

I N T E R O F F I C E M E M O R A N D U M

Date: 25-Jul-1994 11:08am EST
From: Joe Lurix WPB
LURIX_J
Dept: Southeast District Offi
Tel No: 407/433-2650
SUNCOM: 232-2650

TO: Janet Bowman TAL
TO: Vivek Kamath WPB
TO: Joe Kahn WPB

(BOWMAN_J @ A1 @ DER)
(KAMATH_V)
(KAHN_J)

Subject: rfi

Here is a draft copy of the second RFI back to FTRI. Please review and comment on this. We received their response on July 21. Janet said that the 30 day timeclock applies for the solid waste application review period. I would like to send this out prior to our 8-10-94 meeting if you are all in agreement with this approach.

Thanks



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

July >, 1994

Certified Mail
Return Receipt Requested

Mr. Skip Robinson
Florida Tire Recycling, Inc.
9675 Range Line Road
Port St. Lucie, FL 34987

St. Lucie County
SW - FTRI
Permit Files

Dear Mr. Robinson:

This is to acknowledge receipt of your application, file number WT 56-252068, for a permit to construct and operate a Waste Tire Processing Facility.

- [] This letter constitutes notice that a permit will be required for your project pursuant to Chapter(s) _____, Florida Statutes.
- [] Your application for permit is complete as of _____ and processing has begun. You are advised that the Department under Chapter 120, Florida Statutes, must take final action on your application within ninety (90) days unless the time is tolled by administrative hearing.
- [] Your application for permit is incomplete. Please provide the information listed on the attached sheet promptly. Evaluation of your proposed project will be delayed until all requested information has been received.
- [X] The additional information received on July 21, 1994 was reviewed, however, the items listed on the attached sheet remain incomplete. Evaluation of your proposed project will continue to be delayed until we receive all requested information.
- [] At this time no permit is required for your project by this Department. Any modifications in your plans should be submitted for review, as changes may result in permits being required. This letter does not relieve you from the need to obtain any other permits (local, state or federal) which may be required.

If you have any questions, please contact Mr. Joe Lurix at telephone number 407/433-2650 of this office. When referring to this project, please use the file number indicated.

Sincerely,

Joseph Kahn, P.E.
Solid Waste Programs

JK:jl

attachment

cc: Greg Coffelt, MSSW/WPB
Jackie Kelly, DF/PSL
Joseph T. Friscia, P.E.
Janet Bowman, OGC/TLH

In order to complete review of your application pursuant to Sections 403.087(4), and 403.707, Florida Statutes (F.S.) and Rules 17-711.530 and 17-711.540 Florida Administrative Code (F.A.C.), please provide the following information below.

1. Please clarify the depth of the existing well in the northeast portion of the property as shown on the revised plot plan. The plot plan shows depth of the well to be 40 feet and the written response states 60 feet.
2. Question #6 in the Departments letter dated July 8, 1994 requested that FTRI provide a copy of a recent fire survey conducted by SLCFPFCD or other fire agency to support the renewal of this application. The applicant responded by submitting a copy of a letter dated July 12, 1994, signed by Deputy Chief Perry Sessoms, Fire Marshal of the SLCFPFCD, copy enclosed. Please provide clarification in writing form the SLCFPFCD if this is a fire safety survey. If SLCFPFCD's response is no, please provide a copy of a recent fire safety survey.
3. In accordance with Rule 17-711.510(2), F.A.C., FTRI shall provide closing cost estimates for the quantities of waste tires on FTRI's site or the quantity of waste tires that FTRI is permitted to have on site, **whichever is greater**. Since the existing accumulation of waste tires was estimated by FTRI's consultant to be "30,000 tons" on June 2, 1994 in comparison to the revised figures of proposed waste tire storage at "9,700 tons" on June 16, 1994, FTRI would have to provide financial assurance at the greater number. Please revise the closure cost estimates to reflect existing conditions at the site today. Please revise the closure cost estimates with engineering calculations and a site map revealing the waste tire locations that are signed and sealed by a professional engineer registered in the State of Florida. The applicant must provide financial assurance for the entire amount of moneys in the final approved closure cost estimate issued in favor of the State of Florida for this facility pursuant to Rule 17-711.510(2)(a), F.A.C. to satisfy this rule.

Note: District Offices of the Department can only issue permits based upon compliance with Department rules. The applicant is advised to read item 10J of the Stipulation for other mechanisms that are available for FTRI to demonstrate compliance.

4. The Southeast District Office provided copies of all the inspection reports conducted at FTRI since the Stipulation was executed. A teleconference was held during the week of July 4, 1994 between the offices of Tallahassee, Southwest District and the Southeast District. The Southeast District informed all parties of the substantial compliance that FTRI had made with the Stipulation. Again, please state clearly what waste tire processing equipment will remain at the FTRI - Port St. Lucie facility for processing waste tires.

I N T E R O F F I C E M E M O R A N D U M

Date: 25-Jul-1994 09:14am EST
From: Joe Lurix WPB
LURIX_J
Dept: Southeast District Offi
Tel No: 407/433-2650
SUNCOM: 232-2650

TO: Janet Bowman TAL (BOWMAN_J @ A1 @ DER)
CC: Vivek Kamath WPB (KAMATH_V)
CC: Joe Kahn WPB (KAHN_J)
CC: Frances Keith TAL (KEITH_F @ A1 @ DER)

Subject: FTRI

Janet,

On July 8, I called you reference the renewal application submittal for a Waste Tire Processing Facility by FTRI. The question I asked dealt with how do I handle the financial responsibility for this site due to the orders in the Stipulation vs. our Waste Tire rules. As you know, the Stipulation doesn't require the funding of the full amount of the moneys immediately as the Waste Tire Rule does. Consequently, the Stipulation required monthly payments over time along with the remediation of the site. The Stipulation does give FTRI the opportunity to apply for a Variance or Alternative Procedure to demonstrate compliance with those portions of the rule(s) that FTRI cannot comply with.

My understanding from you was that FTRI had to comply with the Waste Tire rules in its entirety in order to receive a renewal permit. In essence that meant that FTRI had to fund the entire amount of moneys for the closure cost estimate in an approved financial assurance mechanism. The response that we sent to FTRI stated that FTRI had to comply with the rule in its entirety based upon my understanding from you. Please advise me if this is still correct? We have just received a response from FTRI on 7-21-94 along with the complaint filed in court. Are we on firm grounds for requiring compliance with the financial responsibility for this site as part of the permit process when the Stipulation appears to state differently? I'm drafting a second response to FTRI's submittal. I will not send it out until I get concurrence and comments on this.

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