



Jeb Bush
Governor

Department of Environmental Protection

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

David B. Struhs
Secretary

FILE

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**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

January 4, 2000

Mrs. Susan K. Wilson, President
Florida Tire Recycling, Inc. (FTRI)
9675 Range Line Road
Port St. Lucie, FL 34987

St. Lucie County
SW - FTRI
Enforcement Files

RE: CONSENT JUDGMENT ORDER (Case No. 93-895 CA)

SUBJ: Enforcement Resolution Meeting – November 12, 1999

Dear Mrs. Wilson:

On November 12, 1999, representatives of FTRI and the Department met to resolve the alleged outstanding violations at your facility. These alleged violations are addressed in the Consent Judgment Order (C.J.O.), the Warning Letter dated August 25, 1999, and also described in detail in the November 10, 1999 inspection report to Mr. David Quarterson.

During our meeting, the Department considered drafting a Consent Order to allow for extension of the allowable time period for the construction of the stormwater management system, and to assess civil penalties for the new violations addressed in the Warning Letter. After further review of this complicated case, the Department has chosen not to enter into a Consent Order or pursue civil penalties at this time, but instead to authorize the extension of due dates of the C.J.O. through this letter. Accordingly, the Department agrees to extend deadlines in the C.J.O. as outlined below.

ITEM 10 A. FTRI applied for a permit for the Management and Storage of Surface Waters (MSSW) on February 9, 1994 with the correct application fee submitted on February 15, 1994. The MSSW permit was issued on August 14, 1994 and modified on November 7, 1994 and July 17, 1995. The C.J.O. required commencement of the MSSW system not later than November 1, 1995 and the certification of construction completion of the MSSW system not later than March 1, 1996. As of June 12, 1996, FTRI had started construction of the MSSW system. On December 18, 1996, the Department received a written request from FTRI to extend the compliance date for the construction/certification of the MSSW system. On December 24, 1996, the Department granted a time extension till July 31, 1997. On September 5, 1997, the Department received a second written request from FTRI to extend the compliance date for the construction/certification of the MSSW system till September 1, 1998. This request has been forwarded to the ERP section of the Department for a written response. The

certification for completion of the stormwater system is due on or before November 7, 1999 in accordance with the ERP/MSSW permit. Observations this date revealed that the stormwater piping and concrete drop-down structures have been purchased and are onsite. Construction has started on the conveyance swales from the east side of the wet retention pond to the northeast corner of the property. The MSSW system is not completed nor certified complete as of this inspection date - **noncompliance**.

NOTE: FTRI requested a meeting for March 18, 1996 at their facility to show that a good faith effort was forthcoming by stating that they have purchased equipment (trackhoe) to commence construction of the MSSW pond by April 1, 1996. In addition, FTRI stated that two (2) dump trucks are being rented to haul the dirt from the pond and start construction of the MSSW perimeter roadway while a Small Business Association loan was pending. FTRI subsequently has received the SBA loan during the month of September 1996. An aerial flight of FTRI on December 17, 1996 and September 17, 1997 revealed construction of the southern and most of the western MSSW berm. The FPL right-of-way to the north of the onsite retention pond was free of tire shreds. On June 3, 1999, an aerial reconnaissance revealed that FTRI has disposed of thousands of waste tires on the north side of the retention pond again and the unauthorized disposal concrete rubble - **noncompliance**.

The Department hereby extends the allowable construction period of the aforementioned MSSW/ERP Permits from November 7, 1999 to July 31, 2000 for an Interim Stormwater System. The Interim Stormwater System shall be in substantial compliance with now expired permits MS Permit No. 56-2451186 and Permit No: MS 56-2720046 with the following deviations, which Florida Tire requested:

- a. Concrete pads under the existing interim tire storage area will not be required for an interim stormwater system. As the area is cleared, FTRI shall elevate the grades to be in accordance with the permitted plans.
- b. A functional conveyance system must be constructed. Internal piping may be replaced with swales as long as control elevations are maintained. The actual location of the conveyance swales may be relocated as needed to get around existing waste tire piles, as long as the system functions as designed;
- c. The outfall control structure may be relocated to the retention pond as long as the system functions as designed;
- d. The permitted 285 feet of trench may be eliminated as long as no new impervious areas are constructed and the conveyance function of the trench is maintained (the trench may be replaced with swales or culvert).
- e. Prior to construction of any new impervious area, the engineer of record shall perform and submit for Department review and approval, the necessary calculations to determine whether the permitted design is capable of handling the runoff from the additional impervious areas.

The modified plan for the facility, which identifies the new tire processing area, proposed and the associated building shall contain the calculations required in this paragraph.

- f. The operational phase shall become effective upon compliance with limiting conditions 6 through 8 inclusive of Permit No. Ms 56-2451186. No new additional permit fees will be required as long as the interim stormwater system is certified complete not later than July 31, 2000. A final survey of the project site is required upon removal of all waste tires and concrete rubble by a certified professional engineer registered in the State of Florida. This report shall detail the location of all waste tires and provide grades of the final stormwater management system.
- g. All conditions of the now expired permits No's: MS 56-2451186 and MS 56-2720046 apply, and the work shall be completed in accordance with the general, specific and limiting conditions of the referenced now expired permits. In addition, FTRI shall submit biweekly updates on the progress of the construction of the surface water management system and monthly certified reports which identify the status of construction of the surface water management system. The monthly certified reports must be signed and sealed by a professional engineer registered in the State of Florida and are due by the tenth day of each succeeding month until the system is certified complete. These monthly reports shall be submitted to the solid waste section of the Southeast District Office.

