



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

April 13, 2021

Matt Wade, Authorized Agent
Day & Night Tire, LLC
3703 Venture Drive West
Lakeland, FL 33811
mattrwade@aol.com

Re: Compliance Assistance Offer
Day & Night Tire, LLC
WACS ID: 95954
Polk County

Dear Mr. Wade:

An inspection was conducted at your facility on April 2, 2021. During this inspection, potential non-compliance was noted. The purpose of this letter is to offer compliance assistance as a means of resolving these matters.

Specifically, potential non-compliance with the requirements of Chapter 403, Florida Statutes, Chapters 62-701 and 62-711, Florida Administrative Code were observed. Please see the attached inspection report for a full account of Department observations and recommendations.

We request you review the items of concern noted and respond in writing within **15 days** of receipt of this Compliance Assistance Offer. Your written response should include one of the following:

1. Describe what has been done to resolve the non-compliance issue or provide a schedule describing how/when the issue will be addressed.
2. Provide the requested information, or information that mitigates the concerns or demonstrates them to be invalid, or
3. Arrange for the case manager to visit your facility to discuss the items of concern.

It is the Department's desire that you are able to adequately address the aforementioned issues so that this matter can be closed. Your failure to respond promptly may result in the initiation of formal enforcement proceedings.

Please address your response and any questions to Kaitlyn Newsome of the Southwest District Office at 813-470-5877 or via e-mail at Kaitlyn.Newsome@floridadep.gov. We look forward to your cooperation with this matter.

Day & Night Tire, LLC; Facility ID No.: 95954
Compliance Assistance Offer
Page 2 of 2
April 13, 2021

Sincerely,



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

Enclosures: Inspection Report

cc: Steven Tafuni, DEP-Southwest District Office, Steven.Tafuni@floridadep.gov
Kaitlyn Newsome, DEP-Southwest District Office, Kaitlyn.Newsome@floridadep.gov
Steve Morgan, DEP-Southwest District Office, Steve.Morgan@floridadep.gov



**Florida Department of
Environmental Protection
Inspection Checklist**

FACILITY INFORMATION:

Facility Name: DAY & NIGHT TIRE, LLC
On-site Inspection Start Date: 04/02/2021
On-site Inspection End Date: 04/02/2021
WACS No.: 95954
Facility Street Address: 3703 VENTURA DR 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 II

Other Participants: Matt Wade, Facility Representative;

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: 04/02/2021

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: 04/02/2021

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 & NIGHT TIRE, LLC

Inspection Date: 04/02/2021

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)				✓

Inspection Date: 04/02/2021

Current Violations:

Rule: 62-701.300(1)(a)

Question Number: 9.1.1

Explanation: (1) During the inspection, Department staff noted a pile of unauthorized waste tires that were located behind the designated storage building. These waste tires did not appear to be actively utilized for the facility's operation. Based on a review of the 02/20/2020 inspection report issued to the facility on 03/05/2020, the facility was previously requested to remove this pile and dispose of the waste tires at a permitted solid waste management facility. Failure to store or dispose of solid waste in accordance with the facility's permit is considered a violation of Rule 62-701.300(1)(a), Florida Administrative Code (F.A.C).

(2) Following the inspection, Department staff noted that the tires located in front of the tire storage trailers, between the facility processing building and the storage building, do not appear to be stored in accordance with the facility's approved site plan. Failure to store solid waste in accordance with the facility's approved site plan is considered a violation of Rule 62-701.300(1)(a), Florida Administrative Code (F.A.C).

Corrective Action: (1) Within 15 days of receiving this inspection report, please process or dispose of these tires at an approved solid waste management facility. Moving forward, please ensure this area is kept free of grass, underbrush, and other flammable vegetation. Following the removal of the tires and mowing of this area, please provide the Department with receipts and photo documentation of the cleared area.

