



Florida Department of Environmental Protection

Southwest District
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926
Telephone: 813-632-7600

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

June 3, 2009

CERTIFIED MAIL 7008 0150 0003 4893 5908
RETURN RECEIPT REQUESTED

NOTICE OF PERMIT

Manatee County Government
Mr. Daniel Gray, Director Utilities Department
4410 66th Street West
Bradenton, Fl. 34210

RE: Lena Road Waste Tire Processing Facility
Permit No. 126654-003-WT/02
Manatee County
WACS Id. 44795

Dear Mr. Gray:

Attached is **Permit 126654-003-WT/02**, issued pursuant to Section(s) 403.087(1), Florida Statutes. This letter and its attachments constitute a **complete permit**, and **replace** all previous permits and permit modifications for the above referenced facility.

The Department's proposed agency action shall become final unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, Florida Statutes (F.S.), before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Petitions by the applicant or any of the parties listed below must be filed within 14 days of receipt of this written notice. Petitions filed by other persons must be filed within 14 days of publication of the notice or receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of such notice, regardless of the date of publication. The petitioner shall mail a copy of the petition to

the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
- (d) A statement of all material facts disputed by petitioner or a statement that there are no disputed facts;
- (e) A statement of the ultimate facts alleged, including a statement of the specific facts, which the petitioner contends, warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wants the Department to take with respect to the Department's action or proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that 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 such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

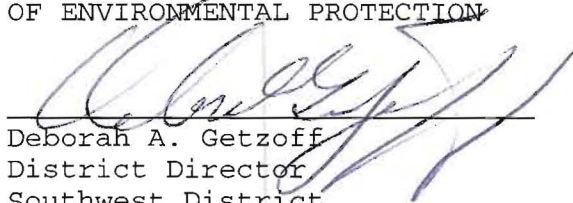
In accordance with Section 120.573, F.S., the Department advises that mediation is not available in this case under the provisions of

that statute. This does not prevent any interested parties from agreeing to other forms of alternate dispute resolution.

Any party to this order has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department in the 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 order is filed with the clerk of the Department.

Executed in Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Deborah A. Getzoff
District Director
Southwest District

DAG/ndg
Attachment

Copies furnished to:

Manatee County Elected Officials Notification
Gus Difonzo, Manatee County Government, Gus.Difonzo@mymanatee.org
Mike Gore, Manatee County Government, mike.gore@mymanatee.org
Joe Miller, P.E., PBSJ, jlmiller@pbsj.com
Fred Wick, FDEP Tallahassee, email
Susan Pelz, P.E., FDEP SWD, email
Permit Notebook

CERTIFICATE OF SERVICE

This undersigned duly designated deputy clerk hereby certifies that this NOTICE OF PERMIT was mailed to the addressee before the close of business on June 3, 2009.
(date stamp)

Other copies were mailed or transmitted electronically to the listed persons.

FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to Section 120.52(10), Florida Statutes, with the designated Department, Clerk, receipt of which is hereby acknowledged.

Anna Brantley 6/3/09
Clerk Date



Florida Department of Environmental Protection

Southwest District
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926
Telephone: 813-632-7600

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PERMITTEE

Manatee County Government
Mr. Daniel Gray,
Director, Utilities Department
4410 66th Street West
Bradenton, FL. 34210

PERMIT/CERTIFICATION

WACS ID No: SWD/41/44795
Permit No: **126654-003-WT/02**
Date of Issue: **06/03/2009**
Expiration Date: **06/03/2014**
County: Manatee
Lat/Long: 27°28'28.5"
82°27'2.5"
Sec/Town/Rge: 1/35S/18E
Project: Lena Road Waste Tire
Processing Facility

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule(s) 62-4, 62-520, 62-522 and 62-701. 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 referenced in [Specific Condition #A.2.](#) and made a part hereof and specifically described as follows:

To construct, operate and close a waste tire processing facility known as the [Lena Road Waste Tire Processing Facility](#), subject to the specific and general conditions attached, located at [3333 Lena Road, Bradenton, Manatee County](#), Florida. The specific conditions attached are for the construction, operation and closure of:

1. Waste Tire Processing Facility

Replaces Permit No.: 126654-002-WT

This permit contains compliance items summarized in Attachment 1 that shall be complied with and submitted to the Department by the dates noted. If the compliance dates are not met and submittals are not received by the Department on the dates noted, enforcement action may be initiated to assure compliance with the conditions of this permit.

