Florida Department of Environmental Protection
South District
P.O. Box 2549
Fort Myers, FL 33902-2549

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF PERMIT

CERTIFIED MAIL NO. 7008 0500 0000 7774 1796
RETURN RECIEPT REQUESTED

In the matter of an
Application for Permit by:

Garden Street Iron & Metal Inc. of S.W. Florida
c/o Mr. Rob Weber
3350 Metro Parkway
Fort Myers, Florida 33902

Re: Lee County – SW
Garden Street Iron & Metal
(Waste Tire Processing Center)
DEP File No. 0296251-001-WT/02
WACS ID No. 00098386

Enclosed is Permit No. 0296251-001-WT/02 to construct and operate a Waste Tire Processing Facility, specifically identified as Garden Street Iron & Metal (Waste Tire Processing Center), located at 3350 Metro Parkway, Fort Myers, Lee County, Florida issued under Sections 403.061, 403.087 and 403.707 of the Florida Statutes (F.S.) and Florida Administrative Code (F.A.C.) Rules 62-4, 62-160, 62-302, 62-522, 62-701 and 62-711.

Any party to this order (permit), other than those who expressly waived this right has the right to seek judicial review of the permit under Section 120.68 of the Florida Statutes, by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 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 thirty (30) days after this notice is filed with the Clerk of the Department.

Executed in Lee County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Jon M. Iglehart
Director of
District Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency Clerk hereby certifies that this NOTICE OF PERMIT ISSUANCE and all copies were mailed before the close of business on December 9, 2009, to the listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under Section 120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

(Clerk) 12-09-2009 (Date)

Enclosure
JMI/GAM/se
c: Honorable Randy Henderson Jr., Mayor of Fort Myers (mayorhenderson@cityftmyers.com)
William T. Keene, P.E., Keene Eng., Inc. (tim@keenefl.com)
Richard Tedder, DEP (richard.tedder@dep.state.fl.us)
Chris McGuire, OGC DEP (chris.mcguire@dep.state.fl.us)
Jack Chisolm, OGC DEP (jack.chisolm@dep.state.fl.us)
Bill Krumbholz, DEP (bill.krumbholz@dep.state.fl.us)
Mel Reinhart, DEP (mel.reinhart@dep.state.fl.us)

Florida Department of Environmental Protection

South District
P.O. Box 2549
Fort Myers, Florida 33902-2549

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

PERMITTEE:

Garden Street Iron & Metal Inc. of S.W. Florida
c/o Mr. Rob Weber
3350 Metro Parkway
Fort Myers, Florida 33902

WACS ID No. 00098386
Permit/Certification No. 0296251-001-WT/02
Date of Issue: December 9, 2009
Expiration Date: December 9, 2014
County: Lee
Latitude: 26° 37' 4.4"
Longitude: 81° 51' 13.8"
Section/Township/Range: 30/44S/25E
Project: Garden Street Iron & Metal
(Waste Tire Processing Center)

This Permit is issued pursuant to Sections 403.061, 403.087 and 403.707, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Rules 62-4, 62-160, 62-302, 62-522, 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 on file with the Department and made a part hereof and specifically described as follows:

> To construct and operate a Waste Tire Processing Facility, specifically identified as Garden Street Iron & Metal (Waste Tire Processing Center), located at 3350 Metro Parkway, Fort Myers, Lee County, Florida.

The Permit is subject to the following fifteen (15) General and twenty-one (21) Specific Conditions. An approved copy of the application package is enclosed for your records.

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, 403.727, or 403.859 through 403.861, F.S. 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.

GENERAL 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 personal 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 the Permit.

4. This Permit conveys no title to land or water, does not constitute State recognition or acknowledgement 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 any order from the Department.

6. 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, as 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 credential 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 the 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 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

GENERAL CONDITIONS:

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. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C, shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.

11. This Permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-730.300, F.A.C, as applicable. The Permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department.

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

GENERAL CONDITIONS:

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 this Permit, copies of all reports required by this Permit, and records of all data used to complete the application for this Permit.

(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:

1. This Permit is valid for construction/operation of a Waste Tire Processing Facility with all applicable requirements of Florida Administrative Code (F.A.C.) Rule 62-711.

SPECIFIC CONDITIONS:

2. Appropriate signs indicating name of the facility, operating hours, cost of disposal, site rules and other pertinent information shall be posted at the entrance to the inbound truck scale of the site.

3. An attendant shall be present on the site when the facility is open for business.

4. All used tires, waste tires, processed tires and residues handled at the facility shall be stored in a manner so as not to constitute a fire or safety hazard or a sanitary nuisance, and shall comply with all applicable local and state regulations. Materials, recovered/processed by the facility which may be offered for sale shall comply with applicable regulations of all appropriate local and state agencies.

5. The Permittee shall strictly abide by the storage limit of 8,000 waste tires at any one time on the site and comply with all applicable storage requirements in F.A.C. Rule 62-711.540.

6. The 50 foot x 140 foot waste tire storage area shall be clearly marked. The area is to be identified as waste tire storage only. The blending storage area does not need to be marked. The quantity of tires in the blending area should not exceed 3,500 tires at any time.

7. The Permittee, at least once a year, shall remove at least 75 percent of the whole and used tires from the site for recycling, processing, or disposal.

8. The Permittee shall record and maintain information regarding the facility's activities, in compliance with F.A.C. Rule 62-711.530(4), which shall be available for inspection by Department personnel during normal business hours. Quarterly reports on Form 62-701.900(21), summarizing this information shall be submitted by the 20th of the month following the close of each calendar quarter in accordance with F.A.C. Rule 62-711.530(5). The report shall include the following information:

   (a) For all waste tires shipped from the facility, the name and waste tire collector registration number of the waste tire collector who accepted the waste tires for transport, and the quantity of waste tires were shipped

SPECIFIC CONDITIONS:

with that collector; and if the waste tires were shipped, the number of tires shipped, the person's name, address and telephone number; and the place where the waste tires were deposited.

(b) For all waste tires received at the facility, the name and waste tire collector registration number of the collector who delivered the waste tires to the facility, and the quantity of waste tires received from the collector; and if more than five waste tires are delivered by a person who is not a waste tire collector, the number of tires delivered and the person's name, address and telephone number; and

(c) For all waste tires removed for recapping, the quantity and type removed, and the name and location of the recapping facility receiving the tires.

The report to be submitted to the Department on Form 62-701.900(21), in addition to the information required above, shall include the following:

(a) The facility name, address and permit number;

(b) The quarter covered by the report;

(c) The total quantity (by category) of waste tires received at the facility during the quarter covered by the report;

(d) The total quantity (by category) of waste tires shipped from the facility during the quarter covered by the report;

(e) The total quantity of waste tires processed during the quarter;

(f) The total quantity (by category) of waste tires located at the facility on the last day of the quarter; and

(g) A list of all dates on which one or more category of waste tires exceeded the storage limit, which category was in excess, and how this condition was relieved or will be relieved.

9. The Permittee shall maintain records of the quantity of waste tires received at the site, stored at the site and shipped from the site in accordance with F.A.C. Rule 62-711.540(1)(g), which shall be available for inspection by Department personnel during normal business hours.

SPECIFIC CONDITIONS:

10. Pesticides used to control rodents, flies, mosquitoes, and other insects shall be as specified by the Florida Department of Agriculture and Consumer Services (Chapter 5E-2, Florida Administrative Code), and be available on site for use as necessary.

11. The facility shall be maintained in a clean condition.

12. No open burning is permitted within 25 feet of the waste tire storage pile(s) at the site.

13. Adequate fire control provisions shall be available at all times. In case of fire, the Department shall be notified immediately at the telephone number(s) included in the Emergency Preparedness Manual and the Manual shall be followed.

14. Maintain a striped 15 foot x 15 foot fire access area in front of Fire Hydrant #1 and a striped 20 foot x 20 foot fire access area in front of Fire Hydrant #2, as specified in the Fire Safety Survey conducted by the Fort Myers Fire Department on July 7, 2009, and in correspondence dated October 13, 2009 to the Department, with an attached sketch showing Fire Hydrants #1 and #2.

15. A fire survey shall be conducted at least annually and the survey report shall be made part of the next quarterly report.

16. The Permittee shall keep a copy of the Emergency Preparedness Manual at the site at all times.

17. The Permittee shall submit to the District office an annual update/adjustment statement of closure cost estimate pursuant to F.A.C. Rule 62-711.500(3) at least sixty (60) days prior to the anniversary date of the last approved financial instrument. The Permittee shall submit a copy of the updated closure cost estimate along with a new financial instrument corresponding to the closure cost estimate to: Solid Waste Financial Coordinator, Department of Environmental Protection, 2600 Blair Stone Road, Mail Station 4565, Tallahassee, Florida 32399-2400.

PERMITTEE:

Garden Street Iron & Metal Inc.
of S.W. Florida
c/o Rob Weber

WACS ID No. 00098386
Permit/Certification No. 0296251-001-WT/02
Date of Issue: December 9, 2009
Expiration Date: December 9, 2014

SPECIFIC CONDITIONS:

18. In the event the Permittee is temporarily unable to comply with any of the conditions of this Permit, he shall notify the DEP District office immediately. Notification shall include pertinent information as to the cause of the problem and what corrective measures are being taken to prevent its reoccurrence.

19. The Permittee shall notify the Department about the facility's closure at least ninety (90) days prior to the date when waste tires will no longer be accepted.

20. The Permittee shall post a notice at the entrance to notify public haulers about closure, starting at least thirty (30) days prior to the date when waste tires will no longer be accepted.

21. Maintain the stormwater control devices and ditches that assure water quality control of the stormwater discharge as outlined in the operations manual.

These conditions do not exempt the Permittee from complying with requirements of other federal, state, municipal, county or regional pollution control rules, regulations, ordinances or codes.

This Permit is issued for a period of **five (5) years** and expires **December 9, 2014**. If a renewal is desired, the Permittee shall apply for a renewal by submitting the appropriate application form along with the appropriate fee, sixty (60) days prior to the expiration date.

Should you need further information regarding the above, please call Ghous Minhaj, Solid Waste Permitting Engineer, at (239) 332-6975, extension 185.

Note: In the event of an emergency, the Permittee shall contact the Department by calling (850) 413-9911 or toll free at (800) 320-0519. During normal business hours, the Permittee shall call (239) 332-6975.

Sincerely,

Jon M. Iglehart
Director of District Management

JMI/GAM/MHR/se

Application for Construction and Operation of a Waste Tire Processing Facility

DEPARTMENT OF ENVIRONMENTAL PROTECTION
0296251-007-WT/02
PERMIT
12/09/09
STATE OF FLORIDA

Facility: GARDEN STREET IRON & METAL
(WASTE TIRE PROCESSING CENTER)
WACS ID NO. 000098386

Location: 3350 METRO PARKWAY
FORT MYERS, FLORIDA 33916

Applicant: GARDEN STREET IRON & METAL INC. OF S.W. FLORIDA
ROB WEBER, PRESIDENT

Submitted to: FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
PO BOX 2549
FORT MYERS, FLORIDA 33902-2549

Prepared by: KEENE ENGINEERING, INC
PO BOX 2770
FORT MYERS, FLORIDA 33902

Entered into OCULUS South District

keene ENGINEERING, INC

Date: June 17, 2009
Revised: September 7, 2009
Revised: October 16, 2009

RECEIVED
OCT 16 2009
D.E.P. South District

BOOK 1 OF 2

Keene
ENGINEERING, INC.

November 10, 2009

Mr. Ghous Minhaj, Solid Waste permitting Engineer
Florida Department of Environmental Protection
PO Box 2549
Fort Myers, Florida 33902-2549

Re: Garden Street Iron & Metal
Tire Processing Facility Permit Application
Application No. 0296251-001-WT/02, WACS ID No. 00098386
Additional Information

Dear Mr. Minhaj:

RECEIVED
NOV 10 2009
D.E.P. South District

Please find enclosed three copies of the following:

1. Revised sheet 8 of 11, Facility Operation Plan
2. Revised Facility Operation Narrative, all sheets

Please let me know if there is anything additional that you may need.

Sincerely,
KEENE ENGINEERING, INC.

William T. Keene, PE
President
45915
11-10-09

RECEIVED-D.E.P.
OCT 16 2009
SOUTH DISTRICT

Enclosures

Cc: Garden Street Iron and Metal, applicant

PO Box 2770, Fort Myers, Florida 33902
(239) 939-0524 (239) 939-1968 fax

Keene ENGINEERING, INC

November 6, 2009

Mr. Ghous Minhaj, Solid Waste permitting Engineer
Florida Department of Environmental Protection
PO Box 2549
Fort Myers, Florida 33902-2549

Re: Garden Street Iron & Metal
Tire Processing Facility Permit Application
Application No. 0296251-001-WT/02, WACS ID No. 00098386
Additional Information

Dear Mr. Minhaj:

Please find enclosed three copies of the following:

1. Revised sheet 8 of 11, Facility Operation Plan
2. Revised Facility Operation Narrative, all sheets

Please let me know if there is anything additional that you may need.

Sincerely,
KEENE ENGINEERING, INC.

William T. Keene, PE
President
45915

Enclosures

Cc: Garden Street Iron and Metal, applicant

RECEIVED
NOV 09 2009
D.E.P. South District

PO Box 2770, Fort Myers, Florida 33902
(239) 939-0524 (239) 939-1968 fax

keene
ENGINEERING, INC

November 4, 2009

Mr. Ghous Minhaj, Solid Waste permitting Engineer
Florida Department of Environmental Protection
PO Box 2549
Fort Myers, Florida 33902-2549

Re: Garden Street Iron and Metal
Tire Processing Facility Permit Application
Application No. 0296251-001-WT/02, WACS ID No. 00098386
Additional Requested Information

Dear Mr. Minhaj:

Per the discussions between Mel Reinhart, you and I, please find enclosed three copies of the following revised application sections:

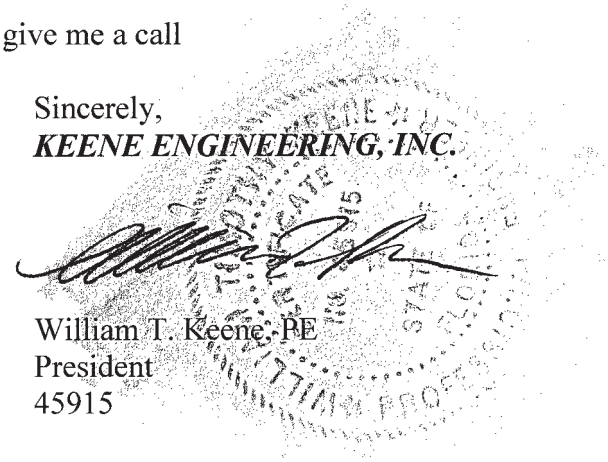
1. Facility Design Narrative
2. Facility Operation Narrative
3. Facility Operation Plan
4. Emergency Preparedness Plan
5. Plan Sheets 2, 2A, and 3 (11x17 and 24x36)

I would also like to thank you for taking the time to meet with me and I appreciate the guidance you and Mel have given.

Additionally, it is my understanding that the financial assurance documents were approved as to form yesterday and the originals were being delivered in Tallahassee this morning.

Should you have any questions, do not hesitate to give me a call

Sincerely,
KEENE ENGINEERING, INC.



William T. Keene, PE
President
45915

Enclosures
Cc: Garden Street Iron and Metal, applicant

PO Box 2770, Fort Myers, Florida 33902
(239) 939-0524 (239) 939-1968 fax

keene
ENGINEERING, INC

October 16, 2009

Mr. Ghous Minhaj, Solid Waste permitting Engineer
Florida Department of Environmental Protection
PO Box 2549
Fort Myers, Florida 33902-2549

Re: Garden Street Iron & Metal
Tire Processing Facility Permit Application
Application No. 0296251-001-WT/02, WACS ID No. 00098386
Response to RAI No. 3

Dear Mr. Minhaj:

Please find enclosed four sets of revised submittal documents for the above referenced application. The enclosures are intended to address all of the concerns outlined in your October 2, 2009 Request for Additional Information (RAI) No. 3.

In addition, I have revised the applicant's name on all documents to delete the comma after the word "metal" and have replaced an ampersand, "&", for the word "and" in the project name to match the applicant's corporate name.

I am addressing the comments in your RAI letter below for clarification:

APPLICATION FORM

PART II, C: ***Storage: Please clarify storage of "Processed tires" with an asterisk (*) and a footnote, "Included with other shredded material (fluff) in the bunker [Florida Administrative Code (F.A.C.), Rule 62-711.500(2)].***

An additional note has been added on the application.

PART III: Attachments:

A. ***Facility design (Facility Design Narrative)***
General Comment:
The drawings referenced for this section are being addressed under "Drawings" review of this request for additional information (RAI).

A.2. a: ***Please reference Page 2 of 3, third paragraph. Please describe the date of fire safety survey and provide the reference to Section 4 of the Operation Plan in this paragraph concerning the fire survey conducted***

PO Box 2770, Fort Myers, Florida 33902
(239) 939-0524 (239) 939-1968 fax

by the Fort Myers Fire Department. It notes that the "locations of both storage areas have been deemed acceptable by the Department". Three areas are shown on the drawings for storage/staging/blending of waste tires. Please clarify.

The application narrative has been revised accordingly.

Please address F.A.C. Rule 62-711.540(1)(a) and its compliance with a sign at the entrance.

A sign will be installed at the entrance to the inbound truck scale.

A.2. b: ***Please correct the sentence [F.A.C. Rule 62-711.540(3)(a)].***

This sentence has been corrected.

A.2. c: ***Please show the stormwater flow pattern in the Waste Tire Facility Area on Sheet 3. Please note the description that the stormwater drainage in this area is directed to a sludge and process water recovery tank (located just west of the motor house), which drives the shredder. Please include "sludge" in the label of the tank. Please note that the Waste Tire Staging Area is about 150 feet from this tank, which is not in compliance with F.A.C. Rule 62-711.540(3)(a). Please address and also modify the location of the Staging Area.***

The storm water runoff patterns have been further details on sheet 2A, General Site Plan. Note that only the runoff from the shredder and down stream processing equipment has been directed into the sludge and process water recovery tank. The waste tire staging area on the south side of the in-feed conveyor has been deleted from the plan.

A.2. d: ***Please identify the boundaries of the waste tire facility and legal boundaries of the land containing the facility with symbolized lines and labels on Sheet 2 of 5, as required by this item of the application form [F.A.C. Rule 62-701.530(6)].***

Sheet 2 has been renamed as the Existing Improvements Plan. A legend has been added to sheets 2, 2A and 3. The boundary of the waste tire facility has been detailed on Sheet 2A. The actual property boundary has also been further detailed.

A.2. e: ***Please provide a legend on the referenced Sheet 2 with a symbol for wells and identify them on the plan with numbers. Please provide notes for the type and purpose of the wells on the drawing, Sheet 2, as***

required by this item of the application form [F.A.C. Rule 62-711.500(6)].

A legend has been added. The approximate locations of all three types of existing wells have been shown.

A.2. f: ***Please identify the existing buildings, structures, and areas, etc., with the word "Existing" in the labels [F.A.C. Rule 62-711.500(60].***

Sheet 2 has been renamed as "Existing Site Plan." This plan shows all the existing structures and the property boundary. Sheet 2A now gives an overall view of the property with the planned tire processing facility.

A.2. g: ***Please confirm that the copy of drawing (8 ½" x 11"), attached to the letter from Fort Myers Fire Department, was submitted to the Fire Department. Please note that the drawing does not have any scale and the dimensions of the areas and fire lanes marked. Please note that the proposed "FEED STOCK BLENDING AREA" and "WASTE TIRE STAGING AREA" were not shown on the attached drawing. Please provide a new fire safety survey (conducted after submitting a copy of the Site Plan, Sheet 3 of 5) showing relevant information, along with the letter to the Fire Department requesting a fire safety survey [F.A.C. Rule 62-701.500(6)].***

The only purpose of the drawing attached to the fire safety survey letter from the Fort Myers Fire Department was to detail the pavement striping and adjustment to the fire hydrants that they required. A request to provide a new fire safety survey has been forwarded to the Fort Myers Fire Department. A copy of that request has been provided to FDEP.

A.2. h: ***Fire lanes are not properly marked on the referenced drawings. Please also see the comment on A.2.g above and provide information as required by this item of the application form [F.A.C. Rule 62-711.500(6)].***

The fire lanes are depicted on the plan as shaded paths through the facility. The shading has been adjusted to improve the reproduction of the plans.

A.2. i: ***Please clarify whether the property and the waste tire processing facility have fencing around and access control. Please show the fencing with a symbolized line on Sheet 2 of 5 [F.A.C. Rule 62-711.500(6)].***

The fencing has been added to sheet 2, Existing Site Plan. The roadway frontages are fenced with a precast concrete fencing system. All vehicular entrances are controlled with automatic gates. The southerly boundary

abuts buildings and structures belonging to Gulf Paving. The westerly boundary abuts the CSX railroad right of way. This boundary has not been fenced to allow access to the railroad. Please note that the Seminole Gulf Railroad has its own police force and that the Garden Street facility has nighttime security guards and video surveillance. Vehicular access is not possible though these unfenced boundaries.

B. ***Facility Operation (Facility Operation Plan)***
General Comments:
1) The Operation Plan is to be a stand-alone document so that the operator and the personnel responsible for the day-to-day operation can easily perform the required activities of waste receiving, processing, disposal, and recording, etc. [F.A.C. Rules 62-711.530 and 62-711.540].

Appendix A is the manual intended to contain all of the materials and documents necessary to maintain compliance with an approved permit. Section 1 is the Operation Plan. This section can be removed and distributed as necessary to facility personnel to assist them in their duties.

2) The narrative of the facility's Operation Plan should reflect the sequence of the application items. The narrative should include the regulatory items that are required under F.A.C. Rules 62-711.530 and 62-711.540 that pertain to the operations of the facility, along with references to a Site Plan in the Operation Plan. Please submit a revised Operation Plan, addressing each item B.1 through B.8, and incorporating responses to the following comments:

Appendix A, Section 1, the Operation Plan has been revised.

General: Please do not use "Garden Street" for the facility, but use the word "Facility" or use an abbreviation "WTPC" after providing the full words where it appears first.

The word "facility" has been substituted for the name "Garden Street."

B.II: ***Please note that the statement "this facility has a permitted limit of 8,000 used and waste tires on site" is not correct, because the permit is not yet issued. The number of tires (8,000) indicates the proposed storage.***

This wording has been adjusted. Please see the section of the Operations Plan now numbered XII.

Please clarify that the existing shredder shreds very large quantities of cars, metals and other scrap materials, compared to the quantity of tires

that will be shredded; therefore, the storage limit of 60 times the daily through-put of the processing cannot be applicable to this facility regarding the aggregate of whole waste tires, processed waste tires, and residuals. Similarly, the storage limit for whole waste tires cannot be applicable [F.A.C. Rule 62-711.530(2)(a)].

The mention of the additional quantity limitation was intended to make the operators fully aware of the rule. It is expected that this part of the rule will not limit the operation of this facility.

Please note the following computation:

Hourly blended feed rate into the shredder	100 tons/hour+
Conservative percentage of waste tires	10%
Hourly rate of waste tires	10 tons/hour
Conversion factor for passenger tires	20 lbs/tire

Estimated rate of waste tire feed is as follows:

$$\frac{10 \text{ tons}}{\text{hour}} \times \frac{2{,}000 \text{ lbs}}{\text{ton}} \times \frac{1 \text{ tire}}{20 \text{ lbs.}} = \frac{1{,}000 \text{ tires}}{\text{hour}}$$

Presently, the shredder operates 5 to 6 hours per day, 6 days a week. This gives a processing capacity of 5,000 to 6,000 processed waste tires per day or 30,000 to 36,000 processed waste tires per week. This rule limit would result in a roughly 300,000 to 360,000 tires maximum storage amount.

Please see sections V. and XII. of the revised Operations Plan.

B.III: ***Please provide a description of how 75 percent of the annual accumulation of waste tires will be removed for disposal or recycling [F.A.C. Rule 62-711.530(3)].***

Please see section IX. of the revised Operations Plan. All waste tires are processed by shredding into sufficiently small pieces appropriate for disposal in a landfill. The processed waste tires are mixed amongst other shredder waste (fluff). Fluff is removed from the facility on a daily basis. It is expected that virtually 100% of all processed waste tires, on an annual basis, will be removed from the site during each year. It is not expected that there will be an accumulation of waste other than the daily amount generated.

Please reference the second paragraph on Page 2 of 5. Please clarify what is meant by "Initial cover shall not be required for stored...."

Rule FAC 62-711.530(3), last sentence, states that initial cover will not be required if the storage limits of the facility are not exceeded. It can be implied from this part of the rule that if the storage of processed waste tires begins to exceed the permitted limit for the sum of used, waste and processed tires (i.e. the 8,000 limit being requested herein), the processed tires in excess of the limit will require "initial cover". The purpose of mention of this requirement in the operation manual is to demonstrate that this requirement is being met as the processed waste tires are removed from the facility on a daily basis as part of the shredder fluff.

Please clarify that the facility does not plan to process waste tires for initial cover at a landfill or to cut waste tires into small parts for disposal at a landfill, but plans to shred (along with other materials as fluff) for disposal at a landfill. Your attention is directed to F.A.C. Rule 62-711.400(3)(b), which requires initial cover if the storage is not less than a week. Please modify the narrative [F.A.C. Rule 62-711.530(2)(a)].

In the resulting fluff, the waste tires are cut into sufficiently small pieces suitable for disposal in a landfill [FAC 62-711.400(3)(b)]. They are not sufficiently small to meet the criteria of FAC 62-711.400(3)(a) and thus will not be used as initial cover in a landfill. The requirement in FAC 62-711.400(3)(b) to cover this larger material once every week pertains to the operation of the landfill where the fluff is disposed of and does not concern the operation of this facility.

B. IV: ***Please reference Emergency Preparedness Manual, Page 2 of 4 and incorporate the following in this item: "The manual shall be updated at least once a year and upon changes in operations at the site" [F.A.C. Rule 62-711.540(1)(e)].***

This has been added to the Emergency Prepardness Manual.

Please reference B.III, Emergency Response Team. Please identify the responsible person or persons for observing conditions in the yard for any incidences that may occur outside the visibility of the shredder operator [F.A.C. Rule 62-711.540(1)(e)].

The yard supervisor works in conjunction with the shredder operator to manage the moment to moment operations of the yard. This person typically is located in a moving front end loader and constantly moves about the yard. He directs other equipment operators to stage material to

be fed into the shredder. When the shredder is not in operation, the yard supervisor manages the yard activities.

Please reference B.IV, Emergency Response Equipment. Please provide whether there are similar measures available for initial response to a fire for the waste storage/staging/blending areas as described for the fluff storage area [F.A.C. rule 62-711.540(1)(e)2].

There are no additional fire fighting hoses in the vicinity of the blending and storage areas. The staging area has been eliminated. In these areas however, are two types of heavy equipment, a grapple crane and a large solid tire front end loader. These two pieces of equipment are capable of being used in the initial moments of a fire to pull smoldering or flamed portions of a storage pile away from the remainder. This minimizes the potential for the fire to escalate into a larger event.

Please reference B.VI, Clean-up Procedure. Please provide a sketch on how this is to be implemented, providing reference to where the processed ferrous material is to be taken from. Please note whether the water from the fire fighting process (that is contaminated) will reasonably be prevented from flowing into the stormwater dry detention area [F.A.C. Rule 62-711.540(1)(e)3].

A sketch has been added to the emergency preparedness manual showing how the shredded ferrous material is to be distributed to minimize the runoff from a fire event. It may not be possible to completely prevent fire fighting runoff water from entering the storm water management system from the tire storage and the feed stock blending areas. This is not different, however, from the facility's current operations. By constructing a dam of shredded material, the runoff into the storm water system should at least be minimized. It should be noted here too that the slope of the concrete surfaced beneath the storage and blending areas is a very minimal .4%. This is far less than the average parking facility. The minimal slope will reduce the rate at which water will flow toward the detention area. Additionally, the storm water management system has three stages of BMP's to prevent oily residue from leaving the facility. The first BMP is an oil skimmer erected across the outfall ditch just east of the blending area. Second is a "Stormceptor" treatment structure that is designed to help prevent oily films from passing downstream. And thirdly, the storm water outfall control structure. This structure also has a baffle to prevent oily films from passing through the structure.

B.V, B.VII, and B.VIII: Please place these sections at the end of the Operation Plan.

The operations plan has been so revised. These section are now VIII., XIII., and XIV., respectively.

B.VII: ***Please reference the first paragraph on Page 3 of 5. Please be specific as to how used tires will be accounted for when leaving the site [F.A.C. Rules 62-711.530(4) and 62-711.540(1)(g)].***

Please see section XIII of the revised Operations Plan. The used tires will be accounted for by directly weighing the used tire loads or by calculating the weights by the factors listed in this section for inventorying used or waste tires on site.

B.IX: ***The Closing Plan can be maintained as a separate document that can be utilized at the time of closing the waste tire processing facility and describe it under Part III C of the application form [F.A.C. Rule 62-701.900(23)].***

Noted.

B.X: ***A description of the Applicable State Rules is appropriate for the Application Narrative. Please incorporate there [F.A.C. Rule 62-701.320(7)(d)].***

The reference to the where an operator may look further for the applicable state rule is appropriate for this section as the operator may not have access to the original narrative portion of this application. This section is now at the end of the revised Operations Plan.

