



# FLORIDA DEPARTMENT OF Environmental Protection

CENTRAL DISTRICT OFFICE  
3319 MAGUIRE BLVD., SUITE 232  
ORLANDO, FLORIDA 32803

Ron DeSantis  
Governor

Jeanette Nuñez  
Lt. Governor

Noah Valenstein  
Secretary

February 6, 2019

## NOTICE OF PERMIT

In the matter of an  
Application for Permit By:

Natacha Lago, Plant Manager  
Suwannee American Cement Company, LLC  
4750 East County Road 470  
Sumterville, Florida 33585  
[nlago@am-cem.com](mailto:nlago@am-cem.com)

Sumter County –WACS 98523  
Suwannee American Cement Company Waste Tire Processing Facility  
DEP Application No.: 0297136-003-WT

Dear Ms. Lago:

Enclosed is Permit Number 0297136-WT to operate a Waste Tire Processing Facility at the above referenced facility, issued under Section 403.061(14) and 403.707, of the Florida Statutes.

Any party to this order (permit) 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 of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, 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 days after this notice is filed with the Clerk of the Department.

### EXECUTION AND CLERKING

Executed in Orlando, Florida

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

A handwritten signature in black ink, appearing to read "NH 7L", is written over a horizontal line.

Nathan Hess  
Permitting and Waste Cleanup  
Program Administrator

February 6, 2019

Attachment: Permit No. 0297136-003- WT

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this permit and all copies were sent on the filing date below to the following listed persons:

Natacha Lago, Plant Manager, Suwannee American Cement Company, LLC: [nlago@am-cem.com](mailto:nlago@am-cem.com)

George Townsend, Environmental Manager, Suwannee American Cement Company, LLC,  
[george.townsend@sacement.com](mailto:george.townsend@sacement.com)

Dr. Maxwell R. Lee, P.E., Koogler and Associates, Inc., [mlee@kooglerassociates.com](mailto:mlee@kooglerassociates.com)

Tammy Garcia, Koogler and Associates, Inc., [tgarcia@kooglerassociates.com](mailto:tgarcia@kooglerassociates.com)

FDEP, Central District: Lu Burson, Jason Seyfert, Stephen Amirault

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

February 6, 2019

Date

# NOTICE OF PERMIT- SOLID WASTE



Permit issued to:

Natacha Lago, Plant Manager  
[nlago@am-cem.com](mailto:nlago@am-cem.com)  
Suwannee American Cement Company  
P.O. Box 445  
Sumterville, Sumter County, Florida 33585

WACS Facility ID No. 98423  
Suwannee American Cement Tire Processing Facility  
4750 East County Road 470  
Sumterville, Sumter County

Solid Waste Operation Permit – Waste Tire Processing Facility  
Permit No. 029136-003-WT  
Replaces Permit No. 0297136-002-WT-02

Permit Issued: February 6, 2019  
Permit Expiration Date: April 7, 2024  
Permit Renewal Application Due Date: February 6, 2024 (61 days prior to expiration)

## **Permitting Authority:**

Florida Department of Environmental Protection  
Central District  
Permitting and Waste Cleanup Program  
3319 Maguire Boulevard  
Orlando, Florida 32803  
Telephone: 407-897-4100  
DEP\_CD@dep.state.fl.us

## **Compliance Authority:**

Florida Department of Environmental Protection  
Central District  
Compliance Assurance Program  
3319 Maguire Boulevard  
Orlando, Florida 32803  
Telephone: 407-897-4100  
DEP\_CD@dep.state.fl.us

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## **SECTION I: PROJECT INFORMATION**

### **A. Authorization**

The permittee is hereby authorized to operate a waste tire processing facility shown on the application and described below in accordance with the specific and general conditions of this permit and any documents attached to this permit or specifically referenced in this permit and made a part of this permit.

This Waste Tire Processing Facility Operation permit is issued under the provisions of Chapter 403, Florida Statutes, (F.S.), and Chapters 62-4 and 62-701, Florida Administrative Code, (F.A.C.).

This permit does not relieve the permittee from complying with any other appropriate local zoning or land use ordinances or with any other laws, rules or ordinances. Receipt of any permits from the Department does not relieve the applicant from obtaining other federal, state, and local permits and modifications required by law, including those from other Sections within the Department or of the applicable Water Management District.

