

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

AMERICAN TIRE RECYCLING GROUP, LLC.

Petitioner,

vs.

OGC CASE NO. 17-0865

**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,**

Respondents.

_____ /

ORDER CLOSING FILE

On June 21, 2017, the Florida Department of Environmental Protection (Department) received a petition for waiver from American Tire Recycling Group LLC., (Petitioner) for a Waste Tire Processing Facility located in Miami-Dade County, Florida. The Petitioner requested a waiver from paragraph 62-711.500(3), Florida Administrative Code (F.A.C.), which requires that owners and operators of waste tire processing facilities provide the Department with proof of financial assurance in the amount of the closing cost estimate for the facility. The petition requested the waiver to exclude processed material from closure cost estimates under the financial hardship and violations of principles of fairness provisions of Section 120.542, Florida Statutes (F.S.).

On July 19, 2017, the Department sent a Request for Additional Information to the Petitioner. On September 18, 2017, the Petitioner requested a 90-day extension for the submittal of its Response to the Department's Request for Additional Information.

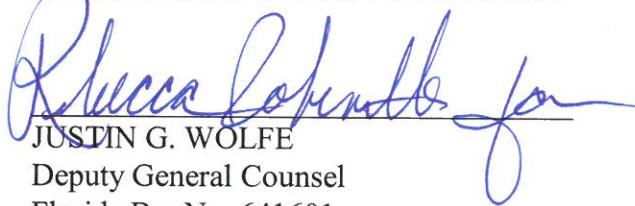
On December 14, 2017, the Department received from Petitioner an email withdrawing its petition for a variance or waiver. See Exhibit 1. The Petitioner's withdrawal terminates the Department's jurisdiction to proceed with the variance or waiver process.

IT IS ORDERED:

The petition having been withdrawn, the Department's file in this matter is closed.

DONE AND ORDERED this 15th day of December, 2017, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



JUSTIN G. WOLFE

Deputy General Counsel

Florida Bar No. 641601

3900 Commonwealth Boulevard

Mail Station 35

Tallahassee, Florida 32399-3000

FILED ON THIS DATE PURSUANT TO § 120.52,
FLORIDA STATUTES, WITH THE DESIGNATED
DEPARTMENT CLERK, RECEIPT OF WHICH IS
HEREBY ACKNOWLEDGED.

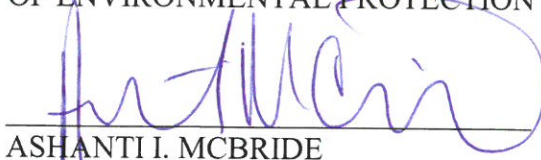

CLERK

12/15/17
DATE

CERTIFICATE OF SERVICE

I CERTIFY that a true copy of the foregoing was emailed to Alfredo Reviati, areviati@atrfl.com, on this 15th day of December, 2017.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



ASHANTI I. MCBRIDE

Assistant General Counsel

Florida Bar No. 113345

3900 Commonwealth Boulevard

Mail Station 35

Tallahassee, Florida 32399-3000

Telephone: (850) 245-2203

Email: Ashanti.McBride@dep.state.fl.us

Exhibit 1

McBride, Ashanti

From: Jarmolowski, James
Sent: Thursday, December 14, 2017 1:55 PM
To: Fraxedas, Ricardo; Vega, Johnny (RER); 'Ana Ruiz'
Cc: Alfredo; Dilmore, Cory; McBride, Ashanti
Subject: RE: Petition for Waiver, Status of Response to Request for Additional Information
Attachments: RAI, American Tire Recycling LLC, 7-19-2017.pdf

Mr. Fraxedas,

Good afternoon – this is in response to your e-mail below regarding the status of the Request for Additional Information (RAI). In your e-mail below, it was indicated that the American Tire Recycling Group LLC would not be pursuing the Petition for Waiver of Rule 62-711.500(3), which was received by the Department on June 21, 2017.

As a result, I will contact the Department's Office of General Counsel regarding any further steps needed to withdraw the Petition for Waiver, and provide additional information as needed.

Thank you, and please let me know if you have any additional questions.

James Jarmolowski, P.G.
FDEP Solid Waste Section
2600 Blair Stone Road
Tallahassee, Florida 32399
phone: 850-245-8856

From: Fraxedas, Ricardo [mailto:ricardo.fraxedas@woodplc.com]
Sent: Thursday, December 14, 2017 1:20 PM
To: Vega, Johnny (RER) <Johnny.Vega@miamidade.gov>; 'Fraxedas, Ricardo' <ricardo.fraxedas@woodplc.com>; Jarmolowski, James <James.Jarmolowski@dep.state.fl.us>; 'Ana Ruiz' <aruiz@atrg1.com>
Cc: Alfredo <areviati@atrg1.com>; Dilmore, Cory <Cory.Dilmore@dep.state.fl.us>
Subject: RE: Petition for Waiver, Status of Response to Request for Additional Information

Johnny, James,

ATRG has obtained estimates for the site closure costs and will be finalizing the submittal of those documents to you by tomorrow. It is my understanding that they will not pursue the petition for waiver, but instead will provide a financial assurance instrument based on the closure estimate they have obtained.

Thanks,
Rick

Ricardo Fraxedas
Office Manager
5845 NW 158 Street Miami Lakes, FL USA 33014
Mobile: +01 (305) 525 0079
Direct: +01 (305) 818 8448
www.woodplc.com



From: Vega, Johnny (RER) [<mailto:Johnny.Vega@miamidade.gov>]
Sent: Thursday, December 14, 2017 10:47 AM
To: 'Fraxedas, Ricardo' <ricardo.fraxedas@woodplc.com>; Jarmolowski, James <James.Jarmolowski@dep.state.fl.us>; 'Ana Ruiz' <aruiz@atr1.com>
Cc: Alfredo <areviati@atr1.com>; Dilmore, Cory <Cory.Dilmore@dep.state.fl.us>
Subject: RE: Petition for Waiver, Status of Response to Request for Additional Information

Please advise on the status of the pending response as it is due on 12/19/17 (i.e., next Tuesday).

Thanks

From: Fraxedas, Ricardo [<mailto:ricardo.fraxedas@woodplc.com>]
Sent: Tuesday, November 21, 2017 3:11 PM
To: Jarmolowski, James; Vega, Johnny (RER); 'Ana Ruiz'
Cc: Alfredo; Dilmore, Cory
Subject: RE: Petition for Waiver, Status of Response to Request for Additional Information

Good Afternoon James,
ATR1 will have their response submitted to you within the next 2 weeks. They are currently attempting to obtain cost estimates for site closure cleanup from several sources. We are also looking to develop our own estimate based on current disposal prices and transportation costs. It had been mentioned that the regulations regarding the requirement to include processed product as waste may be updated. Any insights that you can provide regarding the status of the regulatory reviews will be appreciated.

Best regards,

Rick

Ricardo Fraxedas
Office Manager
5845 NW 158 Street Miami Lakes, FL USA 33014
Mobile: +01 (305) 525 0079
Direct: +01 (305) 818 8448
www.woodplc.com



From: Jarmolowski, James [<mailto:James.Jarmolowski@dep.state.fl.us>]
Sent: Wednesday, November 15, 2017 9:09 AM
To: Fraxedas, Ricardo <ricardo.fraxedas@woodplc.com>; Vega, Johnny (RER) <Johnny.Vega@miamidade.gov>; 'Ana