

Jeb Bush
Governor

Department of Environmental Protection

FILE

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

Colleen M. Castille
Secretary

August 19, 2004

CERTIFIED MAIL NO. 7002 2410 0002 4843 5705
RETURN RECEIPT REQUESTED

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
EMA – Lake Wales Ridge

Dear Mr. Reisig:

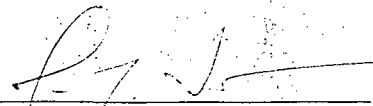
The inspection of the above-referenced property conducted on August 11, 2004, copy enclosed, and a review of Department files indicates that the facility may be in violation of Florida Administrative Code 62-711, Waste Tire Rule, and the rules promulgated thereunder.

Violations noted in the Department's letter of July 25, 2003, copy enclosed, were pending the facility's submittal of the necessary permit application. The facility has not submitted the necessary permit application.

Any activities on the property that may be contributing to violations of the above-described statutes or rules should cease. **You are requested to contact Bill Krumbholz at (239) 332-6975 within ten (10) days of receipt of this Warning Letter to arrange a meeting to discuss this matter.**

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

Sincerely,


Jon M. Iglehart
Acting Director of
District Management

Enclosures
JMI/JB/se

"More Protection, Less Process"

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OFFICIAL USE	
Postage \$	Postmark Here JG
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent To FLA TIRE TERMINAL - ROBERT REISIG Street, Apt. No., or PO Box No. 400 FEAGIN ST City, State, ZIP+4 AVON PARK FL 33825 PS Form 3800, June 2002 See Reverse for Instructions	

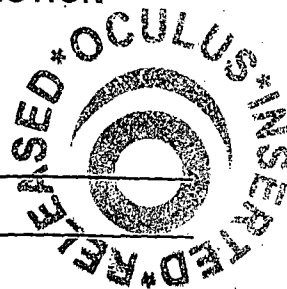
SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece or on the front if space permits. 		A. Signature <i>x William Newton</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) C. Date of Delivery 8/23	
1. Article Addressed to: ROBERT REISIG MANAGER FLA TIRE TERMINAL 400 FEAGIN STREET AVON PARK FL 33825		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:	
2. Article Number (Transfer from service label) JR/se		Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, February 2004		102595-02-M-1540	

RECEIVED
AUG 23 2004
D.E.P. - SOUTH DISTRICT

7002 2410 0002 4843 5705



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOLID WASTE MANAGEMENT FACILITY
INSPECTION CHECKLIST



Facility Name: Florida Tire Terminal
WACS No. _____ COMET I.D. Number: _____
Inspection Date: 08/11/04 Permit No.: NONE Expiration Date: _____
Facility Address: 400 Feagin St (POB 1733)
City: Avon Park County: Highlands Zip: 33825
Permittee or Operating Authority: Robert Reisig
Telephone Number (Permittee or Operating Authority): 863-452-5788

Inspection Participants (Include ALL Landfill and Department Employees Specifying Titles):

Principal Inspector: FDEP Bill Krumholz, ENV MGR & JERI BRIGGS, ENV SPC
Other Participants: Robert Reisig

TYPE OF FACILITY (check all that apply):

Landfill: <input type="checkbox"/> Class I <input type="checkbox"/> Class II <input type="checkbox"/> Class III	C&D Facility: <input type="checkbox"/> Disposal <input type="checkbox"/> Disposal w/Recycling <input type="checkbox"/> Land Clearing	Waste Processing Facility: <input type="checkbox"/> Transfer Station <input type="checkbox"/> C&D Recycling <input type="checkbox"/> Class III MRF <input type="checkbox"/> MSW MRF <input type="checkbox"/> Pulverizer/Shredder <input type="checkbox"/> Compactor/Baling <input type="checkbox"/> Other _____	Other Facilities: <input type="checkbox"/> Composting <input type="checkbox"/> WTE Facility <input type="checkbox"/> Incinerator/Trench Burner <input type="checkbox"/> Unauthorized Disposal <input checked="" type="checkbox"/> Other <u>Waste Tire Site</u>
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TYPE OF INSPECTION (check all that apply):

