



Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767
NOTICE OF PERMIT

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

In the matter of an
Application for Permit
By:

Mr. Vincent Contestabile
Empire Tire of Edgewater, LLC
4888 West Colonial Drive
Orlando, FL 32808

OCD-SW-08-0582

Orange County – SW
Empire Tire
Waste Tire Processing Facility
DEP File No. WT48-0287891-001

Dear Mr. Contestabile:

Enclosed is Permit Number WT48-0287891-001 to construct and operate the Empire Tire – Waste Tire Processing Facility, issued under Section(s) 403.061(14) and 403.707, of the Florida Statutes.

Any party to this order (permit) has the right to seek judicial review of the permit under section 120.68 of the Florida Statutes, by the filing of a Notice of Appeal under rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection, Office of General Counsel, Mail 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 of appeal must be filed within thirty days after this notice is filed with the Clerk of the Department.

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

F. Thomas Lubozynski for

Vivian F. Garfein
Director, Central District
3319 Maguire Boulevard, Suite 232
Orlando, FL 32803
407/894-7555

Date: November 13, 2008

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.



Nov. 13, 2008

Clerk

Date

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT and all copies were sent before the close of business on November 13, 2008 to the listed persons.



Clerk

VFG/gc/ew

Enclosures

1. Permit No. WT48-0287891-001
2. Appendix A – List of Documents Incorporated into Permit
3. Appendix B – Time Sensitive Specific Conditions

Copies furnished to:

Richard Tedder, P.E. – DEP – Tallahassee

Fred Wick – DEP – Tallahassee

Frank Hornbrook – DEP – Tallahassee

Luke Miorelli, P.E. – M. E. Construction, Inc. luke@meconstruction.com

Jim Becker – Orange County Utilities Solid Waste Division jim.becker@ocfl.net

Dan Morrical, P.E. – Orange County Utilities Solid Waste Division dan.morrical@ocfl.net

Lori Cunniff – Orange County EPD lori.cunniff@ocfl.net



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Permittee:
Empire Tire of Edgewater, LLC
4888 West Colonial Drive
Orlando, FL 32808

Attention: Mr. Vincent Contestabile

WACS Facility: 95062
Permit/Certification Number: WT48-0287891-001
Expiration Date: 10/17/2013
County: Orange
Section 30, Township 22 South, Range 29 East
Latitude 28°33'52" North, Longitude 80°26'33"
Project: Empire Tire - Waste Tire Processing Facility

This permit is issued under the provisions of Chapter(s) 403, Florida Statutes, and Florida Administrative Code Rule(s) 62-4, 62-701 and 62-711. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

- To construct and operate a waste tire processing facility.
- Empire Tire will provide services including collection, culling and shredding of scrap tires. Various products will be made from the processing of these tires including rubber mulch, tire derived aggregate and tire derived fuel. Any residual material will be loaded onto walking floor trailers or roll-off containers and shipped to a DEP permitted disposal facility.

LOCATION: This facility is located at 550 Mission Road, Orlando, in Section 30, Township 22 South, Range 29 East, in Orange County, Florida.

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, Florida Statutes (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 403.087(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 does 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 and 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 this 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.
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 Section 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.
11. This permit is transferable only upon Department approval in accordance with Rule 62-4.120 and 62-730.300, Florida Administrative Code (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. 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 information) 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.
14. 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.

PERMITTEE:
Empire Tire of Edgewater, LLC

WACS Facility: 95062
Permit/Certification Number: WT48-0287891-001
Expiration Date: 10/17/2013

Attention: Mr. Vincent Contestabile

SPECIFIC CONDITIONS:

Note that time sensitive specific conditions are summarized in Appendix B of this permit.

