



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

CENTRAL DISTRICT
3319 MAGUIRE BOULEVARD, SUITE 232
ORLANDO, FLORIDA 32803

RICK SCOTT
GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

August 14, 2013

Dennis Mulberger, Managing Director
Consolidated Tire Processing, LLC
3665 Darby Road
New Smyrna Beach, FL 32168
dmulberger@cfl.rr.com

Re: Consolidated Tire Processing, LLC
SW WACS # 100465
Volusia County
OCD-CAP-13-2783

Dear Mr. Mulberger:

Department personnel conducted a compliance inspection of the above-referenced facility on April 10, 2013. Based on the information provided during and following the inspection, the facility was determined to be in compliance with the Department's rules and regulations. A copy of the inspection report is attached for your records.

The Department appreciates your efforts to maintain this facility in compliance with state and federal rules. Should you have any questions or comments, please contact Brad Whidden at (407) 897-4315 or via e-mail at Brad.Whidden@dep.state.fl.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Reggie Phillips".

Reggie Phillips, Manager
Central District
Florida Department of Environmental Protection

Enclosures: Inspection Report



**Florida Department of
Environmental Protection
Inspection Checklist**

FACILITY INFORMATION:

Facility Name: CONSOLIDATED TIRE PROCESSING, LLC

On-Site Inspection Start Date: 08/07/2013

On-Site Inspection End Date: 08/07/2013

WACS No.: 100465

Facility Street Address: 3100 S Ridgewood Ave

City: South Daytona

County Name: VOLUSIA

Zip: 32119

INSPECTION PARTICIPANTS:

(Include ALL Landfill and Department Personnel with Corresponding Titles)

Principal Inspector: Brad Whidden, Inspector

Other Participants: Dennis Mulberger (via telephone), Managing Director

INSPECTION TYPE:

Follow-up Operation Inspection for WPF - Waste Tire Processing Facility

ATTACHMENTS TO THE INSPECTION CHECK LIST:

This Cover Page to the Inspection Checklist may include any or all of the following attachments as appropriate.

COMMENTS:

08/08/2013

The purpose of this report is to document the facility's corrective actions of removing excess waste tires. An onsite inspection of the facility was not performed.

Specific condition #12, DEP Permit #WT64-0310464-001, states that the facility shall store no more than 7,000 total tires on-site. In the Department letter OCD-SW-13-0333, the Department approved the cost estimates and proof of financial assurance allowing the storage of 9,000 total tires stored on-site.

During the inspection on 4/10/2013, approximately 15,000 total tires were stored on-site. During a telephone conversation on 8/10/2013, Dennis Mulberger stated that the facility reduced the number of total tires stored to approximately 7,000 tires. Of this amount, 3,700 tires are used tires intended for resale. Dennis Mulberger said that the facility will continue to remove the baled waste tires. Pictures showing the removal of the tires were submitted to the Department.

ATTACHMENTS:

Inspection Date: 08/07/2013

Removed Baled Tires (via email)



Inspection Date: 08/07/2013

Signed:

Brad Whidden

PRINCIPAL INSPECTOR NAME

Inspector

PRINCIPAL INSPECTOR TITLE

Brad Whidden

PRINCIPAL INSPECTOR SIGNATURE

FDEP

ORGANIZATION

8/13/2013

DATE

Dennis Mulberger (via telephone)

REPRESENTATIVE NAME

Managing Director

REPRESENTATIVE TITLE

NO SIGNATURE

REPRESENTATIVE SIGNATURE

Consolidated Tire Processing, LLC

ORGANIZATION

Supervisor: Reginald F. Phillips

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Not Ok" or areas of concern.



