



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

March 15, 2019

NOTICE OF PERMIT

In the matter of an
Application for Permit By:

Vince Contestable, President
Empire Tire of Edgewater, LLC
4888 W. Colonial Drive
Orlando, Florida 32808
empiretire@hotmail.com

Orange County –WACS 95062
Empire Tire of Edgewater Waste Tire Processing Facility
DEP Application No.: 0287891-003-WT

Dear Mr. Contestable:

Enclosed is Permit Number 0287891-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 "Reggie Phillips", is written over a horizontal line.

Reggie Phillips
Environmental Administrator
Permitting and Waste Cleanup Program

Attachment: Permit No. 0287891-003-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:

Carlos A Moreno, PE, carlosmorejus@gmail.com
Clifton McFadden, Empire Tire, empiretire@hotmail.com
FDEP, Central District: Reggie Phillips, Sirena Davila, Randall Cunningham

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.

Mandakini Patel
Clerk

March 15, 2019
Date

NOTICE OF PERMIT- SOLID WASTE



Permit issued to:

Vince Contestable, President
empiretire@hotmail.com
Empire Tire of Edgewater, LLC
4888 W. Colonial Drive
Orlando, Florida 32808

WACS Facility ID No. 95062
Empire Tire of Edgewater
4888 W. Colonial Drive
Orlando, Orange County, Florida

Solid Waste Operation Permit – Waste Tire Processing Facility
Permit No. 0287891-003-WT
Replaces Permit No. 0287891-002-WT

Permit Issued: March 15, 2019
Permit Expiration Date: March 14, 2024
Permit Renewal Application Due Date: January 13, 2024(61 days prior to expiration)

Permitting Authority:

Florida Department of Environmental Protection
Central District
Permitting 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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Permittee Name: Empire Tire of Edgewater, LLC
Facility Name: Empire Tire of Edgewater

Permit No.: **0287891-003-WT**
WACs Facility ID: 95062

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 above named permittee is hereby authorized for the following operations:

- To operate a waste tire processing facility.
- Processing involves storage and sorting of whole waste tires and tire chips.
- All storage and operations are performed outdoors and under cover.
- On-site waste tire storage capacity is 825 tons and includes whole waste tires, used tires for resale, and tire chips. See Section 2.C.4 for a breakdown of the quantities.

The facility is located at 4888 W. Colonial Drive, Orlando, in Section 30, Township 22 South, Range 29 East, in Orange County, Florida (Latitude 28.550145° and Longitude -81.442559°).

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

Permittee Name: Empire Tire of Edgewater, LLC
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Permit No.: **0287891-003-WT**
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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.

Permittee Name: Empire Tire of Edgewater, LLC
Facility Name: Empire Tire of Edgewater

Permit No.: **0287891-003-WT**
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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;
 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.

Permittee Name: Empire Tire of Edgewater, LLC
Facility Name: Empire Tire of Edgewater

Permit No.: **0287891-003-WT**
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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, Part III). 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:
- Whole waste tires as defined in Rule 62-701.200, F.A.C.
- 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 at the facility for whole waste tires, including used tires for re-sale and tire chips shall be 825 tons in accordance with Rule 62-711.530(2), F.A.C. in the following quantities:
- | | |
|------------------------|---------------------------------------|
| Whole Waste Tires | 200 Tons |
| Processed Tires | 500 Tons |
| Residuals | 125 Tons |
| Used Tires for Re-Sale | Maximum of 5% of the daily collection |
- 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.
- 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].

Permittee Name: Empire Tire of Edgewater, LLC
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Permit No.: **0287891-003-WT**
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- 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 20th 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 June 6 of their financial assurance mechanism.

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.

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.

Permittee Name: Empire Tire of Edgewater, LLC
Facility Name: Empire Tire of Edgewater

Permit No.: **0287891-003-WT**
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- 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 part III (C)). The owner or operator shall certify in writing to the Department when disposal of all waste tires is complete.
- G.3.** Certification of Closure Completion. The owner or operator shall certify in writing to the Department when closure 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: Empire Tire of Edgewater, LLC
Facility Name: Empire Tire of Edgewater

Permit No.: **0287891-003-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, 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



Reggie Phillips
Environmental Administrator
Permitting and Waste Cleanup Program

Permittee Name: Empire Tire of Edgewater, LLC
Facility Name: Empire Tire of Edgewater

Permit No.: **0287891-003-WT**
WACs Facility ID: 95062

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:

Carlos A Moreno, PE, carlosmorejus@gmail.com

Clifton McFadden, Empire Tire, empiretire@hotmail.com

FDEP, Central District: Reggie Phillips, Sirena Davila, Randall Cunningham

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.

Mandakini Patel
Clerk

March 15, 2019
Date

Permittee Name: Empire Tire of Edgewater, LLC
Facility Name: Empire Tire of Edgewater

Permit No.: **0287891-003-WT**
WACs Facility ID: 95062

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

List of Documents Associated with Permit 0287891-003-WT

1. Application for a Waste Tire Processing Facility Permit for the Empire Tire Processing Facility, prepared by Carlos A. Moreno, PE. dated November 20, 2018. Electronic copy received November 29, 2018, DEP – Central District.
2. Request for Additional letter dated December 20, 2018
3. Response to RAI received February 22, 2019

Permit History Log

Facility: Empire Tire of Edgewater Waste Tire Processing Facility

Permittee: Empire Tire of Edgewater, LLC

WACS #: 95062

County: Orange

Site ID #: 0287891

| Permit Type | Project Number | Permit Sub-Type | Facility Type | Issued Date | Expiration Date | Comments |
|--------------------|-----------------------|------------------------|--------------------------------|--------------------|------------------------|--|
| WT | 001 | 02 | Waste Tire Processing Facility | 11/13/2008 | 10/17/2013 | Approval of initial Waste Tire Processing facility operations. Maximum tire storage approved at 825 tons |
| WT | 002 | 02 | Waste Tire Processing Facility | 12/27/2013 | 12/12/2018 | Renewal of Waste Tire Processing facility permit. Maximum tire storage approved at 825 tons. |
| WT | 003 | 02 | Waste Tire Processing Facility | 03/15/2019 | 03/14/2024 | Current Project. Application received 11/29/2018. Renewal of Waste Tire Processing facility permit. Maximum tire storage approved at 825 tons. |

Latitude 28.550145° and Longitude -81.442559°