<input type="checkbox"/> Construction Completion <input type="checkbox"/> Operation <input type="checkbox"/> Closure <input type="checkbox"/> Long-Term Care	<input type="checkbox"/> Complaint Investigation <input type="checkbox"/> Routine Inspection <input type="checkbox"/> Reinspection <input type="checkbox"/> Facility File Review	<input type="checkbox"/> Other _____
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REQUIREMENTS:

THE REQUIREMENTS LISTED IN THIS INSPECTION CHECKLIST ARE BASED UPON RULES OF THE FLORIDA ADMINISTRATIVE CODE. A "NO" RESPONSE TO A REQUIREMENT (UNLESS OTHERWISE NOTED) REFLECTS A VIOLATION OF THE CORRESPONDING DEPARTMENT RULE(S). EACH VIOLATION IS DISCUSSED IN THE NARRATIVE SECTION OF THIS REPORT.

1. SOLID WASTE PROHIBITIONS (unless "grandfathered" in, see 62-701.300(16))	YES	NO	Unk	N/A
1. Unauthorized disposal/storage prohibited in areas lacking geological support? 62-701.300(2)(a)				✓
2. Unauthorized disposal/storage prohibited, except yard trash, within 500' of a potable water well? 62-701.300(2)(b)				✓
3. Unauthorized disposal/storage prohibited in a dewatered pit unless pit is lined and has leachate controls? 62-701.300(2)(c)				✓
4. Unauthorized disposal/storage prohibited in an area subject to frequent and periodic flooding unless flood protection measures in place? 62-701.300(2)(d)				✓

V. OTHER SOLID WASTE FACILITIES		YES	NO	Unk	N/A
1.	WTE facility in compliance with all permit conditions and applicable requirements? 62-701.320(1)				✓
2.	Compost facility in compliance with all permit conditions and applicable requirements? 62-701.320(1)				✓

VI. NARRATIVE

Explanation for all "NO" responses and other comments (continue on separate sheet if necessary)

The facility has expanded laterally, and has not ~~not~~ submitted a permit application to operate a waste tire processing facility.

The facility is operating without a permit. Please contact the Department within ten (10) days to arrange a meeting to be held in our Ft. Myers Office at (239) 332-6975. Previous Inspection Report is attached.

Department correspondence dated July 25, 2003 and October 15, 2003 attached. Polston Engineering, Inc. correspondence dated October 29, 2003 attached.

Signed:

Bill Krampholtz
DEP Representative

Date

8/11/04

Received:

[Signature]
Site Representative

Date

8/11/04

impervious surface means either a poured concrete pad having a minimum thickness of four inches, or an asphalt concrete paving with both a minimum thickness of one and one-half inches and with an additional component to restrict leaching to ground water such as a soil cement sub-base, an epoxy seal or a geomembrane.

(15) Storage in vehicles. The prohibitions in subsection (2) of this section do not apply to the storage of solid waste in an enclosed or covered vehicle, provided that such vehicle has either been unloaded or moved over public highways within the previous seven days.

(16) Existing facilities. Those portions of facilities which were constructed prior to May 27, 2001 remain subject to the prohibitions that were in effect at the time the permit authorizing construction was issued. Lateral expansions of such facilities remain subject to the prohibitions that were in effect at the time the permit authorizing the lateral expansion was issued. For example, portions of facilities constructed prior to May 19, 1994 were subject to the prohibition against storing or disposing of solid waste within 500 feet of an existing or approved shallow water supply well, but are not subject to the prohibitions of paragraphs (2)(b) and (h) of this section. However, lateral expansions of such facilities which occurred after May 19, 1994 are subject to the prohibitions of paragraphs (2)(b) and (h) of this section.

Specific Authority 403.704, FS.

Law Implemented 403.704, 403.707, 403.708, FS.

History -- Formerly 10D-12.06, 10D-12.07, 10-1-74, Amended 5-24-79, 5-27-82, 12-10-85,

Formerly 17-7.04, 17-7.040, Amended 6-25-90, Formerly 17-701.040, Amended 1-6-93, 1-2-94, 5-19-94, Formerly 17-701.300, Amended 12-23-96, 5-27-01.

