



Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

REQUEST FOR ADDITIONAL INFORMATION

January 6, 2017

Dennis Mulberger, General Managing Director
Consolidated Tire Processing, LLC
3100 S. Ridgewood Unit 190
South Daytona, Florida, 32119
consolidatedtire@aol.com

Re: First Request for Additional Information (RAI)
Volusia County – Solid Waste
Site Name: Consolidated Tire Processing, LLC
Facility ID: 0310464
WACs ID 100465
DEP Application No.: 0310464-002-WT

Dear Mr. Mulberger:

Thank you for your application for Solid Waste Operation Permit Renewal for the above referenced Facility. The Department has assigned DEP Application No. 0310464-002-WT to the application. A Department staff review of the application and supporting documentation submitted on December 20, 2016, indicates the application is incomplete. Pursuant to the provisions of Rule 62-4.055, F.A.C., please provide the information in the attached document and refer to this correspondence in your response.

In order for the Department to continue processing your application, please submit the requested information as soon as possible. The Department must receive a response within 60 days of the date of this letter, February 20, 2017, unless a written request for additional time to provide the requested information is submitted and approved. Pursuant to Rule 62-4.055(1), F.A.C. and Section 120.60, F.S., failure of an applicant to provide the timely requested information by the applicable deadline may result in denial of the application. You are encouraged to contact this office to discuss the items requested to assist you in developing a complete and adequate response.

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Attachment: List of Requested Information

Consolidated Tire Processing, LLC
Facility Name: Consolidated Tire Processing, LLC
Facility ID: 0310464
WACs ID No. 100465
DEP Application No.: 0310464-002-WT

1. The application Section II C requests a permitted indoor storage capacity of 100 tons. Please confirm that this is equivalent to 10,000 tires and includes whole waste tires, baled tires, and used tires for resale.
2. The application states that Attachment items A-through F have been previously submitted in 2012. Item E requires that applicants for a waste tire processing facility submit a letter from the land owner authorizing the use of the land as a waste tire processing facility. The letter and lease agreement which was provided in 2012 states that the lease expires in February, 2017. Please provide an updated letter and lease agreement.
3. The emergency preparedness manual required by item Section III B.6 of the Application is required to be updated annually in accordance with Rule, 62-711.540(1)(e), F.A.C. The manual shall contain the following elements:
 - a. A list of names and numbers of persons to be contacted in the event of a fire, flood, or other emergency (For the FDEP Central District, use the receptionist phone number 407-897-4100 and general e-mail address: (DEP_CD@dep.state.fl.us.);
 - b. A list of the emergency response equipment at the site, its location, and how it should be used in the event of a fire or other emergency; and
 - c. A description of the procedures that should be followed in the event of a fire, including procedures to contain and dispose of the oily material generated by the combustion of large numbers of waste tires. (We recommend that the manual state contact FDEP Central District to discuss what the necessary actions will be. The actions could vary depending on the severity of the fire.)
4. Financial Assurance Cost Estimate. The \$7,100 amount (\$0.71 per tire) which the Department approved on October 26, 2016 was only for the 2016 annual cost estimate update. The electronic mail which was sent to you approving this amount directed you to provide a new cost estimate to clean up the site for the requested permitted amount of 10,000 tires on-site. (In the e-mail, we stated, "The cost of \$0.71 per tire will not be accepted because the closure cost estimate must include additional costs, not just the disposal costs.") The application included letter from Liberty Tires, dated 11/28/2016 which stated the cost to transport, process, and dispose a 53-foot trailer filled with tires would be \$1,005. The Application did not include any costs or the cost basis for the following:
 - a. Cost for loading tires onto trailers;
 - b. How many trailer loads of tires would be required to remove 10,000 tires; and
 - c. The basis for estimating how many tires would fit into a 53-foot trailer.The following website has estimation tools for waste tires:
<http://www.calrecycle.ca.gov/tires/enforcement/inspections/NumberTires.htm>
Please provide an updated Financial Assurance Cost Estimate that includes the information above.


January 6, 2017

We recommend you contact Stephen Amirault when you have the information ready to be submitted. We can review it with you to make sure it addresses all the questions.

