



Florida Department of Environmental Protection

South District
P.O. Box 2549
Fort Myers, Florida 33902-2549

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

November 12, 2008

Beck's Tire Service, Inc.
c/o Robert A. Reisig, Manager
Florida Tire Terminal
P.O. Box 1733
Avon Park, Florida 33826



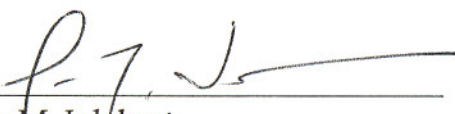
Re: Highlands County - SW
Florida Tire Terminal
400 Feagin Street, Avon Park
Permit No. 0245850-001-WT/02
OGC File No. 08-2563-28-SW

Dear Mr. Reisig:

Attached is the signed and entered Short Form Consent Order to resolve the above referenced case. This copy is for your records. This letter also acknowledges receipt of your check in the amount of \$1,750. As all conditions of the Consent Order have been completed, this case will be closed and placed in our inactive file.

If you have any questions concerning this matter, please contact **Bill Krumbholz** (extension 155) or **Teresa Zilko-Miller** (extension 159) at (239) 332-6975. Your cooperation in this matter is appreciated.

Sincerely,



Jon M. Iglehart
Director of District Management

Attachment
JMI/TZM/se

cc: Lea Crandall, OGC (w/ attachment)



Florida Department of Environmental Protection

South District
P.O. Box 2549
Fort Myers, Florida 33902-2549

Charlie Crist
Governor

Jeff Kottkamp
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Michael W. Sole
Secretary

October 23, 2008

CERTIFIED MAIL NO. 7008 0150 0003 1458 6585
RETURN RECEIPT REQUESTED



Beck's Tire Service, Inc.
c/o Eugene Beck, Jr., President
8802 West 142nd Court
Overland Park, Kansas 66210

Re: Highlands County - SW
Proposed Settlement of Florida Tire Terminal
400 Feagin Street, Avon Park
Permit No. 0245850-001-WT/02
OGC File No. 08-2563-28-SW
FDEP No. 94452

Dear Mr. Beck:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated August 26, 2008, a copy of which is attached. The corrective actions required to bring your facility into compliance have been performed. The Department finds that you are in violation of the rules and statutes cited in the attached Warning Letter. In order to resolve the matters identified in the letter, you are assessed civil penalties in the amount of \$1,500, along with \$250 to reimburse the Department costs, for a total of \$1,750. The civil penalties are apportioned as follows:

- \$375 for violation of Rule 62-711.500(3) Florida Administrative Code (F.A.C.)
- \$375 for violation of Rule 62-711.540(1)(d) F.A.C. and Specific Condition 8 of the permit
- \$375 for violation of Rule 62-711.540(2)(b) F.A.C.
- \$375 for violation of Rule 62-711.540(3)(c)

The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. The amount of \$1,750 shall be paid in full, and this payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, P.O. Box 2549, Fort Myers, Florida 33902-2549, within twenty (20) days of your signing this letter.

"More Protection, Less Process"
www.dep.state.fl.us

Eugene Beck, Jr.
Beck's Tire Service, Inc.
OGC Case No. 08-2563-28-SW

Your signing this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department which shall be enforceable pursuant to Sections 120.69 and 403.121, Florida Statutes.

If you do not sign and return this letter to the Department at the District address by **November 7, 2008**, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely,



Jon M. Iglehart
Director of District Management

FOR THE RESPONDENT:

I, Eugene Beck, Jr., President, on behalf of Beck's Tire Service, **HEREBY ACCEPT THE TERMS OF THIS SETTLEMENT OFFER IDENTIFIED ABOVE.**


By: 

Date: 03-NOV-08

.....
FOR DEPARTMENT USE ONLY

DONE AND ENTERED this 12th day of November in Lee County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION




Jon M. Iglehart
Director of District Management

JMI/TZM/se
Attachment

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52, Florida Statutes; with the Designated Department Clerk, receipt of which is hereby acknowledged.



