



December 7, 2020

VIA ELECTRONIC MAIL: sales@jetires.net

Attn: Roland Nasr, President
JE Tires of Florida, LLC
5280 NW 165th Street
Miami Gardens, FL 33014

RE: FDEP Waste Tire Processing Facility Permit Application dated October 14, 2020 submitted by JE Tires of Florida, LLC and pertaining to the proposed JE Tires of Florida, LLC facility to be located at, near, or in the vicinity of 5280 NW 165th Street, Miami Gardens, Miami-Dade County, FL; Folio No. 34-2118-004-0016; FDEP Project No. 0394629-001-WT; FDEP WACS No. 106805; DERM No. SW-2019.

Dear Mr. Nasr:

The Environmental Permitting Section (EPS) of the Department of Regulatory and Economic Resources (RER) - 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 November 7, 2020. Based on the Department's review, the application is incomplete at this time.

Please provide the information requested on the attached sheet(s) as soon as possible. The Department must receive a response within ninety (90) days of the date of this letter, unless a written request for additional time to provide the requested information is submitted and approved. Pursuant to Rule 62-4.055(1), Florida Administrative Code (F.A.C.) and Section 120.60, Florida Statutes (F.S.), be advised that failure of an applicant to provide the timely requested information by the applicable deadline may result in denial of the permit application.

The herein requested information shall be submitted to the individuals listed below. Be advised that failure to provide a timely response may also result in enforcement action by DERM.

If you have any questions concerning the above, please contact Bruce Coward (bruce.coward@miamidade.gov) or the undersigned (johnny.vega@miamidade.gov) of the EPS at (305) 372-6600.

Sincerely,


Johnny Vega, P.E., Manager
Environmental Permitting Section
Pollution Regulation Division

Enclosures: Copy of Notice of Application letter dated November 13, 2020

Copies furnished to:

Johnny Vega, P.E., Bruce Coward, P.E., Danielle Jimenez, Patti Emad, Alejandro Vergara – DERM (via email)
Peter Baljet, P.E. – Baljet Environmental, Inc. (via email: peterbaljet1941@gmail.com)
Tor Bejnar – FDEP (via email: tor.bejnar@dep.state.fl.us)
ECM (DERM No. SW-2019) / Oculus (FDEP WACS No. 106805)



ATTACHMENT: 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.), Chapters 62-4, 62-701 and 62-711, Florida Administrative Code (F.A.C.), please address the comments noted below.

- 1) Proof of publication of the Notice of Application issued to the applicant on November 13, 2020 must be submitted to the Department in accordance with the requirements stipulated in said correspondence (copy attached).

Application Part I – General Information

- 2) The City (Miami Gardens) shall be listed in item #3, Section A, of the referenced FDEP application. Therefore, revise and resubmit the FDEP permit application form #62-701.900(23) as a complete document (i.e., all pages of the form must be resubmitted as a complete document) accordingly.
- 3) Applicant checked off the “No” option under item #7, Section A, of the referenced application. However, records indicate that the applicant (JE Tires of Florida, LLC) has previously been under enforcement for operating waste tire processing facilities without permits at other locations in Miami-Dade County. Refer to the summary table below.

DERM ID	FDEP WACS ID	Description	Date	Remarks
SW-1849	101541	Field Notice of Violation	5/24/2013	Operating without valid FDEP/DERM permits
		Notice of Violation	4/16/2014	Operating without valid FDEP/DERM permits
		Final Notice Prior to Court Action	5/22/2014	Operating without valid FDEP/DERM permits; FDEP permit obtained on 05/25/15; DERM permit obtained on 06/08/15.
SW-2000	106052	Field Notice of Violation	2/22/2019	Operating without valid FDEP/DERM permits; Closure notification and permit application withdrawal request submitted on 12/05/20.

Based on the above, the applicant shall provide a history and description of enforcement actions that were taken by the Department (i.e., FDEP and any delegated program such as DERM) against the applicant relating to the operation of any solid waste management facility in the State of Florida (i.e., inside and outside Miami-Dade County as applicable) as required by the referenced application for permit. Additionally, the option selected under item #7, Section A of the application form shall be changed to “Yes” and the application form resubmitted as a complete document (i.e., all pages of the form must be resubmitted as a complete document).

