FLORIDA DEPARTMENT OF Environmental Protection

Southwest District Office
13051 North Telecom Parkway #101
Temple Terrace, Florida 33637-0926

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

March 9, 2021

Robert Vargas, Owner
Robert and Sons Tires Corporation
507 Nilsen St
Haines City, FL 33844
robertandsonsdistributor@gmail.com

Re: Warning Letter #WL21-41SW53SWD
RJ Tires
Facility ID No. 106464
Polk County

Dear Mr. Vargas:

A complaint inspection was conducted at your facility on January 27, 2021. During the inspection and subsequent file review, possible violations of Chapter 403, Florida Statutes, and Chapters 62-701 and 62-711, Florida Administrative Code were observed.

During the inspection Department personnel noted the following:

- The facility is storing greater than 1,500 tires on-site and is operating a Waste Tire Processing Facility without a Department Solid Waste Permit authorization.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to section 403.161 Florida Statutes.

Please contact Steve Tafuni, at 813-470-5792 or via email at: Steven.Tafuni@floridadep.gov, within **7 days** of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in receiving any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolving this matter.

Sincerely,

Kelley M. Boatwright for:

Mary E. Yeargan, P.G.
Southwest District Director
Florida Department of Environmental Protection

ec: Kelley Boatwright, DEP – Southwest District, Kelley.M.Boatwright@FloridaDEP.gov
Kelby Callahan, DEP – Southwest District, Kelby.A.Callahan@FloridaDEP.gov
Steven Tafuni, DEP – Southwest District, Steven.Tafuni@FloridaDEP.gov
Steve Morgan, DEP – Southwest District, Steve.Morgan@FloridaDEP.gov

Florida Department of
Environmental Protection
Inspection Checklist

FACILITY INFORMATION:

Facility Name: RJ TIRES
On-site Inspection Start Date: 02/23/2021
On-site Inspection End Date: 02/23/2021
WACS No.: 106464
Facility Street Address: 507 NILSEN ST
City: HAINES CITY
County Name: POLK
Zip: 33844

INSPECTION PARTICIPANTS:

(Include ALL Landfill and Department Personnel with Corresponding Titles)
Principal Inspector: Kelby A Callahan, Inspector
Other Participants: Matthew Dinning, Operations Analyst; Robert Vargas, Owner;

INSPECTION TYPE:

Complaint Investigation Inspection for WPF - Waste Tire Processing Facility

ATTACHMENTS TO THE INSPECTION CHECKLIST:

This Cover Page to the Inspection Checklist may include any or all of the following attachments as appropriate.

Note: Checklist items with shaded boxes are for informational purposes only.

13.0 - SECTION 13.0 - COMPLAINT INVESTIGATIONS

RJ TIRES

Inspection Date: 02/23/2021

13.0 - SECTION 13.0 - COMPLAINT INVESTIGATIONS

Requirements:

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Item No.	SOLID WASTE PROHIBITIONS (unless "grandfathered" in, see 62-701.300(18))	Ok	Not Ok	Unk	N/A
13.1	Unauthorized storing, processing, or disposing of solid waste except as authorized at a permitted solid waste management facility or a facility exempt from permitting under this chapter? 62-701.300(1)(a)		✓		
13.2	Authorized or unauthorized storing, processing, or disposing of solid waste in a manner or location that causes air quality standards to be violated or water quality standards or criteria of receiving waters to be violated? 62-701.300(1)(b)	✓			
13.3	Unauthorized disposal or storage prohibited, except yard trash, within 500 feet of a potable water well? 62-701.300(2)(b)	✓			
13.4	Unauthorized disposal or storage in a dewatered pit without liner or leachate controls? 62-701.300(2)(c)	✓			
13.5	Unauthorized disposal or storage prohibited in any natural or artificial body of water including groundwater and wetlands? (Does not apply to standing water after a storm event.) 62-701.300(2)(d)	✓			
13.6	Unauthorized disposal or storage prohibited, except yard trash, within 200 feet of any natural or artificial body of water, including wetlands without permanent leachate controls, except impoundments or conveyances which are part of an on-site, permitted stormwater management system or on-site water bodies with no off-site discharge? 62-701.300(2)(e)	✓			
13.7	Unauthorized storage or disposal on the right of way of any public highway, road or alley? 62-701.300(2)(f)	✓			
13.8	Unauthorized open burning of solid waste prohibited except in accordance with Department requirements? 62-701.300(3)	✓			
13.9	Are the following unauthorized wastes or special wastes properly managed? (Check any that are Not OK)				
13.9.1	CCA treated wood being ground into mulch, compost, or any wood product that is applied to the ground or burned 62-701.300(14)				✓
13.10	Unauthorized storage or disposal of yard trash within 100 feet of potable water wells (except on-site), and/or 50 feet of water bodies? 62-701.300(12)				✓
13.11	Waste tire prohibitions:				
13.11.1	Maintaining a waste tire site consisting of more than 1500 tires that is not an integral part of a permitted waste tire processing facility. 62-711.400(1)		✓		
13.11.2	Disposing of waste tires except as permitted at a permitted solid waste management facility. 62-711.400(2)				✓
13.11.3	Storing waste tires only as a part of a waste tire collection center, permitted waste tire processing facility, permitted solid waste management facility, or other exempt facility. 62-711.400(4)		✓		
13.11.4	Contracting with only registered or exempt waste tire collectors for the transportation, disposal, or processing of more than 25 waste tires. 62-711.400(5)		✓		
13.12	Is disposal of bodies of domestic animals, upon the death of such animals due to disease, accomplished pursuant to Section 823.041(1), F.S.? 62-701.520(5)(a)				✓
13.13	Is disposal of dead poultry and hatchery residue accomplished pursuant to Section 583.181(2), F.S.? 62-701.520(5)(b)				✓
13.14	Are bodies of captive wildlife, of fish or marine mammals, as well as bodies of domestic animals that have not died due to disease, either used, burned, disposed of in a Class I landfill, or disposed of on the property where they died, or other properties approved of by the Department, provided they are buried at least two feet below the surface of the ground and above the water table? 62-701.520(5)(c)				✓
13.14.5	For biological waste disposal complaints, the Facility or Responsible Party was provided a copy of the Department's Disposal of Deceased Domestic Animals Guidance Document dated November 9, 2018. (Note: The Guidance Document is to provide direction regarding the				

