

FLORIDA DEPARTMENT OF Environmental Protection

Ron DeSantis Governor

Jeanette Nuñez Lt. Governor

Shawn Hamilton Secretary

Northeast District 8800 Baymeadows Way West, Suite 100 Jacksonville, Florida 32256

November 8, 2021

<u>CERTIFIED MAIL – RETURN RECEIPT</u> 7008 1300 0000 6191 1258

Mr. Jon E. Bischoff, President/Owner Advanced Tire Recycling, Inc. 8369 SW County Road 313 Trenton, Florida 32693 <u>TrentonTireMan1@aol.com</u>

RE: Warning Letter No. WL21-241 Advanced Tire Recycling, Inc. Facility ID No. 101060 Gilchrist County – Solid Waste Enforcement

Dear Mr. Bischoff:

A compliance inspection was conducted at your facility on August 7, 2021. During this investigation, possible violations of Chapter 403, Florida Statutes (Fla. Stat.), and Chapter 62-701, Florida Administrative Code (Fla. Admin. Code), were observed.

During the investigation, Department personnel noted the following:

- An excess of 10,000 waste tires were stored outside on the ground.
- The facility lacked 50-foot wide fire lanes at the property boundaries and between rows of trailers.

On October 27, 2021, a follow-up visit was conducted, and resolution of the potential violations was not apparent.

Specifically, the Department observed:

- An excess of 10,000 waste tires were stored outside on the ground.
- The facility lacked 50-foot wide fire lanes at the property boundaries and between rows of trailers.

Advanced Tire Recycling, Inc. Warning Letter No. WL21-241 Page 2 of 2

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Section 403.121(3)(d), Fla. Stat.

Please contact Jeff Schroer at (904) 256-1576, or via email at <u>Jeffrey.Schroer@FloridaDEP.gov</u>, within 30 days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in receiving any facts that you may have which might assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Fla. Stat. We look forward to your cooperation in completing our investigation and resolving this as soon as possible.

Sincerely,

Gregory J. Strong District Director

Attachment: Site Inspection Reports

Tec: FDEP-NED: Joni Petry, Jeffrey Schroer, DEP_NED



FACILITY INFORMATION: Facility Name: ADVANCED TIRE RECYCLING, INC. **On-site Inspection Start Date:** 09/07/2021 **On-site Inspection End Date:** 09/07/2021 WACS No.: 101060 Facility Street Address: 8369 SW COUNTY ROAD 313 TRENTON City: **County Name:** GILCHRIST Zip: 32693

INSPECTION PARTICIPANTS:

(Include ALL Landfill and Department Personnel with Corresponding Titles)Principal Inspector: Jeff Schroer, InspectorOther Participants: Cyn DeLee Dalton, Office Manager; John Bischoff, President/Owner;

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: 09/07/2021

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.

ltem 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
1.2	For landfills, are the following records being reported to the Department?(Check any that are Not OK) Waste reports (annually) 62-701.500(4) Annual estimate of remaining life 62-701.500(13)(c)				1
1.3	Is gas monitoring being performed as required by the permit? 62-701.500(9), 62-701.530(2)				1
1.4	Are the results of the gas sampling reported to the Department quarterly? 62-701.530(2)(c)				1
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
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
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
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	
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			
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
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
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
1.13	For compost facilities, has the annual report been submitted by June 1st? 62-709.530(3)				1

Inspection Date: 09/07/2021

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)		1		
9.1.2	Unauthorized disposal or storage prohibited, except yard trash, within 500 feet of a potable water well? 62-701.300(2)(b)	1			
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) 100 feet from potable water wells (except on-site)? 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)	1			
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)	1			
9.5	Unauthorized open burning of solid waste prohibited except in accordance with Department requirements? 62-701.300(3)	1			
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)	1			
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)				1
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)	1			
9.9	Are fire protection services assured through notification to local fire protection authorities? 62-711.540(1)(d)	1			
9.10	Is an annual fire safety survey conducted? 62-711.540(1)(d)	1			
9.11	Is a copy of the annual fire safety report made part of the next quarterly report? 62-711.540(1)(d)	1			
9.12	Does the facility have an Emergency Preparedness Manual (EPM) on-site? 62-711.540(1)(e)	1			
9.13	Does the EPM contain the following information? (Check all that are Not OK) Contact names and numbers 62-711.540(1)(e)1 List of emergency response equipment and locations on-site 62-711.540(1)(e)2 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)	1			
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)				1
9.16	Is adequate communications equipment available at the site? 62-711.540(1)(i)	1			
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)	1			