### **B. Description and Location**

The American Cement Plant produces Portland cement using a dry process kiln with a preheater and calciner. The cement kiln is authorized to burn tires and tire-derived fuel as a supplemental fuel. Pre-sorted tires are delivered to the facility from a single contractor in container trailers. Tires are not cut or shredded onsite. The organic components of the tires are combusted in the high-temperature kiln, providing heat value (Btu's) to the process. The inorganic components are incorporated into the kiln production (cement clinker). The anticipated planned daily throughput is 60 tons per day and the planned annual throughput is 21,900 tons per year. Actual operating rates may vary depending on business conditions.

The facility is located at 4750 East County Road 470, Sumterville, in Section 8, Township 20S, Range 23E, in Sumter County, Florida (Latitude 28° 45' 38"N and Longitude 82° 01' 35"W).

### **C. Appendices Made Part of this Permit**

APPENDIX 1 – List of Approved Documents Incorporated into the Permit

### **D. Attachments for Information Purposes Only**

ATTACHMENT 1 - Facility Permit History

## **SECTION II: GENERAL CONDITIONS**

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.161, 403.727, or 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of rights, nor any infringement of federal, State, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from

penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
  - a. Have access to and copy any records that must be kept under conditions of the permit;
  - b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
  - c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

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

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
  - a. A description of and cause of noncompliance; and
  - b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

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

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
11. This permit or a copy thereof shall be kept at the work site of the permitted activity.
12. The permittee shall comply with the following:
  - a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
  - b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
  - c. Records of monitoring information shall include:
    1. the date, exact place, and time of sampling or measurements;
    2. the person responsible for performing the sampling or measurements;
    3. the dates analyses were performed;
    4. the person responsible for performing the analyses;

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5. the analytical techniques or methods used;
  6. the results of such analyses.
13. 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.

### **SECTION III: SPECIFIC CONDITIONS**

#### **A. Administrative Requirements**

- A.1.** Documents Part of This Permit. The permit application as revised in final form replaced or amended in response to the Department's Request(s) for Additional Information are contained in the Department's files and are made a part of this permit. Those documents that make up the complete permit application are listed in APPENDIX 1.
- A.2.** Permit Modification. Any change to construction, operation, monitoring, or closure requirements of this permit may require a modification to this permit, in accordance with the provisions of Rule 62-701.320(4), F.A.C.
- A.3.** Permit Renewal. In order to ensure uninterrupted operation of this facility, a timely and sufficient permit renewal application must be submitted to the Department in accordance with Rule 62-701.320(10), F.A.C. A permit application submitted at least 61 days prior to the expiration of this permit is considered timely and sufficient.
- A.4.** Transfer of Permit or Name Change. In accordance with Rule 62-701.320(11), F.A.C., and Rule 62-4.120, F.A.C., the Department must be notified by submitting Form 62-701.900(8) within 30 days: (a) of any sale or conveyance of the facility; (b) if a new or different person takes ownership or control of the facility; or (c) if the facility name or permittee's legal name is changed.

#### **B. Construction Requirements**

This Permit does not authorize any construction activities.

#### **C. Operation Requirements**

- C.1.** General Operating Requirements. The Permittee shall operate the Waste Tire Processing facility in accordance with the approved Operation Plan as listed in the Application (Appendix 1 – Reference 1, Attachment 5). The Department shall be notified before any changes, other than minor deviations, to the approved Operation Plan are implemented in order to determine whether a permit modification is required.
- C.2.** Operation Plan. A copy of the approved Operation Plan, including the operating record as defined in Rule 62-701.500(3), F.A.C., shall be kept at the facility and shall be accessible to facility operators.
- C.3.** Authorized Waste Types. The facility is authorized to manage only the following waste types:
  - a. Whole waste tires as defined in Rule 62-701.200, F.A.C.
  - b. Other Wastes Specifically Authorized: None
- C.4.** Unauthorized Waste Types. The facility is not authorized to accept, process or dispose any waste types not listed in C.3. above. Any unauthorized waste inadvertently received by the facility shall be managed in accordance with the approved Operation Plan.
- C.5.** Maximum Storage Quantities. The maximum storage for whole waste tires at the facility, shall not exceed 80.4 tons in accordance with Rule 62-711.530(2), F.A.C.
- C.6.** Facility Capacity. If the facility has reached its permitted capacity for storage of waste tires, the permittee shall not accept additional waste tires until sufficient capacity has been restored

