FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

December 7, 2022

Webber Recycling, LLC
c/o Bernard Saul Sain, Registered Agent
11871 Catrakee Drive
Jacksonville, Florida 32223

RE: <u>Final Order</u>
OGC File No. 22-0268
Facility ID No. 106211
Duval County – Solid Waste Program

Dear Mr. Sain:

On October 18, 2022, the Department issued a Notice of Violation (NOV) to Respondent Webber Recycling, LLC. The NOV was delivered by certified mail on October 22, 2022. The Department did not receive a timely request for a hearing by the deadline of November 14, 2022.

Enclosed is a Final Order issued by the Department in the above referenced case as a result of your failure to file a timely response to the NOV. The Final Order addresses allegations of violations of Florida Statutes and Department Rules. It also explains what corrective actions need to be performed within specified time frames. All Final Order time requirements begin the date that it is clerked in our Department unless otherwise noted.

Your cooperation in this matter is greatly appreciated. If you have any questions, please contact Jeff Schroer at the above letterhead address, by phone at (904) 256-1576, or by email at Jeffrey.Schroer@FloridaDEP.gov.

Sincerely,

James R. Maher. PE
Assistant Director

Enclosures: Final Order, OGC File No. 22-0268
Final Order Exhibits
Delivery Confirmation

FDEP-NED; Jeff Schroer, Joni Petry, Sarah Harris, DEP_NED
FDEP-OGC: Kelley Corbari, Lea Crandall

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION,

IN THE OFFICE OF THE NORTHEAST DISTRICT

Petitioner,

v.

OGC File No. 22-0268

WEBBER RECYCLING, LLC,

Respondent.
_____/

FINAL ORDER

To: WEBBER RECYCLING, LLC
c/o Mr. Bernard Saul Sain, Registered Agent
11871 Catrakee Drive
Jacksonville, Florida 32223

BY THE DEPARTMENT:

On October 18, 2022, the Department of Environmental Protection ("Department") issued a Notice of Violation, Orders for Corrective Action, and Administrative Penalty Assessment ("Notice") to Respondent, WEBBER RECYCLING, LLC ("Respondent"), pursuant to the authority of Section 403.121(2), Florida Statutes. A copy of the Notice is attached hereto and incorporated herein as **Exhibit A**. Respondent received the Notice on October 22, 2022. A copy of the service confirmation is attached hereto and incorporated herein as **Exhibit B**.

The Notice informed Respondent that unless a request for hearing was filed with the Department within 20 days of receipt, the Orders for Corrective Action contained therein would become final.[1]

[1] See, *Notice of Violation, Orders for Corrective Action, and Administrative Penalty Assessment*, attached hereto as **Exhibit A**, at pgs. 10 and 14.

As of the date of this Final Order, no responsive pleading or request for hearing has been made by Respondent and the time for doing so has expired. Therefore, pursuant to Section 403.121(2)(c), Florida Statutes, the Findings of Fact and Conclusions of Law contained in the Notice are deemed admitted and have become binding and final. The Orders for Corrective Action have likewise become final and effective as to Respondent, pursuant to Section 403.121(2)(c), Florida Statutes. Specifically, the Orders for Corrective Action[2] contain the following directions to Respondent:

> 48. Pursuant to the authority of Sections 403.061(8) and 403.121, Fla. Stat., the Department proposes to adopt in its Final Order in this case the following specific corrective actions that will redress the alleged violations:
>
> **(a) Commencing immediately and henceforth,** Respondent shall forthwith comply with all Department rules regarding solid waste storage and disposal regulations set out in Chapter 403, Fla. Stat., and Title 62, Fla. Admin. Code; and shall correct and redress all violations within the time periods set out herein.
>
> **(b) Within <u>15 days</u> of the effective date of this Order**, Respondent shall:
>
> i. Initiate final closure of the Facility in accordance with Chapter 62-701, Fla. Admin. Code; and
> ii. Fund the standby trust fund in the amount of $36,000.00 in accordance with Rule 62-701.630, Fla. Admin. Code, and the terms of Guaranty Bond No. 1161804.
>
> **(c) Within <u>30 days</u> of the effective date of this Order**, Respondent shall submit payment in the amount of

[2] <u>See</u>, *Amended Notice of Violation, Orders for Corrective Action, and Administrative Penalty Assessment*, attached hereto as **<u>Exhibit A</u>**, at pgs. 15-20 and 27-30.

$4,500.00, to the Department for the administrative penalties ($4,000.00) and costs ($500.00) imposed here. Payment shall be made in accordance with Paragraph 50 herein.

49. Except as otherwise specifically provided, all payments, submittals and/or documentation required by this Order shall be sent to the State of Florida Department of Environmental Protection, Northeast District Office, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida, 32256, Attn: Jeff Schroer (Jeffrey.Schroer@FloridaDEP.gov); and shall include the notation "OGC No. 22-0268."

50. All payments required by this Final Order shall be made by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to: "State of Florida Department of Environmental Protection" and shall include thereon the notations: "OGC No. 22-0268" and "Water Quality Assurance Trust Fund." Online payments by e-check can be made at the DEP Business Portal: http://www.fldepportal.com/go/pay/. Please note, it may take a number of days after this Order becomes final, effective and filed with the Clerk of the Department before ability to make online payment is available.

Having considered the Notice of Violation, Orders for Corrective Action, and Administrative Penalty Assessment and Respondent's failure to timely file a responsive pleading to request a hearing, it is, therefore,

ORDERED by the State of Florida Department of Environmental Protection that the foregoing Orders for Corrective Action are hereby approved and adopted in toto as to Respondent, WEBBER RECYCLING, LLC, as the Final Order of the Department in the above-styled matter.

Respondent, WEBBER RECYCLING, LLC, shall comply with the Orders for Corrective Action within the time frames specified above, all of which commence on the effective

date of this Final Order. The effective date of this Final Order is the date on which it is filed with the designated Department clerk *(see below)*.

Any party to this Final Order has the right to seek judicial review of the Final Order pursuant to Section 120.68, Florida Statutes, by filing a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Agency Clerk of the Department, Office of General Counsel, 3900 Commonwealth Blvd., MS-35, Tallahassee, Florida, 32399-3000, or via electronic correspondence at Agency_Clerk@floridadep.gov; and by filing a copy of the Notice of Appeal with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days of the effective date of this Final Order.

DONE and ORDERED this 7th day of December 2022, in Duval County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Gregory J. Strong
District Director
Northeast District

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

Clerk

December 7, 2022
Date

Executed Copies furnished to:

- FDEP-OGC: Lea Crandall, Agency Clerk
- Kelley F. Corbari, Senior Assistant General Counsel-Litigation
- Kirk S. White, Deputy General Counsel-Litigation
- FDEP-DWM: Susan F. Eldredge
- Matt F. Burnette, Registered Agent
  Hamilton Development Group, Inc.
  4575 St. Johns Ave., Suite 2
  Jacksonville, Florida 32210

FINAL ORDER 22-0268
EXHIBIT A

FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

October 18, 2022

CERTIFIED MAIL-RETURN RECEIPT
7020 1810 0001 2887 8160

Webber Recycling, LLC
c/o Bernard Saul Sain, Registered Agent
11871 Catrakee Drive
Jacksonville, Florida 32223

RE: NOTICE OF VIOLATION
Department of Environmental Protection v. Webber Recycling, LLC
OGC File No. 22-0268
Facility ID No. 106211
Duval County – Solid Waste Program

Dear Mr. Sain:

Attached is a Notice of Violation (NOV) issued by the Department in the above referenced case. The NOV addresses allegation of violations of Florida Statutes and Department rules.

In order to resolve the violations cited in the NOV, you may enter into a Consent Order with the Department. Department policy calls for the assessment and collections of monetary settlements upon referral of cases to its enforcement section.

Please be advised that any administrative resolution of this matter must address the issue of payment of monetary settlement by you. In the absence of such a settlement, the Department may seek a separate judicial resolution of the penalties issued.

The NOV's Notice of Rights section explains what resource you have concerning resolution of the allegations contained in the NOV. Please read this section carefully.

If you have any questions or discussion regarding this document, please contact Jeffrey Schroer at (904) 256-1576, or via email at jeffrey.schroer@floridadep.gov.

Sincerely,

James R. Maher

James R. Maher, PE
Assistant Director

ec: FDEP-NED: Jeffrey Schroer, Joni Petry, Arlene Wilkinson, DEP_NED
FDEP-OGC: Kelley Corbari, Lea Crandall

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION,

IN THE OFFICE OF THE NORTHEAST DISTRICT

Petitioner,

v.

OGC File No. 22-0268

WEBBER RECYCLING, LLC,

Respondent.
_____/

NOTICE OF VIOLATION,
ASSESSMENT OF ADMINISTRATIVE PENALTIES,
AND ORDERS FOR CORRECTIVE ACTION

To: WEBBER RECYCLING, LLC
c/o Mr. Bernard Saul Sain, Registered Agent
11871 Catrakee Drive
Jacksonville, Florida 32223
Certified Receipt No. 7020 1810 0001 2887 8160

Pursuant to the authority of Section 403.121(2), Florida Statutes ("Fla. Stat."), the State of Florida Department of Environmental Protection ("Department") gives notice to WEBBER RECYCLING, LLC ("Respondent"), of the following findings of fact, conclusions of law, assessment of administrative penalties, and orders for corrective action ("Notice") with respect to violations of Chapter 403, Fla. Stat., and the rules promulgated thereunder in Title 62, Florida Administrative Code ("Fla. Admin. Code").

FINDINGS OF FACT
PARAGRAPHS APPLICABLE TO ALL COUNTS

1. The Department is the administrative agency of the state of Florida having the power and duty to protect Florida's air and water resources and to administer and enforce the provisions of Chapter 403, Fla. Stat., and the rules promulgated thereunder

in Florida Administrative Code (Fla. Admin. Code) Title 62.

2. Webber Recycling, LLC, is a for-profit Florida limited liability company, with its principal place of business located at 2203 Hamilton Street, Jacksonville, Florida 32210. Respondent's registered agent is Bernard Saul Sain, whose mailing address is 11871 Catrakee Drive, Jacksonville, Florida 32223.

