



# Florida Department of Environmental Protection

Central District  
3319 Maguire Boulevard, Suite 232  
Orlando, Florida 32803-3767

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

December 20, 2012

By E-Mail

Mkhan@titanamerica.com

In the Matter of an  
Application for Permit by:  
Tarmac America LLC  
11000 NW 121 Way  
Medley, FL 33198

WACS # 100946  
Pennsuco Complex - Waste Tire Processing Facility

Attention: Mr. Muhammad Khan

DEP File No. WT13-0314354-001

This is the Department's Intent to Issue Permit No. WT13-0314354-001. Enclosed are the "Notice of Proposed Agency Action" and Draft Permit for the project and file number noted above. Please contact the Solid Waste Program at 850-245-8721 if you have questions or need further information.

## INTENT TO ISSUE

The Department of Environmental Protection gives notice of its intent to issue a permit (copy of conditions attached) for the proposed project as detailed in the application specified above, for the reasons stated below.

On October 8, 2012, the applicant, Tarmac America LLC/ Muhammad Khan, applied to the Department of Environmental Protection for an operation permit to operate the Pennsuco Complex waste tire processing facility in Miami-Dade County, Florida.

The Department has permitting jurisdiction under Section 403.707(1), F.S. and Chapters 62-4, 62-701, and 62-711, F.A.C. The project is not exempt from permitting procedures. The Department has determined that an operation permit is required for the proposed work.

Pursuant to Section 403.815, F.S., you are required to publish, at your own expense, the enclosed Notice of Proposed Agency Action. The notice shall be published one time only within 30 days in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "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 Department at the address or telephone number listed below. You must provide proof of publication to the Department at the address listed below as soon as practical after publication. Department of Environmental Protection, 2600 Blair Stone Road, MS 4565, Tallahassee, FL 32399-3000, telephone 850/245-8721.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Petitions by the applicant or any of the parties listed below must be filed within 14 days of receipt of this written notice. Petitions filed by other persons must be filed within 14 days of publication of the notice or receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of such notice, regardless of the date of publication. The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
- (d) A statement of all material facts disputed by petitioner or a statement that there are no disputed facts;
- (e) A statement of the ultimate facts alleged, including a statement of the specific facts which the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wants the Department to take with respect to the Department's action or proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

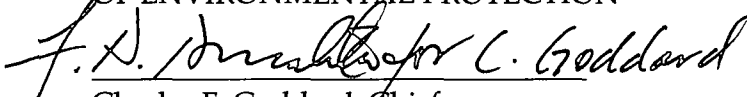
Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.

Any party to this order has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
Charles F. Goddard, Chief  
Bureau of Solid and Hazardous Waste

#### FILING AND ACKNOWLEDGMENT

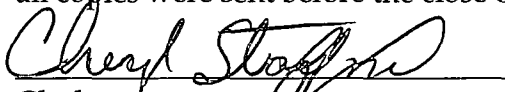
FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.

  
Clerk

12/20/12  
Date

#### CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this INTENT TO ISSUE and all copies were sent before the close of business on \_\_\_\_\_ to the listed persons.

  
Clerk

CG/ms

Enclosures

1. Wording for "Notice of Proposed Agency Action"
2. Draft Permit No. WT13-0314354-001

Ecopies furnished to:

Richard Tedder, P.E. - DEP - Tallahassee, [Richard.Tedder@dep.state.fl.us](mailto:Richard.Tedder@dep.state.fl.us)

FDEP Solid Waste Financial Coordinator, [solid.waste.financial.coordinator@dep.state.fl.us](mailto:solid.waste.financial.coordinator@dep.state.fl.us)

Mayra Flagler - Miami-Dade RER, [flaglm@miamidade.gov](mailto:flaglm@miamidade.gov)

Rashid Istambouli, P.E. - Miami-Dade RER, [istamr@miamidade.gov](mailto:istamr@miamidade.gov)

Maxwell R. Lee., P.E. - Koogler & Associates, Inc., [mlee@kooglerassociates.com](mailto:mlee@kooglerassociates.com)

Kyle Ulmer - Koogler & Associates, Inc., [kulmer@kooglerassociates.com](mailto:kulmer@kooglerassociates.com)

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NOTICE OF PROPOSED AGENCY ACTION

The Department of Environmental Protection gives Notice of its intent to issue an operation permit to Tarmac America, LLC / Muhammad Khan, 11000 NW 121 Way, Medley, Florida 33178, to operate the Pennsuco Complex waste tire processing facility in Miami-Dade County, FL. The facility is located at 11000 NW 121 Way, Medley, Florida 33178, in Section 31, Township 52 South, Range 40 East, in Miami-Dade County, Florida.