62-701.310 Approval of Alternate Procedures and Requirements.

(1) Applicability. Any person subject to the provisions of this chapter or Chapters 62-702 through 62-722, F.A.C., may request in writing a determination by the Secretary that a requirement shall not apply, and shall request approval of alternate procedures or requirements.

(2) Criteria. The request shall set forth at a minimum the following information:

- (a) The specific facility for which an exception is sought;
- (b) The specific provisions from which an exception is sought;
- (c) The basis for the exception;

(d) The alternate procedure or requirement for which approval is sought and a demonstration that the alternate procedure or requirement provides an equal degree of protection for the public and the environment; and

(e) A demonstration of the effectiveness of the proposed alternate procedure.

(3) Department order. The Secretary shall specify by order each alternate procedure or requirement approved in accordance with this section or shall issue an order denying the request for such approval. The Department's order shall be agency action, reviewable in accordance with Sections 120.569 and 120.57, F.S.

(4) Alternate sampling procedures. Approval of alternative or new field and laboratory sampling and analysis procedures shall be requested in accordance with Rules 62-160.430, 62-160.520 and 62-160.530, F.A.C.

(5) Variances. Requests for variances from specific statutory or rule requirements may be made pursuant to Section 403.201, F.S., and Rule 62-110.104, F.A.C. Requests for variances or waivers from rule requirements may also be made pursuant to Section 120.542, F.S., and Rule 28-104.002, F.A.C.

(6) Requests for alternate procedures shall be accompanied by the fee specified in Rule 62701.315(8), F.A.C. Requests must be submitted to the Director of the Division of Waste Management, 2600 Blair Stone Road, Twin Tower Office Building, Tallahassee, Florida 32399-2400.

(7) To the extent that any request for alternate procedures or requirements involves the practice of engineering or geology, the request shall be signed and sealed by a professional engineer or a professional geologist.

Specific Authority 403.704, FS.

Law Implemented 403.0877, 403.704, 403.707, FS.

History --New 7-1-85, Amended 12-10-85, Formerly 17-7.078, Formerly 17-701.078, Amended 1-6-93, 5-19-94, Formerly 17-701.310, Amended 5-27-01.

62-701.315 Permit Fees for Solid Waste Management Facilities. Notwithstanding the provisions of Rule 62-4.050(4)(w), F.A.C., the following fees shall apply to permit applications for solid waste management facilities. The provisions of Rule 62-4.050(o) through (v), F.A.C., continue to apply to such permits or applications. Fees for permit modifications are established in Rule 62-701.320(4), F.A.C.

(1) Construction permits.	
(a) Class I landfill	\$10,000
(b) Class II landfill	\$10,000
(c) Class III landfill	\$ 6,000
(d) Waste-to-energy facility not covered by the Florida Electrical Power Plant Siting Act	\$10,000
(e) Other resource recovery facilities	\$ 2,000
(f) Incinerator	\$ 3,000
(g) Manure or yard trash composting facility	\$ 2,000
(h) Solid waste composting facility	\$ 5,000
(i) Waste tire processing facility	\$ 1,250
(j) All other solid waste facilities	\$ 1,000
(k) Offsite biomedical waste treatment facility other than a biomedical waste incinerator	\$ 2,000
(2) Operation permits.	
(a) Class I landfill	\$10,000
(b) Class II landfill	\$10,000
(c) Class III landfill	\$ 4,000
(d) Waste-to-energy facility not covered by the Florida Electrical Power Plant Siting Act	\$10,000
(e) Other resource recovery facilities	\$ 1,000
(f) Incinerator	\$ 1,000
(g) Manure and yard trash composting facility	\$ 1,000
(h) Solid waste composting facility	\$ 3,000
(i) Off-site biomedical waste treatment facility other than a biomedical waste incinerator	\$ 1,000
(j) All other solid waste facilities	\$ 500
(3) Closure permits.	