3. Between approximately September 9, 2019, and January 17, 2022, Respondent owned and operated a waste tire processing facility located at 2203 Hamilton Street, Jacksonville, Florida 32210, and further identified by Department WACS Facility ID No. 106211 ("Facility").

4. Respondent was authorized by the Department to operate the Facility, pursuant to Department "Solid Waste Construction and Operation Permit" No. 378243-001-WT-02, effective September 5, 2019, and expires on September 5, 2024 ("Permit").[1] See **Exhibit A** (FDEP Permit No. 378243-001-WT-02), attached hereto and incorporated herein. Section 2 (Specific Conditions) of the Permit included the following provisions:

C. Operation Requirements

1. General Operating Requirements. The Permittee shall operate the Facility in accordance with the approved Operation Plan, provided in Document 1 of APPENDIX 2. 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) "Waste tire" as defined in Rule 62-701.200(126), F.A.C.

3. Unauthorized Waste Types. The Facility is not authorized to accept or manage any waste types not listed in C.2., above. Any unauthorized waste inadvertently received by the Facility shall be managed in accordance with the approved Operation Plan.

4. Maximum Storage Quantities. The maximum amount of waste tires to be stored on site at any time shall not exceed 4,000 whole waste tires (44 tons) plus 2,000 shredded tires (22 tons). Passenger tire equivalent weight is standard is 22 lbs/tire used to calculate the maximum daily through-put of the proposed equipment, which shall not exceed 19.8 tons/day.

5. Facility Capacity. If the Facility has reached its permitted capacity for storage of wastes or recyclable materials, the Permittee shall not accept additional waste onto the property for processing until sufficient capacity has been restored.

[1] The Facility also held a "Waste Tire Mobile Shredding General Permit" No. 378243-001-WT-02, issued by the Department on July 1, 2021, which expired on July 1, 2022.

E. Closure Requirements

In the event of closure of this Facility, the Permittee shall be responsible for the removal of all processed and unprocessed waste tires as required by Chapter 62-711, F.A.C. Failure to properly remove all waste tires and close the Facility may result in forfeiture of the financial mechanism to the Department.

F. Financial Assurance and Cost Estimates

1. Financial Assurance Mechanism. Proof that the financial mechanism is established and funded in accordance with Rule 62-701.630, F.A.C., shall be submitted to the Department at least 60 days prior to the planned receipt of waste. When established, the Permittee shall maintain, in good standing, the financial assurance mechanism. Supporting documentation and evidence of increases associated with cost estimate increases shall be submitted within the time frames specified in Rule 62-701.630, F.A.C.

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

   Florida Department of Environmental Protection
   Financial Assurance Working Group
   2600 Blair Stone Road, MS 4565
   Tallahassee, Florida 32399-2400

2. Cost Estimates.

   a. The Permittee shall submit closure cost estimates, including annual adjustments for inflation, in accordance with the requirements of subsections 62-701.630(3), and (4), F.A.C., and 40 CFR Part 264.142(a), and .144(a) using Form 62-701.900(28).

See **Exhibit A**, at pgs. 6-7.

5. Hamilton Development Group, Inc.[2] is the owner of the real property located at 2203 Hamilton Street, Jacksonville, Florida 32210, and further identified by Duval County Parcel ID Number 094160-0000 ("Property"), wherein Respondent operated the Facility. See **Exhibit B** (Duval County Property Appraiser information), attached hereto and incorporated herein.

6. On August 9, 2021, the Department conducted a compliance inspection of the Facility, wherein the Department noted more than 79.75 tons of whole waste tires and waste tire shreds, in violation of Specific Condition C.4. of the Facility's Permit, which only authorized a maximum of 66 tons. Additionally, whole waste tires and waste tire shreds were observed on the ground and uncovered within 200 feet of a minor tributary of the Ortega River, in violation of Rule 62-701.300(2)(e), Fla. Admin Code, which states

[2] Hamilton Development Group, Inc., is a for-profit Florida Corporation, with its principal place of business located at 4575 St. Johns Avenue, Suite 2, Jacksonville, Florida 32210. Matt F. Burnette is the registered agent for, and director of, the corporation.

no person shall store or dispose of solid waste within 200 feet of any natural water body. At the time of the inspection, Department staff notified the Facility that possible violations of the Facility's Permit and Rule 62-701.300(2)(e), Fla. Admin. Code, existed at the Facility. Specifically, the Department notified Respondent that the excess tonnage of tires be removed and properly disposed of and that waste tires be stored in accordance with the Facility's Department-approved Operations Plan.

7. On September 14, 2021, the Department issued a Warning Letter to Respondent, identifying the alleged violations and noncompliance issues noted at the Facility by the Department during its August 2021 inspection. The Department's Warning Letter, which included the Department's August 2021 inspection report, advised Respondent of corrective actions required to resolve the compliance issues and requested Respondent contact the Department to discuss a resolution of the compliance issues. See **Exhibit C** (Warning Letter No. 21-185 with Inspection Report), attached hereto and incorporated herein.

8. On October 6, 2021, the Facility responded to the Department's Warning Letter, outlining the actions to be taken by the Facility within next 30 days to resolve the compliance matters. See **Exhibit D** (Facility Compliance Response), attached hereto and incorporated herein.

9. On January 12, 2022, the Department conducted a follow-up compliance inspection of the Facility. The Department's inspection revealed that the violations previously noted by the Department at the Facility in August 2021 continued. Specifically, the Department inspection noted (i) approximately 264.5 tons of shreds, whole tires and sidewalls on the Facility site; (ii) tires stored within 200 feet of a water body; and (iii) 62 Off-Road Tires (non-motorized vehicle tires), which are classified as "solid waste," at the Facility. In addition, the Facility indicated it would be ceasing operations. See **Exhibit E** (Inspection Report-January 12, 2022), attached hereto and incorporated herein.

10. On January 18, 2022, the Facility notified the Department that ceased operations at the Facility and "closed its doors as of January 17, 2022". See **Exhibit F** (Webber Notice of Closing), attached hereto and incorporated herein. Respondent's notice to the Department stated that it would "continue with the clean-up of the site until its completion". Respondent, however, vacated the Facility without completing the proper disposal of the waste tires at the Facility.

11. On April 8, 2022, the Department conducted a site inspection of the Facility.[3] The Department's inspection confirmed that all of the waste tires left on the Property by the Respondent had been removed from the Property by the property owner. See **Exhibit G** (Inspection Report), attached hereto and incorporated herein.

12. In accordance with the conditions of the Permit and Rules 62-711.500(3) and 62-701.630(6), Fla. Admin. Code, which adopt 40 C.F.R. Part 264, Subpart H by reference, Respondent was required to established financial assurance in order to operate the Facility. On August 21, 2019, Lexon Insurance Company issued guarantee bond number 1161804 to Respondent in the amount of $36,000.00 ("Bond"). See **Exhibit H** (Guarantee Bond No. 1161804), attached hereto and incorporated herein. The Bond guarantees that Respondent, the Bond principal, will fund the established standby trust fund prior to closing the Facility or shall fund the standby fund in the amount of the Bond within 15 days after an order is issued by the Department to begin closing. See Exhibit H, at p. 2.

13. As of the date of this Notice, Respondent failed to properly close the Facility prior to or after ceasing operations, in violation of its Permit and Department closure requirements, and failed to correct the violations set out here in.

COUNT I
(UNAUTHORIZED STORAGE OF SOLID WASTE)

14. The Department realleges the facts contained in Paragraphs 1 through 13.

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[3] Mr. Burnette, the registered agent and corporate officer for the Property owner, Hamilton Development Group, Inc., was present during the Department's inspection.

15. In August 2021 and January 2022, the Respondent stored solid waste (approximately 264.5 tons of whole waste tires, shreds, sidewalls and 62 Off-Road Tires) at the Facility without valid authorization from the Department, in violation of Rule 62-701.300(1)(a) Fla. Admin. Code, and the conditions of Respondent's Permit.

16. In addition, the Respondent stored solid waste (approximately 264.5 tons of whole waste tires, shreds, sidewalls and 62 Off-Road Tires) outside the Facility within 200 feet of a waterbody, in violation of Rule 62-701.300(2)(e), Fla. Admin. Code.

COUNT II
(FAILURE TO PROPERLY CLOSE FACILITY)

17. The Department realleges the facts contained in Paragraphs 1 through 13.

18. In January 2022, Respondent failed to properly close the Facility in accordance with Department closing requirements, per Rule 62-701.730, Fla. Admin. Code, including failure to deposit the amount identified in the Facility's Bond in the standby trust fund in accordance with Rule 62-701.630, Fla. Admin. Code.

COUNT III
(COSTS AND EXPENSES)

19. The Department realleges the facts contained in Paragraphs 1 through 13.

20. The Department has incurred expenses to date while investigating this matter in the amount of not less than $500.00.

CONCLUSIONS OF LAW

The Department has evaluated the Findings of Fact with regard to the requirements of Chapter 403, Fla. Stat., and Title 62, Fla. Admin. Code. Based on the foregoing facts, the Department has made the following conclusions of law:

21. Solid waste storage and disposal is regulated by the Department under Chapter 403, Fla. Stat., and Chapter 62-701, Fla. Admin. Code.

22. Respondent is a "person" within the meaning of 403.031(5) and 403.703(22), Fla. Stat., and Rule 62-701.200(83), Fla. Admin. Code.

23. Respondent was the "operator" of a "facility" as defined in Rule 62-701.200(82) and (31), Fla. Admin. Code.

24. Respondent is the named "permittee" of the "Solid Waste Construction and Operation Permit" No. 378243-001-WT-02 issued by the Department September 5, 2019.

25. Hamilton Development Company, Inc. is the "owner" of the Property, as defined in Rule 62-701.200(82), Fla. Admin. Code, upon which the Facility is located.

26. The solid waste observed at the Facility during the Department's inspection constitutes "solid waste" and "waste tires" pursuant to Rule 62-701.200(107) and (126), Fla. Admin. Code. See also Section 403.703(35), Fla. Stat

27. Respondent failed to properly "store" waste tires at the Facility in accordance with Chapters 62-701 and 62-711, Fla. Admin. Code, or Permit Specific Condition C (Operational Requirements).

28. Pursuant to Rule 62-701.300(2)(e), Fla. Admin. Code, the storage of solid waste is prohibited within 200 feet of a water body.