- 4) The facility’s geographical (lat/long) coordinates omitted from item #7, Section B, of the referenced FDEP application (latitude and longitude) shall be provided. Please verify the accuracy and formatting of the lat/long coordinates before completing this item. Revise and resubmit the FDEP permit application form #62-701.900(23) as a complete document (i.e., all pages of the form must be resubmitted as a complete document) accordingly.

Application Part II – Operations

- 5) The storage information provided under Section C of the referenced FDEP permit application for waste tires (including used tires), listed as 120 tons, is inconsistent with the following:
 - (a) The maximum quantity of waste (used) tires stored at any one time as described in the “Description of Waste Storage/Processing Activities” section of the submittal (i.e., 600 tons).
 - (b) The closure cost estimate documents which is based on 600 tons of waste(used) tires as the maximum quantity to be stored at any time.
 - (c) The maximum quantity of tires (60,000 tires / 600 tons) referenced on the submitted site plan (sheet 1 of 1)

If the maximum quantity to be stored on-site at any time is 600 tons, then this section of the application form #62-701.900(23) needs to be revised to reflect this figure and the form resubmitted as a complete document.

Application Part III – Attachments

- 6) The documentation (e.g., site plan, boundary survey) submitted to satisfy the requirements of Section A, item #2, did not include the following required information:
- (a) All wetlands and water bodies within the facility or within 200 feet of any storage area;
 - (b) Stormwater control measures, including ditches, dikes and other structures (e.g., catch basins, exfiltration trenches, retention areas, etc.);
 - (c) Location, size and depth of all wells within the facility or within 200 feet of any storage area;
 - (d) All areas used for loading and unloading.

If any of the above listed features is not present, include a clarifying note in the plans indicating the same. For example, "No wetlands or water bodies located on or within 200 feet of any storage area." The revised documents shall be properly signed and sealed by the certifying professional (e.g., professional engineer, etc.) prior to their submittal.

- 7) The submitted site plan (sheet 1 of 1) shall be revised to address the following additional comments:
- (a) The legal boundaries of the facility appear to be shown on the site plan, however said feature is neither labeled nor shown on the plan's legend. Please revise accordingly. The revised plan shall be properly signed and sealed by the certifying professional (e.g., professional engineer, etc.).
 - (b) Call out on the plan the type of structures (e.g., metal cage, etc.) that serve as the subdivisions for the storage compartments described in the plan's legend.
 - (c) Call out the type of structure (e.g., wall, metal fence, etc.) that surrounds the entire waste tire storage area that is located within the warehouse building. Also identify the ingress/egress locations (e.g., gates, etc.) to said area that appear to be shown along the northern and southern perimeters of said structure.
 - (d) If the facility is served by a fire sprinkler system, this shall be indicated in the plan notes.
- 8) Page 1 of the submitted "Operations Plan" states in part that the storage of tires will be conducted in compliance with Rule 62-711.540(1), F.A.C. and refers the reader to an annexed copy of the actual rule. This methodology for presenting the information is not acceptable as it does not provide substantiation to the reviewer as to how compliance is being achieved or will be achieved for some of the requirements listed in said rule. For this reason, the comments listed below shall be addressed. Additionally, revisions to the formatting and organization of the Operations Plan are strongly recommended so that the information can be understood not only by the reviewer but also by facility staff responsible for its implementation.
- (a) Pursuant to Rule 62-711.540(1)(a), F.A.C., if the site receives waste tires from the public, a sign shall be posted at the entrance of the site stating operating hours, cost of disposal and site rules. If applicable, language consistent with this requirement shall be included in the "Operations Plan."
 - (b) Pursuant to Rule 62-711.540(1)(b), F.A.C., the "Operations Plan" shall include a statement indicating that "No operations involving the use of open flames shall be conducted within 25 feet of a waste tire pile."
 - (c) Pursuant to Rule 62-711.540(1)(c), F.A.C, if the site receives waste tires from the public, the "Operations Plan" shall be revised to indicate that an "attendant shall be present when the site is open for business" or other language consistent with this requirement.
 - (d) Pursuant to Rule 62-711.540(1)(g), F.A.C, the "Operations Plan" shall provide a section describing the facility's record keeping protocols to be followed that shall include, but not limited to, provisions for the operator to "maintain records of the quantity of waste tires received at the site, stored at the site, and shipped from the site" as required by rule.
 - (e) Pursuant to Rule 62-711.540(1)(j), F.A.C, the "Operations Plan" shall describe the facility's protocols that "provide for control of mosquitoes and rodents so as to protect the public health and welfare" as required by rule.
- 9) A copy of a current fire safety survey for the referenced facility shall be provided as required under Section B, item #7, of the FDEP permit application and Rule 62-711.540(1)(d), F.A.C. Please contact the Miami-Dade Fire Department's Fire Prevention Division at (786) 331-4800 or visit their website at <https://www.miamidade.gov/global/fire/home.page> for information and assistance concerning fire inspection and operating permit requirements (e.g., life safety operating permit, etc.) applicable to the proposed operation at the referenced location.
- 10) The "Description of Tire/Storage Processing Activities" and "Plan of Operations" sections of the submitted application package shall be revised to clearly state that, at no time, shall the storage of waste/used tires exceed

