



Florida Department of Environmental Protection

Southwest District Office
13051 North Telecom Parkway, Suite 101
Temple Terrace, FL 33637-0926

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

January 11, 2018

Steve Wade
Day & Night Tire, LLC
3703 Ventura Drive West
Lakeland, FL 33811
sbwade7777@aol.com

Re: Compliance Assistance Offer
Day & Night Tire, LLC
Facility ID No.: 95954
Polk County

Dear Mr. Wade,

A compliance inspection was conducted at your facility on December 15, 2017, under the authority of Section 403.061, Florida Statutes (F.S.) and based upon your current Waste Tire Collector Registration. During this inspection, possible violations of Chapter 403, F.S., Chapter 62-701.300(1)(a), Florida Administrative Code (F.A.C.), Chapter 62-701.300(3), F.A.C., Chapter 62-711.400(4), F.A.C., and Chapter 62-711.520(3), F.A.C. were observed. The purpose of this letter is to offer you compliance assistance as a means of resolving these matters.

Please see the attached inspection report for a full account of Department observations and be advised this Compliance Assistance Offer is part of an agency investigation preliminary to agency action in accordance with Section 120.57(5), F.S. We request you review the items of concern noted in the attached inspection report and respond in writing within **7 days** of receipt of this Compliance Assistance Offer. Your written response should either:

1. Describe what you have done to resolve the issue (see "Recommendations for Corrective Action" section of the report),
2. Provide information that either mitigates the concerns or demonstrates them to be invalid, or
3. Arrange for one of our inspectors to visit your facility to offer suggested actions to return to compliance without enforcement.

It is the Department's desire that you are able to document compliance or corrective actions concerning the possible violations identified in the attached inspection report so that this matter

Day & Night Tire, LLC
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can be closed without enforcement. Your failure to respond promptly in writing (or by e-mail) may result in the initiation of formal enforcement proceedings.

Please address your response and any questions to Emily Wargo of the Southwest District Office at (813) 470-5942, or via e-mail at Emily.Wargo@floridadep.gov. We look forward to your cooperation with this matter.

Sincerely,



Steven Tafuni
Government Operations Consultant
Southwest District
Florida Department of Environmental Protection

ST/ew

Enclosures: Inspection Report

ec: Steven Tafuni, FDEP, Steven.Tafuni@floridadep.gov
Emily Wargo, FDEP, Emily.Wargo@floridadep.gov
Melissa Madden, FDEP, Melissa.Madden@floridadep.gov
Joclyn Kidwell, FDEP, Joclyn.Kidwell@floridadep.gov



**Florida Department of
Environmental Protection
Inspection Checklist**

FACILITY INFORMATION:

Facility Name: DAY & NIGHT TIRE, LLC
On-Site Inspection Start Date: 12/15/2017
On-Site Inspection End Date: 12/15/2017
WACS No.: 95954
Facility Street Address: 3703 VENTURA DRIVE, W.
City: LAKELAND
County Name: POLK
Zip: 33811

INSPECTION PARTICIPANTS:

(Include ALL Landfill and Department Personnel with Corresponding Titles)

Principal Inspector: Emily M Wargo, Inspector

Other Participants: Melissa Madden, Environmental Consultant; Joclyn Kidwell, Inspector; Steve Wade, Representative

INSPECTION TYPE:

Routine Operation Inspection for Other - Waste Tire Collector

ATTACHMENTS TO THE INSPECTION CHECK LIST:

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

14.0 - SECTION 14.0 - WASTE TIRE COLLECTORS

Inspection Date: 12/15/2017

14.0 - SECTION 14.0 - WASTE TIRE COLLECTORS

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))	Ok	Not Ok	Unk	N/A
14.1	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)		✓		
14.2	Unauthorized disposal or storage prohibited, except yard trash, within 500 feet of a potable water well? 62-701.300(2)(b)			✓	
14.3	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?				✓
14.4	Unauthorized disposal or storage prohibited in any natural or artificial body of water including groundwater and wetlands? (Does not apply to standing water after a storm event) 62-701.300(2)(d)	✓			
14.5	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)	✓			
14.6	Unauthorized open burning of solid waste prohibited except in accordance with Department requirements? 62-701.300(3)		✓		
Item No.	WASTE TIRE COLLECTOR OPERATION	Ok	Not Ok	Unk	N/A
14.7	Is the waste tire collector registration current? 62-711.520(3)	✓			
14.8	On each vehicle used to transport tires, is the waste tire collector decal affixed to the outside of the driver's front door? 62-711.520(3)		✓		
14.9	Are the following records current and available on-site? (Check any that are Not OK) <input type="checkbox"/> The total quantity of waste tires collected and expressed in tons. 62-711.520(6)(a) <input type="checkbox"/> Where or from whom the waste tires were collected and the quantity, in tons, collected from each. 62-711.520(6)(b) <input type="checkbox"/> Where the waste tires were deposited and the quantity, in tons, deposited at each location. The waste tire collector shall keep receipts or other written materials documenting where all waste tires were deposited, stored or disposed of for at least three years. 62-711.520(6)(c)	✓			
14.10	Are Annual Reports submitted to the Department as required? 62-711.520(7)	✓			
14.11	Is the waste tire collector disposing of waste tires only at a permitted solid waste management facility? 62-711.520(10)	✓			
14.12	Are waste tires being stored on property that is not a waste tire collection center, permitted waste tire processing facility, permitted solid waste management facility, or other exempt facility? 62-711.400(4)		✓		
14.13	Are persons only contracting with registered or exempt waste tire collectors for the transportation, disposal, or processing of waste tires? 62-711.400(5)	✓			
14.14	Are any persons contracting with a waste tire collector for the transportation of more than 25 waste tires per month from a single business location maintaining records for that location and making them available for review by the Department or by law enforcement officers? 62-711.400(5)	✓			
14.15	Are all additional specific conditions (not otherwise addressed above) in the permit, registration, Department order, or other certification, if any, being followed? 62-701.320(1), 403.161, F.S.	✓			