29. Pursuant to Rule 62-701.200(18), Fla. Admin. Code., "Closure means the cessation of operation of a solid waste management facility and the act of securing such a facility so that it will pose no significant threat to human health or the environment", which "includes closing and long-term care". See also, Rule 62-701.200(17), Fla. Admin. Code ("Closing means the time at which a solid waste management facility ceases to accept wastes, and includes those actions taken by the owner or operator of the facility to prepare the facility for any necessary monitoring and maintenance after closing.").

30. Pursuant to Rule 62-701.600(2), Fla. Admin. Code, Department authorization was required prior to Respondent closing the Facility.

31. Respondent failed to properly "close" the Facility pursuant to Chapters 62-701 and 62-711, Fla. Admin. Code, and Permit Specific Condition E (Closure Requirements).

32. Respondent failed to remove all processed and unprocessed waste tires pursuant to Chapter 62-711, Fla. Admin. Code, and Permit Specific Condition E (Closure Requirements) prior to or following it closing the Facility.

33. Pursuant to Rule 62-711.500(3), Fla. Admin. Code, operators of waste tire sites are required to "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," which may "consist of one or more of the following financial instruments: surety bonds, including performance bonds or financial guarantee bonds; irrevocable letters of credit; insurance; and trust funds."

34. Respondent provided financial assurance to the Department in the form of a Guarantee Bond pursuant to Rule 62-711.500(3), Fla. Admin. Code.

35. Respondent failed to fund the standby trust fund in accordance with Rule 62-701.630, Fla. Admin. Code, and the terms of the Bond.

36. Section 403.061(8), Fla. Stat., authorizes the Department to issue orders as necessary to control air and water pollution and to protect public health, welfare, and the environment, and to enforce the same in administrative and judicial proceedings.

37. The corrective actions described in Paragraph 48 below are associated with site remediation and are necessary to control water pollution and/or protect the environment.

38. Pursuant to Sections 403.141(1), Fla. Stat., Respondent is liable for reasonable costs and expenses incurred by the Department to investigate and prosecute the violations contained in this Notice.

39. Pursuant to Sections 403.161(1), Fla. Stat., it is a violation of Chapter 403 for any person to violate or fail to comply with any Department statute, rule, or permit.

40. Pursuant to Sections 403.121(6) and 403.141(1), Fla. Stat., each day during any portion of which a violation occurs constitutes a separate offense.

41. The Department is imposing an administrative penalty against Respondent, of less than or equal to $50,000.00 in this Notice, as calculated in accordance with Section 403.121(3), Fla. Stat.

ADMINISTRATIVE PENALTIES

42. The facts in Count I constitute a violation of Section 403.407, Fla. Stat., and Rule 62-701.300(1)(a), Fla. Admin. Code, which require that solid waste be stored, deposited, and disposed of in a manner approved by the Department or at permitted solid waste management facility, and the conditions of the Permit issued by the Department. The facts in Count I also constitute a violation of Section 403.161, Fla. Stat., which makes it a violation to fail to comply with any Department permit, statute, or rule.

43. The violation in Count I requires the assessment of an administrative penalty against Respondent under Section 403.121(3)(e), Fla. Stat., of $3,000.00 for the unpermitted or unauthorized disposal or storage of solid waste.

44. The facts in Count II constitute a violation of Rule 62-701.600(2), Fla. Admin. Code (requiring Department authorization prior to closing), Section 403.7125, Fla. Stat. (financial assurance requirements), Rule 62-701.630, Fla. Admin. Code (requiring Bond be deposited in standby trust fund prior to closing); and the conditions of the Permit issued by the Department. The facts in Count II also constitute a violation of Section 403.161, Fla. Stat., which makes it a violation to fail to comply with any Department permit, statute, or rule.

45. The violation in Count II requires the assessment of an administrative penalty against Respondent under Section 403.121(5), Fla. Stat., of $1,000.00 for failure to comply with Department rules and statutes.

46. The $500.00 costs and expenses set out in Count III are reasonable costs and expenses incurred by the Department while investigating this matter, which are recoverable pursuant to Section 403.141(1) Fla. Stat.

Total Penalties

47. The total administrative penalties assessed against **Respondent, Webber Recycling, LLC,** for the violations set out in Counts I and II, and III are **$4,500.00**, for the first offense of the statutes and rules cited therein.

ORDERS FOR CORRECTIVE ACTION

The Department has alleged that the activities related in the Findings of Fact constitute violations of Florida law. The Orders for Corrective Action state what you, the Respondent, must do to correct and redress the violations alleged in this Notice.

The Department will adopt the Orders for Corrective Action as part of its Final Order in this case unless Respondent either files a timely request for a formal hearing or informal proceeding, pursuant to Section 403.121(2)(c), Fla. Stat., or files written notice with the Department opting out of this administrative process, pursuant to 403.121(2)(c), Fla. Stat. ***(See Notice of Rights below)***. If Respondent fails to comply with the corrective actions ordered by the Final Order, the Department is authorized to file suit seeking judicial enforcement of the Department's Order pursuant to Sections 120.69, 403.121, and 403.131, Fla. Stat.

48. Pursuant to the authority of Sections 403.061(8) and 403.121, Fla. Stat., the Department proposes to adopt in its Final Order in this case the following specific corrective actions that will redress the alleged violations:

(a) **Commencing immediately and henceforth, Respondent** shall forthwith comply with all Department rules regarding solid waste storage and disposal regulations set out in Chapter 403, Fla. Stat., and Title 62, Fla. Admin. Code; and shall correct and redress all violations within the time periods set out herein.

(b) **Within 15 days of the effective date of this Order**, Respondent shall:

i. Initiate final closure of the Facility in accordance with Chapter 62-701, Fla. Admin. Code; and

ii. Fund the standby trust fund in the amount of $36,000.00 in accordance with Rule 62-701.630, Fla. Admin. Code, and the terms of Guaranty Bond No. 1161804.

(c) **Within 30 days of the effective date of this Order**, Respondent shall submit payment in the amount of **$4,500.00**, to the Department for the administrative penalties ($4,000.00) and costs ($500.00) imposed here. Payment shall be made in accordance with Paragraph 50 herein.

49. Except as otherwise specifically provided, all payments, submittals and/or documentation required by this Order shall be sent to the State of Florida Department of Environmental Protection, Northeast District Office, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida 32256, Attn: Jeff Schroer (Jeffrey.Schroer@FloridaDEP.gov); and shall include the notation "OGC No. 22-0268."

50. All payments required by this Final Order shall be made by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to: "State of Florida Department of Environmental Protection" and shall include thereon the notations: "OGC No. 22-0268" and "Water Quality Assurance Trust Fund". Online payments by e-check can be made at the DEP Business Portal: http://www.fldepportal.com/go/pay/. Please note, it may take a number of days after this order becomes final, effective and filed with the Clerk of the Department before ability to make online payment is available.

NOTICE OF RIGHTS

Respondents' rights to negotiate, litigate or transfer this action are set forth below. **Please read them carefully.**

Right to Negotiate

51. This matter may be resolved if the Department and Respondent(s) enter a Consent Order, in accordance with Section 120.57(4), Fla. Stat., upon such terms and conditions as may be mutually agreeable.

Right to Request a Hearing

52. A Respondent has the right to a formal administrative hearing pursuant to Sections 120.569, 120.57(1), and 403.121(2), Fla. Stat., if Respondent disputes issues of material fact raised by this Notice. At a formal hearing, Respondent will have the opportunity to be represented by counsel or qualified representative, to present evidence and argument on all issues involved, and to conduct cross-examination and submit rebuttal evidence.

53. A Respondent has the right to an informal administrative proceeding pursuant to Sections 120.569 and 120.57(2), Fla. Stat., if Respondent does not dispute issues of material fact raised by this Notice. If an informal proceeding is held, Respondent will have the opportunity to be represented by counsel or qualified representative, to present to the agency written or oral evidence in opposition to the Department's proposed action, or to present a written statement challenging the grounds upon which the Department is justifying its proposed action.

54. **If a Respondent desires a formal hearing or an informal proceeding, the Respondent must individually file a written responsive pleading entitled "*Request for Administrative Proceeding*" within 20 days of receipt of this Notice.** The request must be in the form required by Rule 28-106.2015, Fla. Admin. Code, and include the following:

(a) The name, address, and telephone number, and facsimile number (if any) of each respondent, if the respondents are not represented by an attorney or qualified representative;

(b) The name, address, telephone number, facsimile number, and email of the attorney or qualified representative of respondents (if any), upon whom service of pleadings and other papers shall be made;

(c) A statement of when the respondent received the Notice;

(d) A statement requesting an administrative hearing identifying those material facts that are in dispute. If there are none, the request for hearing must so indicate; and

(e) The notation "OGC No. 22-0268" shall be included in the request.

A request for hearing is filed when it is received by the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000 or received via electronic correspondence at Agency_Clerk@floridadep.gov.

Right to Mediation

55. If a Respondent timely files a request challenging the Notice, the Respondent has the right to mediate the issues raised in the Notice. If requested, a mediator will be appointed to assist the Department and Respondent to reach a resolution of some or all of the issues. The mediator is chosen from a list of mediators provided by the FCRC Consensus Center ("FCRC"). The FCRC will provide up to eight (8) hours of free mediation services to the Respondent. A mediator cannot require the parties to settle the case. If mediation is unsuccessful, both parties retain their full rights to litigate the issues before an administrative law judge. The Respondent must select the mediator and notify the FCRC within 15 days of receipt of the list of mediators. The mediation process does not interrupt the time frames of the administrative proceedings and the mediation must be completed at least 15 days before the date of the final hearing.

56. The written request to appoint a mediator must be made within 10 days after receipt of the Initial Order from the administrative law judge appointed to hear the case. The request must be received by the FCRC Consensus Center, Attn. Chris Pedersen, 296 Champions Way, UCC6140, Tallahassee, Florida, 32306-2641, cpedersen@fsu.edu. Once the request is timely received, the FCRC will provide the parties with a list of mediators and the necessary information.