**Florida Department of
Environmental Protection
Inspection Checklist**

FACILITY INFORMATION:

Facility Name: CONSOLIDATED TIRE PROCESSING, LLC

On-Site Inspection Start Date: 04/10/2013

On-Site Inspection End Date: 04/10/2013

WACS No.: 100465

Facility Street Address: 3100 S Ridgewood Ave

City: South Daytona

County Name: VOLUSIA

Zip: 32119

INSPECTION PARTICIPANTS:

(Include ALL Landfill and Department Personnel with Corresponding Titles)

Principal Inspector: Brad Whidden, Inspector

Other Participants: Dennis Mulberger, Managing Director; Lauren Staly, Inspector; John Vigiliotti, Inspector

INSPECTION TYPE:

Routine Operation Inspection for Waste Processing - Tire Processing Facility

Complaint Investigation Inspection for Waste Processing - Tire Processing Facility

ATTACHMENTS TO THE INSPECTION CHECK LIST:

This Cover Page to the Inspection Checklist may include any or all of the following attachments as appropriate.

SECTION 1.0 - FILE REVIEW

SECTION 4.0 - WASTE PROCESSING FACILITIES

SECTION 9.0 - WASTE TIRE FACILITIES

Inspection Date: 04/10/2013

SECTION 1.0 - FILE REVIEW

Requirements:

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Item No.	FILE REVIEW (Pre- or Post-Inspection, as appropriate.) Completed	Ok	Not Ok	Unk	N/A
1.1	For landfills and C&D disposal facilities, does the facility have a current plan for the method and sequence of filling wastes? 62-701.500(2)(f) for landfills; 62-701.730(7)(a) for C&D debris sites				✓
1.2	For landfills, are the following records being reported to the Department?(Check any that are Not OK) <input type="checkbox"/> Waste reports (annually) 62-701.500(4) <input type="checkbox"/> Annual estimate of remaining life 62-701.500(13)(c)				✓
1.3	Is leachate sampled, tested and disposed as required? 62-701.500(8)(a), 62-701.510(6)(c)				✓
1.4	Is gas monitoring being performed as required by the permit? 62-701.500(9), 62-701.530(2)				✓
1.5	Are the results of the gas sampling reported to the Department quarterly? 62-701.530(2)(c)				✓
1.6	Is water quality sampling and testing performed according to standard procedures and at the required frequencies? 62-701.510(2) for landfills; 62-701.730(4)(b) and (10) for C&D debris sites; 62-713.400(3) for stationary soil treatment facilities.				✓
1.7	Do the results of the water quality testing suggest there may be adverse impacts to water quality from the operation of the solid waste facility? 62-701.510(3) and (4); 62-701.730(4)(c) and (10) for C&D debris sites; 62-713.400(3) for stationary soil treatment facilities.				✓
1.8	For closed landfills and C&D disposal facilities with final elevations higher than 20 feet above grade, has a final survey report verifying the final elevations and contours of the facility been submitted to the Department? 62-701.600(6)(b), 62-701.730(9)(d)				✓
1.9	Is financial assurance adequate? 62-701.630 for landfills; 62-701.710(7)(a) and (10)(a) for waste processing facilities; 62-701.730(11)(a) for C&D debris facilities; 62-713.600(6)(a) for stationary soil treatment facilities; 62-711.500(3) for waste tire facilities. NOTE: The Solid Waste Financial Coordinator in Tallahassee can assist with this information.	✓			
1.10	Are cost estimates current and adjusted every year? 62-701.630(4) for landfills; 62-701.710(7)(b) and (10)(a) for waste processing facilities; 62-701.730(11)(b) and (c) for C&D debris facilities; 62-713.600(6)(b) and (c) for stationary soil treatment facilities; 62-711.500(3) for waste tire facilities.	✓			
1.11	For C&D debris disposal and disposal with recycling facilities, is an Annual Report submitted to the Department for the disposal operation by April 1st of each year? 62-701.730(12)				✓
1.12	For C&D recycling facilities with no disposal, is an Annual Report for the recycling facility submitted to the Department by April 1st of each year? 62-701.710(9)(b)				✓
1.13	For compost facilities, has the compost product been sampled and analyzed every 20,000 tons or every 3 months (whichever is sooner)? 62-709.530(1)				✓
1.14	For compost facilities, has the annual report been submitted by June 1st? 62-709.530(3)				✓

