



Florida Tire Recycling, Inc.

RECEIVED

JUN 25 1992

DEPT. OF ENVIRONMENTAL REG.
WEST PALM BEACH

June 23, 1992

(FACSIMILE TRANSMISSION/MAIL)

Carol Meeds
FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION
Southeast District
1900 South Congress Ave. Suite A
West Palm Beach, Fl. 33406

Re: PENALTY

Dear Ms. Meeds

Thank you for the invitation to furnish information relative to the above captioned and for taking the time Friday to discuss the elements that went into the computation of your "Penalty Computation Worksheet", a copy of which you provided at our meeting in Palm Beach on Wednesday.

We acknowledge and accept the penalty categories and amounts for line #4 (lack of yearly financial estimate @ \$150.00) and line #5 (lack of yearly report @ \$150.00).

With regard to item #6, we believe that we did in fact remove at least 75% of the yearly weight brought to the facility. Based on the Waste Tire Processing Facility Annual Report for 1991-1992, we removed 91.2% (14,177 tons removed / 15,531 tons received) from the site. Therefore, we suggest that there should be no penalty for this category.

At this writing and without further information as to how the penalty amount was arrived at, we cannot address items #1 and #2 (exceeding storage limit and fire lanes). That is: a) by how much was the storage limit exceeded and by what standard; b) what is the formula for determining the dollar amount assessed; c) what is the equation for the multi-day adjustment? It is our hope that you will be able to provide some detail for these categories in order to assist us with making an appropriate and timely response.

page 2.
Ms. Carol Meeds

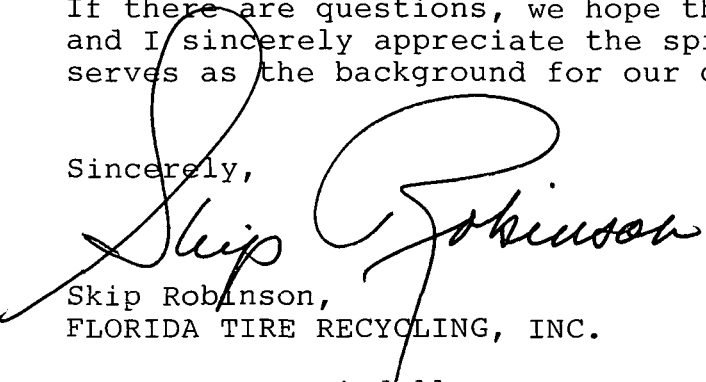
With regard to item #3 we believe the penalty far exceeds what the conditions warrant. Based on your assertion that the period covered by the penalty is for some time up to the date of inspection (April 10, 1992) and that shredded material was not included in the computation, we submit the following formula for determining the amount:

1. that there were approximately 2,500 tons of whole tires on the property,
2. that the regional landfill tipping fee is \$50.00/ton and the cost of transportation is \$4.00/ ton,
3. that the cost of disposal is $2500 \times \$53.00$, or \$132,500.
4. that there is currently in place a bond in the amount of \$15,000 in favor of DER for closure,
5. that the uncovered cost of closure would be \$117,500 (\$132,500 - \$15,000).

Using your estimate for the cost of bonding (3% of the face amount of the bond), the penalty should be 3% of \$117,500, or \$3,525 not \$45,000.

If there are questions, we hope that you will call. Mr. Wilson and I sincerely appreciate the spirit of co-operation which serves as the background for our discussions.

Sincerely,



Skip Robinson,
FLORIDA TIRE RECYCLING, INC.

cc James R. Brindell



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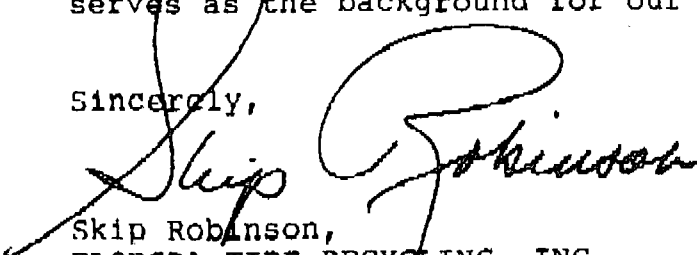
With regard to item #3 we believe the penalty far exceeds what the conditions warrant. Based on your assertion that the period covered by the penalty is for some time up to the date of inspection (April 10, 1992) and that shredded material was not included in the computation, we submit the following formula for determining the amount:

1. that there were approximately 2,500 tons of whole tires on the property,
2. that the regional landfill tipping fee is \$50.00/ton and the cost of transportation is \$4.00/ ton, *change to \$54.00*
3. that the cost of disposal is $2500 \times \$53.00$, or \$132,500. *OK*
4. that there is currently in place a bond in the amount of \$15,000 in favor of DER for closure,
5. that the uncovered cost of closure would be \$117,500 (\$132,500 - \$15,000).