Right to Opt-Out of the Administrative Proceeding

57. If a Respondent does not wish to contest the issues before an administrative law judge, the Respondent may file a notice with the Department opting out of the administrative process. The Respondent must file its written opt out notice within **20 days** after service of the Notice. The written notice to opt out is filed when it is received by the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, or electronically at Agency_Clerk@FloridaDEP.gov.

58. Once the Respondent opts out of the administrative process, the Department may sue the Respondent for injunctive relief, damages, costs and expenses and civil penalties. If the Respondent opts out of the administrative process, the Department may ask the judge to assess civil penalties in excess of the amounts in this Notice up to $15,000.00 per day per violation. The election to opt out of the administrative process is permanent and once the election is made the administrative process cannot be restarted.

Waivers

59. **A Respondent will waive its right to a formal hearing or an informal proceeding if**: (i) a request for a formal hearing or informal proceeding is not filed with the Department within 20 days of receipt of this Notice; or (ii) a notice opting out of the administrative proceeding is not filed with the Department within 20 days of receipt of this Notice. These time limits may be varied only by written consent of the Department.

General Provisions

60. The findings of fact and conclusions of law of this Notice together with the Orders for Corrective Action will be adopted by the Department in a Final Order if a Respondent fails to timely file a request for a formal hearing or informal proceeding, pursuant to Section 403.121, Fla. Stat. A Final Order will constitute a full and final adjudication of the matters alleged in this Notice.

61. If a Respondent fails to comply with the Final Order, the Department is authorized to file suit in circuit court seeking a mandatory injunction to compel

compliance with the Order, pursuant to Sections 120.69, 403.121, and 403.131, Fla. Stat. The Department may also seek to recover damages, all costs of litigation including reasonable attorney's fees and expert witness fees, and civil penalties of not more than $15,000.00 per day for each day that Respondent has failed to comply with the Final Order.

62. Copies of Department rules referenced in this Notice may be examined at any Department Office or may be obtained by written request to the District Office listed in Paragraph 49 herein. The rules referenced in this Noticed are also available at: https://floridadep.gov/ogc/ogc/content/rules.

DATED this 18th day of October 2022.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Gregory J. Strong
District Director
Northeast District

Copies furnished to:

- FDEP Agency Clerk
- Kelley F. Corbari, Senior Assistant General Counsel-Litigation
- Kirk S. White, Deputy General Counsel-Litigation
- FDEP-NED
- Matt F. Burnette, Registered Agent
  Hamilton Development Group, Inc.
  4575 St. Johns Ave., Suite 2
  Jacksonville, Florida 32210

FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, FL 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

September 5, 2019

Transmitted via email to: SYang@webberrecycling.com

In the Matter of an
Application for Permit by:

DEP File Number: 378243-001
Facility WACS I.D. Number: 106211
Duval County – Solid Waste Permitting

Ms. Sasha (Xia) Yang, COO
Webber Recycling, LLC
2203 Hamilton Street
Jacksonville, Florida 32210

NOTICE OF PERMIT

Enclosed is the State of Florida Department of Environmental Protection (Department or DEP) Permit Number 378243-001-WT-02 to construct and operate Webber Recycling, LLC as a Waste Tire Processing Facility (Facility) to receive, temporarily store, and process waste tires via cutting them into chips for disposal. This Permit is issued pursuant to Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-701, and 62-711, Florida Administrative Code (F.A.C.).

Any party to this Order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, 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 30 days from the date this Notice is filed with the Clerk of the Department.

Executed in Duval County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Thomas G. Kallemeyn
Permitting Program Administrator

PERMITTEE NAME: Webber Recycling, LLC
FACILITY NAME: Webber Recycling, LLC

PERMIT Number: 378243-001-WT-02
WACS Facility I.D. Number: 106211

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit and all copies were sent on the filing date below to the following listed persons:

Eric B. Fuller, City of Jacksonville, efuller@coj.net
Paul W. Porter, P.E., Encon Consulting, LLC, paul.porter@enconbridges.com
Lynn Roesser, Webber Recycling, LLC, lroesser@webberrecycling.com
Lou Webber, Webber Recycling, LLC, louwebber@gmail.com
Financial Assurance Working Group, DEP,
Financial.Assurance.Working.Group@floridadep.gov
Michael Bogin, NED-DEP
Jeff Schroer, NED-DEP

Enclosure/Attachment

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.

Antonia R. Romen
Clerk

September 5, 2019
Date

FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, FL 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

Permit Issued to:

Webber Recycling, LLC
2203 Hamilton Street
Jacksonville, Florida 32210
Phone No. 904.414.1638

Facility WACS I.D. No.: 106211
Webber Recycling, LLC
2203 Hamilton Street
Jacksonville, Duval County, Florida 32210

Contact Person:
Lynn Roesser, CEO
2203 Hamilton Street
Jacksonville, Florida 32210
Email address: lroesser@webberrecycling.com
Phone No. 904. 414.1638

Solid Waste Construction and Operation Permit – Waste Tire Processing Facility
Permit No.: 378243-001-WT-02

Permit Issued: September 5, 2019
Permit Renewal Application Due Date: 61 days before expiration
Permit Expires: September 5, 2024

Permitting Authority
Florida Department of Environmental Protection
Northeast District Office
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256
Phone No. 904.256.1700
Fax No. 904.256.1587

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 operation permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.) and Florida Administrative Code (F.A.C.) 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 Webber Recycling, LLC facility (Facility) will be located on 2203 Hamilton Street in Jacksonville, Duval County, Florida. The location is further identified as latitude 30°16'43" and longitude 81°43'16", which is located in Section 59, Township 2 South, Range 26 East. A Topographic Map of the Facility is provided as ATTACHMENT 1. A Site Plan of the Facility is provided as ATTACHMENT 2.

C. Facility Description

The Facility will receive, temporarily store, and process waste tires via cutting them into chips by an electric shredding machine. The processed waste tire chips will be transported to appropriately permitted disposal facilities.

The waste tires, upon delivery, will be contained in 20'L x 8'H x 6'8"W covered trailers or 20'L x 8'W x 8.5'H sealed shipping containers. Upon work startup for the day, waste tires are moved out of the temporary storage container, into the facility building, and loaded into the shredding machine one tire at a time. The electric shredding machine shall be housed in the Facility building and shall deposit the tire shreds into a 20'L x 8'H x 8'W collection bin. The collection bin shall be protected against water intrusion due to rain by a pre-engineered metal enclosure. Upon filling the collection bin, the bin shall be covered by plastic tarpaulin and transported to a final destination.

D. Appendices Made Part of This Permit

APPENDIX 1 – General Conditions

APPENDIX 2 – Approved Application Documents

E. Attachments Made Part of This Permit

ATTACHMENT 1 - Topographic Map

ATTACHMENT 2 - Site Plan

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 construction, operation or monitoring requirements 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. Construction Requirements

1. General Construction Requirements. The Permittee shall install a firewall and fireproofing of the Facility in accordance with local and state fire protection guidelines. The firewall and fireproofing installation shall be completed prior to commencing shredding activities.

2. Certification of Construction Completion. Upon completion of construction, the engineer of record shall certify to the Department in accordance with paragraph 62-701.320(9)(b), F.A.C., that the permitted construction is complete and was done in substantial conformance with the approved construction plans except where minor deviations were necessary. All deviations shall be described in detail and the reasons therefore enumerated.

3. Approval of Certification. The Permittee shall not begin using the Facility until one of the following has occurred: (1) the Department has stated in writing that it has no objection to the certification of construction completion; or (2) at least 30 days have passed since the certification was submitted and the Department has not responded in writing to the certification.

C. Operation Requirements

1. General Operating Requirements. The Permittee shall operate the Facility in accordance with the approved Operation Plan, provided in Document 1 of APPENDIX 2. 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) "Waste tire" as defined in Rule 62-701.200(126), F.A.C.

3. Unauthorized Waste Types. The Facility is not authorized to accept or manage any waste types not listed in C.2., above. Any unauthorized waste inadvertently received by the Facility shall be managed in accordance with the approved Operation Plan.

4. Maximum Storage Quantities. The maximum amount of waste tires to be stored on site at any time shall not exceed 4,000 whole waste tires (44 tons) plus 2,000 shredded tires (22 tons). Passenger tire equivalent weight is standard is 22 lbs/tire used to calculate the maximum daily through-put of the proposed equipment, which shall not exceed 19.8 tons/day.

5. Facility Capacity. If the Facility has reached its permitted capacity for storage of wastes or recyclable materials, the Permittee shall not accept additional waste onto the property for processing until sufficient capacity has been restored.

6. Storage and Management. All waste and processed tires shall be stored in designated areas and containers, which are identified on the Site Plan, provided in ATTACHMENT 2. Furthermore, waste tires shall be stored in accordance with requirements of Rule 62-711.530, F.A.C. and shall meet all fire department's NFPA standards in additional to the applicable storage requirements specified 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 Emergency Action Plan. Notification shall be made to the Department's Northeast District Office at 904.256.1700.

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 per paragraph 62-711.540(1)(b), F.A.C.

9. Processing Requirements. At least 75% of the whole tires and used 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 in accordance with subsection 62-711.530(3), F.A.C.

10. Quarterly Reports. The Permittee shall record and maintain for three years the information collected under subsection 62-711.530(4), F.A.C. In addition, The Permittee shall submit quarterly reports to the Department that summarize the information required in subsections 62-711.530(4) and 62-711.530(5), F.A.C. The reports shall be submitted on DEP Form 62-701.900(21), on the 20th of the month following the close of each calendar quarter to the Department of Environmental Protection, Northeast District, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida 32256, with a copy to the Department of Environmental Protection, Solid Waste Section, 2600 Blair Stone Road, Tallahassee, Florida 32399.

D. Water Quality Monitoring Requirements

No solid waste water quality monitoring requirements are required for proposed operations at this Facility.

E. Closure Requirements

In the event of closure of this Facility, the Permittee shall be responsible for the removal of all processed and unprocessed waste tires as required by Chapter 62-711, F.A.C. Failure to properly remove all waste tires and close the Facility may result in forfeiture of the financial mechanism to the Department.

F. Financial Assurance and Cost Estimates

1. Financial Assurance Mechanism. Proof that the financial mechanism is established and funded in accordance with Rule 62-701.630, F.A.C., shall be submitted to the Department at least 60 days prior to the planned receipt of waste. When established, the Permittee shall maintain, in good standing, the financial assurance mechanism. Supporting documentation and evidence of increases associated with cost estimate increases shall be submitted within the time frames specified in Rule 62-701.630, F.A.C.