Inspection Date: 04/10/2013

SECTION 4.0 - WASTE PROCESSING FACILITIES

Requirements:

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Item No.	SOLID WASTE PROHIBITIONS (unless "grandfathered" in, see 62-701.300(18)) Completed	Ok	Not Ok	Unk	N/A
4.1.1	Unauthorized storage, processing, or disposal of solid waste except as authorized at a permitted solid waste management facility or other exempt facility? 62-701.300(1)(a)	✓			
4.1.2	Unauthorized disposal or storage prohibited, except yard trash, within 500 feet of a potable water well? 62-701.300(2)(b)	✓			
4.2	Unauthorized storage or disposal of yard trash prohibited within the minimum setbacks of (Check any that are Not OK) 62-701.300(12) <input type="checkbox"/> 100 feet from potable water wells (except on-site)? <input type="checkbox"/> 50 feet from water bodies?	✓			
4.3	Unauthorized disposal or storage prohibited in any natural or artificial body of water including ground water and wetlands? (Does not apply to standing water after a storm event.) 62-701.300(2)(d)	✓			
4.4	Unauthorized disposal or storage prohibited, except yard trash, within 200 feet of any natural or artificial body of water, including wetlands without permanent leachate controls, except impoundments or conveyances which are part of an on-site, permitted stormwater management system or on-site water bodies with no off-site discharge? 62-701.300(2)(e)	✓			
4.5	Unauthorized open burning of solid waste prohibited, except in accordance with Department requirements? 62-701.300(3)	✓			
4.6	Are the following unauthorized wastes or special wastes properly managed? (Check any that are Not OK) <input type="checkbox"/> Hazardous waste 62-701.300(4) <input type="checkbox"/> Biomedical waste 62-701.300(6) <input type="checkbox"/> Used oil and oily wastes, except as exempted 62-701.300(11) <input type="checkbox"/> PCB wastes 62-701.300(5) <input type="checkbox"/> Liquids 62-701.300(10)	✓			

Item No.	WASTE PROCESSING FACILITY OPERATION AND MAINTENANCE Completed	Ok	Not Ok	Unk	N/A
4.7	Do the tipping, processing, sorting, storage and compaction areas that are in an enclosed building or covered area have adequate ventilation? 62-701.710(3)(a)				✓
4.8	For areas not enclosed, is litter controlled and are litter control devices maintained? 62-701.710(3)(a)				✓
4.9	Is leachate collection and removal system maintained and operated as required? 62-701.710(3)(b)				✓
4.10	Are all drains and leachate conveyances kept clean so that leachate flow is not impeded? 62-701.710(4)(b)				✓
4.11	Are the following records or plans current and available on-site? (Check any that are Not OK) <input type="checkbox"/> Operation and Maintenance Manual 62-701.710(4)(a)1 <input type="checkbox"/> Contingency Plan 62-701.710(4)(a)3 <input type="checkbox"/> Operation records 62-701.710(9)(a)				✓
4.12	Is the Operation and Maintenance Manual substantially followed? 62-701.710(4)(a)1				✓
4.13	Are putrescible wastes stored no longer than 48 hours or as otherwise allowed in the Operation and Maintenance Plan? 62-701.710(4)(b)				✓
4.14	Are areas where putrescible waste is stored or processed cleaned at least weekly to prevent odor and vector problems? 62-701.710(4)(b)				✓
4.15	Are the operating hours posted at the facility? 62-701.710(4)(c)1				✓