Clerk 11-12-2008
Date

NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

- (a) The Department's Consent Order identification number and the county in which the subject matter or activity is located;
- (b) The name, address, and telephone number of each 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;
- (c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order;
- (d) A statement of when and how the petitioner received notice of the Consent Order;
- (e) A statement of all material facts disputed by petitioner, if any;
- (f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order;
- (g) A statement of which rules or statutes the petitioner contends require reversal or modification of the Consent Order; and
- (h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.



Florida Department of Environmental Protection

South District
P.O. Box 2549
Fort Myers, Florida 33902-2549

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

August 25, 2008

CERTIFIED MAIL NO. 7007 1490 0003 7130 7478
RETURN RECEIPT REQUESTED

Beck's Tire Service, Inc.
c/o Robert A. Reisig, Manager
Florida Tire Terminal
P.O. Box 1733
Avon Park, Florida 33826



Re: Highlands County - SW
Florida Tire Terminal
400 Feagin Street, Avon Park
Permit No. 0245850-001-WT/02

Dear Mr. Reisig:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A field inspection conducted on August 13, 2008 of the above referenced facility indicates that a violation of Florida Statutes and Rules may exist. Copies of the inspection report and photos are enclosed. Department of Environmental Protection personnel observed the following at the above-described facility:

1. F.A.C. Rule 62-711.500(3) and Specific Condition No. 11 of the facility permit state that owners or operators of waste tire sites shall provide closing cost estimates for the quantity of waste tires on their site, or the quantity they are permitted to have on their site, whichever is greater. The cost estimate shall be re-estimated at least annually and submitted to the Department District Office by December 24, 2007, and every year thereafter at least sixty (60) days prior to the anniversary date of the last financial instrument. Annual closure cost estimates were not submitted to the Department by the December due date.

Florida Tire Terminal
Permit No. 0245850-001-WT/02
August 25, 2008

2. Florida Administrative Code (F.A.C.) Rule 62-711.500(3)(a) and Specific Condition No. 11 of the facility permit state that owners or operators of waste tire sites shall provide the Department with proof of financial assurance in the amount of the closing cost estimate for the facility December 24, 2007, and every year thereafter, at least sixty (60) days prior to the anniversary date of the last financial instrument. The financial assurance instrument corresponding to the annual recalculated closure cost estimate was not submitted to the Department by the December due date.
3. Specific Condition No. 8 of the facility permit states that a fire survey shall be conducted semi-annually by the local fire authority showing that the facility does not represent a fire hazard to the local community. Results of the survey shall be submitted to the Department in January and July of each year. The facility has not submitted the July fire survey.
4. F.A.C. Rule 62-711.540(2)(b) states that all waste tire facilities which store tires indoors must maintain a main aisle width of not less than eight (8) feet. The width of the aisle in the north storage shed of the facility was less than eight (8) feet.
5. F.A.C. Rule 62-711.540(3)(c) states that all waste tire sites which store tires outdoors must maintain a fire lane with unobstructed access at all times. Further, Specific Condition No. 8 of the facility permit states that the Permittee shall comply with the fire control requirements of the City of Avon Park Fire Department. These requirements state that no storage will be allowed between the buildings, and that fire lanes within the outside storage will be maintained for firefighting access. Tires were observed stored between the buildings, and the fire lane was observed blocked with tires at the beginning of the inspection.

The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of the above-described statutes or rules should cease immediately.

You are requested to meet with the Department at the Sebring Branch office located at 2812 Kenilworth Blvd. on Thursday, September 18, 2008 at 11:00AM to discuss this matter. Potential penalties will be discussed at the meeting which may include monetary settlements. The Department is interested in reviewing any facts you may

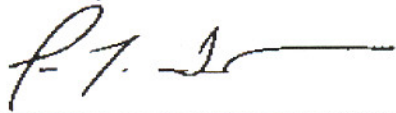
Florida Tire Terminal
Permit No. 0245850-001-WT/02
August 25, 2008

have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolution of this matter.