B.XI: ***Please refer to the section on DRAWINGS for comments related to the Facility Plan Set [F.A.C. Rule 62-711540(1)(h)].***

B.XII: ***Please place these items at the front of the Operation Plan. Please be specific as to whether the facility will be receiving waste tires from the public and, if so, please provide the signage required by the regulation [F.A.C. Rule 62-711.540(1)(a)].***

Please see section X. of the revised Operation Plan. These items have been placed immediately after the sections that address items 1 thru 8 of the application Part III.B.

DRAWINGS

General: Please do not use the word "Tire" for "waste tire" in the title and title blocks of the drawings [F.A.C. Rule 62-711].

This has been revised.

Sheet 1 of 5: Please correct the main title and the title block to be consistent with PART I.B.1 of the application form. Please correct all the drawings [F.A.C. Rule 62-701.320(7)(f)6].

The cover sheet and all title blocks have been revised.

Sheet 2 of 5: GENERAL SITE PLAN: Please provide a legend with symbols to identify the items being referenced in the narrative for this sheet (e.g., site boundary line, topographic symbol for existing or proposed elevations, restrictive access fence, access gates, exit gates, recovery wells, irrigation wells, fire hydrants, groundwater monitoring wells, etc. Please add "Existing" to labels for the existing structures, etc. [F.A.C. Rules 62-701.900(23) and 62-701.320(7)(f)6].

A legend has been added to sheets 2. 2A, and 3. Sheet 2 has been renamed and now only shows the existing improvements. Sheet 2A shows the overall site with the proposed tire processing facility area.

Sheet 3 of 5: PROCESSING AREA PLAN: Please describe the criteria used for estimating storage areas and volumes of waste tires and used tires [F.A.C. Rules 62-701.900(23) and 62-701.320(7)(f)6]. The "NOTE" in the center includes, "Overflow Staging Area", which is not identified on the sheet. Please show it with clarification of overflow. Please provide a label describing the floor type, "concrete" and show its limits.

The note in the center of the processing area plan has been revised. The staging area to the south of the in-feed conveyor has been eliminated from the plans. Also, the entire site is covered with concrete pavement. The limits of concrete are shown on the plan.

Sheet 3A of 5: TIRE STAGING AREA PLAN: The title of this Plan is confusing in that the drawing shows, "FEED STOCK BLENDING AREA", also. Please clarify and modify the title block accordingly [F.A.C. Rules 62-701.900(23) and 62-701.320(7)(f)6].

The title of this sheet has been revised to read "Feedstock Blending Area Plan". The staging area south of the in-feed conveyor has been eliminated.

Sheet 3B of 5: Please correct the title block according to the storage area shown on the drawing [F.A.C. Rules 62-701.900(23) and 62-701.320(7)(f)6].

The title of this sheet has been revised.

Also, please note that a new sheet 3C has been added. It is now the "Processed Waste Tire Storage Area Plan". This is an enlargement of the fluff bunker area. The original sheet 3C is now 3D.

Sheet 3C of 5: Please use, "Waste Tires" instead of "Tire". Please provide the flow of the processed waste tires (shredded) that are a part of the fluff, as described in the narrative. The flow of fluff from the bunker is not shown. Please show it, as it passes through the scale when it leaves the facility [F.A.C. Rules 62-701.900(23) and 62-701.320(7)(f)6].

Please note that this sheet has been renumbered to sheet 3D. The sheet name has been revised. The flow of the shredder fluff waste material has been added to the plan.

Sheets 4 and 5: Please correct the title block, including the full name of the facility. Please identify the site boundary with the name or a symbol on Sheet 4[F.A.C. Rules 62-701.900(23) and 62-701.320(7)(f)6].

The title blocks on these two sheets have been revised. The facility has been identified on Sheet 4.

Please note that all the reduced size (11" x 14") copies should reflect the revised drawings.

Please review the attached at your earliest convenience. Should you have any questions, do not hesitate to give me a call

Sincerely,
KEENE ENGINEERING, INC.

10-16-09

William T. Keene, PE
President
45915

Enclosures

Cc: Garden Street Iron and Metal, applicant

Keene ENGINEERING, INC

September 7, 2009

Mr. Ghous Minhaj, Solid Waste permitting Engineer
Florida Department of Environmental Protection
PO Box 2549
Fort Myers, Florida 33902-2549

Re: Garden Street Iron and Metal
Tire Processing Facility Permit Application
Application No. 0296251-001-WT/02, WACS ID No. 00098386
Response to RAI No. 2

Dear Mr. Minhaj:

The following information is being provided in response to your August 31, 2009 Request for Additional Information (RAI) No. 2.

COVER SHEET

Please submit the cover (title) sheet as required by Florida Administrative Code (F.A.C.) Rule 62-701.320(7)(d)1. The following is a suggested cover (title) sheet format:

Facility: Garden Street Iron and Metal
(Waste Tire Processing Center)

Location: 3350 Metro Parkway
Fort Myers, Florida 33916

Application for: Construction/Operation Permit

Applicant: Garden Street Iron & Metal, Inc. of SW Florida
Rob Weber, President

Submitted to: Florida Department of Environmental Protection

Prepared by: William T. Keene, P.E.
Keene Eng., Inc.
P.O. Box 2770
Fort Myers, Florida 33902
(Signed, Dated and Sealed by the P.E.)

PO Box 2770, Fort Myers, Florida 33902
(239) 939-0524 (239) 939-1968 fax

DATE:

Revised Date:

The cover sheet of the plastic binder is not required to be signed and sealed by the professional engineer, but the inside cover sheet for the contents shall be signed, dated and sealed by the professional engineer.

It is suggested that the cover sheets used for the Operation Plan, Closure Plan, Financial Assurance, etc., follow the same format as outlined above.

Please note that this format has been followed for the cover sheets for the permit application, appendix A/operations manual, emergency preparedness plan and the closing plan. The financial assurance document will follow once the closing estimate has been approved.

ENGINEERING REPORT

Please submit an engineering report (application narrative) addressing each PART and its items, with references to attachments, appendices and drawings, etc., in the application package. Please note the following comments and incorporate your responses under the respective items.

Per our discussion, the application format has been revised. The application is now accompanied by an application narrative. The facility design and operations narratives have also been re-written and reformatted. An Appendix A has been added that serves as the Operations Manual. In this appendix are also the emergency preparedness manual, fire safety survey, and the closing plan.

Also, please note that we have made changes to the total amount of tires in each of the storage areas and have added the location of the feed stock blending area. The total maximum number of tires in the storage areas has been reduced. It is expected that the through put of tires into the shredder is sufficient enough to balance with the expected bulk tire receipts.

APPLICATION FORM

PART I, A. 1: The "Applicant Name" for this Item is different from that for PART IV, A.1. Please provide the correct and consistent name [F.A.C. Rule 62-711.500(1)(a)].

The applicant name has been revised.

PART I, B.1: The name of the Facility's title noted for the Emergency Preparedness Manual is inconsistent with the name for the Facility used in the

application PART I, B.1. Please provide the correct and consistent name [F.A.C. Rule 62-711.500(1)(a)].

The title for the emergency preparedness manual has been revised to match the facility name in the application.

PART I, B.8: Please reference the fire department's letter (Tab 8) and provide when the conditions noted shall be addressed and completed [F.A.C. Rule 62-711.540(3)(e) and (5)(b)].

The improvements required by the fire department will be started no later than September 14, 2009 and be finished no later than September 21, 2009. These improvements are very minor.

PART II, C, "Storage": Please footnote "Processing residuals" with "indiscernible" and explain in the narrative report that waste tires (removed from vehicles) will be shredded in the machine along with the main stream of vehicles and other materials. Therefore, residuals are not discernible from fluff.

This has been so noted.

PART III – Attachments

B. Facility Operation: Please provide a stand-alone Operation Plan for the facility. Address all Items (1 thru 8) and applicable components of F.A.C. Rules 62-711.530 and 62-711.540.

A facility operation narrative has been included as an attachment to the application. A separate Appendix A has been created to serve as the Operations Manual for this facility. This appendix also includes a copy of the permit (once issued), the emergency preparedness plan, the fire safety survey, the quarterly reporting forms and the closing plan. The operations plan section of Appendix A is written for ease of use by the operators of the site. It is intended to assist the user in maintaining compliance with the permit and its conditions once issued. I have attempted to address all appropriate elements of 711.530 and 711.540.

C. Please submit a revised closing plan for the facility, consistent with the storage shown in the Operation Plan [F.A.C. Rule 62-711.700(2) and (3)].

A revised closing plan has been included. The cost estimate has been revised to address the maximum amount of truck tires that may possibly be located in the used tire storage area.

D. ***Please provide proof of financial assurance pursuant to F.A.C. Rule 62-711.500(3), along with closing cost estimates.***

The financial assurance will be provided once the closing estimate has been approved by your office.

I would also like to thank you for taking the time to meet with me and visit the Garden Street site. I hope that you found the visit informative and I do appreciate the guidance with the format of the application.

Please review the attached at your earliest convenience. Should you have any questions, do not hesitate to give me a call

Sincerely,
KEENE ENGINEERING, INC.

William T. Keene

9-7-09

William T. Keene, PE
President
45915

Enclosures

Cc: Garden Street Iron and Metal, applicant

keene ENGINEERING, INC

July 31, 2009

Mr. Ghous Minhaj, Solid Waste permitting Engineer
Florida Department of Environmental Protection
PO Box 2549
Fort Myers, Florida 33902-2549

Re: Garden Street Iron and Metal
Tire Processing Facility Permit Application
Application No. 0296251-001-WT/02, WACS ID No. 00098386
Response to RAI No. 1

Dear Mr. Minhaj:

The following information is being provided in response to your July 9, 2009 Request for Additional Information (RAI) No. 1. Your letter is also enclosed for reference purposes.

GENERAL

The application was received without a letter of transmittal, which is required is accordance with FAC rule 62-701.320(7)(a). - Please let this letter serve as our transmittal letter for the response to your RAI.

Assurances should be provided by the applicant that the equipment intended to be used for processing waste tires will meet the minimum size requirements of FAC rule 62-711.400(3)(a) and (b) for use as initial cover or disposal, respectively, at a permitted landfill. - FAC 62-711.400(3)(a) specifies what is considered a sufficiently small part for a waste tire to be cut into for the processed material to be used as initial cover in a solid waste land filling operation. Please see the photograph in the middle of page three of the facility design narrative. This photo depicts a collection of discernable processed tire pieces that have been removed from the final waste (fluff) bunker of the Garden Street Iron and Metal shredding and recycling plant. A soda can is shown in the photo for a size reference. No assurance is needed for this application to proceed that the final processed waste tires meet the FAC 62-711.400(3)(a) specification as Garden Street Iron and Metal is not proposing on-site disposal. Waste tires once processed will be taken to the Okeechobee Landfill as stated in the application. Whether or not Garden Street's fluff is used as initial cover by that landfill is determined by the landfill operator and not Garden Street Iron and Metal. The fluff material can, however, receive further processing through the use of a portable sifting machine which is capable of removing oversized particles from the fluff. The remainder could potentially be used as landfill

PO Box 2770, Fort Myers, Florida 33902
(239) 939-0524 (239) 939-1968 fax

cover meeting the specifications of FAC62-711.400(3)(a). The oversized items removed from the fluff are then placed in the landfill as they meet the specification of FAC 62.711.400(3)(b). This photograph very effectively demonstrates that the processed waste tires do indeed meet the specification of this section.

Please note that the processed waste tires shown in this photograph have come from vehicles that have been recycled through the Garden Street Iron and Metal shredder plant. Garden Street Iron and Metal does not presently accept bulk waste tires for processing. Any waste tire, or portion thereof, which may presently be on the Garden Street Iron and Metal site are incidental to their primary metal recycling operation.

Processed tires, stored for recycling or disposal, shall meet the minimum size requirements specified in FAC 62-711.400(3)(b), unless a demonstration is made as part of a permit application or modification that storage of larger size will not adversely affect the environment or the public health or welfare, and that storage of a larger size is necessary for purposes of recycling or transportation. - As stated above, the photograph shown in the facility design narrative is very definitive evidence that Garden Street Iron and Metal's equipment is capable of dismantling waste tires into a sufficiently small part to meet the requirements of 62-711.400(3)(b).

APPLICATION FORM

Please describe the current activity on the site and check the appropriate box to indicate whether the facility is an "Existing unpermitted facility" or a "Proposed new facility". - Please note that the box for a "Proposed new facility" is checked on the original application. The standard pdf application form provided by the FDEP however has a malfunction and the check mark is very small. The enclosed revised application is checked by hand to avoid any further confusion. As described above, any tires that are presently being process by Garden Street Iron and Metal are only incidental to their principle automobile and truck shredding operation. In most cases where a light car or truck is processed through the shredder, the tires and rims are still remaining on the vehicle and the vehicle is placed whole into the shredder. The rubber from the tires passes through the plant and is deposited into the fluff bunker. Some vehicles arrive with the tires and rims already removed. In the case of heavier trucks and box trailers, their tires and rims are often removed prior to the truck or trailer being taken apart and placed into the shedder. The axels beneath these heaver trucks are often removed and process separately by a hydraulic shear device connected to a crane. Heavy axels are not processed through the shredder. The Over the Road (OTR) tire take offs are often reusable and sold. A photograph of these OTR take offs is shown on page two of the facility design narrative. The box trailers to which these tires belonged have already been recycled through the shredder. Again, Garden Street Iron and Metal does not presently take bulk shipments of waste tires.

PART I.B.1: Facility name is inconsistent with the name used for the closing cost estimate. Please enter the correct name and resubmit [(FAC 62-711.700(2)]. Please

enter the correct name of the facility on all documents, Emergency Preparedness manual, closing Plan, and Closing cost Estimate, etc. The names on all documents should be consistent. Please clarify whether the name includes the word "Facility". Please note that the "Tire Processing Facility" is the type of facility and not the name of the facility. - Please note that the facility name is "Garden Street Iron and Metal". I had attempted to use the name of "Garden Street Tire Processing Facility" in an attempt to distinguish the bulk waste tire processing from Garden Street's current operations, but this appears only to be adding confusion.

PART I,B.8: The application states that the facility will operate under existing conditions. The local fire authority may require some sort of construction (e.g.; concrete berms) for waste tire storage areas. The applicant should provide assurances to the Department from the local fire department that their plan to store waste tires without any construction is acceptable [FAC 62-711.540(3)(b), (c) and (e)]. – Please see the enclosed letter from the Fort Myers Fire Department detailing the fire safety survey that was conducted on this site on July 7, 2009. Only two minor corrections were requested by the fire official. This letter is sufficient assurance that the proposed storage and staging areas are acceptable to the fire department.

PART I.C: Please delete the word "Same" from C.1. - Done.

PART I.D: Please delete the word "Same" from D.1. – Done.

PART II.C: "Storage": the figures for the "Processed tires" and "Processing residuals" are confusing. FAC 62-701.200(138) defines "Waste tire residuals" as any liquid, sludges, metals, fabric or byproducts resulting from the processing or storage of tires. Residuals do not include processed tires held for recycling or disposal, provided the conditions of FAC 62-711.530 are met. - Please see the enclosed revised application. This portion of the application has been revised. Also in regards to our conversation regarding the fine particle residuals (fines) that are created during the shredding process, please note that it is the intent that the waste tires will be processed as just another component of the existing material flow through the shredder operation. Any fines generated just from the waste tire that would be received under the waste tire processing facility permit are indiscernible from the other residuals and fine particles generated by the present operation. I have put "negligible" in the residual line of this section as I expect that all the fines are eventually collected and added to the fluff bunker material as it is loaded for disposal. Note, the entire processing area is capped with an 8" – 5000 psi concrete paving. This allows for regular and effective cleaning of the site.

A waste tire processing facility (WTPF) will produce more processed tires than waste tire residuals. The Table indicates that no processed tires will be produced. The table needs the appropriate figures. Please address all items of FAC 62-711.530 and 62-711.540 in the narrative requested in the comment on PART III.A. - Please see the revised table on the enclosed revised application.

PART II.D: Please check the method used to report quantity of tires in tons and resubmit [FAC 62-711.530(2) and (5)]. - Please see the revised application. I have checked the appropriate box by hand. There is a malfunction in the application form provided by FDEP.

PART II.F: Please enter the proposed markets as this time [FAC 62-711.530(3)]. - Please note that the application is correct. Currently, Garden Street Iron and Metal's shredder plant will only process rubber items and place them into the final waste fluff bunker. The fluff is a mix of all the non-metallic components from whatever items are being shredded. The process waste tire is mixed into this fluff material. It is not anticipated that it will be economically feasible for Garden Street Iron and Metal to process tire only runs through the shredder plant. It is expected that the incoming bulk waste tire stream will be too intermittent and that waste tires would have to be stored for longer periods of time before enough have been accumulated to make tire only runs feasible. A large storage pile also impedes the primary metal recycling operation.

PART II.E.1: The spelling of "Okechobee" needs to be corrected. – Done.

PART III – Attachments

A. Facility Design:

Please provide a narrative "Engineering Report" addressing all items of A.1 and A.2, with exact references to the submitted drawings/documents. Also, please outline the flow of tires received, processed, and disposed of through the facility, along with data documentation of same for records that are required by FAC 62-711.530 (4) and (5). - Please see the Facility Design Narrative enclosed with this response. Also, please see Sheet 3C added to the plan set showing the flow of customers and material through the project and the shredder plant with respect to the waste tire operation. We do not, however, understand what is meant by "data documentation of same for records that are required…". It is Garden Street Iron and Metal's full intent to comply with the record keeping and reporting requirements of the Waste Tire Rule once a permit is issued. As no bulk tire only deliveries have yet to be received there are at present no records available.

Additionally, please provide isolated plan views of the respective tire storage areas listed and provide the traffic flow pattern for the receipt and storage of all tires to better show the clearance provided around these piles for access and fire control, etc. [FAC 62-711.540(3)]. – Please see the added Sheets 3A and 3B of the plans set.

A.2.c: Please note that the Permitee is different than the applicant on the submitted Environmental Resource Permit issued by the South Florida Water Management District (SFWMD). The permit must be transferred to the applicant; otherwise, it is not acceptable [FAC 62-711.540(3)(a)]. - Please see the enclosed Engineer's Construction Completion Certification signed by I.K. Steuart, PE and the Request for

conversion of the District ERP Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity signed by Robert Weber, President of Garden Street Iron and Metal Inc. of SW Florida. Also please note that the ERP was specifically approved for the Garden Street Iron and Metal Project. Whether or not the permittee name is correct does not change the fact that a water management system was designed, permitted, constructed and now certified complete.

B. Facility Operation:

Please provide an operation plan for the facility. Address all items (1 thru 8) and applicable components of FAC 62-711.530 and 62-711.540. - Please see the Facility Operation Plan enclosed with this response.

C. Please submit a revised closing plan for the facility, consistent with the operation plan, including the anticipated volume of tires to be processed and allocated areas for storage, tire processing, and disposal of recycled products and residuals [FAC 632-711.700(2) and (3)]. - Please see the revised closing plan.

D. Please provide proof of financial assurance pursuant to FAC 62-711.500(3) along with the closing costs estimates. – Please let us know when you have agreed with the closing cost estimate. A bond will then be prepared to meet this assurance requirement.

Please review the above discussion and enclosed information at your earliest convenience. Should you have any questions, do not hesitate to give me a call. Also, we request you visit the Garden Street Iron and Metal facility. I believe that this will help to clarify many of your concerns regarding their operation.

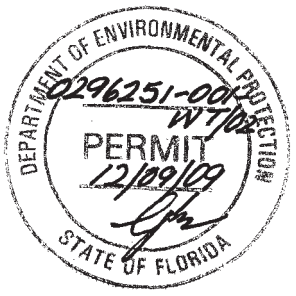
Sincerely,
KEENE ENGINEERING, INC.

William T. Keene, PE
President
45915

Enclosures

Cc: Garden Street Iron and Metal, applicant

Application for Construction and Operation of a Waste Tire Processing Facility



Facility: GARDEN STREET IRON & METAL
(WASTE TIRE PROCESSING CENTER)
WACS ID NO. 000098386

Location: 3350 METRO PARKWAY
FORT MYERS, FLORIDA 33916

Applicant: GARDEN STREET IRON & METAL INC. OF S.W. FLORIDA
ROB WEBER, PRESIDENT

Submitted to: FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
PO BOX 2549
FORT MYERS, FLORIDA 33902-2549

Prepared by: KEENE ENGINEERING, INC.
PO BOX 2770
FORT MYERS, FLORIDA 33902

keene
ENGINEERING, INC

Date: June 17, 2009
Revised: September 7, 2009
Revised: October 16, 2009

William T. Keene 10-16-09
William T. Keene, PE 45915 Date

BOOK 1 OF 2

WASTE TIRE PROCESSING FACILITY APPLICATION

TABLE OF CONTENTS

Department of Environmental Protection

DEP Form # 62-701.900(23)
Form Title Waste Tire Processing Facility Permit Application
Effective Date 3/22/00
DEP Application No 0296251-001-WT/02 (Filled in by DEP)

Waste Tire Processing Facility Permit Application

Permit No. 0296251-001- WT/02

Renewal ☐ Modification ☐ Existing unpermitted facility ☐ Proposed new facility ☒

DEPARTMENT OF ENVIRONMENTAL PROTECTION 0296251-001-WT/02 PERMIT 12/09/09 STATE OF FLORIDA

Part I-General Information:

A. Applicant Information:

1. Applicant Name: Garden Street Iron & Metal Inc. of S.W. Florida
2. Applicant Street Address: 3350 Metro Parkway
3. City: Fort Myers, Fl. County: Lee Zip: 33916
4. Applicant Mailing Address: same
5. City: _____ County: _____ Zip: _____
6. Contact person: Rob Weber Phone: (239) 337-5865 FEID No: 65-0101411
7. Have any enforcement actions been taken by the Department against the applicant relating to the operation of any solid waste management facility in this state? This includes any Complaint, Notice of Violation, or revocation of a permit or registration, as well as any Consent Order in which a violation of Department rules is admitted. It does not include a Warning Letter, Warning Notice, Notice of Noncompliance, or other similar document which does not constitute agency action.
   Yes _____ **No** ✔ **If yes**, attach a history and description of the enforcement actions.

B. Facility Information:

1. Facility Name: Garden Street Iron & Metal (Waste Tire Processing Center)
2. Facility Street Address (Main Entrance): 3350 Metro Parkway
3. City: Fort Myers, Fl. County: Lee Zip: 33916
4. Facility Mailing Address: 3350 Metro Parkway
5. City: Fort Myers State: Florida` Zip: 33916
6. Contact Person: Rob Weber Phone: (239) 337-5865
7. Facility Location Coordinates:
   Section: 30 Township: 44 Range: 25
   Latitude: 26 Deg. 37' 4.4" N. Longitude: 81 Deg. 51' 13.8" W
8. Anticipated date for starting construction 09-14-09 and for completion of construction 10-29-09
9. Anticipated date for receipt of tires upon approval and for start of processing upon approval

Mail completed form to
appropriate district office listed below

Northwest District	Northeast District	Central District	Southwest District	South District	Southeast District
160 Governmental Center	7825 Baymeadows Way, Ste. 200 B	3319 Maguire Blvd., Ste. 232	3804 Coconut Palm Dr.	2295 Victoria Ave., Ste. 364	400 North Congress Ave.
Pensacola, FL 32501-5794	Jacksonville, FL 32256-7590	Orlando, FL 32803-3767	Tampa, FL 33619	Fort Myers, FL 33902-2549	West Palm Beach, FL 33401
850-595-8360	904-448-4300	407-894-7555	813-744-6100	941-332-6975	561-681-6600

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OCT 16 2009

DEP Form # 62-701.900(23)
Waste Tire Processing Facility
Form Title Permit Application
Effective Date 3/22/00
DEP Application No. _____
(Filled in by DEP)

C. **Land Owner Information** (if different from applicant):

1. Owner's name: _____
2. Land owner's mailing address: _____
3. City: _____ State: _____ Zip: _____
4. Authorized Agent: _____ Agent's phone ( ) _____
5. Current lease expires: _____

D. **Facility Operator Information** (if different from applicant):

1. Operator's name: _____
2. Operator's mailing address: _____
3. City: _____ State: _____ Zip: _____
4. Contact person: _____ Phone: ( ) _____

E. **Preparer of Application:**

1. Name of person preparing application: William T. Keene, PE, Keene Engineering, Inc.
2. Mailing address: PO Box 2770
3. City: Fort Myers State: Florida Zip: 33902
4. Phone: (239) 939-0524
5. Affiliation with facility: consulting engineer

Part II-Operations:

A. **Facility type (check appropriate box):**

☒ Waste tire processing facility.

☐ Waste tire processing facility with on-site disposal of processed tires or processing residuals. See Attachment _____

☐ Waste tire processing facility with on-site consumption of waste tires or processing residuals. See Attachment F

☐ Permitted solid waste management facility modification to allow waste tire site and processing.

B. **Type of processing facility (check as many as apply):**

☒Shredder ☐Cutter ☐Chopper ☐Incinerator only ☐Incinerator with energy recovery
☐Pyrolysis ☐Supplemental fuel user ☐Other, explain _____

C. **Storage:** Indicate the maximum quantities of whole waste tires, processed waste tires, and processing residuals, expressed in tons, to be stored at the facility, in accordance with Rule 62-711.530(2), F.A.C.

	Outdoor Storage(tons)	Outdoor Storage (sq.ft)	Indoor Storage (tons)	Indoor Storage (sq.ft)	**Total Storage (tons)**
Whole waste tires:	120	14,000	0	0	120
Processed tires:*	120	3,200	0	0	120
Processing residuals:	indiscernible	0	0	0	indiscernible
TOTALS:	240	17,200	0	0	240

* Included with other shredded material (fluff) in the final waste bunker, see operations plan regarding shredding of tires and other waster products.

D. For reporting quantity of tires in tons, tires will be: weighed on site☒ weighed off site☐ weights will be calculated☐

E. Facilities that will not be disposing of processed tires or processing residual on the facility site must indicate the permitted solid waste management facility where processed tires or residuals will be disposed.

1. Name of facility Okeechobee Landfill
2. Street address: 10800 NE 128th Ave.
3. City: Okeechobee County: Okeechobee Zip: 34972

F. Facilities that will be delivering processed tires to consuming facilities must describe the existing or proposed markets for those processed tires.
none at this time

Part III-Attachments:

A. Facility design

NOTE: All maps, plan sheets, drawings, isometrics, cross sections, or aerial photographs shall be legible; be signed and sealed by a registered professional engineer responsible for their preparation; be of appropriate scale to show clearly all required details; be numbered, referenced to narrative, titled, have a legend of symbols used, contain horizontal and vertical scales (where applicable), and specify drafting or origination dates; and use uniform scales as much as possible, contain a north arrow and use NGVD for all elevations.

1. A topographic or section map of the facility, including the surrounding area for one mile, no more than one year old, showing land use and zoning within one mile of the facility
2. A plot plan of the facility on a scale of not less than one inch equals 200 feet. At a minimum, the plot plan shall include
   a. The facility design, including the location and size of all storage and processing areas for used tires, unprocessed waste tires,processed waste tires, and waste tire processing residuals;
   b. All wetlands and water bodies within the facility or within 200 feet of any storage area;
   c. Stormwater control measures, including ditches, dikes, and other structures;
   d. Boundaries of the facility, legal boundaries of the land containing the facility, and any easements or rights of way that are within the facility or within 200 feet of any storage area;
   e. Location, size, and depth of all wells within the facility or within 200 feet of any storage area;
   f. All structures and buildings that are, or will be, constructed at the facility; include those used in storage and processing operations;
   g. All areas used for loading and unloading;
   h. All access roads and internal roads, including fire lanes;
   i. Location of all fences, gates, and other access control measures; and
   j. Location of all disposal areas within the facility.

B. Facility operation.

1. A description of the facility's operation, process and products including how waste tires will be received and stored.
2. A description of the equipment used for processing tires. This description shall include the make, model, and hourly capacity of each piece of equipment.
3. Description of the waste from the process, the amount of waste expected and how and where this waste will be disposed of.
4. Statement of the maximum daily throughput and the planned daily and annual throughput.
5. A description of how the operator will maintain compliance with each of the storage requirements of Rule 62-711.540, F.A.C.
6. A copy of the emergency preparedness manual for the facility with a statement of the on site and off site locations where that manual will be maintained.
7. A copy of the fire safety survey
8. A description of how 75% of the annual accumulation of waste tires will be removed for disposal or recycling.

C. Completed closing plan for the facility as required by Rule 62-711.700(2) and (3), F.A.C.

DEP Form # 62-701.900(23)
Waste Tire Processing Facility
Form Title Permit Application

Effective Date 3/22/00

DEP Application No. _____
(Filled in by DEP)

D. Attach proof of financial responsibility as requirement by Rule 62-711.500(3) OR a calculation showing that financial assurance documents, currently on file with the Department, are sufficient to assure closing of the waste tire site as well as any other solid waste management facility at that location.

E. A letter from the land owner (if different from applicant) authorizing use of the land as a waste tire processing facility.

F. If waste tires will be consumed at the facility, attach a description of the other environmental permits that the applicant has for this use, including, permit number, date of issue, and name of issuing agency

G. The permit fee as required in Rule 62-4, F.A.C.

Part IV-Certification:

A. Applicant:

The undersigned applicant or authorized representative of Garden Street Iron & Metal Inc. of S.W. Florida Is aware that statements made in this form and attached information are an application for a Tire Processing Facility Permit from the Florida Department of Environmental Protection and certifies that The information in this application is true, correct and complete to the best of his knowledge and belief. Further, the undersigned agrees to comply with the provisions of Chapter 403, Florida Statutes, and all rules and regulations of the Department. It is understood that the Department will be notified prior to the sale or legal transfer of the facility.