(2) Please relocate the waste tires located outside of the storage trailers to a permitted storage area within the facility (i.e. within the permitted waste tire storage trailers) . Within 15 days of receiving this report, please provide the Department with photo documentation demonstrating this action has been completed.

Attachments:

Unauthorized Tire Storage



Trailer Storage Area



Rule: 62-711.540(1)(d)

Question Number: 9.10

Explanation: As detailed in the 02/20/20 inspection report issued to the facility on 03/05/20, the Department previously noted that the facility has experienced issues obtaining a tangible fire report from the local fire department due to local annexing issues in the city. The Department previously requested for the facility to obtain a fire inspection report or to utilize an outside contractor to obtain such documentation.

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As of current, the facility has failed to obtain a fire inspection as required by Specific Condition 2.C.11 of Solid Waste Permit No. 367338-001-WT/02 and Rule 62-711.540(1)(d), F.A.C.

Corrective Action: (1) Please obtain a fire safety survey report or utilize an outside contractor to obtain the equivalent inspection. Once completed, please submit the fire safety survey report to the Department within 30 days of receiving this inspection report.

(2) Moving forward, please ensure that the fire safety survey is completed annually and submitted as part of the facility's next quarterly Waste Tire Processing Report.

Rule: 62-711.540(1)(d)

Question Number: 9.11

Explanation: Please see Item 9.11.

Corrective Action: Please see Item 9.11.

Rule: 62-711.540(3)(f)

Question Number: 9.33

Explanation: See Item 9.1.1.

Corrective Action: See Item 9.1.1.

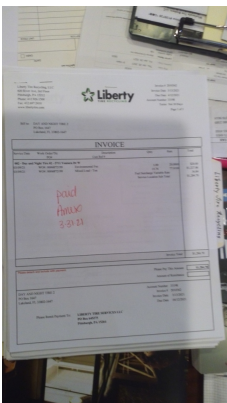
COMMENTS:

Item 9.12/9.13/9.14: The following documentation was reviewed at the time of the inspection: Emergency Preparedness Manual (last revised July 2018), 2021 Waste Tire Collector Decal, Operation's Plan Description, March 2021 Incoming Waste Tires and January - March 2021 Waste Tire Disposal Receipts (via Liberty Tire Recycling; WACS ID: 70963).

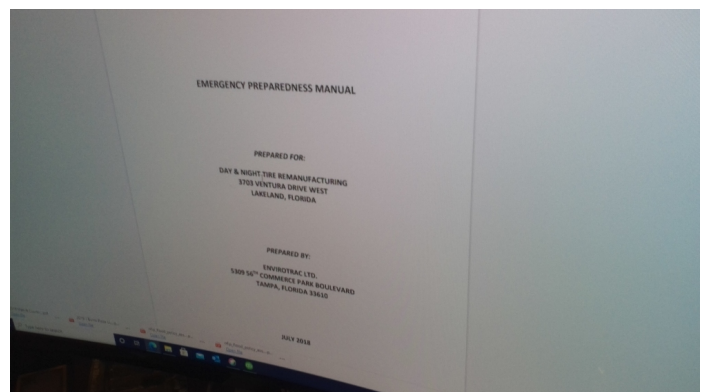
Item 9.30: Waste tires located outdoors are stored in accordance with the facility's approved site plan (received July 31, 2018).

ATTACHMENTS:

Liberty Tire Disposal Receipts



Emergency Preparedness Manual



Inspection Date: 04/02/2021

Shipping and Receiving Building



Storage Building



Processing Building



Waste Tires Awaiting Pickup



Inspection Date: 04/02/2021

Signed:

Kaitlyn Newsome

Environmental Specialist II

PRINCIPAL INSPECTOR NAME**PRINCIPAL INSPECTOR TITLE**

DEP

04/08/2021

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

Matt Wade

Facility Representative

REPRESENTATIVE NAME**REPRESENTATIVE TITLE**

NO SIGNATURE REQUIRED

Day & Night Tire, LLC

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: 04/12/2021