If you have any questions concerning this matter, please contact **Teresa Zilko-Miller or Bill Krumbholz at (239) 332-6975 regarding solid waste issues, or Ghous Minhaj at (239) 332-6975 x185 regarding financial assurance issues.** Your cooperation is appreciated.

Sincerely,



Jon M. Iglehart
Director of District Management

Enclosure
JMI/TZM/se

cc: Junaid As-Salek, FDEP
Ghous Minhaj, FDEP



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
INSPECTION CHECKLIST



Facility Information:

Facility Name: FLORIDA TIRE TERMINAL

On-Site Inspection Start Date: 08/13/2008

On-Site Inspection End Date: 08/13/2008

WACS No.: 94452

Facility Street Address: 400 FEAGIN STREET

City: AVON PARK

County Name: HIGHLANDS

Zip: 33825

Inspection Participants (Include ALL Landfill and Department Personnel with Corresponding Titles):

Principal Inspector: Teresa Zilko-Miller

Other Participants: Bill Newbould

TYPE OF FACILITY:

Landfill:

C&D Facility:

Waste Processing Facility:

Other Facilities:

Waste Tire Facility

TYPE OF INSPECTION:

Operation, Routine

ATTACHMENTS TO THE INSPECTION CHECK LIST:

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

SECTION 1.0 - FILE REVIEW

SECTION 9.0 - WASTE TIRE FACILITIES



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

INSPECTION CHECKLIST

SECTION 1.0 - FILE REVIEW

Requirements:

This section provides an opportunity for the department inspector to add a narrative explaining any requirements identified as "Not Ok" at the time of the inspection. Some requirements may be identified as "Ok" but are discussed further in the "areas of concern" portion of the narrative section.

Item No.	FILE REVIEW (Pre- or Post-Inspection, as appropriate.) Completed	Ok	Not Ok	Unk	N/A
1.1	For landfills, is the method and sequence of filling wastes according to plans? 62-701.500(2)(f)				✓
1.2	For landfills, are the following records being reported to the Department?(Check any that are Not OK.) <input type="checkbox"/> Waste reports (quarterly) 62-701.500(4) <input type="checkbox"/> Annual estimate of remaining life 62-701.500(13)(c)				✓
1.3	Is leachate sampled, tested and disposed as required? 62-701.500(8)(a) & 62-701.510(6)(c)				✓
1.4	Is gas monitoring being performed as required by the permit? 62-701.500(9) & 62-701.530(2)				✓
1.5	Are the results of the gas sampling reported to the Department quarterly? 62-701.530(2)				✓
1.6	Is water quality sampling and testing performed according to standard procedures and at the required frequencies? See 62-701.510(2) for landfills; 62-701.730(4)(b) & (10) for C&D debris sites; 62-713.400(3) for stationary soil treatment facilities.				✓
1.7	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) & (4)				✓
1.8	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? 62-701.610(3) & 62-701.730(9)(c)				✓
1.9	Is financial assurance adequate? See 62-701.630 for landfills; 62-710(7)(a) & (10)(a) for WPFs; 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.		✓		
1.10	Are cost estimates current and adjusted every year? See 62-701.630(4) for landfills; 62-701.710(7)(b) & (10)(a) for WPFs; 62-701.730(11)(b) for C&D debris facilities; 62-713.600(6)(b) & (c) for stationary soil treatment facilities; 62-711.500(3) for waste tire facilities.		✓		
1.11	For C&D debris disposal and disposal with recycling facilities, is an Annual Report submitted to the Department for the disposal operation by April 1st of each year? 62-701.730(12)				✓
1.12	For C&D recycling facilities with no disposal, is an Annual Report for the recycling operation submitted to the Department by April 1st of each year? 62-701.710(9)(b)				✓
1.13	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)				✓
1.14	For compost facilities, has the annual report been submitted by June 1st? 62-709.530(3)				✓



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

INSPECTION CHECKLIST

SECTION 9.0 - WASTE TIRE FACILITIES

Requirements:

This section provides an opportunity for the department inspector to add a narrative explaining any requirements identified as "Not Ok" at the time of the inspection. Some requirements may be identified as "Ok" but are discussed further in the "areas of concern" portion of the narrative section.