The Department has assigned File Number WT13-0314354-001 to the project.

The Department's file on this matter 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 of Environmental Protection, Tallahassee office, 2600 Blair Stone Road, MS 4565, Tallahassee, FL 32399-3000, Telephone 850/245-8721.

To view Documents in the Department's electronic filing system called Oculus:

Go to website: <http://dwmedms.dep.state.fl.us/Oculus/servlet/login>

Log in using the PUBLIC OCULUS LOGIN Button

Under Catalog - Highlight Solid Waste

Under Search by - Make Sure Profile is selected

Under Profile- Highlight Permitting Authorization

For Facility-Site ID - Enter 100946

For Document Date - Select the "Greater Than" Symbol (>) and enter 10-07-2012

Click on the Search Button

A person whose substantial interests are affected by the above proposed agency action may petition for an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within 14 days of publication of this notice or receipt of the written notice, whichever occurs first. The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

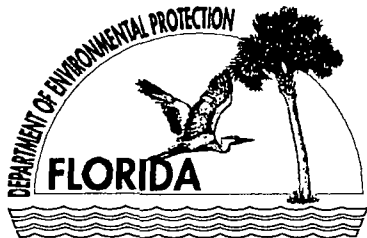
A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of all material facts disputed by petitioner or a statement that there are no disputed facts;
- (e) A statement of facts which the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wants the Department to take with respect to the Department's action or proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301 of the Florida Administrative Code.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

In accordance with Section 120.573, F.S., the Department advises that mediation is not available in this case as an alternative to filing a petition for an administrative determination.



# Florida Department of Environmental Protection

Central District  
3319 Maguire Boulevard, Suite 232  
Orlando, Florida 32803-3767

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

December 20, 2012

## NOTICE OF PERMIT

By-Email

Mkhan@titanamerica.com

In the matter of an  
Application for Permit  
By:

Mr. Muhammad Khan  
Tarmac America LLC  
11000 NW 121 Way  
Medley, FL 33198

WACS # 100946  
Pennsuco - Waste Tire Processing Facility  
DEP File No. WT13-0314354-001

Dear Mr. Khan:

Enclosed is Permit Number WT13-0314354-001 to construct and operate the Tarmac America waste tire processing facility, issued under Sections 403.061(14) and 403.707, of the Florida Statutes.

Any party to this order (permit) has the right to seek judicial review of the permit under section 120.68 of the Florida Statutes, by the filing of a Notice of Appeal under rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this notice is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

\_\_\_\_\_  
Charles F. Goddard, Chief  
Bureau of Solid and Hazardous Waste

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk,  
receipt of which is hereby acknowledged.

\_\_\_\_\_  
**Clerk**

\_\_\_\_\_  
**Date**

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF  
PERMIT and all copies were sent before the close of business on \_\_\_\_\_, 2012 to the  
listed persons.

\_\_\_\_\_  
**Clerk**

CG/ms

Enclosures

1. Permit No. WT13-0314354-001

Ecopies furnished to:

Richard Tedder, P.E. - DEP - Tallahassee, [Richard.Tedder@dep.state.fl.us](mailto:Richard.Tedder@dep.state.fl.us)

FDEP Solid Waste Financial Coordinator, [solid.waste.financial.coordinator@dep.state.fl.us](mailto:solid.waste.financial.coordinator@dep.state.fl.us)

Mayra Flagler - Miami-Dade RER, [flaglm@miamidade.gov](mailto:flaglm@miamidade.gov)

Rashid Istambouli, P.E. - Miami-Dade RER, [istamr@miamidade.gov](mailto:istamr@miamidade.gov)

Maxwell R. Lee., P.E. - Koogler & Associates, Inc., [mlee@kooglerassociates.com](mailto:mlee@kooglerassociates.com)

Kyle Ulmer - Koogler & Associates, Inc., [kulmer@kooglerassociates.com](mailto:kulmer@kooglerassociates.com)