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

   Florida Department of Environmental Protection
   Financial Assurance Working Group
   2600 Blair Stone Road, MS 4565
   Tallahassee, Florida 32399-2400

2. Cost Estimates.

   a. The Permittee shall submit closure cost estimates, including annual adjustments for inflation, in accordance with the requirements of subsections 62-701.630(3), and (4), F.A.C., and 40 CFR Part 264.142(a), and .144(a) using Form 62-701.900(28).

   b. An owner or operator using a letter of credit, guarantee bond, performance bond, financial test, corporate guarantee, trust fund or insurance shall submit the inflation adjusted cost estimate(s) between January 1, and March 1.

c. All submittals in response to this specific condition shall be sent to the District Office and a copy to the address identified in Specific Condition F.1. or to the following email address: Financial.Assurance.Working.Group@floridadep.gov.

d. Pursuant to paragraph 62-701.630(8)(b), F.A.C., at the time of permit renewal, the Permittee shall revise, and provide the updated cost estimates to the Department. Revisions shall be made by recalculating (by a professional engineer) the total cost of closure and long-term care, in current dollars, for a third party to perform the work.

Executed in Duval County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Thomas Kallemeyn
Permitting Program Administrator

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

The following documents were provided with the subject permit application (DEP file number 378243-001):

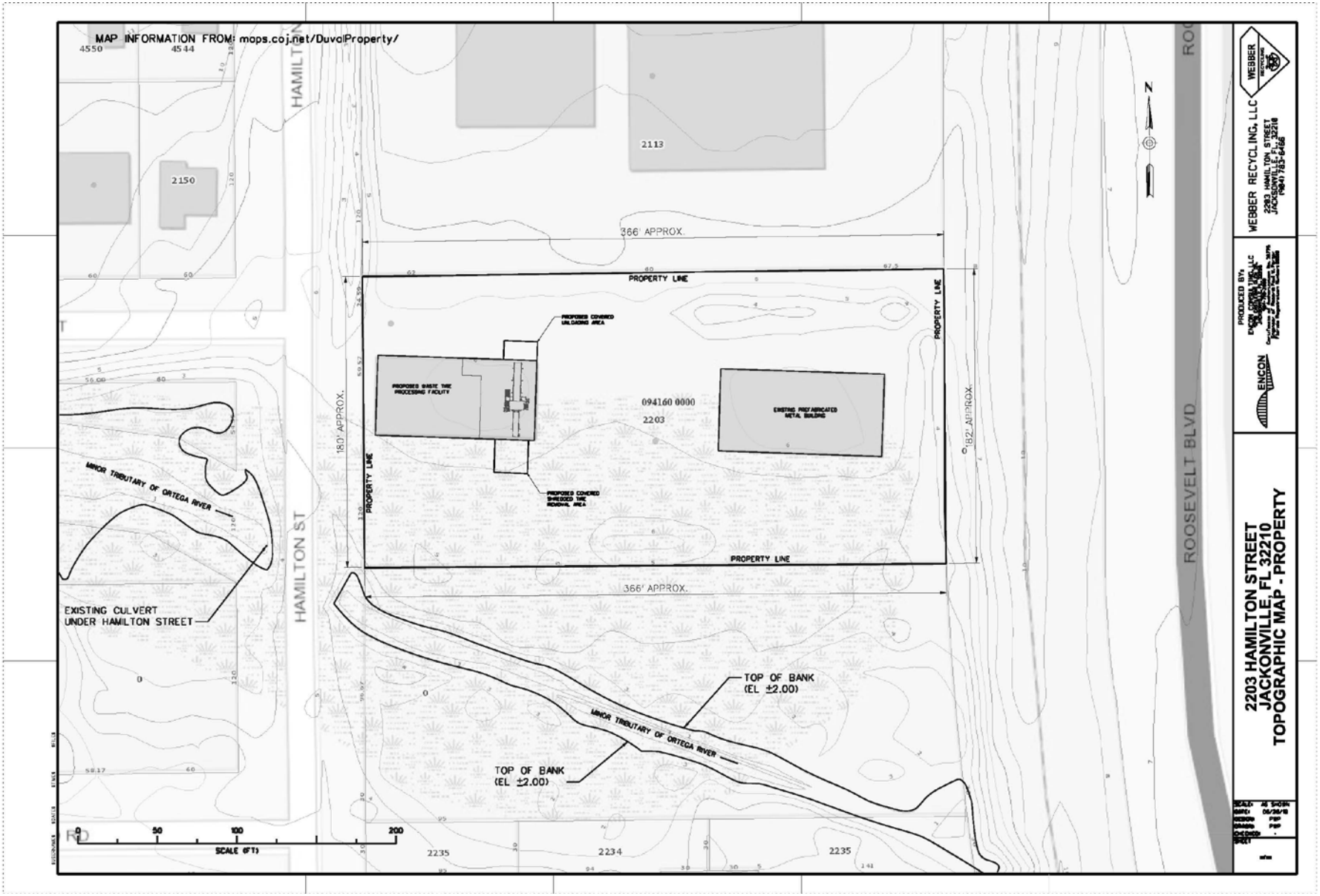
Document 1 – *Waste Tire Processing Facility Permit Application*, prepared by Encon Consulting, LLC, signed and sealed by Paul W. Porter, P.E., dated and received July 15, 2019.

Document 2 – *First Request for Additional Information*, Response to DEP Comments, prepared by Encon Consulting, LLC, signed and sealed by Paul W. Porter, P.E., dated and received July 22, 2019.

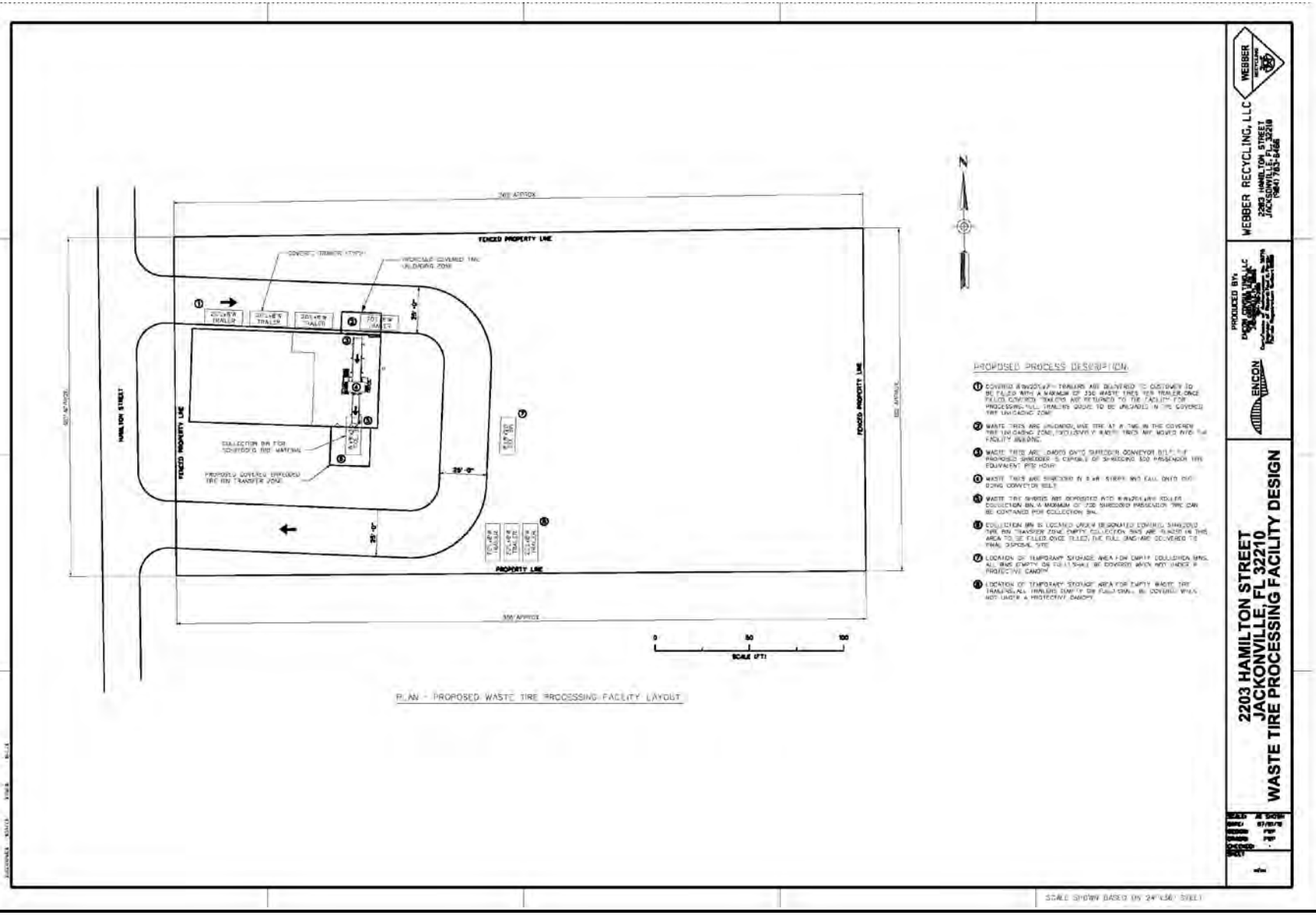
The following document was provided internally for the subject permit application (DEP file number 378243-001):

Document 3 – WACS 106211 – Webber Recycling, LLC, In compliance with Financial Assurance letter, prepared by Susan Eldredge, DEP, dated and issued August 30, 2019.

ATTACHMENT 1
TOPOGRAPHIC MAP



ATTACHMENT 2
SITE PLAN



NOV 22-0268
Exhibit B

HAMILTON DEVELOPMENT GROUP INC
4575 ST JOHNS AVE SUITE 4
JACKSONVILLE, FL 32210-1800

Primary Site Address
2203 HAMILTON ST
Jacksonville FL 32210

Official Record Book/Page
03838-00312

Tile #
6432

2203 HAMILTON ST

Property Detail

RE #	094160-0000
Tax District	GS
Property Use	4897 Warehouse/Prefab
# of Buildings	2
Legal Desc.	For full legal description see Land & Legal section below
Subdivision	01607 LAKE SIDE PARK
Total Area	64655

The sale of this property may result in higher property taxes. For more information go to Save Our Homes and our Property Tax Estimator . 'In Progress' property values, exemptions and other supporting information on this page are part of the working tax roll and are subject to change. Certified values listed in the Value Summary are those certified in October, but may include any official changes made after certification Learn how the Property Appraiser's Office values property.