Item No.	SOLID WASTE PROHIBITIONS (unless "grandfathered" in, see 62-701.300(16)) Completed	Ok	Not Ok	Unk	N/A
9.1	Unauthorized disposal/storage prohibited, except yard trash, within 500' of a potable water well? 62-701.300(2)(b)	✓			
9.2	Unauthorized disposal/storage prohibited, except yard trash, within 1000' of a potable water well serving a community water system? 62-701.300(2)(h)	✓			
9.3	Unauthorized storage/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 for potable water wells (except on-site)? <input type="checkbox"/> 50 feet for water bodies? <input type="checkbox"/> 200 feet for community water supply wells?	✓			
9.4	Unauthorized disposal/storage prohibited in an area subject to frequent and periodic flooding unless flood protection measures in place? 62-701.300(2)(d)	✓			
9.5	Unauthorized disposal/storage prohibited in any natural or artificial body of water including ground water? 62-701.300(2)(e)	✓			
9.6	Unauthorized disposal/storage prohibited, except yard trash, within 200' 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)(f)	✓			
9.7	Unauthorized open burning of solid waste prohibited except in accordance with Department requirements? 62-701.300(3)	✓			
9.8	Are the following prohibited wastes or special wastes properly managed? (Check any that are Not OK) <input type="checkbox"/> Hazardous waste 62-701.300(4) <input type="checkbox"/> Biomedical waste 62-701.300(6) <input type="checkbox"/> Yard trash 62-701.300(8)(c) <input type="checkbox"/> Whole waste tires 62-701.300(8)(e) <input type="checkbox"/> Used oil, except as exempted 62-701.300(11) <input type="checkbox"/> Lead-acid batteries, mercury-containing switches and lamps in WTEs 62-701.300(5) <input type="checkbox"/> PCB wastes 62-701.300(5) <input type="checkbox"/> Lead-acid batteries 62-701.300(8)(a) <input type="checkbox"/> White goods 62-701.300(8)(d) <input type="checkbox"/> Liquids 62-701.300(10)	✓			

Item No.	WASTE TIRE FACILITY - GENERAL REQUIREMENTS FOR STORAGE Completed	Ok	Not Ok	Unk	N/A
9.9	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)	✓			
9.10	Are operations involving the use of open flames conducted no closer than 25 feet of a waste tire pile? 62-711.540(1)(b)	✓			
9.11	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)	✓			
9.12	Are fire protection services assured through notification to local fire protection authorities? 62-711.540(1)(d)	✓			
9.13	Is an annual fire safety survey conducted? 62-711.540(1)(d)		✓		
9.14	Is a copy of the annual fire safety report made part of the next quarterly report? 62-711.540(1)(d)	✓			
9.15	Does the facility have an Emergency Preparedness Manual (EPM) on-site? 62-711.540(1)(e)	✓			



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

INSPECTION CHECKLIST

Item No.	WASTE TIRE FACILITY - GENERAL REQUIREMENTS FOR STORAGE Completed	Ok	Not Ok	Unk	N/A
9.16	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) <input type="checkbox"/> Procedures to be followed in the event of a fire 62-711.540(1)(e)3.	✓			
9.17	Is the operator at the facility maintaining records of the quantity of WT received at the site, stored at the site, and shipped from the site? 62-711.540(1)(g) and 62-711.400(5)	✓			
9.18	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)	✓			
9.19	Is adequate communications equipment available at the site? 62-711.540(1)(i)	✓			
9.20	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)	✓			

