



# FLORIDA DEPARTMENT OF Environmental Protection

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

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

February 1, 2022

Thomas Fanell  
American Steel Processing Co.  
328 Wahoo Road  
Panama City Beach, FL 32408  
c/c Robert Middleton  
[robertdemet@aol.com](mailto:robertdemet@aol.com)

Re: Warning Letter #WL22-195SW29SWD  
Tire Shredders of America  
WACS ID No. 106062  
Hillsborough County

Dear Mr. Fanell:

The Department of Environmental Protection (Department) conducted a compliance inspection at your facility on December 14, 2021. During this inspection, possible violations of Chapter 403, Florida Statutes, Chapter 62-711, and Chapter 62-701 Florida Administrative Code were observed.

During the inspection Department personnel noted the following:

- Quarter 1, 2, and 3 Waste Tire Processing Facility Quarterly Report (DEP Form 62-701.900(21)) with inbound/outbound records does not appear to have been submitted to the Department and were not available onsite during the time of inspection.
- Current fire inspection was not available at the time of inspection.
- Annual adjusted cost estimates were due on December 3, 2021 (sixty days prior to expiration of your financial instrument). They do not appear to have been submitted to the Department or weren't available onsite at the time of inspection.
- Current Operational Plan (revised January 11, 2021) and Emergency Preparedness Manual (Contingency Plan, revised January 11, 2021) were not available onsite during the time of inspection.
- A fire lane (50 feet) surrounding the permitted tire pile as shown on site plan was not present.
- Two additional tire piles (incoming pile and truck tires for grading) were observed which are not shown on site plan or included in tire storage calculations. Processed tire sidewalls were also observed stored on eastern portion of property.
- Tire shredder was conveying/storing shredded tires on the ground and not directly into storage units.
- Aluminum & steel rims being stored on site without permit.

- Facility processing contrary to Operational Plan. Tire de-rimming and sidewall cutting not authorized at this facility.
- Shredded tires observed at the time of inspection appeared to be larger than the specified 3x9 inch permitted size for the activity. Confirm equipment is functioning/installed as permitted.
- Facility appeared to exceed maximum permitted amount of tires storage at the facility.

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 and 403.161, Florida Statutes.

Please respond in writing within **15 days** of your receipt of this Warning Letter. Please direct your written response to Steven Tafuni, at [Steven.Tafuni@FloridaDEP.gov](mailto:Steven.Tafuni@FloridaDEP.gov) or (813) 470-5792 to discuss. The Department is interested in receiving any facts you may have that will assist in determining whether any violations have occurred.

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,



Kelley M. Boatwright  
Southwest District Director  
Florida Department of Environmental Protection

ec: Steven Tafuni, SWD, [Steven.Tafuni@FloridaDEP.gov](mailto:Steven.Tafuni@FloridaDEP.gov)  
Melissa Madden, SWD, [Melissa.Madden@FloridaDEP.gov](mailto:Melissa.Madden@FloridaDEP.gov)  
Abigail McAleer, SWD, [Abigail.McAleer@FloridaDEP.gov](mailto:Abigail.McAleer@FloridaDEP.gov)



**Florida Department of  
Environmental Protection  
Inspection Checklist**

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**FACILITY INFORMATION:**

**Facility Name:** TIRE SHREDDERS OF AMERICA [FKA AMERICAN STEEL]

**On-site Inspection Start Date:** 12/14/2021

**On-site Inspection End Date:** 12/14/2021

**WACS No.:** 106062

**Facility Street Address:** 6902 E 6TH AVE

**City:** TAMPA

**County Name:** HILLSBOROUGH

**Zip:** 33619

**INSPECTION PARTICIPANTS:**

(Include ALL Landfill and Department Personnel with Corresponding Titles)

**Principal Inspector:** Abigail McAleer, Inspector

**Other Participants:** Melissa Madden, Senior Program Analyst; Justin Chamberlain, Professional Geologist; Ryan McMillan, Environmental Specialist; Steven Roehrig, Representative;

**INSPECTION TYPE:**

Routine Operation Inspection for Other - Waste Tire Collector

**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

**TIRE SHREDDERS OF AMERICA [FKA AMERICAN STEEL]**

Inspection Date: 12/14/2021

**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)				✓

**TIRE SHREDDERS OF AMERICA [FKA AMERICAN STEEL]**

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**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 checked="" type="checkbox"/> Contact names and numbers 62-711.540(1)(e)1 <input checked="" type="checkbox"/> List of emergency response equipment and locations on-site 62-711.540(1)(e)2 <input checked="" 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 - 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)				✓

**TIRE SHREDDERS OF AMERICA [FKA AMERICAN STEEL]**

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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), 62-713.600(6)(a)

Question Number: 1.8

Explanation: At the time of inspection, the annual adjusted cost estimates were not submitted to the Department. In addition, the facility appeared to be exceeding the current storage capacity; therefore, current financial assurance is not adequate.