**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

BOB MARTINEZ CENTER  
2600 BLAIRSTONE ROAD  
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT  
GOVERNOR

JENNIFER CARROLL  
LT. GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

**Permit Issued to:**

Tarmac America, LLC  
11000 NW 121 Way  
Medley, Florida  
(305) 200-1655

Facility WACS ID No.: 100946  
Facility Name: Pennsuco Complex  
11000 NW 121 Way  
Medley, Miami-Dade County, Florida

Contact Person:  
Muhammad Khan  
[mkhan@titanamerica.com](mailto:mkhan@titanamerica.com)

**Solid Waste Operation Permit – Waste Tire Processing Facility**  
Permit No.: WT13-0314354-001

Permit Issued: [01/xx/2013]  
Permit Renewal Application Due Date: 11/??/2017  
Permit Expires: 01/xx/2018

**Permitting Authority**  
Florida Department of Environmental Protection  
Tallahassee Office  
2600 Blair Stone Road, MS 4565  
Tallahassee, Florida 32399-3000  
(850) 245-8721

## SECTION 1 - SUMMARY INFORMATION

### A. Authorization

The permittee is hereby authorized to construct and operate a waste tire processing facility in accordance with the specific and general conditions of this permit and any documents attached to this permit or specifically referenced in this permit and made a part of this permit.

This solid waste construction/operation permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 62-4, 62-701, and 62-711.

This permit does not relieve the permittee from complying with any other appropriate local zoning or land use ordinances or with any other laws, rules or ordinances. Receipt of any permit from the Department does not relieve the applicant from obtaining other federal, state, and local permits and/or modifications required by law, including those from other sections within the Department or of the Water Management District.

### B. Facility Location

The facility is located at 11000 NW 121 Way, Medley, in Section 31, Township 52 South, Range 40 East, in Miami-Dade County, Florida (Latitude 25° 52' 26" N, Longitude 80° 22' 20" W).

### C. Facility Description

The above named permittee is hereby authorized for the following operations:

- To operate a waste tire processing facility.
- Processing involves storage of whole waste tires.
- All storage is within covered or enclosed containers and operations are performed indoors.
- On-site waste tire storage capacity is 300 tons of waste tires.

### D. Appendices Made Part of This Permit

APPENDIX 1 - General Conditions

APPENDIX 2 – Approved Application Documents

### E. Attachments for Informational Purposes Only [None]

## SECTION 2 - SPECIFIC CONDITIONS

### A. Administrative Requirements

1. Documents Part of This Permit. The permit application **as finally revised, replaced or amended** in response to the Department's Request(s) for Additional Information are contained in the Department's files and are made a part of this permit. Those documents that make up the complete permit application are listed in APPENDIX 2.
2. Permit Modification. Any change to operation of this permit may require a modification to this permit, in accordance with the provisions of Rule 62-701.320(4), F.A.C.
3. Permit Renewal. In order to ensure uninterrupted operation of this facility, a timely and sufficient permit renewal application must be submitted to the Department in accordance with Rule 62-701.320(10), F.A.C. A permit application submitted at least 61 days prior to the expiration of this permit is considered timely and sufficient.
4. Transfer of Permit or Name Change. In accordance with Rule 62-701.320(11), F.A.C., the Department must be notified in writing within 30 days: (1) of any sale or conveyance of the facility; (2) if a new or different person takes ownership or control of the facility; or (3) if the facility name is changed.

### B. Operation Requirements

1. General Operating Requirements. The Permittee shall operate the facility in accordance with the approved Operation Plan. The Department shall be notified before any changes, other than minor deviations, to the approved Operation Plan are implemented in order to determine whether a permit modification is required.
2. Authorized Waste and Material Types. The facility is authorized to manage only the following:
  - a) Whole waste tires as defined in Rule 62-701.200, F.A.C.
3. Unauthorized Waste Types. The facility is not authorized to accept or manage any waste types not listed in B.2. above. In addition, the facility is not authorized to accept or manage processed tire chips. Any unauthorized waste inadvertently received by the facility shall be managed in accordance with the approved Operation Plan.
4. Maximum Storage Quantities. The maximum storage at the facility for whole waste tires, including used tires for re-sale, shall be 300 tons in accordance with Rule 62-711.530(2), F.A.C.
5. Facility Capacity. If the facility has reached its permitted capacity for storage of waste tires, the permittee shall not accept additional waste tires until sufficient capacity has been restored.
6. Storage and Management. All waste tires will be stored in covered or enclosed containers and shall meet the Miami-Dade Fire Rescue Department's standards along with the applicable storage requirements cited in Rule 62-711.540, F.A.C.