Item No.	WASTE TIRE FACILITY - STORAGE INDOORS Completed	Ok	Not Ok	Unk	N/A
9.21	Are WT piles more than 50 feet in width? 62-711.540(2)(a)	✓			
9.22	Are WT piles along a wall more than 25 feet in width? 62-711.540(2)(a)				✓
9.23	Are widths of main aisles between piles less than 8 feet? 62-711.540(2)(b)		✓		
9.24	Is there less than 3 feet of clearance between the top of storage to sprinkler detectors or roof structures? 62-711.540(2)(c)				✓
9.25	Is there less than 3 feet of clearance between waste tire piles and unit heaters, etc.? 62-711.540(2)(c)	✓			
9.26	If waste tires are stored up to 15 feet in height, do walls have at least a 4-hour fire rating? 62-711.540(2)(e)				✓
9.27	If waste tires are stored >15 feet in height, do walls have a fire rating of not less than 6 hours and columns one hour FR? If > 20 feet, do columns and its connections with other structural members have two hour FR? 62-711.540(2)(f)				✓
9.28	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 Completed	Ok	Not Ok	Unk	N/A
9.29	Is the waste tire site operated >200 feet from a body of water? 62-711.540(3)(a)	✓			
9.30	Does the waste tire pile have a width < 50 feet? 62-711.540(3)(b)	✓			
9.31	Does the waste tire pile have an area < 10,000 sq. ft? 62-711.540(3)(b)				✓
9.32	Does the waste tire pile have a height < 15 ft.? 62-711.540(3)(b)				✓
9.33	Is there a 50 ft. wide fire lane around the perimeter of the waste tire pile? 62-711.540(3)(c)				✓
9.34	Is there unobstructed access to the fire lane? 62-711.540(3)(c)		✓		
9.35	Is the access controlled through the use of doors, fences, gates, natural barriers or other means? 62-711.540(3)(d)	✓			
9.36	Is the site kept free of grass, underbrush, and other potentially flammable vegetation? 62-711.540(3)(f)	✓			
9.37	Is the site bermed or given other adequate protection to prevent liquid runoff from entering water bodies? 62-711.540(3)(e)	✓			
9.38	Are residuals contained on-site and disposed of in a permitted SW management facility? 62-711.540(5)	✓			
9.39	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 Completed	Ok	Not Ok	Unk	N/A
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FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
INSPECTION CHECKLIST

Item No.	WASTE TIRE FACILITY - COLLECTION CENTER Completed	Ok	Not Ok	Unk	N/A
9.40	Are no more than 1500 tires at the CC at any one time? 62-711.550(1)(a)				✓
9.41	Are all waste tires, which are not used tires, removed from site yearly for recycling, processing, or disposal? 62-711.550(1)(b)				✓



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

INSPECTION CHECKLIST

Open Violations:

Significance Level: Minor
Harm Level: Minor
Deviation: Minor
Rule: 62-711.540(1)(d)
Section: WASTE TIRE FACILITY - GENERAL REQUIREMENTS FOR STORAGE
Question Number: 9.13
Question: Is an annual fire safety survey conducted? 62-711.540(1)(d)
Explanation: Results of the semiannual fire survey of the facility were not submitted to the Department in July, 2008 as required by the facility permit.
Corrective Action: As stated in Specific Condition No. 8 of the permit, a fire survey shall be conducted semi-annually by the local fire authority showing that the facility does not represent a fire hazard to the local community. Results of the survey shall be submitted to the Department in January and July of each year.

Significance Level: Minor
Harm Level: Moderate
Deviation: Moderate
Rule: 62-711.540(2)(b)
Section: WASTE TIRE FACILITY - STORAGE INDOORS
Question Number: 9.23
Question: Are widths of main aisles between piles less than 8 feet? 62-711.540(2)(b)
Explanation: Width of the main aisle in the north storage shed (Dario's building) is approximately three feet wide.
Corrective Action: Width of the main aisle between tire piles should not be less than eight feet. Please move stored tires to maintain this width.
Attachments:

Attachment Date: 08/21/2008

User: ZILKOMILLER_T

Description: Main aisle in north storage shed.





FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

INSPECTION CHECKLIST

Significance Level: SNC

Harm Level: Moderate

Deviation: Major

Rule: 62-713.600(6)(a), 62-701.710(7)(a), 62-701.730(11)(a), 62-701.630, 62-701.710(10)(a), 62-711.500(3)

Section: FILE REVIEW (Pre- or Post-Inspection, as appropriate.)

