



# 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

January 12, 2021

Clifton McFadden, Manager  
Empire Tire Inc.  
550 Mission Rd.  
Orlando, FL 32808  
[empiretire@hotmail.com](mailto:empiretire@hotmail.com)

Re: Warning Letter  
Empire Tire WTPF  
SW Facility ID #95062  
Orange County

Dear Mr. McFadden:

An inspection was conducted at your facility on January 5, 2021. During this inspection, possible violations of Chapter 403, F.S., Chapter 62-701, Florida Administrative Code (F.A.C.), and Chapter 62-711, F.A.C. were observed.

During the inspection, Department personnel noted the following:

- Failure to maintain a 50 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 required quarterly reports
- Failure to conduct an annual fire safety survey

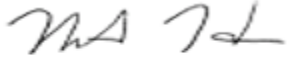
Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Sections 403.121, 403.131 and 403.161, Florida Statutes.

Please contact Amada Fernandez, at (407) 897-4159, 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.

Empire Tire Inc.; Facility ID No.: 95062  
Warning Letter  
Page 2 of 2  
January 12, 2021

Sincerely,

A handwritten signature in dark ink, appearing to read "AW 7L", is positioned below the word "Sincerely,".

*On behalf of:*

Aaron Watkins, Director  
Central District  
Florida Department of Environmental Protection

AW/jf/af

Enclosures: Inspection report

cc: Amada Fernandez and Jill Farris, FDEP



**Florida Department of  
Environmental Protection  
Inspection Checklist**

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**FACILITY INFORMATION:**

**Facility Name:** EMPIRE TIRE INC  
**On-site Inspection Start Date:** 01/05/2021  
**On-site Inspection End Date:** 01/05/2021  
**WACS No.:** 95062  
**Facility Street Address:** 550 N MISSION RD  
**City:** ORLANDO  
**County Name:** ORANGE  
**Zip:** 32808

**INSPECTION PARTICIPANTS:**

(Include ALL Landfill and Department Personnel with Corresponding Titles)

Principal Inspector: Amada M Fernandez, Inspector

Other Participants: Richard Oconnor, 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: 01/05/2021

**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: 01/05/2021

**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)	✓			

Inspection Date: 01/05/2021

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)				✓

Inspection Date: 01/05/2021

**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), 62-713.600(6)(a)

Question Number: 1.8

Explanation: According to 62-711.500(3), owners or operators of waste tire sites shall provide closing cost estimates for the quantity of waste tires on their site or the quantity of waste tires that they are permitted to have on their site, whichever is greater. The cost estimate shall be the amount that would be expended to remove, process, and dispose of waste tires on the site and to close the site.

Specifically, the total quantity of waste tires exceeds the permitted capacity according to the third quarter 2020 report, which is the most recent quarterly report. Therefore, the facility is no longer in compliance with financial assurance requirements.

Corrective Action: Reduce the quantity of waste tires on-site to the permitted capacity or below. See the permit or the comments below for the categorical breakdown of permitted storage capacities for whole waste tires, processed tires, residuals and used tires for resale.

Alternatively, if the quantity of waste tires is not reduced to the permitted capacity or below, within 30 days, financial assurance must be provided in the amount of tires on site according to the waste tire report, and within 30 days, the permit must be modified to increase the permitted capacity.

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Rule: 62-711.540(1)(d)

Question Number: 9.10

Explanation: An annual fire safety survey was not conducted in 2020. The most recent fire safety survey on file is dated 2/22/19.

Corrective Action: Schedule a fire safety survey as soon as possible and submit the survey report as part of the next quarterly report.

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Rule: 62-711.540(1)(d)

Question Number: 9.11

Explanation: Facility did not submit quarterly reports or annual fire safety survey during 2020.

Corrective Action: Submit 2020 quarterly reports and annual fire safety survey. In the future, quarterly reports shall be submitted to DEP by the 20th day of the month following the end of a quarter. Email reports to DEP\_CD@dep.state.fl.us.

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Rule: 62-711.540(3)(c)

Question Number: 9.30

Explanation: Three outdoor waste tire piles did not have a 50-foot wide fire lane around the perimeter.

Corrective Action: Maintain an unobstructed continuous 50-foot wide fire lane around the perimeter of all outdoor waste tire piles.

**Attachments:**

Inspection Date: 01/05/2021

Pile north of processing area



Northwest waste tire pile



NW chipped tire pile



Rule: 62-711.540(3)(c)

Question Number: 9.31

Explanation: Access to the 50-foot wide fire lanes was obstructed for two outdoor waste tire piles.

Corrective Action: Maintain an unobstructed continuous 50-foot wide fire lane around the perimeter of all outdoor waste tire piles.

#### Attachments:

Southern piles obstructed lane



Southern piles obstructed lane





Inspection Date: 01/05/2021

Southern piles obstructed lane



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**COMMENTS:**

Waste tire processing facility is operating under Permit Number 02897891-WT, issued 3/15/19 and expires 3/14/2024.

Processing involves storage and sorting of whole waste tires, tire chips and residuals. All storage and operations are performed outdoors. On-site permitted waste tire storage capacity is 825 tons and includes 200 tons of whole waste tires, 500 tons of processed tire chips, 125 tons of residuals, and used tires for resale (5% of daily collection).

The most recent quarterly report indicates that the processed tire and total permitted storage capacity were exceeded.

Quarterly reports and the annual fire survey were not submitted during 2020. According to James Hursh, a fire inspector at the Orlando Fire Department, a fire safety survey was not conducted in 2020 due to COVID-19. The most recent fire safety survey on file is dated 2/22/19.

Piles of whole waste tires and processed tires were not well maintained. Several piles did not have a 50-foot wide fire lane around the perimeter of the piles or were inaccessible due to obstructions in the fire lanes.

Item 1.9: The 2020 closure cost estimate was received 3/12/20. The 2021 closure cost estimate must be submitted by 4/6/21.

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Inspection Date: 01/05/2021

**Signed:**

Amada M Fernandez

Inspector

**PRINCIPAL INSPECTOR NAME****PRINCIPAL INSPECTOR TITLE***Amada Fernandez*

DEP

01/08/2021

**PRINCIPAL INSPECTOR SIGNATURE****ORGANIZATION****DATE**

Richard Oconnor

Dispatcher

**REPRESENTATIVE NAME****REPRESENTATIVE TITLE**

NO SIGNATURE REQUIRED

**REPRESENTATIVE SIGNATURE****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:** Jill M. Farris**Inspection Approval Date:** 01/11/2021