Value Summary

Value Description	2021 Certified	2022 In Progress
Value Method	Income	Income
Total Building Value	$0.00	$0.00
Extra Feature Value	$0.00	$0.00
Land Value (Market)	$161,638.00	$161,638.00
Land Value (Agric.)	$0.00	$0.00
Just (Market) Value	$388,900.00	$457,800.00
Assessed Value	$334,590.00	$368,049.00
Cap Diff/Portability Amt	$54,310.00 / $0.00	$89,751.00 / $0.00
Exemptions	$0.00	See below
Taxable Value	$334,590.00	See below

Taxable Values and Exemptions – In Progress

If there are no exemptions applicable to a taxing authority, the Taxable Value is the same as the Assessed Value listed above in the Value Summary box.

County/Municipal Taxable Value
No applicable exemptions

SJRWMD/FIND Taxable Value
No applicable exemptions

School Taxable Value
No applicable exemptions

Sales History

Book/Page	Sale Date	Sale Price	Deed Instrument Type Code	Qualified/Unqualified	Vacant/Improved
03838-00312	12/9/1974	$25,000.00	WD - Warranty Deed	Unqualified	Vacant
03842-00386	12/19/1974	$192,800.00	WD - Warranty Deed	Unqualified	Vacant
04838-00124	3/12/1979	$35,000.00	WD - Warranty Deed	Unqualified	Vacant
05490-00220	1/14/1982	$4,400.00	SW - Special Warranty	Unqualified	Vacant
06672-00830	3/14/1989	$150,000.00	WD - Warranty Deed	Unqualified	Vacant

Extra Features

LN	Feature Code	Feature Description	Bldg.	Length	Width	Total Units	Value
1	PVCC1	Paving Concrete	1	0	0	7,911.00	$12,555.00
1	PVCC1	Paving Concrete	2	0	0	7,815.00	$12,402.00
2	MZWC6	Mezzanine Wood	2	0	0	512.00	$4,564.00
2	FCBC1	Fence Chain Barbed	1	0	0	1,120.00	$9,018.00

Land & Legal

Land

LN	Code	Use Description	Zoning Assessment	Front	Depth	Category	Land Units	Land Type	Land Value
1	4000	LIGHT INDUSTRIAL	IL	0.00	0.00	Common	64,655.00	Square Footage	$161,638.00

Legal

LN	Legal Description
1	6-44 59-2S-26E
2	LAKESIDE PARK
3	LOTS 1 TO 6 PT CLOSED ST BLOCK 136

Buildings

Building 1
Building 1 Site Address
2203 HAMILTON ST Unit
Jacksonville FL 32210

Building Type	4807 - WHSE PREFAB
Year Built	1989
Building Value	$116,720.00

Type	Gross Area	Heated Area	Effective Area
Base Area	1400	1400	1400
Average Office	1830	1830	3660
Interior Build Out A	520	520	650
Average Office	1250	1250	2500
Canopy	15	0	6

Element	Code	Detail
Exterior Wall	25	25 Modular Metal
Roof Struct	9	9 Rigid Fr/Bar J
Roofing Cover	12	12 Modular Metal
Interior Wall	5	5 Drywall
Interior Wall	7	7 None
Int Flooring	3	3 Concrete Fin
Heating Fuel	1	1 None
Heating Type	1	1 None
Air Cond	1	1 None
Comm Htg & AC	0	0 None
Comm Frame	5	5 S-Steel

Element	Code	Detail

NOV 22-0268
Exhibit B

Total	5015	5000	8216

Baths	4.000	
Stories	1.000	
Rooms / Units	2.000	
Avg Story Height	17.000	
Restrooms	2.000	

2022 Notice of Proposed Property Taxes Notice (TRIM Notice)

Taxing District	Assessed Value	Exemptions	Taxable Value	Last Year	Proposed	Rolled-back
County	$368,049.00	$0.00	$368,049.00	$3,828.35	$4,165.17	$3,818.91
Public Schools: By State Law	$457,800.00	$0.00	$457,800.00	$1,384.48	$1,481.44	$1,433.19
By Local Board	$457,800.00	$0.00	$457,800.00	$874.25	$1,029.13	$905.02
FL Inland Navigation Dist.	$368,049.00	$0.00	$368,049.00	$10.71	$11.78	$10.56
Water Mgmt Dist. SJRWMD	$368,049.00	$0.00	$368,049.00	$73.24	$72.65	$72.65
			Totals	$6,171.03	$6,760.17	$6,240.33

Description	Just Value	Assessed Value	Exemptions	Taxable Value
Last Year	$388,900.00	$334,590.00	$0.00	$334,590.00
Current Year	$457,800.00	$368,049.00	$0.00	$368,049.00

2022 TRIM Property Record Card (PRC)

This PRC reflects property details and values at the time of the original mailing of the Notices of Proposed Property Taxes (TRIM Notices) in August.

Property Record Card (PRC)
The PRC accessed below reflects property details and values at the time of Tax Roll Certification in October of the year listed.

2021

2020

2019

2018

2017

2016

2015

2014

• To obtain a historic Property Record Card (PRC) from the Property Appraiser's Office, submit your request here:

More Information
ontact Us | Parcel Tax Record | GIS Map | Map this property on Google Maps | City Fees Record

FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

September 14, 2021

CERTIFIED MAIL – RETURN RECEIPT

Ms. Sasha (Xia) Yang, Chief Operating Officer
Webber Recycling, LLC
2203 Hamilton Street
Jacksonville, Florida 32210
SYang@webberrecycling.com

RE: Webber Recycling, LLC
Warning Letter No. WL21-185
Facility ID No. 106211
Duval County – Solid Waste Enforcement

Dear Ms. Yang:

A compliance inspection was conducted at your facility on August 11, 2021. During this inspection, possible violations of Chapter 403, Florida Statutes (Fla. Stat.), and Chapter 62-701, Florida Administrative Code (Fla. Admin. Code), were observed.

During the inspection, Department personnel noted the following:

- The facility is storing in excess of 13.75 tons of waste tires and shreds over its permitted maximum of 66 tons;
- A current annual fire safety survey could not be provided; and
- Solid waste is being stored within 200 feet of a water body without a leachate collection system.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Section 403.121(3)(d), Fla. Stat.

Please contact Jeff Schroer at (904) 256-1576, or by email at Jeffrey.Schroer@FloridaDEP.gov, within 30 days of receipt of this Warning Letter to arrange a meeting to discuss this matter.

The Department is interested in receiving any facts that you may have which might assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Fla. Stat. We look forward to your cooperation in completing our investigation and resolving this as soon as possible.

Sincerely,

Gregory J. Strong
District Director

Attachment: Site Inspection Report

ec: FDEP-NED: Joni Petry, Jeffrey Schroer, DEP_NED

Florida Department of Environmental Protection Inspection Checklist

FACILITY INFORMATION:

Facility Name: WEBBER RECYCLING, LLC
On-site Inspection Start Date: 08/11/2021
On-site Inspection End Date: 08/11/2021
WACS No.: 106211
Facility Street Address: 2203 HAMILTON STREET
City: JACKSONVILLE
County Name: DUVAL
Zip: 32210

INSPECTION PARTICIPANTS:

(Include ALL Landfill and Department Personnel with Corresponding Titles)

Principal Inspector: Jeff Schroer, Inspector

Other Participants: Lynn Roesser, Shareholer; Emerson Raulerson, Inspector; Brad Gordon, Incoming Shareholder and Manager;

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

WEBBER RECYCLING, LLC

Inspection Date: 08/11/2021

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)				✓

WEBBER RECYCLING, LLC

Inspection Date: 08/11/2021

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)	✓			

WEBBER RECYCLING, LLC

Inspection Date: 08/11/2021

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)				✓

WEBBER RECYCLING, LLC

Inspection Date: 08/11/2021

Current Violations:

Rule:	62-701.300(1)(a)
Question Number:	9.1.1
Explanation:	The Waste Tire Processing Facility Quarterly Report for the second quarter of 2021, dated 8/13/21, reported 79.75 tons of whole waste tires and shreds on site. The reporting period ended June 30, 2021. On the day of the inspection, August 9, 2021, whole waste tires were observed 1) stacked along the north fence in the receiving area, 2) in a large pile of whole waste tires and shreds located east of the processing building (east pile), and 3) in a large pile of whole waste tires and shreds along the southern fence of the property (south pile). These piles appear to exceed the total reported for June 30, 2021. The permit provides that a passenger car tire equivalent weight standard is 22 lbs/tire. Section 2, Specific Condition C.2.4., of Permit Number 378243-001-WT-02, provides “The maximum amount of waste tires to be stored on sited at any time shall not exceed 4,000 whole waste tires (44 tons) plus 2,000 shredded tires (22 tons).” The maximum permitted to be stored on site is 66 tons, with the reported 79.75 tons exceeding the maximum by 13.75 tons, or approximately 1,233 tires, as of June 30, 2021. The north stacks, east pile and south pile appear to significantly exceed the 6,000 tire/shred maximum by approximately 5,000 to 10,000 tire equivalents.
Corrective Action:	The facility shall reduce the total amount of waste tires and shreds on site to within permitted maximums within 30 days. After which, they shall comply with the approved Operations of July 2019. Report corrective action to the Department, via email, immediately upon completion to arrange for a confirming inspection.

Attachments:

East Pile North End

East Pile Center Area

East Pile Shreds on South Side

Southwest Corner East Pile

WEBBER RECYCLING, LLC

Inspection Date: 08/11/2021

South Pile Photo 1

South Side of South Pile

East End of South Pile

Rule:	62-711.540(1)(d)
Question Number:	9.10
Explanation:	A current Annual Fire Safety Survey was not on file at the facility. Rule 62-711.540(1)(d), Fla. Admin. Code provides “A fire safety survey shall be conducted a least annually and the survey report shall be made part of the next quarterly report.”
Corrective Action:	The facility shall have a survey conducted and the report provided to the Department, via email, within 30 days.

