



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

CENTRAL DISTRICT
3319 MAGUIRE BOULEVARD, SUITE 232
ORLANDO, FLORIDA 32803-3767

RICK SCOTT
GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

December 27, 2013

NOTICE OF PERMIT

Sent via email: empiretire@hotmail.com

In the matter of an
Application for Permit
By:

Mr. Vincent Contestabile
Empire Tire of Edgewater
4888 W. Colonial Drive
Orlando, FL 32808

OCD-SW-13-5145

Orange County – SW WACS # 95062
Empire Tire of Edgewater – Waste Tire Processing
DEP File No. 0287891-002-WT-02

Dear Mr. Contestabile:

Enclosed is Permit Number 0287891-002-WT-02 to operate the Empire Tire of Edgewater Waste Tire Processing Facility, issued under Sections 403.061(14) and 403.707, of the Florida Statutes.

Any party to this order (permit) has the right to seek judicial review of the permit under section 120.68 of the Florida Statutes, by the filing of a Notice of Appeal under rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this notice is filed with the Clerk of the Department.

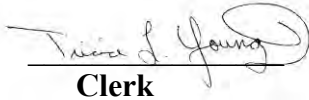
Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

F. Thomas Lubozynski, P.E. for
Jeff Prather
Director, Central District

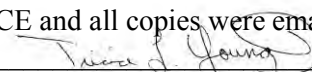
FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.


Clerk

December 27, 2013
Date

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT ISSUANCE and all copies were emailed before close of business on December 27, 2013 to the listed persons, by .

Clerk

JP/ftl/kr

Enclosures

1. Permit No. 0287891-002-WT-02

Copies furnished to:

Richard Tedder, P.E. – FDEP Tallahassee, richard.tedder@dep.state.fl.us

FDEP Solid Waste Financial Coordinator, solid.waste.financial.coordinator@dep.state.fl.us

Reggie Phillips – FDEP Central District, reggie.phillips@dep.state.fl.us

Gloria DePradine – FDEP Central District, gloriajean.depradine@dep.state.fl.us



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SECRETARY

Permit Issued to:

Empire Tire of Edgewater, LLC
4888 W. Colonial Drive
Orlando, Florida
(407) 947-7273

Facility WACS ID No.: 95062
Empire Tire of Edgewater
4888 W. Colonial Drive
Orlando, Orange County, Florida

Contact Person:
Vincent Contestabile
empiretire@hotmail.com

Solid Waste Operation Permit – Waste Tire Processing Facility
Permit No.: 0287891-002-WT-02

Permit Issued: [12/27/2013]
Permit Renewal Application Due Date: 10/12/2018
Permit Expires: 12/12/2018

Permitting Authority
Florida Department of Environmental Protection
Central District Office
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767
(407) 897-4100
DEP_CD@dep.state.fl.us

SECTION 1 - SUMMARY INFORMATION

A. Authorization

The permittee is hereby authorized to operate a waste tire processing facility in accordance with the specific and general conditions of this permit and any documents attached to this permit or specifically referenced in this permit and made a part of this permit.

This solid waste operation permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 62-4, 62-701, and 62-711.

This permit does not relieve the permittee from complying with any other appropriate local zoning or land use ordinances or with any other laws, rules or ordinances. Receipt of any permit from the Department does not relieve the applicant from obtaining other federal, state, and local permits and/or modifications required by law, including those from other sections within the Department or of the Water Management District.

B. Facility Location

The facility is located at 4888 W. Colonial Drive, Orlando, in Section 30, Township 22 South, Range 29 East, in Orange County, Florida (Latitude 28.550145° and Longitude -81.442559°).

C. Facility Description

The above named permittee is hereby authorized for the following operations:

- To operate a waste tire processing facility.
- Processing involves storage and sorting of whole waste tires and tire chips.
- All storage and operations are performed outdoors and under cover.
- On-site waste tire storage capacity is 825 tons and includes whole waste tires, used tires for resale, and tire chips. See Section 2.C.4 for a breakdown of the quantities.

D. Appendices Made Part of This Permit

APPENDIX 1 - General Conditions

APPENDIX 2 – List of Documents Incorporated into this Permit

E. Attachments for Informational Purposes Only

[None]

SECTION 2 - SPECIFIC CONDITIONS

A. Administrative Requirements

1. Documents Part of This Permit. The permit application **as finally revised, replaced or amended** in response to the Department's Request(s) for Additional Information are contained in the Department's files and are made a part of this permit. Those documents that make up the complete permit application are listed in APPENDIX 2.
2. Permit Modification. Any change to construction, operation or monitoring requirements of this permit may require a modification to this permit, in accordance with the provisions of Rule 62-701.320(4), F.A.C.
3. Permit Renewal. In order to ensure uninterrupted operation of this facility, a timely and sufficient permit renewal application must be submitted to the Department in accordance with Rule 62-701.320(10), F.A.C. A permit application submitted at least 61 days prior to the expiration of this permit is considered timely and sufficient.
4. Transfer of Permit or Name Change. In accordance with Rule 62-701.320(11), F.A.C., the Department must be notified in writing within 30 days: (1) of any sale or conveyance of the facility; (2) if a new or different person takes ownership or control of the facility; or (3) if the facility name is changed.

B. Construction Requirements

1. General Construction Requirements. This permit does not authorize any construction activities. The Department shall be notified before any changes, other than minor deviations, to the approved Construction Plan/Site Plan are implemented in order to determine whether a permit modification is required.

