



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

VIA ELECTRONIC MAIL

In the Matter of an
Application for Permit by:

Garden Street Iron & Metal, Inc.
c/o Mr. Rob Weber
E-mail: junkitrob@aol.com
3350 Metro Parkway
Fort Myers, Florida 33902



Re: Lee County – SW
Garden Street Iron & Metal
Waste Tire Processing Center
DEP File No. 0296251-001-WT/02
WACS ID No. 00098386

INTENT TO ISSUE

The Department of Environmental Protection gives notice of its intent to issue a Permit (No. 0296251-001-WT/02, Draft enclosed) for the proposed project as detailed in the application No. 0296251-001-WT/02, specified above, for the reasons stated below:

The applicant, Garden Street Iron & Metal, c/o Mr. Rob Weber, 3350 Metro Parkway, Fort Myers, Florida 33902, applied on June 17, 2009 to the Department of Environmental Protection for a Permit to construct/operate:

a Waste Tire Processing Center, specifically identified as Garden Street Iron & Metal, located at 3350 Metro Parkway, Fort Myers, Lee County, Florida.

The Department has permitting jurisdiction under Sections 403.061, 403.087 and 403.707 Florida Statutes (F.S.) and Florida Administrative Code (F.A.C.) Rules 62-4, 62-160, 62-302, 62-522, 62-701, and 62-711. The project is not exempt from permitting procedures. The Department has determined that a **Construction/Operation** Permit is required for the proposed work.

Garden Street Iron & Metal
Waste Tire Processing Facility
DEP File No. 0296251-001-WT/02
WACS ID No. 00098386

The Department intends to issue this Permit, based on its belief that reasonable assurances have been provided to indicate that the project will comply with appropriate provisions of Florida Administrative Code (F.A.C.) Rules 62-4, 62-160, 62-302, 62-522, 62-701, and 62-711, as long as the conditions of the Permit are adhered to.

NOTICE OF RIGHTS

Pursuant to Section 403.815, Florida Statutes (F.S.), you are required to publish at your own expense the enclosed Notice of Proposed Agency Action. The notice shall be published one time only within **thirty (30) days** in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.001 and 40.031, F.S., in the county where the activity is to take place. Where there is more than one newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. You must provide proof of publication to the Department by mail at P.O. Box 2549, Fort Myers, Florida 33902-2549, or by delivery to 2295 Victoria Avenue, Suite 364, Fort Myers, Florida, as soon as practical after publication.

The Department will issue the Permit No. 0296251-001-WT/02 (Draft enclosed) unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. Persons who have filed such a petition may seek to mediate the dispute, and choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for pursuing mediation.

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 **fourteen (14) days** of receipt of this written notice. Petitions filed by other persons must be filed within **fourteen (14) days** of publication of the notice or receipt of the written notice,

whichever occurs first. Under Section 120.60(3), F.A.C., however, any person who asked the Department for notice of agency action may file a petition within **fourteen (14) 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 addition to requesting an administrative hearing, any petitioner may elect to pursue mediation. The election may be accomplished by filing with the Department a mediation agreement with all parties to the proceeding (i.e., the applicant, the Department, and any person who has filed a timely and sufficient petition for a hearing). The agreement must contain all the information required by Rule 28-106.404, F.A.C. The agreement must be received by the clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within **ten (10) days** after the deadline for filing a petition, as set forth above. Choosing mediation will not adversely affect the right to a hearing, if mediation does of result in a settlement.

The agreement to mediate must include the following:

- (a) the names, addresses, and telephone numbers of any persons who may attend the mediation;
- (b) the name, address, and telephone number of the mediator selected by the parties, or a provision of selecting a mediator within a specified time;
- (c) the agreed allocation of the costs and fees associated with the mediation;
- (d) the agreement of the parties on the confidentiality of discussions and documents introduced during mediation;
- (e) the date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;
- (f) the name of each party's representative who shall have authority to settle or recommend settlement;
- (g) either an explanation of how the substantial interests of each mediating party will be affected by the action or proposed action addressed in this action or a statement clearly identifying the petition for hearing that each party has already filed, and incorporating it by reference; and
- (h) the signatures of all parties or their authorized representatives.

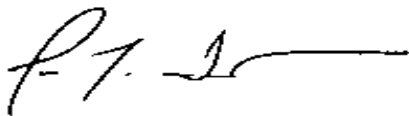
Garden Street Iron & Metal
Waste Tire Processing Facility
DEP File No. 0296251-001-WT/02
WACS ID No. 00098386

As provided in Section 120.573 of the Florida Statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within **sixty (60) days** of receipt of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above and must, therefore, file their petitions within **fourteen (14) days** of receipt of this notice. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 F.S. are resumed.

