



Department of Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

PERMITTEE

Manatee County
c/o Mr. Len Bramble
4410 66th Street West
Bradenton, FL 34210

PERMIT/CERTIFICATION

GMS ID No.: 4041C02025
Permit No.: 126654-001-WT
Date of Issue: 10/12/1998
Expiration Date: 09/15/2003
County: Manatee
Lat/Long: 27°28'00"N
82°27'00"W
Sec/Town/Rge: 1,6 & 31/34S/19E
Project: Lena Road Waste Tire
Facility

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule(s) 62-4 and 62-711. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the Department and made a part hereof and specifically described as follows:

To operate a waste tire facility (approximately 2 acres), referred to as the Lena Road Waste Tire Facility, subject to the specific conditions attached, for storing waste tires, located at 3333 Lena Road, Bradenton, Manatee County, Florida. The specific conditions attached are for the operation of:

1. Waste Tire Facility

Replaces Permit No.: previously included in permit #S041-211176

This permit contains compliance items summarized in Attachment 1 that shall be complied with and submitted to the Department by the dates noted. If the compliance dates are not met and submittals are not received by the Department on the dates noted, enforcement action may be initiated to assure compliance with the conditions of this permit.

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 403.859 through 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 personal 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, are 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.

GENERAL CONDITIONS:

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.

GENERAL CONDITIONS:

11. This permit is transferable only upon Department approval in accordance with Rule 62-4.120 and 62-730.300, Florida Administrative Code, as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

13. This permit also constitutes:

- () Determination of Best Available Control Technology (BACT)
- () Determination of Prevention of Significant Deterioration (PSD)
- () Certification of compliance with State Water Quality Standards (Section 401, PL 92-500)
- () Compliance with New Source Performance Standards

14. 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.

GENERAL CONDITIONS:

- (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.

15. 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 that 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.

16. In the case of an underground injection control permit, the following permit conditions also shall apply:

- (a) All reports or information required by the Department shall be certified as being true, accurate and complete.
- (b) Reports of compliance or noncompliance with, or any progress reports on, requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (c) Notification of any noncompliance which may endanger health or the environment shall be reported verbally to the Department within 24 hours and again within 72 hours, and a final written report provided within two weeks.
 1. The verbal reports shall contain any monitoring or other information which indicate that any contaminant may endanger an underground source of drinking water and any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between underground sources of drinking water.
 2. The written submission shall contain a description of and a discussion of the cause of the noncompliance and, if it has not been corrected, the anticipated time the noncompliance is expected to continue, the steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance, and all information required by Rule 62-28.230(4)(b), F.A.C.
- (d) The Department shall be notified at least 180 days before conversion or abandonment of an injection well, unless abandonment within a lesser period of time is necessary to protect waters of the State.

GENERAL CONDITIONS:

17. The following conditions also shall apply to a hazardous waste facility permit.

- (a) The following reports shall be submitted to the Department:
1. Manifest discrepancy report. If a significant discrepancy in a manifest is discovered, the permittee shall attempt to rectify the discrepancy. If not resolved within 15 days after the waste is received, the permittee shall immediately submit a letter report, including a copy of the manifest, to the Department.
 2. Unmanifested waste report. The permittee shall submit an unmanifested waste report to the Department within 15 days of receipt of unmanifested waste.
 3. Biennial report. A biennial report covering facility activities during the previous calendar year shall be submitted by March 1 of each even numbered year pursuant to Chapter 62-730, F.A.C.
- (b) Notification of any noncompliance which may endanger health or the environment, including the release of any hazardous waste that may endanger public drinking water supplies or the occurrence of a fire or explosion from the facility which could threaten the environment or human health outside the facility, shall be reported verbally to the Department within 24 hours, and a written report shall be provided within 5 days. The verbal report shall include the name, address, I.D. number, and telephone number of the facility, its owner or operator, the name and quantity of materials involved, the extent of any injuries, an assessment of actual or potential hazards, and the estimated quantity and disposition of recovered material. The written submission shall contain:
1. A description and cause of the noncompliance.
 2. If not corrected, the expected time of correction, and the steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.
- (c) Reports of compliance or noncompliance with, or any progress reports on, requirements in any compliance schedule shall be submitted no later than 14 days after each schedule date.
- (d) All reports or information required by the Department by a hazardous waste permittee shall be signed by a person authorized to sign a permit application.

SPECIFIC CONDITIONS:

1. **Classification.** This site shall be classified as a waste tire facility and shall be operated and closed in accordance with all applicable requirements of Chapters 62-4 and 62-711, Florida Administrative Code (F.A.C.).

2. **Permit Application Documentation.** This permit is valid for operation of the waste tire facility in accordance with the reports, plans and other information as follows:

- Permit Application dated January 30, 1998 received on January 30, 1998;
- Revised permit application form, site plans and supporting documents received on August 31, 1998;
- and in accordance with all applicable requirements of Department rules.

