



# FLORIDA DEPARTMENT OF Environmental Protection

Southwest District Office  
13051 North Telecom Parkway #101  
Temple Terrace, Florida 33637-0926

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

March 5, 2020

Matt Wade  
Day & Night Tire, LLC  
3703 Ventura Drive West  
Lakeland, FL 33811  
[mattrwade@aol.com](mailto:mattrwade@aol.com)

Re: Day & Night Tire, LLC  
Facility ID Number: 95954  
Polk County

Dear Mr. Wade:

Department personnel conducted a compliance inspection of the above-referenced facility on February 20, 2020. Based on the information provided during and following the inspection, the facility was determined to be in compliance; however, an area of concern was noted. A copy of the inspection report is attached for your records.

The Department appreciates your efforts to maintain this facility in compliance with state and federal rules. Should you have any questions or comments, please contact Kaitlyn Newsome at (813)-470-5877, or via e-mail at: [kaitlyn.newsome@floridadep.gov](mailto:kaitlyn.newsome@floridadep.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven Tafuni".

Steven Tafuni  
Government Operations Consultant  
Compliance Assurance Program  
Southwest District  
Florida Department of Environmental Protection

Enclosures: Inspection Report

ec: Steven Tafuni, DEP – Southwest District, [Steven.Tafuni@floridadep.gov](mailto:Steven.Tafuni@floridadep.gov)  
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**Florida Department of  
Environmental Protection  
Inspection Checklist**

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**FACILITY INFORMATION:**

**Facility Name:** DAY & NIGHT TIRE, LLC  
**On-site Inspection Start Date:** 02/20/2020  
**On-site Inspection End Date:** 02/20/2020  
**WACS No.:** 95954  
**Facility Street Address:** 3703 VENTURA DRIVE, W.  
**City:** LAKELAND  
**County Name:** POLK  
**Zip:** 33811

**INSPECTION PARTICIPANTS:**

(Include ALL Landfill and Department Personnel with Corresponding Titles)

Principal Inspector: Kaitlyn Newsome, Environmental Specialist I

Other Participants: Christian Lopez, Foreman;

**INSPECTION TYPE:**

Routine Operation Inspection for WPF - Waste Tire Processing Facility

**ATTACHMENTS TO THE INSPECTION CHECKLIST:**

This Cover Page to the Inspection Checklist may include any or all of the following attachments as appropriate.

**Note: Checklist items with shaded boxes are for informational purposes only.**

1.0 - SECTION 1.0 - FILE REVIEW

9.0 - SECTION 9.0 - WASTE TIRE FACILITIES

Inspection Date: 02/20/2020

**1.0 - SECTION 1.0 - FILE REVIEW****Requirements:**

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Item No.	FILE REVIEW (Pre- or Post-Inspection, as appropriate.)	Ok	Not Ok	Unk	N/A
1.1	For landfills and C&D disposal facilities, does the facility have a current plan for the method and sequence of filling wastes? 62-701.500(2)(f) for landfills; 62-701.730(7)(a) for C&D debris sites				✓
1.2	For landfills, are the following records being reported to the Department?(Check any that are Not OK) <input type="checkbox"/> Waste reports (annually) 62-701.500(4) <input type="checkbox"/> Annual estimate of remaining life 62-701.500(13)(c)				✓
1.3	Is gas monitoring being performed as required by the permit? 62-701.500(9), 62-701.530(2)				✓
1.4	Are the results of the gas sampling reported to the Department quarterly? 62-701.530(2)(c)				✓
1.5	Is water quality sampling and testing performed according to standard procedures and at the required frequencies? 62-701.510(2) for landfills; 62-701.730(8) and 62-701.730(10) for C&D debris sites; 62-713.400(3) for stationary soil treatment facilities.				✓
1.6	Do the results of the water quality testing suggest there may be adverse impacts to water quality from the operation of the solid waste facility? 62-701.510(3) and (4); 62-701.730(4)(c) and (10) for C&D debris sites; 62-713.400(3) for stationary soil treatment facilities.				✓
1.7	For closed landfills and C&D disposal facilities with final elevations higher than 20 feet above grade, has a final survey report verifying the final elevations and contours of the facility been submitted to the Department? 62-701.600(6)(b), 62-701.730(9)(e)				✓
1.8	Is financial assurance adequate? 62-701.630 for landfills; 62-701.710(7)(a) and 62-701.710(1)(d)1. for waste processing facilities; 62-701.730(11)(a) for C&D debris facilities; 62-713.600(6)(a) for stationary soil treatment facilities; 62-711.500(3) for waste tire facilities. NOTE: The Solid Waste Financial Coordinator in Tallahassee can assist with this information.	✓			
1.9	Are cost estimates current and adjusted every year? 62-701.630(4) for landfills; 62-701.710(7)(a) and 62-701.710(1)(d)1. for waste processing facilities; 62-701.730(11)(a) for C&D debris facilities; 62-713.600(6)(b) and 62-713.600(6)(c) for stationary soil treatment facilities; 62-711.500(3) for waste tire facilities.	✓			
1.10	For C&D debris disposal and disposal with recycling facilities, is an Annual Report submitted to the Department for the disposal operation by February 1st of each year? 62-701.730(12)				✓
1.11	For C&D recycling facilities with no disposal, is an Annual Report for the recycling facility submitted to the Department by February 1st of each year? 62-701.710(8)(b)				✓
1.12	For compost facilities, has the compost product been sampled and analyzed every 20,000 tons or every 3 months (whichever is sooner)? 62-709.530(1)				✓
1.13	For compost facilities, has the annual report been submitted by June 1st? 62-709.530(3)				✓