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- C.7. Storage and Management.** All waste tires will be stored outdoors in closed containers and indoors in the tire handling system. Storage shall meet the fire department's standards along with the applicable storage requirements cited in Rule 62-711.540, F.A.C.
- C.8. Emergency Preparedness Plan and Notification of Emergencies.** The Permittee shall notify the Department in accordance with the approved Emergency Preparedness Plan (Appendix 1 – Reference 1, Attachment 6). Notification shall be made to the Permitting and Waste Cleanup Program of DEP's Central District Office at (407) 897-4100 and **DEP\_CD@dep.state.fl.us**.
- C.9. Notification of Emergencies** The operator of the site shall immediately notify the Department at **DEP\_CD@dep.state.fl.us** in the event of a fire or other emergency which poses an unanticipated threat to the public health or the environment. Within two weeks of any emergency, the operator of the site shall submit to the Department a written report on the emergency. This report shall describe the origins of the emergency, the actions that were taken to deal with the emergency, the results of the actions that were taken, and an analysis of the success or failure of the actions [Rule 62-711.540(1)f].
- C.10. Operations Involving Use of Open Flames.** No operations involving the use of open flames shall be conducted within 25 feet of a waste tire pile [Rule 62-711.540(1)(b), F.A.C].
- C.11. Processing Requirements.** At least 75% of the whole tires and used tires that are delivered to or are contained on the site at the beginning of each calendar year must be processed and removed for disposal or recycling from the facility during the year, or disposed in a permitted solid waste management facility [Rule 62-711.530(3), F.A.C.].
- C.12. Record Keeping and Quarterly Reporting Requirements.** Owners or operators of waste tire processing facilities shall submit quarterly reports to the Department that summarize collection and disposal information under Rule 62-711.530(4), F.A.C. The reports shall be submitted on DEP Form 62-701.900(21), on the 20<sup>th</sup> of the month following the close of each calendar quarter as required by Rule 62-711.530(5), F.A.C., to the Compliance Authority at DEP\_CD@dep.state.fl.us [Rule 62-711.530(4), F.A.C].
- C.13. Fire Safety Survey.** A fire safety survey shall be conducted at least annually by the local fire protection authorities. The survey report shall be made part of the next quarterly report in Specific Condition Section **III.C.12** (previous Condition) [Rule 62-711.540(1)(d), F.A.C.].

#### **D. Water Quality Monitoring Requirements**

There are no water quality monitoring requirements for this facility.

#### **E. Gas Management System Requirements**

There are no gas management requirements for this facility.

#### **F. Financial Assurance and Cost Estimates**

- F.1. Financial Assurance Mechanism.** The permittee shall maintain, in good standing, the financial assurance mechanism established to demonstrate proof of financial assurance. Support documentation and evidence of financial assurance increases shall be submitted within the time frames specified in Rule 62-711.500(3), F.A.C.

All submittals in response to this specific condition shall be sent to:

Florida Department of Environmental Protection  
Financial Coordinator - Solid Waste Section  
2600 Blair Stone Road, MS 4548  
Tallahassee, Florida 32399-2400

- F.2. Annual Cost Estimates.** The permittee shall annually adjust the closing cost estimate in accordance with Rule 62-711.500(3), F.A.C. The owner or operator shall submit the annual cost estimate at least 60 days prior to the anniversary date of their financial assurance mechanism. In this case, the annual cost estimate is due by November 20<sup>th</sup> each year (original financial assurance bond was submitted on January 19, 2010).

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Facility Name: Facility

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All submittals in response to this specific condition shall be sent to the District Office at **DEP\_CD@dep.state.fl.us** and a copy to the address identified in Specific Condition F.1. or to the following email address: [Solid.Waste.Financial.Coordinator@dep.state.fl.us](mailto:Solid.Waste.Financial.Coordinator@dep.state.fl.us).