Signature of Applicant or Authorized Agent

Rob Weber, President
Name and Title

10-16-09
Date

B. Professional Engineer registered in Florida.

This is to certify that the engineering features of this waste tire processing facility have been Designed/examined by me and found to conform to engineering principals applicable to such facilities. In my professional judgment, this facility, when properly maintained and operated will comply with all applicable statues of the State of Florida and rules of the Department. It is agreed that the undersigned will provide the applicant with a set of instructions for proper maintenance and operation of the facility.

Signature

PO Box 2770
Mailing Address

William T. Keene, PE, Keene Eng., Inc.
Name and Title

Fort Myers, Florida 33902
City, State, Zip

45915
Florida Registration Number

239-939-0524
Telephone number

10-16-09
Date

(please affix seal)

APPLICATION NARRATIVE
GARDEN STREET IRON & METAL
(Waste Tire Processing Center)

The following narrative is intended to accompany the Waste Tire Processing Facility Permit Application for the above reference project, FDEP application form 62-701.900(23). Part and item references refer to sections of the application form.

Part I - General Information

A. Applicant Information:
A.1. – The correct applicant name is Garden Street Iron & Metal Inc. of S.W. Florida. Part IV. A. of the application has also been corrected.

Items A.2. thru A.7. - Please see the application form.

B. Facility Information:
Items B.1. thru B.7. - Please see application form. Note the facility name has been corrected on the Emergency Preparedness Manual.

Item B.8. – Garden Street Iron & Metal is an existing scrap processing facility which completed construction in May of 2008. The only proposed improvements which are a part of the waste tire processing activities are minor fire hydrant modifications and pavement striping require by the Fort Myers Fire Department. See also the letter provided by the Fort Myers Fire Department. This work is presently underway and will be completed by October 21, 2009.

Item B.9. – Please see application form.

C. Land Owner Information:
Please see application form.

D. Facility Operation Information:
Please see application form.

E. Preparer of Application:
Please see application form.

Part II – Operations

A. Facility Type
This application is for approval of a Waste Tire Processing Facility.

B. Type of Processing Facility
The waste tire will be process by a shredder. A greater explanation is provided in the operations manual.

C. Storage

Please see application form for quantities of waste tire to be processed. Note, the word "indiscernible" is now being used as suggested for the residuals from the shredding process instead of "negligible". The waste tires which are being disposed of and not stored for possible resale will be placed in the main tipping area for the Garden Street shredder. This area is shown on the engineering drawings (sheets 2A, 3, 3A, 3B, and 3D) and referred to as the "feed stock blending area". In this area, all items that are received by Garden Street are mixed to achieve a consistent mixture of metallic and non-metallic materials. This is done for consistent operation of the shredder and sorting equipment. A more detailed description of the shredder operation is outlined in the Operations Manual.

Additionally, the footnote asterisk "Included with other shredded material (fluff) in the final waste bunker" has been added to the application.

D. Please see application form.

E. Please see application form.

F. Please see application form.

Part III – Attachments

A. Facility Design

Please see the Facility Design Narrative.

B. Facility Operation

Please see the Appendix A - Operation Manual.

C. Please see the attachments to the Operations Manual for the Closing Plan.

D. Financial Assurance will be provided once the closing estimate has been approved by the Department.

E. The land owner is also the applicant.

F. No waste tires will be consumed at the facility.

G. The permit fee has been provided previously.

Part IV – Certification

A. Applicant:

Please see the application form. Note the owner's name has been corrected.

B. Professional Engineer in the State of Florida.

Please see the application form.

FACILITY DESIGN NARRATIVE

GARDEN STREET IRON & METAL
(Waste Tire Processing Center)

Tire Processing Permit Application
Part III –A.1 and A.2

The purpose of this narrative is to demonstrate compliance with the above referenced portion of the permit application and with FAC 62-711.540 Storage Requirements. The Permit Application Plan set for the Garden Street Iron & Metal Waste Tire Processing Center are included as an exhibit to this narrative.

A. Facility Design

Item 1 – A topographic or section map of the facility, including the surrounding area for one mile, no more than one year old, showing land use and zoning within one mile of the facility.

Please see Sheet 4, Surrounding Land Uses and Zoning Within 1 Mile, of the engineering drawings. This plan was produced using Arcmap. Lee County property parcel boundary data was obtained from the www.Leegov.com website. The data set is dated May 31, 2009. This data set also includes the State of Florida Department of Revenue (DOR) land use codes. These codes were used to color code and label the parcels generally reflecting their type of use. A legend is provided. The DOR codes reflect the present uses of each tax parcel.

Overlaid on to this data are zoning shape files obtained from the City of Fort Myers Community Development Department June 15, 2009. This information is less predictive of present use and more predictive of future uses.

The large black line represents a distance of one mile from the facility property boundary.

Sheet 5 of the plan set also includes a color aerial the facility.

Item 2 - A plot plan of the facility on a scale of not less than one inch equals 200 feet. At a minimum, the plot plan shall include:

a. The facility design, including the location and size of all storage and processing areas for used tires, unprocessed waste tires, processed waste tires, and waste tire processing residuals;

Please see the sheets 2, 2A, 3, 3A, 3B, 3C, and 3D of the engineering plans. These sheets all serve to provide a clear picture of the operations of the facility.

Sheet 3, Processing Area Plan, is an enlargement of the northwest portion of the facility which contains the main scrap activity area. This sheet shows better the various component parts of the shredder and processing equipment. Please note that this entire

area has been paved with 8 inches of 5000 psi concrete. This generally allows the site to be kept cleaner and prevent loss of material into the underlying soils. The processing area plan also gives a good indication of the size and clearances around of each of the waste tire areas and the locations of the onsite fire lanes and fire hydrants.

The final waste area is also shown and is located just south of the inbound scale. All tires processed through this facility are deposited into this bunker and disposed of in a landfill.

A fire safety survey was also conducted by the Fort Myers Fire Department on July 7, 2009. Their approval letter dated October 13, 2009, is included in Division 4 of Appendix A, Operations Manual. The locations of the storage and feed stock blending areas have been deemed acceptable by the Fire Department. Under state building code rules, the Fort Myers Fire Department is the Authority Having Jurisdiction (AHJ) relative to fire and life safety requirements for this site.

With respect to the question of residuals from the tire shredding activity, the only type of residuals expected are small fines and sand particles which escape from the shredding and sorting equipment. Sheet 2, General Site Plan, shows typical surface drainage flows in the area of the shredder and sorting equipment. This area is directed to a sludge and process water recovery tank located just west of the motor house which drives the shredder. This tank system and the contouring of the concrete pavement are designed to collect fine particles which cannot otherwise be collected with mechanical equipment. The water collected in this tank, including storm water runoff from this area, is stored and used as cooling water in the shredder. Unfortunately, the residual fines from tire processing facility shredding cannot be distinguished from the residuals generated from the ordinary scrap shredding presently occurring on this site.

Sheet 3A, 3B, and 3C are enlargements to show in better detail the waste tire storage areas. Sheet 3D of the plan set depicts basic customer and material flow through the site. The flow of processed waste tires included in the fluff has also been illustrated.

b. All wetlands and water bodies within the facility or within 200 feet of any storage area;

There are no wetlands or water bodies within the facility or within 200 feet of storage areas.

c. Storm water control measures, including ditches, dikes, and other structures;

See sheet 3 of the engineering plans. The storm water control facilities in the vicinity of the tire processing area are shown. Note, this site has an Environmental Resource Permit from the South Florida Water Management District, permit no. 36-06271-P. Construction of the facility has been completed, certified by its design engineer, Barbot Steuart & Associates, Inc., and transfer of the permit to operation phase has been requested.

Additionally, the following Best Management Practices (BMP's) techniques are employed in the store water treatment system:

- Oil Skimmer
- Stormceptor Chamber
- Grassed Outfall Swale
- Outfall Control Structure with additional skimmer

Inspection of these devices will be conducted on a monthly basis. Correction of any malfunctions will be done immediately.

Also, as part of the Emergency Preparedness Plan included in Division 3 of Appendix A, page 5 of 5, a filtering berm of shredded steel will be placed down slope of the waste and used tire storage area and the blending area in the case of a fire. It is intended for this berm to help to slow the runoff of fire fighting water and to provide a surface to help capture the debris prior to runoff into the stormwater management system.

d. Boundaries of the facility, legal boundaries of the land containing the facility, and any easements or rights of way that are within the facility or within 200 feet of any storage area.

See sheet 2 of the engineering plans. The boundary of the overall site is shown. Also, the centerlines of the railroad track easements are depicted.

e. Location, size, and depth of all wells within the facility or within 200 feet of any storage area;

See sheet 2 of the engineering plans. All of the ground water sampling and recovery wells have now been depicted. An additional deeper well which was installed with the previous land owner is also shown. This well is 4" in diameter and depth is unknown. This well is presently used for irrigation. The ground water monitoring and recovery wells are approximately 12 to 15 feet in depth.

f. All structure and buildings that area, or will be constructed at the facility; including those used in storage and processing operations;

See sheets 2, 2A and 3 of the engineering plans. All of the existing and proposed buildings at facility are depicted. The only building used as part of the tire processing facility is the two story ticket office building located on the northerly portion of the site. This building has the inbound and outbound vehicle scales adjacent to it. This building also contains the record keeping activities for the facility. The only other work to be constructed are minor improvements required by the Fort Myers Fire Department as part of the Fire Safety Survey.

g. All areas used for loading and unloading;

See sheet 3D of the engineering plans. This sheet depicts the general path of waste tires through the facility.

h. All access roads and internal roads, including fire lanes;

See sheets 2, 2A, 3, and 3D of the engineering plans.

i. Location of all fences, gates, and other access control measures; and

See sheet 2 of the engineering plans. Please note that all entrances have automatic gates that are open during the daytime and automatically close in the evenings. The roadway frontages are fenced with a precast concrete fencing system. The southerly boundary abuts buildings and structures belonging to Gulf Paving. The westerly boundary abuts the CSX railroad right of way. This boundary has not been fenced to allow access to the railroad. Please note that the Seminole Gulf Railroad has its own police force and that the Garden Street facility has nighttime security guards and video surveillance. Vehicular access is not possible though these unfenced boundaries.

j. Location of all disposal areas within the facility.

See sheet 2 of the engineering plans. There is no disposal of solid waste at the Garden Street facility.

FACILITY OPERATION NARRATIVE

GARDEN STREET IRON & METAL
(Waste Tire Processing Center)

Tire Processing Permit Application
Part III –B.1. thru B.8.

1. Description of facility's operation, process and products including how waste tires will be received and stored. (Application Part III.B.1.)

The shredder plant is located on the northwest quadrant of the property. Sheet 2A and Sheet 3 depict the location of the facility within the overall property boundaries. Sheet 3D of the accompanying plan set depicts the flow of waste tires through the facility.

The facility is design primarily for the disassembly of scrap metal item such as automobiles, light and heavy trucks and trailers, appliances, machinery, and other items which contain metal. This facility is capable of efficiently removing nearly all of the metallic components from these waste items and reintroducing these metals into the raw material stream for manufacturers. The primary products created from this process are ferrous shred and non-ferrous mixed metal shred consisting primarily of aluminum. The rest of the component material from the recycled items is deposited in the final waste bunker. This material is generally referred to as fluff. It consists of rubber, plastic, foam, fabric, glass and soil. All of the rubber from the processed waste tires will be included in the fluff waste. The waste tire processing approved under this permit application is an additional process to the present recycling operation. Currently, some waste tires are being received incidental to the automobile and truck recycling operation. This application, if approved, will allow the facility to receive waste tires in bulk from waste tire collectors. Please note that tires which are attached to a scrapped vehicle, truck or trailer are not accounted for separately from the scrap metal and will not be reported on quarterly reports.

Scrapped automobile being placed onto the in-feed conveyor.

The vehicles carrying the bulk waste tire deliveries will be weighed on the incoming and outgoing truck scales. The quantity of waste tires will be determined by the net difference in vehicle weight. All customer data is recorded in the facility's "point of sale" (POS) system. The POS system is a software program called Scrap Dragon. This system provides centralized

data collection, storage, and recording of financial transactions including the weight of any scrap or waste tires received by the facility. The tonnage of bulk waste tires received will be listed on the quarterly reporting to FDEP.

Once weighed, customers are directed to the unloading area near the in-feed conveyor. At this location, waste tires are placed in the "feed stock blending area". In this area, all material to be shredded is mixed to create a consistent material flow into the shredder.

Scrap material being handled at the feed stock blending area, near the in-feed conveyor. Harris Shredder is in the background.

The waste tires are placed onto the in-feed conveyor and shredded into sufficiently small pieces suitable for disposal in a landfill. See photos below for close-up views of the final waste material. The material in this bunker is generally referred to as fluff. This is because it contains all of the non metallic lighter weight components of a recycling material stream such as rubber, foam, fabric, glass, plastics and soil.

It is expected that all bulk waste tire deliveries accepted will be shredded in this fashion. The only waste tires that will be stored in the designated area on the sheet 3B of the plans set will be take-offs from the semi-trailers that are received for disposal and enclosed trailers or roll-off dumpsters loaded with mixed waste tires.

Existing used truck tires taken off of box trailers that have been scrapped. These are located in the Used Tire Storage Area.

The over the road (OTR) take offs will be stored on edge in a single layer as shown in the photo. It is estimated that the maximum number of waste tires stored in this fashion is about 1500 OTR tires. Please note that these tires remain mounted on rims preventing any chance of collecting water inside the tire. The maximum number of waste tires potentially placed in this storage area, however, is 4,500 tires.

In the case of a prolonged breakdown of equipment, major bulk

tire accounts will be asked to temporarily suspend deliveries until the shredding equipment has been restored.

Note, the entire processing area is paved with and 8" thick 5000 psi concrete slab. This prevents scrap material from being mixed into the underlying soils. Also note that no products are anticipated to be produced from the waste tires process at this facility.

2. A description of the equipment used for processing tires. This description shall include the make, model, and hourly capacity of each piece of equipment. (Application Part III.B.2.)

The main mechanical component for this facility is a 98 inch steel shredding rotary hammer mill manufactured by Harris Equipment. The model number is HS98115. This machine is capable of shredding entire automobiles into pieces small enough to be picked up by hand. The shredder has an operating capacity in excess of 100 tons per hour. The facility also has additional equipment that further sorts the shredded material into its main metallic, non-metallic, and waste components.

3. Description of waste from the process, the amount expected and how and where this waste will be disposed of. (Application Part III.B.3.)

It is expected the 100% of the waste tires received under the waste tire permit will be shredded and turned into a waste material. This is due to the fact that the waste tires will be fed into the current recycling material stream. It is not anticipated that the waste tire will be process separately as the incoming stream of waste tire collector customers is not expected to be consistent or sufficiently large enough. Waste tires would have to be stored for an excessively long period of time. This would interfere with the existing and ongoing metal recycling operation. All of the waste material will be trucked to and placed in the Okeechobee landfill.

Close-up view of material in the final waste bunker (Fluff).

Processed tire pieces from final waste bunker.

4. Statement of the maximum daily throughput and the planned daily and annual throughput. (Application Part III.B.4.)

As stated above, this shredder has an hourly feed rate in excess of 100 tons/hour of blended material. An estimate of the maximum capacity of this shredder is as follows:

Hourly blended feed rate into the shredder	100 tons/hour+
Conservative percentage of waste tires	10%
Hourly rate of waste tires	10 tons/hour
Conversion factor for passenger tires	20 lbs/tire

Estimated rate of waste tire feed is as follows:

$$\frac{10 \text{ tons}}{\text{hour}} \times \frac{2{,}000 \text{ lbs}}{\text{ton}} \times \frac{1 \text{ tire}}{20 \text{ lbs.}} = \frac{1{,}000 \text{ tires}}{\text{hour}}$$

Presently, the shredder operates 5 to 6 hours per day, 6 days a week. This gives a processing capacity of 5,000 to 6,000 processed waste tires per day or 30,000 to 36,000 processed waste tires per week. Annually, the capacity would be 1,560,000 to 1,872,000 tires per year. This equates to approximately 15,600 to 18,720 tons at a conservative 10% blend rate.

The ordinary planned daily throughput will be 1000 tires or less (10 tons +/-). The annual quantity of waste tires processed is estimate to be 300,000 tires (3,000 tons, +/-).

5. Description of how the operator will maintain compliance with each of the storage requirements of rule FAC 62-711.540. (Application Part III.B.5.)

Different from other tire processing facilities, the equipment necessary to shred the waste tires is permanently installed at this facility. And given the shredding capacity of the Harris mill, it is expected that the storage of tires will not be a major problem. Relatively speaking, the bulk waste tire component of the total facility operation is very small. The enclosed plans designate the areas in which tires will be stored and blended. These areas, though, will not be completely covered with waste tires at all times.

Compliance with the storage requirements of FAC 62-711.540 is assured by the following facts: 1. The facility is fenced, gated, and fully attended day and night preventing unauthorized deliveries. 2. The throughput capacity of the Harris mill is substantially greater than the quantity of tires to be stored. 3. Waste tires are currently being processed incidental to the automobile recycling operation and tire storage is not presently a problem. 4. The magnitude of the waste tire facility operation is a very small part of the overall facility operation and is much less likely, economically, to be allowed to become an operational or regulatory problem. And 5. Processed waste tire are removed daily as part of the shredder fluff material and taken to the Okeechobee landfill preventing accumulation of waste on the site.

6. A copy of the emergency preparedness manual for the facility with a statement of the on site and off site locations of where that manual will be maintained. (Application Part III.B.6.)

The Emergency Preparedness Manual for the Garden Street Waste Tire Processing Center is included in Appendix A of this application. The operator should make his self familiar with the recommended steps to follow in the event of an emergency [FAC 62-711.540(1)(e)].

Please note that FDEP is required to be immediately be notified in the event of a fire or other emergency which poses an unanticipated threat to the public health or environment. Within two weeks of the event, a written report must be submitted to FDEP noting the origins of the emergency, actions taken to deal with the emergency, results of actions taken, and an analysis of the success of failure of the actions [FAC 62-711.540(1)(f)].

7. Fire Safety Survey (Application Part III.B.7.)

The Fire Safety Survey is included in Appendix A, Operations Manual, Division 4. This survey is to be updated annually by the Fort Myers Fire Department. The Fort Myers Fire Department may be contacted at 321-7350. Updates to the fire safety survey should be inserted into this manual for future reference [FAC 62-711.540(1)(d)].

8. Description of how 75% of the annual accumulation of waste tires will be removed for disposal or recycling. (Application Part III.B.8.)

"FAC 62-711.530(3) - 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 and removed for disposal or recycling from the facility during the year, or disposed of on the site at a permitted solid waste management facility..."

All waste tires are processed by shredding into sufficiently small pieces appropriate for disposal in a landfill. The processed waste tires are mixed amongst other shredder waste (fluff). The fluff is removed on a daily basis from the facility and taken to the Okeechobee landfill. It is expected that virtually 100% of all processed waste tires, on an annual basis, will be removed from the site during each year. It is not expected that there will be an accumulation of waste other than the daily amount generated.

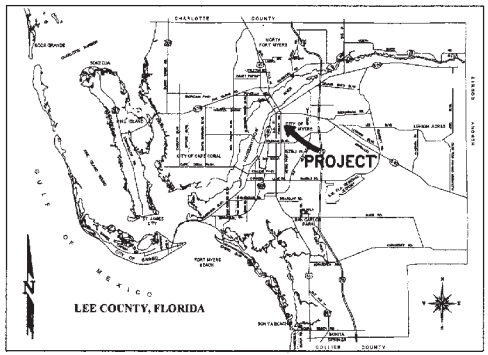
PERMIT APPLICATION PLANS

Garden Street Iron & Metal

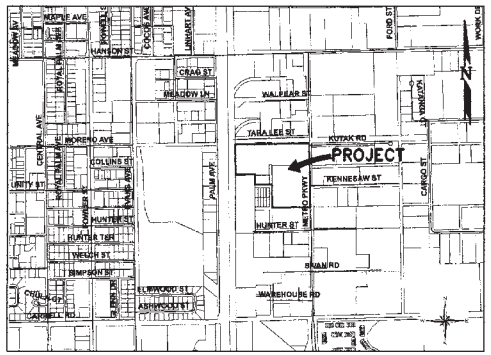
Waste Tire Processing Center

3350, FORT MYERS, FLORIDA 33916
SECTION 30, TOWNSHIP 44 S., RANGE 25 E.
LEE COUNTY, FLORIDA

STRAP # 30-44-25-P4-00108.0000



LOCATION MAP



VICINITY MAP

OWNER:
GARDEN STREET IRON & METAL INC.
OF S.W. FLORIDA
3350 METRO PARKWAY
FORT MYERS , FL. 33916
CONTACT: ROB WEBER
(239) 337-5865

SITE ENGINEER:
KEENE ENGINEERING, INC.
PO BOX 2770
FORT MYERS, FL. 33902
(239) 939-0524
(239) 939-1968 FAX

SHEET INDEX:

RECEIVED
OCT 16 2009
D.E.P. South District

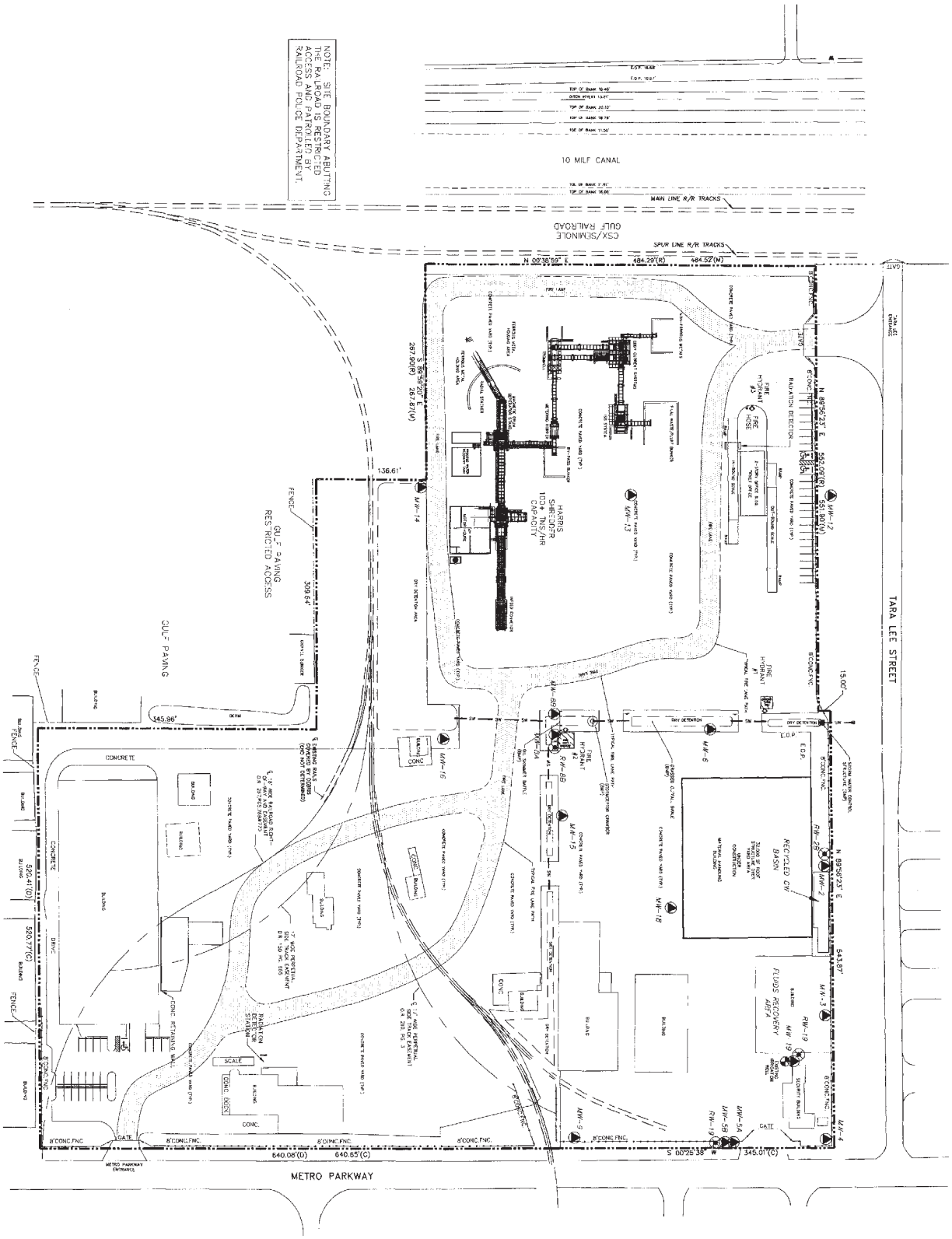
APPROVED: 10-16-09
WILLIAM F. KEENE
FLORIDA P.E. #45515

Garden Street Iron & Metal
Waste Tire Processing Center
COVER SHEET

SCALE:
24x36: N/A
11x17: N/A

SHEET 1 OF 5

DRAWING SET DATE: 10-15-09



DRAWING SET DATE: 11-5-09

Garden Street Iron & Metal
Waste Tire Processing Center
EXISTING IMPROVEMENTS PLAN

KEENE ENGINEERING, INC.
10970 S. CLEVELAND AVE.
SUITE 303
FORT MYERS, FLA 33907
239-939-5525 PHONE
239-939-1968 FAX
ENG. BUS. NO. 7578

keene ENGINEERING, INC

APPROVED
11-5-09

WILLIAM T. KEENE
FLORIDA P.E. #45915
HARD COPY WITH EMBOSSED SEAL

REVISIONS	DATE
1. Revisions per FDEP and DTM Fire Dept.	07-31-09
2. Revisions per FDEP	09-07-09
3. Revision per FDEP	10-15-09
4. Revision per FDEP	11-2-09

SCALE: 24x36: 1" = 60'
11x17: 1" = 120'

SHEET 2 OF 5

SCALE: 24x36: 1" = 60'
11x17: 1" = 120'

SHEET 2A of 5

Garden Street Iron & Metal
Waste Tire Processing Center

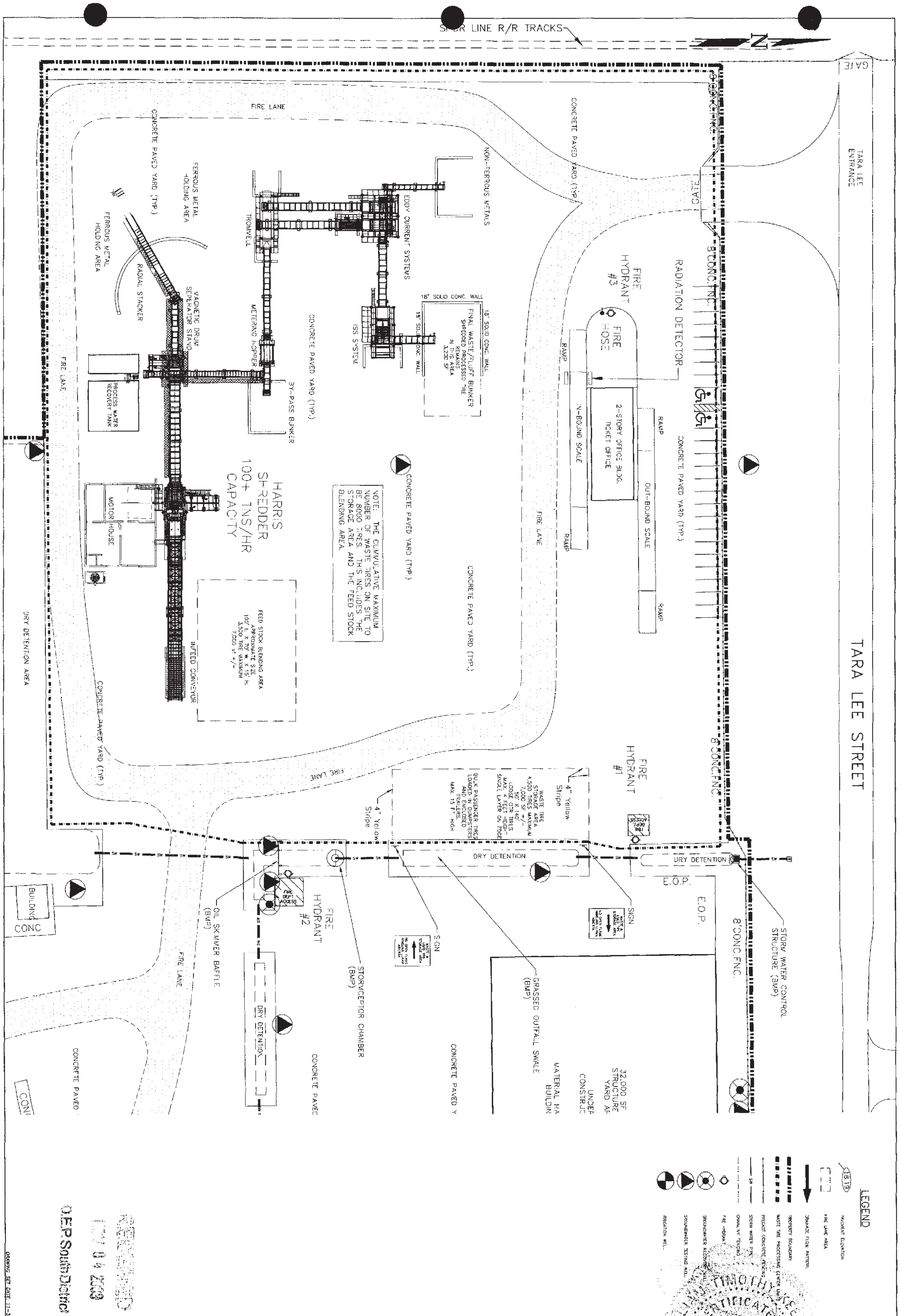
GENERAL SITE PLAN

KEENE ENGINEERING, INC.
10970 S. CLEVELAND AVE.
SUTIE 303
FORT MYERS, FLA 33907
239-939-0524 PHONE
239-939-1968 FAX
ENG. BUS. NO. 7578

keene ENGINEERING, INC.

