



FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

June 23, 2022

Clifton McFadden, Manager
Empire Tire Inc.
550 Mission Rd.
Orlando, FL 32808
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 May 18, 2022. 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-foot wide fire lane around the perimeter of each pile
- Failure to maintain tire piles with a width of less than 50 feet
- Failure to maintain tire piles with an area less than 10,000 square feet
- Failure to keep the site free of vegetation that could pose a potential fire hazard
- Failure to maintain records in accordance with 62-711.530(4)(b), F.A.C.

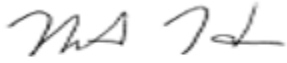
Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Sections 403.121, 403.131 and 403.161, Florida Statutes.

Please contact Amada Fernandez, at (407) 897-4159, within **7 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
June 23, 2022

Sincerely,

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

On behalf of:

Aaron Watkins, Director
Central District
Florida Department of Environmental Protection

AW/vu/af

Enclosures: Inspection Report

cc: Amada Fernandez, St. Francis Smith, Rob Freeman, FDEP



**Florida Department of
Environmental Protection
Inspection Checklist**

FACILITY INFORMATION:

Facility Name: EMPIRE TIRE INC
On-site Inspection Start Date: 05/18/2022
On-site Inspection End Date: 05/18/2022
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: Cliff McFadden, Owner;

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: 05/18/2022

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: 05/18/2022

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)	✓			

EMPIRE TIRE INC

Inspection Date: 05/18/2022

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: 05/18/2022

Current Violations:

Rule: 62-711.400(5), 62-711.540(1)(g)

Question Number: 9.14

Explanation: In accordance with Rule 62-711.530(4), F.A.C., "(4) The owner or operator of a waste tire processing facility shall record and maintain for three years the following information regarding their activities, which records shall be available for inspection by Department personnel during normal business hours: ... (b) For all waste tires received at the facility, the name and waste tire collector registration number of the collector who delivered the waste tires to the facility, and the quantity of waste tires received from that collector; and if more than five waste tires were delivered by a person who is not a waste tire collector, the number of tires delivered and the person's name, address and telephone number"

Specifically, the facility is not maintaining records of the waste tire collector registration number of the collector who delivered the water tires to the facility, or if more than five waste tires were delivered by a person who is not a waste tire collector, the number of tires delivered and the person's name, address, and telephone number.

Corrective Action: The facility must maintain records of the waste tire collector registration number of the collector who delivered the water tires to the facility, or if more than five waste tires were delivered by a person who is not a waste tire collector, the number of tires delivered and the person's name, address, and telephone number.

Rule: 62-711.540(3)(b)

Question Number: 9.27

Explanation: Several tire piles and processed tire piles had a width greater than 50 feet. Specifically, the oversized tire pile was 80 ft X 95 ft; the oversized/processed tire pile was 100 ft X 100 ft; the tire pile in the Northwest corner of the property was 60 ft X 200 ft.

Corrective Action: Reduce the width of piles such that all tire piles have a width less than 50 feet.

Attachments:

Oversized tire pile > 50 ft wide



Pile > 50 ft wide



Rule: 62-711.540(3)(b)

Question Number: 9.28

Explanation: The pile of tires in the Northwest portion of the property had an area of 12,000 square feet (60 ft X 200 ft).

Inspection Date: 05/18/2022

Corrective Action: Reduce the tire pile sizes as necessary to ensure all tire piles have an area less than 10,000 square feet.

Rule: 62-711.540(3)(c)

Question Number: 9.30

Explanation: Several outdoor tire piles did not have adequate 50-foot wide fire lanes around the perimeter of the pile. Specifically, the tire storage area on the Northeast border of the property along Mission Road was not properly maintained and did not have 50-foot wide fire lanes. Additionally, the pile of tires in the Northwest portion of the property did not have a fire lane on one side.

Corrective Action: Ensure each outdoor tire pile has an unobstructed 50-foot wide fire lane at all times.

Attachments:

Northwest pile needs fire lane



Northeast pile needs fire lanes



Northeast pile needs fire lanes



Rule: 62-711.540(3)(f)

Question Number: 9.33

Explanation: Some tire piles had vegetation growing on the tires, posing a potential fire hazard.

Corrective Action: Remove vegetation or remove or process tires that have vegetation growing on them to reduce the potential for fire.

Attachments:

Inspection Date: 05/18/2022

Vegetation growing on tires



COMMENTS:

Waste tire processing facility is operating under Permit Number 02897891-WT, issued 3/15/19 and expires 3/14/24.

Processing involves storage and sorting of whole waste tires, tire chips, and residuals. All storage and operations are performed outdoors. 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 reports indicate the tire storage is within capacity.

The 5/25/22 fire survey conducted by the Orlando Fire Department was submitted to the Department on 5/26/22.

Several tire piles were not well maintained. Specifically, the oversized tire pile on the South side of the property had a width greater than 50 feet. The pile with oversized tires and processed tires on the South side of the property was 100 ft X 100 ft, so the width was too wide. The tire storage area on the Northeast border of the property along Mission Road did not have adequate fire lanes. The pile of tires in the Northwest portion of the property did not have a fire lane on one side, and the width and area of the pile was too large (60 ft X 200 ft = 12,000 sq. ft).

There were a few tires in standing water in the Northeast portion of the property that should be removed from the water.

Some tires had vegetation growing on them. The vegetation must be removed or the tires must be removed or processed to reduce the potential for fire.

The facility does keep records of the tonnage of incoming and outgoing material. However, the records of incoming tires are not in compliance with 62-711.350(4)(b), F.A.C.: "For all waste tires received at the facility, the name and waste tire collector registration number of the collector who delivered the waste tires to the facility, and the quantity of waste tires received from that collector; and if more than five waste tires were delivered by a person who is not a waste tire collector, the number of tires delivered and the person's name, address and telephone number". The facility is not maintaining records of the waste tire collector registration number of the collector who delivered the waste tires to the facility. Additionally, if more than five tires were delivered by a person who is not a waste tire collector, the facility is not maintaining records of the person's name, address, and phone number.

Item 1.9: The 2022 closure cost estimate was received 5/12/22. The Department made corrections to the 2022 cost estimate and Dale Melton approved the 2022 cost estimate via email on 6/1/22.

Item 1.8: According to an email from Financial Coordinator, Jerger Chantay, the facility is in compliance with financial assurance requirements as of June 15, 2022.

Inspection Date: 05/18/2022

Signed:

Amada M Fernandez

Inspector

PRINCIPAL INSPECTOR NAME**PRINCIPAL INSPECTOR TITLE**

DEP

06/01/2022

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

Cliff McFadden

Owner

REPRESENTATIVE NAME**REPRESENTATIVE TITLE**

NO SIGNATURE REQUIRED

Empire Tire

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:** Viviana Useche**Inspection Approval Date:** 06/20/2022