governing this permitted operation are revised, the Department shall notify the permittee, and the permittee shall request modification of those specific conditions, which are affected by the revision of regulations to incorporate those revisions.

9. **Prohibitions.** The prohibitions of Rule 62-711.400, F.A.C., shall not be violated by activities at this site.

a. **Waste Burning.** Open burning of solid waste is prohibited except in accordance with Rule 62-701.300(3), 2010 and Chapter 62-256, 2008 F.A.C.



**SPECIFIC CONDITIONS: PART B - CONSTRUCTION REQUIREMENTS**

1. **Construction.** All construction activities shall be approved by the Department prior to initiating work, unless specifically authorized otherwise.

2. **Certification of Construction Completion.** All information required by this Specific Condition shall be signed and sealed by a registered professional engineer or land surveyor as appropriate. At the completion of construction, information listed below shall be provided to the Department as part of the Certification of Construction Completion.

a. **Within sixty (60) days** after any specified construction has been completed or as otherwise specified in this permit, the following activities shall be completed and submitted by the permittee to the Department. Operation of the constructed systems, structures, equipment, etc., shall not be initiated prior to Department approval of the information required by this Specific Condition.

1) The owner or operator shall submit a Certification of Construction Completion, Form 62-701.900(2), signed and sealed by the professional engineer responsible for the construction to the Department for approval, and shall arrange for Department representatives to inspect the construction in the company of the permittee, the engineer, and the facility operator.

2) The owner or operator shall submit Record Drawings/Documents showing all changes (i.e. all additions, deletions, revisions to the plans previously approved by the Department). The Record Documents shall include as-built plans details and elevations (survey) as appropriate.

3) The owner or operator shall submit a narrative indicating all changes in plans and the cause of the deviations, and certification by the design engineer to the Department.

**SPECIFIC CONDITIONS: PART C - OPERATION REQUIREMENTS**

1. **Facility Operation Requirements.**
  - a. The permittee shall operate this facility in accordance with Rule 62-711.530, F.A.C., the facility's Operation Plan [ref. SC#A.2.a.(1)], and any other applicable requirements.
  - b. The facility's operating hours are 24 hours per day, 7 days per week.
  - c. In the event of a fire, in a tire storage or processing area, additional waste shall not be accepted in the area affected by the fire until the fire is completely extinguished. All fires which require longer than one (1) hour to extinguish must be promptly reported to the Department and in accordance with Specific Condition #C.6., below.
  - d. Tires shall not be accepted from the public. Tires shall be accepted from waste tire collectors registered in Florida only [ref. Op. Plan, Pg. 6].
2. **Operating Personnel.** A trained supervisor or foreman shall be responsible for operating and maintaining the facility in an orderly, safe, and sanitary manner. Sufficient personnel shall be employed to adequately operate the facility.
3. **Control of Access.** Access to, and use of, the facility shall be controlled. Adequate access to the waste tire processing facility and storage areas shall be provided for all weather conditions [ref. Op. Plan, Pg.7].
4. **Monitoring of Waste.** The permittee shall not knowingly accept hazardous waste or any hazardous substance at this site. Hazardous waste is a waste in Chapter 62-730, F.A.C. Hazardous substances are those defined in Section 403.703, Florida Statute or in any other applicable state or federal law or administrative rule.
5. **Control of Nuisance Conditions.** The owner or operator shall control vectors so as to protect the public health and welfare by storing tires inside enclosed trailers until they are put into the kiln system. The operating authority shall be responsible for the control of odors and fugitive particulates arising from the operation. Such control shall minimize the creation of nuisance conditions on adjoining property. Complaints, confirmed by Department personnel upon site inspection, shall constitute a nuisance condition, and the permittee must take immediate corrective action to abate the nuisance.

**SPECIFIC CONDITIONS: PART C - OPERATION REQUIREMENTS**

**6. Facility Maintenance and Repair.**

a. The site shall be properly maintained. In the event of damage to any portion of the waste tire processing site facilities, equipment, storage areas, or buildings, failure of any portion of the associated systems, fire, explosion, or the development of sinkhole(s) at the site, the permittee shall **immediately (within 24 hours)** notify the Department explaining such occurrence, method to prevent reoccurrence, remedial measures to be taken and time needed for repairs. Written detailed notification shall be submitted to the Department **within seven (7) days** following the occurrence.

b. In the event of a tire fire, impacted soils and/or liquids shall be contained, and shall be characterized prior to disposal at an appropriately permitted offsite disposal facility. The results of this characterization shall be provided to the Department with the written notification required by Specific Condition #C.6.a. above, prior to disposal of the material.

**7. Stormwater Management.** The site shall have a surface water management system operated and maintained to prevent surface water flow on to unloading, loading and storage areas, and a stormwater runoff control system operated and maintained to collect and control stormwater to meet the requirements of Florida Administrative Code Rule 62-330, any other applicable Department rules, and the requirements of the respective water management district.

**8. Material Management and Storage.** All waste tires shall be stored in trucks and hoppers in accordance with the Operation Plan, and as shown on the Figure 6 - Plan View [ref. SC#A.2.a.(3)].

a. Storage at the facility is limited to a total of 80.4 tons of passenger tire equivalents (PTE's), including 15.4 tons contained in the feed system. The maximum storage in each component of the feed system or storage container is limited to the quantities specified in the Engineering Calculations [ref. SC#A.2.a.(2)].

b. If the waste tire facility has reached its permitted storage capacity, the permittee shall not accept additional waste tires until sufficient capacity has been restored.

c. All incoming waste tires shall be handled on a first-in/first-out basis.

d. At least 75 percent of the whole tires, used tires, and processed tires that are delivered to or are contained on the site of the waste tire processing facility at the beginning of each calendar year shall be processed or removed for disposal or recycling from the facility during the year, or disposed of at a permitted solid waste management facility.