Inspection Date: 09/07/2021

Item No.	WASTE TIRE FACILITY - STORAGE INDOORS	Ok	N O		Unk	N/A
9.18	Are waste tire piles more than 50 feet in width? 62-711.540(2)(a)	1				
9.19	Are waste tire piles along a wall more than 25 feet in width? 62-711.540(2)(a)	1				
9.20	Are widths of main aisles between piles less than 8 feet? 62-711.540(2)(b)	1				
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)	1				
9.22	Is there less than 3 feet of clearance between waste tire piles and unit heaters, etc.? 62-711.540(2)(d)					1
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)					1
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)					1
9.25	Is the access controlled through the use of doors, fences, gates, natural barriers or other means? 62-711.540(2)(h)					
ltem 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)					1
9.27	Does the waste tire pile have a width less than 50 feet? 62-711.540(3)(b)					1
9.28	Does the waste tire pile have an area less than 10,000 sq. ft? 62-711.540(3)(b)					1
9.29	Does the waste tire pile have a height less than 15 feet? 62-711.540(3)(b)					1
9.30	Is there a 50 feet wide fire lane around the perimeter of the waste tire pile? 62-711.540(3))(c)				1
9.31	Is there unobstructed access to the fire lane? 62-711.540(3)(c)					1
9.32	Is the access controlled through the use of doors, fences, gates, natural barriers or other means? 62-711.540(3)(d)					1
9.33	Is the site kept free of grass, underbrush, and other potentially flammable vegetation? 62-711.540(3)(f)					1
9.34	Is the site bermed or given other adequate protection to prevent liquid runoff from enterin water bodies? 62-711.540(3)(e)	g				1
9.35	Are residuals contained on-site and disposed of in a permitted solid waste management facility or properly recycled? 62-711.540(5)					1
9.36	Does the waste tire site qualify for the exceptions to the technical and operational standar as allowed by rule? 62-711.540(6)	rds				1
ltem 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)					1
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)					1

Inspection Date: 09/07/2021

Current Violations:

Rule: 62-701.300(1)(a)

Question Number: 9.1.1

- Explanation: In excess of 10,000 waste tires were observed on the ground, in several large, oblong piles in between rows of trailers in the "Inventory Storage Area". Additionally, no 50 foot fire lane existed at the east, west and south property boundaries, nor between rows of trailers. Permit No. 321853-003-WT Section 2 C.4. provides "No tires shall be kept in piles on the ground (outside)." Section 2 C.6.b) of the permit provides "A minimum of 50-foot wide fire lane from the property line to the trailers and 50-foot wide fires lane between rows of trailers shall be maintained at any time."
- Corrective Action: The facility was shall place all tires currently piled on the ground into trailers and shall establish 50 foot fire lanes at the property boundaries and between rows of trailers within 30 days. Report corrective action to the Department, via email, immediately upon completion to arrange for a confirming inspection.

Attachments:

No Fire Lane East Boundary



No Fire Lane West Boundary



No Fire Lane South Boundary



No Fire Lane Trailer Row Photo 1



Inspection Date: 09/07/2021

No Fire Lane Trailer Row Photo 2



Tires on Ground Photo 2



Tires on Ground Photo 1



Tires on Ground Photo 3



COMMENTS:

Item Number 1.8 "unknown" since the annual update has been approved, but the mechanism has not yet been reviewed.

The facility asserted they were in the process of reorganizing the warehouse and as a result had removed tires intended for resale from the warehouse and were temporarily storing them on the ground in the exterior tire storage area. The warehouse contained a very low number of tires supporting this assertion, however they were advised this was a violation and that failure to resolve it in a timely fashion would result in enforcement.

The facility is not authorized to store tires outside and therefore that portion of the checklist was marked as N/A.

ATTACHMENTS:

Inspection Date: 09/07/2021

Warehouse Photo 1



Warehouse Photo 2



ADVANCED	TIRE	RECYCL	_ING,	INC.
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Inspection Date: 09/07/2021

Signed:

Jeff Schroer	Inspector	
PRINCIPAL INSPECTOR NAME	PRINCIPAL INSPECTOR TITLE	
PRINCIPAL INSPECTOR SIGNATURE	DEP ORGANIZATION	11/01/2021 DATE
Cyn DeLee Dalton	Office Manager	
REPRESENTATIVE NAME	REPRESENTATIVE TITLE	
NO SIGNATURE REQUIRED	Advanced Tire Recycling, Inc.	
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.