APPROVED
11-3-09

WILLIAM T. KEENE
FLORIDA P.E. #45915



RECEIVED NOV 04 2009 DEP South District

DRAWING SET DATE 11-3-09

SCALE: 24x36: 1" = 30' 11x17: 1" = 60'	SHEET 3 OF 5

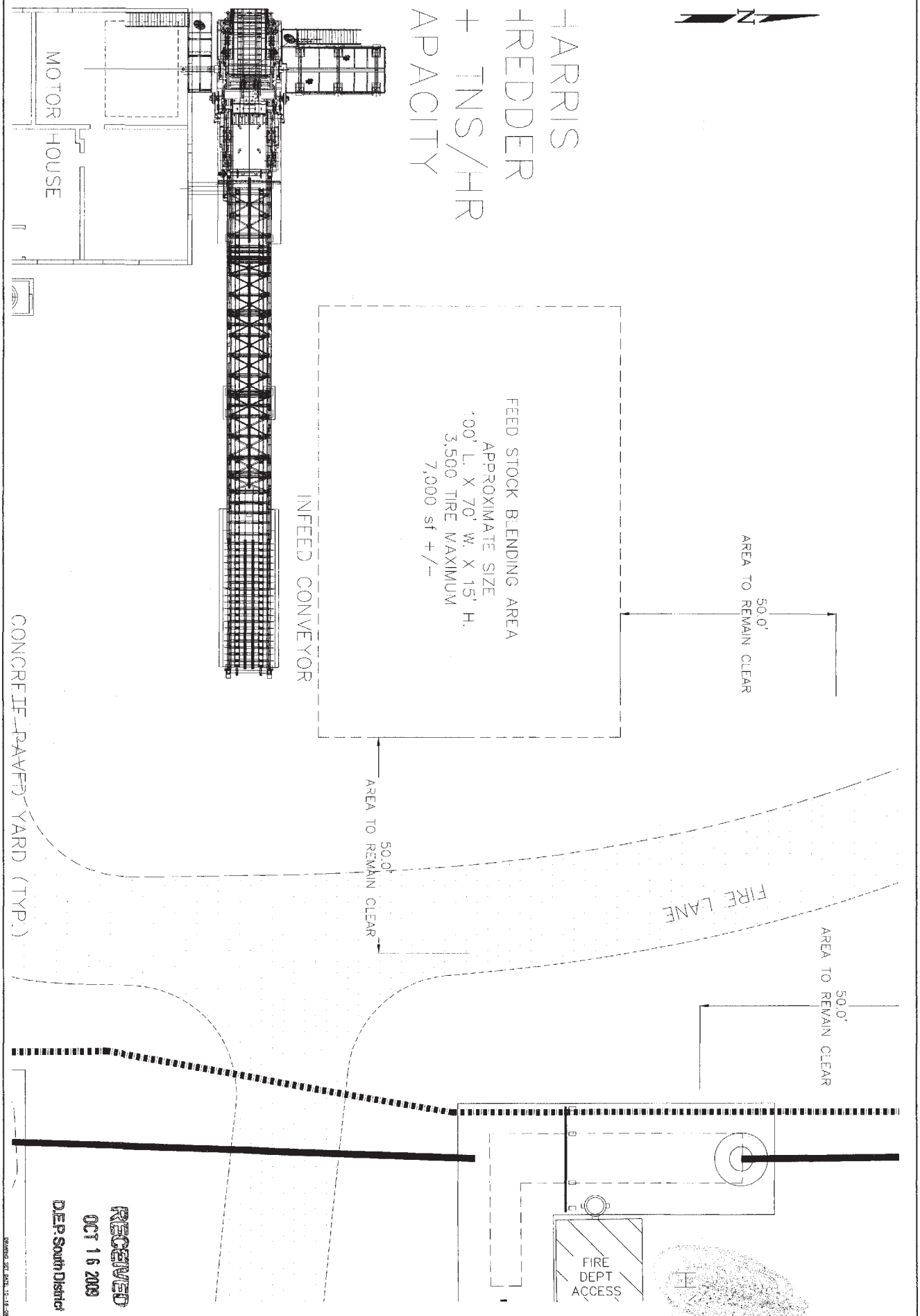
Garden Street Iron & Metal
Waste Tire Processing Center
PROCESSING AREA PLAN

KEENE ENGINEERING, INC
10970 S. CLEVELAND AVE.
SUTIE 303
FORT MYERS, FLA 33907
239-939-0524 PHONE
239-939-1968 FAX
ENG. BUS. NO. 7578

keene ENGINEERING, INC

APPROVED 11-3-09

WILLIAM T. KEENE
FLORIDA P.E. #45915
VALID ONLY WITH EMBOSSED SEAL



Garden Street Iron & Metal
Waste Tire Processing Center
FEED STOCK BLENDING AREA PLAN

KEENE ENGINEERING, INC.
10970 S. CLEVELAND AVE.
SUITE 303
FORT MYERS, FLA. 33907
239-939-0524 PHONE
239-939-1968 FAX
ENG. BUS. NO. 7578

keene ENGINEERING, INC

APPROVED
10/16/09

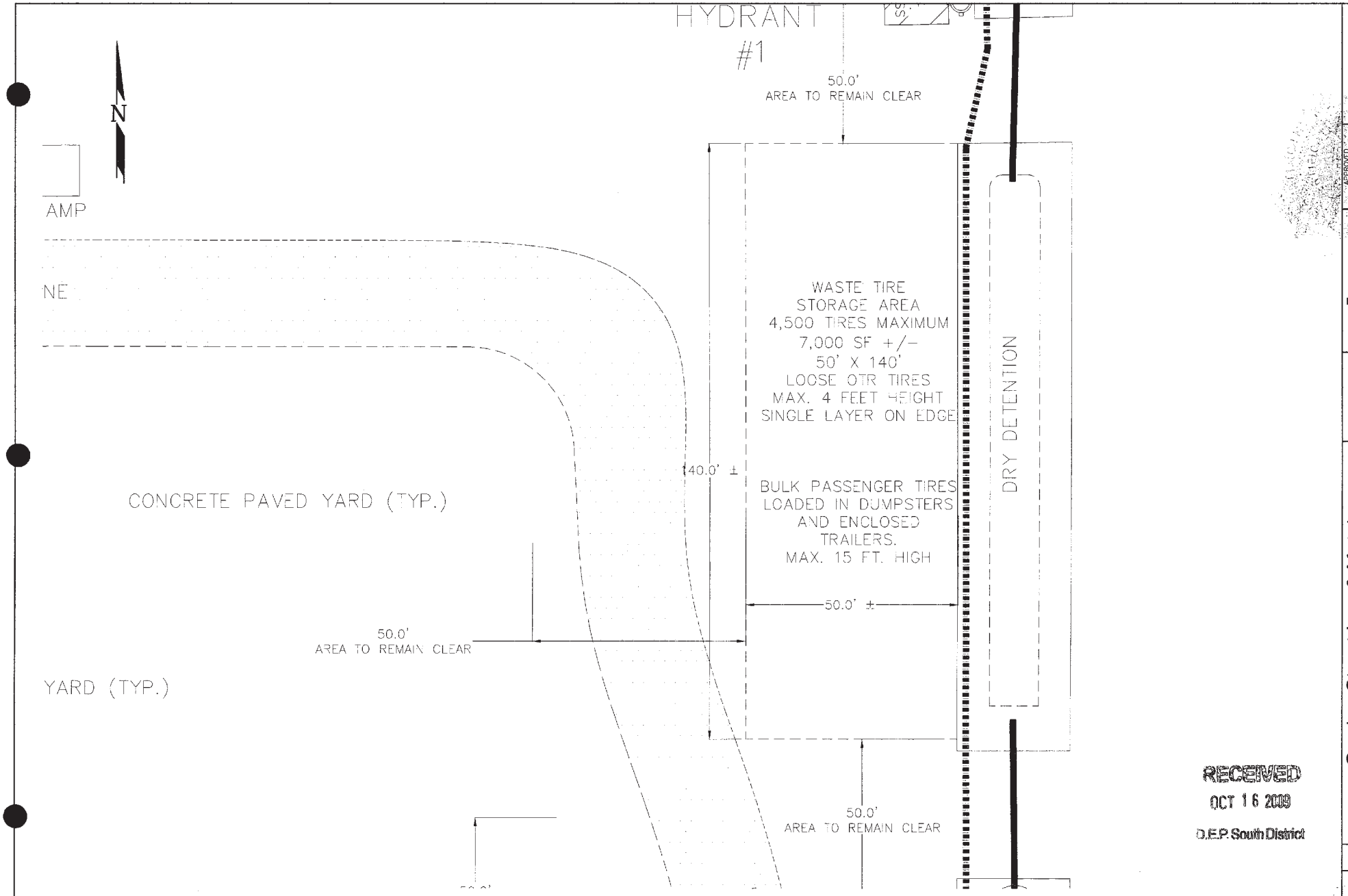
WILLIAM T. KEENE
FLORIDA P.E. #45915
VALID ONLY WITH EMBOSSED SEAL

REVISIONS	DATE
1. Revisions per FDEP and CPH Fire Dept.	07-31-09
2. Revisions per FDEP	09-07-09
3. Revisions per FDEP	10-15-09

SHEET 3A OF 5

SCALE: 24x36: 1" = 10' 11x17: 1" = 20'

DRAWING SET DATE: 10-16-09



RECEIVED
OCT 16 2009
D.E.P. South District

APPROVED
10-16-09

KEENE ENGINEERING, INC
KEENE ENGINEERING INC.
10970 S. CLEVELAND AVE.
SUITE 303
FORT MYERS, FL 33907
239-939-0504 PHONE
239-939-1968 FAX
ENG. BUS. NO. 7978

WILLIAM T. KEENE
FLORIDA P.E. #43815

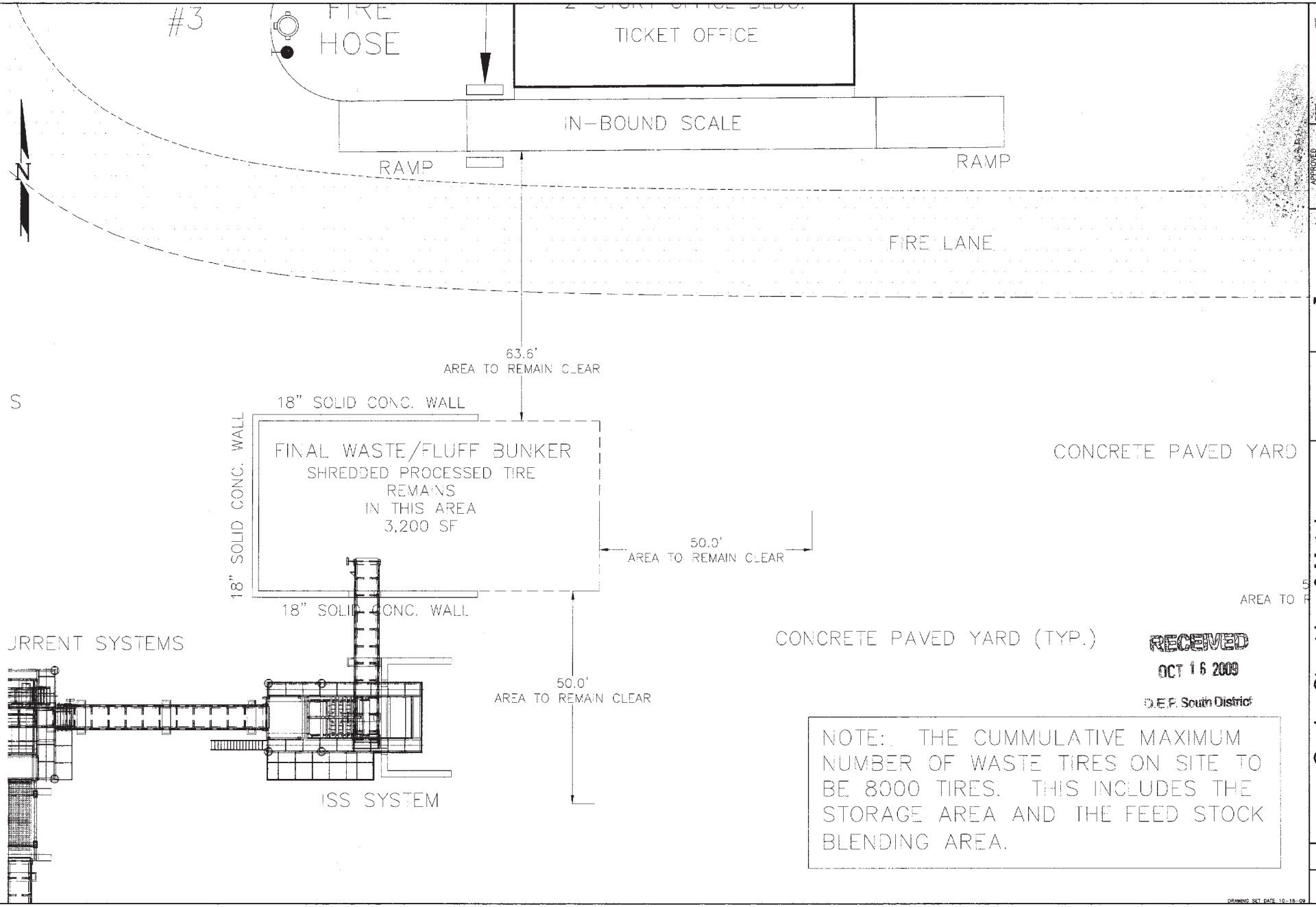
Garden Street Iron & Metal
Waste Tire Processing Center

WASTE TIRE STORAGE AREA PLAN

SCALE:
24x36: 1" = 10'
11x17: 1" = 20'

SHEET
3B OF 5

DRAWING SET DATE: 10-16-09



RECEIVED
OCT 16 2009
D.E.P. South District

NOTE: THE CUMMULATIVE MAXIMUM NUMBER OF WASTE TIRES ON SITE TO BE 8000 TIRES. THIS INCLUDES THE STORAGE AREA AND THE FEED STOCK BLENDING AREA.

APPROVED
10-16-09

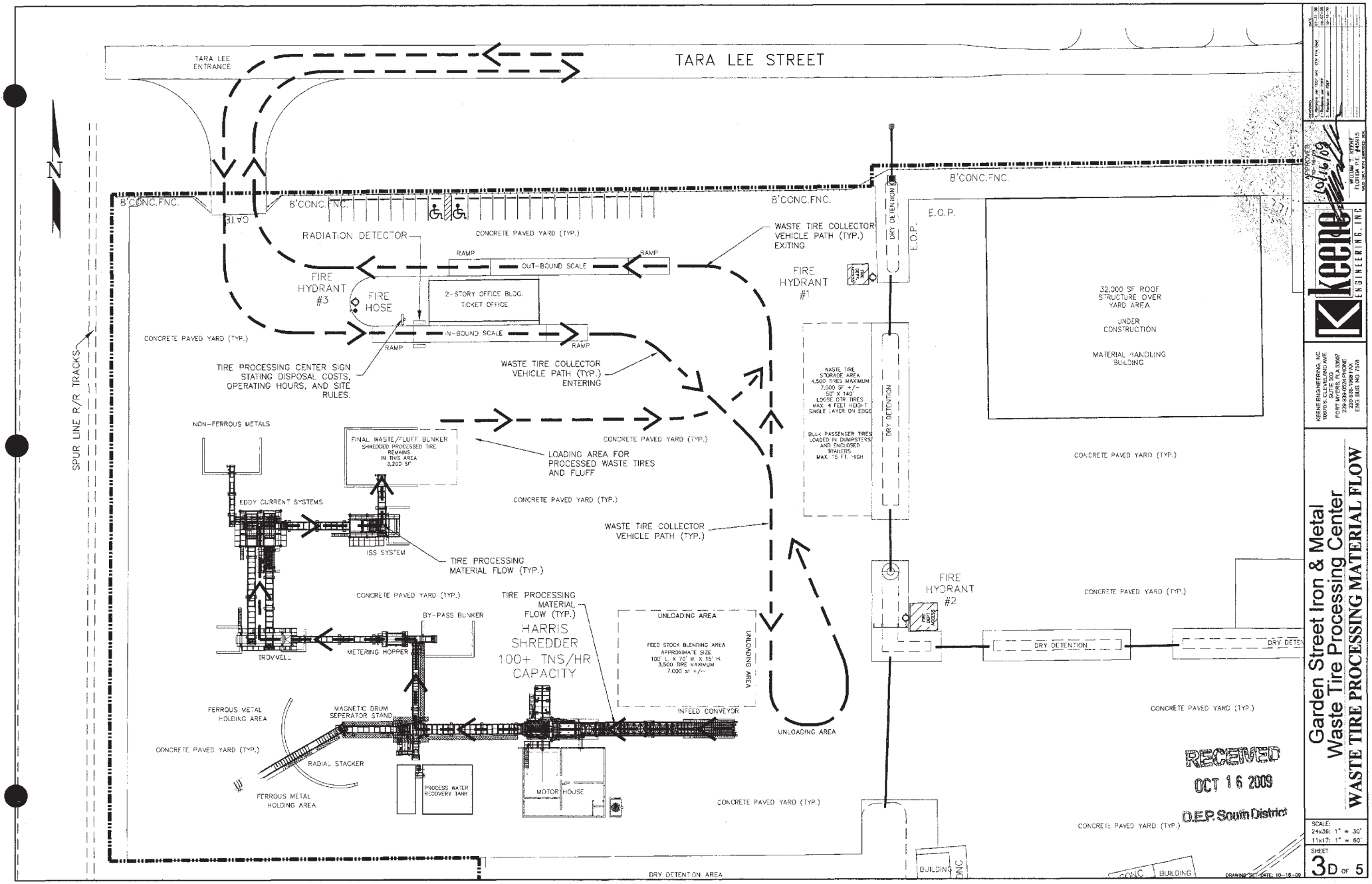
KEENE ENGINEERING, INC
KEENE ENGINEERING, INC.
10070 S CLEVELAND AVE.
SUITE 303
FORT MYERS, FL 33907
239-939-4524 PHONE
239-939-1968 FAX
ENG. BUS. NO. 7576

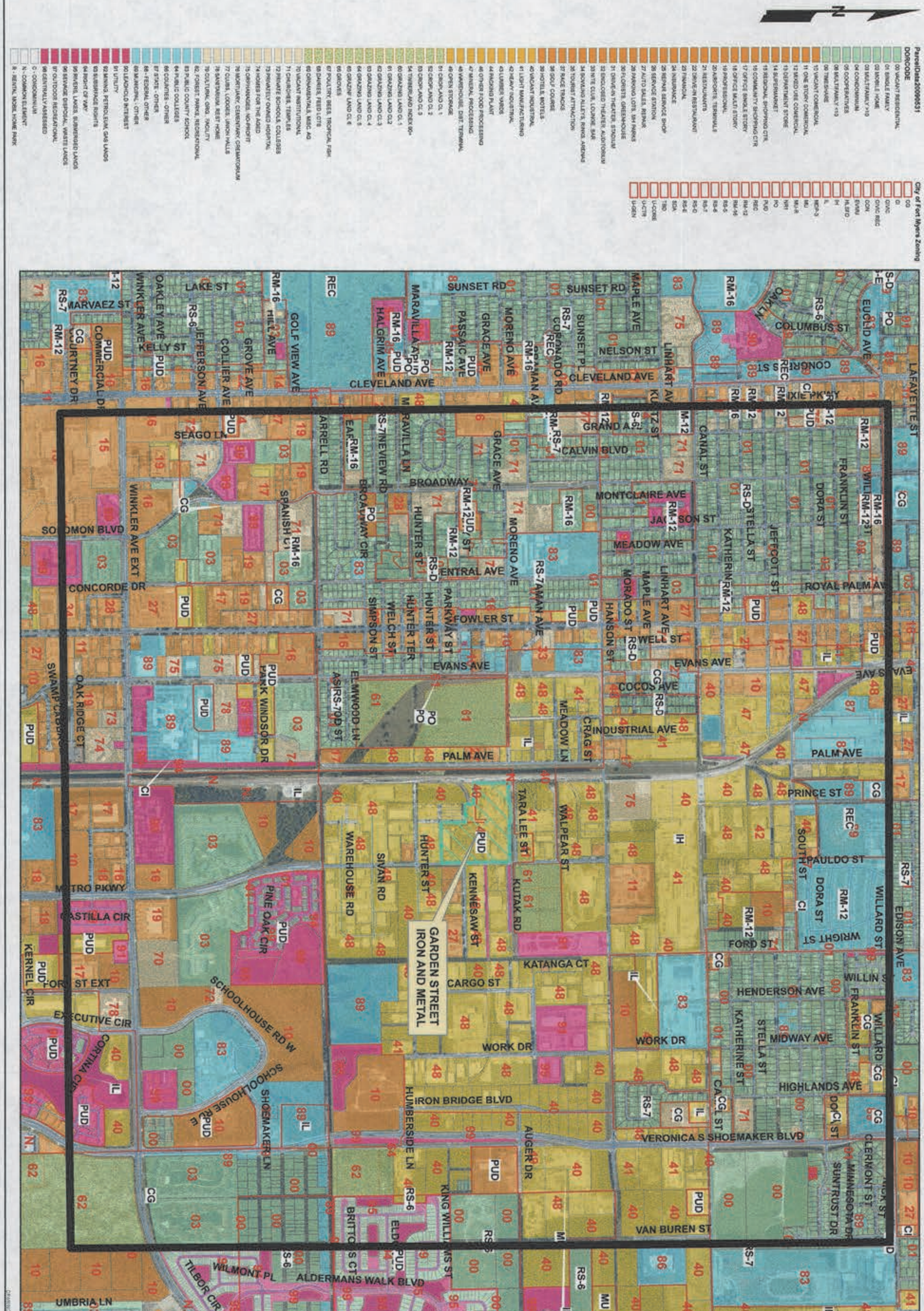
Garden Street Iron & Metal
Waste Tire Processing Center
PROCESSED WASTE TIRE STORAGE AREA PLAN

SCALE:
24x36: 1" = 10'
11x17: 1" = 20'

SHEET
3C OF 5

DRAWING SET DATE 10-16-09


TARA LEE ENTRANCE
TARA LEE STREET
N
SPUR LINE R/R TRACKS
8'CONC.FNC.
GATE
RADIATION DETECTOR
CONCRETE PAVED YARD (TYP.)
RAMP
OUT-BOUND SCALE
IN-BOUND SCALE
FIRE HYDRANT #3
FIRE HOSE
2-STORY OFFICE BLDG. TICKET OFFICE
TIRE PROCESSING CENTER SIGN STATING DISPOSAL COSTS, OPERATING HOURS, AND SITE RULES.
WASTE TIRE COLLECTOR VEHICLE PATH (TYP.) ENTERING
WASTE TIRE COLLECTOR VEHICLE PATH (TYP.) EXITING
FIRE HYDRANT #1
DRY DETENTION
E.O.P.
32,000 SF ROOF STRUCTURE OVER YARD AREA
UNDER CONSTRUCTION
MATERIAL HANDLING BUILDING
WASTE TIRE STORAGE AREA 4,500 TIRES MAXIMUM 7,000 SF +/- 50' X 140' LOOSE OTR TIRES MAX. 4 FEET HEIGHT SINGLE LAYER ON EDGE
BULK PASSENGER TIRES LOADED IN DUMPSTERS AND ENCLOSED TRAILERS. MAX. 13 FT. HIGH
NON-FERROUS METALS
FINAL WASTE/FLUFF BUNKER SHREDDED PROCESSED TIRE REMAINS IN THIS AREA 3,200 SF
LOADING AREA FOR PROCESSED WASTE TIRES AND FLUFF
EDDY CURRENT SYSTEMS
ISS SYSTEM
TIRE PROCESSING MATERIAL FLOW (TYP.)
BY-PASS BUNKER
TROMMEL
METERING HOPPER
HARRIS SHREDDER 100+ TNS/HR CAPACITY
UNLOADING AREA
FEED STOCK BLENDING AREA APPROXIMATE SIZE 100' L. X 70' W. X 15' H. 3,500 TIRE MAXIMUM 7,000 SF +/-
INFEED CONVEYOR
FERROUS METAL HOLDING AREA
MAGNETIC DRUM SEPERATOR STAND
RADIAL STACKER
PROCESS WATER RECOVERY TANK
MOTOR HOUSE
FIRE HYDRANT #2
DRY DETENTION AREA
BUILDING
CONC.
RECEIVED
OCT 16 2009
D.E.P. South District
Garden Street Iron & Metal
Waste Tire Processing Center
WASTE TIRE PROCESSING MATERIAL FLOW
KEENE ENGINEERING, INC.
SCALE: 24x36: 1" = 30' 11x17: 1" = 60'
SHEET 3D OF 5



RECEIVED
OCT 16 2009
DEP South District

Garden Street Iron & Metal
Waste Tire Processing Center
SURROUNDING LAND USES WITHIN 1 MILE

SCALE: 1" = 600'
SHEET 4 OF 5

KEENE ENGINEERING, INC.
10970 S. CLEVELAND AVE.
SUITE 303
FORT MYERS, FLA 33907
239-939-0524 PHONE
239-939-1968 FAX
ENG. BUS. NO. 7578

Keene
ENGINEERING, INC

APPROVED
10/16/09
WILLIAM T. KEENE
FLORIDA P.E. #45915

RECEIVED
OCT 16 2009

Garden Street Iron & Metal
Waste Tire Processing Center
PROJECT AERIAL

SHEET 5 OF 5

SCALE: 24x36: 1" = 200'

KEENE ENGINEERING, INC.
10970 S. CLEVELAND AVE.
SUITE 303
FORT MYERS, FLA 33907
239-939-0524 PHONE
239-939-1969 FAX
ENG. BUS. NO. 7578

keene ENGINEERING, INC

APPROVED
10/16/09

WILLIAM L. KEENE
FLORIDA P.E. #45915

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
STANDARD GENERAL PERMIT NO. 36-06271-P
DATE ISSUED:February 14, 2007

Form #0941
08/95

PERMITTEE: ROBBINS MANUFACTURING COMPANY
PO BOX 17939
TAMPA, FL 33682

PROJECT DESCRIPTION: This application is a request for an Environmental Resource Permit authorizing Construction and Operation of a surface water management system serving an acre industrial project known as Garden Street Shredding with discharge into Estero Bay via Ten Mile Canal via the existing roadside discharge ditch via surface water management system.

PROJECT LOCATION: LEE COUNTY, SEC 30 TWP 44S RGE 25E

PERMIT DURATION: See Special Condition No:1. See attached Rule 40E-4.321, Florida Administrative Code.

This is to notify you of the District's agency action concerning Notice of Intent for Permit Application No. 060915-9, dated September 15, 2006. This action is taken pursuant to Rule 40E-1.603 and Chapter 40E-40 , Florida Administrative Code (F.A.C.).

Based on the information provided, District rules have been adhered to and an Environmental Resource General Permit is in effect for this project subject to:

1. Not receiving a filed request for a Chapter 120, Florida Statutes, administrative hearing.
2. the attached 19 General Conditions (See Pages : 2 - 4 of 6),
3. the attached 17 Special Conditions (See Pages : 5 - 6 of 6) and
4. the attached 4 Exhibit(s)

Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the "Notice of Rights," we will assume that you concur with the District's action.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the Permittee (and the persons listed in the attached distribution list) no later than 5:00 p.m. on this 14th day of February, 2007, in accordance with Section 120.60(3), Florida Statutes.

BY: _____
Rhonda Haag
Service Center Director
Lower West Coast Service Center

Certified mail number 7003 3110 0005 4924 6115

2/14/07

NOTICE OF RIGHTS

As required by Sections 120.569(1), and 120.60(3), Fla. Stat., following is notice of the opportunities which may be available for administrative hearing and/or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

Right to Request Administrative Hearing

A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569, 120.57, and 120.60(3), Fla. Stat. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision in accordance with Rule 28-106.111, Fla. Admin. Code. Any person who receives written notice of a District decision and fails to file a written request for hearing within 21 days waives the right to request a hearing on that decision as provided by Subsection 28-106.111(4), Fla. Admin. Code.

The Petition must be filed at the Office of the District Clerk of the SFWMD, 3301 Gun Club Road, P.O. Box 24680, West Palm Beach, Florida, 33416, and must comply with the requirements of Rule 28-106.104, Fla. Admin. Code. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. **Filings by e-mail will not be accepted.** A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Pursuant to Rule 28-106.104, Fla. Admin. Code, any document received by the office of the District Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day.

- Filings made by mail must include the original and one copy and must be addressed to the Office of the District Clerk, P.O. Box 24680, West Palm Beach, Florida 33416.

- Filings by hand-delivery must also include the original and one copy of the petition. **Delivery of a petition to the District's security desk does not constitute filing. To ensure proper filing, it will be necessary to request the District's security officer to contact the Clerk's office.** An employee of the District's Clerk's office will file the petition and return the extra copy reflecting the date and time of filing.

- Filings by facsimile must be transmitted to the District Clerk's Office at (561) 682-6010. Pursuant to Subsections 28-106.104(7), (8) and (9), Fla. Admin. Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the District Clerk receives the complete document.