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, 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. 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, are required by Department rules. This provision includes the operation of backup or 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 the permit;

GENERAL CONDITIONS:

(General Condition #7 cont.)

- (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.

Reasonable time may depend on the nature of the concern being investigated.

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 Sections 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, 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.

GENERAL CONDITIONS:

13. This permit also constitutes:

- (a) Determination of Best Available Control Technology (BACT)
- (b) Determination of Prevention of Significant Deterioration (PSD)
- (c) Certification of compliance with State Water Quality Standards (Section 401, PL 92-500)
- (d) Compliance with New Source Performance Standards

14. 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 instrumentation) 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.

15. 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 that 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.

SPECIFIC CONDITIONS: PART A - SOLID WASTE FACILITY GENERAL REQUIREMENTS

1. **Facility Designation.** This site shall be classified as a waste tire processing facility and shall be operated, maintained and closed in accordance with all applicable requirements of Chapters 62-4, 62-701 and 62-711, Florida Administrative Code (F.A.C.).

2. **Permit Application Documentation.** This permit is valid for operation, maintenance and closure of the waste tire processing facility and related facilities, in accordance with all applicable requirements of Department rules and in accordance with the reports, plans and other information, submitted by PBS&J. (or as otherwise noted), as follows:

a. "Application for Permit Renewal, Lena Road Waste Tire Processing Facility" dated July 21, 2008 (received July 24, 2008) (3 ring binder) as revised, replaced or amended, by information dated September 11, 2008 (received September 15, 2008), dated November 19, 2008 (received November 20, 2008), dated December 11, 2008 (received December 12, 2008), dated December 17, 2008 (received December 19, 2008), dated January 7, 2009 (received January 16, 2009), and dated January 15, 2009 (received January 20, 2009). This information includes, but is not limited to:

- 1) Facility Operations and Closure Plan and Cost Estimates [Section 2], dated July 14, 2008, (including replacement pages dated 01/15/09).
- 2) Emergency Preparedness Manual [Section 3], dated July 14, 2008, (including revisions dated 09/11/08).

3. **Permit Modifications.**

a. Any construction or operation activities not previously approved as part of this permit shall require a separate Department permit unless the Department determines a permit modification to be more appropriate, or unless otherwise approved in writing by the Department. Any significant changes to the operations at the facility shall require a permit modification. Permits shall be modified in accordance with the requirements of 62-4.080, F.A.C. A modification which is reasonably expected to lead to substantially different environmental impacts which require a detailed review by the Department is considered a substantial modification.

4. **Permit Renewal.** On or before **January 15, 2014** the permittee shall notify the Department in writing or electronically of its intent to apply for renewal of this permit and of the anticipated date of submittal of the permit renewal application. **No later than April 1, 2014**, the permittee shall apply for a renewal of a permit on forms and in a manner prescribed by the Department, in order to assure conformance with all applicable Department rules. Permits shall be renewed at least every five years as required by Rule 62-4.090, F.A.C. and Rule 62-701.320(10)(b), F.A.C. In the event that the regulations governing this permitted operation are revised, the permit renewal shall include modification of those specific operation conditions affected by the revision of regulations to incorporate those revisions in accordance with **Specific Condition A.8.**

SPECIFIC CONDITIONS: PART A - SOLID WASTE FACILITY GENERAL REQUIREMENTS

5. **Professional Certification.** Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.), Florida Statutes, applicable portions of permit applications and supporting documents which are submitted to the Department for public record shall be signed and sealed by the professional(s) who prepared or approved them.

6. **General Conditions.** The permittee shall be aware of and operate under the "General Conditions". General Conditions are binding upon the permittee and enforceable pursuant to Chapter 403, Florida Statutes.

7. **Permit Acceptance.** By acceptance of this Permit, the permittee certifies that he/she has read and understands the obligations imposed by the Specific and General Conditions contained herein and also including date of permit expiration and renewal deadlines. It is a violation of this permit for failure to comply with all conditions and deadlines.

8. **Regulations.** Chapter 62-701, F.A.C., effective May 27, 2001, and Chapter 62-711, F.A.C., effective March 22, 2000, are incorporated into this permit by reference. In the event that the regulations governing this permitted operation are revised, the Department shall notify the permittee, and the permittee shall request modification of those specific conditions that are affected by the revision of regulations to incorporate those revisions.

