



**FACILITY COMPLIANCE AUDIT REPORT**  
**Division of Waste Management**  
**Solid Waste Section**

**UNIT TYPE:**

Lined MSWLF		LCID		YW		Transfer		Compost		SLAS		<b>COUNTY: Wake</b> <b>PERMIT NO.: 92-38 TP</b> <b>FILE TYPE: COMPLIANCE</b>
Closed MSWLF		HHW		White goods		Incin		T&P		FIRM		
CDLF		Tire T&P / Collection	<b>X</b>	Tire Monofill		Industrial Landfill		DEMO		SDTF		

**Date of Audit:** March 28, 2011**Date of Last Audit:** NA**FACILITY NAME AND ADDRESS:**

Killy's Tires LLC Scrap Tire Collection Facility  
 716 Broad Street  
 Fuquay Varina, NC 27526

**GPS COORDINATES:** N: 35.59205 E: 78.78828**FACILITY CONTACT NAME AND PHONE NUMBER:**

Jesus Fernandez, Owner  
 h. 919-359-1571  
 c. 919-609-3975  
 f. 919-552-7314  
 killystires@hotmail.com

**FACILITY CONTACT ADDRESS:**

Jesus Fernandez  
 165 River Hills Drive  
 Clayton, NC 27527

**AUDIT PARTICIPANTS:**

John Patrone, NCDENR – Solid Waste Section (SWS)  
 Jesus Fernandez, Owner

**STATUS OF PERMIT:**

Permit To Operate (PTO) issued July 21, 2009  
 PTO expiration date July 21, 2012

**PURPOSE OF AUDIT:**

Comprehensive Audit

**NOTICE OF VIOLATION:**

None

You are hereby advised that, pursuant to N.C.G.S. 130A-22, an administrative penalty of up to \$15,000 per day may be assessed for each violation of the Solid Waste Statute or Regulations. For the violation(s) noted here, you may be subject to enforcement actions including penalties, injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules.

**FACILITY COMPLIANCE AUDIT REPORT**  
**Division of Waste Management**  
**Solid Waste Section**

Page 2 of 3

**STATUS OF PAST NOTED VIOLATION(S):**

None

**AREAS OF CONCERN AND COMMENTS:**

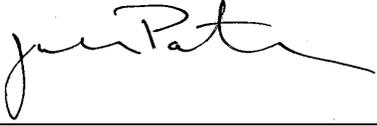
On March 28, 2011, John Patrone met with Jesus Fernandez to conduct a comprehensive audit of the Killy's Tire LLC Scrap Tires Collection Facility on Broad Street in Fuquay Varina, Wake County.

1. The facility is a scrap tire collection facility. Killy's Tires' hauler ID number is NCT 02004.
2. The facility collects only reusable scrap tires (via contract) from the North Carolina Department of Public Instruction and (via recently obtained contract) the North Carolina State High Patrol.
3. The facility site plan and operations plan were discussed.
4. The facility is permitted to receive scrap tires from all 100 counties. Mr. Fernandez stated that scrap tires are picked-up by Killy's Tires Personnel.
5. Scrap tires are stored in a warehouse and primarily shipped, via overseas container, to Panama. Some scrap tires are shipped, via tractor trailer, to M&B Distributing, Inc. in Hollywood, Florida. Mr. Fernandez stated that scrap tires are loaded for shipment while the driver is on site (containers and trailers are not stored on site).
6. An Irrevocable Standby Letter of Credit issued by the Bank of America to beneficiary: NCDENR – SWS and applicant: Jesus Fernandez dba Killy's Tires LLC dated May 28, 2009 for \$6,500 was verified. The letter states that it is automatically extended for one year and on each successive annual expiration date.
7. The facility shall at no time have more than 1,000 scrap tires stored on site in accordance with the Irrevocable Standby Letter of Credit/financial responsibility requirements per 15A NCAC 13B .1111.
8. Scrap tires must be removed from the facility when 300 tires are accumulated.
9. Mr. Fernandez stated that the fire department has regulated that stored scrap tires must not exceed 6 feet in height and must be a minimum of 2 feet from walls. Dimension requirements are marked with orange tape.
10. Two fire extinguishers are available for fire suppression. The facility does not have an automatic sprinkler system. The local fire department will provide fire control.
11. Mr. Fernandez stated that unwanted scrap tires are not collected however, occasionally they are mixed-in with usable scrap tires. Unwanted scrap tires are brought to local scrap tire collection facilities.
12. All scrap tires received (at the facility) are shipped-out. Records of scrap tires received/shipped-out were verified. In January 2011: 296 of 120 lbs tires and 257 of 100 lbs tires were received/shipped-out. Mr. Fernandez stated that he will keep a record of unwanted scrap tires brought to local scrap tire collection facilities. Currently, all scrap tires received/shipped-out are school bus truck tires.
13. The 2009 – 2010 facility annual report was submitted to SWS in July 2010. Facility throughput for July 2009 through June 2010 is 448,120 tons/9,135 tires. The facility should submit a single facility annual report with attached spreadsheet in order to avert the submission of numerous reports. The spreadsheet must be in the format of the annual report.
14. Mr. Fernandez was given copies of 15A NCAC 13B Section .1100 "Scrap Tire Management" and NFPA 231D "Standard for Storage of Rubber Tires, 1994 Edition."
15. The facility is properly secured. Personnel are on site during operating hours.
16. The facility has proper signage.
17. The facility permit expiration date is July 21, 2012.
18. Permit renewal application shall be submitted to the SWS by May 21, 2012.

**FACILITY COMPLIANCE AUDIT REPORT**  
**Division of Waste Management**  
**Solid Waste Section**

Page 3 of 3

Please contact me if you have any questions or concerns regarding this audit report.



Phone: 336-771-5095 Fax: 336-771-4631

John Patrone  
Environmental Senior Specialist  
*Regional Representative*

Delivered on : <u>April 4, 2011</u> by		Hand delivery/Email	<input checked="" type="checkbox"/>	US Mail		Certified No. [ ]
--	--	---------------------	-------------------------------------	---------	--	-------------------

cc: Jason Watkins, Central Regional Supervisor  
Donald Herndon, Compliance Officer  
Ed Mussler, Permitting Branch Head