Inspection Date: 04/10/2013

Item No.	WASTE PROCESSING FACILITY OPERATION AND MAINTENANCE Completed	Ok	Not Ok	Unk	N/A
4.16	Is a trained operator on duty whenever the facility is operating? 62-701.710(4)(c)1				✓
4.17	Is at least one trained spotter on duty at all times that waste is received at the facility to inspect the incoming waste? 62-701.710(4)(c)2				✓
4.18	Are unauthorized wastes removed from the waste stream and placed into appropriate containers for disposal at a permitted facility? 62-701.710(4)(c)2				✓
4.19	Is the facility operated to control objectionable odors? 62-701.710(4)(d)				✓
4.20	Is adequate fire protection equipment available and operational? 62-701.710(4)(e)				✓
4.21	Is access to the facility controlled by fencing or other effective barriers to prevent disposal of unauthorized solid waste? 62-701.710(4)(f)				✓
4.22	If the facility is a Transfer Station and is claiming the financial assurance exemption, does it manage the waste on a first-in, first-out basis and store waste for no greater than 7 days? 62-701.710(10)(a)				✓
4.23	Is stormwater effectively controlled? 62-701.710(8)				✓
4.24	Are all additional specific conditions (not otherwise addressed above) in the permit, Department order, or certification, if any, being followed? 62-701.320(1), 403.161, F.S.		✓		

Item No.	WASTE PROCESSING FACILITY CLOSURE Completed	Ok	Not Ok	Unk	N/A
4.25	Has the solid waste or residue been properly disposed of within 30 days after receiving the final solid waste shipment? 62-701.710(6)(c)				✓
4.26	Has closure been completed within 180 days after receiving the final solid waste shipment? 62-701.710(6)(d)				✓

Inspection Date: 04/10/2013

SECTION 9.0 - WASTE TIRE FACILITIES

Requirements:

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Item No.	SOLID WASTE PROHIBITIONS (unless "grandfathered" in, see 62-701.300(18)) Completed	Ok	Not Ok	Unk	N/A
9.1.1	Unauthorized storage, processing, or disposal of solid waste except as authorized at a permitted solid waste management facility or other exempt facility? 62-701.300(1)(a)	✓			
9.1.2	Unauthorized disposal or storage prohibited, except yard trash, within 500 feet of a potable water well? 62-701.300(2)(b)	✓			
9.2	Unauthorized storage or disposal of yard trash prohibited within the minimum setbacks of (Check any that are Not OK) 62-701.300(12) <input type="checkbox"/> 100 feet from potable water wells (except on-site)? <input type="checkbox"/> 50 feet from water bodies?	✓			
9.3	Unauthorized disposal or storage prohibited in any natural or artificial body of water including ground water and wetlands? (Does not apply to standing water after a storm event.) 62-701.300(2)(d)	✓			
9.4	Unauthorized disposal or storage prohibited, except yard trash, within 200 feet of any natural or artificial body of water, including wetlands without permanent leachate controls, except impoundments or conveyances which are part of an on-site, permitted stormwater management system or on-site water bodies with no off-site discharge? 62-701.300(2)(e)	✓			
9.5	Unauthorized open burning of solid waste prohibited except in accordance with Department requirements? 62-701.300(3)	✓			

