

## Wargo, Emily

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**From:** Wargo, Emily  
**Sent:** Tuesday, September 15, 2020 8:47 AM  
**To:** robertandsonsdistributor@gmail.com  
**Cc:** Susan; Morgan, Steve; Vazquez, Pamala; Boatwright, Kelley M.; Tafuni, Steven  
**Subject:** Request for Additional Information - Final Reminder - Robert and Sons Tires Corp., Permit Application No. 385348-001-WT/02  
**Attachments:** Robert and Sons Tires Corp. - RJ Tires WTPF - Final RAI Reminder (WACS No. 106464).pdf

Mr. Vargas:

Please find attached the final reminder of the Department's Request for Additional Information with regards to your permit application for a waste tire processing facility. As stated in the attached letter, the final deadline to provide the requested additional information is **October 30, 2020**.

Please let me know if you have any questions.

Thank you,



**Emily Wargo**  
**Engineering Specialist II**  
Florida Department of Environmental Protection  
Southwest District  
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Office: 813-470-5942

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# FLORIDA DEPARTMENT OF Environmental Protection

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Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

September 15, 2020

Mr. Robert Vargas  
Robert and Sons Tires Corp.  
507 Nilsen Street  
Haines City, FL 33844  
[robertandsonsdistributor@gmail.com](mailto:robertandsonsdistributor@gmail.com)

RE: **Request for Additional Information – Final Reminder**  
RJ Tires Waste Tire Processing Facility, Polk County  
Pending Permit No.: 385348-001-WT/02  
WACS ID No.: 106464

Dear Mr. Vargas:

On March 1, 2020, we received your initial permit application for a waste tire processing facility located at the above referenced address. Sufficient fee for this application was received on March 12, 2020. The application was deemed incomplete, and we issued a request for additional information letter on March 13, 2020 which included the following items needed to process your application:

1. **Proof of Funding.** As required by Rule 62-711.500(3)(a), F.A.C., please provide the Department with proof of financial assurance issued in favor of the State of Florida in the amount of the closing cost estimate for the facility approved by the Department on March 4, 2020.
2. **Proof of Publication.** As required by Rule 62-701.320(8), F.A.C., please provide the Department with proof of publication of the Notice of Application provided in Appendix C of the Engineering Report.
3. **Fire Safety Survey.** Please provide a copy of the fire safety survey, as required by Part III-B.7 of DEP Form # 62-701.900(23) and Rule 62-711.540(1)(d), F.A.C.

A reminder of our request for additional information was sent on May 12, 2020. On May 26, 2020 the Department was copied on correspondence between your consultant, Ms. Susan Pelz, and Mr. Tor Bejnar, in the Department's Financial Assurance Working Group, in relation to the financial assurance funding required by Item 1, above. On May 27, 2020, Mr. Bejnar indicated that he had spoken to you and began interacting with an insurance/bond agent on your behalf.

On June 26, 2020 the Department received the proof of publication required in Item 2, above, and was copied on additional correspondence between Ms. Pelz and Mr. Bejnar which indicated that Mr. Bejnar was continuing to assist a Ms. Marlin Perla, who was operating on your behalf, with the funding required for Item 1. On August 25, 2020, Mr. Bejnar reached out to you and Ms. Pelz indicating that he had still not received the financial assurance documentation required by Item 1. To date, we have still not received the proof of funding requested in Item 1, nor the fire safety survey requested in Item 3. Rule 62-4.055(1) of the Florida Administrative Code requires the following:

Robert and Sons Tires Corp.

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*“The applicant shall have **ninety days** after the Department mails a timely request for additional information to submit that information to the Department. If an applicant requires more than ninety days in which to respond to a request for additional information, the applicant may notify the Department in writing of the circumstances, at which time the application shall be held in active status for one additional period of up to ninety days. Additional extensions shall be granted for good cause shown by the applicant. A showing that the applicant is making a diligent effort to obtain the requested additional information shall constitute good cause. Failure of an applicant to provide the timely requested information by the applicable deadline **shall result in denial** of the application.”*

It has been more than **180** days since we notified you of the deficiencies in your application. You are reminded that the permit processing time clock has stopped for this project and that we will not continue our review until we receive the additional information.

You are also reminded that the Department conducted a compliance assistance site visit to your facility on **March 15, 2018** and advised you in person and in a follow-up e-mail on the same day that a waste tire processing facility permit was required for your operation. Because of your failure to provide a complete permit application, RJ Tires has been operating without a required waste tire processing facility permit **since at least March 15, 2018**. These actions demonstrate a failure to make diligent efforts to submit the information required to obtain the necessary permit and therefore fail to show good cause for the Department to grant further extensions of time to respond.

You must provide the requested additional information on or before October 30, 2020. If you fail to provide the additional information, we may deny your permit application and notify the Department's Compliance Assurance Program. If you have any questions regarding this matter, I encourage you to contact the Solid Waste Permitting Manager, Mr. Steve Morgan, at (813) 470-5754, or e-mail at [Steve.Morgan@FloridaDEP.gov](mailto:Steve.Morgan@FloridaDEP.gov).

Sincerely,



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Pamala Vazquez  
Program Administrator  
Permitting and Waste Cleanup Program  
Southwest District

cc: Susan Pelz, P.E., Pelz Environmental Services, Inc., [Susan@PelzEnvServices.com](mailto:Susan@PelzEnvServices.com)  
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