



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

CENTRAL DISTRICT
3319 MAGUIRE BOULEVARD, SUITE 232
ORLANDO, FLORIDA 32803-3767

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

JONATHAN P. STEVERSON
SECRETARY

March 09, 2015

CERTIFIED MAIL
91 7199 9991 7030 9148 3614

Rene Ahwal, President
Rayan Used Tire Wholesale Inc.
1150 Arbor Circle
Winter Springs, FL 32708

Re: **Warning Letter**
Rayan Used Tire Wholesale Inc.,
SW WACS# 100855
Permit # 0314658-001-WT-02
Orange County
SPCD-CAP-15-3761

Dear Ms. Ahwal:

A follow-up inspection was conducted at your facility on January 9, 2015, under the authority of Section 403.091, Florida Statutes (F.S.) 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.

A record review conducted as part of the inspection indicated that you failed to provide the Department with the following:

- Waste tire quarterly report for the quarter ending December 31, 2014.
- Recalculated closing and long-term cost estimate. This information was due on or before October 27, 2015.

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, 403.141 and 403.161, Florida Statutes.

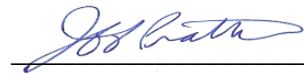
Please contact Gloria-Jean De Pradine of the Central District Office at (407) 897- 4312 or via e-mail at Gloriajean.depradine@dep.state.fl.us within **15 days** of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in receiving any facts you

Rayan Used Wholesale Tire, Inc.; Facility ID No.:100855
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Warning letter
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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.

Sincerely,



Jeff Prather, District Director
Central District
Florida Department of Environmental Protection

JP/DH/gnd

Enclosures: Inspection Report (with attachments)

cc: Sam Ahwal, Manager, samahwal@gmail.com
David Bromfield, Orange County EPD, david.bromfield@ocfl.net
Susan F. Eldredge, Susan.F.Eldredge@dep.state.fl.us



Florida Department of
Environmental Protection
Inspection Checklist

FACILITY INFORMATION:

Facility Name: RAYAN USED TIRE WHOLESALe INC.

On-Site Inspection Start Date: 01/09/2015

On-Site Inspection End Date: 01/09/2015

WACS No.: 100855

Facility Street Address: 750 Central Florida Pkwy

City: Orlando

County Name: ORANGE

Zip: 32824

INSPECTION PARTICIPANTS:

(Include ALL Landfill and Department Personnel with Corresponding Titles)

Principal Inspector: Gloria-Jean De Pradine, Inspector

Other Participants: Katelyn Wright , Environmental Specialist; Dennison Davila, Employee

INSPECTION TYPE:

Follow-up Operation Inspection for WPF - Waste Tire Processing Facility

ATTACHMENTS TO THE INSPECTION CHECK LIST:

This Cover Page to the Inspection Checklist may include any or all of the following attachments as appropriate.

SECTION 1.0 - FILE REVIEW

SECTION 9.0 - WASTE TIRE FACILITIES

Inspection Date: 01/09/2015

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.) Completed	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(4)(b) and (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)(d)				✓
1.8	Is financial assurance adequate? 62-701.630 for landfills; 62-701.710(7)(a) and (10)(a) 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)(b) and (10)(a) for waste processing facilities; 62-701.730(11)(b) and (c) for C&D debris facilities; 62-713.600(6)(b) and (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: 01/09/2015

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)) Completed	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 Completed	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)	✓			

Item No.	WASTE TIRE FACILITY - STORAGE INDOORS Completed	Ok	Not Ok	Unk	N/A
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Inspection Date: 01/09/2015

Item No.	WASTE TIRE FACILITY - STORAGE INDOORS Completed	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 Completed	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 Completed	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)				✓

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Current Violations:

Rule: 62-701.710(7)(b), 62-701.730(11)(b), 62-713.600(6)(c), 62-711.500(3), 62-713.600(6)(b), 62-701.730(11)(c), 62-701.630(4), 62-701.710(10)(a)

Question Number: 1.9

Explanation: Owners or operators of waste tire sites shall provide closing cost estimates for the quantity of waste tires on their site or the quantity of waste tires that they are permitted to have on their site, whichever is greater. The cost estimate shall be the amount that would be expended to remove, process, and dispose of waste tires on the site and to close the site. The costs shall be based on a third party, who is not a subsidiary or parent company, performing the work, reported on a per unit basis. Quantity estimates shall be certified by a Professional Engineer. The cost estimate shall be re-estimated at least annually and submitted to the Department at least 60 days prior to the anniversary date of the instrument.

The responsible party failed to submit the updated closing cost estimates, although several follow-up notifications were sent to the facility.

Corrective Action: Within 15 days of receipt of this report and attached warning letter, the responsible party must contact the Department to schedule a meeting.

