



# 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



April 20, 2010

Angela Fornal  
Liberty Tire Recycling  
625 Liberty Avenue, Suite 3100  
Pittsburgh, PA 15222

Re: St. Lucie County - SW  
Liberty Tire Recycling, LLC  
OGC Case No. 10-1351-56-SW  
WACS ID No. 95689

Dear Ms. Fornal:

Attached is the signed and entered Consent Order to resolve the above referenced case. This copy is for your records. The Department also acknowledges receipt of your check in the amount of \$550. As all conditions of the Consent Order have been met, the Department considers this case closed.

If you have any questions, please contact Bill Krumbholz at (239) 332-6975, extension 155, or by mail to the letterhead address, or by e-mail to [bill.krumbholz@dep.state.fl.us](mailto:bill.krumbholz@dep.state.fl.us). Your cooperation in this matter is appreciated.

Sincerely,

Jon M. Iglehart  
Director of  
District Management

JMI/BK/se

Attachment

cc: Lea Crandall, OGC (w/attachment)  
Phil Tuohy, Liberty Tire Recycling, LLC (w/attachment)

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# Florida Department of Environmental Protection

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

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Secretary



April 8, 2010

CERTIFIED MAIL NO. 7008 0150 0003 1458 5526  
RETURN RECEIPT REQUESTED

Angela Fornal  
Liberty Tire Recycling  
625 Liberty Avenue, Suite 3100  
Pittsburgh, PA 15222

RE: St. Lucie County - SW  
Proposed Settlement by Short Form  
Consent Order in the Case of  
Liberty Tire Recycling, LLC  
OGC File No. 10-1351-56-SW, WACS ID No. 95689

Dear Ms. Fornal:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter, dated March 9, 2010, 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 attached Warning Letter, you are assessed civil penalties in the amount of \$300 for violations of Florida Administrative Code, Rule 62-711-520(3); along with \$250 to reimburse the Department costs, for a total of \$550.

The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. The Amount of \$550 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.

The signing of this letter by Jeffrey D. Kendall, Chief Executive Officer, Liberty Tire Recycling, LLC, constitutes acceptance of the Department's offer to resolve this matter on these terms. If Mr. Kendall elects 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.

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**RECEIVED**  
**APR 19 2010**

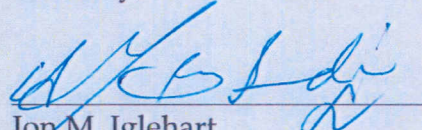
**D.E.P. South District**



Liberty Tire Recycling, LLC  
OGC File No. 10-1351-56-SW, WACS ID No. 95689

If the letter is not signed and returned to the Department at the District address by **April 22, 2010**, 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 it is signed and filed with the Department Clerk.

Sincerely,

  
Jon M. Iglehart  
Director of District Management

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**FOR THE RESPONDENTS:**

I, Jeffrey D. Kendall, CEO, on behalf of Liberty Tire Recycling, LLC, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

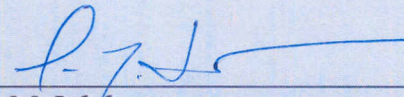
By:  \_\_\_\_\_

Date: 4/14/10 \_\_\_\_\_

-----  
**FOR DEPARTMENT USE ONLY**

DONE AND ENTERED this 19<sup>th</sup> day of APRIL 2010.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
Jon M. Iglehart  
Director of District Management

**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

04-20-2010  
DATE

cc: Lea Crandall, Agency Clerk (Mail Station 35)

RECEIVED  
APR 21 2010  
U.S. District Court  
MIDDLE DISTRICT  
FLORIDA  
TAMPA



## 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, FL 33902-2549

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

March 9, 2010

CERTIFIED MAIL NO. 7008 0500 0000 7774 6760  
RETURN RECEIPT REQUESTED



Jacqueline Wilson, President  
Gibrellic Corporation  
19050 Glades Cut-Off Road  
Port St Lucie FL 34987-2603

Re: St. Lucie County - SW  
Liberty Tire Recycling, LLC  
19050 Glades Cut-Off Road  
WACS ID No. 95689

Dear Ms. Wilson:

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 January 28, 2010 indicates that a violation of Florida Statutes and Rules may exist. Department of Environmental Protection personnel observed the following:

1. Florida Administrative Code (F.A.C.) Rule 62-711.520(3) states the any waste tire collector engaged in collecting or transporting waste tires for the purpose of storage, sale, recycling, reuse, disposal, or processing shall display on each vehicle used a current decal with the waste tire collector registration number obtained from the Department for that vehicle. The decal shall be affixed to the outside of the driver's front door of each vehicle used to transport waste tires. Common carriers displaying an Interstate Commerce Commission number may display decals on removable marking panels. The registered waste tire collector is responsible for all waste tire activities conducted through the use of his decal. Theft of a decal, as documented by a police report, will suspend this responsibility until the decal is recovered. There was no decal affixed to the outside of the driver's front door of the vehicle owned by American Machinery Corp - FL License plate number 731 MWQ - USDOT number 1232082 that was used to transport more than 25 waste tires in a truck trailer with a Maine License plate number 10 6503B.

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**RECEIVED**  
**APR 19 2010**  
**D.E.P. South District**



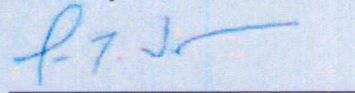
The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of the above-described statutes or rules should cease immediately.

You are requested to schedule a meeting with the Department before March 30, 2010 to discuss this matter. The meeting can occur by telephone conference or at the Departments South District Office located at 2295 Victoria Avenue, Suite 364, Fort Myers, FL. Potential penalties will be discussed at the meeting which may include monetary settlements. The Department is interested in reviewing any facts you may 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 James Leavor ([James.Leavor@dep.state.fl.us](mailto:James.Leavor@dep.state.fl.us)) at (239) 332-6975, extension 121, or Bill Krumbholz ([Bill.krumbholz@dep.state.fl.us](mailto:Bill.krumbholz@dep.state.fl.us)) at extension 155. Your cooperation is appreciated.

Sincerely,



Jon M. Iglehart  
Director of District Management

JMI/BK/JAL/rcd

cc: James Leavor - FDEP - [James.Leavor@dep.state.fl.us](mailto:James.Leavor@dep.state.fl.us)  
Bill Krumbholz - FDEP - [Bill.Krumbholz@dep.state.fl.us](mailto:Bill.Krumbholz@dep.state.fl.us)  
Teresa ZilkoMiller - FDEP - [Teresa.ZilkoMiller@dep.state.fl.us](mailto:Teresa.ZilkoMiller@dep.state.fl.us)  
Lauren O'Connor - FDEP - [Lauren.O'Connor@dep.state.fl.us](mailto:Lauren.O'Connor@dep.state.fl.us)

RECEIVED  
APR 12 2010  
U.S. District Court  
District of Columbia