#### **G. Closure Requirements**

- G.1.** Closure Requirements. At least 30 days prior to receiving the final waste tire shipment, the owner or operator shall notify the Department in writing prior to ceasing operations, and shall specify a closing date. No additional waste tires shall be received by the facility after the closing date.
- G.2.** Within 30 days after receiving the final waste tire shipment, the owner or operator shall remove or otherwise dispose of all waste tires in accordance with the closure operations (Appendix 1 Reference 1 Attachment 8). The owner or operator shall certify in writing to the Department when disposal of all waste tires is complete.

#### **H. Long Term Care Requirements**

There are no Long Term Care requirements for this facility.

### **SECTION IV: NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

#### Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at **Agency\_Clerk@dep.state.fl.us**. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Permittee Name: Name  
Facility Name: Facility

Permit No.: **029136-003-WT**  
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#### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 14-days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14-days of publication of the notice or within 14- days of receipt of the written notice, whichever occurs first. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

#### Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us), before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

#### Mediation

Mediation is not available in this proceeding.

#### Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, 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 must be filed within 30 days from the date this action is filed with the Clerk of the Department.

### **SECTION V. EXECUTION AND CLERKING**

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



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Nathan Hess  
Permitting and Waste Cleanup  
Program Administrator

Permittee Name: Name  
Facility Name: Facility

Permit No.: **029136-003-WT**  
WACs Facility ID: WACs

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

George Townsend, Environmental Manager, SuwanneeAmerican Cement Company, LLC,  
([george.townsend@sacement.com](mailto:george.townsend@sacement.com))

Dr. Maxwell R. Lee, P.E., Koogler and Associates, Inc., [mlee@kooglerassociates.com](mailto:mlee@kooglerassociates.com)

Tammy Garcia, Koogler and Associates, Inc., [tgarcia@kooglerassociates.com](mailto:tgarcia@kooglerassociates.com)

FDEP, Central District: Lu Burson, Jason Seyfert, Stephen Amirault

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.



**Clerk**

February 6, 2019

**Date**

Permittee Name: Name  
Facility Name: Facility

Permit No.: **029136-003-WT**  
WACs Facility ID: WACs

## **SECTION VI Appendix 1: List of Documents Incorporated into this Permit**

### **List of Documents Associated with Permit 029136-003-WT**

1. Application for a Waste Tire Processing Facility Permit for the Suwannee American Cement Tire Processing Facility, prepared by Koogler and Associates, Inc. dated January 14, 2019. Electronic copy received January 14, 2019, DEP – Central District.
2. Application Complete letter dated January 29, 2019

## **Permit History Log**

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Facility: American Cement Company, Waste Tire Processing Facility

Permittee: American Cement Company, LLC

WACS #: 98523

County: Sumter

Site ID #: 0297136

| <b>Permit Type</b> | <b>Project Number</b> | <b>Permit Sub-Type</b> | <b>Facility Type</b>           | <b>Issued Date</b> | <b>Expiration Date</b> | <b>Comments</b>   |
|--------------------|-----------------------|------------------------|--------------------------------|--------------------|------------------------|---|
| WT                 | 001                   | 02                     | Waste Tire Processing Facility | 4/7/2010           | 04/07/2015             | Application received 08/20/2009. Approval of initial Waste Tire Processing facility operations. Maximum tire storage approved at 80.4 tons      |
| WT                 | 002                   | 02                     | Waste Tire Processing Facility | 10/24/2014         | 04/07//2019            | Application received 10/06/2014. Renewal of Waste Tire Processing facility permit. Maximum tire storage approved at 80.4 tons.                  |
| WT                 | 003                   | 02                     | Waste Tire Processing Facility | 02/6/2019          | 04/07/2024             | Current Project. Application received 01/14/2019. Renewal of Waste Tire Processing facility permit. Maximum tire storage approved at 80.4 tons. |

The American Cement Plant produces Portland cement using a dry process kiln with a preheater and calciner. Approximate throughput capacity is 60 tons per day, maximum storage is 80.4 tons

Entrance – Latitude is: 28° 45' 38" North; and, Longitude is: 82° 01' 35" West