



**Regulatory and Economic Resources**  
Environmental Resources Management  
701 NW 1st Court • 7th Floor  
Miami, Florida 33136-3912  
T 305-372-6600 F 305-372-6893  
[miamidade.gov](http://miamidade.gov)

September 21, 2017

In the Matter of an  
Application for Permit Transfer By:

FDEP Project No. 304660-002-WT  
WACS No. 99436  
DERM File No. SW-1711

Miami Tires Wholesale, LLC  
Attn: Salvatore Natoli, Manager  
8683 NW 66 ST  
Miami, FL 33136

CERTIFIED MAIL NO. 7014 1200 0002 0823 6789  
RETURN RECEIPT REQUESTED

E.A. Tires International, Corp.  
Attn: Ernesto Alguera, President  
13845 SW 26 TER  
Miami, FL 33175

CERTIFIED MAIL NO. 7014 1200 0002 0823 6956  
RETURN RECEIPT REQUESTED

#### **NOTICE OF PERMIT DENIAL**

The Miami-Dade County Department of Regulatory and Economic Resources (RER) – Division of Environmental Resources Management (DERM), under delegation by the Florida Department of Environmental Protection (FDEP), hereafter jointly referred to as the Department, hereby issues this Notice of Permit Denial to the applicant, Miami Tires Wholesale, LLC. The applicant applied on December 16, 2016 to the Department for a permit transfer of permit no. 304660-001-WT from E.A. Tires International, Corp. to operate the facility located at, near, or in the vicinity of 3729 NW 71 ST, Hialeah, Miami-Dade County, Florida

The Department has permitting jurisdiction in accordance with Section 403.707(1), Florida Statutes (F.S.), and Chapters 62-4 and 62-701, Florida Administrative Code (F.A.C.). The project is not exempt from permitting procedures. The Department has determined that an operation permit is required.

The basis for the Department's denial of the permit application is that the applicant has failed to provide reasonable assurance that the requirements of Chapters 62-4, 62-701 and 62-711, F.A.C., will be satisfied, and that denial of the application is thus required pursuant to Rule 62-4.070(2), F.A.C. The Department hereby denies the permit for the following reason(s):

- The Department issued a request for additional information letter on June 08, 2017 requesting the applicant (i.e., proposed operator) to address the permit application deficiencies (i.e., establishment of financial assurance mechanism). The response was due on or before September 6, 2017, which is 90 days after the date of the aforementioned request for additional information and 236 days from the initial request for additional information issued on January 13, 2017. To date, the applicant has not responded to the requested information. Failure of an applicant to provide timely requested information by the applicable deadline shall result in the denial of the application in accordance with Rule 62-4.055(1), F.A.C.
- On September 20, 2017, the Department issued a Notice of Permit Denial pertinent to a permit application submitted by E.A. Tires International, Corp. on March 14, 2017 for the renewal of permit no. 304660-001-WT. The permit is no longer transferable as it expired upon execution of the Department's action.

The Department's proposed agency action shall become final 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 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 Miami-Dade County Attorney, 111 N.W. 1<sup>st</sup> Street, Suite 2810, Miami, Florida 33128.



Petitions by the applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this written notice. Petitions filed by other persons must be filed within fourteen (14) days of publication of the notice or the receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within fourteen (14) 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.

This Notice constitutes final agency action unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 62-110.106, F.A.C. Upon timely filing of a petition or a request for an extension of time this Notice will not be effective until further Order of the Department.

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 FDEP 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 FDEP.

**DONE AND ENTERED** this 21 day of September, 2017, in the City of Miami, Miami-Dade County, Florida

DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES

  
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Rashid Z. Istambouli, P.E., Chief  
Pollution Regulation Division

**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.

Clerk: E. Amarg

Date: Sept. 22, 2017

**CERTIFICATE OF SERVICE**

This is to certify that this **NOTICE OF PERMIT DENIAL** and all copies were mailed before the close of business on Sept. 22, 2017 to the listed persons.

Clerk: E. Amarg

Copies furnished via email to:

Johnny Vega, P.E., Francisco Teresa-Calleja, P.E., Patti Emad, Mayra Flagler, Alex Vergara – DERM  
Ernesto Alguera – E.A. Tires International Corp. (via email: eatires@yahoo.com)  
Salvatore Natoli – via e-mail (snr0860@hotmail.com and nlemporiotires@gmail.com)