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

Shawn Hamilton
Secretary

June 16, 2022

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

Re: Compliance Assistance Offer
RJ Tires
Facility ID No. 106464
Polk County

Dear Mr. Vargas:

A compliance inspection was conducted at your facility on May 16, 2022. During this inspection, potential non-compliance and areas of concern were noted. The purpose of this letter is to offer compliance assistance as a means of resolving these matters.

Specifically, potential non-compliance with the requirements of Chapter 403 Florida Statues, and of Chapter 62-701 and 62-711, Florida Administrative Code, was observed. Please see the attached inspection report for a full account of Department observations and recommendations.

We request you review the items of concern noted and respond within **15 days** of receipt of this Compliance Assistance Offer. Your response should include one of the following:

1. Describe what has been done to resolve the non-compliance issue or provide a schedule describing how/when the issue will be addressed.
2. Provide the requested information, or information that mitigates the concerns or demonstrates them to be invalid, or
3. Arrange for the case manager to visit your facility to discuss the items of concern.

It is the Department's desire that you are able to adequately address the aforementioned issues so that this matter can be closed. Your failure to respond promptly may result in the initiation of formal enforcement proceedings.

Please address your response and any questions to Taylor Mandalou of the Southwest District Office at (813)470-5966 or via e-mail at Taylor.Mandalou@FloridaDEP.gov. We look forward to your cooperation with this matter.

Sincerely,

Hannah Westervelt
Environmental Manager
Compliance Assurance Program
Southwest District
Florida Department of Environmental Protection

Enclosures: Inspection Report

cc: Hannah Westervelt, FDEP Southwest District, Hannah.Westervelt@FloridaDEP.gov
Taylor Mandalou, FDEP Southwest District, Taylor.Mandalou@FloridaDEP.gov
Emily Stitt, FDEP Southwest District, Emily.Stitt@FloridaDEP.gov
FDEP SWD Solid Waste Permitting, SWD_Solid_Waste_Permitting@FloridaDEP.gov

Florida Department of
Environmental Protection
Inspection Checklist

FACILITY INFORMATION:

Facility Name: RJ TIRES
On-site Inspection Start Date: 05/16/2022
On-site Inspection End Date: 05/16/2022
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: Taylor Mandalou, Inspector
Other Participants: Emily Stitt, Inspector; Otto, Representative;

INSPECTION TYPE:

Routine Operation 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.

1.0 - SECTION 1.0 - FILE REVIEW
9.0 - SECTION 9.0 - WASTE TIRE FACILITIES

RJ TIRES

Inspection Date: 05/16/2022

1.0 - SECTION 1.0 - FILE REVIEW

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.	FILE REVIEW (Pre- or Post-Inspection, as appropriate.)	Ok	Not Ok	Unk	N/A
1.1	For landfills and C&D disposal facilities, does the facility have a current plan for the method and sequence of filling wastes? 62-701.500(2)(f) for landfills; 62-701.730(7)(a) for C&D debris sites				✓
1.2	For landfills, are the following records being reported to the Department?(Check any that are Not OK) ☐ Waste reports (annually) 62-701.500(4) ☐ Annual estimate of remaining life 62-701.500(13)(c)				✓
1.3	Is gas monitoring being performed as required by the permit? 62-701.500(9), 62-701.530(2)				✓
1.4	Are the results of the gas sampling reported to the Department quarterly? 62-701.530(2)(c)				✓
1.5	Is water quality sampling and testing performed according to standard procedures and at the required frequencies? 62-701.510(2) for landfills; 62-701.730(8) and 62-701.730(10) for C&D debris sites; 62-713.400(3) for stationary soil treatment facilities.				✓
1.6	Do the results of the water quality testing suggest there may be adverse impacts to water quality from the operation of the solid waste facility? 62-701.510(3) and (4); 62-701.730(4)(c) and (10) for C&D debris sites; 62-713.400(3) for stationary soil treatment facilities.				✓
1.7	For closed landfills and C&D disposal facilities with final elevations higher than 20 feet above grade, has a final survey report verifying the final elevations and contours of the facility been submitted to the Department? 62-701.600(6)(b), 62-701.730(9)(e)				✓
1.8	Is financial assurance adequate? 62-701.630 for landfills; 62-701.710(7)(a) and 62-701.710(1)(d)1. for waste processing facilities; 62-701.730(11)(a) for C&D debris facilities; 62-713.600(6)(a) for stationary soil treatment facilities; 62-711.500(3) for waste tire facilities. NOTE: The Solid Waste Financial Coordinator in Tallahassee can assist with this information.			✓	
1.9	Are cost estimates current and adjusted every year? 62-701.630(4) for landfills; 62-701.710(7)(a) and 62-701.710(1)(d)1. for waste processing facilities; 62-701.730(11)(a) for C&D debris facilities; 62-713.600(6)(b) and 62-713.600(6)(c) for stationary soil treatment facilities; 62-711.500(3) for waste tire facilities.		✓		
1.10	For C&D debris disposal and disposal with recycling facilities, is an Annual Report submitted to the Department for the disposal operation by February 1st of each year? 62-701.730(12)				✓
1.11	For C&D recycling facilities with no disposal, is an Annual Report for the recycling facility submitted to the Department by February 1st of each year? 62-701.710(8)(b)				✓
1.12	For compost facilities, has the compost product been sampled and analyzed every 20,000 tons or every 3 months (whichever is sooner)? 62-709.530(1)				✓
1.13	For compost facilities, has the annual report been submitted by June 1st? 62-709.530(3)				✓

