



March 28, 2018

CERTIFIED MAIL No. 7017 2400 0000 7832 7848
RETURN RECEIPT REQUESTED

In the Matter of an
Application for Permit Renewal By:

LTA Distributors, L.L.C. d/b/a Gomas R Us
Attn: Marilyn Elys, Authorized member
3700 NW 79 Street
Hialeah, FL 33147

FDEP File No. 0309599-003-WT
WACS No. 100381
DERM File No. SW-1779

NOTICE OF PERMIT ISSUANCE

Dear Ms. Elys:

Enclosed is Permit Number 0309599-003-WT to operate the LTA Distributors, L.L.C. d/b/a Gomas R Us facility, issued by 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). This Permit is issued pursuant to Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-701 and 62-711, Florida Administrative Code (F.A.C.).

The Department's 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 agency action 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. 1st Street, Suite 2810, Miami, Florida 33128.

A person whose substantial interests are affected by the Department's proposed agency action 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. 1st 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 receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.A.C., however, any person who asked the FDEP for notice of agency action may file a petition within fourteen 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.

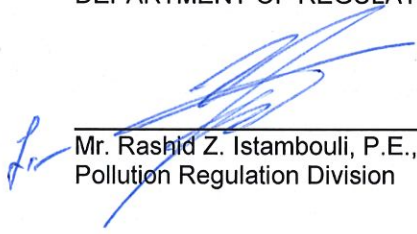
Mediation is not available in this proceeding.

Any party to this order (permit) has the right to seek judicial review of the permit under Section 120.68 of the Florida Statutes, by the filing of a Notice of Appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the clerk of the Florida Department of Environmental Protection, 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 (30) days after this permit is filed with the clerk of the Miami-Dade County Department of Regulatory and Economic Resources.

If you have any questions regarding this Notice, please contact the Pollution Regulation Division of the Department of Regulatory and Economic Resources at telephone number 305-372-6600.

Executed in Miami-Dade County, Florida this 28th day of March, 2018.

MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES



Mr. 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: Qam T. Gain Date: 3/28/18

CERTIFICATE OF SERVICE

This is to certify that this **NOTICE OF PERMIT ISSUANCE** and all copies were mailed before the close of business on March 28, 2018 to the listed persons.

Clerk: Qam T. Gain

Enclosure(s):

1. Permit No. 0309599-003-WT

Copies furnished to:

ec: Johnny Vega, P.E., Patti Emad, Francisco T Calleja, P.E., Bruce Cowad, P.E., Eric Miller – DERM
Ms. Marilyn Elys – LTA DISTRIBUTORS, L.L.C. (via email: elys.marilyn@gmail.com)
Dr. Amparo Avella – AA – TEAM ENVIRONMENTAL, LLC (via email: avella@aateame.com)
DERM File No. SW-1779 / Oculus (FDEP WACS No. 100381)



SOLID WASTE OPERATING PERMIT – WASTE TIRE PROCESSING FACILITY

Permit Issued To: LTA Distributors, L.L.C. d/b/a Gomas R Us
3700 NW 79 Street
Hialeah, FL 33147

Permit No.: 0309599-003-WT

Replaces Permit No.: 0309599-002-WT

Facility Name: LTA Distributors, L.L.C. d/b/a Gomas R Us

Issuance Date: March 28, 2018

Facility Address: 3710-3720 NW 79 Street
Hialeah, Miami-Dade County, Florida

Expiration Date: March 28, 2023

Contact Person: Ms. Marilyn Elys, Authorized Member

Renewal App. Due By: January 26, 2023

Facility WACS ID No.: 100381

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 (jointly referred to as the Department, hereafter), hereby issues this permit under the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-4, 62-701, 62-711, Florida Administrative Code (F.A.C.). The above named permittee is hereby authorized to operate the facility shown on the application and approved drawings, plans and other documents on file with the Department, and made a part thereof, and specifically described as follows:

TO OPERATE: A Waste Tire Processing Facility under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 62-4, 62-701 and 62-711. The facility is limited to the storage of no more than 4,000 waste tires (40 tons) as defined in Rule 62-701.200, F.A.C., at any one time. No processing activities take place at the facility.

