



December 1, 2009

Mr. Ghaus Minhaj, Solid Waste permitting Engineer  
Florida Department of Environmental Protection  
PO Box 2549  
Fort Myers, Florida 33902-2549

Re: Garden Street Iron & Metal  
Tire Processing Facility Permit Application  
Application No. 0296251-001-WT/02, WACS ID No. 00098386

Dear Mr. Minhaj:

Please find enclosed the original Affidavit of Publication of the Notice of Intent to Issue for the above application.

Please let me know if there is anything additional that you may need.

Sincerely,  
**KEENE ENGINEERING, INC.**

A handwritten signature in blue ink, appearing to read 'William T. Keene'.

William T. Keene, PE  
President  
45915

Attachment

PO Box 2770, Fort Myers, Florida 33902  
(239) 939-0524 (239) 939-1968 fax

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**DEC 01 2009**  
**D.E.P. South District**



# NEWS-PRESS

Published every morning - Daily and  
Sunday

Fort Myers, Florida

## Affidavit of Publication

STATE OF FLORIDA  
COUNTY OF LEE

Before the undersigned authority, personally appeared

**Kathy Allebach**

who on oath says that he/she is the

**Legal Assistant**

of the News-Press, a

daily newspaper, published at Fort Myers, in Lee County,  
Florida; that the attached copy of advertisement, being a

**Notice of Action**

In the matter of

**Intent to Issue Permit**

In the court was published in said newspaper in the  
issues of

**November 20, 2009**

Affiant further says that the said News-Press is a paper of  
general circulation daily in Lee, Charlotte, Collier, Glades  
and Hendry Counties and published at Fort Myers, in said Lee  
County, Florida and that said newspaper has heretofore been  
continuously published in said Lee County, Florida, each day,  
and has been entered as a second class mail matter at the post  
office in Fort Myers in said Lee County, Florida, for a period of  
one year next preceding the first publication of the attached copy  
of the advertisement; and affiant further says that he/she has  
neither paid nor promised any person, firm or corporation any  
discount, rebate, commission or refund for the purpose of  
securing this advertisement for publication in the said  
newspaper.

*Kathy Allebach*

Sworn to and subscribed before me this

20th day of November 2009 by

**Kathy Allebach**

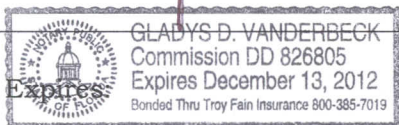
personally known to me or who has produced

as identification, and who did or did not take an  
oath.

Notary Public

Print Name

My commission



### STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION NOTICE OF INTENT TO ISSUE PERMIT

The Department of  
Environmental Protection gives Notice  
of its intent to grant  
a Waste Tire Facility  
Construction/Operati  
on Permit (No.  
0296251-001-WT/02)  
for the proposed  
project as detailed in  
the application (No.  
0296251-001-WT/02) to  
the applicant Garden  
Street Iron & Metal,  
c/o Mr. Rob Weber,  
3350 Metro Parkway,  
Fort Myers, Florida  
33916. The Permit,  
when issued, will al  
low the Permittee to  
construct/operate:  
a Waste Tire Proc  
essing Center, specif  
ically identified as  
Garden Street Iron &  
Metal located at 3350  
Metro Parkway, Fort  
Myers, Lee County,  
Florida.

The Department's  
file on this matter is  
available for public  
inspection during  
normal business  
hours, 8:00 a.m. to  
5:00 p.m., Monday  
through Friday, ex  
cept legal holidays at  
Florida Department  
of Environmental  
Protection, South  
District, 2295 Victoria  
Avenue, Suite 364,  
Fort Myers, Florida.

The Department  
will issue the permit  
unless a timely peti  
tion for an adminis  
trative hearing is  
filed under Sections  
120.569 and 120.57 of  
the Florida Statutes  
(F.S.), or all parties  
reach a written  
agreement on an alternative  
remedy under Sec  
tion 120.573 F.S. be  
fore the deadline for  
filing a petition.  
Choosing mediation  
will not adversely af  
fect the right to a  
hearing, if mediation  
does not result in a  
settlement. The pro  
cedures for  
petitioning for a  
hearing are set forth  
below, followed by  
the procedures for

pursuing mediation.  
A person whose  
substantial interests  
are affected by the  
above proposed  
agency action may  
petition for an ad  
ministrative determi  
nation (hearing) un  
der Sections 120.569  
and 120.57 of the  
Florida Statutes. The  
petition must contain  
the information set  
forth below and must  
be filed (received) in  
the Department's Of  
fice of General Coun  
sel,