RJ TIRES

Inspection Date: 05/16/2022

9.0 - SECTION 9.0 - WASTE TIRE FACILITIES

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
9.1.1	Unauthorized storage, processing, or disposal of solid waste except as authorized at a permitted solid waste management facility or other exempt facility? 62-701.300(1)(a)		✓		
9.1.2	Unauthorized disposal or storage prohibited, except yard trash, within 500 feet of a potable water well? 62-701.300(2)(b)	✓			
9.2	Unauthorized storage or disposal of yard trash prohibited within the minimum setbacks of (Check any that are Not OK) 62-701.300(12) ☐ 100 feet from potable water wells (except on-site)? ☐ 50 feet from water bodies?	✓			
9.3	Unauthorized disposal or storage prohibited in any natural or artificial body of water including ground water and wetlands? (Does not apply to standing water after a storm event) 62-701.300(2)(d)	✓			
9.4	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)	✓			
9.5	Unauthorized open burning of solid waste prohibited except in accordance with Department requirements? 62-701.300(3)	✓			

Item No.	WASTE TIRE FACILITY - GENERAL REQUIREMENTS FOR STORAGE	Ok	Not Ok	Unk	N/A
9.6	If the facility accepts tires from the public, is a sign posted at the facility entrance stating operating hours, cost of disposal and site rules? 62-711.540(1)(a)				✓
9.7	Are operations involving the use of open flames conducted no closer than 25 feet of a waste tire pile? 62-711.540(1)(b)				✓
9.8	If the facility accepts tires from the public, is an attendant always present on site when the site is open for business? 62-711.540(1)(c)				✓
9.9	Are fire protection services assured through notification to local fire protection authorities? 62-711.540(1)(d)	✓			
9.10	Is an annual fire safety survey conducted? 62-711.540(1)(d)		✓		
9.11	Is a copy of the annual fire safety report made part of the next quarterly report? 62-711.540(1)(d)		✓		
9.12	Does the facility have an Emergency Preparedness Manual (EPM) on-site? 62-711.540(1)(e)		✓		
9.13	Does the EPM contain the following information? (Check all that are Not OK) ☐ Contact names and numbers 62-711.540(1)(e)1 ☐ List of emergency response equipment and locations on-site 62-711.540(1)(e)2 ☐ Procedures to be followed in the event of a fire 62-711.540(1)(e)3	✓			
9.14	Is the operator at the facility maintaining records of the quantity of waste tires received at the site, stored at the site, and shipped from the site? 62-711.540(1)(g) and 62-711.400(5)			✓	
9.15	If the operator of the site is not the owner of the property, has written authorization been obtained from the property owner to operate the facility? 62-711.540(1)(h)				✓
9.16	Is adequate communications equipment available at the site? 62-711.540(1)(i)	✓			
9.17	Is the owner or operator providing for control of mosquitoes and rodents so as to protect the public health and welfare? 62-711.540(1)(j)	✓			