The following provisions may be applicable to SFWMD actions in combination with the applicable Uniform Rules of Procedure (Subsections 40E-0.109(1)(a) and 40E-1.511(1)(a), Fla. Admin. Code):

(1)(a) "Receipt of written notice of agency decision" as set forth in Rule 28-106.111, Fla. Admin. Code, means receipt of either written notice through mail or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action.

(b) If notice is published pursuant to Chapter 40E-1, F.A.C., publication shall constitute constructive notice to all persons. Until notice is published, the point of entry to request a formal or informal administrative proceeding shall remain open unless actual notice is received.

(2) If the District's Governing Board takes action which substantially differs from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Fla. Admin. Code, unless otherwise provided by law. The District Governing Board's action is considered to substantially differ from the notice of intended agency decision when the potential impact on water resources has changed.

(3) Notwithstanding the timeline in Rule 28-106.111, Fla. Admin. Code, intended agency decisions or agency decisions regarding consolidated applications for Environmental Resource Permits and Use of Sovereign Submerged Lands pursuant to Section 373.427, Fla. Stat., shall provide a 14 day point of entry to file petitions for administrative hearing.

Hearings Involving Disputed Issues of Material Fact

The procedure for hearings involving disputed issues of material fact is set forth in Subsection 120.57(1), Fla. Stat., and Rules 28-106.201-.217, Fla. Admin. Code. Petitions involving disputed issues of material fact shall be filed in accordance with Rule 28-106.104, Fla. Admin. Code, and must comply with the requirements set forth in Rule 28-106.201, Fla. Admin. Code.

Hearings Not Involving Disputed Issues of Material Fact

The procedure for hearings not involving disputed issues of material fact is set forth in Subsection 120.57(2), Fla. Stat, and Rules 28-106.301-.307, Fla. Admin. Code. Petitions not involving disputed issues of material fact shall be filed in accordance with Rule 28-106.104, Fla. Admin. Code, and must comply with the requirements set forth in Rule 28-106.301, Fla. Admin. Code.

Mediation

As an alternative remedy under Sections 120.569 and 120.57, Fla. Stat., any person whose substantial interests are or may be affected by the SFWMD's action may choose to pursue mediation. The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401-.405, Fla. Admin. Code. Choosing mediation will not adversely affect the rights to a hearing if mediation does not result in a settlement.

DISTRICT COURT OF APPEAL

Pursuant to Sections 120.60(3) and 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

GENERAL CONDITIONS

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373. F.S.

2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

3. Activities approved by this permit shall be conducted in a manner which does not cause violations of State water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of State water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), incorporated by reference in Rule 40E-4.091, F.A.C. unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

4. The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District an Environmental Resource Permit Construction Commencement Notice Form Number 0960 indicating the actual start date and the expected construction completion date.

5. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an annual status report form. Status report forms shall be submitted the following June of each year.

6. Within 30 days after completion of construction of the permitted activity, the permitee shall submit a written statement of completion and certification by a professional engineer or other individual authorized by law, utilizing the supplied Environmental Resource/Surface Water Management Permit Construction Completion/Certification Form Number 0881A, or Environmental Resource/Surface Water Management Permit Construction Completion Certification - For Projects Permitted prior to October 3, 1995 Form No. 0881B, incorporated by reference in Rule 40E-1.659, F.A.C. The statement of completion and certification shall be based on onsite observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviation from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. All surveyed dimensions and elevations shall be certified by a registered surveyor.

7. The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (6) above, and submitted a request for conversion of Environmental Resource Permit from Construction Phase to Operation Phase, Form No. 0920; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit

GENERAL CONDITIONS

Applications within the South Florida Water Management District, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

8. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.

9. For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit applications within the South Florida Water Management District, prior to lot or units sales or prior to the completion of the system, whichever comes first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State, county or municipal entities. Final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.

10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the District in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.

11. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C..

12. The permittee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the State, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

13. The permittee must obtain a Water Use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(3), F.A.C., also known as the "No Notice" Rule.

14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the permit.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit

GENERAL CONDITIONS

application, including plans or other supporting documentation, shall not be considered binding, unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.

16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 40E-1.6105 and 40E-1.6107, F.A.C.. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.

17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.

18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate District service center.

19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

SPECIAL CONDITIONS

3.0-3.8) and on the applicable approved construction drawings for the duration of the projects construction activities.

16. The Permitee shall utilize the criteria contained in the Urban Stormwater Management Program (Exhibit Nos. 4.0 - 4.7) for post construction activities.

17. The District is not authorizing either the industrial process of metal shredding, or the remedial corrective action as part of this application.

Last Date For Agency Action: 11-MAR-2007

GENERAL ENVIRONMENTAL RESOURCE PERMIT STAFF REPORT

Project Name: Garden Street Shredding

Permit No.: 36-06271-P

Application No.: 060915-9 **Associated File:** 060927-2 WU

Application Type: Environmental Resource (New General Permit)

Location: Lee County, S30/T44S/R25E

Permittee : Robbins Manufacturing Company

Operating Entity : Robbins Manufacturing Company

Project Area: 11 acres

Project Land Use: Industrial

Drainage Basin: ESTERO BAY **Sub Basin:** TEN MILE CANAL

Receiving Body: Estero Bay via Ten Mile Canal via roadside dicharge ditch via SWM **Class:** CLASS III

Special Drainage District: NA

Conservation Easement To District : No

Sovereign Submerged Lands: No

PROJECT PURPOSE:

This application is a request for an Environmental Resource Permit authorizing Construction and Operation of a surface water management system serving an 11.0 acre industrial project known as Garden Street Shredding with discharge into Estero Bay via Ten Mile Canal via the existing roadside discharge ditch via the surface water management system.

PROJECT EVALUATION:

PROJECT SITE DESCRIPTION:

The site is located on the southwest corner of Metro Parkway and Tara Lee Street in Lee County. A location map is attached as Exhibit 1.0.

The project site consists of previously cleared land for development. There are no wetlands or other surface waters located within or affected by the proposed project.

PROJECT BACKGROUND:

The proposed project is on a site that formerly operated as a lumber pressure treatment and storage facility. The site, classified as a Brownfield area (Brownfield Site Identification Number BF360501001), has been purchased by the current owner of the proposed project. This entity has agreed with FDEP to the Brownfield Site Rehabilitation and Clean Closure Plan including the placement of an 8-inch concrete cap over the contaminated portion of the site to reduce further surface water flow from leaching pollutants into the groundwater. The District is not authorizing the industrial process of metal shredding, or the corrective action which requires a DEP Permit.

PROPOSED PROJECT:

The applicant proposes construction of an industrial development of 11.0 acres known as Garden Street Shredding. The development includes the construction of two process buildings totaling 4136 s.f. with associated industrial equipment, parking, and surface water management system. The site also includes existing buildings and industrial process equipment on the original industrial site. The total roof area for the proposed project is 1.67 acres. Site drainage plans and section sheets are attached as Exhibits 2.0 through 2.1.

The site contains two surface water management basins. Basin 1 contains the western 4.1 acres of mostly cleared land that is being proposed to contain a two story scale house and industrial metal shredding operation. Basin 2 contains the eastern portion of the site with existing buildings and process equipment from both the former and current developments totaling 6.9 acres. Basin 1 requires 0.69 acre-feet of water quality treatment volume based on (1) one-inch over the area, while Basin 2, requires 0.95 acre-feet of water quality treatment volume based on 2.5-inches over the impervious surface. The proposed surface water management system provides 1.76 acre-feet of water quality treatment, exceeding the 1.64 acre-feet of required treatment. Basin 1 and 2 meet the attenuation of the 25 year 3-day storm event based on the pre-development versus post-development conditions.

Stormwater from the northern portion of basin 2 flows via sheet flow to the dry detention ditch located in the center of the property which discharges through a control structure to the roadside swale to the north of the site. Stormwater from the southern portion of basin 2 and all of basin 1 flows via sheet flow to the dry detention area located on the southern center portion of the development. The dry detention area discharges to an existing road side swale on the north side of the site which then travels west to Ten Mile Canal via the dry detention ditch.

LAND USE:

Construction:
Project:

	This Phase	Total Project	
Building Coverage	1.67	1.67	acres
Concrete	5.69	5.69	acres
Pavement	2.79	2.79	acres
Pervious	.85	.85	acres
Total:	**11.00**	**11.00**	

WATER QUANTITY

Basin 1 consists of pre-existing buildings and berms that will remain at previously constructed elevations.

Basin 2 will consist of industrial machinery and a scale house that will be placed at the 25 year 3-day storm event maximum stage.

Discharge Rate :

The site discharges through a modified type C inlet fitted with a 6-inch circular orifice at 13.5 feet NGVD and a grate at elevation 16.8 feet NGVD located at the north side of the site. The system provides full water quality and attenuation for the Garden Street Shredding prior to discharge to the Estero Bay via Ten Mile Canal via the roadside discharge ditch via the surface water management system.

Discharge Storm Frequency : 25 YEAR-3 DAY Design Rainfall : 14.4 inches

Basin	Allow Disch (cfs)	Method Of Determination	Peak Disch (cfs)	Peak Stage (ft, NGVD 29)
Basin 1	13.03	Pre Vs Post	13.03	18.2
Basin 2	n/a	n/a	n/a	18.2

Finished Floors :

Building Storm Frequency : 100 YEAR-3 DAY Design Rainfall : 15.5 inches

Basin	Peak Stage (ft, NGVD 29)	Proposed Min. Finished Floors (ft, NGVD 29)	FEMA Elevation (ft, NGVD 29)
Basin 1	22.4	18.2	N/A
Basin 2	22.4	18.2	N/A

Road Design :

Basin	Peak Stage (ft, NGVD 29)	Proposed Min. Road Crown (ft, NGVD 29)
Basin 1	14.55	17
Basin 2	14.55	17

Parking Lot Design :

Parking Lot Storm Frequency : 5 YEAR-1 DAY Design Rainfall 5.5 inches

Basin	Peak Stage (ft, NGVD 29)	Proposed Min.Parking Elev. (ft, NGVD 29)

Basin	Peak Stage (ft, NGVD 29)	
Basin 1	14.55	17
Basin 2	14.55	17

Control Elevation :

Basin	Area (Acres)	Ctrl Elev (ft, NGVD 29)	WSWT Ctrl Elev (ft, NGVD 29)	Method Of Determination
Basin 1	4.10	13.5		Previously Permitted
Basin 2	6.90	13.5		Previously Permitted

Receiving Body :

Basin	Str.#	Receiving Body
Basin 1	CS	Roadside swale

Discharge Structures: Note: The units for all the elevation values of structures are (ft, NGVD 29)

Weirs:

Basin	Str#	Count	Type	Width	Height	Length	Dia.	Elev.
Basin 1	CS	1	Drop Inlet	4.5'	4.5'			16.8 (crest)

Water Quality Structures: Note: The units for all the elevation values of structures are (ft, NGVD 29)

Bleeders:

Basin	Str#	Count	Type	Width	Height	Length	Dia.	Invert Angle	Invert Elev.
Basin 1	CS	1	Circular Orifice				6"		13.5

WATER QUALITY:

The dry detention provide a total of 1.74 acre-feet of water quality volume, meeting the of 1.64 acre-feet required volume. No adverse water quality impacts are anticipated as a result of the proposed project.

Basin	Treatment Method		Vol Req.d (ac-ft)	Vol Prov'd
Basin 1	Treatment	Dry Detention	.69	.78
Basin 2	Treatment	Dry Detention	.95	.96

CERTIFICATION AND MAINTENANCE OF THE WATER MANAGEMENT SYSTEM:

It is suggested that the permittee retain the services of a Professional Engineer registered in the State of Florida for periodic observation of construction of the surface water management (SWM) system. This will facilitate the completion of construction completion certification Form #0881 which is required pursuant to Section 10 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, and Rule 40E-4.361(2), Florida Administrative Code (F.A.C.).

Pursuant to Chapter 40E-4 F.A.C., this permit may not be converted from the construction phase to the operation phase until certification of the SWM system is submitted to and accepted by this District. Rule 40E-4.321(7) F.A.C. states that failure to complete construction of the SWM system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization unless a permit extension is granted.

For SWM systems permitted with an operating entity who is different from the permittee, it should be noted that until the permit is transferred to the operating entity pursuant to Rule 40E-1.6107, F.A.C., the permittee is liable for compliance with the terms of this permit.

The permittee is advised that the efficiency of a SWM system will normally decrease over time unless the system is periodically maintained. A significant reduction in flow capacity can usually be attributed to partial blockages of the conveyance system. Once flow capacity is compromised, flooding of the project may result. Maintenance of the SWM system is required to protect the public health, safety and the natural resources of the state. Therefore, the permittee must have periodic inspections of the SWM system performed to ensure performance for flood protection and water quality purposes. If deficiencies are found, it is the responsibility of the permittee to correct these deficiencies in a timely manner.

RELATED CONCERNS:

Water Use Permit Status:

The applicant has indicated that groundwater well will be used as a source for irrigation water for the project. Water Use application number 060927-2 is being processed concurrently for this project.

The applicant has indicated that dewatering is not required for construction of this project.

This permit does not release the permittee from obtaining all necessary Water Use authorization(s) prior to the commencement of activities which will require such authorization, including construction dewatering and irrigation, unless the work qualifies for a No-Notice Short-Term Dewatering permit pursuant to Chapter 40E-20.302(3) or is exempt pursuant to Section 40E-2.051, FAC.

Potable Water Supplier:

Lee County Utilities

Waste Water System/Supplier:

An existing septic system.

Right-Of-Way Permit Status:

A Right-of-Way Permit is not required for this project.

DRI Status:

This project is not a DRI.

Historical/Archeological Resources:

No information has been received that indicates the presence of archaeological or historical resources or that the proposed activities could cause adverse impacts to archaeological or historical resources.

DCA/CZM Consistency Review:

The District has not received a finding of inconsistency from the Florida Department of Environmental Protection or other commenting agencies regarding the provisions of the federal Coastal Zone Management Plan.

Third Party Interest:

No third party has contacted the District with concerns about this application.

Enforcement:

There has been no enforcement activity associated with this application.

STAFF REVIEW:

DIVISION APPROVAL:

NATURAL RESOURCE MANAGEMENT:

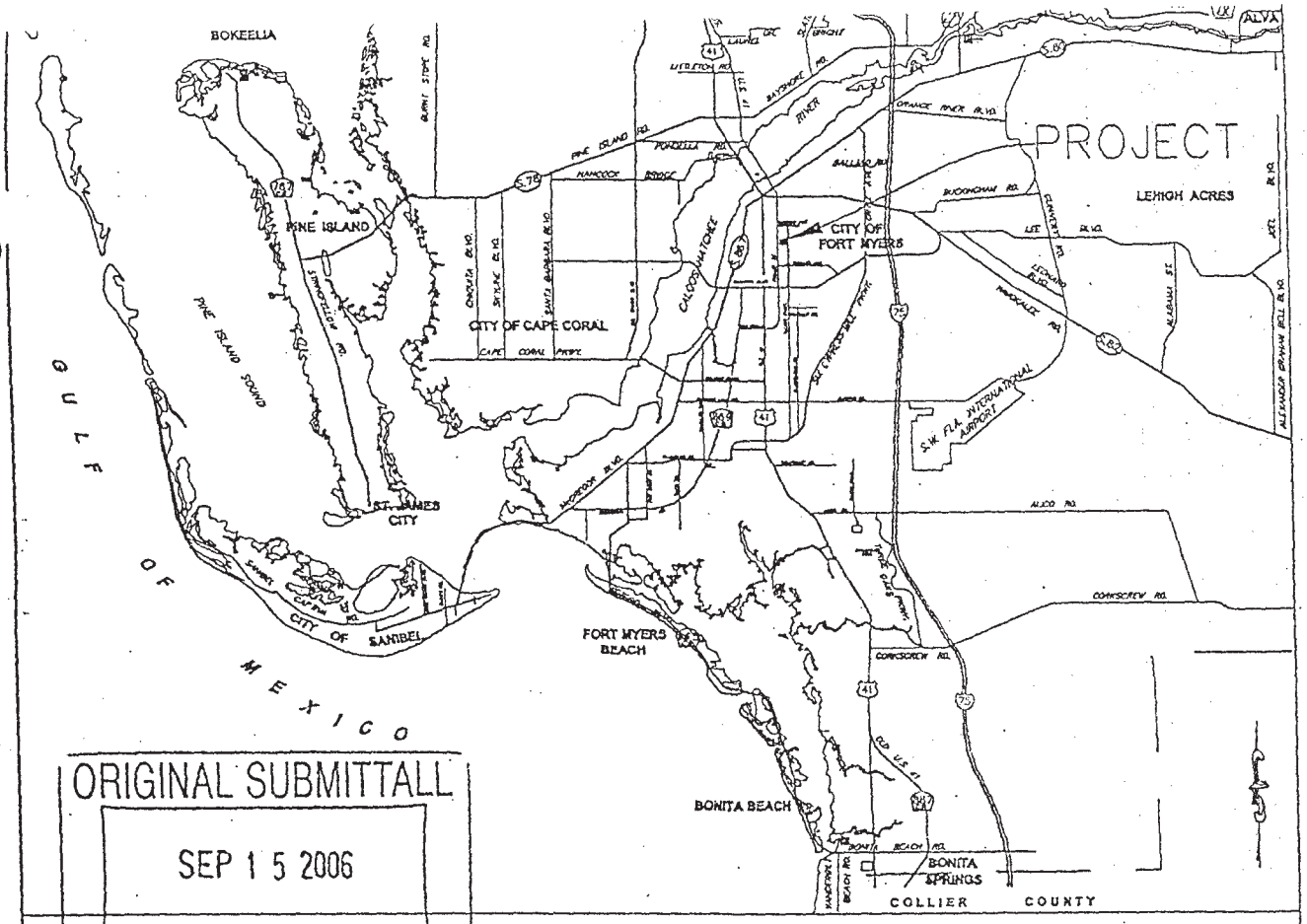
for Laura Layman
Edward Cronyn

DATE: 2/12/07

SURFACE WATER MANAGEMENT:

William Foley, P.E.

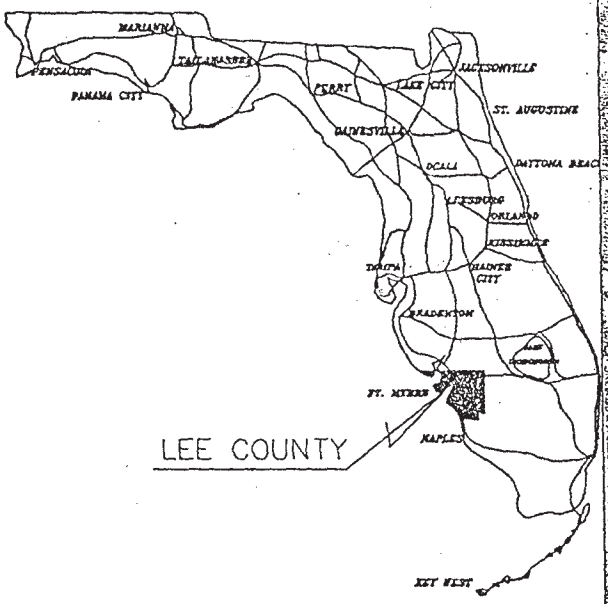
DATE: 2/12/07

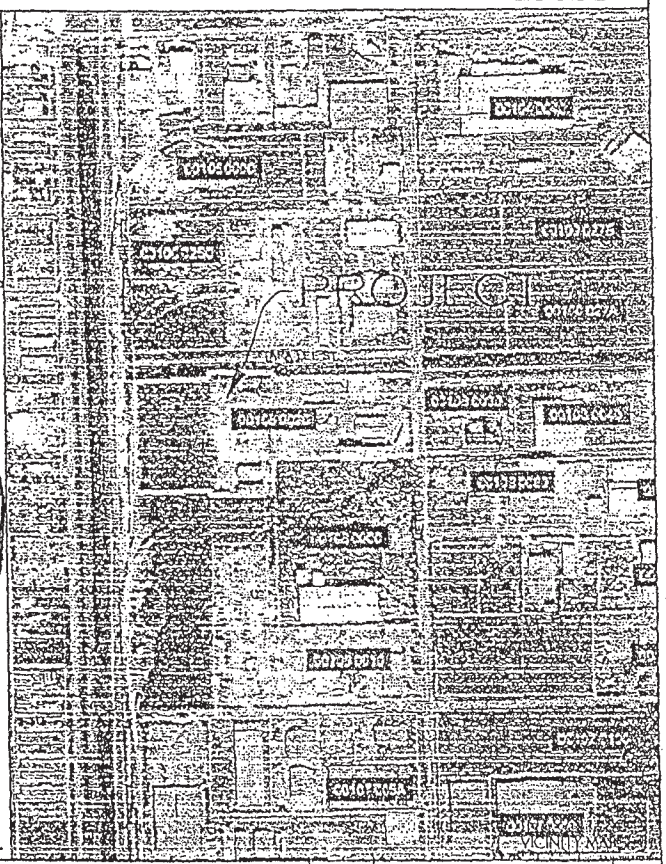


ORIGINAL SUBMITTALL

SEP 1 5 2006

LWC SERVICE CENTER





STATE OF FLORIDA

VICINITY MAP

EXHIBIT 1		LOCATION & VICINITY MAP	BARBOT, STEUART & ASSOCIATES, INC. CONSULTING ENGINEERS
NTS		GARDEN STREET IRON & METAL	
6372			

APPLICATION NUMBER

060915-9 EXHIBIT 1.0

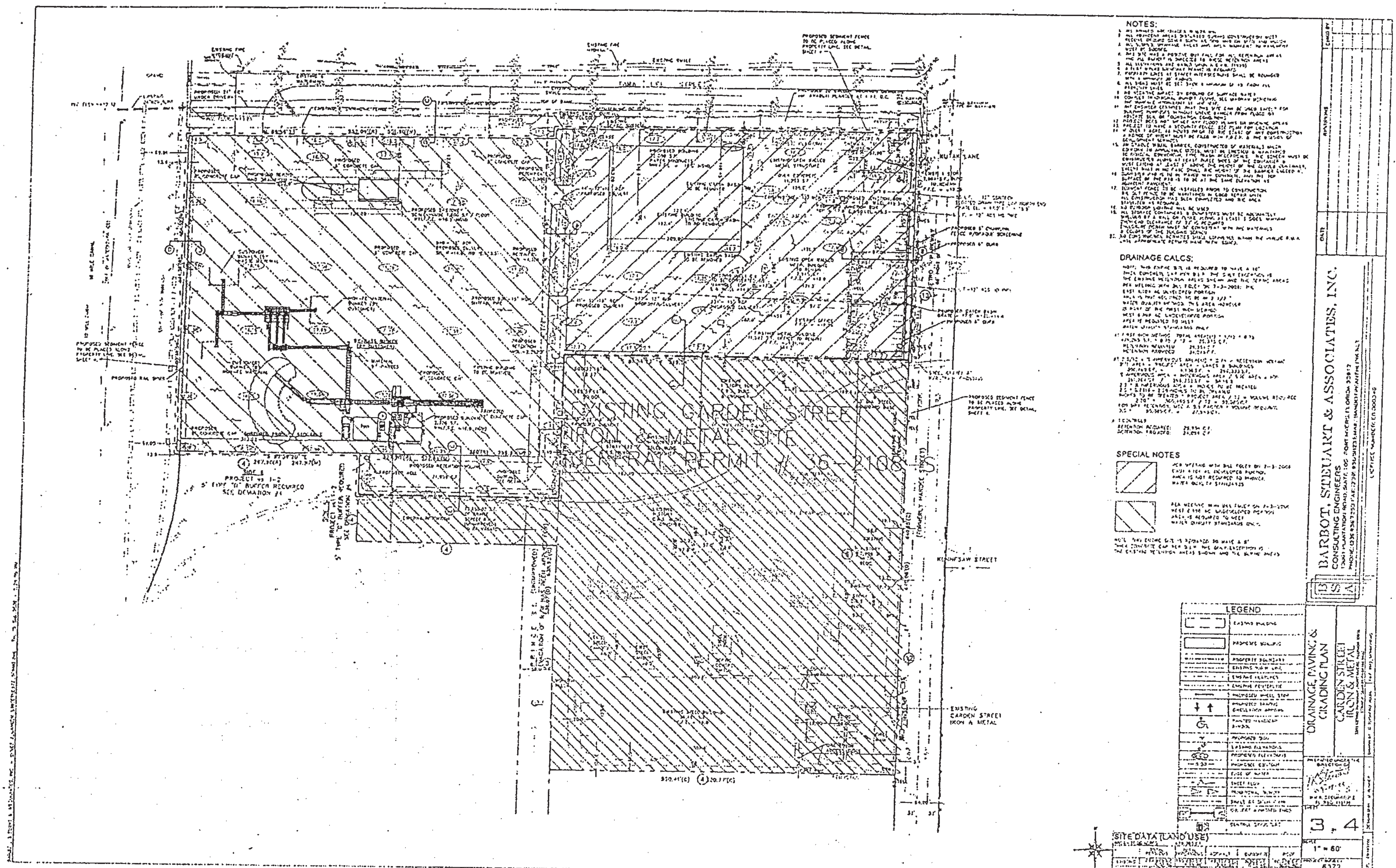
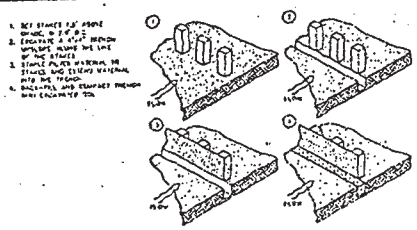

EXISTING GARDEN STREET
IRON & METAL SITE
GENERAL PERMIT # 36-2108
KENNESAW STREET
(FORMERLY MAGNOLIA STREET)
EXISTING GARDEN STREET IRON & METAL
NOTES:
DRAINAGE CALCS:
SPECIAL NOTES
LEGEND
SITE DATA (LAND USE)
BARBOT, STEUART & ASSOCIATES, INC.
CONSULTING ENGINEERS
DRAINAGE, PAVING & GRADING PLAN
GARDEN STREET IRON & METAL
3 of 4
1" = 60'
6372

EXHIBIT 20



SEDIMENT FENCE DETAIL
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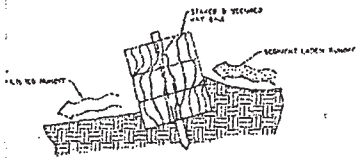

HAY BALE DETAIL
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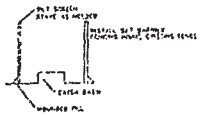

CATCH BASIN PROTECTION DETAIL
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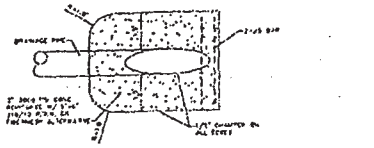

MITERED END SECTION
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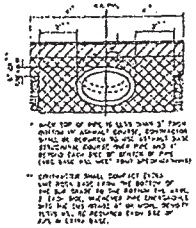

EXTRA BASE DETAIL
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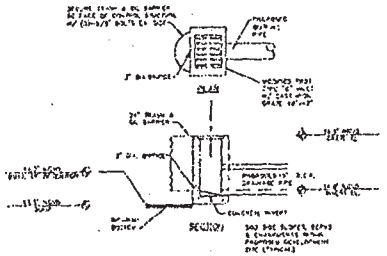

CONTROL STRUCTURE DETAIL
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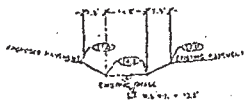

CROSS SECTION A-A
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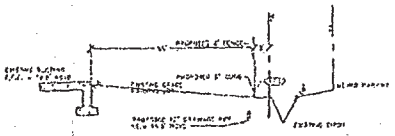

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CROSS SECTION C-C
NOT TO SCALE

CROSS SECTION D-D
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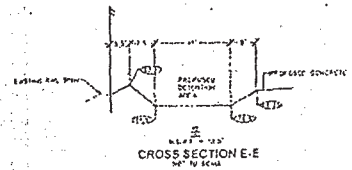

CROSS SECTION E-E
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CROSS SECTION F-F
NOT TO SCALE

BARBOT, STEUART & ASSOCIATES, INC.
CONSULTING ENGINEERS

CROSS SECTIONS & DETAILS

GARDEN STREET IRON & METAL

4 - 4

AS NOTED

6372

EXHIBIT 2-1

CONSTRUCTION POLLUTION PREVENTION PLAN
for

I. SITE DESCRIPTION

Project Name and Location (Latitude/Longitude or Address)		Owner Name and Address	
Description, Purpose, and Types of Soil Disturbing Activities			

Construction in this project will generally consist of site clearing, lake excavation, and construction of roadways, utility infrastructure, golf course, and multi-use vertical construction.

Soil disturbing activities will include: clearing and grubbing, installing a stabilized construction entrance, perimeter berming and other erosion and sediment controls; grading; excavation for the storm water management lake, storm sewer, utilities, and building foundations; construction of curb and gutter, road, and parking areas; and preparation for final planting, sodding, seeding and mulching.

Runoff Coefficient	
Site Area	)

Sequence of Major Activities

The order of activities will be as follows:

1. Installation of stabilized construction entrance.
2. Partial clearing and grubbing.
3. Install perimeter berm(s) or silt fences with straw bale barrier(s) adjacent to wetland areas.
4. Continue clearing and grading.
5. Construction storm water management lakes
6. Stockpile excavated soil.
7. Stabilize denuded areas and stockpiles within 21 days of last construction activity in that area.
8. Install utilities, storm sewer, curb and gutter.
9. Complete grading, subgrade and base course construction.
10. Complete final paving.
11. Complete landscape grading and install permanent seeding and plantings.
12. When all construction activity is complete and the site is stabilized, remove temporary earth berms, straw bale barriers and filter fences and re-seed any areas disturbed by their removal.