9. **Prohibitions.** The prohibitions of Rules 62-701.300 and 62-711.400, F.A.C. shall not be violated by the activities at this facility.

SPECIFIC CONDITIONS: PART B - CONSTRUCTION REQUIREMENTS

1. All significant construction activities shall be approved by the Department prior to initiating work, unless specifically authorized otherwise.

SPECIFIC CONDITIONS: PART C - OPERATION REQUIREMENTS

1. **Facility Operation Requirements.**
 - a. The permittee shall operate this facility in accordance with Rule 62-711.530, F.A.C., the Facility Operation Plan [ref. [SC#A.2.a.\(1\)](#)], and any other applicable requirements.
2. **Operating Personnel.** A trained supervisor or foreman shall be responsible for operating and maintaining the facility in an orderly, safe, and sanitary manner. Sufficient personnel shall be employed to adequately operate the facility.
3. **Control of Access.** Access to, and use of, the facility shall be controlled. Adequate access to the waste tire processing facility and storage areas shall be provided for all weather conditions.
4. **Monitoring of Waste.** The permittee shall not knowingly accept hazardous waste or any hazardous substance at this site. Hazardous waste is a waste in Chapter 62-730, F.A.C. Hazardous substances are those defined in Section 403.703, Florida Statute or in any other applicable state or federal law or administrative rule.
5. **Control of Nuisance Conditions.** The owner or operator shall control mosquitoes, rodents and other disease vectors so as to protect the public health and welfare. The operating authority shall be responsible for the control of odors and fugitive particulates arising from this operation. Such control shall minimize the creation of nuisance conditions on adjoining property. Odors confirmed by Department personnel upon site inspection, shall constitute a nuisance condition, and the permittee must take immediate corrective action to abate the nuisance. The owner or operator shall control vectors so as to protect the public health and welfare.
6. **Facility Maintenance and Repair.**
 - a. The site shall be properly maintained including minimizing grass, underbrush and other flammable vegetation, prevention of ponding, and maintenance of berms and other systems designed to protect water bodies from liquid runoff from a potential waste tire fire. In the event of fire, damage to any portion of the waste tire site, or failure of any portion of the waste tire storage systems, the permittee shall **immediately (within 24 hours)** notify the Department of Environmental Protection explaining such occurrence and remedial measures to be taken and time needed for repairs. Written detailed notification shall be submitted to the Department within **seven (7) days** following the occurrence.
 - b. In the event of a tire fire, impacted soils and/or liquids shall be contained, and shall be characterized prior to disposal at an appropriately permitted offsite disposal facility. The results of this characterization shall be provided to the Department with the written notification required by Specific [Condition #C.6.a.](#) above, prior to disposal of the material.

7. **Stormwater Management.** The site shall continue to have a stormwater management system operated and maintained in accordance with Chapter 62-330, F.A.C., and any other applicable Department rules. The site shall be managed to divert stormwater around and away from the storage area.

8. **Material Management and Storage.** All waste tires shall be stored in accordance with Rules 62-711.540 and 62-711.550, F.A.C., and the information listed in Specific Condition A.2.a., and other applicable requirements.

a. Storage at the waste tire processing facility is limited to 320 tons of waste tires, and shall comply with the requirements of Rule 62-711.540, F.A.C.

b. If the facility has reached its permitted storage capacity, the permittee shall not accept additional waste tires until sufficient capacity has been restored.

c. At least 75 percent of the whole tires, used tires, and processed tires that are delivered to or are contained on the site of the waste tire facility at the beginning of each calendar year shall be removed from the facility for disposal or recycling during the year or disposed of at a permitted solid waste management facility.

9. **Fire Safety Survey.**

a. A fire safety survey shall be conducted at least **annually** and the survey report shall be made available to the Department upon request.

b. In the event that deficiencies are noted in the Fire Safety Survey, **within 30 days of the survey**, the permittee shall provide documentation to the Department indicating correction of any deficiencies noted in the annual Fire Safety Survey. The documentation shall include approval of the corrections by the local fire authority.

c. Flammable, ignitable or explosive liquids or other materials shall not be stored in the vicinity of the waste tire storage area.

