

Carpenter, Jessie

From: Lurix, Joe
Sent: Thursday, November 06, 2003 8:38 AM
To: Clark, Jan Rae; McGuire, Chris; Tedder, Richard
Cc: Carpenter, Jessie; 'Terry A. Gray (tagray@flash.net)'; Forrest, William; Wierzbicki, Paul
Subject: RE: FTR

As I said Jan, I don't remember seeing tire chips in the metal pile in the sw corner of the site. I don't have pictures of it, but I did touch the piles after they were shaved on 10-23-03. Bill and I were there with Jack Wilson and the pile was cold with no chips. This pile was severely rusted. Where the fire occurred there had **tire shreds**. I don't know if there were tire bits, nor do I have pictures to show that there were tire bits in that area prior to the fire. The piles in the dry retention are tire bits. So I don't know your answer. If there is no source of carbon in the steel, it won't burn to my knowledge.

You may want to look at 711, the definition of waste tire residuals is in 701, but there is no reference in 711 that specifically states "waste tire residuals", only the word "residuals". So is the word residuals and waste tire residuals one in the same? I'll let Chris opine on that. The word residuals is found in 5 locations in the rule. In fact, read 62-711.700 (2)(d), FAC, it states that residuals shall be managed and controlled onsite and disposed of in at a permitted SWMF or properly recycled. So is this a glitch, or is this something we can go to the mat on. As you recall in 1993 when the injunction was filed, the waste tire definition didn't include processed tires. We had to amend the definition for the court case if you remember. So does the rule have to be changed again to state "waste tire residuals" in 711 instead of the word "residuals"? And if the pile is only rusted steel, does the policy memo that Chris states applies? Do we need a policy memo on this to clarify 711 for "residuals" and require financial also for residual steel? Do residuals have to meet the storage requirements of 50' X 200' X 15'? The rule says waste tires must conform to the storage requirements, not residuals.

I've looked at all the historical aerals and ground shots. In 9-1997, FTR had no waste tires at all north of the pond or in the FPL easement. They had cleared the area for the construction of the storm water pond. On January 7, 1999, the aerial shots show that the pond is complete and processed waste tires are north of the pond next to Allied Chemicals drainage ditch. In May 1999 we flew the site and the pictures show **processed waste tires only** north of the pond and in the easement. The picture also shows that he only had one processing bldg. with no capabilities of making the tire bits with wire. On July 20, 2000, a new processing bldg was on line which produced the tire bits. The tire bits were dumped directly north west of this bldg. (within 150 feet) and due west of the concrete bunkers that stored septic drainage rock. I have an aerial showing this. The tire bits were shipped to WMI - Polk County to be burned. This tire bit disposal area is some 400-600 feet south east of where the recent fires occurred. On 11-10-00, tire bits were still being dumped north west of the processing building and due west of the concrete bunkers as previously. The location of the tire bits were dumped just north of the access road directly across from the second tire pile located on the south side of the main road. On 12-31-2000, the ground pictures show no waste tires north of the pond. So, I don't know for sure if there are any tire bits in the area where the fires occurred. I can show processed waste tires. I do know that WMI cut FTR off for shipping the tire bits to their facility, but I don't know the date - maybe you can find that out from WMI.

We'll be glad to go back and look to see if there is any tire bits in the sw corner in the steel pile if you'd feel more comfortable and take close up digitals and share them and reevaluate this again. If there are, we'll retract our statement and send FTR a letter overturning "steel only". Let me know. I'll await everyone's comments before we contact FTR. We have a reinspection on 12-4-03, I'll need comments that we can go to the mat on no later than the close of business day 11-13-03 to give FTR enough time if we flip our opinion. If this becomes an enforcement case, we have to be consistent and prove the citation for ELRA by the exact rule reference.

Look at the pictures, there are no tire bits that caught on fire, it was tire chips.