Rule:	62-701.300(2)(e)
Question Number:	9.4
Explanation:	Whole waste tires and shreds are stored on the ground and uncovered in a pile east of the Waste Tire Processing Facility building and along the eastern half of the south fence at the property boundary, within 200 feet of a minor tributary of the Ortega River. Rule 62-701.300(1)(e), Florida Administrative Code (Fla. Admin. Code) provides “Within 200 feet of any natural or artificial body of water…. For purposes of this paragraph, a “body of water” includes wetlands within the jurisdiction of the Department…”
Corrective Action:	The facility shall reduce the total amount of waste tires and shreds on site to within permitted maximums and store them in accordance with the approved Operations Plan within 30 days. Report corrective action to the Department, via email, immediately upon completion to arrange for a confirming inspection.

Attachments:

WEBBER RECYCLING, LLC

Inspection Date: 08/11/2021

Tributary at Southwest Corner

COMMENTS:

Item Number 1.8 for the financial assurance mechanism is marked unknown, since the annual Financial Assurance Cost Estimate was just approved 8/11/2021. The Financial Coordinator has not yet reviewed the mechanism.

Item Number 9.11 for submission of Annual Fire Safety Survey. Since a current inspection was not on file, this is being marked N/A. Submission of the survey would satisfy this requirement.

Item Numbers 9.26-9.34 concerning outside storage of tires are N/A, since the facility's permit does not authorize outside storage. Tires are to be briefly stored in shipping containers or containers with tarp covers, both prior to and after shredding.

ATTACHMENTS:

Tire Receiving Area

Feed Conveyor of Shredder

WEBBER RECYCLING, LLC

Inspection Date: 08/11/2021

Discharge Side of Shredder

WEBBER RECYCLING, LLC

Inspection Date: 08/11/2021

Signed:

Jeff Schroer	Inspector
PRINCIPAL INSPECTOR NAME	**PRINCIPAL INSPECTOR TITLE**
	DEP — 08/19/2021
PRINCIPAL INSPECTOR SIGNATURE	**ORGANIZATION** — **DATE**

Lynn Roesser	Shareholer
REPRESENTATIVE NAME	**REPRESENTATIVE TITLE**
NO SIGNATURE REQUIRED	Webber Recycling, LLC
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.

Emerson Raulerson	Inspector
REPRESENTATIVE NAME	**REPRESENTATIVE TITLE**
NO SIGNATURE REQUIRED	FDEP
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.

Brad Gordon	Incoming Shareholder and Manager
REPRESENTATIVE NAME	**REPRESENTATIVE TITLE**
NO SIGNATURE REQUIRED	Webber Recycling, LLC
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: Jeff Schroer **Inspection Approval Date:** 08/31/2021

NOV 22-0268
Exhibit E

From:	lynn roesser
To:	Schroer, Jeffrey; Schroer, Jeffrey; Sasha; Sasha Yang; John Brooks
Subject:	Updated Clean-up Plan for Webber Recycling
Date:	Wednesday, October 6, 2021 2:59:36 PM

EXTERNAL MESSAGE
This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Hi Jeff,

I just wanted to update you on our progress with our clean up of our facility.

1]We have contracted with Global Tire Recycling to remove all tires that we are unable to shred. They have been bringing and will continue to to bring 18 wheeler trailers to haul whole tires off of our lot, as fast as we can fill them they bring another one and switch it out. We will continue to do this until all tires are removed.

2] We have contracted with Big Iron Recycling to provide at the minimum 30-40 40yard dumpsters to remove all shreds from the site. They have already started and will continue until all shreds are removed.

3] We have our current fire inspection survey on site which I have previously forwarded to you. It's good until December 15th 2021.We will have a new inspection completed in December to remain in good standing.

Thank you for your patience as we continue the process.

Lynn Roesser
Webber Recycling, LLC

Florida Department of Environmental Protection Inspection Checklist

FACILITY INFORMATION:

Facility Name: WEBBER RECYCLING, LLC
On-site Inspection Start Date: 01/12/2022
On-site Inspection End Date: 01/12/2022
WACS No.: 106211
Facility Street Address: 2203 HAMILTON STREET
City: JACKSONVILLE
County Name: DUVAL
Zip: 32210

INSPECTION PARTICIPANTS:

(Include ALL Landfill and Department Personnel with Corresponding Titles)

Principal Inspector: Jeff Schroer, Inspector

Other Participants: Lynn Roesser, Shareholder; Ronald Bassett, Site Manager;

INSPECTION TYPE:

Routine Closure 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.

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

WEBBER RECYCLING, LLC

Inspection Date: 01/12/2022

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.

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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)				✓

WEBBER RECYCLING, LLC

Inspection Date: 01/12/2022

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
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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)				✓

WEBBER RECYCLING, LLC

Inspection Date: 01/12/2022

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)				✓

WEBBER RECYCLING, LLC

Inspection Date: 01/12/2022

Pre-existing Violations:

Rule:	62-701.300(1)(a)
Question Number:	9.1.1
Explanation:	A large pile of tire shreds, estimated by the facility to be 240 tons, was observed east of the shredder building with a small pile at the discharge end of the shredder. A total of 18 stacks, estimated to be 8 tons, of tractor trailer tire sidewalls were observed adjacent to the south and east sides of the shredder building. An estimated 1500, 16.5 tons, whole waste tires, were observed along the south, east and north perimeters of the property. Total waste tires are estimated to be 264. 5 tons. The permit provides that a passenger car tire equivalent weight standard is 22 lbs/tire. Section 2, Specific Condition C.2.4., of Permit Number 378243-001-WT-02, provides “The maximum amount of waste tires to be stored on sited at any time shall not exceed 4,000 whole waste tires (44 tons) plus 2,000 shredded tires (22 tons).” The estimated 264.5 tons exceeds the maximum permitted tonnage of 66, however, based on the notification that the facility is ceasing operations, the facility is no longer authorized to store waste tires. Additionally, a total of 62 Off-Road Tires were observed scattered over the entire property. Off-Road Tires or non-motor vehicle tires do not meet the definition of waste tires, but are considered a solid waste. Rule 62-701.300(1)(a) Florida Administrative Code (Fla. Admin. Code) provides "No person shall store, process, or dispose of solid waste except as authorized at a permitted solid waste management facility or a facility exempt from permitting under this chapter."
Corrective Action:	The facility shall immediately properly dispose of all waste tires, including shreds, sidewalls and whole tires, and Off-Road Tires. Provide legible receipts documenting proper disposal within 14 days of completion. Report corrective action to the Department, via email, immediately upon completion to arrange for a confirming inspection.

Attachments:

Sidewalls South of Building

Sidewalls East of Building

WEBBER RECYCLING, LLC

Inspection Date: 01/12/2022

Shred Pile From West

Shred Pile from East

Shred Pile from Northeast

Shreds Adjacent to Shredder

SE Corner Tire Pile

East Boundary Tire Pile

WEBBER RECYCLING, LLC

Inspection Date: 01/12/2022

West Boundary Tires

West Boundary Tires Photo 2

Off-Road Tires Photo 1

Off-Road Tires Photo 2

Off-Road Tires Photo 3

Rule:	62-701.300(2)(e)
Question Number:	9.4
Explanation:	All whole waste tires, shreds and sidewalls stored outside and on the ground south of a diagonal line from the northwest corner to the southeast corner of the property are within 200 feet of minor tributaries of the Ortega River. Rule 62-701.300(2)(e), Florida Administrative Code (Fla. Admin. Code) provides no person shall store or dispose of solid waste “Within 200 feet of any natural or artificial body of water..."
Corrective Action:	The facility shall immediately properly dispose of all waste tires, including shreds, whole tires and sidewalls, and Off-Road Tires and submit receipts documenting proper disposal within 14 days of completion. Report corrective action to the

Department, via email, immediately upon completion to arrange for a confirming inspection.

Attachments:

Tributary at Southwest Corner

COMMENTS:

On December 27, 2021 Department Financial Group staff contacted the District informing them that a Webber Recycling, LLC representative had informed them that the Facility was ceasing operations in the near future and were inquiring about the financial Guarantee bond.

On January 12, 2022 Shareholder Lynn Roesser contacted the District seeking a meeting to discuss clean-up and closure activities and the financial guarantee bond. An inspection and subsequent meeting was conducted the same day. Existing violations and corrective actions were discussed. Ms. Roesser indicated that they while they desired to clean up the site, they no longer had the funds to do so.

The inspection showed that while considerable progress had been made in processing and removing tires, it was estimated that 264.5 tons remain in shreds, whole tires and sidewalls, well exceeding the permitted maximum of 66 tons. Additionally the clean-up activities revealed 62 oversized non-motor vehicle tires (Off-Road Tires) stored by the facility. While Off-Road Tires are not regulated as waste tires, they are regulated as solid waste and require proper disposal.

Although financial assurance is inadequate, Item Nos. 1.8 and 1.9 concerning financial assurance are N/A since the site is ceasing operations and will not be adjusting the cost estimate nor the financial assurance mechanism.
.

On January 18, 2022, the Facility notified the Department that they ceased operations effective January 17, 2022.

Item Nos. 9.26-9.36 are marked as N/A, because outside storage was not authorized in the permit.

Item Nos. 9.6 though 9.25 are marked N/A because the site has ceased operations and will no longer be under permit.

WEBBER RECYCLING, LLC

Inspection Date: 01/12/2022

Signed:

Jeff Schroer	Inspector
PRINCIPAL INSPECTOR NAME	**PRINCIPAL INSPECTOR TITLE**
	DEP — 01/24/2022
PRINCIPAL INSPECTOR SIGNATURE	**ORGANIZATION** — **DATE**

Lynn Roesser	Shareholder
REPRESENTATIVE NAME	**REPRESENTATIVE TITLE**
NO SIGNATURE REQUIRED	Webber Recycling, LLC
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.