Please submit the response in electronic format to DEP_CD@dep.state.fl.us, with a copy to stephen.amirault@dep.state.fl.us. If the file is very large, you may post it to a folder on the Central District's office's ftp site at: ftp://ftp.dep.state.fl.us/pub/incoming/Central_District/. After posting the document, send an e-mail to DEP_CD@dep.state.fl.us, with a copy to stephen.amirault@dep.state.fl.us, alerting us that it has been posted.

If you have any questions, please contact Stephen Amirault by telephone at 407-897-2942 or by e-mail at stephen.amirault@dep.state.fl.us.

Sincerely,


F. Thomas Lubozynski, P.E.
Environmental Administrator
Florida Department of Environmental Protection

v. 1.4

cc:

Brian Pohl, P.E., Universal Engineering Sciences., bpohl@UniversalEngineering.com
FDEP Central District: Tom Lubozynski, Stephen Amirault, Sirena Davila, Gloria-Jean DePradine

Attached: List of Requested Information

Indoor Storage Capacity

10,000 tires requested for indoor storage is exclusively for used tires for resale.

The approximate weight on average for passenger tires is:

20 lbs. per tire x 100 tires = 2,000 lbs. or 1 ton

10,000 tires = 100 tons

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#2

INDUSTRIAL OPPORTUNITY, LLC
c/o Selby Realty, Inc.
200 E. Granada Blvd. #207
Ormond Beach FL 32176

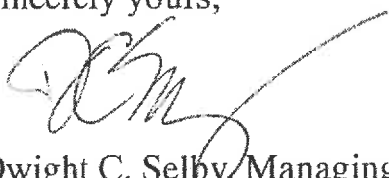
January 16, 2017

The purpose of this letter is to state a lease renewal between Industrial Opportunity, LLC, also referred to as land owner, and Consolidated Tire Processing, LLC, referred to as tenant.

Industrial Opportunity, LLC is allowing tenant to continue in the business of a waste tire processing facility, located at 3100 South Ridgewood Avenue, Unit 190, South Daytona, FL 32119.

The Lease shall be in force until February 28, 2021 per the terms of the Third Lease Amendment duly executed by Consolidated Tire Processing, LLC and Industrial Opportunity, LLC.

Sincerely yours,



Dwight C. Selby, Managing Member
Industrial Opportunity, LLC

DCS:th

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AMENDMENT TO COMMERCIAL LEASE

TENANT: **CONSOLIDATED TIRE PROCESSING, LLC**

LANDLORD: **INDUSTRIAL OPPORTUNITY, LLC**

PREMISES: **3100 S RIDGEWOOD UNIT #190, SOUTH DAYTONA , FL 32119**

The Rental Agreement which **COMMENCED April 15, 2012** is hereby **MODIFIED** as follows on the 24TH day of February, 2016:

PREMISES are expanded to **30,680 square feet** (see **EXHIBIT 2** attached).

RENT is modified per the terms on **EXHIBIT 1** attached.

TERM shall be from **MARCH 1, 2016** through **FEBRUARY 28, 2021**.

AQUATECH sub-tenancy **REVENUE** shall revert to **TENANT** effective **MARCH 1, 2016**.

PERSONAL GUARANTY of the Lease by **DENNIS MULBERGER** is hereby **ELIMINATED**.

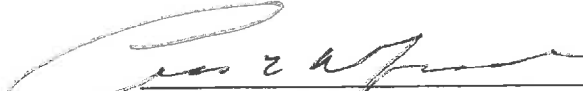
All other terms and conditions of the Lease remain unchanged.

LANDLORD:
Industrial Opportunity, LLC



By: Dwight C. Selby
Managing Member
c/o Selby Realty, Inc.
200 E Granada Blvd. Suite 304
Ormond Beach, FL 32176
386-238-4456
dselby@selbyrealty.com

TENANT:
Consolidated Tire Processing, LLC



By: Dennis Mulberger
3100 S. Ridgewood Ave. Unit #190
S. Daytona FL 32119
386-212-2048
dmulberger@cfl.rr.com

DATE: 2/24/16

DATE: 2/24/16

#13

Fire Safety Survey and Material Handling

Consolidated Tire Processing, LLC will store all tires in strict compliance with all requirements and guidelines for bulk storage of rubber tires stated by Florida Fire Brigades Safety Division.