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FTR 10 23 03
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SC 226-6668



Lurix, Joe.vcf (4
KB)

-----Original Message-----

From: Clark, Jan Rae
Sent: Wednesday, November 05, 2003 10:57 AM
To: McGuire, Chris; Lurix, Joe; Tedder, Richard
Cc: Carpenter, Jessie; Terry A. Gray (tagray@flash.net); Clark, Jan Rae
Subject: RE: FTR

Chris,

The molten mass is a result of a very bad tire fire on this site the extent of which resulted, in part, from improper storage of tire processing residues in the pile that burned. As you recall, things are a bit different for tires. Any parts of a tire that is processed is a "processed tire" that is regulated. In the past, the districts have rightly chosen not to require FA for processed tires that are of a size and spec that makes them sellable in the marketplace. However, while stored at the processing facility, the processed tires still have to meet the storage requirements of 62-711.540. FTR did not provide proper storage on the pile that caught fire. Proper storage is not being maintained for the other metal processing residues in the pile that remains. The metals in this pile are only marketable to the steel industry if properly processed, by compressing them into appropriate sized briquettes. As they stand now, the metal piles are a significant fire liability. If a fire starts in a metals pile, it is very difficult to extinguish, as evidenced by the recent extended and difficult fire fighting effort at FTR. There is a reason to require proper storage and FA for these piles.

Jan Rae Clark

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-----Original Message-----

From: McGuire, Chris
Sent: Tuesday, November 04, 2003 11:17 AM
To: Lurix, Joe; Clark, Jan Rae; Tedder, Richard
Subject: RE: FTR

Memo #SWM 09.4 (on our web page) discusses financial assurance for recovered materials at MRFs. In essence it says that you don't have to include the costs of transportation or disposal of recovered materials as long as they are actually being recycled or are reasonably likely to be recycled within the year, that they are separated from other solid waste, and that they are not being managed so as to pose a threat to the environment. It seems to me that if this were a MRF, we wouldn't require FA for the steel pile. This isn't a MRF, but I don't know why the same "logic" wouldn't apply here. As for the molten mass, that will have to be a judgment call as to whether it has value as a recovered material without further processing. If it is a liability until the tire bits are removed, then I would say it is like a mixed waste stream and should have FA. If it could be sold as is, but is merely having value added by removing the tire bits, you could consider it a recovered material.

I don't buy the argument that the molten mass is not regulated under the tire rule. I assume that the source of this material is waste tires that were thermally processed to remove most of the combustible materials. Until and unless it is turned into scrap metal that is sold as a raw product, I think it should be considered processed tires and that the tire rule should apply to it. Now whether it is really necessary to have fire lanes around it and size limitations I don't know - depends on whether there is any chance it might burn again - but as long as it's on the site it must at least not interfere with the fire lanes around the piles of tires. I think I would agree that the pile of separated steel would not have to meet the pile size limitations or fire lanes, because the steel would no longer be considered a processed waste tire.

Just my random thoughts.

-----Original Message-----

From: Lurix, Joe
Sent: Tuesday, November 04, 2003 8:36 AM

To: Clark, Jan Rae; Tedder, Richard; McGuire, Chris
Subject: FTR

During our inspection on 10-23-03 after the fire, there is a large molten mass of steel left north of the pond and the shell rock road. This mass use to contain small bits of tires with the steel. The bits/steel were being reprocessed into steel cubes after removing the tire bits and sold to steel markets. There is also a pile of steel only in the southwest corner of the site. I told FTR that they had to bond for the molten mass and remove it as solid waste. I also told them to bond for the steel in the southwest corner of the site. FTR claims that neither the molten mass nor the steel are regulated under the tire rule and the steel pile is a recovered material and is exempt from solid waste or the tire rule. In the inspection I told FTR that they had to have fire lanes for the piles and comply with the size requirements of 62-711. FTR claims that the rule doesn't apply to the molten mass or the steel. Do you have an opinion on this?
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