the permitted maximum quantity stipulated in the facility's DERM/FDEP solid waste management facility permits and associated closure cost estimate.

- 11) The submitted closure cost estimate intended to address the requirements of Rule 62-711.500(3), F.A.C., is not acceptable because the supporting third-party estimate from MMD Tires Corp. is not original and cannot be considered as current due to the lack of a written date. Additionally, the signed/sealed cost estimate page references the (soon to close) JE Tires of Florida, LLC facility located at 3690 NW 62 ST and not the location that is the subject of this review (i.e., 5280 NW 165th ST, Miami Gardens, FL 33014). Please address said discrepancies and provide an updated signed/sealed cost estimate that is supported by a current third party quotation that establishes the fair market cost for the loading, transportation and disposal of the maximum quantity of waste/used tires (60,000 tires / 600 tons) to be stored at the facility. If you have any questions regarding the preparation of the revised estimate, please contact permitting staff identified at the end of page 1 of this letter for guidance/assistance prior to the submittal of a formal response.
- 12) Upon approval of the closure cost estimate referenced in the preceding comment, be advised that the applicant shall provide all necessary documentation to demonstrate compliance with the financial assurance requirements established in Chapter 62-711 and 62-701, F.A.C. This comment shall remain outstanding until the cost estimate has been approved by DERM and the applicant obtained the FDEP's Solid Waste Financial Coordinator's approval for the establishment of a suitable financial assurance mechanism for the facility.
- 13) The copy of the lease agreement provided in the submittal states that the property owner authorizes JE Tires, Inc., not the applicant (JE Tires of Florida, LLC), to use of the facility. Based on the foregoing information, the applicant shall provide a letter of authorization from the legal property owner that specifically grants the applicant (JE Tires of Florida, LLC) authorization to operate a waste tire processing facility (limited to the storage of waste tires) at the referenced location as required pursuant to Section E of the FDEP permit application form.

Additionally, be advised of the following:

- A. If needed, a teleconference may be requested with this office to discuss the comments provided in this letter. Said request shall be made within seven (7) days of receipt of this letter.
- B. The response to this Request for Additional Information (RAI) shall comply with the provisions of Rule 62-701.320, F.A.C.. Please reference the FDEP permit number and County (DERM) tracking number for the facility in the response to ensure that it is properly and promptly routed upon receipt.
- C. Failure to provide a timely response may result in enforcement action by DERM.
- D. When responding to this Request for Additional information (RAI), if a response modifies a section of the documents, the respective section(s) should be updated accordingly. A revised, complete version of the documents that includes all revisions made in responding to this RAI should be attached. To enable the Department to view changes to the documents, all additions should be underlined (e.g., added) and all deletions should be struck through (e.g., ~~deleted~~). Additionally, the submittal should make a positive statement that all revisions have been tracked in the aforementioned way. By this method, the Department hopes to have one final version of the respective documents that includes all revisions made during the permitting process.
- E. Be advised that additional information may be required by DERM upon receipt and review of the information requested in this letter.
- F. All revisions to plans shall be clearly indicated by clouding the affected area and placing an adjacent triangular flag circumscribing the appropriate revision number on the drawing. A brief description of the revision made shall also be noted in the revision block on the plan.
- G. If your responses involve the practice of engineering or geology, as defined in Chapters 471 or 492, Florida Statutes respectively, please have that work signed and sealed by a professional engineer or professional geologist as appropriate.
- H. In the case that electronic submittals exceed the maximum allowable file size for email transmittals, a file transfer service (e.g., dropbox, FTP service, etc.) must be used to submit the response. All files transmitted electronically must be in portable document format (pdf), contain one layer (flattened) without any embedded objects, not be encrypted or password protected, and not exceed 500 megabytes in size.