LOCATED AT: 3710-3720 NW 79 Street, Hialeah, Miami-Dade County, FL
LATITUDE: 25°50'42.8" N / LONGITUDE: 80°15'30.7" W
SECTION: 08; TOWNSHIP: 53N; RANGE: 41W

IN ACCORDANCE WITH: the information referenced in Specific Condition #1 of this permit.

SUBJECT TO: the General Conditions and Specific Conditions of this permit.

GENERAL CONDITIONS

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.987(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the trustees of the Internal Improvement Trust Fund may express State opinion as to title.

5. This permit does not relieve this permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of this permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
 - a. Have access to and copy any records that must be kept under conditions of the permit;
 - b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
 - c. Sample or monitor any substances or parameters at any location reasonable necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.
8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
 - a. A description of and cause of non-compliance; and
 - b. The period of non-compliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance. The permittee shall be responsible for any and all damages, which may result and may be subject to enforcement action by the Department for penalties or revocation of this permit.
9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and any other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
10. The permittee agrees to comply with changes in the Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.
11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes:
 - a. Determination of Best Available Control Technology (BACT)
 - b. Determination of Prevention of Significant Deterioration (PSD)
 - c. Certification of compliance with state Water Quality Standard (Section 401, PL 92-500)
 - d. Compliance with New Source Performance Standards
14. The permittee shall comply with the following:
 - a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

- c. Records of monitoring information shall include:
 - i. the date, exact place, and time of sampling of measurements;
 - ii. the person responsible for performing the sampling or measurements;
 - iii. the dates analyses were performed;
 - iv. the person responsible for performing the analyses;
 - v. the analytical techniques or methods used;
 - vi. the results of such analyses.
15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law, which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

SPECIFIC CONDITIONS

1. Documents Part of This Permit. The permit application **as finally revised, replaced or amended** in response to the Department's Request(s) for Additional Information are contained in the Department's files and are made a part of this permit. Those documents that make up the complete permit application are listed in Appendix A.

Construction Requirements

[There are no construction requirements for this facility].

Operational Requirements

2. General Operating Requirements. The permittee shall operate the facility in accordance with the approved Operation Plan. The Department shall be notified before any changes, other than minor deviations, to the approved Operation Plan are implemented in order to determine whether a permit modification is required pursuant to Rule 62-701.320(4), F.A.C.
3. Authorized Waste and Material Types. The facility is authorized to manage only whole Waste Tires as defined in Rule 62-701.200, F.A.C.
4. Unauthorized Waste Types. The permittee is not authorized to accept or manage any waste types not listed in specific condition #3. Any unauthorized waste inadvertently received by the facility shall be managed in accordance with the approved Operation Plan.
5. Maximum Storage Quantities. The maximum storage quantity at the facility for whole waste tires, including used tires for re-sale, shall be 4,000 tires in accordance with Rule 62-711.530(2), F.A.C.
6. Facility Capacity. If the facility has reached its permitted capacity for storage of waste tires pursuant to specific condition #5 of this permit, the permittee shall not accept additional waste tires until sufficient capacity has been restored.
7. Storage and Management. The permittee shall store and manage Waste Tires at the facility pursuant to the following requirements:
 - (a) All incoming wastes and materials shall be tipped, processed, and stored in accordance with the Department approved designated areas indicated in the permit application documents identified in Appendix A.
 - (b) All Waste Tires shall be stored inside of an enclosed building and in accordance with the applicable Storage Requirements of Rule 62-711.540, F.A.C.
 - (c) No operations involving the use of open flames shall be conducted within 25 feet of a Waste Tire pile in accordance with Rule 62-711.540, F.A.C.
8. Fire Safety Survey. 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 in accordance with Rule 62-711.540, F.A.C.
9. Processing Requirements. At least 75 percent of the whole tires and used tires that are delivered to, or are contained at the waste tire processing facility at the beginning of each calendar year shall be processed and removed for disposal or recycling from the facility during the year, or disposed of at a permitted solid waste management facility in accordance with Rule 62-711.530(3), F.A.C.