**DAY & NIGHT TIRE, LLC**

Inspection Date: 02/20/2020

**9.0 - SECTION 9.0 - WASTE TIRE FACILITIES****Requirements:**

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Item No.	SOLID WASTE PROHIBITIONS (unless "grandfathered" in, see 62-701.300(18))	Ok	Not Ok	Unk	N/A
9.1.1	Unauthorized storage, processing, or disposal of solid waste except as authorized at a permitted solid waste management facility or other exempt facility? 62-701.300(1)(a)		✓		
9.1.2	Unauthorized disposal or storage prohibited, except yard trash, within 500 feet of a potable water well? 62-701.300(2)(b)	✓			
9.2	Unauthorized storage or disposal of yard trash prohibited within the minimum setbacks of (Check any that are Not OK) 62-701.300(12) <input type="checkbox"/> 100 feet from potable water wells (except on-site)? <input type="checkbox"/> 50 feet from water bodies?	✓			
9.3	Unauthorized disposal or storage prohibited in any natural or artificial body of water including ground water and wetlands? (Does not apply to standing water after a storm event) 62-701.300(2)(d)	✓			
9.4	Unauthorized disposal or storage prohibited, except yard trash, within 200 feet of any natural or artificial body of water, including wetlands without permanent leachate controls, except impoundments or conveyances which are part of an on-site, permitted stormwater management system or on-site water bodies with no off-site discharge? 62-701.300(2)(e)	✓			
9.5	Unauthorized open burning of solid waste prohibited except in accordance with Department requirements? 62-701.300(3)	✓			
Item No.	WASTE TIRE FACILITY - GENERAL REQUIREMENTS FOR STORAGE	Ok	Not Ok	Unk	N/A
9.6	If the facility accepts tires from the public, is a sign posted at the facility entrance stating operating hours, cost of disposal and site rules? 62-711.540(1)(a)	✓			
9.7	Are operations involving the use of open flames conducted no closer than 25 feet of a waste tire pile? 62-711.540(1)(b)	✓			
9.8	If the facility accepts tires from the public, is an attendant always present on site when the site is open for business? 62-711.540(1)(c)	✓			
9.9	Are fire protection services assured through notification to local fire protection authorities? 62-711.540(1)(d)	✓			
9.10	Is an annual fire safety survey conducted? 62-711.540(1)(d)	✓			
9.11	Is a copy of the annual fire safety report made part of the next quarterly report? 62-711.540(1)(d)	✓			
9.12	Does the facility have an Emergency Preparedness Manual (EPM) on-site? 62-711.540(1)(e)	✓			
9.13	Does the EPM contain the following information? (Check all that are Not OK) <input type="checkbox"/> Contact names and numbers 62-711.540(1)(e)1 <input type="checkbox"/> List of emergency response equipment and locations on-site 62-711.540(1)(e)2 <input type="checkbox"/> Procedures to be followed in the event of a fire 62-711.540(1)(e)3	✓			
9.14	Is the operator at the facility maintaining records of the quantity of waste tires received at the site, stored at the site, and shipped from the site? 62-711.540(1)(g) and 62-711.400(5)	✓			
9.15	If the operator of the site is not the owner of the property, has written authorization been obtained from the property owner to operate the facility? 62-711.540(1)(h)	✓			
9.16	Is adequate communications equipment available at the site? 62-711.540(1)(i)	✓			
9.17	Is the owner or operator providing for control of mosquitoes and rodents so as to protect the public health and welfare? 62-711.540(1)(j)	✓			