**SPECIFIC CONDITIONS: PART C - OPERATION REQUIREMENTS**

(Specific Condition #C.8., cont'd)

e. Any solid waste that is not whole waste tires for combustion and any whole waste tires rejected by the system shall be loaded back into the trailer and returned to the vendor [ref. Op. Plan, Pg.14].

9. **Fire Safety.**

a. A fire safety survey shall be conducted at least **annually**. The fire safety inspection report shall be maintained at the facility for five years and copies shall be provided to the Department upon request.

b. In the event that deficiencies are noted in the annual fire safety inspection report, **within 30 days** of completion, the permittee shall provide documentation to the Department indicating correction of any deficiencies noted. The documentation shall include approval of the corrections by the local fire authority.

c. The permittee shall check on a monthly basis that all portable fire extinguishers are maintained in a fully charged and operable condition, and subjected to an annual maintenance check.

**SPECIFIC CONDITIONS: PART D - RECORDKEEPING**

1. **Report Submittals.** Unless otherwise specified, all submittals, notifications, requests for permit modification, reports for compliance with this permit, etc. shall be sent to: Solid Waste Section, Department of Environmental Protection, Southwest District Office, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926.
2. **Operation Plan and Operating Record.**
  - a. A copy of the Department approved permit, operational plan, construction reports and record drawings, and supporting information shall be kept at the facility at all times for reference and inspection.
  - b. Proposed changes to the current Department approved Operation Plan shall be submitted in writing to the Department for review and may require a permit modification in accordance with Specific Condition #A.3. The Operation Plan shall be updated as operations change and for renewal of the permit. Revised pages shall be provided as replacement pages with revisions noted (deletions may be struckthrough [~~struckthrough~~] and additions may be underlined [underlined] or a similar method may be used) and each page numbered with the document title and date of revision.
3. **Waste Records.**
  - a. Operational records shall be recorded and maintained for a minimum of **three years** and be available for inspection by Department personnel during normal business hours.
  - b. The owner or operator of the waste tire processing facility shall record on Department Form 62-711.900(21), F.A.C., the amount of waste tires received, processed tires and residuals, stored, and removed from the site. The following information shall be compiled monthly and submitted to the Department quarterly, by **January 20th, April 20th, July 20th and October 20th** of each year, pursuant to Rule 62-711.530(5), F.A.C.
    - 1) The total quantity, in tons, for waste tires received at the facility during the quarter;
    - 2) The total quantities, in tons, for waste tires processed at the facility during the quarter;
    - 3) The total quantity, in tons, for waste tires shipped from the facility during the quarter;
    - 4) The total quantity, in tons, of waste tires stored at the facility on the last day of the quarter;
    - 5) The total quantity of waste tire processing residuals and other solid wastes removed for offsite disposal or stored onsite for the quarter; and

**SPECIFIC CONDITIONS: PART D - RECORDKEEPING**

(Specific Condition #D.3., cont'd)

6) A list of all dates on which the waste tires exceeded the storage limit, and how this condition was relieved or will be relieved.

c. The following reports, documents and other information shall be kept at the facility for reference, and copies shall be provided to the Department upon request:

1) A log of the facility operator's inspections, and any subsequent corrective actions; and

2) A copy of the facility's emergency preparedness manual shall be kept at the site and a copy shall be kept at an off-site location;

4. **Financial Assurance.** The permittee shall provide adequate financial assurance for the facility in accordance with Rule 62-711.500(3), F.A.C.

a. All costs for closure shall be adjusted and submitted **annually, by March 1st of each year** to: Solid Waste Manager, Solid Waste Section, Department of Environmental Protection, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926.

b. Proof that the financial mechanism has been adequately funded shall be **submitted annually** to: Financial Coordinator, Solid Waste Section, Department of Environmental Protection, 2600 Blair Stone Road, MS #4565, Tallahassee, Florida 32399-2400.

PART E - WATER QUALITY MONITORING REQUIREMENTS

(THERE ARE NO WATER QUALITY MONITORING REQUIREMENTS FOR THIS FACILITY)

PART F - LANDFILL GAS MANGEMENT

(THERE ARE NO LANDFILL GAS MANAGEMENT REQUIREMENTS FOR THIS FACILITY)

PART G - CLOSURE AND LONG TERM CARE REQUIREMENTS

1. **Closure Requirements.** The facility shall be closed in accordance with the requirements of Rule 62-711.700 F.A.C. The waste tire facility owner or operator shall notify the Department at least **ninety (90) days prior** to the date when tires will no longer be accepted for storage, as required by Rule 62-711.700(2) F.A.C.

Executed in Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Deborah A. Getzoff  
District Director  
Southwest District

ATTACHMENT 1

SPECIFIC CONDITION	SUBMITTAL DUE DATE	REQUIRED ITEM
A.4	No later than January 5, 2015.	Submit application for permit renewal
D.3.b.	Quarterly, by January 20 <sup>th</sup> , April 20 <sup>th</sup> , July 20 <sup>th</sup> and October 20 <sup>th</sup> each year	Submit waste tire processing reports
D.4.a.	Annually, by March 1 <sup>st</sup> each year	Submit revised cost estimates
D.4.b.	Annually	Submit proof of funding
G.1	Within 90 days prior to ceasing operations	Notification of Closure