Corrective Action: Provide the Department with the annual adjusted cost estimate in addition to reducing the tire piles to the permitted amount..

Rule: 62-701.630(4), 62-701.710(1)(d)1., 62-701.710(7)(a), 62-701.730(11)(a), 62-711.500(3), 62-713.600(6)(b), 62-713.600(6)(c)

Question Number: 1.9

Explanation: At the time of inspection, adjusted cost estimate did not appear to have to been submitted to the Department. Annual adjusted cost estimate was due to the Department on December 3, 2021.

Corrective Action: Please submit Inflation Cost Estimate for Department review.

Rule: 62-701.300(1)(a)

Question Number: 9.1.1

Explanation: At the time of inspection, the facility was not being operated in accordance with the approved Operations Plan or Site Plan. Department staff observed that there were at least 2 additional piles (incoming pile and truck tires). Piles appeared to exceed the permitted capacity and financial assurance. Additionally, processed sidewalls were observed on the eastern side of the property as well as aluminum and steel rims were stored on the property. De-rimmed and sidewall cutting is not authorized at this facility. The conveyor tire shredder also was discharging tires to the ground rather than approved containers.

Corrective Action: Please provide documentation that the facility has been restored to original permit design and capacity. Also, a permit modification may be submitted to include the increased capacity, additional piles, sidewall processing, de-rimmed, and storage of aluminum and steel rims. Financial assurance should be revised to ensure the maximum storage capacity is funded.

**Attachments:**

Aluminum &amp; steel rims



Non-permitted pile





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Incoming tire pile not permitted



Sidewalls



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Rule: 62-711.540(1)(d)

Question Number: 9.10

Explanation: At the time of inspection facility did not have current fire inspection.

Corrective Action: Ensure yearly fire inspections occur at facility.

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Rule: 62-711.540(1)(d)

Question Number: 9.11

Explanation: At the time of inspection, the annual fire inspection was not available for review. In addition, quarterly reports had not been submitted to the Department.

Corrective Action: See Item 9.10. In addition, incorporate yearly fire safety report in quarterly reports and have available on site for review. Fire inspection pending with Hillsborough County.

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Rule: 62-711.540(3)(c)

Question Number: 9.30

Explanation: During the inspection, Department staff observed inadequate fire lanes.

Corrective Action: Ensure there is a 50 foot lane around the perimeter of the waste tire pile. Please provide documentation that the fire lane has been restored.

**Attachments:**

Back of permitted pile



Side of permitted pile





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**Current Areas of Concern:**

Rule: 62-711.540(1)(e)  
Question Number: 9.12  
Explanation: At the time of inspection, facility did not have an emergency preparedness manual on site.  
Corrective Action: Please keep current emergency preparedness manual on site.

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Rule: 62-711.540(1)(e)1., 62-711.540(1)(e)2., 62-711.540(1)(e)3.  
Question Number: 9.13  
Explanation: At the time of inspection, facility did not have an emergency preparedness manual on site.  
Corrective Action: Please provide documentation that current emergency preparedness manual is on site. If changes need to be made, please include in the permit modification.

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Rule: 62-711.540(3)(b)  
Question Number: 9.27  
Explanation: Refer to 9.1  
Corrective Action: Refer to 9.1

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Rule: 62-711.540(3)(b)  
Question Number: 9.28  
Explanation: Refer to 9.1  
Corrective Action: Refer to 9.1

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Rule: 62-711.540(3)(c)  
Question Number: 9.31  
Explanation: At the time of inspection, roll off containers and piles of rims were obstructing the fire lane.  
Corrective Action: Provide documentation that rims have been removed and the fire lane is clear.

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Inspection Date: 12/14/2021

**Signed:**Abigail McAleerInspector**PRINCIPAL INSPECTOR NAME****PRINCIPAL INSPECTOR TITLE**Abigail McAleerDEP01/04/2022**PRINCIPAL INSPECTOR SIGNATURE****ORGANIZATION****DATE**Melissa MaddenSenior Program Analyst**INSPECTOR NAME****INSPECTOR TITLE**NO SIGNATURE REQUIREDDEP**INSPECTOR SIGNATURE****ORGANIZATION**Justin ChamberlainProfessional Geologist**INSPECTOR NAME****INSPECTOR TITLE**NO SIGNATURE REQUIREDDEP**INSPECTOR SIGNATURE****ORGANIZATION**Ryan McMillanEnvironmental Specialist**INSPECTOR NAME****INSPECTOR TITLE**NO SIGNATURE REQUIREDDEP**INSPECTOR SIGNATURE****ORGANIZATION**Steven RoehrigRepresentative**REPRESENTATIVE NAME****REPRESENTATIVE TITLE**NO SIGNATURE REQUIREDTire Shredders of America**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:** Steve Tafuni**Inspection Approval Date:** 01/11/2022