



Regulatory and Economic Resources
Environmental Resources Management
701 NW 1st Court • 7th Floor
Miami, Florida 33136-3912
T 305-372-6600 F 305-372-6893

November 4, 2019

miamidade.gov

Attn: Jackelin X. Simmons, Plant Manager
CEMEX Construction Materials Florida, LLC
1200 NW 137th Avenue
Miami, FL 33182

CERTIFIED MAIL NO. 7018 3090 0001 7152 9289
RETURN RECEIPT REQUESTED

Re: FDEP Waste Tire Processing Facility permit renewal application dated September 30, 2019 for the renewal of the FDEP Permit No. 0146251-007-WT issued to CEMEX Construction Materials Florida, LLC for the facility located at, near, or in the vicinity of 1200 NW 137th Avenue, Miami-Dade County, Florida; FDEP Project No. 0146251-008-WT / FDEP WACS No. 59293; DERM No. SW-1117.


Dear Ms. Simmons:

The Environmental Permitting Section (EPS) of the Department of Regulatory and Economic Resources (DER)-Division of Environmental Resources Management (DERM), under delegation by the Florida Department of Environmental Protection (hereafter jointly referred to as the Department), hereby acknowledges receipt of the referenced submittal on October 7, 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 xx-xx-xxxx 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 (attached) shall be submitted within forty five (45) days from the date of this letter. Further evaluation of the permit modification will 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 regarding the above, 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 and 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, Ryan Briggie, Bruce Coward, P.E. – DERM,
Tor Bejnar – FDEP/TLH (via email: tor.bejnar@FloridaDEP.gov)
SW Financial Coordinator – FDEP (via email: Solid.Waste.Financial.Coordinator@FloridaDEP.gov)
Maxwell R. Lee, Ph.D., P.E. – Koogler and Associates, Inc. (via email: mlee@kooglerassociates.com)
Tammy Garcia – Koogler and Associates, Inc. (via email: tgarcia@kooglerassociates.com)
M. Roger Hogg, P.E. – CEMEX Construction Materials Florida, LLC (via email: mauricer.hogg@cemex.com)
DERM No. SW-1117 / Oculus (WACS No. 59293)

**CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC, WASTE TIRE PROCESSING FACILITY
REQUEST FOR ADDITIONAL INFORMATION No. 1 (RAI #1)**

In order to complete the review of the referenced application pursuant to Section 403.087(4), Florida Statutes (F.S.), and Chapter 62-701, Florida Administrative Code (F.A.C.), please address the following Request for Additional Information (RAI) item(s) noted below:

1. In accordance with State of Florida Division of Corporations records, be advised that the individual listed as the "authorized representative" in Section A of Part IV (i.e., Jackelin X. Simmons) of the referenced permit renewal application form is not a registered corporate officer of the company applying for the permit (i.e., CEMEX Construction Materials Florida, LLC). Therefore, either submit a revised permit renewal application form that is signed by a registered corporate officer or provide a separate notarized letter signed by a registered corporate officer that duly authorizes Ms. Simmons to sign and submit the subject permit application.

The registered corporate officer noted above shall be one that is authorized to act on behalf of the business entity as indicated in the FDEP Policy Guidance memorandum #SWM-04.31, a copy of which is available at:

<https://floridadep.gov/waste/permitting-compliance-assistance/content/solid-waste-guidance-memos-documents>

Additionally, be advised of the following:

- A. A review of Department records indicates that the referenced facility qualifies for the issuance of an extended duration permit of up to 10 years pursuant to Rule 62-711.320(9)(d), F.A.C. As part of the response to this letter, be advised that the applicant may include a written notification requesting the issuance of an extended duration permit. If the request is considered, the notification must also indicate how the remaining balance (\$1,250.00) of the total 10-year permit fee (\$2,500.00) is to be paid to the Department. Pursuant to Rules 62-701.315(13) and (14), F.A.C., the applicant may pay the remaining balance as lump sum as part of the current permitting process or as 5-year installments. If in the case of the latter, the permit will include a permit condition indicating the amount and due date of each installment payment. Failure to provide the notification prior to the permit application being deemed complete shall result in the Department proceeding with the issuance of a permit with duration of 5 years.

When an extended duration permit is issued, be advised that the total permit fee is due to the Department regardless of whether the permittee closes the permit, surrenders the permit, has the permit revoked, or transfers the permit before it expires. If the permittee elects to transfer the permit, it must either pay the entirety of the fee due before submitting the application for transfer, or it must include with the transfer application a signed agreement from the proposed transferee to accept responsibility for the remainder of the permit fee due. Future amendments to Rule 62-701.315, F.A.C. that result in increases in permit fees will not increase the fees for the permittee until a permit renewal or modification application is submitted to the Department.

- B. Pursuant to Section 120.60(2), F.S., 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.
- C. The referenced permit renewal application was submitted sixty (60) days prior to the expiration of the current permit and is therefore considered "timely and sufficient" pursuant to Rule 62-701.320(10)(a), F.A.C. For this reason, the existing permit shall remain in effect until the renewal application has been finally acted upon by the Department or as otherwise provided in Section 120.60, F.S.