SPECIFIC CONDITIONS: PART D - RECORDKEEPING

1. **Report Submittals.** Unless otherwise specified, all submittals, notifications, requests for permit modification, reports for compliance with this permit, etc. shall be sent to: Solid Waste Section, Department of Environmental Protection, Southwest District Office, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926.
2. **Operation Plan and Operating Record.**
 - a. A copy of the Department approved permit, operational plan, construction reports and record drawings, and supporting information shall be kept at the facility at all times for reference and inspection.
 - b. Proposed changes to the current Department approved Operation Plan shall be submitted in writing to the Department for review and may require a permit modification in accordance with Specific Condition #A.3. The Operation Plan shall be updated as operations change and for renewal of the permit. Revised pages shall be provided as replacement pages with revisions noted (deletions may be struckthrough [~~struckthrough~~] and additions may be shaded [**shaded**] or a similar method may be used) and each page numbered with the document title and date of revision.
3. **Waste Records.**
 - a. Operational records shall be recorded and maintained for a minimum of **three years** and be available for inspection by Department personnel during normal business hours.
 - b. The owner or operator of the waste tire processing facility shall record on Department Form 62-711.900(21), F.A.C., the amount of waste tires received, processed tires and residuals, stored, and removed from the site. The following information shall be compiled monthly and submitted to the Department quarterly, by **January 20th, April 20th, July 20th and October 20th** of each year, pursuant to Rule 62-711.530(5), F.A.C.
 - 1) The total quantity, in tons, for waste tires received at the facility during the quarter;
 - 2) The total quantities, in tons, for waste tires processed at the facility during the quarter;
 - 3) The total quantity, in tons, for waste tires shipped from the facility during the quarter;
 - 4) The total quantity, in tons, of waste tires stored at the facility on the last day of the quarter;
 - 5) The total quantity of waste tire processing residuals and other solid wastes removed for offsite disposal or stored onsite for the quarter; and

SPECIFIC CONDITIONS: PART D - RECORDKEEPING

(Specific Condition #D.3., cont'd)

6) A list of all dates on which the waste tires exceeded the storage limit, and how this condition was relieved or will be relieved.

c. The following reports, documents and other information shall be kept at the facility for reference, and copies shall be provided to the Department upon request:

1) Copies of the facility's annual fire safety survey and documentation of approvals of corrective actions, if any, by the local fire authority.

2) A copy of the facility's emergency preparedness manual shall be kept at the site and a copy shall be kept at an off-site location;

4. **Financial Assurance.** The permittee shall provide adequate financial assurance for the facility in accordance with Rule 62-711.500(3), F.A.C.

a. All costs for closure shall be adjusted and submitted **annually, by September 1st of each year** to: Solid Waste Manager, Solid Waste Section, Department of Environmental Protection, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926.

b. Proof that the financial mechanism has been adequately funded shall be **submitted annually** to: Financial Coordinator, Solid Waste Section, Department of Environmental Protection, 2600 Blair Stone Road, MS #4565, Tallahassee, Florida 32399-2400.

SPECIFIC CONDITIONS: PART E - WATER QUALITY MONITORING REQUIREMENTS

This section is not applicable to a waste tire collection center.

SPECIFIC CONDITIONS: PART F - LANDFILL GAS MANAGEMENT

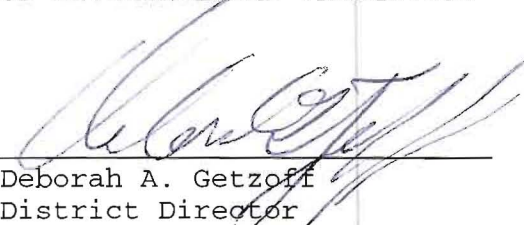
This section is not applicable to a waste tire collection center.

SPECIFIC CONDITIONS: PART G - CLOSURE AND LONG-TERM CARE REQUIREMENTS

1. **Closure Requirements.** The facility shall be closed in accordance with the requirements of FAC Rule 62-711.700 F.A.C. The waste tire facility owner or operator shall notify the Department at least **ninety (90) days prior** to the date when tires will no longer be accepted for storage, as required by F.A.C. 62-711.700(2).

Executed in Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Deborah A. Getzoff
District Director
Southwest District

ATTACHMENT 1

SPECIFIC CONDITION	SUBMITTAL DUE DATE	REQUIRED ITEM
A.4	On or before April 1, 2014	Permit renewal application
D.3.b.	Quarterly, by January 20 th , April 20 th , July 20 th and October 20 th each year	Submit waste tire quantity reports
D.4.a	Annually, by September 1st	Financial assurance
D.4.b	Annually	Financial assurance proof of funding submitted
G.1	90 days prior to Final acceptance of waste	Notification of Closure