- The distance from any roof structure to the top of the tire storage stacks will exceed 10 feet
- The distance from any light or light fixture to the tire storage stacks will exceed 10 feet
- There will be at least 10 feet clearance around paths of travel to the required exit and they will be kept clean at all times
- All tire stacks will not exceed 30 feet in area and will not exceed 8 feet in height
- All tire stacks will be at least 10 feet apart
- Unimpeded access will be maintained to first aid, additional fire fighting equipment (hose reels, extinguishers, etc.) at all times
- All tire stacks will be located at least 10 feet from any structural component of the building within which they are located

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**Consolidated Tire Processing, LLC
Emergency Preparedness Manual**

**Contact personnel in case of fire, flooding or any other act of GOD:
Dennis Mulberger, cell # 386-212-2048**

Emergency Response Equipment

The site is protected by automatic fire sprinklers covering the entire warehouse and in addition there are fire extinguishers throughout the entire storage, processing and office area.

The site has 8 fire extinguishers within the location strategically located for immediate response by the employees and staff

How to use a fire extinguisher

All fire extinguishers have a safety pin in the handle. This pin usually looks like a plastic or metal ring, sometimes colored red, that is held in place by a plastic seal. The distinctive features will vary depending on the type of fire extinguisher you have. You must break the seal and pull the safety pin from the handle before you can use the fire extinguisher by squeezing the lever which discharges the fire extinguishing agent.

- Pull the safety pin from the handle. The pin is located at the top of the fire extinguisher. Once removed, it releases the locking mechanism and you will now be able to discharge the extinguisher
- Aim the extinguisher nozzle or hose at the base of the fire. As explained, this removes the source or fuel of the fire. Keep yourself low
- Squeeze the handle or lever slowly to discharge the agent. Letting go of the handle will stop the discharge, so keep it held down
- Sweep side to side approximately 6" or 15cm over the fire until expended. The sweeping motion helps to extinguish the fire. Stand several feet or meters back from the fire. Fire extinguishers are manufactured for use from a distance
- The fire may flare up somewhat as extinguishing begins due to the flames being pushed away from the burning material (the real target) by the agent and gust of propellant. Do not be alarmed so long as it dies back promptly

Fire Extinguishing and Cleanup Procedure

In the event of a fire, assess the severity of the fire. If the fire is contained and the amount of dark smoke is minimal locate the nearest fire extinguisher to contain the fire and have someone call 911 in case the fire spreads. In the event that the fire spreads and is uncontrollable through the use of fire extinguishers, the sprinklers should automatically start. You should evacuate all personnel from the building and wait for the fire department to arrive. Explain to the fire department that the fire is being fueled by tires.

Upon the fire being extinguished the oil from the tire would have spread out over the ground. Using sand and a shovel, mix the oily material and collect it into containers and properly dispose of the soiled sand with the authorized hazardous waste collector.

In addition, if the severity is large we recommend to contact FDEP Central District at 407-897-4100 or DEP_CD@dep.state.fl.us to discuss if any additional actions will be necessary.



#4

January 16, 2017
Additional Disposal Information

The estimate for removing the 10,000 tires is based on 8 tractor trailer loads (8-53' trailers) holding approximately 1,350 tires per trailer.

Eight (8) full tractor trailer loads would have the capacity to remove and transport 10,800 tires.

The disposal letter from Liberty Recycling does not include the labor cost of loading the tires and they will not include this cost in my disposal letter.

In my case it is a small exponential cost. The cost would be as follows:

- 3 laborers for 3 hours would load 1 tractor trailer
- Labor cost per person is \$12.00 per hour, total \$36.00 x 3 people is \$108.00 per trailer.
- total labor cost \$864.00
- \$1,005.00 x 8 trailers is \$8,040.00 \$864.00 in labor is a total of \$8,904.00

New disposal cost per tire is .89 cents per tire

With your departments approval of the above, an additional \$1,804.00 would be required to add into my Regions Bank Trust Account

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SOUTH DAYTONA FIRE DEPARTMENT FIRE SAFETY INSPECTION

1672 South Ridgewood Avenue, South Daytona, FL 32119 – 386-322-3033

Date 5-6-16 Reinspection Date _____
Business Address 3100 S. US-1 #190 Phone Number 386-212-2048
Name of Business Consolidated Tire Owner/Manager Dennis Mulberger

NOTICE OF FIRE SAFETY HAZARDS: You are hereby notified that an inspection of your premises has disclosed the following fire safety hazards and/or violations. This inspection is not necessarily conclusive and does not preclude the possibility of other violations being disclosed upon further inspection.

