



FLORIDA DEPARTMENT OF Environmental Protection

CENTRAL DISTRICT OFFICE
3319 MAGUIRE BLVD., SUITE 232
ORLANDO, FLORIDA 32803

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

May 24, 2019

Clifton McFadden, Manager
Empire Tire, Inc.
550 Mission Rd.
Orlando, Florida 32808
empirerecycling@hotmail.com

Re: Warning Letter
Empire Tire, Inc.
SW WACS Number 95062
Orange County

Dear Mr. McFadden:

A compliance inspection was conducted at your facility on May 22, 2019. During this inspection, possible violations of Chapter 403, Florida Statutes (F.S.), and Rules 62-701, 62-711, and 62-713, Florida Administrative Code (F.A.C.) were observed.

During the inspection Department personnel noted the following potential violations at the facility:

- Failure to maintain the width of the piles of waste tires under 50 feet.
- Failure to maintain the area the waste tires cover under 10,000 sq. ft.
- Failure to maintain the height of the piles of waste tires under 15 feet.
- Failure to maintain a fifty feet wide fire lane around the perimeter of the site.
- Failure to maintain the fire lane without obstructions.
- Failure to maintain enough financial assurance for the volume of tires at the facility.
- Failure to submit the Financial Assurance to the Department on time.
- Failure to submit the required quarterly reports.
- Failure to control vectors like mosquitoes.
- Failure to maintain a current Fire Survey onsite.

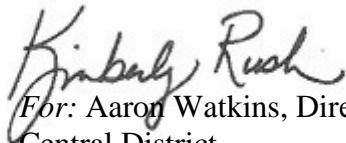
Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Sections 403.161(1)(b), Florida Statutes and Chapter 18-14 Florida Administrative Code for proprietary violations.

Empire Tire, Inc.
Facility ID No.: WACS 95062
Warning Letter
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Please contact Dr. Phil Kane, at (407) 897-4156, within **10 days** of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in receiving any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolving this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kimberly Rush".

For: Aaron Watkins, Director
Central District
Florida Department of Environmental Protection

AW/kr/sd/pk

Enclosures: Inspection Report



**Florida Department of
Environmental Protection
Inspection Checklist**

FACILITY INFORMATION:

Facility Name: EMPIRE TIRE INC
On-Site Inspection Start Date: 05/22/2019
On-Site Inspection End Date: 05/22/2019
WACS No.: 95062
Facility Street Address: 550 MISSION RD
City: Orlando
County Name: ORANGE
Zip: 32808

INSPECTION PARTICIPANTS:

(Include ALL Landfill and Department Personnel with Corresponding Titles)

Principal Inspector: Philip N. Kane, Inspector
Other Participants: Richard Oconner, Dispatcher

INSPECTION TYPE:

Routine Operation Inspection for WPF - Waste Tire Processing Facility

ATTACHMENTS TO THE INSPECTION CHECKLIST:

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

Note: Checklist items with shaded boxes are for informational purposes only.

- 1.0 - SECTION 1.0 - FILE REVIEW
- 9.0 - SECTION 9.0 - WASTE TIRE FACILITIES

Inspection Date: 05/22/2019

1.0 - 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.)	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 gas monitoring being performed as required by the permit? 62-701.500(9), 62-701.530(2)				✓
1.4	Are the results of the gas sampling reported to the Department quarterly? 62-701.530(2)(c)				✓
1.5	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(8) and 62-701.730(10) for C&D debris sites; 62-713.400(3) for stationary soil treatment facilities.				✓
1.6	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.				✓
1.7	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)(e)				✓
1.8	Is financial assurance adequate? 62-701.630 for landfills; 62-701.710(7)(a) and 62-701.710(1)(d)1. 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.		✓		
1.9	Are cost estimates current and adjusted every year? 62-701.630(4) for landfills; 62-701.710(7)(a) and 62-701.710(1)(d)1. for waste processing facilities; 62-701.730(11)(a) for C&D debris facilities; 62-713.600(6)(b) and 62-713.600(6)(c) for stationary soil treatment facilities; 62-711.500(3) for waste tire facilities.	✓			
1.10	For C&D debris disposal and disposal with recycling facilities, is an Annual Report submitted to the Department for the disposal operation by February 1st of each year? 62-701.730(12)				✓
1.11	For C&D recycling facilities with no disposal, is an Annual Report for the recycling facility submitted to the Department by February 1st of each year? 62-701.710(8)(b)				✓
1.12	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)				✓
1.13	For compost facilities, has the annual report been submitted by June 1st? 62-709.530(3)				✓

