



April 29, 2015

Agency Clerk
Office of General Council
3900 Commonwealth Boulevard, MS#35
Tallahassee, Florida 32399-3000

And

Joint Administrative Procedures Committee
Room 600, Pepper Building
111 W. Madison Street
Tallahassee, Florida 32399-1400

RE: Petition for Waiver of Rule 62-711.530(3)
Tire Depot USA, Inc.
1104 Cassat Avenue
Jacksonville, Duval County, Florida

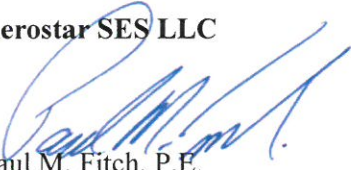
Dear Sir or Madam:

Aerostar SES LLC (Aerostar) is working with Tire Depot USA, Inc. to obtain a Waste Tire Processing Facility Permit through the Florida Department of Environmental Protection (FDEP) Northeast District. Please find attached a waiver request associated with this permit. The permit application has been submitted to the FDEP Northeast District, care of Mr. Michael Bogin.

If you have any questions or require additional information, please feel free to contact me at (904) 565-2820.

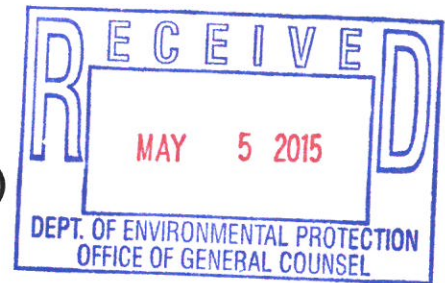
Sincerely,

Aerostar SES LLC



Paul M. Fitch, P.E.
Senior Engineer

Petition for Waiver of Rule 62-711.500(3)



The name, address, any e-mail address, telephone number, and any facsimile number of the petitioner, if the party is not represented by an attorney or a qualified representative;

Name: Sameer Hanania
Address: 1104 Cassat Avenue
Jacksonville, Florida 32205
(904) 647-8505
Sam_Hana_1@Yahoo.com

The name, address, e-mail address, telephone number, and any facsimile number of the attorney or qualified representative of the petitioner, if any;

NA

The applicable rule or portion of the rule;

Rule 62-711.500(3)

The citation to the statute the rule is implementing;

(3) 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.

(a) Owners or operators of waste tire sites shall provide the Department with proof of financial assurance issued in favor of the State of Florida in the amount of the closing cost estimate for the facility. This proof, along with the closing cost estimate, shall be submitted to the Department as part of the permit application for the facility. Proof of financial assurance shall consist of one or more of the following financial instruments: surety bonds, including performance bonds or financial guarantee bonds; irrevocable letters of credit; insurance; and trust funds. Financial documents shall be submitted on forms provided by the Department in accordance with the requirements of paragraphs (c) and (d) of this subsection.

(b) Landfills which meet the financial assurance requirements of Rule 62-701.630, F.A.C., or which are operating under a consent order that specifies how financial assurance shall be provided are not required to submit separate closing cost estimates or financial assurance documents under this rule.

(c) 40 CFR Part 264 Subpart H, which contains the United States Environmental Protection Agency (EPA) rules on financial requirements for owners and operators of hazardous waste facilities, is adopted as the financial requirements for purposes of this Rule and is incorporated by reference as it appears in 40 CFR 264, revised as of July 1, 1988, except:

1. The following sections of 40 CFR 264 Subpart H are specifically not adopted as part of this rule:

a. 264.140(a); 264.140(b); 264.141; 264.142; 264.143(f); 264.143(h); 264.144; 264.145; 264.146; 264.147; 264.149; 264.150; and 264.151.

b. All references to 40 CFR Part 265.

c. All references to 40 CFR Part 264 not contained in Subpart H.

d. All references to EPA Regions.

e. All references to RCRA, or Section 3008 of RCRA.

f. All references to Post-closure Care and Post-closure Cost Estimate.

2. References in 40 CFR 264 Subpart H to EPA shall mean the State of Florida Department of Environmental Protection; to Regional Administrator shall mean the Secretary of the Department; to RCRA permits shall mean waste tire processing facility permits; to closure shall mean closing the waste tire site; to EPA identification number shall mean the Department identification number; to hazardous waste shall mean waste tires; and to hazardous waste treatment, storage or disposal facilities shall mean waste tire sites.

(d) Forms 62-701.900(5)(a), (b), (c), (d), (g), and (h), as adopted in Rule 62-701.900, F.A.C., are incorporated by reference herein, and shall be used when submitting proof of financial assurance under this section.