Marjory  
Stoneman Douglas  
Building, 3900 Com  
monwealth Boule  
vard, Mail Station 35,  
Tallahassee, Florida  
32399-3000. Petitions  
filed by any persons  
other than those en  
titled to written notice  
under Section  
120.60(3) of the Flori  
da Statutes must be  
filed within fourteen  
(14) days of publica  
tion of this notice or  
receipt of the written  
notice, whichever oc  
curs first. The peti  
tioner shall mail a  
copy of the petition  
to the applicant at  
the address indicated  
above at the time of  
filing. The failure of  
any person to file a  
petition (or a request  
for mediation, as dis  
cussed below) within  
the appropriate time

period shall consti  
tute a waiver of that  
person's right to re  
quest an administra  
tive determination  
(hearing) under Sec  
tions 120.569 and  
120.57 of the Flori  
da Statutes, or to in  
tervene in this proceed  
ing and participate  
as a party to it. Any  
subsequent interven  
tion (in a proceeding  
initiated by another  
party) will be only at  
the discretion of the  
presiding officer  
upon the filing of a  
motion in compliance  
with Rule 28-106.205  
of the Florida Ad  
ministrative Code.

A petition that dis  
putes the material  
facts on which the  
Department's action  
is based must con  
tain the following in  
formation:

(a) The name, ad  
dress, and telephone  
number of each peti  
tioner, the applican  
t's name and ad  
dress, the Depart  
ment File Number  
and the county in  
which the project is  
proposed;

(b) A statement  
of how and when  
each petitioner re  
ceived notice of the  
Department's action  
or proposed action;

(c) A statement of  
how each petitioner's  
substantial interests  
are or will be affect  
ed by the Depart  
ment's action or pro  
posed action;

(d) A statement  
of all material facts  
disputed by petiti  
oner or a statement  
that there are no dis  
puted facts;

(e) A statement of  
the ultimate facts al  
leged, including a  
statement of the spe  
cific facts which the  
petitioner contends  
warrant reversal or  
modification of the  
Department's action  
or proposed action;

(f) A statement of  
the specific rules or  
statutes the petiti  
oner contends require  
reversal or modifica  
tion of the Depart  
ment's action or pro  
posed action; and

(g) A statement  
of the relief sought  
by the petitioner,  
stating precisely the  
action the petitioner  
wants the Depart  
ment to take with re  
spect to the Depart  
ment's action or pro  
posed action.

A petition that does  
not dispute the mat  
erial facts on which  
the Department's ac  
tion is based shall  
state that no such  
facts are in dispute  
and otherwise shall  
contain the same in

formation as set  
forth above, as re  
quired by Rule 28-  
106.301, F.A.C.

Because the admin  
istrative hearing  
process is designed  
to formulate final  
agency action, the  
filing of a petition  
means that the De  
partment's final ac  
tion may be different  
from the position  
taken by it in this no  
tice. Persons whose  
substantial interests  
will be affected by  
any such final deci  
sion of the Depart  
ment must have the right  
to petition to become  
a party to the pro  
ceeding, in accord  
ance with the re  
quirements set forth  
above.

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In addition to requesting an administrative hearing, any petitioner may elect to pursue mediation. The election may be accomplished by filing with the Department a mediation agreement with all parties to the proceeding (i.e., the applicant, the Department, and any person who has filed a timely and sufficient petition for a hearing). The agreement must contain all the information required by Rule 28-106.404 F.A.C. The agreement must be received by the clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within ten (10) days after the deadline for filing a petition, as set forth above. Choosing mediation will not adversely affect the right to a hearing, if mediation does not result in a settlement.

The agreement to mediate must include the following:

(a) the names, addresses, and telephone numbers of any persons who may attend the mediation;

(b) the name, address, and telephone number of the mediator selected by the parties, or a provision of selecting a mediator within a specified time;

(c) the agreed allocation of the costs and fees associated with the mediation;

(d) the agreement of the parties on the confidentiality of discussions and documents introduced during mediation;

(e) the date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;

(f) the name of each party's representative who shall have authority to settle or recommend settlement;

(g) either an explanation of how the substantial interests of each mediating party will be affected by the action or proposed action addressed in this action or a statement clearly identifying the petition for hearing that each party has already filed, and incorporating it by reference; and

(h) the signatures of all parties or their authorized representatives.

As provided in Section 120.573 of the Florida Statutes (F.S.), the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty (60)

days of receipt of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above and must, therefore, file their petitions within fourteen (14) days of receipt of this notice, or they shall be deemed to have waived their right to a proceeding under Sections 120.569 and 120.57 F.S. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing process under Sections 120.569 and 120.57 F.S. are resumed.

Nov 20 No. 1376783



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