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Item No.	WASTE TIRE FACILITY - STORAGE INDOORS	Ok	Not Ok	Unk	N/A
9.18	Are waste tire piles more than 50 feet in width? 62-711.540(2)(a)	✓			
9.19	Are waste tire piles along a wall more than 25 feet in width? 62-711.540(2)(a)	✓			
9.20	Are widths of main aisles between piles less than 8 feet? 62-711.540(2)(b)		✓		
9.21	Is there less than 3 feet of clearance between the top of storage to sprinkler detectors or roof structures? 62-711.540(2)(c)		✓		
9.22	Is there less than 3 feet of clearance between waste tire piles and unit heaters, etc.? 62-711.540(2)(d)	✓			
9.23	If waste tires are stored up to 15 feet high, do walls between adjacent warehouse areas and between manufacturing and warehouse areas have at least a four-hour fire rating? 62-711.540(2)(e)	✓			
9.24	If waste tires are stored over 15 feet high, do walls between manufacturing and warehouse areas have a fire rating of not less than six hours and do steel columns have one-hour fireproofing? If the top of storage exceeds 20 feet in height, do columns and their connections with other structural members have two-hour fireproofing? 62-711.540(2)(f)	✓			
9.25	Is the access controlled through the use of doors, fences, gates, natural barriers or other means? 62-711.540(2)(h)	✓			

Item No.	WASTE TIRE FACILITY - STORAGE OUTDOORS	Ok	Not Ok	Unk	N/A
9.26	Is the waste tire site operated within 200 feet from a body of water? 62-711.540(3)(a)	✓			
9.27	Does the waste tire pile have a width less than 50 feet? 62-711.540(3)(b)	✓			
9.28	Does the waste tire pile have an area less than 10,000 sq. ft? 62-711.540(3)(b)	✓			
9.29	Does the waste tire pile have a height less than 15 feet? 62-711.540(3)(b)	✓			
9.30	Is there a 50 feet wide fire lane around the perimeter of the waste tire pile? 62-711.540(3)(c)		✓		
9.31	Is there unobstructed access to the fire lane? 62-711.540(3)(c)		✓		
9.32	Is the access controlled through the use of doors, fences, gates, natural barriers or other means? 62-711.540(3)(d)	✓			
9.33	Is the site kept free of grass, underbrush, and other potentially flammable vegetation? 62-711.540(3)(f)	✓			
9.34	Is the site bermed or given other adequate protection to prevent liquid runoff from entering water bodies? 62-711.540(3)(e)		✓		
9.35	Are residuals contained on-site and disposed of in a permitted solid waste management facility or properly recycled? 62-711.540(5)	✓			
9.36	Does the waste tire site qualify for the exceptions to the technical and operational standards as allowed by rule? 62-711.540(6)				✓

Item No.	WASTE TIRE FACILITY - COLLECTION CENTER	Ok	Not Ok	Unk	N/A
9.37	Are no more than 1,500 tires at the collection center at any one time? 62-711.550(1)(a)				✓
9.38	Are all waste tires, which are not used tires, removed from site yearly for recycling, processing, or disposal? 62-711.550(1)(b)				✓

Current Violations:

