



FLORIDA DEPARTMENT OF Environmental Protection

South District
PO Box 2549
Fort Myers FL 33902-2549
SouthDistrict@FloridaDEP.gov

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

January 15, 2020

In the Matter of an
Application for Permit by:

Garden Street Iron & Metal Inc. S.W. Florida
Robert Weber
3350 Metro Parkway
Fort Myers, Florida 33916
rob@gsimrecycling.com

Lee County – Solid Waste
WACS No.: 98386
Garden Street Waste Tire Facility
Permit No: 296251-004-WT/02

NOTICE OF PERMIT ISSUANCE

Enclosed is Permit Number 0296251-004 to operate the Garden Street Iron & Metal Waste Tire Processing Facility. The waste tire processing facility is part of a larger recycling facility at the 3350 Metro Parkway, Fort Myers in Lee County. This permit is issued under 62-711, Florida Administrative Code and Chapter 403, Florida Statutes

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, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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 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.

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. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a), F.A.C.

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. If you do not publish notice of this action, this waiver may not apply to persons who have not received a clear point-of-entry.

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.

EXECUTION AND CLERKING

Executed in Ft. Myers, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Jon M. Iglehart

Director of District Management

Attachment:

Permit No. 296251-004

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:

William T. Keene, P.E. info@keenefl.com

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

January 15, 2020

Date



FLORIDA DEPARTMENT OF Environmental Protection

South District
PO Box 2549
Fort Myers FL 33902-2549
SouthDistrict@FloridaDEP.gov

Ron DeSantis
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Secretary

Permit Issued to:

Garden Street Iron & Metal Inc. S.W. Florida
3350 Metro Parkway
Fort Myers, Florida 33916
(239) 337-5865
rob@gsimrecycling.com

Facility WACS ID No.: 98386
Garden Street Iron & Metal Waste Tire Processing Facility
3350 Metro Parkway
Fort Myers, Lee County, Florida

Contact Person:
Robert Weber
(239) 337-5865
rob@gsimrecycling.com

Solid Waste Operation Permit – Waste Tire Processing Facility
Permit No.: 296251-004-WT/02

Permit Issued: January 15, 2020
Permit Expires: January 14, 2025

Permitting Authority
Florida Department of Environmental Protection
South District
2295 Victoria Avenue, Suite 364
Fort Myers, Florida 33901
(239) 344-5600
SouthDistrict@dep.state.fl.us

SECTION 1 - SUMMARY INFORMATION

A. Authorization

The permittee is hereby authorized to operate a waste tire processing facility operate a waste tire collection center 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 solid waste permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-701, and 62-711.

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 permit from the Department does not relieve the applicant from obtaining other federal, state, and local permits and/or modifications required by law, including those from other sections within the Department or of the Water Management District.

B. Facility Location

The facility is located at 3350 Metro Parkway, Fort Myers, in Section 30, Township 44S, Range 25E, in Lee County, Florida (Latitude 26°37'04"N and Longitude 81°51'14" W).

C. Facility Description

This waste tire processing facility shreds waste tires to produce clean tire shred suitable for recycling and to allow the tires to be disposed in landfills. The facility receives tires from the public and from waste tire collectors. Also, tires are received from the scrap metal recycling operations at the site. Tires that remain on the automobiles to scrap are not counted as waste tires. The anticipated average waste tire processing rate for this facility is 14 tons per day. Actual operating rates will vary depending on business conditions.

D. Appendices Made Part of This Permit

APPENDIX 1 - General Conditions

SECTION 2 - SPECIFIC CONDITIONS

A. Administrative Requirements

1. Documents Part of This Permit. The appendices are attached to and are a part of this permit. Where there are conflicts with the permit and the attached documents, the specific conditions of this permit supersede any procedure or requirement given in the appendices. *[62-4.160 and 62-711.540(1)(e), F.A.C.]*
2. Permit Modification. The Department shall be notified before any change from the construction or operation described in the application, other than minor deviations, in order to determine whether a permit modification is required. *[62-711.300(2), F.A.C.]*
3. Permit Renewal.
 - a) The permittee shall submit an application to renew this permit prior to 60 days before the expiration date of this permit.
 - b) The application shall be submitted on [Form 62-701.900\(23\)](#), Waste Tire Processing Facility Permit Application. *[62-701.550(2), F.A.C.]*
4. Transfer of Permit or Name Change.

- a) The Department shall be notified in writing within 30 days of any sale or conveyance of the facility; if a new or different person takes ownership or control of the facility; or if the facility name is changed.
 - b) The notice shall be submitted on [Form 62-701.900\(8\)](#), Application for Transfer of Permit or Notification of Name Change.
[62-701.320(11), F.A.C.]
5. Submittal. Unless specified elsewhere in this permit, all submittals shall be mailed to SouthDistrict@dep.state.fl.us.