- I. For electronically transmitted submittals, be advised that documents that require certification by a licensed professional (e.g., professional engineer, surveyor, geologist, etc.) must be digitally/electronically signed and sealed in accordance with the rules governing the use of digital/electronic seals and signatures established by the applicable licensing board. Furthermore, be advised that the referenced permit application will not be deemed complete until the Department is in receipt of documents that bear the proper digital/electronic seal and signature.



November 13, 2020

Attn: Roland Nasr, President
JE Tires of Florida, LLC
5280 NW 165 Street
Miami Gardens, FL 33014

CERTIFIED MAIL NO. 7019 0700 0000 4552 6459
RETURN RECEIPT REQUESTED

NOTICE OF APPLICATION

Re: FDEP Waste Tire Processing Facility permit application dated October 14, 2020 for the proposed JE Tires of Florida, LLC facility located at, near or in the vicinity of 5280 NW 165 Street, Miami Gardens, Miami-Dade County, Florida; FDEP Project No. 0394629-001-WT / WACS No. 106805; DERM No. SW-2019)

Dear Mr. Nasr:

The Miami-Dade County Department of Regulatory and Economic Resources (RER) – Division of Environmental Resources Management (DERM), under delegation by the Florida Department of Environmental Protection (FDEP), hereafter jointly referred to as the Department, hereby acknowledges receipt of the referenced application on November 7, 2020.

Pursuant to Section 403.815, Florida Statutes (F.S.), and Rules 62-701.320(8) and 62-110.106, Florida Administrative Code, you (the applicant) are required to publish at your own expense the enclosed Notice of Application. The notice shall be published one time only within fourteen (14) days, in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this notice, "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 undersigned at the listed email address or telephone number.

Proof of publication shall be provided to the Department of Regulatory and Economic Resources, Environmental Permitting Section, 701 NW 1st Ct, 7th Floor, Miami, Florida 33136 within seven (7) days of publication. The proof of publication shall be certified by the publishing company and notarized in order for it to be deemed acceptable by the Department. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

If you have any questions regarding the above, please contact Bruce Coward, P.E. or Johnny Vega, P.E. with the DERM Environmental Permitting Section at telephone number (305) 372-6600 or via email respectively at cowarb@miamidade.gov and vegajo@miamidade.gov.

Sincerely,


Johnny Vega, P.E., Manager
Environmental Permitting Section
Pollution Regulation Division

Enclosure: Notice of Application

Ec: Johnny Vega, P.E., Bruce Coward, P.E., Danielle Jimenez, Patti Emad, Alex Vergara – DERM
Roland Nasr – JE Tires of Florida, LLC (via email: sales@jetires.net)
Peter P. Baljet, P.E. – Baljet Environmental, Inc. (via email: peterbaljet1941@gmail.com)
Oculus (WACS No. 106805) / ECM (DERM No. SW-2019)

MIAMI-DADE
COUNTY



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
miamidade.gov

**MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES
NOTICE OF APPLICATION**

The Department of Regulatory and Economic Resources, under delegation by the Florida Department of Environmental Protection, announces receipt of an application for permit from JE Tires of Florida, LLC on November 7, 2020 to operate a waste processing facility limited to the storage of waste tires. This proposed project will be located at, near, or in the vicinity of 5280 NW 165 Street, Miami Gardens, FL 33014.

This application (FDEP Project No. 0394629-001-WT / FDEP Facility ID No. 106805; DERM File No. SW-2019) is being processed, and 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's Records Management Section located at 701 NW 1st Court, 3rd Floor, Miami, FL 33136, phone 305-372-6564. Records may also be retrieved online from <https://depdms.dep.state.fl.us/Oculus/> and <http://ecmrer.miamidade.gov>. Any comments or objections should be submitted as soon as possible to the Department's Environmental Permitting Section at 701 NW 1st Court, 7th Floor, Miami, FL 33136 or via email to dermpermits@miamidade.gov to ensure there is adequate time for them to be considered in the Department's decision on the application.