Ronald Bassett	Site Manager
REPRESENTATIVE NAME	**REPRESENTATIVE TITLE**
NO SIGNATURE REQUIRED	Webber Recycling, LLC
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: Jeff Schroer **Inspection Approval Date:** 01/25/2022

NOV 22-0268
Exhibit F

From:	lynn roesser
To:	Bernie Sain; Bogin, Michael; Schroer, Jeffrey; Sasha; Schroer, Jeffrey; Thigpen, Hope
Subject:	Webber Recycling,LLC -closing
Date:	Tuesday, January 18, 2022 9:44:30 AM

EXTERNAL MESSAGE
This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

To whom this may concern,

This letter is to inform FLDEP that per our board of directors meeting on 1/17/22 Webber Recycling, LLC, has officially closes its doors as of January 17, 2022.

We have halted all day to day operations.

We will continue with the clean-up of the site until its completion.

If you have any further questions please feel free to email me or call me at 904-414-1638 or Sasha Yang 904-673-1661.

Thank you,

Lynn Roesser

Florida Department of Environmental Protection Inspection Checklist

FACILITY INFORMATION:

Facility Name: WEBBER RECYCLING, LLC
On-site Inspection Start Date: 04/08/2022
On-site Inspection End Date: 04/08/2022
WACS No.: 106211
Facility Street Address: 2203 HAMILTON STREET
City: JACKSONVILLE
County Name: DUVAL
Zip: 32210

INSPECTION PARTICIPANTS:

(Include ALL Landfill and Department Personnel with Corresponding Titles)

Principal Inspector: Anna McClure, Inspector

Other Participants: Matt Burnette, null;

INSPECTION TYPE:

Routine Closure 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.

9.0 - SECTION 9.0 - WASTE TIRE FACILITIES

WEBBER RECYCLING, LLC

Inspection Date: 04/08/2022

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)				✓

WEBBER RECYCLING, LLC

Inspection Date: 04/08/2022

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)				✓

WEBBER RECYCLING, LLC

Inspection Date: 04/08/2022

COMMENTS:

This inspection was a closure inspection following the clean up of the remaining 264.5 tons of shreds, whole tires, and sidewalls. At the time of inspection all whole tires, sidewalls, and shreds had been removed from the site therefore all violations have been resolved.

All items but 9.1 - 9.4 are marked N/A since the purpose of this inspection was to determine if corrective actions had been completed in order to resolve the remaining two violations.

ATTACHMENTS:

Area to Right of Entrance

View of South Side of Property

Southeast corner of the Property

East view from behind buildings

WEBBER RECYCLING, LLC

Inspection Date: 04/08/2022

Signed:

Anna McClure	Inspector
PRINCIPAL INSPECTOR NAME	**PRINCIPAL INSPECTOR TITLE**

	DEP	04/11/2022
PRINCIPAL INSPECTOR SIGNATURE	**ORGANIZATION**	**DATE**

Matt Burnette	
REPRESENTATIVE NAME	**REPRESENTATIVE TITLE**
NO SIGNATURE REQUIRED	
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: Jeff Schroer **Inspection Approval Date:** 04/11/2022

Mail Document and Notices to:
Solid Waste Financial Coordinator
Florida Department of Environmental Protection
2600 Blairstone Road MS 4548
Tallahassee, Florida 32399-2400

DEP Form # 62-701.900(5)(b)
Form Title SW Fac. Guarantee Bond
Form Effective Date February 15, 2015
Incorporated in Rule 62-701.630(6)

STATE OF FLORIDA
SOLID WASTE FACILITY FINANCIAL GUARANTEE BOND

The term "Required Action" as used in this document means closing, long-term care, or corrective action, or any combination of these, which is identified below.

Check Appropriate Box(es): ☑ Closing ☐ Long-Term Care ☐ Corrective Action

Date bond executed: August 21, 2019

Effective date: 07/24/2019

Principal is a limited liability company.
Type of Legal Entity (e.g., corporation, limited liability company, partnership, sole proprietorship)

Principal: Webber Recycling, LLC
Legal Name of Owner or Operator

2203 Hamilton St., Jacksonville, FL 32210
Business Address of Owner or Operator

Surety(ies): Lexon Insurance Company
Name as listed on Treasury Circular 570

12890 Lebanon Road, Mount Juliet, TN 37122
Business Address

Texas
State of Incorporation of Surety

List for each facility covered by this bond: FDEP identification number (WACS or EPA ID), facility name and site address.
Include facility amounts (the amount for each facility covered by this bond) only when more than one facility is covered by this bond.
Facility amount equals penal sum when not specified.

FDEP I.D. No.	Facility Name and Site Address
106211	Webber Recycling, LLC 2203 Hamilton St. Jacksonville, FL 32210

Total penal sum of bond: $ 36,000.00

Surety's bond number: 1161804

Bond premium: $ 540.00

Know All Persons By These Presents, That we, the Principal and Surety(ies) hereto are firmly bound to the Florida Department of Environmental Protection (hereinafter called FDEP), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Sureties are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

WHEREAS, said Principal is required, under the Florida Solid Waste Management Act as amended, to have a permit in order to construct, operate or close each solid waste management facility identified above, and

WHEREAS, said Principal is required to provide financial assurance for the "Required Action," as a condition of the permit(s), and

WHEREAS, said principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

NOW, THEREFORE, the conditions of the obligation are such that if the Principal shall faithfully, before the beginning of Required Action(s) of each facility identified above, fund the standby trust fund in the amount identified above for the facility,

Or, if the Principal shall fund the standby trust fund in such amount within 15 days after an order to begin Required Action(s) is issued by the Secretary of the FDEP, or the Secretary's designee (the "designee"), or a U.S. district court or other court of competent jurisdiction,

Or, if the Principal shall provide alternate financial assurance and obtain the FDEP Secretary's, or designee's, written approval of such assurance, within 90 days after the date of notice of cancellation is received by both the Principal and the FDEP Secretary, or designee, from the Surety(ies), then this obligation shall be null and void, otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by the FDEP Secretary, or designee, that the Principal has failed to perform as guaranteed by this bond, the Surety(ies) shall place funds in the amount guaranteed for the facility(ies) into the standby trust fund as directed by the FDEP Secretary, or designee.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the Secretary of the FDEP, or designee; however, cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by both the Principal and the FDEP Secretary, or designee, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety(ies); provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the Secretary of the FDEP, or designee.

Principal and Surety(ies) hereby agree to adjust the penal sum of the bond yearly so that it guarantees new facility amount(s), provided that the penal sum does not increase by more than 20 percent in any one year, and no decrease in the penal sum takes place without the written permission of the FDEP Secretary, or designee.

NOV 22-0268
Exhibit H

POWER OF ATTORNEY

LX - 10165

Lexon Insurance Company

KNOW ALL MEN BY THESE PRESENTS, that **LEXON INSURANCE COMPANY**, a Texas Corporation, with its statutory home office in Austin, Texas, does hereby constitute and appoint: Jessica Spears its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **LEXON INSURANCE COMPANY** on the 1st day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed $5,000,000.00, Five Million Dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **LEXON INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 22nd day of June, 2018.

LEXON INSURANCE COMPANY

LEXON INSURANCE COMPANY CORPORATE SEAL MARCH 16, 1984 STATE OF TEXAS

BY _____
Brian Beggs
President

ACKNOWLEDGEMENT

On this 22nd day of June, 2018, before me, personally came Brian Beggs to me known, who be duly sworn, did depose and say that he is the President of **LEXON INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.

AMY TAYLOR STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY

AMY TAYLOR
Notary Public- State of Tennessee
Davidson County
My Commission Expires 5-9-2023

BY _____
Amy Taylor
Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of **LEXON INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the forgoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Seal at Mount Juliet, Tennessee this 21st Day of August, 2019.

LEXON INSURANCE COMPANY CORPORATE SEAL MARCH 16, 1984 STATE OF TEXAS

BY _____
Andrew Smith
Assistant Secretary

"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."

IN WITNESS WHEREOF, the Principal and Surety(ies) have executed this Financial Guarantee Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies), and that the wording of this surety bond is identical to the wording as adopted and incorporated by reference in Rule 62-701.630(6)(a), F.A.C.

PRINCIPAL

President

Signature of Authorized Representative of Principal

Lewis L. Webber

Type Name and Title

904-783-6466

Telephone Number

louwebber@gmail.com

E-mail Address

Signature of Witness or Notary

8-26-19

Date

Jennifer L Simmons

Printed Name of Witness or Notary Seal

JENNIFER L SIMMONS
Notary Public - State of Florida
Commission # GG 328359
My Comm. Expires Aug 6, 2023
Bonded through National Notary Assn.

CORPORATE SURETY(IES)

Provide the following for each surety (co-surety). Attach pages as needed.

Lexon Insurance Company

Surety Company

NA

Liability Limit (for co-sureties only)

(SEAL▶)

Signature of Authorized Representative of Surety (Attach Power of Attorney)

Jessica Spears, Attorney-In-Fact

Type Name and Title

12890 Lebanon Road
Mount Juliet, TN 37122

Address of Authorized Representative

615-553-9500

Telephone Number

submissions@sompo-intl.com

E-mail Address

FINAL ORDER 22-0268
EXHIBIT B

USPS Tracking®

FAQs >

Remove ✕

Tracking Number:

70201810000128878160

Copy **Add to Informed Delivery (https://informeddelivery.usps.com/)**

Latest Update

Your item was delivered to an individual at the address at 2:05 pm on October 22, 2022 in JACKSONVILLE, FL 32223.

Delivered

Delivered, Left with Individual

JACKSONVILLE, FL 32223
October 22, 2022, 2:05 pm

See All Tracking History

Feedback

Text & Email Updates

USPS Tracking Plus®

Product Information

Postal Product:

Features:
Certified Mail™

See Less

Track Another Package

Enter tracking or barcode numbers

USPS TRACKING#

9590 9402 6309 0274 4967 74

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

United States Postal Service

* Sender: Please print your name, address, and ZIP+4® in this box*

Florida Department of Environmental Protection
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

Webber Recycling, LLC
c/o Bernard Saul Sain, Registered Agent
11871 Catrakee Drive
Jacksonville, Florida 32223

Received
OCT 25 2022
FDEP

9590 9402 6309 0274 4967 74

2. Article Number (Transfer from service label)

7020 1810 0001 2887 8160

☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over $500)

☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☒ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

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Domestic Return Receipt

Feedback