



Regulatory and Economic Resources  
Environmental Resources Management  
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Miami, Florida 33136-3912  
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October 10, 2019

Attn: Roland Nasr, President  
JE Tires of Florida, LLC  
3690 NW 62<sup>nd</sup> Street  
Miami, FL 33147

CERTIFIED MAIL NO. 7018 3090 0001 7152 9258  
RETURN RECEIPT REQUESTED

Re: Response dated August 30, 2019 to FDEP RAI #1 issued by DERM on May 3, 2019 relevant to an FDEP Waste Tire Processing Facility Permit Application submitted by JE Tires of Florida, LLC for the establishment of a used tire storage facility located at, near, or in the vicinity of 3690 NW 62<sup>nd</sup> Street, Miami, Miami-Dade County, Florida; FDEP Project No. 0374614-001-WT/ WACS No. 106052; DERM No. SW-2000.


Dear Mr. Nasr:

The Environmental Permitting Section (EPS) of the Pollution Regulation Division (PRD) of the Department of Regulatory and Economic Resources (RER) under delegation by the Florida Department of Environmental Protection (hereafter jointly referred to as the Department) hereby acknowledges receipt of the referenced submittal on September 10, 2019. Please see the item checked below for the status of your application.

- ☐ This letter constitutes notice that a permit will be required for your project pursuant to Chapter(s), \_\_\_\_\_ Florida Statutes.
- ☐ Your application for permit is complete as of \_\_\_\_\_ and processing has begun. You are advised that the Department under Chapter 120, Florida Statutes, must take final action on your application within ninety (90) days unless the time is tolled by administrative hearing.
- ☒ Your application for permit remains incomplete. Please provide the information requested on the attached sheet within forty-five (45) days of receipt of this letter. Evaluation of your proposed project will be delayed until all requested information has been received.
- ☐ The submittal to the referenced RAI was reviewed and deemed incomplete. Therefore, the additional information requested in the RAI (attached) shall be submitted within 30 days from the date of this letter. Further evaluation of the permit transfer will continue to be delayed until the outstanding RAI items have been addressed.
- ☐ At this time, no permit is required for your project by the Solid Waste Section. Any modifications in your plans should be submitted for review, as changes may result in permits being required. This letter does not relieve you from the need to obtain any other permits (local, state or federal) that may be required.

If you have any questions concerning this matter, please contact the undersigned or Bruce Coward, P.E. of the EPS at telephone number (305) 372-6600 or via email respectively at johnny.vega@miamidade.gov or bruce.coward@miamidade.gov.

Sincerely,

  
Johnny Vega, P.E., Manager  
Environmental Permitting Section  
Pollution Regulation Division

ec: Johnny Vega, P.E., Patti Emad, Danielle Jimenez, Alejandro Vergara, Bruce Coward, P.E. – RER  
Tor Bejnar – FDEP/TLH (via email: tor.bejnar@FloridaDEP.gov)  
SW Financial Coordinator – FDEP (via email: Solid.Waste.Financial.Coordinator@FloridaDEP.gov)  
Roland Nasr – JE Tires of Florida, LLC (via email: sales@jetires.net)  
Peter P. Baljet, P.E. – Baljet Environmental, Inc. (via email: baljet7ppb@aol.com)  
Oculus (FDEP WACS No. 106052) \ DERM No. SW-2000

**WASTE TIRE PROCESSING FACILITY PERMIT APPLICATION  
REQUEST FOR ADDITIONAL INFORMATION No. 2 (RAI #2)**

In order to complete the review of the referenced application pursuant to Section 403.087(4), Florida Statutes (F.S.), Chapters 62-4, 62-701 and 62-711, Florida Administrative Code (F.A.C.), please address the following Request for Additional Information (RAI) items noted below. Note that said comments follow the sequence of the Parts, Sections and Items outlined in the FDEP Waste Tire Processing Facility Permit Application form #62-701.900(23).

1. Response not accepted. Submittal of proof of publication of the Notice of Application remains outstanding. Note that the enclosed Notice of Application has been updated to reflect the revision of the facility's address from 3600 to 3690 NW 62 Street. Refer to the original comment below for pertinent instructions.

