



**Regulatory and Economic Resources**  
Environmental Resources Management  
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January 8, 2020

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

CERTIFIED MAIL NO. 7019 0700 0000 4552 6411  
RETURN RECEIPT REQUESTED

Re: Response dated December 7, 2019 to FDEP RAI #2 issued by DERM on October 10, 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.

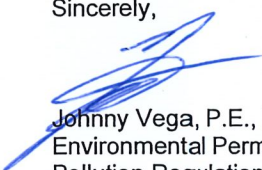
Dear Mr. Nasr:

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 December 9, 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 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. 3 (RAI #3)**

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 accepted as of December 7, 2019. The response included a copy of the notarized proof of publication of the Notice of Application that was published in the November 11, 2019 issue of the Miami Daily Business Review.

**Application Part I – General Information**

2. Response previously accepted as of September 10, 2019. However, be advised that the referenced response received on December 9, 2019 included an outdated permit application form that pre-dates the version submitted with the September 10, 2019 response which had addressed the concerns previously raised by the Department under this comment. Please ensure that any future revisions and resubmittals of the permit application form account for changes previously approved by the Department. Refer to the RAI #1 letter issued on May 3, 2019 for the description of the discrepancy/concerns previously raised by the Department under this comment.
3. Response previously accepted as of September 10, 2019. However, be advised that the referenced response received on December 9, 2019 included an outdated permit application form that pre-dates the version submitted with the September 10, 2019 response which had addressed the concerns previously raised by the Department under this comment. Please ensure that any future revisions and resubmittals of the permit application form account for changes previously approved by the Department. Refer to the RAI #1 letter issued on May 3, 2019 for the description of the discrepancy/concerns previously raised by the Department under this comment.
4. Response accepted as of September 10, 2019.
5. Response previously accepted as of September 10, 2019. However, be advised that the referenced response received on December 9, 2019 included an outdated permit application form that pre-dates the version submitted with the September 10, 2019 response which had addressed the concerns previously raised by the Department under this comment. Please ensure that any future revisions and resubmittals of the permit application form account for changes previously approved by the Department. Refer to the RAI #1 letter issued on May 3, 2019 for the description of the discrepancy/concerns previously raised by the Department under this comment.
6. Response previously accepted as of September 10, 2019. However, be advised that the referenced response received on December 9, 2019 included an outdated permit application form that pre-dates the version submitted with the September 10, 2019 response which had addressed the concerns previously raised by the Department under this comment. Please ensure that any future revisions and resubmittals of the permit application form account for changes previously approved by the Department. Refer to the RAI #1 letter issued on May 3, 2019 for the description of the discrepancy/concerns previously raised by the Department under this comment.
7. Response previously accepted as of September 10, 2019. However, be advised that the referenced response received on December 9, 2019 included an outdated permit application form that pre-dates the version submitted with the September 10, 2019 response which had addressed the concerns previously raised by the Department under this comment. Please ensure that any future revisions and resubmittals of the permit application form account for changes previously approved by the Department. Refer to the RAI #1 letter issued on May 3, 2019 for the description of the discrepancy/concerns previously raised by the Department under this comment.

**Application Part II – Operations**

8. Response previously accepted as of September 10, 2019. However, be advised that the referenced response received on December 9, 2019 included an outdated permit application form that pre-dates the version submitted with the September 10, 2019 response which had addressed the concerns previously raised by the Department under this comment. Please ensure that any future revisions and resubmittals of

the permit application form account for changes previously approved by the Department. Refer to the RAI #1 letter issued on May 3, 2019 for the description of the discrepancy/concerns previously raised by the Department under this comment.

9. Response not accepted. Please revise the version of the FDEP application form submitted on September 10, 2019 to address the deficiencies raised in the RAI #2 letter dated October 10, 2019 under this comment number. For proper tracking and sequencing of revisions, Part IV of the revised FDEP form must reflect an application date that does not precede the date of this letter (January 8, 2020).
10. Response previously accepted as of September 10, 2019. However, be advised that the referenced response received on December 9, 2019 included an outdated permit application form that pre-dates the version submitted with the September 10, 2019 response which had addressed the concerns previously raised by the Department under this comment. Please ensure that any future revisions and resubmittals of the permit application form account for changes previously approved by the Department. Refer to the RAI #1 letter issued on May 3, 2019 for the description of the discrepancy/concerns previously raised by the Department under this comment.