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 appropriated district court of appeal. The Notice of Appeal must be filed within **thirty (30) days** after this order is filed with the Clerk of the Department.

Executed in Lee County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jon M. Iglehart
Director of
District Management

Garden Street Iron & Metal
Waste Tire Processing Facility
DEP File No. 0296251-001-WT/02
WACS ID No. 00098386

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE, along with the NOTICE OF RIGHTS and all copies were mailed before the close of business on November 18, 2009, to the listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under Section 120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.



(Clerk)

11-18-2009

(Date)

Attachment
JMI/MR/GAM/se

Copies furnished to:

Honorable Randy Henderson, Jr., Mayor - City of Fort Myers
William T. Keene, P.E.
Richard Tedder, DEP
Chris McGuire, OGC DEP
Jack Chisolm, OGC DEP
Jack D. Myers, DEP
Bill Krumbholz, DEP

**PUBLIC NOTICE OF INTENT TO ISSUE PERMIT
TO BE PUBLISHED IN A NEWSPAPER**

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF INTENT TO ISSUE PERMIT**



The Department of Environmental Protection gives Notice of its Intent to grant a Waste Tire Facility Construction/Operation Permit (No. 0296251-001-WT/02) for the proposed project as detailed in the application (No. 0296251-001-WT/02) to the applicant Garden Street Iron & Metal, c/o Mr. Rob Weber, 3350 Metro Parkway, Fort Myers, Florida 33902. The Permit, when issued, will allow the Permittee to construct/operate:

a Waste Tire Processing Center, specifically identified as Garden Street Iron & Metal located at 3350 Metro Parkway, Fort Myers, Lee County, Florida.

The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays at Florida Department of Environmental Protection, South District, 2295 Victoria Avenue, Suite 364, Fort Myers, Florida.

The Department will issue the permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57 of the Florida Statutes (F.S.), or all parties reach a written agreement on mediation as an alternative remedy under Section 120.573 F.S. before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing, if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for pursuing mediation.

A person whose substantial interests are affected by the above proposed agency action may petition for an administrative determination (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3) of the Florida Statutes must be filed within **fourteen (14) days** of publication of this notice or receipt of the written notice, whichever occurs first. 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 (or a request for mediation, as discussed below) 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 of the Florida Statutes, 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 of the Florida Administrative Code.

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 addition to requesting an administrative hearing, any petitioner may elect to pursue mediation. The election may be accomplished by filing with the Department a mediation agreement with all parties to the proceeding (i.e., the applicant, the Department, and any person who has filed a timely and sufficient petition for a hearing). The agreement must contain all the information required by Rule 28-106.404 F.A.C. The agreement must be received by the clerk in the Office of General Counsel of

the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within **ten (10) days** after the deadline for filing a petition, as set forth above. Choosing mediation will not adversely affect the right to a hearing, if mediation does not result in a settlement.

The agreement to mediate must include the following:

- (a) the names, addresses, and telephone numbers of any persons who may attend the mediation;
- (b) the name, address, and telephone number of the mediator selected by the parties, or a provision of selecting a mediator within a specified time;
- (c) the agreed allocation of the costs and fees associated with the mediation;
- (d) the agreement of the parties on the confidentiality of discussions and documents introduced during mediation;
- (e) the date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;
- (f) the name of each party's representative who shall have authority to settle or recommend settlement;
- (g) either an explanation of how the substantial interests of each mediating party will be affected by the action or proposed action addressed in this action or a statement clearly identifying the petition for hearing that each party has already filed, and incorporating it by reference; and
- (h) the signatures of all parties or their authorized representatives.

As provided in Section 120.573 of the Florida Statutes (F.S.), the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within **sixty (60) days** of receipt of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above and must, therefore, file their petitions within **fourteen (14) days** of receipt of this notice, or they shall be deemed to have waived their right to a proceeding under Sections 120.569 and 120.57 F.S. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 F.S. are resumed.



Florida Department of Environmental Protection

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

Charlie Crist
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PERMITTEE:

Garden Street Iron & Metal Inc. of S.W. Florida
c/o Mr. Rob Weber
3350 Metro Parkway
Fort Myers, Florida 33902

WACS ID No. 00098386
Permit/Certification No. 0296251-001-WT/02
Date of Issue: **DRAFT**
Expiration Date: **DRAFT**
County: Lee
Latitude: 26° 37' 4.4"
Longitude: 81° 51' 13.8"
Section/Township/Range: 30/44S/25E
Project: Garden Street Iron & Metal
Waste Tire Processing Center

This Permit is issued pursuant to Sections 403.061, 403.087 and 403.707, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Rules 62-4, 62-160, 62-302, 62-522, 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 Center, specifically identified as Garden Street Iron & Metal, located at 3350 Metro Parkway, Fort Myers, Lee County, Florida.