Rule:	62-701.300(1)(a)
Question Number:	9.1.1
Explanation:	The facility was not operating in accordance with certain specific and general conditions of their permit. These conditions include: Permit Section 2.A.2.: Any change to operation may require a permit modification. Department staff observed auto repair services being conducted on site, and listed as a service on the facility's business card. This co-located activity should be included on the site plans. Section 2.C.1.: Operation in accordance with the approved Operation Plan and notifying the Department of any changes. Operation Plan 1.1: "All waste tire storage is inside the building or closed trailers." Department staff observed new and waste tires being stored outside. Operation Plan 2.4: "Incoming trailers approach the site from Nilsen Street on the unnamed access road north of the Facility and enter the Facility through the north gate. The trailers travel toward the unloading area in the southeast part of the site." Outside new and waste tire storage prohibits this operation sequence. Operation Plan 2.5: "The width of main aisles between the stacks is a minimum of 8 ft." Department staff observed main aisles that were less than 8 ft wide. Operation Plan 3.2: "Annually, at least 60 days prior to the anniversary date of the approved financial assurance mechanism, revised or inflation-adjusted cost estimates will be submitted to FDEP. Upon approval of the revised or inflation-adjusted estimates, the Facility Manager will adjust the funding mechanism accordingly and provide proof of funding to FDEP." The Department has not received the inflation-adjusted estimates or proof of funding for 2022. Operation Plan 5.3: "The Facility Manager will submit quarterly reports on form 62-701.900(21) (see Appendix D) to FDEP that summarize the Facility operations." The Department has not received a quarterly report since this permit has been issued. Engineering Report Appendix B, C-3, Storage Plan: Only three total trailers are shown on the storage plan. Department staff observed at least 9 trailers and 2 shipping containers. Section 2.C.6.: Storage and Management in accordance with the approved Storage Plan. See "Operation Plan 1.1" above. Section 2.C.10.: Quarterly Reporting. See "Operation Plan 5.3" above. Section 2.G.2.: Annual Closing Cost Estimate Adjustments. See "Operation Plan 3.2" above. Appendix 1.2.: Permit validity and unauthorized deviations. Appendix 1.11.: Permit kept on site.
Corrective Action:	The Department requests that the facility apply for a permit modification to accommodate the changes in operation, or return to compliance with their current permit. In addition, please submit the adjusted financial assurance costs

estimates and proof of funding to the Department. Please retain a copy of the entire permit and attached documents on site. Please submit the Q1 2022 quarterly report.

Attachments:

Auto Repair



Outside tire storage



Main aisles less than 8ft



Current Areas of Concern:

Rule:	62-701.630(4), 62-701.710(1)(d)1., 62-701.710(7)(a), 62-701.730(11)(a), 62-711.500(3), 62-713.600(6)(b), 62-713.600(6)(c)
Question Number:	1.9
Explanation:	The Department has not received the 2021 Financial Assurance Cost Estimates (FACE), as well as the the FACE for 2022.
Corrective Action:	Please submit the FACE reports to the Department within 15 days of the date listed on the attached Cover Letter.

Rule:	62-711.540(1)(d)
Question Number:	9.11
Explanation:	The most recent Fire Safety Survey was not included in the most recent Quarterly Waste Report. The Department has not received any Quarterly Waste Reports from this Facility.
Corrective Action:	Please provide the Department with the latest Fire Safety Survey within 15 days of the date listed on the attached Cover Letter.

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Rule:	62-711.540(1)(e)
Question Number:	9.12
Explanation:	During the inspection, Facility staff were not able to show proof of an on-site EPM.
Corrective Action:	Please provide the Department with documentation of your EPM within 15 days of the date listed on the attached Cover Letter. Facility staff were contacted on 6-1-2022 instructing them to email documentation to Taylor.Mandalou@FloridaDEP.gov.

Rule:	62-711.540(2)(b)
Question Number:	9.20
Explanation:	The Department observed main aisles around piles 10 and 11 that were less than eight feet wide.
Corrective Action:	Please ensure the width of main aisles depicted on the permitted site plan are at least eight feet wide. Please provide photographic documentation of appropriately wide main aisles within 15 days of the date listed on the attached Cover Letter.

Attachments:

Looking between piles 11 and 7



Looking between piles 10 and 9



Rule:	62-711.540(2)(c)
Question Number:	9.21
Explanation:	Tires were observed stacked with less than three feet of clearance from sprinkler deflectors.
Corrective Action:	Please ensure a clearance of three feet from the top of storage to the sprinkler deflectors or roof structure is maintained. Please send photographic documentation of this clearance within 15 days of the date listed on the attached Cover Letter.

