



Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

By E-Mail

Rchewning1@tampabay.rr.com

In the Matter of an
Application for Permit by:
Waste Management Inc. of Florida
11205 3rd Street
Treasure Island, FL 33706

OCD-SW-09-0234
Orange County – SW WACS #87081
Vista Landfill, Class III
Small Waste Tire Processing Facility
DEP File No. WT48-0165969-016

Attention: Mr. Raymond J. Chewning, P.E.

This is the Department's Intent to Issue Permit No. WT48-0165969-016. Enclosed are the "Notice of Proposed Agency Action" and Draft Permit for the project and file number noted above. Please contact the Central District's Solid Waste Program at 407-893-3328 if you have questions or need further information.

INTENT TO ISSUE

The Department of Environmental Protection gives notice of its intent to issue a permit (copy of conditions attached) for the proposed project as detailed in the application specified above, for the reasons stated below.

The applicant, Waste Management Inc. of Florida/Raymond J. Chewning, applied on June 8, 2009 to the Department of Environmental Protection, for a permit to operate a Small Waste Tire Processing Facility at the Vista Landfill, Class III in Orange County, Florida.

The Department has permitting jurisdiction under Section 403.707(1), F.S. and Chapters 62-4, 62-701, and 62-711, F.A.C. The project is not exempt from permitting procedures. The Department has determined that a small waste tire processing facility permit is required for the proposed work.

Pursuant to Section 403.815, F.S., you are required to publish at your own expense the enclosed Notice of Proposed Agency Action. The notice shall be published one time only within 30 days in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. Where there is more than one newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. You must provide proof of publication to the Department at the address listed below as soon as practical after publication. Department of Environmental Protection, 3319 Maguire Boulevard, Suite 232, Orlando, FL 32803, telephone 407/893-3328.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S.

The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Petitions by the applicant or any of the parties listed below must be filed within 14 days of receipt of this written notice. Petitions filed by other persons must be filed within 14 days of publication of the notice or receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.A.C., however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of such notice, regardless of the date of publication. The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person 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.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
- (d) A statement of all material facts disputed by petitioner or a statement that there are no disputed facts;
- (e) A statement of the ultimate facts alleged, including a statement of the specific facts which the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wants the Department to take with respect to the Department's action or proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.

Any party to this order has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, Mail 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 of appeal must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



F. Thomas Lubozynski for

Vivian F. Garfein
Director, Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803
407/894-7555

Date: August 7, 2009

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.



Aug. 7, 2009

Clerk

Date

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this INTENT TO ISSUE and all copies were sent before the close of business on August 7, 2009 to the listed persons.



Clerk

VFG/gc/ew

Enclosures

1. Wording for "Notice of Proposed Agency Action"
2. Draft Permit No. WT48-0165969-016
3. Appendix A – List of Documents Incorporated into Permit
4. Appendix B – Time Sensitive Specific Conditions

Copies furnished to:

Richard Tedder, P.E. – DEP – Tallahassee
Sheree Grant – WMIF – Sgrant@wm.com
Jay Davoll, P.E. – City of Apopka jdavoll@apopka.net

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF PROPOSED AGENCY ACTION

The Department of Environmental Protection gives Notice of its intent to issue a small waste tire processing facility permit to Waste Management, Inc. of Florida/Raymond J. Chewning, 11205 3rd St., Treasure Island, FL 33706, to operate the Vista Landfill, Class III – Small Waste Tire Processing Facility, in Orange County, FL. The facility is located at 242 W. Keene Road, Apopka, in Section 28, Township 21 South, Range 28 East, in Orange County, FL.

The Department has assigned File Number WT48-0165969-016 to the project.

The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Central District office, 3319 Maguire Boulevard, Suite 232, Orlando, FL 32803, Telephone 407/893-3328.

Documents in this matter can also be accessed through the OCULUS electronic document management system at; www.dep.state.fl.us. Once at the DEP home page, click on Programs, then click on Waste Management, and then click on OCULUS.

Login as netuser and password: netuser. Click the login button. Under Catalog select Solid Waste and under Profile select Permitting_Authorizations. Enter 87081 in the Facility ID field & hit the tab button. Click the Search button.

A person whose substantial interests are affected by the above proposed agency action may petition for an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within 14 days of publication of this notice or receipt of the written notice, whichever occurs first. The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person 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 of the Florida Statutes, 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 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of all material facts disputed by petitioner or a statement that there are no disputed facts;
- (e) A statement of facts which the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action; and

(g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wants the Department to take with respect to the Department's action or proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301 of the Florida Administrative Code.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

In accordance with Section 120.573, F.S., the Department advises that mediation is not available in this case as an alternative to filing a petition for an administrative determination.



Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

Permit Issued to:

Waste Management, Inc. of Florida
Located at: Vista Landfill
242 West Keene Road
Apopka, Florida, Orange County
Telephone No. (407) 902-1469
Facility ID No.: WACS ID # 87081

Authorized Representative:
Mr. Raymond J. Chewning, P.E.
Title: Consultant
11205 3rd Street
Treasure Island, FL 33706

Operation Permit – Small Waste Tire Processing Facility
Vista Landfill, Class III
Permit No.: WT48-0165969-016

Waste Tire Processing Permit Issued:
Waste Tire Processing Permit Renewal Date: 06/11/2014
Waste Tire Processing Permit Expires: 08/10/2014

Permitting Authority

Florida Department of Environmental Protection
Central District Office
3319 Maguire Boulevard, Suite 232
Orlando, FL 32803
Telephone No. (407) 893-3328
Fax No. (407) 893-3124

Permittee:
Waste Management, Inc. of Florida
11205 3rd Street
Treasure Island, FL 33706

WACS Facility: 87081
Permit Number: WT48-0165969-016
Expiration Date: 8/10/2014
County: Orange
Latitude 28°38'24.5" N, Longitude 81°30'41.7"W
Project: Vista Landfill, Class III – Small Waste
Tire Processing Facility

Attention: Mr. Raymond J. Chewning, P.E.

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 62-4, 62-701, and 62-711. The above named permittee is hereby authorized to operate a small waste tire processing facility at Vista Landfill in accordance with the submitted application and approved drawings, plans, and other documents attached hereto or on file with the Department and made a part hereof. Specifically, the permitted operations are:

- To operate a small waste tire processing facility. The facility will receive tires and store them in 30-cubic yard metal storage containers. Utilizing a mobile shredder, a tire shredding contractor will process the whole waste tires into smaller fragments. The shredder will be used less than 120 days each time it is mobilized to Vista Landfill. The contractor needs have a current General Permit prior to mobilization and processing tires at the facility. The processed waste tires will be beneficially re-used within the landfill as either daily cover material or temporary road base within the lined disposal area.

Vista Landfill is a permitted Class III landfill. Its current permit is SO48-0165969-015. The expiration date for the Class III permit, SO48-0165969-015, is April 19, 2011.

LOCATION: The Vista Landfill is located at 242 West Keene Road, Apopka, in Section 28, Township 21 South, Range 28 East, in Orange County, Florida.

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, 403.727, or 403.859 through 403.861, Florida Statutes (F.S.). 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 personal 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 and 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 this 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.
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

GENERAL CONDITIONS:

- (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 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 Section 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 is transferable only upon Department approval in accordance with Rule 62-4.120 and 62-730.300, Florida Administrative Code (F.A.C.), as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. 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 information) 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.
14. 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.

PERMITTEE:
Waste Management, Inc. of Florida

WACS Facility: 87081
Permit Number: WT48-0165969-016
Expiration Date: 08/10/2014

Attention: Mr. Raymond J. Chewning, P.E.

SPECIFIC CONDITIONS:

Note that time-sensitive specific conditions are summarized in Appendix B of this permit.

1. Plans and Specifications: Drawings, plans, documents and specifications submitted by the permittee, not attached hereto, but on file at the Central District office, are made a part of this permit. The documents are listed in Appendix A.
2. Document Requirements: A copy of the permit, with a complete copy of the permit application and engineering drawings shall be kept on file at the facility for inspection and review upon request.
3. Other Permits: This permit does not relieve the permittee from complying with any other appropriate stormwater, ERP, or other permit requirements.
4. Signs: If the facility receives waste tires from the public, a sign shall be posted at the entrance of the facility stating operating hours, cost of disposal, and facility rules, Rule 62-711.540(1)(a), F.A.C.
5. Authorized Person On-Site: A trained operator or shall be on-site at all times during business hours.
6. 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.
7. Safety Devices: Safety devices shall be provided on equipment to shield and protect the operators from potential hazards during operation.
8. Equipment Breakdown: In the event of equipment malfunction, destruction, breakdown or other problems resulting in the permittee being temporarily unable to comply with any of the conditions of this permit, the permittee shall immediately notify the Department. The notification shall address the cause of the problem, corrective action, and what steps are being taken to prevent a recurrence as required by Rule 62-4.130, F.A.C.
9. Emergency Situations: The operator of the facility shall immediately notify the Department in the event of a fire or other emergency if that emergency has potential off-site effects. Within two weeks of any emergency involving potential off-site impact, the operator of the facility shall submit to the Department, a written report describing the origins of the emergency, the actions that were taken to deal with the emergency, the results of the actions that were taken, and an analysis of the success or failure of the actions, Rule 62-711.540(1)(f), F.A.C.
10. Minimum Size Requirements: Processed tires for recycling or disposal must meet the minimum size requirements specified in Rule 62-711.400(3), F.A.C.
11. Small Waste Tire Processing Facility Requirements: The facility shall meet the requirements of a small waste tire processing facility, Rule 62-711.530(7), F.A.C. The facility is allowed up to 1,500 waste tires to be stored at any one time and up to 1,500 waste tires to be processed during any 30-day period.
12. Control of Mosquitoes and Rodents: The owner or operator shall provide for control of mosquitoes and rodents to protect the public health and welfare, Rule 62-711.540(1)(j), F.A.C.