Question Number: 1.9

Question: Is financial assurance adequate? See 62-701.630 for landfills; 62-710(7)(a) & (10)(a) for WPFs; 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.

Explanation: Proof of the financial assurance instrument for closure costs was not submitted to the Department by the December 24, 2007 due date in accordance with Specific Condition No. 11 of the permit or F.A.C. Rule 62-711.500(3)

Corrective Action: Please submit proof of financial assurance in the amount of the closing cost estimate for the facility as soon as possible.

Significance Level: Minor

Harm Level: Moderate

Deviation: Moderate

Rule: 62-711.540(3)(c)

Section: WASTE TIRE FACILITY - STORAGE OUTDOORS

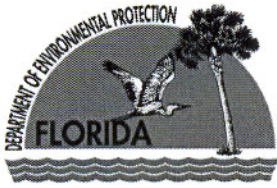
Question Number: 9.34

Question: Is there unobstructed access to the fire lane? 62-711.540(3)(c)

Explanation: Tires were blocking the fire access lane closest to the facility entrance. In addition, tires were being stored in between buildings at the facility. This is in violation of the Avon Park Fire Department guidelines of November 9, 2004 which state that "no storage will be allowed between the buildings" and "fire lanes within the outside storage will be maintained for firefighting access".

Corrective Action: Please do not block the fire access lane or store tires between the facility buildings, in accordance with Specific Condition No. 8 of the permit which states that the Permittee shall comply with the fire control requirements of the City of Avon Park Fire Department.

Attachments:



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION INSPECTION CHECKLIST

Attachment Date: 08/21/2008

User: ZILKOMILLER_T

Description: Tires blocking the outside fire access lane.



Attachment Date: 08/21/2008

User: ZILKOMILLER_T

Description: Tires being stored between buildings.



Attachment Date: 08/21/2008

User: ZILKOMILLER_T

Description: Tires being stored between buildings.



Significance Level: Minor

Harm Level: Minor

Deviation: Major



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

INSPECTION CHECKLIST

Rule: 62-713.600(6)(b), 62-701.730(11)(b), 62-701.630(4), 62-713.600(6)(c), 62-701.710(7)(b), 62-711.500(3), 62-701.710(10)(a)

Section: FILE REVIEW (Pre- or Post-Inspection, as appropriate.)

Question Number: 1.10

Question: Are cost estimates current and adjusted every year? See 62-701.630(4) for landfills; 62-701.710(7)(b) & (10)(a) for WPFs; 62-701.730(11)(b) for C&D debris facilities; 62-713.600(6)(b) & (c) for stationary soil treatment facilities; 62-711.500(3) for waste tire facilities.

Explanation: Annual cost estimate updates for closure were not provided to the Department by the December 24, 2007 due date in accordance with Specific Condition No. 11 of the permit and F.A.C. Rule 62-711.500(3).

Corrective Action: Please submit annual closure cost estimates as soon as possible.

Inspection Comments:

Comment Date: 08/21/2008

User: ZILKOMILLER_T

Description: This facility, while permitted as a waste tire processing facility, receives and stores used tires for repairing and selling or transferring to a permitted facility for processing and/or disposal. They operate under an Alternate Procedure which allows exceptions for some of the storage requirements for waste tires under F.A.C. Rule Chapter 62-711. Alternative storage requirements have been set by the Avon Park Fire Department and the facility is required to adhere to these standards.

The storage violations noted in this report were also noted in the inspection of February 21, 2008.

Signed:

FDEP

ORGANIZATION

Environmental Specialist

PRINCIPAL INSPECTOR TITLE

Teresa Zilko-Miller

PRINCIPAL INSPECTOR NAME

No signature required

PRINCIPAL INSPECTOR SIGNATURE

Florida Tire Terminal

ORGANIZATION

Manager

REPRESENTATIVE TITLE

Bill Newbould

REPRESENTATIVE NAME

No signature required

REPRESENTATIVE SIGNATURE

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.