Name of Receiving Waters	

CONTROLS

Erosion and Sediment Controls

Stabilization Practices

Temporary Stabilization: Top soil stock piles and disturbed portions of the site where construction activity temporarily cease for at least 21 days will be stabilized with temporary seed and mulch no later than 14 days from the last construction activity in that area. The seed shall be Bahia, millet, rye, or other fast-growing grasses. Prior to seeding, fertilizer or agricultural limestone shall be applied to each area to be temporarily stabilized. After seeding, each area shall be mulched with the mulch disked into place. Areas of the site which will be paved will be temporarily stabilized by applying limerock subgrade until bituminous pavement can be applied.

Permanent Stabilization: Disturbed portions of the site, where construction activities permanently cease, shall be stabilized with sod, seed and mulch, landscaping, and/or other equivalent stabilization measures (e.g., rip-rap, geotextiles) no later than 14 days after the date of the last construction activity. The sod shall typically be Floratam or Bahia sod. Prior to seeding, fertilizer or agricultural limestone shall be applied to each area to be temporarily stabilized. After seeding, each area shall be mulched with the mulch disked into place.

EXHIBIT 3.0

CONTROLS (Continued)

Structural Practices

Silt Fence / Straw Bale Barrier - will be constructed along those areas of the project that border adjacent wetlands. At a minimum, the silt fence and/or straw bale barrier will be placed along all wetland buffers and all Corps of Engineers jurisdictional wetland boundaries.

Straw Bale Drop Inlet Sediment Filter - will be placed around all constructed storm drain inlets immediately upon completion of construction and shall remain in-place until the contributing drainage area is stabilized. Alternatively, grate inlets can be covered with filter fabric material until stabilization.

Storm Water Management

The project will utilize a system of lakes to provide the required water quality treatment and attenuation. Discharges from the water management system will be regulated by a series of water control structures. These control structures will be used to maintain water levels in the detention facilities that will maintain or restore the hydroperiod in the wetlands and flowways. The water control structures will also be used to restrict the discharges from the project as described above. Dry pre-treatment will be provided for the golf course maintenance facilities and commercial parking lot runoff prior to discharge into the lake system.

Spreader swales will be used at appropriate locations to disperse flow and dissipate energy of runoff into wetlands. Spreader swales will also be used at appropriate locations to disperse flows discharged from the water management system into receiving flowways. Spreader swales will be heavily planted with native vegetation to help buffer the transition from the manmade lakes to the natural systems.

DISCHARGE RATES

OTHER CONTROLS

Waste disposal

Waste Materials:

All waste materials will be collected and stored in a trash dumpster which will meet all local and State solid waste management regulations. All trash and construction debris from the site will be deposited in this dumpster. The dumpster will be emptied as required due to use and/or State and local regulations, with the trash disposed of at the appropriate landfill operation. No construction waste materials will be buried onsite. All personnel will be instructed regarding the correct procedure for waste disposal. Notices stating these practices will be posted in the construction office trailer.

Hazardous Waste:

All hazardous waste materials will be disposed of in the manner specified by local or State regulation or by the manufacturer. Site personnel will be instructed in these practices.

Sanitary Waste:

All sanitary waste will be collected from the portable units by a local, licensed, City of Fort Myers sanitary waste management contractor, as required by local regulation.

Offsite Vehicle Tracking

A stabilized construction entrance has been provided to help reduce vehicle tracking of sediments. As they are completed, paved streets will be swept as needed to remove any excess muck, dirt, or rock tracked from the site. Dump trucks hauling material from the construction site will be covered with a tarpaulin.

TIMING OF CONTROLS/MEASURES

Installation of hay bail / silt fence barriers (around wetlands) and stabilized construction entrance will be constructed prior to extensive clearing or grading of any other portions of the site. Areas where construction activity temporarily ceases for more than 21 days will be stabilized with a temporary seed and mulch within 14 days of the last disturbance. Once construction activity ceases permanently in an area, that area will be stabilized with permanent sod, seed and mulch, landscaping, and/or other equivalent stabilization measures (e.g., rip-rap, geotextiles). After the entire site is stabilized, the silt fence / straw bale barriers can be removed.

CERTIFICATION OF COMPLIANCE WITH FEDERAL, STATE AND LOCAL REGULATIONS

The storm water pollution prevention plan reflects the United States Environmental Protection Agency and the South Florida Water Management District (SFWWD) requirements for storm water management and erosion and sediment control, as established in the Chapter 40E-4 FAC and Chapter 373 FS.

EXHIBIT 3.0A

MAINTENANCE/INSPECTION PROCEDURES

Erosion and Sediment Control Inspection and Maintenance Practices

These are the inspection and maintenance practices that will be used to maintain erosion and sediment controls.

- All control measures will be inspected at least once each week and following any storm event of 0.5 inches or greater.
- All measures will be maintained in good working order; if a repair is necessary, it shall be corrected as soon as possible, but in no case later than 7 days after the inspection.
- Built up sediment will be removed from silt fence when it has reached one-half the height of the fence.
- Silt fence will be inspected for depth of sediment, tears, to see if the fabric is securely attached to the fence posts, and to see that the fence posts are firmly in the ground.
- Temporary seeding and permanent sodding and planting will be inspected for bare spots, washouts, and healthy growth.
- A maintenance inspection report will be made after each inspection. A copy of the report form to be completed by the inspector is attached.
- The Owner will appoint one individual who will be responsible for inspections, maintenance and repair activities, and for completing the inspection and maintenance reports.
- Personnel selected for inspection and maintenance responsibilities will receive training from the site superintendent. They will be trained in all the inspection and maintenance practices necessary for keeping the erosion and sediment controls used onsite in good working order.

Non-Storm Water Discharge

It is expected that the following non-storm water discharges will occur from the site during the construction period:

- Water from water line flushings.
- Pavement wash waters (when no spills or leaks of toxic or hazardous materials have occurred).
- Uncontaminated groundwater (from dewatering excavation).
- All non-storm water discharges will be directed to the storm water management facilities prior to discharge.

INVENTORY FOR POLLUTION PREVENTION PLAN

The materials or substances listed below are expected to be present onsite during construction:

- Concrete
- Detergents
- Paints (enamel and latex)
- Metal Studs
- Asphalt
- Roofing Shingles
- Fertilizers
- Petroleum Based Products
- Cleaning Solvents
- Wood
- Masonry Block
- Clay or concrete bricks

EXHIBIT 3.1

SPILL PREVENTION

Material Management Practices

The following are the materials management practices that will be used to reduce the risk of spills or other accidental exposure of materials and substances to storm water runoff.

Good Housekeeping

The following good housekeeping practices will be followed onsite during the construction project:

- An effort will be made to store only enough product required to do the job.
- All materials stored onsite will be stored in a neat, orderly manner in their appropriate containers, and if possible, under a roof or other enclosure.
- Products will be kept in their original containers with the original manufacturer's label.
- Substances will not be mixed with one another unless recommended by the manufacturer.
- Whenever possible, all of a product will be used up before disposing of the container.
- Manufacturers' recommendations for proper use and disposal will be followed.
- The site superintendent will inspect to ensure proper use and disposal of materials onsite.

Hazardous Products

These practices are used to reduce the risks associated with hazardous materials:

- Products will be kept in original containers unless they are not resealable.
- Original labels and material safety data will be retained; they contain important product information.
- If surplus product must be disposed of, manufacturers' or local and State recommended methods for proper disposal will be followed.

Product Specific Practices

The following produce specific practices will be followed onsite:

Petroleum Products

All onsite vehicles will be monitored for leaks and receive regular preventive maintenance to reduce the chance of leakage. Petroleum products will be stored in tightly sealed containers which will be clearly labeled. Any asphalt substances used onsite will be applied in accordance with the manufacturer's recommendations and standard construction practices.

Fertilizers

Fertilizers will be applied only in the minimum amounts recommended by the manufacturer. Once applied, fertilizer will be worked into the soil to limit exposure to storm water. Storage will be in a covered shed. The contents of any partially used bags of fertilizer will be transferred to a sealable plastic bin to avoid spills.

Paints

All containers will be tightly sealed and stored when not required for use. Excess paint will not be discharged to the storm sewer system but will be properly disposed of according to manufacturers' instructions and/or state and local regulations.

EXHIBIT 3.2

SPILL PREVENTION (Continued)

Spill Control Practices

In addition to the good housekeeping and material management practices discussed in the previous sections of this plan, the following practices will be followed for spill prevention and cleanup.

- Manufacturers' recommended methods for spill cleanup will be clearly posted and site personnel will be made aware of the procedures and the location of the information and cleanup supplies.
- Materials and equipment necessary for spill cleanup will be kept in the material storage area onsite. Equipment and materials will include--but not be limited to--rags, gloves, goggles, kitty litter, sand, and plastic and metal trash containers specifically for this purpose.
- All spills will be cleaned up as soon as possible after discovery.
- The spill area will be kept well ventilated and personnel will wear appropriate protective clothing to prevent injury from contact with a hazardous substance.
- Spills of toxic or hazardous material will be reported to the appropriate state or local government agency, regardless of the size.
- The spill prevention plan will be adjusted to include measures to prevent this type of spill from reoccurring and how to clean up the spill if there is another one. A description of the spill, what caused it, and the cleanup measures will also be included.
- The Contractor's site superintendent will be responsible for the day-to-day site operations and will be the spill prevention and cleanup coordinator. He will designate at least two other site personnel who will receive spill prevention and cleanup training. These individuals will each become responsible for a particular phase of prevention and cleanup. The names of responsible spill personnel will be posted in the material storage area and in the office trailer onsite.

POLLUTION PREVENTION PLAN CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signed: _____

Print Name: _____

Title: _____

Date: _____

CONTRACTOR'S CERTIFICATION

I certify under penalty of law that I understand the terms and conditions of the general National Pollutant Discharge Elimination System (NPDES) permit that authorizes the storm water discharges associated with industrial activity from the construction site identified as part of this certification.

Signature	For	Responsible for
_____ Date: _____		
_____ Date: _____		
_____ Date: _____		
_____ Date: _____		

CONSTRUCTION POLLUTION PREVENTION PLAN
for

_____

Inspection And Maintenance Report Form

(To be completed every 7 days and within 24 hours of a rainfall event of 0.5 inches or more)

INSPECTOR: _____ DATE: _____

INSPECTOR'S QUALIFICATIONS:

_____

_____

Days since last rainfall: _____ Amount of last rainfall _____ inches

STABILIZATION MEASURES

Area	Date Since Last Disturbed	Date of Next Disturbance	Stabilized? (yes / no)	Stabilized With	Condition

Stabilized required:

_____

_____

To be performed by: _____ on or before: _____

CONSTRUCTION POLLUTION PREVENTION PLAN
for

_____

Inspection And Maintenance Report Form

Structural Controls

DATE: _____

SILT FENCE / STRAW BALE BARRIER

From	To	Is Silt Fence / Straw Bale Barrier in place?	Is there evidence of washout or over-topping?

Maintenance required for silt fence / straw bale barrier:

_____

_____

_____

To be performed by: _____ on or before: _____

CONSTRUCTION POLLUTION PREVENTION PLAN
for

_____

Inspection And Maintenance Report Form

Structural Controls

DATE: _____

EARTHEN PERIMETER BERM

From	To	Is berm stabilized ?	Is there evidence of washout or over-topping?

Maintenance required for perimeter berm:

_____

_____

To be performed by: _____, on or before: _____

CONSTRUCTION POLLUTION PREVENTION PLAN
for

Inspection And Maintenance Report Form

CHANGES REQUIRED TO THE POLLUTION PREVENTION PLAN:

REASONS FOR CHANGES:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature

Date

5.0 Stormwater Management and Treatment System

The stormwater management system for the Robbins Manufacturing Company is designed to maximize the attenuation of stormwater generated pollutants prior to discharge to the off-site wetland systems. Operational details and maintenance requirements of the various system components are given in the following sections.

5.1 Wet Detention Lakes and Lake Interconnect Pipes (N/A)

The basic element of the stormwater management system consists of a series of interconnected wet detention ponds that provide stormwater treatment through a variety of physical, biological, and chemical processes. A wet detention pond acts similar to a natural lake by temporarily detaining stormwater runoff, allowing opportunities for treatment processes to occur, prior to slow controlled discharge of the treated water through the outfall structure. Pollutant removal processes in wet detention systems occur during the quiescent period between storm events. Significant removal processes include gravity settling of particulate matter; biological uptake of nutrients and other ions by aquatic plants, algae and microorganisms; along with natural chemical flocculation and complexation processes.

Maintenance of the wet detention ponds will consist of an annual inspection. During each annual inspection, the following items will be reviewed and corrected as necessary:

A. Inspect the outfall structure and orifices to ensure free-flowing conditions and overall engineering stability of the outfall system.
B. Review the banks of the lakes and canals to ensure proper side slope stabilization and inspect for signs of excessive seepage that may indicate areas of excessive groundwater flow and possible subsurface channeling.
C. Physically evaluate each of the lakes and canals for evidence of excessive sediment accumulation or erosion.
D. Inspect the planted aquatic vegetation in the littoral zone to ensure that the desired vegetation species, percent coverage, and density are maintained.

At the completion of the inspections, a written inspection report will be prepared, listing any deficiencies that need to be addressed or corrected by the Homeowners Association.

5.2 Stormwater Inlets, Pipes and Culverts (N/A)

The grates should be unobstructed and the bottom, inside the inlet, should be clean. Check for any accumulation of sediment, trash such as garbage bags, or debris in the culverts connecting these inlets. Flushing out with a high-pressure hose may clean some sediment. Any noted blockage (due to a possible obstruction, or broken pipe, etc.) should prompt further investigation. Crushed or corroded culverts should be replaced with new ones of the same size.

5.3 Swales and Grassed Water Storage Areas

These provide for conveyance and/or above-ground (or surface) storage of stormwater. With age, these areas usually fill in with vegetation and sediment. Swales may need to be re-graded and/or re-vegetated. It is a good idea to compare the existing slope and dimensions of the swale with the permitted design plans prior to the removal of excess sediment or re-grading. Areas that show erosion should be stabilized with appropriate material such as sod, planting, rock, sand bags, or other synthetic geotextile material.

Regular mowing of grass swales is essential. These areas also improve water quality by catching sediment and assimilating nutrients, and recharge the underground water table. Remove any undesirable exotic vegetation. Culverts underneath driveways should be checked for blockage, and, if necessary, flushed with a high-pressure hose. After a storm, swales may remain wet for an extended period of time. This is normal and the water will recede gradually.

5.4 Ditches or Canals (N/A)

Fill material, yard waste, clippings and vegetation, sediment, trash, appliances, garbage bags, shopping carts, tires, cars, etc. should be completely removed. Also check to make sure there are no dead trees or any type of obstructions which could block the drainage flow way.

Maintenance cleaning/excavation must be limited to the same depth, width and side slope as approved in the current permit. Making a ditch deeper or wider may trigger a need for a permit modification. Provisions must also be made to prevent any downstream silting or turbidity *(Contact the SFWMD Resource Compliance staff if you are unsure or need clarification.)* Be sure to dispose of all removed material properly so it won't affect any other water storage or conveyance system, environmental area, or another owner's property.

5.5 Outfall Structure (also called the Discharged Control Structure or Weir)

The outfall structure should be routinely inspected to determine if any obstructions are present or repairs are needed. Trash or vegetation impeding water flow through the structure should be removed. The structure should have a "baffle" or trash collector to prevent flow blockage and also hold back any floating oils from moving downstream. Elevations and dimensions should be verified annually with all current permit information. Periodic inspections should then be regularly conducted to make sure these structures maintain the proper water levels and the ability to discharge.

5.6 Earthen Embankments (Dikes and Berms)

Check for proper elevations, width and stabilization. Worn down berms - especially if used by all-terrain vehicles or equestrian traffic – and rainfall – created washouts should be immediately repaired, compacted and re-vegetated.

EXHIBIT 4.4

6.0 Water Quality Testing

To ensure proper operation of the overall treatment system, monitoring will be performed at one outfall (SW-1) from the Robbins Manufacturing Company if there is a flow over the weirs. According to the proposed Water Quality Monitoring Plan, monitoring may occur 3 times a year, once during the dry season (February/March) and twice during the wet season (August/September). A manual grab sample will be collected at the SW-1 outfall location and analyzed for various constituents and parameters as described in the Surface Water Quality Monitoring Plan. Trained and certified personnel will perform sample collection and laboratory analysis. The results of the laboratory analyses will be submitted to South Florida Water Management District as part of an annual water quality monitoring report by December 31 of each year.

7.0 Construction Activities

A Stormwater Pollution Prevention Plan (SWPPP) has been prepared for construction activities to minimize activities contamination that may be caused by erosion and sedimentation during the construction process. The plan includes provisions related to soil stabilization, structural erosion controls, waste collection disposal, offsite vehicle tracking, spill prevention and maintenance and inspection procedures. A copy of the SWPPP is attached hereto and made a part of hereof.

8.0 Stormceptor Maintenance Guidelines

The performance of all storm water quality measures decrease as they fill with sediment. Although the maintenance frequency will be site specific, CSR generally recommends annual maintenance be performed or when the sediment volume in the unit reaches 15% of the total storage. This recommendation is based on several factors:

- Minimal performance degradation due to sediment build-up.
- Sediment removal is easier when removed on a regular basis (as sediment builds up it compacts and solidifies making maintenance more difficult).
- Development of a routine maintenance interval helps ensure a regular maintenance schedule is followed. Although the frequency of maintenance will depend on site conditions, it is estimated that annual maintenance will be required for most applications; annual maintenance is a routine occurrence which is easy to plan for and remember.

Hydrocarbon Spills

In the event of any hazardous material spill, CSR recommends maintenance be performed immediately. Maintenance should be performed by a licensed liquid waste hauler. You should also notify the appropriate regulatory agencies as required.

EXHIBIT 4.5

8.1 Recommended Maintenance Procedure

Oil is removed through the 6" inspection/cleanout pipe and sediment is removed through the 24" diameter outlet riser pipe. Alternatively, oil could be removed from the 24" opening if water is removed from the treatment chamber, lowering the oil level below the drop pipes.

The depth of sediment can be measured from the surface of the Stormceptor with a dipstick tube equipped with a ball valve (Sludge Judge). CSR recommends maintenance be performed once the sediment depth exceeds the guideline values provided in Table 8.

Table 8. Sediment Depths Indicating Required Maintenance*

Model	Sediment Depth
450*i*	8" (200 mm)
900	8" (200 mm)
1200	10" (250 mm)
1800	15" (375 mm)
2400	12" (300 mm)
3600	17" (425 mm)
4800	15" (375 mm)
6000	18" (450 mm)
7200	15" (375 mm)
11000*s*	15" (375 mm)**
13000*s*	18" (375 mm)**
16000*s*	15" (375 mm)**

* Depths are approximate
**Depths in each structure

No entry into the unit is required for routine maintenance of the Inlet Stormceptor or the smaller disc insert models of the In-Line Stormceptor. Entry to the level of the by-pass may be required for servicing the larger in-line models. Any pot6ential obstructions at the inlet can be observed from the surface. The by-pass chamber has been designed as a platform of authorized maintenance personnel, in the event that an obstruction needs to be removed, drain flushing needs to be performed, or camera surveys are required.

Typically, maintenance is performed by the Vacuum Service Industry, a well established sector of the service industry that cleans underground tanks, sewers, and catch-basins. Costs to clean a Stormceptor will vary based on the size of the unit and transportation distances. If you need assistance for cleaning a Stormceptor unit, contact your local CSR representative, or the CSR Stormceptor Information Line at (800) 909-7763.

Disposal

The requirements of the disposal of material from a Stormceptor are similar to that of any other Best Management Practices (BMPs). Local guidelines should be consulted prior to disposal of the separator contents.

EXHIBIT 4.6

In most areas the sediment, once dewatered, can be disposed of in a sanitary landfill. It is not anticipated that the sediment would be classified as hazardous waste. In some areas, mixing the water with the sediment will create a slurry that can be discharged into a trunk sanitary sewer. In all disposal options, approval from the disposal facility operator/agency is required. Petroleum waste products collected in Stormceptor (oil/chemical/fuel spills) should be removed by a licensed waste management company.

EXHIBIT 47

South Florida Water Management District

ENVIRONMENTAL RESOURCE / SURFACE WATER MANAGEMENT PERMIT
SURFACE WATER MANAGEMENT SYSTEM
CONSTRUCTION COMPLETION CERTIFICATION

ENVIRONMENTAL RESOURCE COMPLIANCE DIVISION

Permit No. 36-06271-P Application No(s). 060915-9

Project Name Garden Street Iron & Metal Phase N/A

The subject surface water management system has been designed, constructed and completed as follows (check all that apply):

DISCHARGE STRUCTURE(S) Please provide the requested information for all permitted discharge structures. Attach additional sheets if needed.

Structure Identification Number: 1

☐ Weir: width _____ crest _____

☒ Bleeder: type Circular dimensions 6" invert 13.05'

☒ Additional discharge structure information attached.

RETENTION/DETENTION AREA(S): Please provide the requested information for all permitted retention/detention areas. Attach additional sheets if needed.

Retention/Detention Area Identification Number: 1 Size (acres) 0.43 acres

Side Slope (h:v) 3:1

☒ Additional retention/detention area information attached.

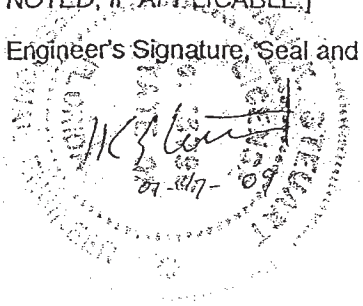
☐ **EXFILTRATION TRENCH** - Confirmation of cross-section with pipe size and invert, trench width, height and length is provided on the attached.

☐ **CONVEYANCE SYSTEM ONLY** - The components of the permitted surface water management consist of inlets, pipes or other form of conveyance system. Confirmation of ditches, canals, and/or swales with cross-sections, pipe diameters, inverts, and lengths is provided on the attached.

Please indicate the location of the benchmark(s) used to determine the above information on the record drawings (40E-4.381(1)(f), F.A.C. Code). All elevations should be according to National Geodetic Vertical Datum (NGVD).

I HEREBY NOTIFY THE DISTRICT OF THE COMPLETION OF CONSTRUCTION OF ALL THE COMPONENTS OF THE SURFACE WATER MANAGEMENT FACILITIES FOR THE ABOVE REFERENCED PROJECT AND CERTIFY THAT THEY HAVE BEEN CONSTRUCTED IN SUBSTANTIAL CONFORMANCE WITH THE PLANS AND SPECIFICATIONS PERMITTED BY THE DISTRICT. [A COPY OF THE APPROVED PERMIT DRAWINGS IS ATTACHED WITH DEVIATIONS NOTED, IF APPLICABLE.]

Engineer's Signature, Seal and Date:



Please Print or Type

Engineer's Name I. K. Steuart, P.E.

Company Name Barbot, Steuart & Associates, Inc.

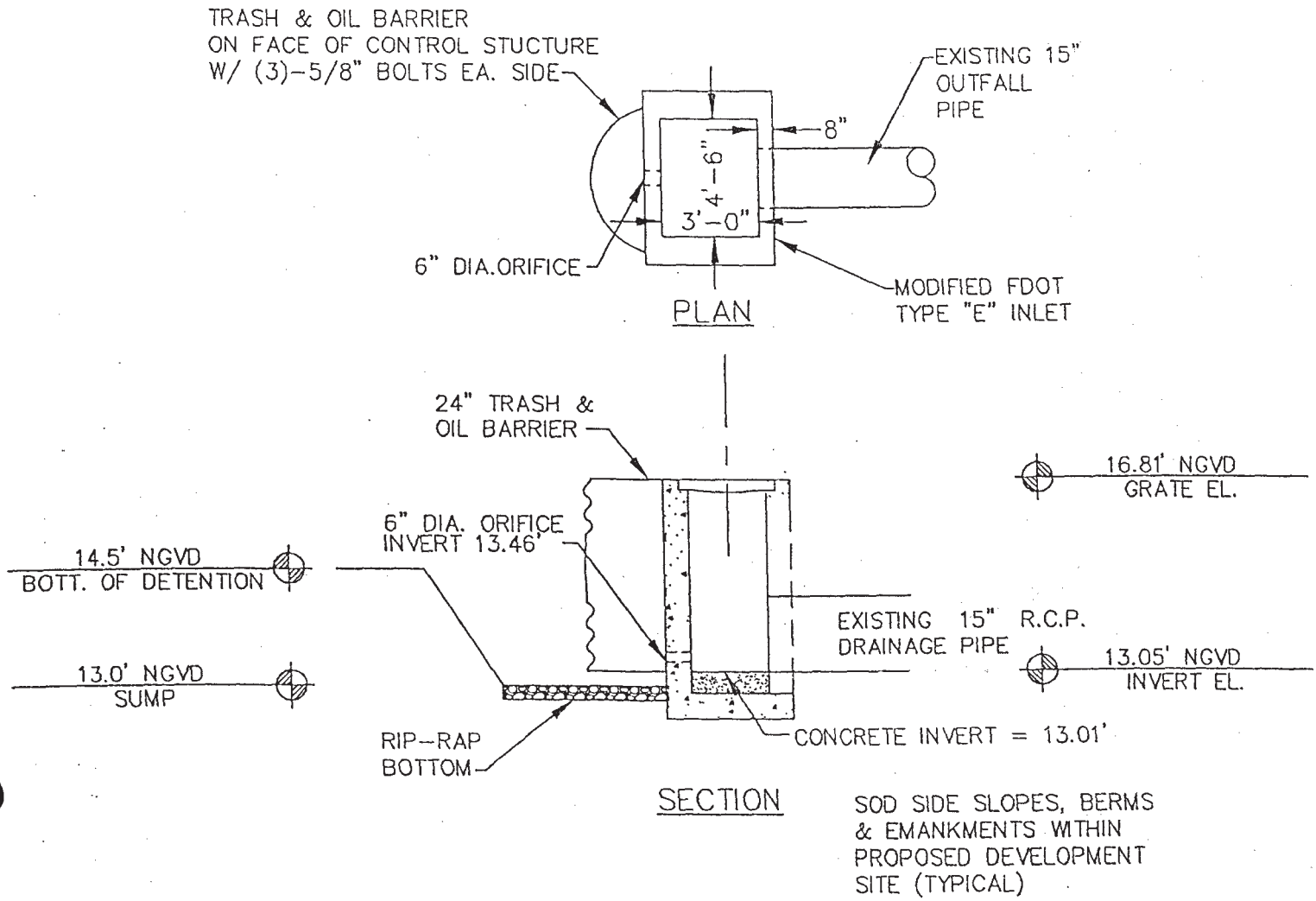
Address 13861 Plantation Rd., Ste. 105

Fort Myers, Florida 33912

Authorization No. of Engineering Business (if applicable) EB 003488

Telephone Number (239) 936-7353

E-mail main@bsaengineering.net



NOTE: SET NAIL AND DISC BENCHMARK
AT THE SOUTHWEST CORNER @ 16.85'

CONTROL STRUCTURE DETAIL
AS-BUILT

NOT TO SCALE

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Request for Conversion of District Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity

(to be completed, executed and submitted by the new owner)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
Environmental Resource Regulation

It is hereby requested that District Permit No. 36-06721-P, authorizing the construction and operation of a surface water management system for the below mentioned project, be converted from the construction phase to the operation phase and be transferred from the construction phase permittee to the operation phase operating entity.

** Please list ALL applications included in this transfer:* 060915-9

PROJECT NAME: Garden Street Iron & Metal

PERMITTEE: Name Robbins Manufacturing company
Address PO Box 17939
City Tampa State Florida ZIP 33682

OPERATING ENTITY: Name Garden Street Iron & Metal Inc. of S.W. Florida
Address 3350 Metro Parkway
City Fort Myers State Florida ZIP 33916
E-mail Address _____

Enclosed are the following documents:

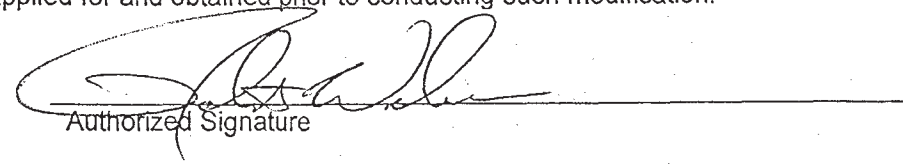
- ☐ Documentary evidence of satisfaction of permit conditions (other than long term monitoring)
- ☒ Copy of recorded transfer of title to the operating entity for the common areas on which the surface water management system is located (unless dedicated by plat)
- ☐ Copy of all recorded plats
- ☐ Copy of recorded declaration of covenants and restrictions, amendments, and associated exhibits
- ☐ Copy of filed articles of incorporation
- ☐ Copy of the certificate of incorporation

To expedite the review and finalization of this transfer request, it is recommended that the following also be submitted:

- ☐ A completed, signed, and notarized affidavit attesting that the operating entity meets the requirements for Rule 40E-4.091(1)(a), F.A.C., Section 9.0, Basis of Review. Please list all application numbers included in the transfer on the affidavit.

The surface water management facilities are hereby accepted for operation and maintenance in accordance with the engineer's certification and as outlined in the restrictive covenants and articles of incorporation for the operating entity.

The signatory, as representative for the operating entity hereby agrees that the operating entity will be perpetually bound by all terms and conditions of the permit, including all compliance requirements. Authorization for any proposed modification to the project shall be applied for and obtained prior to conducting such modification.