10. Putrescible and Unauthorized Wastes. Putrescible waste received with the incoming loads shall be removed for disposal within forty-eight (48) hours. Any other unauthorized waste shall be segregated and transported to an authorized disposal or recycling facility within thirty (30) days of receipt.
11. Hazardous Waste. If any regulated hazardous wastes are discovered to be deposited at the facility, the facility operator shall promptly notify the Department, the person responsible for shipping the wastes to the facility, and the generator of the wastes, if known. The area where the wastes are deposited shall immediately be cordoned off from public access. If the generator or hauler cannot be identified, the facility operator shall assure the cleanup, transportation, and disposal of the waste at a permitted hazardous waste management facility. In the event that hazardous wastes are discovered they shall be managed in accordance with the procedures provided in the facility's Operation Plan.
12. Emergency Preparedness Manual. The facility's Emergency Preparedness Manual shall be kept by the permittee at the site and a copy shall be maintained at a designated off site location. The manual shall be updated at least once a year and upon changes in operations in accordance with Rule 62-711.540, F.A.C.
13. Contingency Plan and Notification of Emergencies. In the event of an emergency (e.g., fires, explosions, etc.) that may require the implementation of the facility's approved contingency plan, or should the facility suffer damage or failure to any of the site facilities or equipment, or if the facility is disabled or otherwise unable to operate, the following shall be implemented as applicable:
 - (a) The permittee shall notify the Department within twenty-four (24) hours of such an event, explaining the occurrence and remedial measures to be taken and time needed for repairs. The 24-hour emergency telephone number for the State's Warning Point, as designated in Chapter 62-150, F.A.C., is 850-413-9911. The telephone number for Miami-Dade County RER emergency hotline (24 hours) is (305) 372-6955. Provide the name of the permittee, the facility file number (RER File No. SW-1779), and a brief description of the incident. The permittee shall comply with the notification requirements, reporting requirements and timeframes in the event of an abnormal occurrence in accordance with the provisions of Section 24-20 of the Code of Miami-Dade County. The permittee shall adhere to all applicable federal, state, and local discharge notifications.
 - (b) The permittee shall adjust operation of the facility and implement appropriate procedures (e.g., transfer of existing and incoming solid waste to other permitted solid waste management facilities in Miami-Dade County), to prevent accumulation of solid waste in excess of the allowable storage quantities authorized by this permit.
 - (c) The facility operator or his/her designee shall take appropriate actions to protect the health and safety of the environment, personnel and populace by following procedures which will mitigate, lessen or prevent damage to the environment or health and welfare of personnel and the public.
14. Housekeeping. The facility shall be operated to control dust, vectors, litter and objectionable odors. Storage of waste tires shall not result in vector breeding and animal attraction, or discharge of contaminants to ground or groundwater, or cause a public nuisance, or result in violations of the conditions of this permit.
15. Access Control. Access control to the facility shall be maintained during non-working hours of the facility to prevent disposal of unauthorized solid waste.

Water Quality Monitoring Requirements

[There are no water quality monitoring requirements for this facility].

Gas Management System Requirements

[There are no gas management requirements for this facility.]