PERMITTEE:
Waste Management, Inc. of Florida

WACS Facility: 87081
Permit Number: WT48-0165969-016
Expiration Date: 08/10/2014

Attention: Mr. Raymond J. Chewning, P.E.

SPECIFIC CONDITIONS:

13. Quarterly Reports: Owners or operators of waste tire processing facilities shall submit quarterly reports to the Department that summarize the information collected under Rule 62-711.530(4), F.A.C. The reports shall be submitted on DEP Form 62-701.900(21), by the 20th day of the month following the close of each calendar quarter, to the Department of Environmental Protection, Central District - Solid Waste Section, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803, with a copy to the Department of Environmental Protection, Solid Waste Section, 2600 Blair Stone Road, Tallahassee, Florida 32399, Rule 62-711.530(5), F.A.C.

14. Permit Renewal: An application for permit renewal must be submitted at least 60 days prior to the expiration date of this permit. (Rule 62-4.090, F.A.C.).

15. Disposal of Processed Tires or Residuals: The processed tires or residuals shall be disposed of at permitted disposal sites or properly recycled, Rule 62-711.540(5), F.A.C.

16. Permit Deviations: The Department shall be notified and approval shall be obtained prior to executing any substantial changes or revisions to the operation authorized by this permit.

ISSUED: _____

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Vivian F. Garfein
Director, Central District
3319 Maguire Blvd., Suite 232
Orlando, FL 32803
407/894-7555

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk

Date

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT and all copies were sent before the close of business on _____ to the listed persons.

Clerk

Appendix A
List of Documents Incorporated into the Permit

1. DEP Form # 62-701.900(24), Small Waste Tire Processing Facility Permit Application and supporting attachments from Raymond J. Chewning, P.E., Waste Management, Inc. of Florida, Treasure Island, FL 33706, dated June 4, 2009. Received and stamped June 5, 2009, Central District – DEP.
2. First Request for Additional Information from Central District – DEP, dated June 24, 2009.
3. Response to First Request for Additional Information from Raymond J. Chewning, P.E., Waste Management, Inc. of Florida, Treasure Island, Florida 33706, dated June 25, 2009. Received and stamped July 5, 2009, Central District – DEP.
4. Permit Application Completion Letter from Central District – DEP, dated July 15, 2009.

DRAFT

Appendix B
Time Sensitive Specific Conditions
DEP Permit Number WT48-0165969-016

Specific Condition	Requirement	Action	Due date
6	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 per Rule 62-711.540(1)(b) F.A.C.	
8	Equipment Breakdown	Notify the Department of equipment breakdown, malfunction, etc.	Immediately upon discovery
9	Emergency Situations	Notify the Department in the event of a fire or other emergency if that emergency has potential off-site effects.	Immediately upon discovery
9	Emergency Situations	Submit a written report on the emergency involving fire or potential off-site impacts.	Within two weeks of the emergency.
11	Small Waste Tire Processing Facility Requirements	Store a maximum of 1,500 waste tires at any one time, and process up to 1,500 waste tires during any 30-day period	Seek prior approval from the Department for any deviations.
13	Quarterly Reports	Submit Quarterly Reports summarizing information per Rule 62-711.530(4) F.A.C to the Department Central District Office with a copy to the Tallahassee Office. The Report should be submitted on DEP Form 62-701.900(21).	No Later Than 20 th of month following the close of each Calendar Quarter
14	Operations Permit Renewal (Permit expires on 08/10/2014)	Submit an operation permit renewal application	At least 60 days prior to the expiration date of this permit (before 06/11/2014)
16	Permit Deviations	Notify the Department of any substantial changes or revisions to the operation	Prior to executing any substantial changes or revisions to the operation