Robert Weber Print Name	 Authorized Signature	
President Title	**239-337-5865** Telephone Number	**07-31-09** Date

INSTR # 2007000178671, Doc Type D, Pages 4, Recorded 06/05/2007 at 12:47 PM, Charlie Green, Lee County Clerk of Circuit Court, Deed Doc. D $21000.00 Rec. Fee $35.50 Deputy Clerk JCASOLA

This instrument was prepared by
and should be returned to:
R. James Robbins, Jr., Esq., of
Hill, Ward & Henderson, P.A.
Bank of America – Suite 3700
101 East Kennedy Boulevard
Tampa, Florida 33602

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made and entered into this 31st day of May, 2007, by and between ROBBINS MANUFACTURING COMPANY, a Florida corporation, whose post office address is P.O. Box 17939, Tampa, FL 33682 (hereinafter referred to as the "Grantor"), and GARDEN STREET IRON & METAL INC. OF S.W. FLORIDA, a Florida corporation, whose address is 3350 Metro Parkway, Fort Myers, FL 33916 (hereinafter referred to as the "Grantee").

WITNESSETH:

The Grantor, for and in consideration of the sum of Ten and No/100ths Dollars ($10.00) and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, hereby grants, bargains, sells, conveys, remises, releases and transfers unto the Grantee all that certain land situate in Lee County, Florida, more fully described as follows:

> See Exhibit A attached hereto and incorporated by reference herein, which land is subject to those matters set forth on Exhibit B attached hereto and incorporated by reference herein.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same unto the Grantee in fee simple forever.

The Grantor does hereby covenant that (i) it is lawfully seized of the above-described land in fee simple; (ii) that it has good, right and lawful authority to sell and convey said land; (iii) that it hereby fully warrants the title to said land, except for those matters listed on Exhibit B; and will defend the same against the lawful claims of all persons whomsoever claiming by, through or under the Grantor but against none other. Except for the special warranty of title made in this deed of conveyance, the Grantor makes no other representations, warranties or covenants herein and hereby expressly disclaims all implied representations, warranties and covenants, whether arising by operation of law, by statute or otherwise.

Parcel Identification Number of the Property:
30-44-25-P4-00108.0020
Tax Identification Number of the Grantee:

65-0101441

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed the day and year first above written.

Signed, sealed and delivered
in the presence of:

ROBBINS MANUFACTURING COMPANY,
a Florida corporation

Print Name: Daniel Rushing

By: _____
Jerome G. Robbins, II, Vice President

Print Name: W E Brown, Jr

(CORPORATE SEAL)

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 30th day of May, 2007, by Jerome G. Robbins, II, as Vice President of Robbins Manufacturing Company, a Florida corporation, on behalf of the corporation, who is personally known to me or produced _____ as identification.

Notary Public

Melanie J Caruthers
(Type, Print or Stamp Name)

My Commission Expires: 4-17-11

MELANIE J. CARUTHERS
Notary Public - State of Florida
My Commission Expires Apr 17, 2011
Commission # DD 664379
Bonded Through National Notary Assn.

EXHIBIT A

Parcel 1

Lots 1, 2, 3, 4, 5, 16, 17, 18, 19 and 20, Block "A", and Lots 1, 2, 3, 4 and 5, Block "B", T.P. HILLS SUBDIVISION NO. 2, according to the map or plat thereof recorded in Plat Book 5, page 56, of the public records of Lee County, Florida.

Parcel 2

The North 330 feet of Lot 39, of EAST STADLER FARMS, according to the map or plat thereof recorded in Plat Book 5, page 6, of the public records of Lee County, Florida.

Parcel 3

A tract or parcel of land lying in the NW 1/4 of the SW 1/4 of Section 30, Township 44 South, Range 25 East, Lee County, Florida and being described as follows:

Commencing at the Northeast corner of the NW 1/4 of the SW 1/4 of said Section 30; thence S. 89 degrees 59 minutes 30 seconds W. along the East and West Quarter Section line for 861.75 feet to the intersection with the Northerly prolongation of the West line of Lot 5, Block "A", T.P. Hill's Subdivision, No. 2, as recorded in Plat Book 5, page 56 of the public records of Lee County, Florida; thence run S. 00 degrees 36 minutes 10 seconds W. for 30.00 feet to the North line of Kelly Street and the Point of Beginning of the lands hereinafter described; thence from said Point of Beginning continue S. 00 degrees 36 minutes 10 seconds W. along the West line of said Lots 5 and 16, Block "A", and the West line of Lot 5, Block "B", of said T. P. Hill's Subdivision, No. 2, a distance of 484.65 feet to the Southwest corner of said Lot 5, Block "B", T.P. Hill's Subdivision, No. 2, thence run N. 89 degrees 55 minutes 30 seconds W. along the Westerly prolongation of the centerline of said Block "B", for 267.83 feet to the East right of way line of Grantor (69.00 feet to the East right of way line of main line track); thence run N. 00 degrees 41 minutes 35 seconds E. along said East right of way line for 484.29 feet to the intersection with the North line of Kelly Street, (30.00 feet South of the East and West Quarter Section line); thence run N. 89 degrees 49 minutes 20 seconds E. along the North line of Kelly Street for 267.05 feet to the Point of Beginning.

Parcel 4

A 15 foot parcel located adjacent to and North of Lot 39, East Stadler Farms, as recorded in Plat Book 5, page 6, of the public records of Lee County, Florida, more fully described in Resolution No. 81-11-16, recorded in Official Records Book 1566, page 1717, of the public records of Lee County, Florida.

Parcel 5

That portion of Kelly Street, being 25 feet wide, lying Northerly of and adjacent to Lots 1 through 5 of Block "A", of T.P. Hill's Subdivision, No. 2, according to the map or plat thereof recorded in Plat Book 5, at page 56, of the public records of Lee County, Florida.

AND

That portion of Grace Street, being 50 feet wide lying between and adjacent to Lots 1 through 5 of Block "B", and Lots 16 through 20 of Block "A", of T.P. Hills Subdivision, No.2, according to the map or plat thereof recorded in Plat Book 5, page 56, of the public records of Lee County, Florida.

AND

That portion of Prince Street being 50 feet wide commencing at the Southerly right of way line of Grace Street and running Northerly to the Northerly right of way line of Kelly Street of T.P. Hill's Subdivision, No.2, according to the map or plat thereof recorded in Plat book 5, page 56, of the public records of Lee County, Florida.

The above described parcels being vacated by Resolution recorded in Official Records Book 2004, page 1777, of the public records of Lee County, Florida.

EXHIBIT B

PERMITTED EXCEPTIONS

1. Taxes and assessments for the year 2007 and subsequent years.

2. Applicable zoning ordinances and other applicable governmental restrictions, if any.

3. Any rights, easements, interests or claims which may exist by reason of, or reflected by matters shown on the survey prepared by Omni Surveys, Inc. by Scott E. Marhenke, PSM Florida Registration No. 4920, dated July 8, 2005, revised field date of March 29, 2007, and further revised May 31, 2007, Order No. 0505005

4. Terms, conditions, and provisions of that certain Deed, recorded in Official Records Book 1933, Page 3984.

5. Unrecorded Lease by and between Residential Construction Specialties, Inc. and Robbins Manufacturing Company, dated December 2, 1996, as amended.

6. Possible construction lien(s) arising out of Florida Statutes Chapter 713, Part I relating back to the filing of that certain Notice of Commencement recorded March 8, 2007 in Official Records Instrument Number 2007000077113.

7. Possible construction lien(s) arising out of Florida Statutes Chapter 713, Part I relating back to the filing of that certain Notice of Commencement recorded March 30, 2007 in Official Records Instrument Number 2007000104088.

8. Terms, conditions, and provisions contained in that certain Fort Myers Municipal Land Maintenance Agreement approved on April 16, 2007 by and between the City of Fort Myers and Garden Street Iron & Metal Inc., of S.W. Florida.

9. Terms, conditions, and provisions of that certain unrecorded Lease Agreement dated May 31, 2007 by and between Garden Street Iron & Metal Inc. of S.W. Florida, a Florida corporation, as landlord and Robbins Manufacturing Company, a Florida corporation, as tenant.

10. Brownfield Site Rehabilitation Agreement filed by D.E.P. on May 29, 2007.

NEWS-PRESS

Published every morning – Daily and Sunday
Fort Myers, Florida

Affidavit of Publication

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared
Kathy Allebach
who on oath says that he/she is the
Legal Assistant of the News-Press, a
daily newspaper, published at Fort Myers, in Lee County, Florida; that the attached copy of advertisement, being a
Notice of Action
In the matter of
Application for permit
In the court was published in said newspaper in the issues of
July 6, 2009
Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County; Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Kathy Allebach

Sworn to and subscribed before me this

6th day of July, 2009 by

Kathy Allebach
personally known to me or who has produced

_____

as identification, and who did or did not take an oath.

Notary Public Gladys D. Vanderbeck

Print Name _____

GLADYS D. VANDERBECK
Commission DD 826805
Expires December 13, 2012
Bonded Thru Troy Fain Insurance 800-385-7019

My commission Expires:

Notice of Application Submitted to the Florida Department of Environmental Protection

The applicant, Garden Street Iron & Metal, Inc. c/o Rob Weber, 3350 Metro Parkway, Fort Myers, Florida 33916, announces submittal of an application to the Department for a permit to construct and operate a Waste Tire Processing Facility, specifically identified as Garden Street Tire Processing Facility. The proposed project will be located at 3350 Metro Parkway, Fort Myers in Lee County Florida 33916.

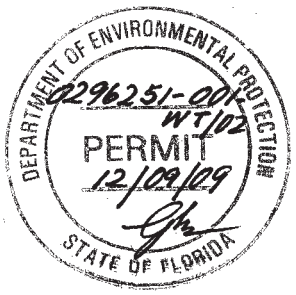
This application (No. 0296251-001-WT/02, WAC-ID No. 98386) is being processed by the Department and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at 2295 Victoria Avenue, Suite 364, Fort Myers, Florida. Any comments or objections should be filed in writing with the Department at this address or mailed to P.O. Box 2549, Fort Myers, Florida 33902-2549. Comments or objections should be submitted as soon as possible to ensure that there is adequate time for them to be considered in the Department's decision on the application.

July 6 No. 1356702

RECEIVED
OCT 16 2009
D.E.P. South District

Appendix A

Operations Manual



Facility: GARDEN STREET IRON & METAL
(WASTE TIRE PROCESSING CENTER)
WACS ID NO. 000098386

Location: 3350 METRO PARKWAY
FORT MYERS, FLORIDA 33916

Applicant: GARDEN STREET IRON & METAL INC. OF S.W. FLORIDA
ROB WEBER, PRESIDENT

Submitted to: FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
PO BOX 2549
FORT MYERS, FLORIDA 33902-2549

Prepared by: KEENE ENGINEERING, INC.
PO BOX 2770
FORT MYERS, FLORIDA 33902

Date: June 17, 2009
Revised: September 7, 2009
Revised: October 16, 2009

William T. Keene 10-16-09
William T. Keene, PE 45915 Date

BOOK 2 OF 2

APPENDIX A – WASTE TIRE PROCESSING FACILITY OPERATION MANUAL

TABLE OF CONTENTS

Appendix A

Operations Manual

Facility: GARDEN STREET IRON & METAL
(WASTE TIRE PROCESSING CENTER)
WACS ID NO. 000098386

Location: 3350 METRO PARKWAY
FORT MYERS, FLORIDA 33916

Applicant: GARDEN STREET IRON & METAL INC. OF S.W. FLORIDA
ROB WEBER, PRESIDENT

Submitted to: FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
PO BOX 2549
FORT MYERS, FLORIDA 33902-2549

Prepared by: KEENE ENGINEERING, INC.
PO BOX 2770
FORT MYERS, FLORIDA 33902

Date: June 17, 2009
Revised: September 7, 2009
Revised: October 16, 2009

BOOK 2 OF 2

FACILITY OPERATION PLAN

GARDEN STREET IRON & METAL
(Waste Tire Processing Center)
November 3, 2009

The following plan has been prepared for the use of the Garden Street Iron & Metal employees which will be operating the waste tire processing facility on a day to day basis. This discussion itemizes the relevant rules and documents with which the operators of the waste tire facility must be familiar.

I. Florida Department of Environmental Protection Waste Tire Processing Facility Permit.

The FDEP permit approval for the facility is included in the operation manual.

The permit was approved on _____.

The permit will expire on _____.

The deadline for renewal of the permit is _____.

The Financial Assurance anniversary date is _____.

There are conditions of approval for the permit. The above blanks are to be filled in once the permit has been issued by FDEP.

II. Description of facility's operation, process and products including how waste tires will be received and stored. (Application Part III.B.1.)

The shredder plant is located on the northwest quadrant of the property. Sheet 2A and Sheet 3 depict the location of the facility within the overall property boundaries. Sheet 3D of the accompanying plan set depicts the flow of waste tires through the facility.

The facility is design primarily for the disassembly of scrap metal item such as automobiles, light and heavy trucks and trailers, appliances, machinery, and other items which contain metal. This facility is capable of efficiently removing nearly all of the metallic components from these waste items and reintroducing these metals into the raw material stream for manufacturers. The primary products created from this process are ferrous shred and non-ferrous mixed metal shred consisting primarily of aluminum. The rest of the component material from the recycled items is deposited in the final waste bunker. This material is generally referred to as fluff. It consists of rubber, plastic, foam, fabric, glass and soil. All of the rubber from the processed waste tires will be included in the fluff waste. The waste tire processing approved under this permit application is an additional process to the present recycling operation. This application will allow the facility to receive waste tires in bulk from waste tire collectors. Currently, some waste tires are being received incidental to the automobile and truck recycling operation.

Scrapped automobile being placed onto the in-feed conveyor.

Please note that tires which are attached to a scrapped vehicle, truck or trailer are not accounted for separately from the scrap metal and will not be reported on quarterly reports.

The vehicles carrying the bulk waste tire deliveries will be weighed on the incoming and outgoing truck scales. The quantity of waste tires will be determined by the net difference in vehicle weight. All customer data is recorded in the facility's "point of sale" (POS) system. The POS system is a software program called Scrap Dragon. This system provides centralized data collection, storage, and recording of financial transactions including the weight of any scrap or waste tires received by the facility. The tonnage of bulk waste tires received will be listed on the quarterly reporting to FDEP.

Once weighed, customers are directed to the unloading area near the in-feed conveyor. At this location, waste tires are placed in the "feed stock blending area". In this area, all material to be shredded is mixed to create a consistent material flow into the shredder.

Scrap material being handled at the feed stock blending area, near the in-feed conveyor. Harris Shredder is in the background.

The waste tires are placed onto the in-feed conveyor and shredded into sufficiently small pieces suitable for disposal in a landfill. See photos below for close-up views of the final waste material. The material in this bunker is generally referred to as "fluff". This is because it contains all of the non metallic lighter weight components of a recycling material stream such as rubber, foam, fabric, glass, plastics and soil.

All bulk waste tire deliveries accepted will be shredded in this fashion. The only waste tires that will be stored in the designated area on the sheet 3B of the plans set will be take-offs from the semi-trailers that are received for disposal and enclosed trailers or roll-off dumpsters loaded with mixed waste tires. This designated storage area is to be clearly marked on site with a painted yellow line.

Existing used truck tires taken off of box trailers that have been scrapped. These are located in the Used Tire Storage Area.

The over the road (OTR) take offs will be stored on edge in a single layer as shown in the photo. It is estimated that the maximum number of waste tires stored in this fashion is about 1500 OTR tires. Please note that these tires remain mounted on rims preventing any chance of collecting water inside the tire. The maximum number of waste tires potentially placed in this storage area, however, is 4,500 tires.

In the case of a prolonged breakdown of equipment, major bulk tire accounts will be asked to temporarily suspend deliveries until the shredding equipment has been restored.

Note, the entire processing area is paved with and 8" thick 5000 psi concrete slab. This prevents scrap material from being mixed into the underlying soils. Also note that no products are anticipated to be produced from the waste tires process at this facility.

III. A description of the equipment used for processing tires. This description shall include the make, model, and hourly capacity of each piece of equipment. (Application Part III.B.2.)

The main mechanical component for this facility is a 98 inch steel shredding rotary hammer mill manufactured by Harris Equipment. The model number is HS98115. This machine is capable of shredding entire automobiles into pieces small enough to be picked up by hand. The shredder has an operating capacity in excess of 100 tons per hour. The facility also has additional equipment that further sorts the shredded material into its main metallic, non-metallic, and waste components.

IV. Description of waste from the process, the amount expected and how and where this waste will be disposed of. (Application Part III.B.3.)

100% of the waste tires received under the waste tire permit will be shredded and turned into a waste material and will become part of the fluff, as described in Section II. This is due to the fact that the waste tires will be fed into the current recycling material stream. Waste tires will not be processed separately. All of the waste material will be trucked to and placed in the Okeechobee landfill.

Close-up view of material in the final waste bunker (Fluff).

Processed tire pieces from final waste bunker.

V. Statement of the maximum daily throughput and the planned daily and annual throughput. (Application Part III.B.4.)

As stated above, this shredder has an hourly feed rate in excess of 100 tons/hour of blended material. An estimate of the maximum capacity of this shredder is as follows:

Hourly blended feed rate into the shredder	100 tons/hour+
Conservative percentage of waste tires	10%
Hourly rate of waste tires	10 tons/hour
Conversion factor for passenger tires	20 lbs/tire

Estimated rate of waste tire feed is as follows:

$$\frac{10 \text{ tons}}{\text{hour}} \times \frac{2{,}000 \text{ lbs}}{\text{ton}} \times \frac{1 \text{ tire}}{20 \text{ lbs.}} = \frac{1{,}000 \text{ tires}}{\text{hour}}$$

Presently, the shredder operates 5 to 6 hours per day, 6 days a week. This gives a processing capacity of 5,000 to 6,000 processed waste tires per day or 30,000 to 36,000 processed waste tires per week. Annually, the capacity would be 1,560,000 to 1,872,000 tires per year. This equates to approximately 15,600 to 18,720 tons at a conservative 10% blend rate.

The ordinary planned daily throughput will be 1000 tires or less (10 tons +/-). The annual quantity of waste tires processed is estimate to be 300,000 tires (3,000 tons, +/-).

VI. Description of how the operator will maintain compliance with each of the storage requirements of rule FAC 62-711.540. (Application Part III.B.5.)

Different from other tire processing facilities, the equipment necessary to shred the waste tires is permanently installed at this facility. And given the shredding capacity of the Harris mill, it is expected that the storage of tires will not be a major problem. Relatively speaking, the bulk waste tire component of the total facility operation is very small. The enclosed plans designate the areas in which tires will be stored and blended. These areas, though, will not be completely covered with waste tires at all times. The waste and used tire storage area will be clearly marked as described as described in Section II.

In the case of a fire in the blending and tire storage areas, there are typically two types of large equipment in this vicinity, a large grapple crane and a large solid tire front end loader. These two pieces of equipment are capable of being used in the initial moments of a fire to pull smoldering or flamed portions of stored material away from the remainder of the pile. This helps to minimize the potential of the fire to escalate into a larger event. The fire department will provide response to a fire in these areas as well.

Additionally, each of the requirements of FAC 62-711.540 is being addressed below for clarification:

FAC 62-711.540(1)(a), Entrance Sign – This facility will receive waste tires from the general public. A sign will be posted at the entrance of the in-bound truck scales stating the operating hours, cost of disposal, and site rules. See Sheet 3D of the plan set for the sign location.

FAC 62-711.540(1)(b), Open Flames - No open flame are allowed within 25 feet of any waste tire storage piles.

FAC 62-711.540(1)(c), Attendant – This facility will receive waste tires from the public. An attendant shall be present when the site is open for business.

FAC 62-711.540(1)(d), Fire Safety Survey – See Division 4 of this manual for the fire safety survey.

FAC 62-711.540(1)(e), Emergency Preparedness Plan – See Division 3 of this manual for the Emergency Preparedness Plan.

FAC 62-711.540(1)(f), Department (FDEP) Notification – See Section VII of this plan.

FAC 62-711.540(1)(g), Record Keeping – See Section XII of this plan.

FAC 62-711.540(1)(h), Owner Authorization – The operator of this facility is the same as the land owner.

FAC 62-711.540(1)(i), Communication Equipment – Communication equipment shall be maintained at the facility at all times to assure that the site operator can contact local fire protection authorities in case of fire

FAC 62-711.540(1)(j), Pest Control – The operator shall provide for control of mosquitoes and rodents so as to protect the public health and welfare.

FAC 62-711.540(1)(k), Access to Facility – This facility has direct access to two paved streets, Metro Parkway and Tara Lee Street. These are publicly maintained roadways and will be kept passable at all times.

FAC 62-711.540(2)(a) thru (h) – Not applicable to this facility. No inside storage of waste tires.

FAC 62-711.540(3)(a), Setback from water bodies, Stormwater BMP's – See plan set enclosed in the manual. The waste and used tire storage area is more than 200 feet from the dry detention south of the in-feed conveyor for the shredder. Additionally, the following Best Management Practices (BMP's) techniques are employed in the storm water treatment system:

- Oil Skimmer
- Stormceptor Chamber
- Grassed Outfall Swale
- Outfall Control Structure with additional skimmer

Inspection of these devices will be conducted on a monthly basis. Correction of any malfunctions will be done immediately.

FAC 62-711.540(3)(b), Maximum Storage Area Dimensions – See Sheets 3, 3A, 3B, and 3C of the plan set. The dimensions of the waste and used tire storage area are shown.

FAC 62-711.540(3)(c), Fire Lanes – See Sheets 3, 3A, 3B, and 3C of the plan set. The fire lanes and 50 feet setback areas are shown.

FAC 62-711.540(3)(d), Access Control – See Sheet 2 of the plan set.

FAC 62-711.540(3)(e), Waste Tire Fire Runoff – See response to FAC 62-711.540(3)(a) above.

FAC 62-711.540(3)(f), Maintenance of Grass and Underbrush – See Sheet 2 of the plan set. The entire yard area is paved with 8" of concrete, preventing any growth of grass or underbrush beneath store waste and used tires.

FAC 62-711.540(4), Storage of Processed Waste Tires – Not applicable to this facility. Processed waste tires are removed daily to a landfill as part of the fluff waste.

FAC 62-711.540(5), Containment of Processing Residuals – See Sheet 2A of the plan set. The area beneath the shredder and processing equipment is graded so as to direct all surface runoff into the recovery tank system. These two tanks act as a sediment chamber and a holding area for process water. The process water is recycled into the shredder as cooling and wash water. The residuals from the processing area are captured in this system. The sediment in this system is removed periodically and transported to the landfill along with the fluff waste.

FAC 62-711.540(6)(a), Length of Storage of Waste Tires – Only whole waste tires suitable to be resold as a used tire are stored for periods longer that one month. See description of storage area in Section 2 of this plan.

FAC 62-711.540(6)(b), Fire Department Approval – See fire safety survey letter included in Division 4 of this manual as approval of the storage and blending areas of this facility.

Compliance with the storage requirements of FAC 62-711.540 is assured by the following facts:

1. The facility has controlled access, is gated, and fully attended day and night preventing unauthorized deliveries.
2. The throughput capacity of the Harris mill is substantially greater than the quantity of tires to be stored.
3. Waste tires are currently being processed incidental to the automobile recycling operation and tire storage is not presently a problem.
4. The magnitude of the waste tire facility operation is a very small part of the overall facility operation and is much less likely, economically, to be allowed to become an operational or regulatory problem. And,
5. Processed waste tires are removed daily as part of the shredder fluff material and taken to the Okeechobee landfill preventing accumulation of waste tires on the site.

VII. A copy of the emergency preparedness manual for the facility with a statement of the on site and off site locations of where that manual will be maintained. (Application Part III.B.6.)

The Emergency Preparedness Manual for the Garden Street Waste Tire Processing Center is included in this manual. The operator should make his self familiar with the recommended steps to follow in the event of an emergency [FAC 62-711.540(1)(e)].

Please note that FDEP is required to be immediately be notified in the event of a fire or other emergency which poses an unanticipated threat to the public health or environment. Within two weeks of the event, a written report must be submitted to FDEP noting the origins of the emergency, actions taken to deal with the emergency, results of actions taken, and an analysis of the success of failure of the actions [FAC 62-711.540(1)(f)].

A copy of this manual will to be kept in the main office of Garden Street Iron and Metal, Inc., two story building located on north side of the facility, near the Tara Lee Entrance. The street address of this building is 3265 Metro Parkway. A second copy of this manual is to be kept in the office of Keene Engineering, Inc., 9101 West College Pointe Drive, Ste 1, Fort Myers, Fl. 33919.

VIII. Fire Safety Survey (Application Part III.B.7.)

The Fire Safety Survey is included in this manual. This survey is to be updated annually by the Fort Myers Fire Department. The Fort Myers Fire Department may be contacted at 321-7350. Updates to the fire safety survey should be inserted into this manual for future reference [FAC 62-711.540(1)(d)].

IX. Description of how 75% of the annual accumulation of waste tires will be removed for disposal or recycling. (Application Part III.B.8.)

"FAC 62-711.530(3) - 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 and removed for disposal or recycling from the facility during the year, or disposed of on the site at a permitted solid waste management facility..."

All waste tires are processed by shredding into sufficiently small pieces appropriate for disposal in a landfill. The processed waste tires are mixed amongst other shredder waste (fluff). The fluff is removed on a daily basis from the facility and taken to the Okeechobee landfill. It is expected that virtually 100% of all processed waste tires, on an annual basis, will be removed from the site during each year. It is not expected that there will be an accumulation of waste other than the daily amount generated.

X. Facility Plan Set – Storage Areas

The operator of the waste tire processing facility should familiarize himself with the enclosed facility site plans. These plans depict the designated areas to be used for the storage of used and other waste tires. This plan also depicts the general flow of bulk waste tires received at the facility. Sheets 3, 3A, 3B, 3C and 3D are the most relevant to the operation of the facility. The used and waste tire storage area will be designated with a yellow strip as shown in the plan set.

Special attention should be given to the fire access lanes and clearance surrounding the blending, storage, and fluff areas. Theses areas have been reviewed and approved by the fire department as part of the fire safety survey. Deviation from these areas may increase the risks of a fire or other emergency. Deviation is the storage area is also a violation of the FDEP approval and may result in enforcement action by FDEP if not corrected. All storage area shall be maintained in accordance with the plan set and in accordance with FAC 62-711.540(3)(a) thru (f).

Access to the waste tire storage areas shall be maintained free and clear and passable by a motor vehicle at all times [FAC 62-711.540(1)(k)].

XI. Limitations on Total Amount of Used and Waste Tires

This facility has a proposed limit of 8,000 used and waste tires on site. This limit includes used tires. Once this limit has been reached, receipt of waste tires must be halted until the waste tires already on site have been processed by the shredder. Please note that once a tire is removed from a car, truck, or trailer, it now also becomes a waste tire.

XII. Quarterly Reporting to FDEP

Quarterly reporting is required by FAC 62-711.530(5) and FAC 62-711.540(1)(g).

Included in this manual is the quarterly reporting form required by FDEP. See the form for the specific items which are required to be reported. The reporting is to be measured in tons. Tires that are received by the facility which are still attached to a car, truck, or trailer are not yet waste tires. A tire only becomes a waste tire once it has been removed from what ever it was attached to. Used tires that are being held for resale are also considered waste tires.

For the column "Consumed", the entries should all be zero. No waste tires are consumed on this site. All tires are either processed or removed. For this facility, tires are considered processed once they have been placed into the shredder. Used tires that are being sold are being removed from the site. Used tires sold must be weighed before leaving the site for these reporting purposes.

For estimating the ending inventory of tires in tons, use the following equivalents: one passenger car tire equals 20 pounds in weight and one truck tire equals 100 pounds of weight. Rims are not included in the weights.

For the line "Processed Tires", this applies to tires that have been process by some means into a shape or size for resale. For the tires that pass through the shredder, they are essentially 100% "processing waste". In the case of this facility, this waste is indiscernible from the other fluff material and cannot be measured.

XIII. Additional Record Keeping Requirements

In addition to the quarterly reporting requirement above, further record keeping is required by FAC 62-711.530(4). The owner or operator of a waste tire processing facility shall record and maintain for three years the following information regarding their activities, which records shall be available for inspection by Department personnel during normal business hours:

(a) For all waste tires shipped from the facility, the name and waste tire collector registration number of the waste tire collector who accepted the waste tires for transport, and the quantity of waste tires shipped with that collector; and if the waste tires were shipped with a person who is not a waste tire collector, the number of tires shipped, the person's name, address and telephone number; and the place where the waste tires were deposited;

(b) For all waste tires received at the facility, the name and waste tire collector registration number of the collector who delivered the waste tires to the facility, and the quantity of waste tires received from that collector; and if more than five waste tires were delivered by a person who is not a waste tire collector, the number of tires delivered and the person's name, address and telephone number; and

(c) For all waste tires removed for recapping, the quantity and type removed, and the name and location of the recapping facility receiving the tires.

XIV. Closing Plan

Included with in Division 6 of this operations manual is the Closing Plan. There are specific steps which are to be followed once the decision has been made to close the waste tire facility (i.e. stop receiving bulk waste tire shipments). Garden Street Iron & Metal Inc. of S.W. Florida has posted financial assurance with the State of Florida (FDEP) to guarantee completion of the closing steps. A copy of this financial assurance document is included in this manual. If the steps in the closing plan are not followed, the bond may not be released by FDEP.