B. Operation Requirements

1. General Operating Requirements. The Permittee shall operate the facility in accordance with application documents. *[62-711.530, F.A.C.]*
2. Authorized Waste and Material Types. The facility is authorized to manage only waste tires as defined in Rule 62-701.200, F.A.C.
3. Unauthorized Waste Types. The facility is not authorized to accept or manage any waste types not listed in B.2., above. Any unauthorized waste inadvertently received by the facility shall be disposed to an appropriate waste management facility. *[62-701.300(1)(a), F.A.C.]*
4. Maximum Storage Quantities. The maximum permitted storage capacities of the facility are:

a) Whole waste tires (including Used Tires):	16,000 tires
b) Used tires	10,000 tires
c) Processed tires:	11,900 sq. ft. (100 tons)

[62-711.530(2), F.A.C.]
5. Facility Capacity. The facility shall not accept any waste tires for processing if it has reached its permitted storage limit for any category of waste tires, or if the number of waste tires on the site exceeds the quantity estimate in the closing cost estimate. *[62-711.530(2), F.A.C.]*
6. Storage and Management. A tire pile shall mean a pile of whole tires or processed tires.
 - a) Used tires shall be stored separately from other waste tires.
 - b) Tires shall not be stored outside of the perimeter berm.
 - c) All waste tires shall be stored outdoors.
 - d) Each tire pile shall not be greater than 10,000 square feet in area.
 - e) Tire piles shall not be greater than 50 feet in width and 15 feet in height.
 - f) The permittee shall provide for control of mosquitos and rodents.*[62-711.540, F.A.C.]*
7. Processing Requirements.
 - a) At least 75 percent of whole tires, used tires and processed tires that are on site of the facility at the beginning of each calendar year shall be processed and removed for disposal or recycling during the year.
 - b) Processed tires shall be cut into 8 substantially equal pieces or more.*[62-711.530(3), F.A.C.]*
8. Public Management.
 - a) A sign shall be posted at the entrance of the site stating operating hours, cost of disposal and site rules.
 - b) Access to the site shall be controlled through the use of doors, fences or gates.
 - c) An attendant shall be present when the site is open for business.*[62-711.540(1), F.A.C.]*
9. Record Keeping. The permittee shall record and maintain the following records for three years and shall make them available for inspection by the Department during normal business hours:

- a) The name and waste tire collector registration number of all waste tire collectors who accepts waste tires for transport from the facility or delivers waste tires to the facility.
- b) The quantity of waste tires shipped and received with each collector.
- c) For waste tires that were shipped or if more than five waste tires were delivered by 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.
- d) The quantity and type of waste tires removed for recapping, and the name and location of the recapping facility receiving the tires.

[62-711.530(4), F.A.C.]

10. Quarterly Reports.

- a) The permittee shall submit quarterly reports to the Department by the 20th of the month following the close of each calendar quarter that summarize the information collected under the Recordkeeping Specific Condition.
- b) the report shall be submitted to the Department on [Form 62-701.900\(21\)](#), Waste Processing Facility Quarterly Report.
- c) The quarterly report shall be submitted by the 20th of the month following the close of each calendar quarter.

[62-711.530(5), F.A.C.]

11. Fire Prevention.

- a) No operations involving the use of open flames shall be conducted within 25 feet of a waste tire pile.
- b) The permittee shall maintain communication equipment to assure that the site operator can contact local fire protection authorities in case of a fire.
- c) The approach and access road to the site shall be kept passable for any motor vehicle at all times.
- d) A 50-foot fire lane shall be placed around the perimeter of each outdoor tire pile.
- e) The perimeter fire lane must be unobstructed at all times.
- f) The site shall be kept free of grass, underbrush, and other potentially flammable vegetation at all times.
- g) The temperature of piles of compacted, processed tires above ten feet in height shall be monitored and kept below 300°F.
- h) A fire safety survey shall be conducted at least annually and submitted with the next Quarterly Report.

[62-711.540 F.A.C.]

12. Contingency Plan and Notification of Emergencies.

- a) The operator of the site shall keep at the site an emergency preparedness manual. The permittee shall keep a copy of the current manual at an off-site location.
- b) The manual shall contain:
 - i. A list of names and numbers of persons to be contacted in the event of a fire, flood, or other emergency;
 - ii. 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
 - iii. 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.
- c) The manual shall be updated at least once a year and upon changes in operations at the site.
- d) The Permittee shall notify the Department immediately in the event of a fire or other emergency which poses an unanticipated threat to the public health or environment. Notification shall be made to the Department's South District at (800) 320-0519.

- e) Within two weeks of any emergency, the operator shall submit to the Department a written report that describes:

- i. The Origins of the emergency,
- ii. The actions that were taken to deal with the emergency,
- iii. The results of the actions, and
- iv. An analysis of the success or failure of the actions.

[62-711.540(1)(f), F.A.C.]

D. Financial Assurance and Cost Estimates

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

2. Annual Cost Estimates.

- a. The permittee shall submit a closing cost estimate for the quantity of waste tires on their site or the quantity of waste tires that they are permitted to have on their site, whichever is greater.
- b. The cost estimate shall be the amount that would be expended to remove, process, and dispose of waste tires on the site and to close the site.
- c. The costs shall be based on a third party, who is not a subsidiary or parent company, performing the work, reported on a per unit basis.
- d. Quantity estimates shall be certified by a Professional Engineer.
- e. The cost estimate shall be re-estimated at least annually and submitted to the Department at least 60 days prior to the anniversary date of the instrument.
- f. All submittals in response to this specific condition shall be sent to SouthDistrict@dep.state.fl.us and Solid.Waste.Financial.Coordinator@dep.state.fl.us.

[62-711.500(3), F.A.C.]

Executed in Fort Myers, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jon M. Iglehart
Director of District Management

APPENDIX 1

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, 403.727, 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.
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 403.987(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 this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and 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, 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.
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. 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 non-compliance 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 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.

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.