Reporting Requirements

16. The permittee shall submit a quarterly report on DEP Form 62-701.900(21) to the Department that summarizes all of the information required by Rule 62-711.530(4), F.A.C., no later than the twentieth (20) day of the succeeding month following the close of each calendar quarter to:
 - Attn: Ms. Patti Emad
Environmental Evaluations Delegated Program, 7th Floor
Pollution Regulation Division
Department of Regulatory and Economic Resources
701 N.W. 1st Ct.
Miami, FL 33136

In addition to the information required in Rule 62-711.530(4), F.A.C., the following information shall be included:

- (a) The facility name, address and permit number;
- (b) The quarter covered by the report;
- (c) The total quantity, by category, of waste tires received at the facility during the quarter covered by the report;
- (d) The total quantity, by category, of waste tires shipped from the facility during the quarter covered by the report;
- (e) The total quantity of waste tires processed during the quarter;
- (f) The total quantity, by category, of waste tires located at the facility on the last day of the quarter; and
- (g) A list of all dates on which one or more category of waste tires exceeded the storage limit, which category was in excess, and how this condition was relieved or will be relieved.

Note: The permittee shall record and maintain for three years all of the information collected under Section 62-711.530(4), F.A.C. regarding their activities, which records shall be available for inspection by RER personnel during normal business hours.

Financial Assurance and Cost Estimate Requirements

17. Financial Assurance Exemption. Pursuant to the FDEP waiver SWVA No. 12-3, the permittee is not required to maintain a financial assurance mechanism to comply with the requirements of Rule 62-711.500(3)(a), F.A.C. Said variance shall not exempt the permittee from the requirements of Rule 62-711.500(3), F.A.C. if a formal request (i.e., permit modification) is filed with the Department to increase the maximum quantity of waste tires authorized for storage at the facility at any time by this permit.

Closure Requirements

18. Closure Specific Requirements. The permittee shall be responsible for the removal of all waste tires to a facility approved by RER for disposal or processing.
19. Closure Notification Requirements. The permittee shall notify the Department prior to ceasing operations, and shall submit a written certification to the Department when closure is complete. Upon closure of this facility, the permittee shall stop public access to the site; post a notice indicating that the site is closed and giving the phone number of the county solid waste authority; notify the Department; remove all waste tires and residuals to a waste tire processing facility, solid waste management facility authorized to accept waste tires, or a legitimate user of waste tires; remove any solid waste to a permitted solid waste management facility; and notify the Department when closing is complete.

Other

20. Permit Modification. Any change to operation or monitoring requirements of this permit may require a modification to this permit in accordance with the provisions of Rule 62-701.320(4), F.A.C.
21. Permit Renewal. In order to ensure uninterrupted operation of this facility, a timely and sufficient permit renewal application must be submitted to the Department in accordance with Rule 62-701.320(10), F.A.C. A permit application submitted at least sixty-one (61) days prior to the expiration of this permit is considered timely and sufficient.
22. Transfer of Permit or Name Change. In accordance with Rule 62-701.320(11), F.A.C., the Department must be notified in writing within thirty (30) days: (1) of any sale or conveyance of the facility; (2) if a new or different person takes ownership or control of the facility; or (3) if the facility name is changed.
23. Non-Compliance with Permit Conditions. If for any reason, the permittee does not comply with or is unable to comply with any condition specified herein, the permittee shall immediately notify and provide the Department with the following information: (a) a description of and cause of non-compliance; and (b) the period of non-compliance including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps taken to reduce, eliminate, and prevent recurrence of the non-compliance. The Permittee shall be responsible for any and all environmental damages, which may result and may be subject to enforcement action by the Department.
24. Facility Inspections. The Permittee specifically agrees to allow access to the facility at reasonable times by Department personnel presenting credentials for the purposes of inspection and testing to determine compliance with this Permit and Department rules.

25. Compliance with Department Rules. Unless otherwise notified by the Department, the Permittee shall comply with all applicable requirements of Chapters 62-701 and 62-711, F.A.C.
26. This Permit does not release the Permittee from obtaining all other required permits and approvals for the construction, operation, and closure of the Facility.