Attachments:

RJ TIRES

Inspection Date: 05/16/2022

Tires in background stacked high



Rule:	62-711.540(3)(c)
Question Number:	9.30
Explanation:	Tires stored outside did not have a 50-foot wide fire lane around their perimeter.
Corrective Action:	Please relocate waste tires into the temporary storage trailers, inside, or maintain an unobstructed 50-foot wide fire lane around the piles.

Rule:	62-711.540(3)(c)
Question Number:	9.31
Explanation:	See Item No.: 9.30.
Corrective Action:	See Item No.: 9.30.

Rule:	62-711.540(3)(e)
Question Number:	9.34
Explanation:	No berms or other liquid runoff protections were observed by Department staff. Other than three Temporary Storage Trailers, no outside tire storage is depicted on the permitted site plan. Many new and used tires were observed stacked outside of these Trailers. Photographs taken during the inspection show at least 9 trailers and 2 shipping containers total.
Corrective Action:	Please adhere to the permitted site plan or apply for a permit modification to show outside tire storage. Please store tires only in areas shown by the permitted site plan. Please remove the waste tires stored outside within 15 days of the date listed on the attached Cover Letter.

Attachments:

Outside tire storage



Storage trailers not in site plan



Pre-existing Areas of Concern:

Rule:	62-711.540(1)(d)
Question Number:	9.10
Explanation:	On 10/05/2020, the Haines City Fire Department conducted a fire safety inspection at the facility. During the inspection, the Fire Department noted two items that required remediation by the facility; these items were supposed to be corrected within six months of issuance of the report.
Corrective Action:	Within 30 days of receipt of this inspection report, please correct the violations that were addressed in the fire safety inspection report. Please notify the Department once these actions have been completed.

Comments:

As of this 5/16/22 Inspection Report, the Department has not received a Fire Safety Survey for 2021 or 2022. Please submit the latest Fire Safety Survey to the department within 15 days of the date listed on the attached Cover Letter.

Attachments:

Fire Inspection Report Remarks

Inspection Remarks

Key lock box SHALL be installed prior to occupancy. The Haines City Fire Department requires KNOX® brand lock boxes, which can be ordered directly from their website www.knoxbox.com. Enter "Haines City Fire Dept." when ordering for the Fire Department/Agency or location where product will be installed. Order a Knox Box 3200 series or larger, preferably with a hinged lid.

#2 Where automatic sprinklers are installed, ceilings necessary for the proper actuation of the fire protection device in accordance with NFPA 13 shall be maintained.

Inspection passed with the understanding that both violations will be needed to be fixed within 6 months of inspection. 10/5/2020

COMMENTS:

On 5/16/2022, Facility staff on site did not know where the permit or any other required documents were kept in the office, so they were provided with contact information for the Department Inspector, and the Inspector was given the phone number of the office manager. It was agreed the documents would later be submitted to the Department.

On 6/1/2022, Facility staff were emailed a list of the missing documents to be submitted to the Department, and the permit to be kept on site: Annual Fire Safety Survey, Waste Tire Quantity Records, Emergency Preparedness Manual, Operation Plan, Permit, Financial Assurance Cost Estimates, Waste Tire Processing Facility Quarterly Report.

Item No. 1.8: Please work with the Solid Waste Financial Coordinator to assess the facility's compliance

with the funding mechanism requirements of Rule 62-701.630, F.A.C.

Item No. 9.10: The Department has not been notified that the items noted during the 10/5/2020 fire safety inspection have been addressed. Please address these items and notify the department within 15 days of the date listed on the cover letter.

Item No. 9.14: Facility staff on site on the day of the inspection did not know where waste quantity records were kept.

Signed:

Taylor Mandalou	Inspector	
PRINCIPAL INSPECTOR NAME	**PRINCIPAL INSPECTOR TITLE**	
	DEP	06/15/2022
PRINCIPAL INSPECTOR SIGNATURE	**ORGANIZATION**	**DATE**

Emily Stitt	Inspector
INSPECTOR NAME	**INSPECTOR TITLE**
NO SIGNATURE REQUIRED	DEP
INSPECTOR SIGNATURE	**ORGANIZATION**

Otto	Representative
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: Hannah Westervelt **Inspection Approval Date:** 06/15/2022