1. Plans and Specifications: Drawings, plans, documents and specifications submitted by the permittee, not attached hereto, but on file at the Central District office, are made a part of this permit. The documents are listed in Appendix A.
2. Document Requirements: A copy of the permit, with a complete copy of the permit application and engineering drawings shall be kept on file at the facility for inspection and review upon request.
3. Other Permits: This permit does not relieve the permittee from complying with any other appropriate stormwater, ERP or other permit requirements.
4. Signs: Signs shall be posted at the entrance to the site stating operating hours, cost of disposal and site rules, Rule 62-711.540(1)(a), F.A.C.
5. Site Access: Access to the site shall be restricted by an effective barrier designed to prevent unauthorized entry and dumping, Rule 62-711.540(3)(d), F.A.C.
6. Authorized Person On-Site: An operator or other authorized person shall be on-site at all times during business hours.
7. Operations Involving Use of Open Flames: No operations involving the use of open flames shall be conducted within 25 feet of a waste tire pile, Rule 62-711.540(1)(b), F.A.C.
8. Safety Devices: Safety devices shall be provided on equipment to shield and protect the operators from potential hazards during operation.
9. Equipment Breakdown: In the event of equipment malfunction, destruction, breakdown or other problems resulting in the permittee being temporarily unable to comply with any of the conditions of this permit, the permittee shall immediately notify the Department. The notification shall address the cause of the problem, corrective action, and what steps are being taken to prevent a recurrence as required by Rule 62-4.130, F.A.C.
10. Stormwater Control Methods: Stormwater control methods shall meet stormwater requirements of Chapter 62-25 and 62-330, F.A.C. The facility shall be managed in such a way as to divert stormwater or floodwater around and away from the storage piles, Rule 62-711.540(3)(a), F.A.C.
11. Emergency Situations: The operator of the site shall immediately notify the Department in the event of a fire or other emergency if that emergency has potential off-site effects. Within two weeks of any emergency involving potential off-site impact, the operator of the site shall submit to the Department, a written report on the emergency. This report shall describe the origins of the emergency, the actions that were taken to deal with the emergency, the results of the actions that were taken, and an analysis of the success or failure of the actions, Rule 62-711.540(1)(f), F.A.C.
12. Certification Requirements: The facility shall meet the certification requirements of Rule 62-701.320(9)(a), F.A.C.

PERMITTEE:
Empire Tire of Edgewater, LLC

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SPECIFIC CONDITIONS:

13. Minimum Size Requirements: Processed tires for recycling or disposal must meet the minimum size requirements specified in Rule 62-711.400(3), F.A.C.
14. Waste Tire Processing Facility Requirements: The facility shall meet the requirements of the waste tire processing facility, Rule 62-711.530, F.A.C.
15. Storage Requirements: Any storage of tires on-site shall meet with the fire department's standards along with the provisions cited in Rule 62-711.540, F.A.C., of the waste tire rule.
16. Control of Mosquitoes and Rodents: The owner or operator shall provide for control of mosquitoes and rodents so as to protect the public health and welfare, Rule 62-711.540(1)(j), F.A.C.
17. Tire Pile Dimensions: An outdoor tire pile or processed tire pile shall not exceed the following maximum dimensions: a width of 50 feet; an area of 10,000 square feet; and a height of 15 feet, Rule 62-711.540(3)(b), F.A.C.
18. Waste Tire Pile - Fire Lane: A 50-foot wide fire lane shall be placed around the perimeter of each waste tire pile, Rule 62-711.540(3)(c), F.A.C.
19. Processing Requirements: At least 75% of the whole tires, used tires, and processed tires that are delivered to or are contained on the site of the waste tire processing facility at the beginning of each calendar year must be processed and removed for disposal or recycling from the facility during the year, or disposed of in a permitted solid waste management facility, Rule 62-711.530(3), F.A.C.
20. Quarterly Reports: Owners or operators of waste tire processing facilities shall submit quarterly reports to the Department that summarize the information collected under Rule 62-711.530(4), F.A.C. The reports shall be submitted on DEP Form 62-701.900(21), on the 20th of the month following the close of each calendar quarter to the Department of Environmental Protection, Central District - Solid Waste Section, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803, with a copy to the Department of Environmental Protection, Solid Waste Section, 2600 Blair Stone Road, Tallahassee, Florida 32399, Rule 62-711.530(5), F.A.C.
21. Permit Renewal: An application for permit renewal must be submitted at least 60 days prior to the expiration date of this permit. (Rule 62-4.090, F.A.C.).
22. Closure Plan: The waste tire processing facility shall comply with the closure plan requirements of Rule 62-711.700, F.A.C.
23. Disposal of Processed Tires or Residuals: The processed tires or residuals shall be disposed of at permitted disposal sites or properly recycled.
24. Maximum Storage: The maximum storage at the facility for whole waste tires, processed tires, and residuals, shall be 200 tons, 500tons and 125 tons, respectively, in accordance with Rule 62-711.530(2), F.A.C., and as stated on Page 2 of 4, DEP Form # 62-701.900(23) – Waste Tire Processing Facility Permit Application. The maximum storage at the facility includes a minimal amount of tires destined for re-sale.