- ☐ 1. All buildings shall be provided with numbers of addresses that are plainly and legible from the street or roadway.
- ☐ 2. Post current City Business Tax Receipt: CITY ORD. SECT. 16-11
- ☐ 3. When business has a Knox Box, verify Keys: _____
- ☐ 4. Fire Extinguishers shall be a minimum of a 3A40BC, wall mounted, conspicuously located, accessible, Inspected & Certified by licensed fire Equipment Company annually. Date 6-2015
- ☐ 5. Fire walls, stops and partitions shall be maintained.
- ☐ 6. Storage shall be maintained 24" from the ceiling in NONsprinklered areas, 18" in sprinklered areas. NFPA 1 10.19.3.1
- ☐ 7. Ceiling tiles shall be kept in place - no broken, missing or holes are allowed.
- ☐ 8. Doors shall be arranged as to be readily opened from the egress side at all times when the building is occupied. Locks shall not require the use of a key or tool or special knowledge from the inside of the building.
- ☐ 9. Provide a visible, durable sign on the egress side of the rear door stating: THIS DOOR TO REMAIN UNLOCKED WHEN BUSINESS IS OCCUPIED. This sign shall be in letters not less than 1" high with a contrasting background.
- ☐ 10. Means of egress shall be continuously maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency. NFPA 1:14.4.1
- ☒ 11. Install/Repair an approved internally lighted EXIT sign
- ☒ 12. Install/Repair an approved EMERGENCY lighting system.
- ☐ 13. Extension cords shall not be used as a substitute for permanent wiring, extended through walls, ceilings, floors, under doors or floor coverings. NFPA 1 11.1.5
- ☒ 14. No storage in exit egress, including under stairs.
- ☐ 15. Multiplug adapters, cube, strip plugs and other devices shall be listed and used in accordance with their listing. NFPA 1 11.1.5.1
- ☐ 16. A minimum of 36" of clearance shall be provided in front of electrical control panels for access. NEC 110.26
- ☐ 17. Each circuit breaker shall be marked to indicate its purpose, with no open breaker spaces.
- ☐ 18. Automatic extinguishing hood systems shall be inspected & certified by a licensed fire systems company after (6) months. NFPA 1 50.5.3 Date last inspected _____
- ☐ 19. The entire Hood system shall be inspected & cleaned for grease buildup by a certified & licensed fire systems company. Date last cleaned _____
- ☐ 20. All fire alarm systems shall be inspected and certified yearly by a licensed fire alarm company, per NFPA 72. Date 7-2015
- ☐ 21. All fire sprinkler systems shall be inspected and certified yearly, by a licensed fire sprinkler company, per NFPA 25. Date last inspected 7-2015
- ☐ 22. All fire pump systems shall be inspected and certified yearly by a licensed fire systems company. Date 7-2015
- ☐ 23. All compressed gas cylinders in service or storage shall be adequately secured to prevent from falling or being knocked over. Each cylinder shall be marked with the name of the gas contained within.
- ☐ 24. Where the quality of liquid in 5 gallon and smaller containers exceeds a total of 10 gallons, it shall be stored in a storage cabinet. Storage Cabinet shall be marked "Flammable" in 3" high letters in contrasting color.
- ☐ 25. All combustible rubbish, oil rags or waste material when kept in a building shall be securely stored in a metal receptacle equipped with tight-fitting lid.

Remarks: #11, #12 - All exit & emergency lights need to operate correctly
#14 - remove all items from exit corridor

ORDER TO COMPLY: As such conditions are contrary to law, you are hereby required to correct said conditions immediately upon receipt of this notice. A reinspection to determine whether you have complied will be conducted on or after _____. Failure to comply with the foregoing order may render you liable to the penalties provided by law for such violations. Any questions regarding this inspection should be directed to the **City of South Daytona Fire Inspector**, 386-322-3033, FAX 386-322-3038.

Owner/Company Representative [Signature] Inspection Officer [Signature] / E. JARVIS