Pursuant to Section 403.815, F.S., and Rules 62-701.320(8) and 62-110.106, F.A.C., the applicant is required to publish at its own expense the enclosed Notice of Application. The notice shall be published in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this notice, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. Where there is more than one newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the DERM Environmental Permitting Section staff member(s) identified on page 1 of this letter. *Proof of publication shall be provided to DERM within seven (7) days of publication. The proof of publication shall be certified by the publishing company and notarized in order for it to be deemed acceptable by the Department.*

**Application Part I – General Information**

2. Response accepted as of September 10, 2019. Please ensure that future submittals are consistent with the listed facility address of 3690 NW 62 Street.
3. Response accepted as of September 10, 2019. Please ensure that the entity name of "JE Tires of Florida, LLC" is consistently used in future submittals.
4. Response accepted as of September 10, 2019. The Lease Agreement provided indicates that the Lessee is authorized to utilize the premises identified in the submittal for the sole purpose of conducting the business of Office and Warehousing of Wholesale Export of Used and New Tires. Please note that the document included in the Land Use Authorization section of the submittal, provided by Mr. Norman B. Brownstein on March 21, 2014 for the applicant's prior address of 2373-2375 NW 149 Street, is not relevant to this application and shall be removed in future submittals.
5. Response accepted as of September 10, 2019. Please ensure that the address of 3690 NW 62 Street is used consistently in future submittals.
6. Response accepted as of September 10, 2019. Future submittals shall include the provided facility latitude and longitude coordinates.
7. Response accepted as of September 10, 2019. Please ensure that future facility submittals include current lease expiration dates as applicable.

**Application Part II – Operations**

8. Response accepted as of September 10, 2019.
9. Response not accepted. The listed whole waste tire storage area of 39,640 sq. ft. noted at the top of the table exceeds the quoted total indoor storage area (36,640 sq. ft.) at the bottom of the table (Section C in Part II of the FDEP application form). This form shall be revised and resubmitted accordingly.
10. Response accepted as of September 10, 2019.

**Application Part III – Attachments**

11. Response not accepted. As outlined in item #A(1) of Part III of DEP Form #62-701.900(23), the application must include a topographic or section map of the facility, not more than one (1) year old, that includes the

surrounding area and shows land use and zoning within one mile of the facility. Please provide this map when submitting the response to this letter.

12. Response not accepted. The following items, as required under Section B, Part III, of the application form, remain outstanding:
- (a) The application's narrative shall include a description of how the operator will maintain compliance with each of the storage requirements of Rule 62-711.540, F.A.C., specifically sections 62-711.540(1) and (2), F.A.C. For each subitem/requirement listed under these sections of the rule, the applicant shall indicate the section of the application package where the information responsive to each requirement is captured.
  - (b) Pursuant to the preceding comment, clarify if the currently proposed maximum quantity of used/waste tires to be stored at any time at the facility (i.e., 60,000 tires) is achievable based on the storage requirements of Rule 62-711.540, F.A.C. If not, said maximum quantity value shall be revised accordingly and reflected on all applicable sections of the application package (e.g., application form, narrative, site plan, closure cost estimate, etc.) affected by such change.
  - (c) The submitted Emergency Preparedness Manual is missing text from the Emergency Response Equipment (ERE) section of the original submittal. In addition, the Manual omits requirements specified under Rule 62-711.540, F.A.C. Please ensure that the following items are incorporated into the revised Emergency Preparedness Manual:
    - (i) The operator shall submit a written report on the emergency to the Department within two (2) weeks of any emergency, as required per 62-711.540(f), F.A.C.
    - (ii) The Manual shall reflect the compliance requirements specified for the waste tire facility for all technical and operation standards specified in 62-711.540. In addition, the spacing and height requirements outlined in said section shall be incorporated into the Facility Site Plan.
  - (d) The submitted narrative does not incorporate requirements specified under 62-711.530, F.A.C. Please ensure that the narrative reflects compliance requirements related to 62-711.530, F.A.C., including those requirements to be met when the facility has reached its permitted storage limit for waste tires as part of the Operations Plan.
  - (e) The application's narrative shall include a description of how 75% of the annual accumulation of waste tires will be removed for disposal or recycling.
  - (f) The submitted Miami-Dade Fire Rescue Department (MDFRD) inspection report is not specific to JE Tires of Florida, LLC. Documentation that satisfactorily addresses the "fire safety survey" requirement listed in the application, as adopted under Rule 62-711.540(1)(d), F.A.C., shall be provided. Said documentation shall be issued by the MDFRD to JE Tires of Florida, LLC for the facility in question and be consistent with the used being proposed (i.e., indoor used tire storage). For further assistance, please contact MDFRD's Fire Prevention Division at (786) 331-4800. Additional information may be found online by visiting <https://www.miamidade.gov/global/fire/home.page>.
13. The submitted closure cost estimate intended to address the requirements of Rule 62-711.500(3) is not acceptable due to the following:
- (a) Response accepted as of September 10, 2019. Revisions and resubmittals of the facility's cost estimate shall continue to reflect the applicant's name (i.e., JE Tires of Florida, LLC).
  - (b) Response not accepted. A revised cost estimate shall be provided that includes the component costs of loading, transporting and disposal of the tires by a third party.
  - (c) Response not accepted. The submitted cost estimate did not establish compliance with requirements of the original comment. A copy of the third party estimates upon which the closure cost estimate is based shall be included with the response.