Using your estimate for the cost of bonding (3% of the face amount of the bond), the penalty should be 3% of \$117,500, or \$3,525 not \$45,000.

If there are questions, we hope that you will call. Mr. Wilson and I sincerely appreciate the spirit of co-operation which serves as the background for our discussions.

Sincerely,


Skip Robinson,
FLORIDA TIRE RECYCLING, INC.

cc James R. Brindell



Florida Tire Recycling, Inc.

From Fax (407) 489-2124

Please deliver to:

NAME CAROL MEAS
COMPANY DE R
FAX NUMBER 407-433-2666

Total Number of Pages (this page included) 3

COMMENTS _____

ATTACHED COPY OF LETTER WHICH
INCLUDES OUR RESPONSE TO PENALTY DRAFT

DATE SENT 6-23-92 TIME SENT 3:15 PM

SENDER SKIP ROBINSON

V. WASTE TIRE VIOLATIONS AT PROCESSING FACILITIES
OR LANDFILLS, PERMITTED OR NOT

A. FAILURE TO COMPLY WITH FIRE CONTROL PROVISIONS OF STORAGE
REQUIREMENTS.

POTENTIAL FOR HARM:

- MAJOR:
1. Sites involving 50,000 tires or more.
 2. Sites involving 10,000 to 50,000 tires that are within one mile of a residential community.
- MODERATE:
1. Sites involving 10,000 to 50,000 tires that are not within one mile of a residential community.
 2. Sites involving 1,000 to 10,000 tires that are within one mile of a residential community.
- MINOR:
1. Sites involving less than 10,000 tires that are not within one mile of a residential community.
 2. Sites involving less than 1,000 tires that are within one mile of a residential community.

EXTENT OF DEVIATION:

- MAJOR:
1. Failure to maintain fire lanes.
 2. Exceeding maximum allowable storage dimensions for any pile by 50%.

- MODERATE: 1. Failure to comply with three or more of the other fire control provisions.
2. Exceeding maximum allowable storage dimensions for any pile by less than 50%.
- MINOR: 1. Failure to comply with less than three of the other fire control provisions.

B. FAILURE TO COMPLY WITH MOSQUITO AND RODENT CONTROL PROVISIONS OF STORAGE REQUIREMENTS.

POTENTIAL FOR HARM:

- MAJOR: 1. Sites involving 50,000 tires or more.
2. Sites involving 10,000 to 50,000 tires that are within one mile of a residential community.
- MODERATE: 1. Sites involving 10,000 to 50,000 tires that are not within one mile of a residential community.
2. Sites involving 1,000 to 10,000 tires that are within one mile of a residential community.
- MINOR: 1. Sites involving less than 10,000 tires that are not within one mile of a residential community.
2. Sites involving less than 1,000 tires that are within one mile of a residential community.

EXTENT OF DEVIATION:

MAJOR: 1. No mosquito or rodent control measures used within a year.

MODERATE: 1. No mosquito or rodent control measures used within 6 months.

MINOR: 1. No mosquito or rodent control measures used within a month.

C. FAILURE TO POST SIGNS; FAILURE TO HAVE AN ATTENDANT ON SITE; FAILURE TO MAINTAIN RECORDS; AND FAILURE TO MAINTAIN ACCESS CONTROL.

POTENTIAL FOR HARM:

The potential for harm is always minor.

EXTENT OF DEVIATION:

MAJOR: 1. Failure to comply with all of the requirements listed in #3.

Moderate: 2. Failure to comply with three of the four requirements listed in #3.

MINOR: 1. Failure to comply with less than three of the requirements listed in #3.

D. MISCELLANEOUS TIRE VIOLATIONS.

POTENTIAL FOR HARM:

The Potential for Harm is always minor.

EXTENT OF DEVIATION

- MAJOR: 1. Exceeding maximum permitted storage by more than 100%.
- MODERATE: 1. Exceeding maximum permitted storage by more than 25% and less than 100%.
2. Failure to file reports required by permit or registration.
- MINOR: 1. Exceeding maximum permitted storage by less than 25%.
2. Failure to notify the Department of the existence of a waste tire site.

Skip Robinson (407) 489-2124

PENALTY ASSESSMENT MATRIX*

P O T E N T I A L F O R H A R M	EXTENT OF DEVIATION FROM REQUIREMENT			
		MAJOR	MODERATE	MINOR
	MAJOR	\$10,000 to \$ 8,000	\$ 7,999 to \$ 6,000	\$ 5,999 to \$ 4,600
	MODERATE	\$ 4,599 to \$ 3,200	\$ 3,199 to \$ 2,000	\$ 1,999 to \$ 1,200
	MINOR	\$ 1,199 to \$ 600	\$599 to \$200	\$199 to \$100

*Reduce by 1/2 all categories for potable water cases.