Inspection Date: 12/15/2017

Current Violations:

Rule: 62-701.300(1)(a)

Question Number: 14.1

Explanation: Department staff conducted a routine Waste Tire Collector inspection at the above facility on December 15, 2017. The facility is a re-cap/re-tread operation under federal contracts with USPS. During the inspection, Department staff observed more than 5,000 waste tires (including "used tires" for export) stored on the main property and adjacent warehouse. The definition of waste tires in Florida includes "used tires" as defined by Rule 62-701.200(126), F.A.C.

The facility sorts tires for either recycling, export or re-cap/re-tread. A significant amount of the waste tires onsite were "used tires" for export. There was also at least one trailer (with capacity for ~1,500 waste tires laced) to be sent for recycling at Liberty Tire. Records reviewed during the inspection indicate the Facility generates ~1 of these trailers, or about 1,500 waste tires for recycling per week.

Corrective Action: Based on the quantity of waste tires being stored, the Facility appeared to be operating a waste tire processing facility without a permit from the Department. Rule 62-711.300(9)(a), F.A.C. exempts a tire retread operation if less than 1,500 waste tires are stored on the business premises. Facility staff indicated that reducing to below 1,500 waste tires was not an adequate inventory for their operation.

Please contact Mr. Steve Morgan, Air and Solid Waste Permitting Manager, 813-470-5754 to schedule a meeting within 7 days of receipt of this report.

Attachments:

Waste Tires

Waste Tires



Waste Tires

Waste Tires



Inspection Date: 12/15/2017

Waste Tires



Waste Tires



Waste Tires



Waste Tires



Rule: 62-701.300(3)

Question Number: 14.6

Explanation: During the inspection, Department staff observed evidence of open burning on the property. A small burn pit was observed adjacent to the waste tire storage trailer (Liberty Trailer) which contained whole pallets, partially burned wood remnants and ash.

Corrective Action: Cease open burning immediately. Provide documentation of proper disposal of ash and other debris (disposal receipts) and closure of the pit (photographs)

Attachments:

Burn Pit



Burn Pit



Inspection Date: 12/15/2017

Burn Pit



Rule: 62-711.400(4), 62-711.400(4)(a), 62-711.400(4)(b), 62-711.400(4)(c), 62-711.400(4)(d)
Question Number: 14.12
Explanation: See 14.1
Corrective Action: See 14.1

Current Areas Of Concern:

Rule: 62-711.520(3)
Question Number: 14.8
Explanation: At least one vehicle used to transport tires did not have a valid decal. Due to mechanical issues, one of the registered trucks was traded in for this new vehicle and the decal was left on the door of the old vehicle.
Corrective Action: Please work with Tallahassee Waste Registration staff to obtain a decal for the new vehicle.

Attachments:

Vehicle Missing Decal



COMMENTS:

14.2 - A well survey was not performed as part of this inspection.

Inspection Date: 12/15/2017

Signed:

Emily M Wargo

PRINCIPAL INSPECTOR NAME

Inspector

PRINCIPAL INSPECTOR TITLE

Emily Wargo

PRINCIPAL INSPECTOR SIGNATURE

DEP

ORGANIZATION

01/02/2018

DATE

Melissa Madden

INSPECTOR NAME

Environmental Consultant

INSPECTOR TITLE

NO SIGNATURE REQUIRED

INSPECTOR SIGNATURE

DEP

ORGANIZATION

Joclyn Kidwell

INSPECTOR NAME

Inspector

INSPECTOR TITLE

NO SIGNATURE REQUIRED

INSPECTOR SIGNATURE

DEP

ORGANIZATION

Steve Wade

REPRESENTATIVE NAME

Representative

REPRESENTATIVE TITLE

NO SIGNATURE REQUIRED

REPRESENTATIVE SIGNATURE

Day & Night Tire, LLC

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.

Report Approvers:

Approver: Steve Tafuni

Inspection Approval Date: 01/11/2018