The Permit is subject to the following fifteen (15) General and twenty-one (21) Specific Conditions. An approved copy of the application package is enclosed for your records.

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, 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.

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

PERMITTEE:

Garden Street Iron & Metal Inc. of
S.W. Florida
c/o Rob Weber

WACS ID No. 00098386

Permit/Certification No. 0296251-001-WT/02

Date of Issue: **DRAFT**

Expiration Date: **DRAFT**

GENERAL 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 the Permit.
4. This Permit conveys no title to land or water, does not constitute State recognition or acknowledgement 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 any order from the Department.
6. 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 or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the Permit and when required by Department rules.

PERMITTEE:

Garden Street Iron & Metal Inc. of
S.W. Florida
c/o Rob Weber

WACS ID No. 00098386

Permit/Certification No. 0296251-001-WT/02

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GENERAL CONDITIONS:

7. The Permittee, by accepting this Permit, specifically agrees to allow authorized Department personnel, upon presentation of credential 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 the conditions of the 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.

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 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

PERMITTEE:

Garden Street Iron & Metal Inc. of
S.W. Florida
c/o Rob Weber

WACS ID No. 00098386

Permit/Certification No. 0296251-001-WT/02

Date of Issue: **DRAFT**

Expiration Date: **DRAFT**

GENERAL CONDITIONS:

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. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C, shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.
11. This Permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-730.300, F.A.C, as applicable. The Permittee shall be liable for any noncompliance 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. 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.

PERMITTEE:

Garden Street Iron & Metal Inc. of
S.W. Florida
c/o Rob Weber

WACS ID No. 00098386

Permit/Certification No. 0296251-001-WT/02

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Expiration Date: **DRAFT**

GENERAL CONDITIONS:

- (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 this Permit, copies of all reports required by this Permit, and records of all data used to complete the application for this Permit.
- (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 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.

SPECIFIC CONDITIONS:

- 1. This Permit is valid for construction/operation of a Waste Tire Processing Center with all applicable requirements of Florida Administrative Code (F.A.C.) Rule 62-711.
- 2. Appropriate signs indicating name of the facility, operating hours, cost of disposal, site rules and other pertinent information shall be posted at the entrance to the inbound truck scale of the site.

PERMITTEE:

Garden Street Iron & Metal Inc.
of S.W. Florida
c/o Rob Weber

WACS ID No. 00098386

Permit/Certification No. 0296251-001-WT/02

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Expiration Date: **DRAFT**

SPECIFIC CONDITIONS:

3. An attendant shall be present on the site when the facility is open for business.
4. All used tires, waste tires, processed tires and residues handled at the facility shall be stored in a manner so as not to constitute a fire or safety hazard or a sanitary nuisance, and shall comply with all applicable local and state regulations. Materials, recovered/processed by the facility which may be offered for sale shall comply with applicable regulations of all appropriate local and state agencies.
5. The Permittee shall strictly abide by the storage limit of 8,000 waste tires at any one time on the site and comply with all applicable storage requirements in F.A.C. Rule 62-711.540.
6. The 50 foot x 140 foot waste tire storage area shall be clearly marked. The area is to be identified as waste tire storage only. The blending storage area does not need to be marked. The quantity of tires in the blending area should not exceed 3,500 tires at any time.
7. The Permittee, at least once a year, shall remove at least 75 percent of the whole and used tires from the site for recycling, processing, or disposal.
8. The Permittee shall record and maintain information regarding the facility's activities, in compliance with F.A.C. Rule 62-711.530(4), which shall be available for inspection by Department personnel during normal business hours. Quarterly reports on Form 62-701.900(21), summarizing this information shall be submitted by the 20th of the month following the close of each calendar quarter in accordance with F.A.C. Rule 62-711.530(5). The report shall include the following information:
 - (a) For all waste tires shipped from the facility, the name and waste tire collector registration number of the waste tire collector who accepted the waste tires for transport, and the quantity of waste tires were shipped with that collector; and if the waste tires were shipped, the number of tires shipped, the person's name, address and telephone number; and the place where the waste tires were deposited.

PERMITTEE:

Garden Street Iron & Metal Inc.
of S.W. Florida
c/o Rob Weber

WACS ID No. 00098386

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SPECIFIC CONDITIONS:

- (b) For all waste tires received at the facility, the name and waste tire collector registration number of the collector who delivered the waste tires to the facility, and the quantity of waste tires received from the collector; and if more than five waste tires are delivered by a person who is not a waste tire collector, the number of tires delivered and the person's name, address and telephone number; and
- (c) For all waste tires removed for recapping, the quantity and type removed, and the name and location of the recapping facility receiving the tires.