Inspection Date: 05/22/2019

9.0 - 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))	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	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)		✓		

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Item No.	WASTE TIRE FACILITY - GENERAL REQUIREMENTS FOR STORAGE	Ok	Not Ok	Unk	N/A
			✓		
Item No.	WASTE TIRE FACILITY - STORAGE INDOORS	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 high, do walls between adjacent warehouse areas and between manufacturing and warehouse areas have at least a four-hour fire rating? 62-711.540(2)(e)				✓
9.24	If waste tires are stored over 15 feet high, do walls between manufacturing and warehouse areas have a fire rating of not less than six hours and do steel columns have one-hour fireproofing? If the top of storage exceeds 20 feet in height, do columns and their connections with other structural members have two-hour fireproofing? 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	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	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)				✓

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Current Violations:

Rule: 62-701.630, 62-701.710(1)(d)1., 62-701.710(7)(a), 62-701.730(11)(a), 62-711.500(3),
Question Number: 62-713.600(6)(a)
1.8
Explanation: The Financial Assurance has not been submitted to Tallahassee. The volume of tires at the facility indicate an increase in the amount of Financial Assurance.
Corrective Action: Reduce the tire volume or increase the Financial Assurance amount and submit to Tallahassee.

Comments:

The volume of tires onsite indicate that the Financial Assurance amount is too low and needs to be increased.

Rule: 62-711.540(1)(d)
Question Number: 9.10
Explanation: No current fire survey was onsite the day of the inspection.
Corrective Action: Maintain a current fire survey onsite.

Rule: 62-711.540(1)(d)
Question Number: 9.11
Explanation: Quarterly reports not submitted.
Corrective Action: Submit quarterly reports and the fire survey as required.

Rule: 62-711.540(1)(j)
Question Number: 9.17
Explanation: Mosquitoes and standing water were observed at the site.
Corrective Action: Control measures for mosquitoes need to be followed more thoroughly.

Comments:

A nearby complainant stated concern for mosquitoes.

Rule: 62-711.540(3)(b)
Question Number: 9.27
Explanation: Waste tires piles were poorly separated and sprawled throughout the facility site.
Corrective Action: Reduce the tire piles to less than 50 feet wide.

Rule: 62-711.540(3)(b)
Question Number: 9.28
Explanation: Waste tire piles were sprawling across the entire site.
Corrective Action: Reduce waste tire piles to less than 10,000 square feet.

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Rule: 62-711.540(3)(b)

Question Number: 9.29

Explanation: Greater than 15 feet high pile areas were noted.

Corrective Action: Reduce pile heights to less than 15 feet.

Rule: 62-711.540(3)(c)

Question Number: 9.30

Explanation: There was no continuous 50 foot wide fire lane around the facility site.

Corrective Action: Maintain an unobstructed continuous 50 foot wide access road around the facility perimeter.

Rule: 62-711.540(3)(c)

Question Number: 9.31

Explanation: The 50 foot wide perimeter access road was obstructed.

Corrective Action: Remove the 50 foot wide perimeter access road obstructions.

ATTACHMENTS:

height



height and volume



volume



volume



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volume



volume and height



obstruction



obstruction



obstruction and height



volume and water



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obstruction



sprawl and volume



sprawl and volume



sprawl and volume



volume



water



Inspection Date: 05/22/2019

volume and height



piles not separated.



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Signed:

Philip N. Kane

PRINCIPAL INSPECTOR NAME

Inspector

PRINCIPAL INSPECTOR TITLE*Dr. Phil Kane***PRINCIPAL INSPECTOR SIGNATURE**

DEP

ORGANIZATION

05/23/2019

DATE

Richard Oconner

REPRESENTATIVE NAME

Dispatcher

REPRESENTATIVE TITLE

NO SIGNATURE REQUIRED

REPRESENTATIVE SIGNATURE

Empire

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: Sirena Davila

Inspection Approval Date: 05/23/2019