3. **Permit Modifications.** Any construction or operation activities not previously approved as part of this permit including but not limited to the future relocation of the facility or waste tire processing and storage of residuals, shall require a separate Department permit unless the Department determines a permit modification to be more appropriate, or unless otherwise approved in writing by the Department. Permits shall be modified in accordance with the requirements of 62-4.080, F.A.C. A modification which is reasonably expected to lead to substantially different environmental impacts which require a detailed review by the Department is considered a substantial modification.

4. **Permit Renewal.** No later than one hundred eighty (180) days before the expiration of the Department permit, the permittee shall apply for a renewal of a permit on forms and in a manner prescribed by the Department, in order to assure conformance with all applicable Department rules. Permits shall be renewed at least every five years as required by F.A.C. 62-4.070(4).

5. **Prohibitions.** The prohibitions of F.A.C. Rule 62-711.400 shall not be violated.

6. **Financial Assurance.** The permittee shall provide financial assurance for the facility in accordance with F.A.C. 62-711.500(3), either separately or as part of the financial assurance specified in the current landfill operation permit.

- a. All costs for closure shall be adjusted and submitted annually, by September 1st each year to: Solid Waste Manager, Solid Waste Section, Department of Environmental Protection, 3804 Coconut Palm Drive, Tampa, Florida 33619-8318.

SPECIFIC CONDITIONS:

b. Proof that the financial mechanism has been adequately funded shall be submitted annually, by September 1st each year, to: Financial Coordinator, Solid Waste Section, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

7. **Storage Requirements.** All waste tires shall be stored in accordance with F.A.C. 62-711.530 and 62-711.540, and the revised permit application form and site plans received on August 31, 1998.

- Storage at the facility is limited to 728 tons of waste tires.
- If the facility has reached its permitted storage capacity, the permittee shall not accept additional waste tires until sufficient capacity has been restored.
- At least 75 percent of the whole tires, used tires, and processed tires that are delivered to or are contained on the site of the waste tire facility at the beginning of each calendar year shall be removed for disposal or recycling from the facility during the year, or disposed of at a permitted solid waste management facility.

8. **Operation Plan and Operating Record.** A copy of the Department approved permit, operational plan, record drawings, and supporting information shall be kept at the facility at all times for reference and inspections.

9. **Operating Personnel.** A trained supervisor or foreman shall be responsible for maintaining the facility in an orderly, safe, and sanitary manner. Sufficient personnel shall be employed to adequately operate the facility.

10. **Reporting Requirements.** Waste Tire Processing Facility Quarterly Report, Form #62-711.900(4) attached summarizing facility operations shall be submitted quarterly to the Department by January 20th, April 20th, July 20th, and October 20th, pursuant to FAC Rule 62-711.530(5).

11. **Fire Safety Survey.** A fire safety survey shall be conducted at least annually and the survey report shall be made available to the Department upon request.

12. **Stormwater System Management.** Stormwater shall be managed as required by F.A.C. 62-711.540(3)(a). The site shall be managed to divert stormwater around and away from the storage piles.

13. **Emergency Preparedness Manual.** A copy of the facility's emergency preparedness manual shall be kept at the site and a copy shall be kept at an off-site location.

SPECIFIC CONDITIONS:

14. **Control of Nuisance Conditions.** The owner or operator shall control mosquitoes and rodents as so to protect the public health and welfare. The operating authority shall be responsible for the control of odors and fugitive particulates arising from this operation. Such control shall minimize the creation of nuisance conditions on adjoining property. Complaints received from the general public, and confirmed by Department personnel upon site inspection, shall constitute a nuisance condition, and the permittee must take immediate corrective action to abate the nuisance.

15. **Facility Maintenance and Repair.** The site shall be properly maintained including minimized grass, underbrush and other flammable vegetation, prevention of ponding, and maintenance of berms and other systems designed to protect water bodies from liquid runoff from a potential waste tire fire. In the event of damage to any portion of the waste tire site, fire, or failure of any portion of the waste tire storage systems, the permittee shall immediately (**within 24 hours**) notify the Department of Environmental Protection explaining such occurrence and remedial measures to be taken and time needed for repairs. Written detailed notification shall be submitted to the Department **within seven (7) days** following the occurrence.

16. **Professional Certification.** Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.), Florida Statutes, applicable portions of permit applications and supporting documents which are submitted to the Department for public record shall be signed and sealed by the professional(s) who prepared or approved them.

17. **Closure.** The facility shall be closed in accordance with the requirements of FAC Rule 62-711.700. The waste tire facility owner or operator shall notify the Department at least **ninety (90) days** prior to the date when tires will no longer be accepted for storage, as required by F.A.C. 62-711.700(2).

18. **General Conditions.** The permittee shall be aware of and operate under the "General Conditions". General Conditions are binding upon the permittee and enforceable pursuant to Chapter 403, Florida Statutes.