The report to be submitted to the Department on Form 62-701.900(21), in addition to the information required above, shall include the following:

- (a) The facility name, address and permit number;
 - (b) The quarter covered by the report;
 - (c) The total quantity (by category) of waste tires received at the facility during the quarter covered by the report;
 - (d) The total quantity (by category) of waste tires shipped from the facility during the quarter covered by the report;
 - (e) The total quantity of waste tires processed during the quarter;
 - (f) The total quantity (by category) of waste tires located at the facility on the last day of the quarter; and
 - (g) A list of all dates on which one or more category of waste tires exceeded the storage limit, which category was in excess, and how this condition was relieved or will be relieved.
9. The Permittee shall maintain records of the quantity of waste tires received at the site, stored at the site and shipped from the site in accordance with F.A.C. Rule 62-711.540(1)(g), which shall be available for inspection by Department personnel during normal business hours.
10. Pesticides used to control rodents, flies, mosquitoes, and other insects shall be as specified by the Florida Department of Agriculture and Consumer Services (Chapter 5E-2, Florida Administrative Code), and be available on site for use as necessary.

PERMITTEE:

Garden Street Iron & Metal Inc.
of S.W. Florida
c/o Rob Weber

WACS ID No. 00098386

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Expiration Date: **DRAFT**

SPECIFIC CONDITIONS:

11. The facility shall be maintained in a clean condition.
12. No open burning is permitted within 25 feet of the waste tire storage pile(s) at the site.
13. Adequate fire control provisions shall be available at all times. In case of fire, the Department shall be notified immediately at the telephone number(s) included in the Emergency Preparedness Manual and the Manual shall be followed.
14. Maintain a striped 15 foot x 15 foot fire access area in front of Fire Hydrant #1 and a striped 20 foot x 20 foot fire access area in front of Fire Hydrant #2, as specified in the Fire Safety Survey conducted by the Fort Myers Fire Department on July 7, 2009, and in correspondence dated October 13, 2009 to the Department, with an attached sketch showing Fire Hydrants #1 and #2.
15. A fire survey shall be conducted at least annually and the survey report shall be made part of the next quarterly report.
16. The Permittee shall keep a copy of the Emergency Preparedness Manual at the site at all times.
17. The Permittee shall submit to the District office an annual update/adjustment statement of closure cost estimate pursuant to F.A.C. Rule 62-711.500(3) at least sixty (60) days prior to the anniversary date of the last approved financial instrument. The Permittee shall submit a copy of the updated closure cost estimate along with a new financial instrument corresponding to the closure cost estimate to: Solid Waste Financial Coordinator, Department of Environmental Protection, 2600 Blair Stone Road, Mail Station 4565, Tallahassee, Florida 32399-2400.
18. In the event the Permittee is temporarily unable to comply with any of the conditions of this Permit, he shall notify the DEP District office immediately. Notification shall include pertinent information as to the cause of the problem and what corrective measures are being taken to prevent its reoccurrence.

PERMITTEE:

Garden Street Iron & Metal Inc.
of S.W. Florida
c/o Rob Weber

WACS ID No. 00098386

Permit/Certification No. 0296251-001-WT/02

Date of Issue: **DRAFT**

Expiration Date: **DRAFT**

SPECIFIC CONDITIONS:

19. The Permittee shall notify the Department about the facility's closure at least ninety (90) days prior to the date when waste tires will no longer be accepted.
20. The Permittee shall post a notice at the entrance to notify public haulers about closure, starting at least thirty (30) days prior to the date when waste tires will no longer be accepted.
21. Maintain the stormwater control devices and ditches that assure water quality control of the stormwater discharge as outlined in the operations manual.

These conditions do not exempt the Permittee from complying with requirements of other federal, state, municipal, county or regional pollution control rules, regulations, ordinances or codes.

This Permit is issued for a period of **five (5) years** and expires **DRAFT**. If a renewal is desired, the Permittee shall apply for a renewal by submitting the appropriate application form along with the appropriate fee, sixty (60) days prior to the expiration date.

Should you need further information regarding the above, please call Ghous Minhaj, Solid Waste Permitting Engineer, at (239) 332-6975, extension 185.

Note: In the event of an emergency, the Permittee shall contact the Department by calling (850) 413-9911 or toll free at (800) 320-0519. During normal business hours, the Permittee shall call (239) 332-6975.

Sincerely,

DRAFT

Jon M. Iglehart
Director of District Management

JMI/GAM/MHR/se