Also within 15 days, the updated closing cost estimates (financial assurance) must be submitted to the Department's Central District office for approval.

Within 30 days of notification of approval, the updated financial assurance documentation must be submitted to the Financial Coordinator, Tallahassee office.

Rule: 62-701.710(10)(a), 62-701.730(11)(a), 62-713.600(6)(a), 62-711.500(3), 62-701.710(7)(a), 62-701.630

Question Number: 1.8

Explanation: Owners or operators of waste tire sites shall provide closing cost estimates for the quantity of waste tires on their site or the quantity of waste tires that they are permitted to have on their site, whichever is greater. The cost estimate shall be the amount that would be expended to remove, process, and dispose of waste tires on the site and to close the site. The costs shall be based on a third party, who is not a subsidiary or parent company, performing the work, reported on a per unit basis. Quantity estimates shall be certified by a Professional Engineer. The cost estimate shall be re-estimated at least annually and submitted to the Department at least 60 days prior to the anniversary date of the instrument.

The responsible party failed to submit the updated closing cost estimates, although several follow-up notifications were sent to him.

Corrective Action: Within 15 days of receipt of this report and warning letter, the responsible party must contact the Department to schedule a meeting.

Also, within 15 days, the updated closing cost estimate (financial assurance) must be submitted to the Department's Central District office for approval.

Inspection Date: 01/09/2015

Within 15 days of notification of approval, the updated financial assurance documents must be submitted to the Financial Coordinator, Tallahassee office.

Current Areas Of Concern:

Rule: 62-711.540(1)(d)

Question Number: 9.11

Explanation: Fire protection services for the site shall be assured through notification to local fire protection authorities. A fire safety survey shall be conducted at least annually and the survey report shall be made part of the next quarterly report.

Orange County fire protection authority conducts annual safety inspections at the facility, however, no report has been submitted to the Department.

Corrective Action: The facility must request a copy of the fire safety survey/inspection report from the local fire protection authorities (Orange County), and submit the report with the next waste tire quarterly report.

COMMENTS:

01/09/2015

Permit Modification No.: 0314658-002-WT-TO: Expiration date 3/29/2018

Replaces Permit No.: 0314658-001-WT-02

The Department notified the responsible party (Mr. Ahwal) on October 21, 2014, that the re-calculated closing cost estimates (financial assurance) were due on October 27, 2014. No response was received. Mr. Ahwal again was notified on January 13, January 20, and January 22, 2015, by both emails and phone calls of the need to submit the delinquent information.

Also, Mr. Ahwal failed to submit the quarterly waste tire report that is required by both rule and permit specific condition. Specific Condition C-10: Operation requirement states:

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), on the 20th of the month following the close of each calendar quarter to the Department of Environmental Protection, Central District at DEP_CD@dep.state.fl.us with a copy to the Department of Environmental Protection, Solid Waste, 2600 Blair Stone Road, Tallahassee, Florida 32399, Rule 62-711.530(5), F.A.C.

The waste tire quarterly report for the quarter ending December 2014 was due on January 20, 2015. On October 28, 2014, Mr. Ahwal was notified by email regarding the due date for submittal of the report.

Subsequent to the inspection conducted on January 9, 2015, Mr. Ahwal was contacted by telephone, and by email regarding the non-submittal of the waste tire report and the updated re-calculated closing cost estimates.

On January 22, 2015, the Department notified Mr. Ahwal to submit the waste tire report by January 28, 2015, and the updated financial assurance by February 5, 2015. As of March 4, the Department did not receive a response.

Additional Violation

Rule 62-711.530(4), F.A.C.

Failure to submit waste tire quarterly report on or before January 20, 2015. Form 62-701.900(21).

Inspection Date: 01/09/2015

F.A.C.

Corrective Action

The responsible party must submit the waste tire quarterly report within 10 days of receipt of this report and the attached warning letter.

The facility has a history of non-compliance regarding submittal of required information.

Inspection Date: 01/09/2015

Signed:

Gloria-Jean De Pradine

PRINCIPAL INSPECTOR NAME

Inspector

PRINCIPAL INSPECTOR TITLE

NO SIGNATURE

PRINCIPAL INSPECTOR SIGNATURE

FDEP

ORGANIZATION

Katelyn Wright

INSPECTOR NAME

Environmental Specialist

INSPECTOR TITLE

NO SIGNATURE

INSPECTOR SIGNATURE

FDEP

ORGANIZATION

Dennison Davila

REPRESENTATIVE NAME

Employee

REPRESENTATIVE TITLE

NO SIGNATURE

REPRESENTATIVE SIGNATURE

Rayan Used Tire Wholesale Inc.

ORGANIZATION

Supervisor: Dave E Herbster

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.