## DAY &amp; NIGHT TIRE, LLC

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Item No.	WASTE TIRE FACILITY - STORAGE INDOORS	Ok	Not Ok	Unk	N/A
9.18	Are waste tire piles more than 50 feet in width? 62-711.540(2)(a)	✓			
9.19	Are waste tire piles along a wall more than 25 feet in width? 62-711.540(2)(a)	✓			
9.20	Are widths of main aisles between piles less than 8 feet? 62-711.540(2)(b)	✓			
9.21	Is there less than 3 feet of clearance between the top of storage to sprinkler detectors or roof structures? 62-711.540(2)(c)	✓			
9.22	Is there less than 3 feet of clearance between waste tire piles and unit heaters, etc.? 62-711.540(2)(d)	✓			
9.23	If waste tires are stored up to 15 feet high, do walls between adjacent warehouse areas and between manufacturing and warehouse areas have at least a four-hour fire rating? 62-711.540(2)(e)	✓			
9.24	If waste tires are stored over 15 feet high, do walls between manufacturing and warehouse areas have a fire rating of not less than six hours and do steel columns have one-hour fireproofing? If the top of storage exceeds 20 feet in height, do columns and their connections with other structural members have two-hour fireproofing? 62-711.540(2)(f)				✓
9.25	Is the access controlled through the use of doors, fences, gates, natural barriers or other means? 62-711.540(2)(h)	✓			
Item No.	WASTE TIRE FACILITY - STORAGE OUTDOORS	Ok	Not Ok	Unk	N/A
9.26	Is the waste tire site operated within 200 feet from a body of water? 62-711.540(3)(a)	✓			
9.27	Does the waste tire pile have a width less than 50 feet? 62-711.540(3)(b)	✓			
9.28	Does the waste tire pile have an area less than 10,000 sq. ft? 62-711.540(3)(b)	✓			
9.29	Does the waste tire pile have a height less than 15 feet? 62-711.540(3)(b)	✓			
9.30	Is there a 50 feet wide fire lane around the perimeter of the waste tire pile? 62-711.540(3)(c)	✓			
9.31	Is there unobstructed access to the fire lane? 62-711.540(3)(c)	✓			
9.32	Is the access controlled through the use of doors, fences, gates, natural barriers or other means? 62-711.540(3)(d)	✓			
9.33	Is the site kept free of grass, underbrush, and other potentially flammable vegetation? 62-711.540(3)(f)	✓			
9.34	Is the site bermed or given other adequate protection to prevent liquid runoff from entering water bodies? 62-711.540(3)(e)	✓			
9.35	Are residuals contained on-site and disposed of in a permitted solid waste management facility or properly recycled? 62-711.540(5)	✓			
9.36	Does the waste tire site qualify for the exceptions to the technical and operational standards as allowed by rule? 62-711.540(6)	✓			
Item No.	WASTE TIRE FACILITY - COLLECTION CENTER	Ok	Not Ok	Unk	N/A
9.37	Are no more than 1,500 tires at the collection center at any one time? 62-711.550(1)(a)				✓
9.38	Are all waste tires, which are not used tires, removed from site yearly for recycling, processing, or disposal? 62-711.550(1)(b)				✓

