



FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

April 7, 2022

NOTICE OF PERMIT

By-Email

Christopher.Simpron@hardeecounty.net

In the Matter of an
Application for Permit by:
Hardee County Board of County Commissioners
412 West Orange Street
Wauchula, FL, 33873

Hardee County
WACS # 40612
Hardee County WTCC

Attention: Mr. Christopher Simpron

DEP File No: 129318-006-WT-05

Enclosed is Permit Number 129318-006-WT-05 to operate a Waste Tire Collection Center, 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.

Mr. Christopher Simpron

April 7, 2022

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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 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

 Digitally signed by Kimberly A.
Walker
Date: 2022.04.07 15:40:25 -04'00'

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

Attachment(s):

1. Permit Number 129318-006-WT-05

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:

Ofelia Reyna, Hardee County
Elizabeth Kromhout, P.G., FDEP
Melissa Madden, FDEP

Ofelia.Reyna@hardeecounty.net
Elizabeth.Kromhout@FloridaDEP.gov
Melissa.Madden@FloridaDEP.gov

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.

Tamela Starling
Clerk

4/7/2022
Date



FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Permit Issued to:

Hardee County Board of County Commissioners
412 West Orange Street
Wauchula, Florida 33873
863-773-3272

Facility WACS ID No.: 40612
Facility Name: Hardee County Solid Waste Department
685 Airport Road
Wauchula, Hardee County Florida, 33873

Contact Person:
Christopher Simpron
Director, Hardee County Public Works Department
Christopher.Simpron@hardeecounty.net
863-773-3272

Solid Waste Operation Permit – Waste Tire Collection Center

Permit No.: 129318-006-WT-05
Permit Modification No.: N/A
Replaces Permit No.: 129318-005-WT-05

Permit Issued: April 7, 2022
Permit Renewal Application Due Date: February 5, 2027
Permit Expires: April 7, 2027

Permitting Authority

Florida Department of Environmental Protection
Florida Department of Environmental Protection
Permitting and Compliance Assistance Program
2600 Blair Stone Road, MS 4565
Tallahassee, Florida 32399-2400
850-245-8705 (voice)
850-245-8803 (fax)

SECTION 1 - SUMMARY INFORMATION

A. Authorization

The permittee is hereby authorized to operate a waste tire collection center 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 685 Airport Road, Wauchula, Florida, Section 35, Township 33 South, Range 25 East in Hardee, County, Florida. 27° 34' 10" N and Longitude 81° 47'01" W (WGS84).

C. Facility Description

This facility accepts tires from the general public for temporary storage prior to being transferred to a processing facility for recycling, reuse or disposal. Maximum storage capacity is no more than 1500 tires.

D. Appendices Made Part of This Permit

APPENDIX 1 - General Conditions

APPENDIX 2 – List of Documents Incorporated into this Permit

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

1. General Construction Requirements. This permit does not authorize construction activities at the waste tire collection center area of the site.

C. Operation Requirements

1. General Operating Requirements. The Permittee shall operate the facility in accordance with the approved Operation Plan (Appendix 2, Document 2). 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 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 of the facility shall be 1,500 waste tires in accordance with Rule 62-711.550(1)(a), F.A.C.
5. Storage Pile Dimensions. The tire storage pile shall be no more than 50 feet in width, no more than 15 feet in height, and shall be no larger than 10,000 square feet in area. A minimum 50-foot wide fire lane shall be constructed and maintained around the WTCC to provide access for emergency vehicles at all times.
6. Liquid Runoff Control. The WTCC shall be managed in a manner so as to divert stormwater and floodwaters around and away from the waste tire storage containers, and to contain and prevent liquid runoff from a potential waste tire fire from entering water bodies. The Facility shall maintain a two-foot high berm around the waste tire storage area.
7. Mosquito Control. The Permittee shall provide for control of mosquitoes so as to protect the public health and welfare.
8. Maintenance. The WTCC shall be kept free of grass, underbrush, and other vegetation that may be flammable at all times.
9. Removal Frequency. The Permittee shall remove waste tires from the site every 90 days or more frequently as needed so that the quantity does not exceed 1,500 tires, and at least once a year, all waste tires shall be removed from the WTCC. The waste tires shall only be removed by a registered waste tire collector and shall be taken to an authorized recycling, processing, or disposal facility.
10. 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.
11. 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.

12. Emergency Preparedness. The Permittee shall keep a copy of the Emergency Preparedness Manual (EPM) at the Facility's office. It shall be kept in a location easily accessible to all personnel working at the Facility, and shall be updated at least once a year and upon changes in operations at the site. In the event of an emergency, the Permittee shall operate the WTCC in accordance with the EPM.
13. 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.
14. Fire Safety. The Permittee shall have the local fire protection authority conduct a fire safety survey at least annually. The fire safety inspection report shall be maintained at the facility for five years and copies shall be provided to the Department upon request.
15. Fire Fighting Equipment. All firefighting equipment shall be inspected regularly to ensure proper condition and operation. Any firefighting equipment that is damaged or found inoperable shall be repaired or replaced as soon as possible, but not to exceed within seven days of detection.
16. Soil Stockpile. The Permittee shall maintain a stockpile of soil adjacent to the tire storage area that is adequate to extinguish a fire encompassing the maximum number of stored tires.
17. Resulting Contaminated Soil and Liquid. If it is determined to not be a hazardous waste, the contaminated soil resulting from a tire fire may be disposed of in a permitted active Class I landfill. The resultant liquid shall be removed to a facility authorized to accept it. The Permittee shall maintain records of when, to where, and the amount of material removed. Regulated and non-regulated hazardous waste is to be handled in accordance with the applicable local, state and federal regulations.
18. Records. The Permittee shall maintain records of the quantity of waste tires received at the site, stored at the site, and removed from the site. The name(s) and location(s) of the entity removing and/or receiving the waste tires shall be recorded. The records shall be kept at the Facility's office and shall be made immediately available upon request, including during routine inspections.

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

1. When the Permittee closes the facility all waste tires and residuals will be removed to a waste tire processing facility, a solid waste management facility authorized to accept waste tires, or a legitimate user of waste tires. Logs of the closure shall be maintained, and the Permittee shall notify the Department within 14 days of completion of closure in order to enable the Department to inspect the site.

G. Financial Assurance and Cost Estimates

There are no financial assurance requirements for this facility.

Executed in Leon County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Kimberly A. Walker Digitally signed by
Kimberly A. Walker
Date: 2022.04.07 15:41:13
-04'00'

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.

Tamela Starling
Clerk

4/7/2022
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, as 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. Hardee County, Florida Waste Tire Collection Center Permit Renewal Application dated March 18, 2022. Received by the Tallahassee Solid Waste Section on March 22, 2022.
Oculus Link:
[https://depedms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&\[guid=8.340833.1\]&\[profile=Permitting_Authorization\]](https://depedms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&[guid=8.340833.1]&[profile=Permitting_Authorization])
2. Operation Plan prepared by SCS Engineers dated September 25, 2019. Received by the Tallahassee Solid Waste Section September 25, 2019.
Oculus Link:
[https://depedms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&\[guid=8.303513.1\]&\[profile=Permitting_Authorization\]](https://depedms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&[guid=8.303513.1]&[profile=Permitting_Authorization])