### **Application Part III – Attachments**

11. Response not accepted. As previously requested and as outlined in item #A(1) of Part III of DEP Form #62-701.900(23), the applicant shall provide 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 the map that is responsive to these requirements 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) Response not accepted. The revised submittal does not adequately address all items relevant to the facility under Rule 62-711.540(1) and (2), F.A.C. As previously requested, the narrative shall be revised to address specifically how the facility complies with all relevant sections of the referenced code, including, but not limited to: Rule 62-711.540 items (1)(a), (1)(b), (1)(c), (1)(g), (1)(i) and Fire Protection/Safety requirements specified in items 2(e) through 2(g).
  - (b) Response not accepted. Pursuant to item #12(a) above, the submittal shall provide specific information demonstrating that the currently proposed storage of a maximum quantity of 60,000 used/waste tires inside the facility is achievable when adhering to the storage requirements outlined in Rule 62-711.540, F.A.C. The applicant's response must be properly supported with a volumetric/storage analysis based on the storage configuration depicted on the site plan. If determined infeasible, the maximum quantity of used/waste tires able to be stored shall be revised (i.e., reduced) accordingly and the new value 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) Response accepted as of December 7, 2019.
    - (ii) Response accepted as of December 7, 2019.
  - (d) Response not accepted. While the submitted narrative generally included revisions related to Rule 62-711.540, F.A.C., it did not address requirements specified under Rule 62-711.530, F.A.C as was previously requested by the Department under this comment. Please revise the narrative to include compliance requirements related to Rule 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) Response not accepted. The narrative shall be revised to include a description of how 75% of the annual accumulation of waste tires will be removed for disposal or recycling.
  - (f) Response accepted as of December 7, 2019. A copy of the Miami-Dade Fire Rescue Department Annual Operating Permit # 19127-00654 with an expiration date of December 31, 2020 was provided.

In addition, at the Department's request, the Fire Prevention Division of the Miami-Dade County Fire Rescue Department provided a copy of the facility's life safety inspection for the facility conducted on December 3, 2019.

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. The cost estimate's supporting third party quotation provided by MMD Tires, Corp. is unacceptable in that it is undated and the entity was identified as being "inactive" according to the Florida State Division of Corporations website, [www.sunbiz.org](http://www.sunbiz.org). A valid and revised cost estimate shall be provided that clearly includes the component costs of loading, transporting and disposal of the tires by a third party that is active and recognized by the Florida Division of Corporations.
  - (c) Response not accepted based on the status of the company that provided the supporting third party estimate. This comment shall remain as a deficiency item until the requirements of item #13(b) are satisfactorily addressed by the applicant.
  - (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) Response not accepted. The engineer-certified cost estimate shall be revised to include a contingency factor as previously required by the Department under this comment.
14. Response not accepted. 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. Response not accepted. While the revised Site Plan provides a Typical Tire Pile Configuration in Storage Warehouse diagram depicting tire pile heights and widths and includes some conditions in the NOTES section, it does not contain information related to wall fire ratings or alternatively to the presence, location, configuration and associated details of an automatic sprinkler system within the facility as specified in Rule 62-711.540, items 2(e) through (2)(g). Please revise and resubmit all relevant sections of the application package, including narrative and Site Plan, to address all applicable code requirements.

Additionally, be advised of the following:

- A. **The Department requests a meeting with the applicant to discuss the comments herein provided to ensure that the next response satisfactorily addresses all noted deficiencies.**
- B. **Be advised that the Department has not received a response to DERM's RAI #2 letter issued on October 10, 2019 that addresses the local permitting requirements. Please provide a response addressing the requirements of said letter concurrently with the response to this letter.**
- C. 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.
- D. 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.
- E. 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.

- F. 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.
- G. 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.