C. Operation Requirements

1. General Operating Requirements. The permittee shall operate the facility in accordance with the approved Operation Plan. The Department shall be notified before any changes, other than minor deviations, to the approved Operation Plan are implemented in order to determine whether a permit modification is required.
2. Authorized Waste and Material Types. The facility is authorized to manage only the following:
 - a) Waste tires as defined in Rule 62-701.200, F.A.C.
3. Unauthorized Waste Types. The facility is not authorized to accept or manage any waste types not listed in C.2. above. Any unauthorized waste inadvertently received by the facility shall be managed in accordance with the approved Operation Plan.

4. Maximum Storage Quantities. The maximum storage at the facility for whole waste tires, including used tires for re-sale and tire chips shall be 825 tons in accordance with Rule 62-711.530(2), F.A.C. in the following quantities:

Whole Waste Tires	200 Tons
Processed Tires	500 Tons
Residuals	125 Tons
Used Tires for Re-Sale	Maximum of 5% of the daily collection
5. Facility Capacity. If the facility has reached its permitted capacity for storage of waste tires, the permittee shall not accept additional waste tires until sufficient capacity has been restored.
6. Storage and Management. All waste tires will be stored outdoors and under cover and shall meet the fire department's standards along with the applicable storage requirements cited in Rule 62-711.540, F.A.C.
7. Contingency Plan and Notification of Emergencies. The permittee shall notify the Department in accordance with the approved Contingency Plan. Notification shall be made to the Solid Waste Section of DEP's Central District Office at (407) 897-4100.
8. Operations Involving Use of Open Flames. No operations involving the use of open flames shall be conducted within 25 feet of a waste tire pile, Rule 62-711.540(1)(b), F.A.C.
9. Processing Requirements. At least 75% of the whole tires and used tires that are delivered to or are contained on the site at the beginning of each calendar year must be processed and removed for disposal or recycling from the facility during the year, or disposed in a permitted solid waste management facility Rule 62-711.530(3), F.A.C.
10. Quarterly Reports. Owners or operators of waste tire processing facilities shall submit quarterly reports to the Department that summarize the information collected under Rule 62-711.530(4), F.A.C. The reports shall be submitted on DEP Form 62-701.900(21), on the 20th of the month following the close of each calendar quarter to the Department of Environmental Protection, Central District – Solid Waste Section (DEP_CD@dep.state.fl.us) with a copy to EPOST_SWM@dep.state.fl.us.
11. Fire Safety Survey. A fire safety survey shall be conducted at least annually by the local fire protection authorities, Rule 62-711.540(1)(d), F.A.C. The survey report shall be made part of the next quarterly report in Specific Condition Section 2.C.10 above.

D. Water Quality Monitoring Requirements

[There are no water quality monitoring requirements for this facility.]

E. Gas Management System Requirements

[There are no gas management requirements for this facility.]

F. Closure Requirements

[There are no closure requirements for this facility.]

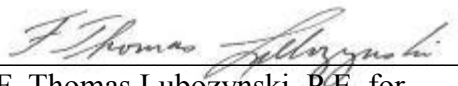
G. Financial Assurance and Cost Estimates

1. Financial Assurance Mechanism. The permittee shall maintain, in good standing, the financial assurance mechanism established to demonstrate proof of financial assurance. Support documentation and evidence of financial assurance increases shall be submitted within the time frames specified in Rule 62-711.500(3), F.A.C. All submittals in response to this specific condition shall be sent to: Florida Department of Environmental Protection, Financial Coordinator – Solid Waste Section via email at Solid.Waste.Financial.Coordinator@dep.state.fl.us
2. Cost Estimates. The permittee shall annually adjust the closing cost estimate in accordance with Rule 62-711.500(3), F.A.C. The owner or operator shall submit the annual cost estimate at least 60 days prior to the anniversary date of June 6 of their financial assurance mechanism.

All submittals in response to this specific condition shall be sent to the Department of Environmental Protection, Central District – Solid Waste Section (DEP_CD@dep.state.fl.us) with a copy to: Solid.Waste.Financial.Coordinator@dep.state.fl.us.

Executed in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


F. Thomas Lubozynski, P.E. for
Jeff Prather
Director, Central District

FILED, on this date, pursuant to Section 120.52, F.S. with the designated Department Clerk, receipt of which is hereby acknowledged.


Clerk

December 27, 2013
Date

APPENDIX 1

General Conditions

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.161, 403.727, or 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of rights, nor any infringement of federal, State, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
 - (a) Have access to and copy any records that must be kept under conditions of the permit;
 - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
 - (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.Reasonable time may depend on the nature of the concern being investigated.
8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

- (a) A description of and cause of noncompliance; and
- (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
11. This permit or a copy thereof shall be kept at the work site of the permitted activity.
12. The permittee shall comply with the following:
 - (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
 - (c) Records of monitoring information shall include:
 1. the date, exact place, and time of sampling or measurements;
 2. the person responsible for performing the sampling or measurements;
 3. the dates analyses were performed;
 4. the person responsible for performing the analyses;
 5. the analytical techniques or methods used;
 6. the results of such analyses.
13. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

APPENDIX 2

List of Documents Incorporated into this Permit

Documents Generated for this Permit Application:

1. DEP Application for Waste Tire Processing Facility Permit Renewal, dated October 6, 2013. Received and stamped October 9, 2013, DEP – Central District.
2. First Request for Additional Information from DEP – Central District dated October 25, 2013.
3. Response to First Request for Additional Information dated November 21, 2013. Received and stamped November 21, 2013, DEP – Central District.
4. Permit Application Complete Letter from DEP – Central District dated December 6, 2013.