Item No.	WASTE TIRE FACILITY - GENERAL REQUIREMENTS FOR STORAGE Completed	Ok	Not Ok	Unk	N/A
9.6	If the facility accepts tires from the public, is a sign posted at the facility entrance stating operating hours, cost of disposal and site rules? 62-711.540(1)(a)	✓			
9.7	Are operations involving the use of open flames conducted no closer than 25 feet of a waste tire pile? 62-711.540(1)(b)	✓			
9.8	If the facility accepts tires from the public, is an attendant always present on site when the site is open for business? 62-711.540(1)(c)	✓			
9.9	Are fire protection services assured through notification to local fire protection authorities? 62-711.540(1)(d)	✓			
9.10	Is an annual fire safety survey conducted? 62-711.540(1)(d)	✓			
9.11	Is a copy of the annual fire safety report made part of the next quarterly report? 62-711.540(1)(d)	✓			
9.12	Does the facility have an Emergency Preparedness Manual (EPM) on-site? 62-711.540(1)(e)	✓			
9.13	Does the EPM contain the following information? (Check all that are Not OK) <input type="checkbox"/> Contact names and numbers 62-711.540(1)(e)1 <input type="checkbox"/> List of emergency response equipment and locations on-site 62-711.540(1)(e)2 <input type="checkbox"/> Procedures to be followed in the event of a fire 62-711.540(1)(e)3	✓			
9.14	Is the operator at the facility maintaining records of the quantity of waste tires received at the site, stored at the site, and shipped from the site? 62-711.540(1)(g) and 62-711.400(5)	✓			
9.15	If the operator of the site is not the owner of the property, has written authorization been obtained from the property owner to operate the facility? 62-711.540(1)(h)	✓			
9.16	Is adequate communications equipment available at the site? 62-711.540(1)(i)	✓			
9.17	Is the owner or operator providing for control of mosquitoes and rodents so as to protect the public health and welfare? 62-711.540(1)(j)	✓			

Item No.	WASTE TIRE FACILITY - STORAGE INDOORS Completed	Ok	Not Ok	Unk	N/A
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Inspection Date: 04/10/2013

Item No.	WASTE TIRE FACILITY - STORAGE INDOORS Completed	Ok	Not Ok	Unk	N/A
9.18	Are waste tire piles more than 50 feet in width? 62-711.540(2)(a)	✓			
9.19	Are waste tire piles along a wall more than 25 feet in width? 62-711.540(2)(a)	✓			
9.20	Are widths of main aisles between piles less than 8 feet? 62-711.540(2)(b)	✓			
9.21	Is there less than 3 feet of clearance between the top of storage to sprinkler detectors or roof structures? 62-711.540(2)(c)	✓			
9.22	Is there less than 3 feet of clearance between waste tire piles and unit heaters, etc.? 62-711.540(2)(d)	✓			
9.23	If waste tires are stored up to 15 feet in height, do walls have at least a 4- hour fire rating? 62-711.540(2)(e)	✓			
9.24	If waste tires are stored more than 15 feet in height, do walls have a fire rating of not less than 6 hours and columns one hour FR? If more than 20 feet, do columns and its connections with other structural members have two hour FR? 62-711.540(2)(f)	✓			
9.25	Is the access controlled through the use of doors, fences, gates, natural barriers or other means? 62-711.540(2)(h)	✓			

Item No.	WASTE TIRE FACILITY - STORAGE OUTDOORS Completed	Ok	Not Ok	Unk	N/A
9.26	Is the waste tire site operated within 200 feet from a body of water? 62-711.540(3)(a)				✓
9.27	Does the waste tire pile have a width less than 50 feet? 62-711.540(3)(b)				✓
9.28	Does the waste tire pile have an area less than 10,000 sq. ft? 62-711.540(3)(b)				✓
9.29	Does the waste tire pile have a height less than 15 feet? 62-711.540(3)(b)				✓
9.30	Is there a 50 feet wide fire lane around the perimeter of the waste tire pile? 62-711.540(3)(c)				✓
9.31	Is there unobstructed access to the fire lane? 62-711.540(3)(c)				✓
9.32	Is the access controlled through the use of doors, fences, gates, natural barriers or other means? 62-711.540(3)(d)				✓
9.33	Is the site kept free of grass, underbrush, and other potentially flammable vegetation? 62-711.540(3)(f)				✓
9.34	Is the site bermed or given other adequate protection to prevent liquid runoff from entering water bodies? 62-711.540(3)(e)				✓
9.35	Are residuals contained on-site and disposed of in a permitted solid waste management facility or properly recycled? 62-711.540(5)				✓
9.36	Does the waste tire site qualify for the exceptions to the technical and operational standards as allowed by rule? 62-711.540(6)				✓

Item No.	WASTE TIRE FACILITY - COLLECTION CENTER Completed	Ok	Not Ok	Unk	N/A
9.37	Are no more than 1,500 tires at the collection center at any one time? 62-711.550(1)(a)				✓
9.38	Are all waste tires, which are not used tires, removed from site yearly for recycling, processing, or disposal? 62-711.550(1)(b)				✓

Inspection Date: 04/10/2013

Current Violations:

Rule: 62-701.320(1), 403.161

Question Number: 4.24

Explanation: At the time of inspection, approximately 15,000 total tires were stored on-site.