The type of action requested;

The petitioner requests a waiver from Rule 62-711.500(3)

The specific facts that demonstrate a substantial hardship or a violation of principles of fairness that would justify a waiver or variance for the petitioner;

The petitioner operates a used tire sales facility which maintains an inventory of between 5,000 and 7,000 used tires, at any given time. The petitioner has identified two methods to provide the State with surety that should he go out of business, the State would not be financially responsible for cleanup of the site.

Method #1 would involve paying Viva Recycling of Jacksonville, in advance, a sum of \$7,000.00 to pay for the removal and proper disposal of up to 7,000 used/waste tires. Viva Recycling has stated in writing that this payment would contractually obligate them to conduct removal and disposal activities until such time as the State voided the agreement. (see attached agreement)

Method #2 would involve the purchase of a \$7,000 bond from Bonds Only, Inc. of Jacksonville, for an initial fee of \$1,504.00, and an annual fee of \$1,504.00 for the life of the bond. (see attached cost estimate)

The petitioner feels that it would be unfair to require him to pay the full cost of removal/disposal in advance of a cleanup event that may never occur. The petitioner also feels that it would not be fair to require him to pay the initial and annual fees for the Surety Bond due to the high administrative costs associated with it relative to the small estimated closure costs.

Both methods require the petitioner to allocate a significant, non-refundable, portion of his business funds for the life of his business operations.

The reason why the variance or the waiver requested would serve the purposes of the underlying statute;

The petitioner has demonstrated that it will suffer a substantial and unnecessary economic hardship if it is required to maintain proof of financial assurance for closure of its Facility. Because the petitioner's facility's closure costs are so small, it has also demonstrated that granting the waiver would not be expected to pose any significant economic risk to Florida taxpayers and, therefore, is not expected to have any adverse environmental consequences.

A statement whether the variance or waiver is permanent or temporary. If the variance or waiver is temporary, the petition shall include the dates indicating the duration of the requested variance or waiver.

The waiver is requested to remain in permanent effect, as long as the petitioner remains in business at the facility address.



Compose

Inbox (1)

Drafts

Sent

Spam (0)

Trash

> Smart Views

v Folders (2)

Personal

ars

andrew

apple

bail bonds

brian lakes

BMW

Drafts

ein

fedex

fire marshal

freight

germany lawyer

gmail

harbor freight

INS

letters of refer.

marriage

okula

Office Depot

osman dede

reifen reifen na..

savar

Same club

software

sweswora

Stefan Sch... (2)

student loan

taxes

tix shop stuff

title search

unobile

townton

unish

WM

> Recent

Sponsored



Mom deserves the best.
Save up to 40% on
Original Mother's
Day Flowers & Gifts.
Shop 1800Flowers Today

\$7K Solid Waste Facility Financial Guarant...

Sonja Harris

Apr 28 at 7:12 AM

To Sam_hana_1

Hello;

The surety has approved the \$7K Bond. The rate for this type of bond would be \$1504.00. If you would like to proceed, let me know and we will prepare the documents.

Thank you
Sonja



Sonja Amanda Floree Harris
Commercial Surety Bond Underwriter

Bonds Only, Inc
1515 CR 210 W STE 211
Jacksonville, FL 32259
Direct 904-677-5901
Phone 904-429-0555
Fax 904-429-0888
Mobile 678-717-8745

Reply, Reply All or Forward | More

Sam Hana Is that annual?

Apr 28 at 10:25 AM

Sonja Harris

Apr 28 at 10:25 AM

To Sam Hana

Yes that is annually.

> Show message history

Reply, Reply All or Forward | More

Click to reply all



Smarter Green Products®

Viva Recycling of Florida, LLC
11985 Palm Lake Drive
Jacksonville, FL 32218
ph. (904) 696-0583
fax (904) 696-0585

To Whom It May Concern,

We would like to inform you that Viva Recycling of Florida, LLC was pre-paid by Tire Depot USA, Inc. to dispose of up to 7000 waste tires regardless of size.

This agreement was made to insure the city a proper waste tire disposal in the event that Tire Depot USA, Inc. goes out of business, decides to stop operating, or if asked to by the city.

This agreement cannot be cancelled unless authorized by proper city or state of Florida personnel.

Please feel free to contact us with any questions at the number listed.

Best Regards,
Ginger Parrick
Viva Recycling of Florida, LLC
11985 Palm Lake Drive
Jacksonville, FL 32218