The unauthorized storage of waste tires, waste tire trailers and concrete rubble in the FPL easement area shall be completely removed not later than December 31, 2000.

ITEM 10 B. The STIPULATION incorporated in the C.J.O. states that FTRI shall commence design and construction of a 24' wide perimeter roadway around the site and a central access roadway in an east-west direction approximately dividing the site. FTRI's consultant submitted design drawings for the proposed roadway construction on February 9, 1994 and subsequently submitted modifications to the proposed reconfiguration of the facility. The C.J.O. requires that the construction of the roadway and MSSW system shall occur by November 1, 1995, or sixty days (60) after the Department issues the MSSW permit, whichever occurs first. The MSSW Permit No. 56-2451186, was modified and the modification was issued on July 17, 1995. FTRI has filed a letter dated September 14, 1995, requesting a time extension for the construction of the MSSW system due to the lack of receipt of a pending permit from St. Lucie County. The Department responded on September 25, 1995, and requested additional documentation to be submitted by FTRI which would reveal that this delay for compliance was or will be caused by circumstances beyond the reasonable control of FTRI and could not have been or cannot be overcome by FTRI's due diligence pursuant to item #15 in the STIPULATION. It is our understanding that St. Lucie County has issued FTRI a permit dated March 18, 1996 for your facility. At the time of

this inspection, FTR had commenced the construction of the MSSW system. The east-west roadway has decreased in width as compared to previous inspections, and contains several inches of tire shreds. The MSSW system is not completed nor certified complete as of this inspection date - **noncompliance**.

This item will be considered in compliance when the stormwater management system is certified complete.

10 D.1. FTRI shall remove all tire shreds a minimum distance of a 50' perimeter around the site to allow equipment access for installation of perimeter roadways. The 50' clear perimeter road needs to be maintained clear of tire shreds for the site along the east-northeast section of the site, the east-west access roadway, around all tire piles and in the vicinity of the south side of the stormwater retention pond. Tire shreds were observed to be several inches in depth in these aforementioned areas. This item is in **noncompliance** presently.

The unauthorized storage of waste tires shall be in compliance not later than December 31, 2000.

10 D.2. & 3. Fire Lanes shall be free of tire shreds and whole waste tires to serve the intended purpose. The Department recognizes that FTRI is working in these areas; however, tire shreds were observed on the ground in between the tire shred piles to be a depth of several inches and greater in these areas. Item 8.A.(4) of the C.J.O. requires that FTRI shall clear all waste tires and establish fire lanes between and around the piles located in the interim storage area as shown in Exhibit B, not later than October 31, 1995. This item is in **noncompliance** presently.

The unauthorized storage of waste tires shall be in compliance not later than December 31, 2000.

10 D.5. FTRI has disposed of waste tires onto the Florida Power and Light Easement on the north side of the MSSW stormwater pond - **noncompliance**.

The unauthorized storage of waste tires shall be in compliance not later than December 31, 2000.

10 D.6. FTRI has not maintained a 50 foot separation between the shredded tire piles due to the disposal of tire shreds located on the ground between the tire piles. Item 8.A.(4) of the C.J.O. requires that FTRI shall clear all waste tires and establish fire lanes between and around the piles located in the interim storage area as shown in Exhibit B, not later than October 31, 1995. As of the June 3, 1999 aerial reconnaissance and subsequently on July 12, 1999, September 24, 1999 and November 5, 1999 inspections, there are still a large pile of waste tires (@250,000 truck tires with estimated measurements of 570 feet long by 325 feet wide and 8 feet in height) on the south side of the entrance road due west of the new processing building. This waste tire pile far exceeds the size limitation specified in Chapter 62-711, F.A.C. (200 feet, by 50 feet and 15 feet in height) - **noncompliance**.

The unauthorized storage of waste tires shall be in compliance not later than December 31, 2000.

January 4, 2000
Mrs. Susan K. Wilson
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The Department does not plan to grant any further extensions in this matter. The case has been discussed with the Office of General Counsel and it has been determined that if these judicially imposed requirements are not completed by the extensions granted above, the Department will seek judicial enforcement in accordance with paragraph 11 of the Stipulation of Settlement and Request for Consent Final Judgement, which is Exhibit 1 to the Consent Judgement Order, dated September 14, 1995.

If you have any questions, concerning the items identified in this letter, please contact Inger Hansen at (561)681-6692 or Joe Lurix at (561)681-6669.

Sincerely,



Melissa L. Meeker
Director of District Management
Southeast District Office

^{MCM}
MLM/MCM/il


cc: William Bowen, OGC/TLH
Dana Civetti, PSL/ERP
Joseph Lurix, SED/SW

Inger Hansen, WPB/ERP
Indar Jagnarine, WPB/ERP
Lt. Tom Whitley, SLCFD – certified mail