RJ TIRES

Inspection Date: 02/23/2021

Item No.	SOLID WASTE PROHIBITIONS (unless "grandfathered" in, see 62-701.300(18))	Ok	Not Ok	Unk	N/A
	disposal of deceased domestic animals pursuant to Chapter 62-701.520(5), F.A.C. and Chapter 823.041, F.S.) ☐ Yes ☐ No ☑ N/A				
13.15	Are all additional specific conditions (not otherwise addressed above) in the permit, registration, Department order or certification, if any, being followed? 62-701.320(1), 403.161, F.S.				✓

RJ TIRES

Inspection Date: 02/23/2021

Current Violations:

Rule:	62-701.300(1)(a)
Question Number:	13.1
Explanation:	During the January 27, 2021 inspection, Department staff observed that the facility was storing greater than 1,500 tires on-site and was processing waste tires (de-rimming, doubling and packaging tires for shipment overseas) without a Department Solid Waste Permit authorization. A review of Department files, performed on February 23, 2021, indicates that a Compliance Assistance Site Visit (CASV) was conducted at the facility on March 15, 2018. During the CASV, the owner, Mr. Vargas, was notified of the requirement to obtain a Waste Tire Processing Facility (WTPF) permit for the RJ Tires facility. An application for a WTPF permit was submitted to the Department on March 1, 2020. However, the application remains incomplete due to the applicant's difficulty in obtaining financial assurance in the amount of the provided closure cost estimate for the facility.
Corrective Action:	Robert and Sons Tire Corporation has knowingly operated a Waste Tire Processing Facility without a Department Solid Waste Permit authorization for three years following the Department's 2018 CASV. The storage and processing of waste tires at the above referenced site is not authorized and must cease operations until a Waste Tire Processing Permit is obtained. Per the attached Warning Letter, (#WL21-41SW53SWD), please contact the Department within 7 days its receipt to schedule a meeting to discuss these matters.

Rule:	62-711.400(1)
Question Number:	13.11.1
Explanation:	Please refer to item 13.1.
Corrective Action:	Please refer to item 13.1.

Rule:	62-711.400(4), 62-711.400(4)(a), 62-711.400(4)(b), 62-711.400(4)(c), 62-711.400(4)(d)
Question Number:	13.11.3
Explanation:	Please refer to item 13.1.
Corrective Action:	Please refer to item 13.1.

Current Areas of Concern:

Rule:	62-711.400(5)
Question Number:	13.11.4
Explanation:	The Department is unaware of who RJ Tires uses for waste tire collection.
Corrective Action:	Please provide the Department with the name and registration number of the waste tire collector(s) within 7 days of receipt of this report and Warning Letter.

COMMENTS:

Item 13.11.2: The facility is currently shipping all waste tires to Puerto Rico, and they are not disposing any waste tires as part of their operation.

RJ TIRES

Inspection Date: 02/23/2021

ATTACHMENTS:

Stacks of Waste Tires (1/2)



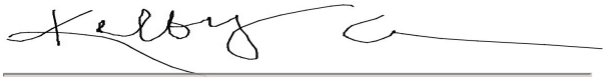
Stacks of Waste Tires (2/2)



RJ TIRES

Inspection Date: 02/23/2021

Signed:

Kelby A Callahan	Inspector	
PRINCIPAL INSPECTOR NAME	**PRINCIPAL INSPECTOR TITLE**	
	DEP	02/23/2021
PRINCIPAL INSPECTOR SIGNATURE	**ORGANIZATION**	**DATE**

Matthew Dinning	Operations Analyst
INSPECTOR NAME	**INSPECTOR TITLE**
NO SIGNATURE REQUIRED	DEP
INSPECTOR SIGNATURE	**ORGANIZATION**

Robert Vargas	Owner
REPRESENTATIVE NAME	**REPRESENTATIVE TITLE**
NO SIGNATURE REQUIRED	RJ Tires
REPRESENTATIVE SIGNATURE	**ORGANIZATION**

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Not Ok" or areas of concern.

Report Approvers:

Approver: Steve Tafuni **Inspection Approval Date:** 03/08/2021