Appendices Made Part of this Permit

Appendix A – List of Approved Permit Application Documents
Appendix B – Permit History Summary

Attachments

- FDEP Variance SWVA No. 12-03

Issued this 28th day of March, 2018
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES



Rashid Z. Istambouli, P.E., Chief
Pollution Regulation Division
Department of Regulatory and Economic Resources

Appendix A

List of Approved Permit Application Documents:

1. Financial Assurance Waiver SWVA No. 12-3 granted by the Florida Department of Environmental Protection on October 23, 2012 to LTA Distributors, L.L.C.
2. Application for Transfer of Permit or Notification of Name Change dated January 5, 2016 submitted on FDEP Form #62-701.320(11) and received by the Department on January 13, 2016. Said notification established the transfer of ownership and control of the permittee, LTA Distributors, L.L.C., as also supported by a Bill of Sale executed on November 24, 2015.
3. Notice of Permit Issuance dated February 17, 2016 pertinent to the Transfer of Ownership notification received on January 13, 2016.
4. Permit renewal application package to operate a Waste Tire Processing Facility dated December 22, 2017 submitted on FDEP Form #62-701.900(23) and received by the Department on December 28, 2017 which includes the following:
5. Revised permit renewal application package received by the Department on January 19, 2018 which includes the following:
 - (a) Updated Waste Tire Processing Facility permit renewal application form dated January 16, 2016 submitted on FDEP Form #62-701.900(23).
 - (b) Department approved Operations Plan dated January 15, 2018.
 - (c) Department approved Site Plan (Figure # 2), signed/sealed and dated January 16, 2018.
 - (d) Department approved Contingency/Emergency Plan dated January 15, 2017.
6. Permit renewal application completion letter issued by the Department on January 22, 2018.

Appendix B

Permit History Summary

Issuance Date	Permit No.	Permit Description
01/25/2013	309599-001-WT	Issued for the operation of an indoor Waste Tire Processing Facility limited to the storage of no more than 4,000 waste tires.
02/17/2016	309599-002-WT	Replaces permit 001 issued on 01/25/2013. Permit 002 issued due to transfer of ownership/control of LTA Distributors, L.L.C. notification received on January 13, 2016.
03/28/2018	309599-003-WT	Replaces permit 002 issued on 02/17/2016. Permit renewal (003) issued on March 28, 2018. Permittee name was updated to include the fictitious name "Gomas R Us" based on information reflected on permit renewal application form.

RECEIVED

OCT 23 2012

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DERM
POLLUTION REGULATION
AND
ENFORCEMENT DIVISION

In the matter of a request
for variance by:
LTA Distributors LLC
3710 NW 79th Street
Miami, Florida 33147

SWVA No.: 12-3

ORDER GRANTING VARIANCE

The Department hereby gives notice that it is granting a variance to LTA Distributors LLC (Petitioner) pursuant to Section 120.542, Florida Statutes (F.S.), for its New Life Tires & Auto Repair facility located at 3710 NW 79th Street, Miami, Florida 33147. The variance request was submitted by Mr. Antonio Glustak, Proprietor for the Petitioner. Petitioner has requested a variance from Rule 62-711.500(3)(a), Florida Administrative Code (F.A.C.), which requires submittal of proof of financial assurance for closing a waste tire site at a waste tire processing facility as part of the permit application.

FINDINGS OF FACT

1. Petitioner operates an automobile tire business facility, located at 3710 NW 79th Street, Miami, Florida, at which it sells new and used tires. Petitioner is not in the business of collecting and transporting waste tires. Rather, tires are removed from the cars of customers as part of the normal business operation and are either resold as used tires or sent off-site to a recycling or disposal facility. Section 403.717(1)(d), F.S., defines waste tires to include used tires, and Section 403.717(3)(a), F.S. prohibits any person from storing more than 1,500 waste tires except at a permitted waste tire processing facility or other permitted solid waste management facility. Petitioner has indicated that when operating the facility it may have up to 4,000 used tires on-site.

2. On January 17, 2012, Petitioner submitted a permit application to operate a waste tire processing facility for its tire business. This application is being processed by the Miami-Dade County Department of Regulatory and Economic Resources (Miami-Dade County RER), which operates under a delegation agreement with the Department, and is being tracked under file number 0309599-001-WT. The facility has been assigned WACS ID number 100381. Rule 62-711.500(3)(a), F.A.C., requires that proof of financial assurance for the closure of the facility be provided as a necessary part of the permit application.

