



Jack Long, Director
Southeast District Office

May 11, 2010

Florida Department of Environmental Protection

Southeast District Office
400 N. Congress Avenue, Suite 200
West Palm Beach, FL 33401
(561) 681-6600

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

VIA ELECTRONIC MAIL
Afornal@libertytire.com

Mr. Jeffrey D. Kendall, CEO/President
Liberty Tire Recycling, LLC.
625 Liberty Ave, Suite 3100
Pittsburgh, PA 15222

RE: Modification of Conditions, Permit Number 041202-WT-003
File Number 041202-WT-004
Permit Expiration: June 26, 2013

Dear Mr. Kendall:

The Department is in receipt of your request to modify the referenced permit. The permit has been modified as given below.

FROM:

PERMITTEE:
Mrs. Susan K. Wilson, President
Florida Tire Recycling, Inc.
9675 Range Line Road
Port St. Lucie, FL 34987

I.D. NUMBER: 5056P01887
WACS I.D. NUMBER: 00070963
PERMIT/CERTIFICATION NUMBER: 41202-WT-003
DATE OF ISSUE: June 27, 2008
EXPIRATION DATE: June 26, 2013
COUNTY: St. Lucie County
LATITUDE/LONGITUDE: 27°14'22"/80°29'00"
SECTION/TOWNSHIP/RANGE: 1/37S/38E
PROJECT: FTRI - WTPF

TO:

PERMITTEE:
Mr. Jeffrey D. Kendall, CEO/President
Liberty Tire Recycling, LLC.
625 Liberty Ave, Suite 3100
Pittsburgh, PA 15222

WACS I.D. NUMBER: 00070963
PERMIT/CERTIFICATION NUMBER: 41202-WT-004
DATE OF ISSUE: June 27, 2008
EXPIRATION DATE: June 26, 2013
COUNTY: St. Lucie County
LATITUDE/LONGITUDE: 27°14'22"/80°29'00"
SECTION/TOWNSHIP/RANGE: 1/37S/38E
PROJECT: Liberty Tire Recycling – Waste Tire Processing Facility

This letter must be attached to the original permit and becomes a part of the permit.

A person whose substantial interests are affected by this modification may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes (F.S.). The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 14 days of receipt of this Modification. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S.

The Petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by Petitioner, if any;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this modification. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

This modification is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 62-110.106(7), F.A.C. Upon timely filing of a petition or a request for an extension of time this modification will not be effective until further Order of the Department.

When the Order (Modification) is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, 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, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; 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 the Final Order is filed with the Clerk of the Department.

Should you have any questions, please contact Mr. Amede Dimonnay of this office, telephone number (561)681-6667.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Jack Long
District Director
Southeast District

Date

JL/JWL/ad

CERTIFICATE OF SERVICE

This is to certify that this **NOTICE OF PERMIT MODIFICATION** and all copies were mailed before the close of business on 5-11-10 to the listed persons.

FILING AND ACKNOWLEDGMENT: FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Andre M. J. [Signature]
Clerk

5-11-10
Date

Copies furnished to:

Tor Bejnar, DEP/TLH, tor.bejnar@dep.state.fl.us
Jack Wilson, FTRE, jwilson@ftre.net
Joseph T. Friscia, P.E., frisciaeng@adelphia.net