

Department of Environmental Protection

Jeb Bush
Governor

South District
P.O. Box 2549
Fort Myers, Florida 33902-2549

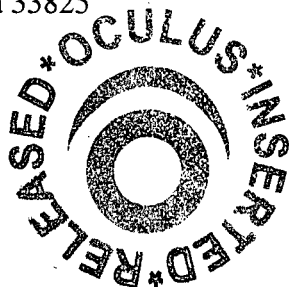
Colleen M. Castille
Secretary

October 5, 2004

CERTIFIED MAIL NO. 7004 0750 0003 9120 5803
RETURN RECEIPT REQUESTED

FILE

Robert Reisig, Manager
Florida Tire Terminal
400 Feagin Street
Avon Park, Florida 33825



Re: Highlands County – SW
Florida Tire Terminal
400 Feagin Street
Unpermitted Waste Tire Processing Facility
Lake Wales Ridge EMA

Dear Mr. Reisig:

This is a follow up to your September 14, 2004 meeting with Department personnel concerning the referenced facility.

History

On November 6, 1995, Florida Tire Terminal was issued a Waste Tire Beneficial Use Agreement that allowed the facility to continue to operate without obtaining a waste tire processing facility permit. The Agreement was signed by your company and specified that the facility should not be modified without prior approval from the Department. Conversation with you, as well as recent inspections, have disclosed the following:

1. The facility has expanded laterally to the east, beyond the boundary depicted in your Waste Tire Beneficial Use Agreement. This significant modification violates the first paragraph of the Agreement.
2. The expanded facility is now storing over 15,000 waste/used tires on-site, significantly exceeding the 10,000 waste/used tire limit specified in Condition No. 6 of the Agreement.

Therefore, the aforementioned Waste Tire Beneficial Use Agreement issued for your facility is no longer valid. During a meeting held with the Department on August 7, 2003, you agreed to

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U.S. Postal Service™
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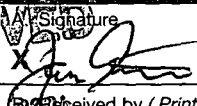
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OFFICIAL USE

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Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To: Robert Reigig
 Street, Apt. No., or PO Box No. Fla Tire Terminal
 City, State, ZIP+4 Avon Park FL 33825

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to: Robert Reigig Fla Tire Terminal Avon Park FL 33825</p>	<p>A. Signature </p> <p>B. Received by (Printed Name) Robert Reigig</p> <p>C. Date of Delivery 10/7</p> <p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes If YES, enter delivery address below:</p>
<p>2. Article Number: 7004 0750 0003 9120 5803 (Transfer from service label)</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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apply for a waste tire processing facility permit. To date, we have not received an application from you.

On September 14, 2004, you met with the Department to discuss violations at the facility and the permitting requirements for a waste tire processing facility. During the meeting you re-emphasized that waste tires are still not processed at the facility. Additionally, you expressed concern that, due to the limited size of the facility, all of the fire safety provisions for indoor and outdoor storage listed in the Waste Tire Rule; Chapter 62-711 of the Florida Administrative Code (F.A.C.) could not be met. It is now your position that your business could fail if forced to comply with our waste tire rule. Due to your unique situation it is proposed that this matter be resolved through the alternative procedure/permitting process in lieu of enforcement.

Therefore, in accordance with F.A.C. Rule 62-701.310, we recommend that you apply for approval of alternative procedures from the provisions of Rule 62-711.530, F.A.C., which you believe your facility cannot meet. Please note that you must propose an alternative procedure or requirement that provides an equal degree of protection for the public and the environment for each provision of F.A.C. Rule 62-711.530 that you believe should not be applicable. A copy of F.A.C. Rule 62-701.310 is enclosed for your perusal. The Alternative Procedure request, along with a check for \$500 made out to the Department, should be addressed as follows:

Mr. Richard Tedder
Department of Environmental Protection
2600 Blair Stone Road, MS 4565
Tallahassee, Florida 32399-2400

If the Department approves your request for Alternative Procedures, you would then have to apply for a waste tire processing facility permit. The permit application, along with a check for \$1,250 made out to the Department, should be addressed as follows:

Philip A. Barbaccia
Department of Environmental Protection
2295 Victoria Avenue, Suite 364
Fort Myers, Florida 33902-2549

In consideration of your intent and willingness to return to compliance with our rules and regulations, the Department will allow the referenced facility to operate with up to 15,000 waste tires on-site, until a determination is made on your Alternative Procedures request. If the request is not deemed complete by January 1, 2005, the business must be brought back into compliance by January 31, 2005 with F.A.C. Rule 62-711.300(9)(c); store less than 1,500 waste tires on-site. If the request is granted, the waste tire permitting facility application shall be submitted to the South District office by February 1, 2005. If the permit application is not submitted by this date,

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or if it is denied, the business must be brought back into compliance with F.A.C. Code Rule 62-711.300(9)(c) by March 1, 2005.

If you have any questions concerning this matter, please contact Bill Krumbholz at (239) 332-6975. Your cooperation is appreciated.

Sincerely,



Philip A. Barbaccia
Environmental Administrator

Enclosure
PAB/BK/se

cc: Richard Tedder, DEP (via e-mail) Richard.Tedder@dep.state.fl.us