3. Petitioner asserts that the closure cost estimated for the maximum number of used tires on-site is \$2,000. Petitioner further states that it would be impractical to provide a bond, insurance policy, or other mechanism to demonstrate financial assurance for this small amount of estimated closure cost. In some cases financial mechanisms are not available for such a small amount. In other cases, the transactional costs of providing financial assurance for such a small amount would far outweigh the value of the assurance over the lifetime of the permit.

4. On August 23, 2012, Petitioner submitted a variance request seeking to have the provisions of Rule 62-711.500(3)(a), F.A.C., not apply to its waste tire processing facility. This petition has demonstrated that Petitioner will suffer a substantial and unnecessary hardship if it is required to maintain proof of financial assurance for closure of the waste tire site. The petition has also demonstrated that granting the variance would not be expected to have any adverse environmental consequences and would not be likely to pose any significant economic risk to Florida taxpayers.

5. No comments have been received from the public in response to the Notice of Receipt of this variance published in the Florida Administrative Weekly on September 21, 2012.

CONCLUSIONS OF LAW

1. Section 120.542, F.S., authorizes the Department to grant a variance from any of its rules upon a demonstration that the purpose of the underlying statute will be achieved by other means and that application of the rule would create a substantial hardship or would violate principles of fairness.

2. The Department concludes Petitioner has demonstrated that a variance from the provisions of Rule 62-711.500(3)(a), F.A.C. is warranted, that it would suffer a substantial hardship if the variance was not granted, and that the grant of the variance will be consistent with the general intent and purpose of Chapter 403, F.S.

4. This variance, by itself, does not constitute authorization for Petitioner to proceed with the proposed project. Petitioner shall be required to operate the facility only in accordance with the appropriate permit issued under the Department's delegation agreement with the Miami-Dade County RER.

For these reasons, the Petition for Variance is GRANTED, subject to the following conditions.

CONDITIONS

1. Petitioner shall comply with the applicable requirements for obtaining a waste tire processing facility permit contained in Chapter 62-711, F.A.C., except it shall not be required to provide financial assurance for closure of the facility in accordance with Rule 62-711.500(3)(a), F.A.C.

2. The application may be accepted and processed by the Miami-Dade County RER even though it does not include proof of financial assurance for closure. Provided that the permit includes a condition establishing that no more than 4,000 waste tires be stored at the facility at any one time, no proof of financial assurance for closure will be required as a condition of permit issuance.

3. The issuance of this variance does not relieve the Petitioner from the need to comply with all other conditions of any solid waste permit that may be issued, or from any requirements of other federal, state, or local agencies.

NOTICE OF RIGHTS

The Department's Order Granting Variance will be considered 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 proposed agency action 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 General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Petitions by the applicant or any of the parties listed below must be filed within 21 days of receipt of this written notice. Petitions filed by other persons must be filed within 21 days of publication of the notice or 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 21 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 and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's 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.

In accordance with Section 120.573, F.S., the Department advises that mediation is not available in this case under the provisions of that statute. This does not prevent any interested parties from agreeing to other forms of alternate dispute resolution.

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 Department 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 Department.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION




John A. Coates, P.E.
Assistant Director
Division of Waste Management
2600 Blair Stone Road
Tallahassee, FL 32399-2400

CERTIFICATE OF SERVICE

I, the undersigned designated Department clerk, HEREBY CERTIFY that a true and correct copy of the foregoing has been sent by United States Mail to Antonio Glustak, LTA Distributors LLC, 3710 NW 79th Street, Miami, Florida 33147, on this 23rd day of October, 2012.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52(11), Florida Statutes, with the designated Department clerk, receipt of which is hereby acknowledged.


(Clerk)

10/23/2012
(date)

Copies furnished to:

Chris McGuire, OGC

Joe Lurix, DEP SED

Pablo Asencio, Miami-Dade County RER