**DAY & NIGHT TIRE, LLC**

Inspection Date: 02/20/2020

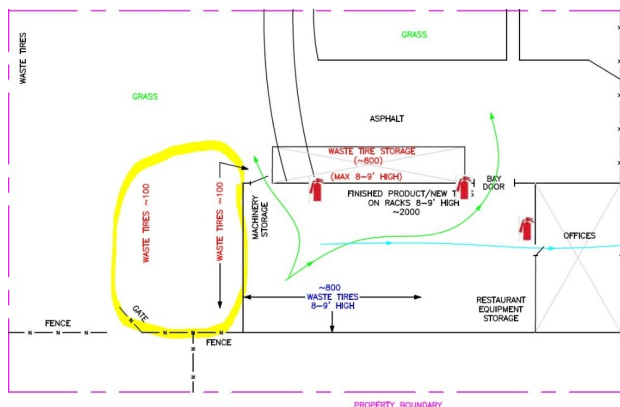
**Current Areas of Concern:**

Rule: 62-701.300(1)(a)

Question Number: 9.1.1

Explanation: During the inspection, an older tire pile was observed to be located behind the storage building surrounded by vegetation. Per discussion with Mr. Wade, he indicated that the tires located in this area had been sitting in this location for a few years.

Corrective Action: Please process or dispose of these tires at an approved solid waste management facility. Additionally, please ensure that this storage area is kept free of grass, underbrush, and other flammable vegetation. Following the removal of the tires and the mowing of this area, please provide the Department with receipts and photo documentation of the cleared area within 30 days of receiving this inspection report.

**Attachments:****Tire Area On Site Plan****COMMENTS:**

At the time of inspection, Mr. Wade (permittee) was unavailable on-site thus the walk-through was performed alongside the site foreman, Mr. Lopez. Following the inspection, Mr. Wade provided the requested documentation via email to the Department.

Waste tires that are considered not suitable for re-tread or re-cap are transported by Liberty Tire Recycling, a registered waste tire collector and waste tire processing facility (WACS ID: 70963)

Item 1.8: Based on the March 3, 2020 cost estimate approval date, the financial assurance mechanism is required to be in place within 60 days (May 3, 2020). Please continue to work with the Solid Waste Financial Assurance Coordinator, Mr. Tor Bejnar, in Tallahassee to ensure the facility's compliance with the funding mechanism requirements of Rule 62-701.630, F.A.C. (Florida Administrative Code).

Item 1.9: The Annual Cost Estimates for 2020 were received by the Department on February 26, 2020 and subsequently approved on March 3. Per Specific Condition 2 of Appendix G, the permittee shall annually adjust the closing cost estimates in accordance with Rule 62-711.500(3), F.A.C. Please ensure that future annual cost estimates are submitted to the Department at least 60 days prior to the anniversary date of their financial assurance mechanism.

Item 9.10: Per Mr. Wade, the facility has experienced issues obtaining a tangible fire report from the local fire department due to local annexing issues in the city. Please obtain a fire inspection report or utilize an outside contractor to obtain such documentation. Please submit a complete fire inspection report alongside the next following quarterly waste tire processing report, but no later than the 4th Quarter 2020 Waste Tire Processing Report due on January 20, 2021.



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Item 9.12/9.13: During the inspection, Mr. Lopez was unable to locate the Emergency Preparedness Manual (EPM). On February 26, 2020, Mr. Wade provided both an electronic copy as well as photo documentation of the EPM plan located in the office file cabinet on-site.

Item 9.17: Mr. Wade stated that the facility sprays for mosquitoes monthly on tire piles that have been sitting on-site for an extended period of time (longer than 2 weeks). In most cases, tire piles move quickly due to the facility's processing throughput (max: 600 tires daily).

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## ATTACHMENTS:

Tire Area Behind Storage Building



Process Building



South Storage of Process Building



Outdoor Tire Storage Area #1



Outdoor Tire Storage Area #2



Shipping & Receiving Building



Inspection Date: 02/20/2020

**Exterior of S&R Building**



**Waste Tires In Liberty Trailer**





Inspection Date: 02/20/2020

**Signed:**

Kaitlyn Newsome

Environmental Specialist I

**PRINCIPAL INSPECTOR NAME****PRINCIPAL INSPECTOR TITLE**

DEP

03/03/2020

**PRINCIPAL INSPECTOR SIGNATURE****ORGANIZATION****DATE**

Christian Lopez

Foreman

**REPRESENTATIVE NAME****REPRESENTATIVE TITLE**

NO SIGNATURE REQUIRED

Day and Night Tires

**REPRESENTATIVE SIGNATURE****ORGANIZATION**

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Not Ok" or areas of concern.

**Report Approvers:****Approver:** Steve Tafuni**Inspection Approval Date:** 03/05/2020