FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

September 14, 2021

CERTIFIED MAIL – RETURN RECEIPT

Ms. Sasha (Xia) Yang, Chief Operating Officer
Webber Recycling, LLC
2203 Hamilton Street
Jacksonville, Florida 32210
SYang@webberrecycling.com

RE: Webber Recycling, LLC
Warning Letter No. WL21-185
Facility ID No. 106211
Duval County – Solid Waste Enforcement

Dear Ms. Yang:

A compliance inspection was conducted at your facility on August 11, 2021. During this inspection, possible violations of Chapter 403, Florida Statutes (Fla. Stat.), and Chapter 62-701, Florida Administrative Code (Fla. Admin. Code), were observed.

During the inspection, Department personnel noted the following:

- The facility is storing in excess of 13.75 tons of waste tires and shreds over its permitted maximum of 66 tons;
- A current annual fire safety survey could not be provided; and
- Solid waste is being stored within 200 feet of a water body without a leachate collection system.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Section 403.121(3)(d), Fla. Stat.

Please contact Jeff Schroer at (904) 256-1576, or by email at Jeffrey.Schroer@FloridaDEP.gov, within 30 days of receipt of this Warning Letter to arrange a meeting to discuss this matter.

The Department is interested in receiving any facts that you may have which might 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), Fla. Stat. We look forward to your cooperation in completing our investigation and resolving this as soon as possible.

Sincerely,

Gregory J. Strong
District Director

Attachment: Site Inspection Report

ec: FDEP-NED: Joni Petry, Jeffrey Schroer, DEP_NED

Florida Department of
Environmental Protection
Inspection Checklist

FACILITY INFORMATION:

Facility Name: WEBBER RECYCLING, LLC
On-site Inspection Start Date: 08/11/2021
On-site Inspection End Date: 08/11/2021
WACS No.: 106211
Facility Street Address: 2203 HAMILTON STREET
City: JACKSONVILLE
County Name: DUVAL
Zip: 32210

INSPECTION PARTICIPANTS:

(Include ALL Landfill and Department Personnel with Corresponding Titles)
Principal Inspector: Jeff Schroer, Inspector
Other Participants: Lynn Roesser, Shareholer; Emerson Raulerson, Inspector; Brad Gordon, Incoming Shareholder and Manager;

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

WEBBER RECYCLING, LLC

Inspection Date: 08/11/2021

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) ☐ Waste reports (annually) 62-701.500(4) ☐ 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)				✓

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) ☐ 100 feet from potable water wells (except on-site)? ☐ 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) ☐ Contact names and numbers 62-711.540(1)(e)1 ☐ List of emergency response equipment and locations on-site 62-711.540(1)(e)2 ☐ 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)	✓			

WEBBER RECYCLING, LLC

Inspection Date: 08/11/2021

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)				✓

Current Violations:

Rule:	62-701.300(1)(a)
Question Number:	9.1.1
Explanation:	The Waste Tire Processing Facility Quarterly Report for the second quarter of 2021, dated 8/13/21, reported 79.75 tons of whole waste tires and shreds on site. The reporting period ended June 30, 2021. On the day of the inspection, August 9, 2021, whole waste tires were observed 1) stacked along the north fence in the receiving area, 2) in a large pile of whole waste tires and shreds located east of the processing building (east pile), and 3) in a large pile of whole waste tires and shreds along the southern fence of the property (south pile). These piles appear to exceed the total reported for June 30, 2021. The permit provides that a passenger car tire equivalent weight standard is 22 lbs/tire. Section 2, Specific Condition C.2.4., of Permit Number 378243-001-WT-02, provides “The maximum amount of waste tires to be stored on sited at any time shall not exceed 4,000 whole waste tires (44 tons) plus 2,000 shredded tires (22 tons).” The maximum permitted to be stored on site is 66 tons, with the reported 79.75 tons exceeding the maximum by 13.75 tons, or approximately 1,233 tires, as of June 30, 2021. The north stacks, east pile and south pile appear to significantly exceed the 6,000 tire/shred maximum by approximately 5,000 to 10,000 tire equivalents.
Corrective Action:	The facility shall reduce the total amount of waste tires and shreds on site to within permitted maximums within 30 days. After which, they shall comply with the approved Operations of July 2019. Report corrective action to the Department, via email, immediately upon completion to arrange for a confirming inspection.

Attachments:

East Pile North End



East Pile Center Area



East Pile Shreds on South Side



Southwest Corner East Pile



WEBBER RECYCLING, LLC

Inspection Date: 08/11/2021

South Pile Photo 1



South Side of South Pile



East End of South Pile



Rule:	62-711.540(1)(d)
Question Number:	9.10
Explanation:	A current Annual Fire Safety Survey was not on file at the facility. Rule 62-711.540(1)(d), Fla. Admin. Code provides “A fire safety survey shall be conducted a least annually and the survey report shall be made part of the next quarterly report.”
Corrective Action:	The facility shall have a survey conducted and the report provided to the Department, via email, within 30 days.

Rule:	62-701.300(2)(e)
Question Number:	9.4
Explanation:	Whole waste tires and shreds are stored on the ground and uncovered in a pile east of the Waste Tire Processing Facility building and along the eastern half of the south fence at the property boundary, within 200 feet of a minor tributary of the Ortega River. Rule 62-701.300(1)(e), Florida Administrative Code (Fla. Admin. Code) provides “Within 200 feet of any natural or artificial body of water…. For purposes of this paragraph, a “body of water” includes wetlands within the jurisdiction of the Department…”
Corrective Action:	The facility shall reduce the total amount of waste tires and shreds on site to within permitted maximums and store them in accordance with the approved Operations Plan within 30 days. Report corrective action to the Department, via email, immediately upon completion to arrange for a confirming inspection.

Attachments:

WEBBER RECYCLING, LLC

Inspection Date: 08/11/2021

Tributary at Southwest Corner



COMMENTS:

Item Number 1.8 for the financial assurance mechanism is marked unknown, since the annual Financial Assurance Cost Estimate was just approved 8/11/2021. The Financial Coordinator has not yet reviewed the mechanism.

Item Number 9.11 for submission of Annual Fire Safety Survey. Since a current inspection was not on file, this is being marked N/A. Submission of the survey would satisfy this requirement.

Item Numbers 9.26-9.34 concerning outside storage of tires are N/A, since the facility's permit does not authorize outside storage. Tires are to be briefly stored in shipping containers or containers with tarp covers, both prior to and after shredding.

ATTACHMENTS:

Tire Receiving Area



Feed Conveyor of Shredder



WEBBER RECYCLING, LLC

Inspection Date: 08/11/2021

Discharge Side of Shredder



WEBBER RECYCLING, LLC

Inspection Date: 08/11/2021

Signed:

Jeff Schroer	Inspector	
PRINCIPAL INSPECTOR NAME	**PRINCIPAL INSPECTOR TITLE**	
	DEP	08/19/2021
PRINCIPAL INSPECTOR SIGNATURE	**ORGANIZATION**	**DATE**

Lynn Roesser	Shareholer
REPRESENTATIVE NAME	**REPRESENTATIVE TITLE**
NO SIGNATURE REQUIRED	Webber Recycling, LLC
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.

Emerson Raulerson	Inspector
REPRESENTATIVE NAME	**REPRESENTATIVE TITLE**
NO SIGNATURE REQUIRED	FDEP
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.

Brad Gordon	Incoming Shareholder and Manager
REPRESENTATIVE NAME	**REPRESENTATIVE TITLE**
NO SIGNATURE REQUIRED	Webber Recycling, LLC
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: Jeff Schroer **Inspection Approval Date:** 08/31/2021