XV. Financial Assurance and Closing Cost Estimate

Refer to the financial assurance document in Division 6 of this manual for any annual modifications or trust reporting that may be required to maintain the financial assurance with the Florida Department of Environmental Protection. The amount of the assurance is based on the closing cost estimate prepared by a professional engineer. It is required by rule that the closing cost estimate be updated annually. The revised estimate is required to be submitted 60 days prior to the anniversary date of the instrument. [FAC 62-711.500(3)]. The closing cost estimate will likely change each year necessitating a change in the financial assurance document.

XVI. Applicable State Rules

A copy of the State of Florida Administrative (FAC) rules for waste tire processing facilities can be obtained at the FDEP website - http://www.dep.state.fl.us/waste/. FAC Section 62-701 contains fees, definitions and other rules applicable to all solid waste facilities (including waste tire processing facilities). FAC Section 62-711 is the waste tire rule. Forms may also be obtained at this web address.

FDEP permit for the Waste Tire Processing Facility is to be inserted into this section once it has been issued.

EMERGENCY PREPAREDNESS MANUAL
For Waste Tire Processing and Storage

Facility: GARDEN STREET IRON & METAL
(WASTE TIRE PROCESSING CENTER)
WACS ID NO. 000098386

Location: 3350 METRO PARKWAY
FORT MYERS, FLORIDA 33916

Applicant: GARDEN STREET IRON & METAL INC. OF S.W. FLORIDA
ROB WEBER, PRESIDENT

Submitted to: FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
PO BOX 2549
FORT MYERS, FLORIDA 33902-2549

Prepared by: KEENE ENGINEERING, INC.
PO BOX 2770
FORT MYERS, FLORIDA 33902

Date: September 7, 2009
Revised: October 16, 2009
Revised: November 3, 2009

11-3-09

William T. Keene, PE 45915 Date

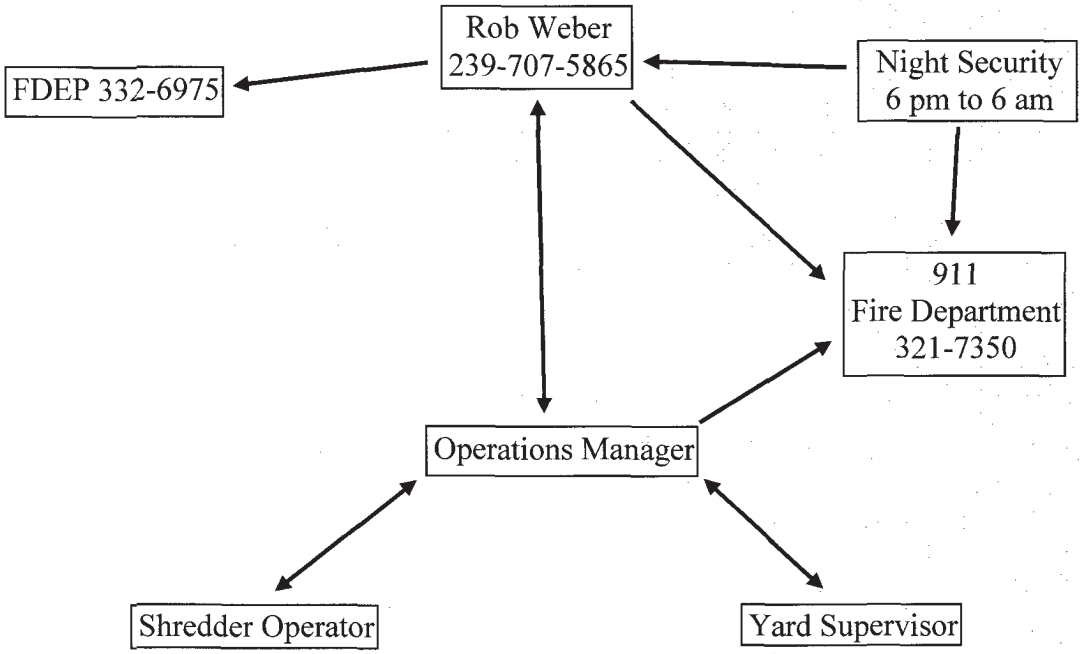
I. Purpose – this manual is intended to satisfy the requirements of FAC Chapter 62-711.540(1)(e) for emergency preparedness relative to the storage and processing of waste and used tire and their residuals.

II. Emergency Contacts [FAC 62-711.540(1)(e)1.] – the following entities are to be contacted in the case of a fire or other hazardous emergency relative to the waste tire storage facility:

Emergency Dispatchers	Dial 911
City of Fort Myers Fire Department	239-321-7350
Florida Department of Environmental Protection	239-332-6975
Robert Weber	239-707-5865

III. Emergency Response Team [FAC 62.711-540(1)(e)3.] – The following flow chart shall be followed for emergency response. The response team will first determine the extent of the emergency, fire or medical, and make contact with the appropriate agency. The first responders on the site are generally the shredder operator due to his location in the control booth or the yard supervisor. Generally, all moving conveyors are equipped with emergency pull cords or push buttons (E-Stops). If an E-Stop is activated, the computer operating the shredder follows a pre-programmed shut down routine. The shredder operator's display indicates which E-Stop has been pulled. This will facilitate a quick response to the emergency.

Also note that this facility has night time security and video surveillance.



IV. Emergency Response Equipment [FAC 62-711.540(1)(e) 2.] – In the case of fire, CALL 911. The enclosed site plan depicted the locations of the existing fire hydrants within the Garden Street facility. In addition to on-site fire hydrants, there is a fire stand pipe and hose located near the southwest corner of the main two story office building on the north side of the facility. This is near the west end of the incoming scale ramp. This fire hose is useful in the initial response to a fire in the final waste (fluff) bunker.

In the case of the blending and tire storage areas, there are typically two types of large equipment in this vicinity, a large grapple crane and a large solid tire front end loader. These two pieces of equipment are capable of being used in the initial moments of a fire to pull smoldering or flamed portions of stored material away from the remainder of the pile. This helps to minimize the potential of the fire to escalate into a larger event. The fire department will provide response to a fire in these areas as well.

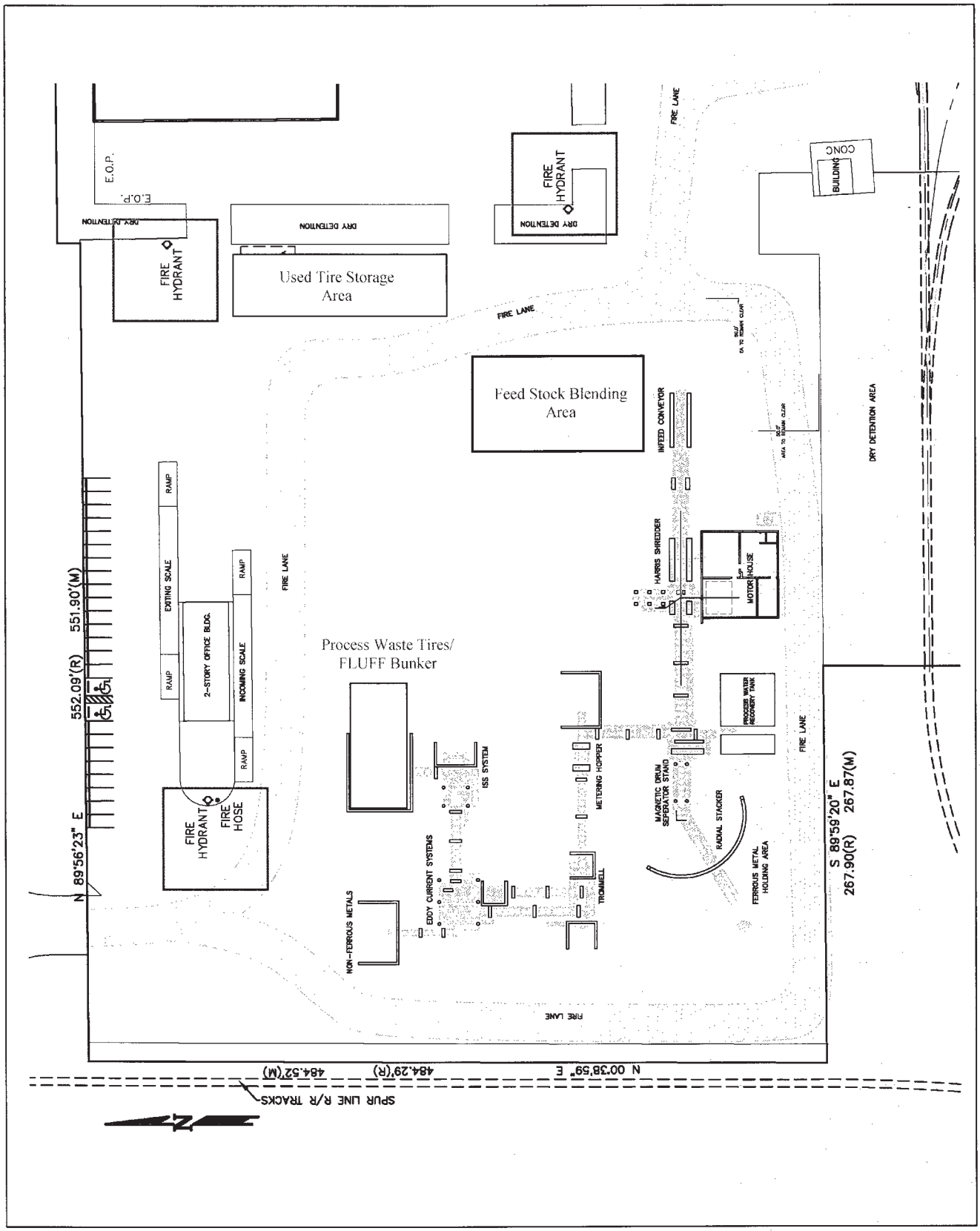
V. Clean-up procedure [FAC 62.711-540(1)(e)3.] – Fluff Bunker – In the case of a fire in the fluff bunker, there will likely be little material to clean up. Typically the burning or burnt material is spread on the existing concrete yard area immediately in front of the bunker to completely douse the fire. Once extinguished and cooled, the material is put back into the bunker to await disposal. The typical equipment used in this process is a front end loader and bobcat type skid steer loader. There is no expected clean-up from a flood of the fluff bunker as is presently at or above the 100 year flood elevation.

VI. Clean-up procedure [FAC 62.711-540(1)(e)3.] – Waste tire storage areas – In the case of fire in the waste tire storage and staging areas, the first order of business is to surround the tire pile with processed ferrous material along its southerly side, essentially building a dam around the pile. See section X for an illustration of this arrangement. This will prevent the burnt material from flowing into the storm water dry detention area. Once extinguished and cooled, the burnt water tire materials are to be process through the shredder facility mixed with other waste material ordinarily shredded. The residuals of the waste tire will be deposited into the fluff bunker for final disposal.

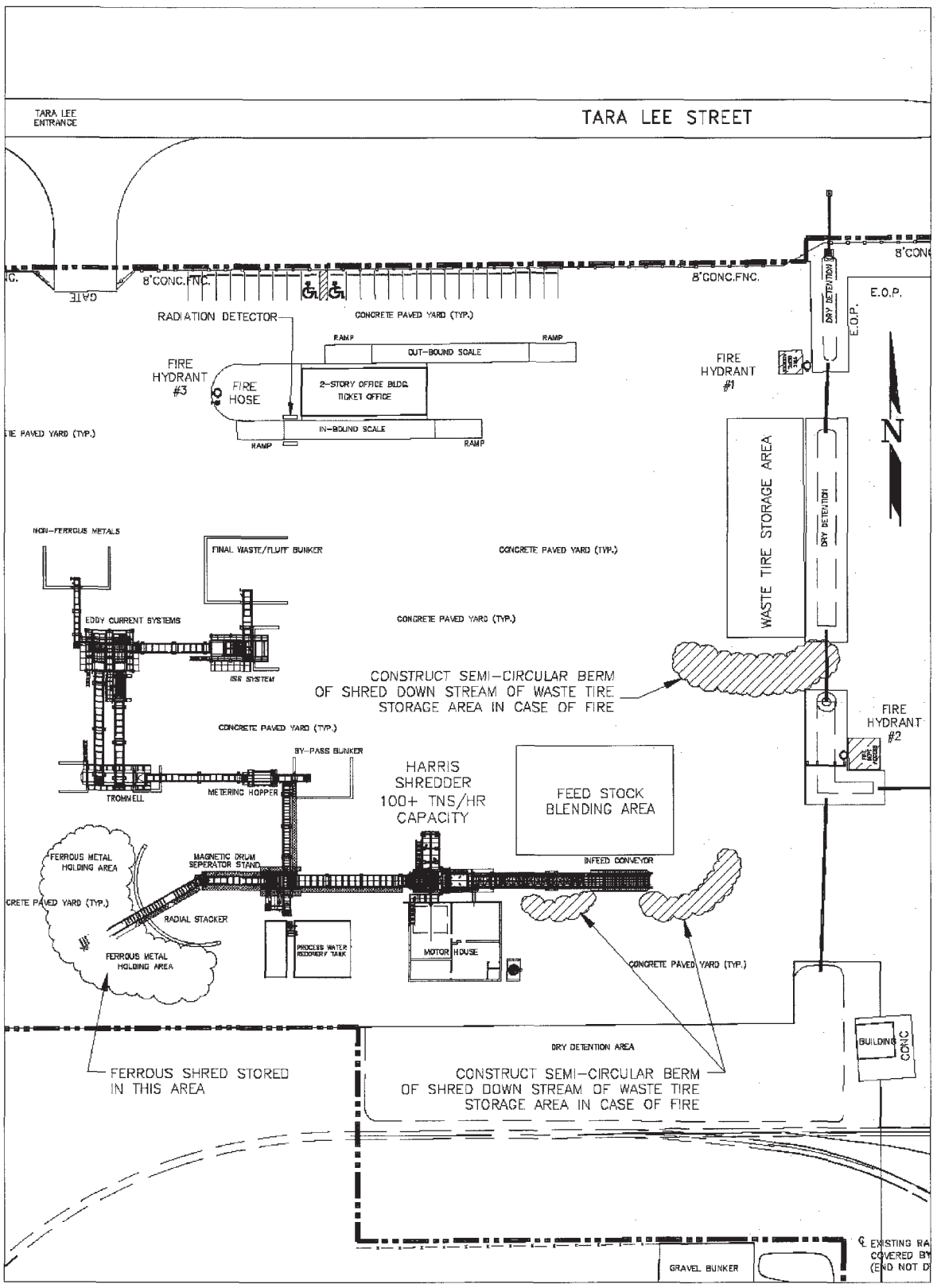
VII. Copies of this manual [FAC 62.711-540(1)(e)] – A copy of this manual is to be kept in the main office of Garden Street Iron and Metal, Inc., two story building located on north side of the facility, near the Tara Lee Entrance. The street address of this building is 3265 Metro Parkway. A second copy of this manual is to be kept in the office of Keene Engineering, Inc., 9101 West College Pointe Drive, Ste 1, Fort Myers, Fl. 33919.

VIII. Manual Updates [FAC 62.711.540(1)(e)] – This manual must be updated once a year and upon any changes in operations at the facility.

IX. Waste Tire Processing Facility Site Plan



X. Illustration for Fire Runoff Containment



FORT MYERS FIRE DEPARTMENT
FIRE PREVENTION BUREAU
2180 W First Street Suite 101
Fort Myers FL 33901
239.321.7350
239.344.5913 fax

October 13, 2009

Mr. Ghous Minhaj, Solid Waste Permitting Engineer
Florida Department of Environmental Protection
PO Box 2549
Fort Myer, Florida 33902-2549

Re: Fire Safety Survey
Garden Street Tire Processing Facility
Application No 0296251-001-WT/02

Dear Mr. Minhaj:

On July 7, 2009, a fire safety survey was conducted on the above referenced site with respect to the proposed tire processing facility permit request. Specifically, the locations of the proposed tire storage and processing areas as depicted on sheets 2A & 3, dated October 12, 2009 were observed along with the locations of the existing fire hydrants and the fire access pathways. We hereby approve of the proposed storage and processing locations, and their general accessibility, with the following two requirements:

1. Stripe a 15 feet x 15 feet "Fire Access" area as shown on the attached sketch in front of fire hydrant #1.

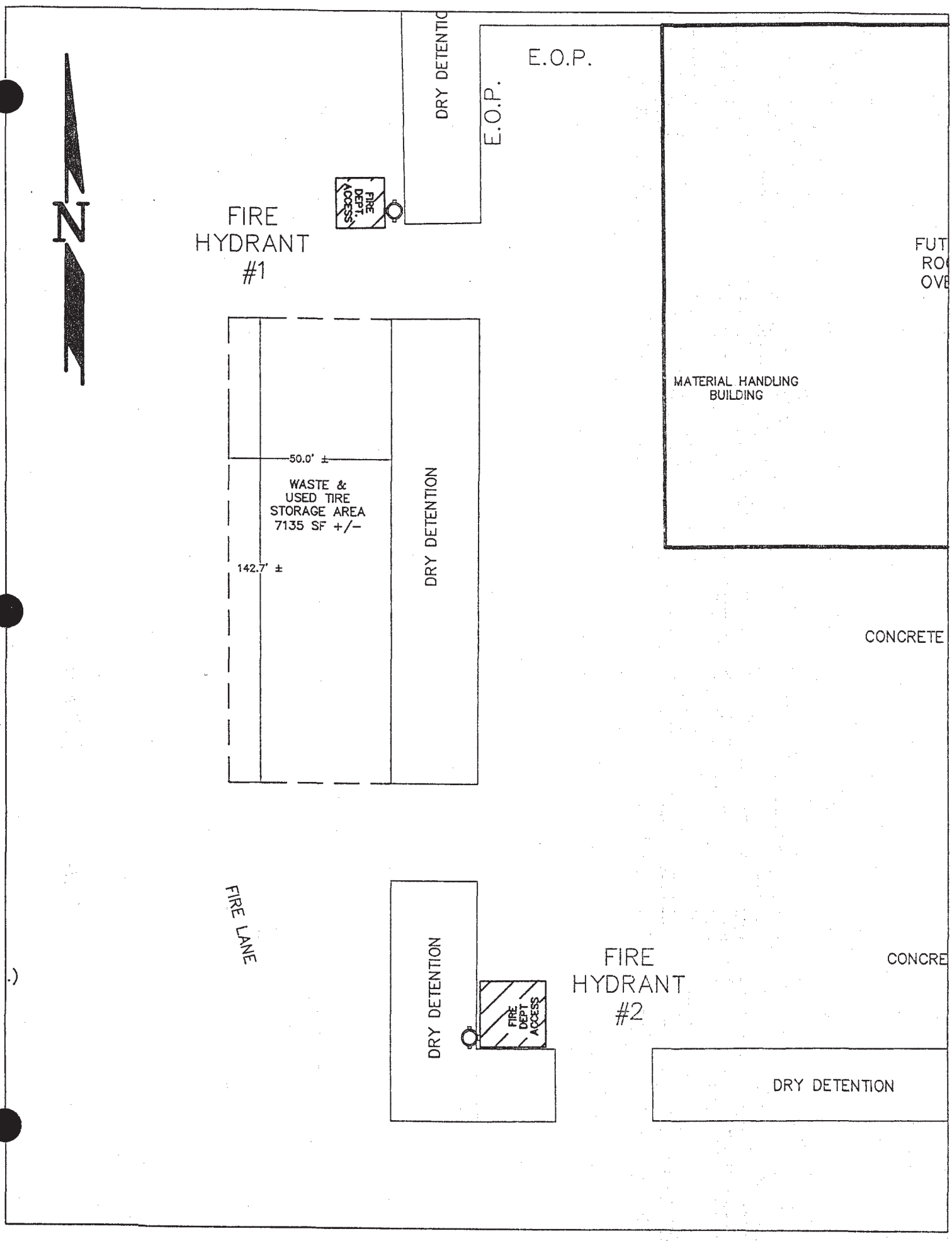
2. Stripe a 20 feet x 20 feet "Fire Access" area as shown on the attached sketch in front of hydrant #2.

Please feel free to contact our office should there be any questions.

Sincerely,

Don Ward
Fire Marshal
City of Fort Myers Fire Prevention Bureau

Cc: Robert Weber, 3350 Metro Parkway, Fort Myers. Florida 33916
Tim Keene, PO Box 2270, Fort Myers, Florida 33902


N
DRY DETENTIO
E.O.P.
E.O.P.
FIRE DEPT ACCESS
FIRE HYDRANT #1
FUT
RO
OVE
MATERIAL HANDLING BUILDING
50.0' ±
WASTE & USED TIRE STORAGE AREA 7135 SF +/-
142.7' ±
DRY DETENTION
CONCRETE
FIRE LANE
DRY DETENTION
FIRE DEPT ACCESS
FIRE HYDRANT #2
CONCRE
DRY DETENTION

Department of Environmental Protection

DEP Form # 62-701.900(21)
Waste Tire Processing Facility
Form Title Quarterly Report
Effective Date 3/22/00
DEP Application No. _____
(Filled in by DEP)

Waste Tire Processing Facility Quarterly Report

Pursuant to Rule 62-711.530, Florida Administrative Code, the owner or operator of a waste tire processing facility shall submit the following information to the Department quarterly.

Quarter covered by this report _____ (First quarter begins on January 1 of any given year)

1. Facility name: _____
2. Facility mailing address: _____

   City: _____ County: _____ Zip: _____
3. Facility permit number: _____
4. Facility telephone number ( ) _____
5. Authorized person preparing report: _____
6. Affiliation with facility: _____
7. Telephone number (if different from above): ( ) _____
8. Activity: Report in tons

	Beginning Inventory	Received	Processed	Consumed	Removed	Adjustments	Ending Inventory
Used Tires							
Other whole Tires							
Processed tires							
Processing Waste							
Other							
Total							

a. Explain all inventory adjustments. _____

b. List any period in which one or more category of inventory exceeded the permitted maximum for that category. How was that condition relieved?

For any excess inventory at the end of the quarter, state how and when this condition will be relieved. Attach Additional sheets, if necessary.

9. Certification:

To the best of my knowledge and belief, I certify the information provided in this report is true, accurate, and complete.

Print Name of Authorized Agent	Signature of Authorized Agent	Date

Mail complete form to
the appropriate district office

RECEIVED
JUL 16 2009
D.E.P. South District

Northwest District
160 Governmental Center
Pensacola, FL 32501-5794
850-595-8360

Northeast District
7825 Baymeadows Way, Ste. 200 B
Jacksonville, FL 32256-7590
904-448-4300

Central District
3319 Maguire Blvd., Ste. 232
Orlando, FL 32803-3767
407-894-7555

Southwest District
3804 Coconut Palm Dr.
Tampa, FL 33619
813-744-6100

South District
2295 Victoria Ave., Ste. 364
Fort Myers, FL 33902-2549
941-332-6975

Southeast District
400 North Congress Ave.
West Palm Beach, FL 33401
561-681-6600

CLOSING PLAN
For Waste Tire Processing and Storage

Facility: GARDEN STREET IRON & METAL
(WASTE TIRE PROCESSING CENTER)
WACS ID NO. 000098386

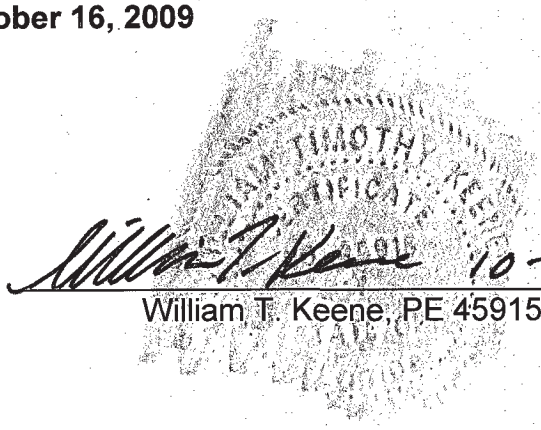
Location: 3350 METRO PARKWAY
FORT MYERS, FLORIDA 33916

Applicant: GARDEN STREET IRON & METAL INC. OF S.W. FLORIDA
ROB WEBER, PRESIDENT

Submitted to: FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
PO BOX 2549
FORT MYERS, FLORIDA 33902-2549

Prepared by: KEENE ENGINEERING, INC.
PO BOX 2770
FORT MYERS, FLORIDA 33902

Date: October 16, 2009



10-16-09

William T. Keene, PE 45915 Date

I. The purpose of this plan is to meet the requirements of FAC 62-711.700, Closing of Waste Tire Sites. The following steps are to be followed in closing this facility. Note, if the operation of this facility does not continue to meet the requirements of the Waste Tire Rule [FAC 62-711], it shall not receive any waste tires and shall follow the closing procedures until the site is in compliance with the conditions of its waste tire permit.

II. Closing Procedures [FAC 62-711.700(3)(a)]

In closing the waste tire processing aspect of the Garden Street Iron & Metal operation, the following steps are to be followed:

Step 1 - Discontinue the receipt of waste tires from waste tire haulers and other private individuals [FAC 62-711.700(2)(a)].

Step 2 – Post a notice at the Tara Lee entrance to the facility to bulk waste tire are no longer being accepted. This sign shall also include the phone number of the Lee County solid waste authority [FAC 62-711.700(2)(b)].

Step 3 – Notify the Florida Department of Environmental Protection and Lee County government of intent and act of closing the waste tire processing facility [FAC 62-711.700(2)(c)].

Step 4 - Processing all remaining onsite tires through the shredder or otherwise have them hauled to another waste tire processing facility. Remove any solid waste from the processing of waste tires to an approved solid waste facility [FAC 62-711.700(2)(d) and (e)].

Step 5 - File all final reports required by the FDEP as to final quantities of waste tire disposed of and location of disposal and notify FDEP when closing is complete [FAC 62-711.700(2)(f)].

III. Closing Schedule [FAC 62-711.700(3)(b)]

The following schedule is to be used when closing the facility for the processing of waste tires:

Day 1 – Complete Steps 1,2 and 3 listed above.
Days 2 thru 40 – Complete Step 4 above.
Days 41 thru 60 – Complete Step 5 above.

IV. Site Rehabilitation [FAC 62-711.700(3)(c)]

Since the Garden Street Iron & Metal facility will continue as a scrap processing yard, there will be no specific site rehabilitation associated with the waste tire facility.

V. Financial Assurance [FAC 62-711.700(3)(d)]

A closing cost estimate is attached to this plan. Garden Street Iron & Metal Inc. of S.W. Florida will provide a bond meeting the requirements of FAC 62-711.500(3)(c).

Keene ENGINEERING, INC

Closing Cost Estimate
for
Garden Street Iron & Metal
Waste Tire Processing Center
WACS 00098386

Facilty: Garden Street Iron & Metal
3350 Metro Parkway
Fort Myers, Fl. 33916

Date: October 16, 2009

Description	Unit Cost	Units	Quant.		Total
Mobilization (in and out)	$350.00	Ea	2	$	700.00
Load Tires					
Loader Machine Time	$ 85.00	Hr	8	$	680.00
Walking Floor Trailer	$250.00	Load	6	$	1,500.00
Tire Disposal (Lee County Resource Recovery Facility)					
Passenger Tires	$132.25	Ton	65	$	8,596.25
OTR Tires	$172.50	Ton	75	$	12,937.50
		Total Estimate		**$**	**24,413.75**

Assumptions:
1 Based on unit cost quote from Wherry Truck Lines
2 Total Tires Assumed

Passenger Car Tires	6500	x	0.01	tons/tire =	65
OTR Tires	1500	x	0.05	tons/tire =	75
				Total Tons	140

Prepared by:

10-16-09 William T. Keene

date

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PO Box 2770, Fort Myers, Fl 33902
(239) 939-0524 ph. (239) 939-1968 fax

Owner

Robert Weber 10-16-09

date

Robert Weber, President
Garden Street Iron & Metal Inc. of S.W. Florida
3350 Metro Parkway
Fort Myers, Fl 33916
(239) 337-5865

WHERRY
TRUCK LINES, INC.
Walking Floor Bulk Transport

Green Waste Disposal
Horticultural Waste Removal

June 16, 2009

Rob Weber
Garden Street Iron & Metal Inc.
3350 Metro Pkwy
Fort Myers, FL 33916

Wherry Truck Lines will load, haul and dispose of used tires located at 3350 Metro Pkwy in Fort Myers for the following rates for approximately 8,000 car and truck tires:

- Mobilize loader in - $350
- Mobilize loader out - $350
- Loader - $85/hr
- Tires hauled to Lee County Waste to Energy (incinerator) located at 10550 Buckingham Rd, Fort Myers - $250 per 100 yard walking floor trailer load – Freight only
- Disposal rate for passenger tires - $132.25 per ton
- Disposal rate for OTR tires - $172.50 per ton

All agreements are contingent upon accidents or delays beyond our control.

- Auto Liability Insurance of $1,000,000.00
- Full Workman's Compensation is carried on all employees
- General Liability Insurance of $2,000,000.00

Terms of Payment: Due upon receipt
Federal Tax ID# 650339512

ACCEPTANCE OF SERVICE AGREEMENT

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. This quote will be valid for 1 year.

Kendell T. Wherry
Wherry Truck Lines, Inc.

Rob Weber
Garden Street Iron & Metal Inc.

P.O. Box 61008 – Fort Myers, Florida 33906-1008
Phone 239-768-1293 Fax 239-768-6552

A copy of the financial assurance bond document is to be inserted into this position once it has been issued by the bond company and accepted by FDEP.

TEN **OVERSIZED DRAWING(S) REMOVED**

(SEE OCULUS UNDER SAME INDEXING INFORMATION)

Drawings: 1 of 5
2 of 5
2A of 5
3 of 5
3A of 5
3B of 5
3C of 5
3D of 5
4 of 5
5 of 5