Therefore, as previously noted, the facility's cost estimate must establish that it is based on a third party, who is not subsidiary or parent company of the applicant, that can provide removal, transportation and disposal services of the maximum quantity of used/waste tires proposed to be stored on-site.

Additionally, said third party costs shall not be based on contractual or preferential rates to ensure they are consistent with current market rate costs that the Department is reasonable expected to incur in the case it is tasked with the removal and disposal of the tires in the event of site abandonment. Also see comment #13(e) below.

- (d) Response accepted as of September 10, 2019. Revisions and resubmittals of the closure cost estimate shall continue to be certified by a State of Florida registered Professional Engineer.
  - (e) New comment. The submitted closure cost estimate of \$1.00/tire is inconsistent with recent estimates received by the Department for up to \$1.25/tire, inclusive of loading, delivery and disposal fees. Furthermore, the estimate provided does not incorporate a contingency factor which is common cost estimating practice. As noted in comment #13(c) of this letter, costs shall be representative of current market rates that the Department is reasonably expected to incur in the event of site abandonment.
14. Item remains outstanding. Upon approval of the closure cost estimate, be advised that the applicant shall provide all necessary documentation to demonstrate compliance with the financial assurance requirements established in Chapter 62-711 and 62-701, F.A.C. This comment shall remain outstanding until the cost estimate has been approved by DERM and the applicant obtained the FDEP's Solid Waste Financial Coordinator's approval for the establishment of a suitable financial assurance mechanism for the facility.
15. New comment. The submitted site plan shall be revised to include additional detail demonstrating how the facility's tire storage areas are compliant with the storage requirements stipulated in Rule 62-711.540(2), F.A.C. for indoor storage of waste/used tires (e.g., pile heights, maximum pile widths, minimum aisle spacing between storage areas, clearance between top of piles and roof and fire suppression equipment, layout of fire sprinkler system, fire rating of walls, etc.). This shall be consistent with the information being requested under comments #12(a) and #12(b) of this letter.

Additionally, be advised of the following:

- A. If necessary, a meeting or conference call may be scheduled with DERM to discuss the comments of this letter. Said meeting or call shall be requested within seven (7) days of receipt of this letter. Please contact the reviewer listed at the end of page #1 to make the appropriate arrangements.
- B. The response to this Request For Additional Information (RAI) shall comply with the provisions of Rule 62-701.320, F.A.C. Please reference the FDEP permit number and County (DERM) tracking number for the facility in the response to ensure that it is properly and promptly routed upon receipt.
- C. **When responding to this Request For Additional Information (RAI), if a response modifies a section of the documents, the respective section(s) should be updated accordingly. A revised, complete version of the documents that includes all revisions made in responding to this RAI should be attached. To enable the Department to view changes to the documents, all additions shall be underlined (e.g., added) and all deletions should be struck through (e.g., ~~deleted~~). Additionally, the submittal should make a positive statement that all revisions have been tracked in the aforementioned way. By this method, the Department hopes to have one final version of the respective documents that includes all revisions made during the permitting process.**
- D. **All revisions to plans shall be clearly indicated by clouding the affected area and placing an adjacent triangular flag circumscribing the appropriate revision number on the drawing. A brief description of the revision made shall also be noted in the revision block on the plan.**
- E. If your responses involve the practice of engineering or geology, as defined in Chapters 471 or 492, Florida Statutes respectively, please have that work signed and sealed by a professional engineer or professional geologist as appropriate.
- F. Pursuant to Section 120.60(2), Florida Statutes, the Department may deny an application, if the applicant, after receiving timely notice, fails to correct errors and omissions, or supply additional information within a reasonable period of time.

**MIAMI-DADE COUNTY  
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES**

**NOTICE OF APPLICATION  
FOR A PERMIT TO OPERATE A SOLID WASTE MANAGEMENT FACILITY**

The Department of Regulatory and Economic Resources, under delegation by the Florida Department of Environmental Protection, announces receipt of an application for permit from JE Tires of Florida, LLC to operate a Waste Tire Processing Facility for the storage of waste tires. This proposed project will be located at, near, or in the vicinity of 3690 NW 62 Street, Miami, Miami-Dade County, Florida.

This application (DERM File No. SW-2000 / FDEP Project No. 0374614-001-WT/ FDEP Facility ID No. 106052) is being processed, and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department's Records Management Section located at 701 NW 1<sup>st</sup> Court, 3<sup>rd</sup> Floor, Miami, Florida 33136. Records may also be retrieved online from <http://ecmrer.miamidade.gov> or <https://depdms.dep.state.fl.us/Oculus/> by using the facility's file and identification numbers.

Any comments or objections should be filed in writing with the Department's Environmental Permitting Section at 701 NW 1<sup>st</sup> Court, 7<sup>th</sup> Floor, Miami-Dade County, Florida 33136. Comments or objections should be submitted as soon as possible to ensure that there is adequate time for them to be considered in the Department's decision on the application.