

LEGAL NOTICES

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION NOTICE OF INTENT TO ISSUE

THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) GIVES NOTICE OF ITS INTENT TO ISSUE A PERMIT UNDER SECTION 403.722, FLORIDA STATUTES (F.S.) AND CHAPTERS 62-4 AND 62-730, OF THE FLORIDA ADMINISTRATIVE CODE (F.A.C.) TO EQ FLORIDA, INC with respect to the facility at 7202 East 8th Avenue, Tampa, Florida 33619, having assigned facility I.D. number FLD 981 932 494.

The draft RCRA Permit contains the conditions for Operating Permit 34875-HO-010. The Permit is intended to be issued to operate a hazardous waste container storage facility, treatment unit, and transfer facility and implement facility-wide corrective action at EQ Florida, Inc's site at Tampa, Florida.

Copies of the application and the draft Permit are available for public inspection during normal business hours 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at FDEP, Tampa District Office, 13051 North Telecom Parkway, Temple Terrace, Florida 33637, (813) 632-7600 and at Division of Waste Management, Bureau of Solid & Hazardous Waste (BSHW), Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850) 245-8796. Electronic copies of the application and draft permit can be accessed in the Department's OCLUS data system located at <http://dwmedms.dep.state.fl.us/Oculus/servlet/login>

A person whose substantial interests are or will be affected by the Intent to Issue may petition for an administrative determination (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in FDEP's Office of General Counsel, Agency Clerk, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant and any parties entitled to written notice under Section 120.630(3), F.S. must be filed within 45 days of receipt of the Intent. Petitions filed by any other persons must be filed within 45 days of publication of this notice or receipt of the Intent, whichever occurs first. A petitioner shall mail a copy of the petition to the applicant at the address indicate above at the time of filing. The failure of any person to file a petition within this time period shall constitute a waiver of that person's right to request a hearing under Sections 120.569 and 120.57, F.S. Any subsequent intervention (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, F.A.C.

A petition that disputes the material facts on which FDEP's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the FDEP Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of FDEP's action of proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by FDEP's proposed action;
- (d) A statement of all material facts disputed by petitioner, or a statement that there are no disputed facts;
- (e) A statement of all facts which petitioner contends warrant reversal or modification of FDEP's proposed action;
- (f) A statement of which rules or statutes the petitioner contends require reversal or modification of FDEP's 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.

A petition that does not dispute the material facts on which FDEP's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above,

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as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that FDEP's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such decision of the FDEP have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Any person may request a public meeting regarding the proposed permitting decision pursuant to Section 403.722(10), F.S. A request for a public meeting is not equivalent to a request for a formal or informal administrative hearing. Public meetings are not evidentiary in nature, and information submitted at a public meeting is for non-binding consideration only. A public meeting is not subject to court or appellate review. A request for a public meeting must be filed (received) in the Office of General Counsel Agency Clerk, within 45 days of publication of this notice. Failure to file a request for a public meeting within this time period shall constitute a waiver of any right such a person may have to request a meeting under Section 403.722(10), F.S.

Mediation is not available in this proceeding.

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