7. Contingency Plan and Notification of Emergencies. The Permittee shall notify the Department in accordance with the approved Contingency Plan. Notification shall be made to the Solid Waste Division of the Department of Regulatory and Economic Resources Office at (305) 372-6800.
8. Operations Involving Use of Open Flames. No operations involving the use of open flames shall be conducted within 25 feet of a waste tire pile, Rule 62-711.540(1)(b), F.A.C.
9. Processing Requirements. At least 75% of the whole tires that are delivered to or are contained on the site at the beginning of each calendar year must be processed and removed for disposal or recycling from the facility during the year, or disposed in a permitted solid waste management facility Rule 62-711.530(3), F.A.C.
10. Quarterly Reports. Owners or operators of waste tire processing facilities shall submit quarterly reports to the Department that summarize the information collected under Rule 62-711.530(4), F.A.C. The reports shall be submitted on DEP Form 62-701.900(21), on the 20<sup>th</sup> of the month following the close of each calendar quarter to the Solid Waste Division of the Department of Regulatory and Economic Resources Office – Solid Waste Section, 701 NW 1<sup>st</sup> Court, Suite 700, Miami, Florida 33136-3912, with a copy to the Department of Environmental Protection, Solid Waste Section, 2600 Blair Stone Road, MS 4565, Tallahassee, Florida 32399, Rule 62-711.530(5), F.A.C.

#### **D. Water Quality Monitoring Requirements**

[There are no water quality monitoring requirements for this facility.]

#### **E. Gas Management System Requirements**

[There are no gas management requirements for this facility.]

#### **F. Closure Requirements**

[There are no closure requirements for this facility.]

#### **G. Financial Assurance and Cost Estimates**

1. Financial Assurance Mechanism.
  - a. The permittee shall maintain, in good standing, the financial assurance mechanism established to demonstrate proof of financial assurance. Support documentation and evidence of financial assurance increases shall be submitted within the time frames specified in Rule 62-711.500(3), F.A.C.

- b. All submittals in response to this specific condition shall be sent to:

Florida Department of Environmental Protection  
Financial Coordinator - Solid Waste Section  
2600 Blair Stone Road, MS 4565  
Tallahassee, Florida 32399-2400

2. Annual Cost Estimates. The permittee shall annually adjust the closing cost estimate in accordance with Rule 62-711.500(3), F.A.C. The owner or operator shall submit the annual cost estimate at least 60 days prior to the anniversary date of their financial assurance mechanism.

All submittals in response to this specific condition shall be sent to:

Florida Department of Environmental Protection  
Financial Coordinator - Solid Waste Section  
2600 Blair Stone Road, MS 4565  
Tallahassee, Florida 32399-2400

Executed in Leon County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

Charles F. Goddard, Chief  
Bureau of Solid and Hazardous Waste

FILED, on this date, pursuant to Section 120.52, F.S. with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk

Date

## APPENDIX 1

### General Conditions

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.161, 403.727, or 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of rights, nor any infringement of federal, State, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
  - (a) Have access to and copy any records that must be kept under conditions of the permit;
  - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
  - (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.Reasonable time may depend on the nature of the concern being investigated.
8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
  - (a) A description of and cause of noncompliance; and
  - (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

11. This permit or a copy thereof shall be kept at the work site of the permitted activity.

12. The permittee shall comply with the following:

(a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

(b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

(c) Records of monitoring information shall include:

1. the date, exact place, and time of sampling or measurements;
2. the person responsible for performing the sampling or measurements;
3. the dates analyses were performed;
4. the person responsible for performing the analyses;
5. the analytical techniques or methods used;
6. the results of such analyses.

13. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

## **APPENDIX 2**

### **Approved Application Documents**

1. Waste Tire processing Facility permit Application, dated September 28, 2012. Received and stamped October 8, 2012, DEP – Tallahassee.
2. First Request for Additional Information from DEP –dated November 6, 2012.
3. Response to First Request for Additional Information from Tarmac America. Receipt of Financial assurance information December 12, 2012 by DEP, Tallahassee. Letter of Financial Assurance acceptance dated, December 13, 2012, DEP – Tallahassee. Letter of Authorization dated August 24, 2012, Tarmac America received via email November 15, 2012.
4. Permit Application Complete Letter from DEP – Tallahassee dated December 20, 2012.