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SPECIFIC CONDITIONS:

25. Permit Deviations: The Department shall be notified and approval shall be obtained prior to executing any substantial changes or revisions to the construction and operation authorized by this permit.

26. Financial Responsibility: The permittee shall maintain compliance with Rule 62-711.500(3), F.A.C., by submitting all required updated supporting documentation in a timely manner as outlined in the Rule. There shall be no operation of this facility unless financial assurance acceptable to this Department is in place. All submittals in response to this specific condition, shall be submitted to: Financial Coordinator, Solid Waste Section, Department of Environmental Protection, 2600 Blair Stone Road, MS-4565, Tallahassee, Florida 32399-2400, with a copy to the Department of Environmental Protection, Central District - Solid Waste Section, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803.

ISSUED: November 13, 2008

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



F. Thomas Lubozynski for

Vivian F. Garfein
Director, Central District

FILING AND ACKNOWLEDGMENT

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



Nov. 13, 2008

Clerk

Date

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT and all copies were mailed before the close of business on November 13, 2008 to the listed persons.



Clerk

Appendix A
List of Documents Incorporated into the Permit

1. Empire Tire of Edgewater, LLC – DEP Application For Waste Tire Processing Facility, Orlando, Florida, Prepared By Luke Miorelli, P.E., West Melbourne, Florida dated April 11, 2008. Received and stamped April 15, 2008, DEP – Central District.
2. Project Drawings – Sheet 1 of 4 to 4 of 4 dated April 9, 2008. Received and stamped April 15, 2008, DEP – Central District.
3. Request for Additional Information from Central District – DEP dated May 5, 2008.
4. Response from M. E. Construction, Inc., Melbourne, Florida dated June 23, 2008. Received and stamped July 1, 2008, DEP – Central District.
5. Revised Project Plans from M. E. Construction, Inc., Melbourne, Florida dated June 20, 2008. Received and stamped July 1, 2008, DEP – Central District.
6. Response from M. E. Construction, Inc., Melbourne, Florida dated July 10, 2008. Received and stamped July 14, 2008, DEP – Central District.
7. Second Request for Additional Information from Central District – DEP dated July 18, 2008.
8. Response from M. E. Construction, Inc., Melbourne, Florida dated August 6, 2008. Received and stamped August 7, 2008, DEP – Central District.
9. Third Request for Additional Information from Central District – DEP dated August 28, 2008.
10. Financial Assurance approval letter from DEP – Tallahassee dated October 3, 2008.

Appendix B
Time Sensitive Specific Conditions
DEP Permit Number WT48-0287891-001

Specific Condition	Requirement	Action	Due date
9	Equipment Breakdown	Notify the Department of equipment breakdown, malfunction, etc.	Immediately upon discovery
11	Emergency Situations	Notify the Department in the event of a fire or other emergency if that emergency has potential off-site effects.	Immediately upon discovery
11	Emergency Situations	Submit a written report on the emergency involving fire or potential off-site impacts.	Within two weeks of the emergency.
17	Tire Pile Dimensions	Outdoor tire pile or processed tire pile shall not exceed the following maximum dimensions: 50 feet wide, area of 10,000 square feet, and a height of 15 feet.	Seek prior Department Approval for any deviations.
19	Processing Requirements	Process and remove for disposal at least 75% of the whole tires, and processed tires that are delivered to or contained on the site at the beginning of each year	By the end of the same year.
20	Quarterly Reports	Submit Quarterly Reports to the Department Central District Office summarizing information per Rule 62-711.530(3) F.A.C.	No Later Than 20 th of month following the close of each Calendar Quarter
21	Operations Permit Renewal (Permit expires on 10/17/2013)	Submit an operation permit renewal application	At least 60 days prior to the expiration date of this permit (before 08/19/2013)
24	Maximum Storage	The maximum storage at the facility for whole waste tires, processed tires, and residuals shall be 200 tons, 500 tons, and 125 tons respectively. Additionally, minimal amount of tires destined for re-sale should be stored at site.	Seek prior Department Approval for any deviations.

Appendix B
Time Sensitive Specific Conditions
DEP Permit Number WT48-0287891-001

Specific Condition	Requirement	Action	Due date
25	Permit Deviations	Notify the Department of any substantial changes or revisions to the operation	Prior to executing any substantial changes or revisions to the operation
26	Financial Responsibility	Adjust annually the closure care cost estimates, and the financial assurance mechanism to reflect increase in cost estimates	Submit between January 1 and March 1 of each year; if using an escrow account submit between July 1 and September 1 of each year