Specific condition #12, DEP Permit #WT64-0310464-001, states that the facility shall store no more than 7,000 total tires on-site. In the Department letter OCD-SW-13-0333, the Department approved the cost estimates and proof of financial assurance allowing the storage of 9,000 total tires stored on-site.

Corrective Action: Within 30 days of receipt of this inspection report, reduce the amount of tires stored on-site to no more than 9,000 total tires.

COMMENTS:

04/10/2013

The facility is permitted to operate a waste tire processing facility. The operation currently consists of storing and baling of waste tires for shipment overseas and the selling of wholesale used tires.

Dennis Mulberger said that the facility plans to contract with Empire Tire to remove all baled tires from the warehouse. Because of shipping issues, he said that the facility plans to reduce or completely eliminate the baling of waste tires for shipping overseas. The facility will still operate to store and resell wholesale used tires. According to Dennis Mulberger, nearly all incoming tires in the past few months have been used tires intended for resale.

According to facility records there were approximately 15,000 total tires stored on-site. Of this amount, approximately 2,500 tires were used tires intended for resale.

The facility continues to bale the remaining waste tires stored in the warehouse. Dennis expects that the facility will begin removing baled tires by the end of April. During a follow-up phone conversation on April 22, Dennis Mulberger said that he estimates that all baled tires can be removed within 30 days from the start of the removal at about 3 loads per workday. During a conversation on April 30, Dennis stated that 10 truckloads (approximately 1500 tires) have already been taken to Empire Tire. He said the facility will continue to remove the excess baled tires.

Complaint Investigation:

On April 5, 2013, the Department received a complaint alleging that odor and dust from facility operations is a nuisance and is adversely affecting the health of surrounding company employees. The complaint also stated that the facility has not shipped any outgoing tires since last summer.

During the inspection, there were no discernible odors or dust detected outside the facility. The facility floor did have a small amount of residue around the working areas. Dennis Mulberger said that this is sand and other residue that comes from the inside of tires as they are moved. He said this is part of normal operations and is swept as needed.

Dennis Mulberger provided records showing that approximately 30,000 tires were shipped to Hong Kong in January. The tires were shipped by China Shipping (North America) Agency Co., Inc.

ATTACHMENTS:

Inspection Date: 04/10/2013

Facility Exterior



Baled Tire Storage



Used Tire Storage



Baling Area



Inspection Date: 04/10/2013

Signed:

Brad Whidden
PRINCIPAL INSPECTOR NAME

Inspector
PRINCIPAL INSPECTOR TITLE

Brad Whidden
PRINCIPAL INSPECTOR SIGNATURE

FDEP
ORGANIZATION 4/30/2013
DATE

Lauren Staly
INSPECTOR NAME

Inspector
INSPECTOR TITLE

NO SIGNATURE
INSPECTOR SIGNATURE

FDEP
ORGANIZATION

John Vigiliotti
INSPECTOR NAME

Inspector
INSPECTOR TITLE

NO SIGNATURE
INSPECTOR SIGNATURE

FDEP
ORGANIZATION

Dennis Mulberger
REPRESENTATIVE NAME

Managing Director
REPRESENTATIVE TITLE

NO SIGNATURE
REPRESENTATIVE SIGNATURE

Consolidated Tire
ORGANIZATION

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Not Ok" or areas of concern.