



FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

March 15, 2019

NOTICE OF PERMIT

By-Email

Mike.gore@mymanatee.org

In the Matter of an
Application for Permit by:
Mr. Mike Gore
Director
Manatee County Utilities Department
4410 66th Street
Bradenton, FL 34210

Manatee County
WACS # 44795
Lena Road Waste Tire Processing Facility

Attention: Mr. Mike Gore

DEP File No: 126654-005-WT-02

Enclosed is Permit Number 126654-005-WT-02 to operate a Waste Tire Processing Facility, issued pursuant to Section 403.061(14) and 403.707, Florida Statutes.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;

- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within **14** days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within **14** days of publication of the notice or within **14** days of receipt of the written notice, whichever occurs first. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General

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Counsel (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 must be filed within 30 days from the date this action is filed with the Clerk of the Department.

EXECUTION AND CLERKING

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Kimberly A. Walker

Program Administrator, Permitting and Compliance Assistance Program

Attachment(s):

1. Permit No. 126654-005-WT-02

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

Bryan White, Manatee County
Carlos Restrepo, P.E., SCS Engineers
Cory D. Dilmore, P.E., FDEP
Steve Morgan, FDEP

bryan.white@mymanatee.org
crestrepo@scsengineers.com
Cory.Dilmore@dep.state.fl.us
Steve.Morgan@dep.state.fl.us

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

03/15/2019
Date



FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

Permit Issued to:

Manatee County Utilities Department
4410 66th Street West
Bradenton, Florida 34210
(941) 792-8811

WACS Facility ID No.: 44795
Facility Name: Lena Road Landfill Waste Tire Processing Facility
3333 Lena Road
Bradenton, Manatee County, Florida
(941) 748-5543

Contact Person:
Mike Gore, Director
Manatee County Utilities Department
4410 66th Street West
Bradenton, Florida 34210
mike.gore@mymanatee.org
(941) 792-8811

Solid Waste Operation Permit – Waste Tire Processing Facility
Permit No.: 126654-005-WT-02
Replaces Permit No.: 126654-004-WT-02

Permit Issued: March 15, 2019
Permit Renewal Application Due Date: January 14, 2024
Permit Expires: March 15, 2024

Permitting Authority
Florida Department of Environmental Protection
Permitting and Compliance Assistance Program
2600 Blair Stone Road, MS 4565
Tallahassee, Florida 32399-2400
850-245-8707 (voice)
850-245-8803 (fax)

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 3333 Lena Road in Bradenton, Florida, in all or portions of Sections 1 and 12, Township 35 South, Range 18 East, Section 31, Township 34 South, Range 19 East, and Sections 6 and 7, Township 35 South, Range 19 East.

C. Facility Description

The waste tire processing facility is operated by the Manatee County Utilities Department. The facility includes a 18,785 square foot concrete tire storage pad with four-foot high concrete walls along each end of the concrete pad. Waste tires are not processed at the facility. Waste tires are received, temporarily stored and subsequently transferred to an off-site processing facility. The maximum permitted storage capacity of the facility is 320 tons of whole waste tires.

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

ATTACHMENT 1 - Time Sensitive Action Chart If any of the time deadlines in the Time Sensitive Action Chart are inconsistent with the time deadlines in the permit conditions, the time deadline in the permit condition shall be followed.

ATTACHMENT 2 - Facility Permit History

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

This permit does not authorize any new construction.

C. Operation Requirements

1. General Operating Requirements. The Permittee shall operate the facility in accordance with the approved Engineering Report. 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) Whole 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 shall be 320 tons in accordance with Rule 62-711.530(2), F.A.C.
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 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 the Department's Southwest District Office at (813) 470-5700.
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 shall 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, Southwest District – Solid Waste Section, 13051 North Telecom Parkway, Temple Terrace, Florida 33617, with a copy to the Department of

Environmental Protection, Solid Waste Section, 2600 Blair Stone Road, Tallahassee, Florida 32399, Rule 62-711.530(5), F.A.C.

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
2600 Blair Stone Road, MS 4548
Tallahassee, Florida 32399-2400

2. **Annual 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 their financial assurance mechanism.

All submittals in response to this specific condition shall be sent to the District Office and a copy to the address identified in Specific Condition G.1. or to the following email address: Solid.Waste.Financial.Coordinator@dep.state.fl.us.

PERMITTEE NAME: Manatee County Utilities Department
FACILITY NAME: Lena Road Waste Tire Processing Facility

PERMIT NO.: 126654-005-WT-02
WACS Facility ID: 44795

Executed in Leon County, Florida.

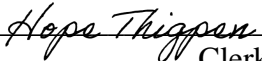
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Kimberly A. Walker, Program Administrator
Permitting & Compliance Assistance Program

FILING AND ACKNOWLEDGEMENT

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


Clerk

03/15/2019
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 – Approved Application Documents

1. Lena Road Landfill Waste Tire Processing Facility Permit Renewal Application prepared by SCS Engineers dated February 25, 2019. Received by the Tallahassee Solid Waste Section on February 25, 2019.

Oculus Link:

[https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&\[guid=8.292322.1\]&\[profile=Permitting_Authorization\]](https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&[guid=8.292322.1]&[profile=Permitting_Authorization])

2. Lena Road Landfill Waste Tire Processing Facility Operation Plan prepared by SCS Engineers dated February 11, 2019. Received by the Tallahassee Solid Waste Section on February 25, 2019.

Oculus Link:

[https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&\[guid=8.292695.1\]&\[profile=Permitting_Authorization\]](https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&[guid=8.292695.1]&[profile=Permitting_Authorization])

ATTACHMENT 1-Time Sensitive Action Chart

SPECIFIC CONDITION	SUBMITTAL DUE DATE	REQUIRED ITEM
A.3	No later than January 14, 2024.	Submit permit renewal application
C.10	Quarterly, by January 20 th , April 20 th , July 20 th and October 20 th each year	Submit waste tire processing reports
G.1	Annually	Submit proof of funding
G.2	Annually	Submit revised cost estimates

ATTACHMENT 2- Facility Permit History

Permit Number	Project Description	Issue Date	Permit Description
126654-005-WT/02	Lena Road Landfill WTPF	3/15/2019	Waste Tire Processing Facility Operation Renewal
126654-004-WT/02	Lena Road Landfill WTPF	6/9/2014	Waste Tire Processing Facility Operation Renewal
126654-003-WT/02	Lena Road Landfill WTPF	6/3/2009	Waste Tire Processing Facility Operation Renewal
126654-002-WT/02	Lena Road Landfill WTPF	2/16/2004	Waste Tire Processing Facility Operation Renewal
126654-001-WT/02	Lena Road Landfill WTPF	10/12/1998	Waste Tire Processing Facility Operation