John Bischoff	President/Owner
REPRESENTATIVE NAME	REPRESENTATIVE TITLE
NO SIGNATURE REQUIRED	Advanced Tire Recycling, Inc.
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: Jeff Schroer

Inspection Approval Date: 11/02/2021



Florida Department of Environmental Protection Inspection Checklist

FACILITY INFORMATION: Facility Name: ADVANCED TIRE RECYCLING, INC. On-site Inspection Start Date: 10/27/2021 **On-site Inspection End Date:** 10/27/2021 WACS No.: 101060 Facility Street Address: 8369 SW COUNTY ROAD 313 City: TRENTON County Name: GILCHRIST Zip: 32693

INSPECTION PARTICIPANTS:

(Include ALL Landfill and Department Personnel with Corresponding Titles)Principal Inspector: Jeff Schroer, InspectorOther Participants: John Bischoff, President/Owner;

INSPECTION TYPE:

Follow-up 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.

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9.0 - SECTION 9.0 - WASTE TIRE FACILITIES

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9.1.2	Unauthorized disposal or storage prohibited, except yard trash, within 500 feet of a potable water well? 62-701.300(2)(b)				1
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) 100 feet from potable water wells (except on-site)? 50 feet from water bodies?				•
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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)				1
9.5	Unauthorized open burning of solid waste prohibited except in accordance with Department requirements? 62-701.300(3)				1
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)				1
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)				1
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)				1
9.9	Are fire protection services assured through notification to local fire protection authorities? 62-711.540(1)(d)				1
9.10	Is an annual fire safety survey conducted? 62-711.540(1)(d)				1
9.11	Is a copy of the annual fire safety report made part of the next quarterly report? 62-711.540(1)(d)				1
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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)				1
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)				1
9.16	Is adequate communications equipment available at the site? 62-711.540(1)(i)				1
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)				1

Inspection Date: 10/27/2021

Item No.	WASTE TIRE FACILITY - STORAGE INDOORS	Ok	N O		Unk	N/A
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9.20	Are widths of main aisles between piles less than 8 feet? 62-711.540(2)(b)					1
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)					1
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9.26	Is the waste tire site operated within 200 feet from a body of water? 62-711.540(3)(a)					1
9.27	Does the waste tire pile have a width less than 50 feet? 62-711.540(3)(b)					1
9.28	Does the waste tire pile have an area less than 10,000 sq. ft? 62-711.540(3)(b)					1
9.29	Does the waste tire pile have a height less than 15 feet? 62-711.540(3)(b)					1
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9.32	Is the access controlled through the use of doors, fences, gates, natural barriers or other means? 62-711.540(3)(d)					1
9.33	Is the site kept free of grass, underbrush, and other potentially flammable vegetation? 62-711.540(3)(f)	-				1
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ltem No.	WASTE TIRE FACILITY - COLLECTION CENTER	(Эk	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)					1
	Are all waste tires, which are not used tires, removed from site yearly for recycling, processing, or disposal? 62-711.550(1)(b)					1

Inspection Date: 10/27/2021

Pre-existing Violations:

Rule:		62-701.300(1)(a)

Question Number: 9.1.1

Explanation: The following violation remains valid: In excess of 10,000 waste tires were observed on the ground, in several large, oblong piles in between rows of trailers in the "Inventory Storage Area". Additionally, no 50 foot fire lane existed at the east, west and south property boundaries, nor between rows of trailers. Permit No. 321853-003-WT Section 2 C.4. provides "No tires shall be kept in piles on the ground (outside)." Section 2 C.6.b) of the permit provides "A minimum of 50-foot wide fire lane from the property line to the trailers and 50-foot wide fires lane between rows of trailers shall be maintained at any time."

Corrective Action: The September inspection and this follow-up inspection are being issued under a Warning Letter. Within 30 days of receipt of this letter, the facility shall place all tires currently piled on the ground into trailers and shall establish required fire lanes or contact the Department to discuss plans for completing the corrective actions.

Attachments:

Tires on Ground & No Fire Lane



No Boundary Fire Lane



COMMENTS:

The purpose of this follow-up inspection was to determine the status of corrective actions for the unauthorized storage violation documented in the September 7, 2021 inspection report. The violation remains valid and the September inspection and October follow-up inspection will be issued under as Warning Letter.

ADVANCED TIRE RECYCLING, INC. Inspection Date: 10/27/2021		Page 5 of 5			
Signed:					
Jeff Schroer	Inspector				
PRINCIPAL INSPECTOR NAME	PRINCIPAL INSPECTOR TITLE				
\bigcirc	DEP	11/02/2021			
PRINCIPAL INSPECTOR SIGNATURE	ORGANIZATION	DATE			
John Bischoff	President/Owner				
REPRESENTATIVE NAME	REPRESENTATIVE TITLE				
NO SIGNATURE REQUIRED	Advanced Tire Recycling, Ir	IC.			
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: Jeff Schroer

Inspection Approval Date: 11/02/2021