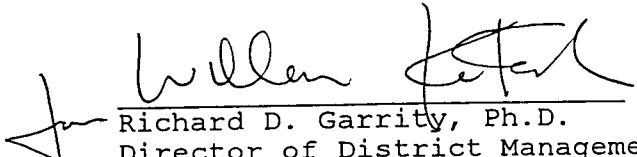
PERMITTEE: Manatee Co
PROJECT: Lena Road Waste Tire Facility

RMIT NO.: 126654-001-WT

SPECIFIC CONDITIONS:

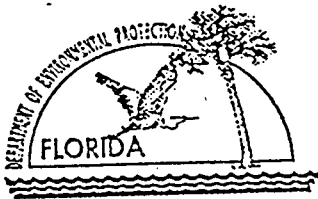
19. **Permit Acceptance.** By acceptance of this Permit, the permittee certifies that he/she has read and understands the obligations imposed by the Specific and General Conditions contained herein and also including date of permit expiration and renewal deadlines. It is a violation of this permit for failure to comply with all conditions and deadlines.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Richard D. Garrity, Ph.D.
Director of District Management
Southwest District

ATTACHMENT 1

SPECIFIC CONDITION	SUBMITTAL DUE DATE	REQUIRED ITEM
4.	180 days prior to permit expiration	Permit renewal application
6.	Annually, by September 1st	Financial assurance
10.	Quarterly, by January 20th, April 20th, July 20th, October 20th	Operational records



Department of Environmental Protection

DEP Form # <u>62-701.900(21)</u>
Waste Tire Processing Facility
Form Title <u>Quarterly Report</u>
Effective Date <u>12/23/96</u>
DEP Application No. _____ (Filled in by DEP)

Waste Tire Processing Facility Quarterly Report

Pursuant to Rule 62-711.530, Florida Administrative Code, the owner or operator of a waste tire processing facility shall submit the following information to the Department quarterly.

Quarter covered by this report: _____ (First quarter begins on January 1 of any given year)

- Facility name: _____
- Facility mailing address: _____
City: _____ County: _____ Zip: _____
- Facility permit number: _____
- Facility telephone number: (_____) _____
- Authorized person preparing report: _____
- Affiliation with facility: _____
- Telephone number (if different from above): (_____) _____

8. Activity: Report in tons.

	Beginning Inventory	Received	Processed	Consumed	Removed	Adjustments	Ending Inventory
Used Tires							
Other whole tires							
Processed tires							
Processing Waste							
Other							
Total							

- a. Explain all inventory adjustments. _____
- b. List any period in which one or more category of inventory exceeded the permitted maximum for that category. How was the condition relieved? _____
- For any excess inventory at the end of the quarter, state how and when this condition will be relieved. Attach additional sheets, if necessary. _____

9. Certification:

To the best of my knowledge and belief, I certify the information provided in this report is true, accurate and complete.

Name of Authorized Agent

Signature of Authorized Agent

Date

Mail complete form to the appropriate district office

- | | | | | | |
|---|---|--|--|---|---|
| <p>Northwest District
160 Governmental Center
Pensacola, FL 32501-5794
904-444-3350</p> | <p>Northeast District
7325 Baymeadows Way, Ste. 8100
Jacksonville, FL 32256-7597
904-443-4300</p> | <p>Central District
3319 Maguire Blvd., Ste. 202
Orlando, FL 32803-3767
407-394-7555</p> | <p>Southwest District
3304 Coconut Palm Dr.
Tampa, FL 33619
813-744-6100</p> | <p>South District
2295 Victoria Ave., Ste. 354
Fort Myers, FL 33901-3331
813-332-6975</p> | <p>Southeast District
400 North Congress
West Palm Beach, FL
561-831-5500</p> |
|---|---|--|--|---|---|



Department of Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

NOTICE OF PERMIT

October 12, 1998

Manatee County
c/o Mr. Len Bramble
4410 66th Street West
Bradenton, FL 34210

Dear Mr. Bramble:

Enclosed is a Waste Tire Permit Number 126654-001-WT, issued pursuant to Section(s) 403.087(1), Florida Statutes.

A person whose substantial interests are affected by the Department's proposed agency action may file a timely petition for an administrative hearing under sections 120.569 and 120.57 of the Florida Statutes, or may choose to pursue mediation as an alternative remedy under section 120.573 before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth below.

A person may pursue mediation by reaching a mediation agreement with all parties to the proceeding (which include the applicant, the Department, and any person who has filed a timely and sufficient petition for a hearing) and by showing how the substantial interests of each mediating party are affected by the Department's action or proposed action. The agreement must be filed in (received by) the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

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 names, address, and telephone number of the mediator selected by the parties, or a provision for 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;

Manatee County
Mr. Len Bramble
Permit No.: 126654-001-WT

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

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

(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 notice of intent or a statement clearly identifying the petition for hearing that each party has already filed, and incorporating it by reference.

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

As provided in section 120.573 of the Florida Statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by sections 120.569 and 120.57 for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days 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 days of receipt of this notice. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under sections 120.569 and 120.57 remain available for disposition of the dispute, and the notice will specify the deadlines that they will apply for challenging the agency action and electing remedies under those two statutes.

The petition for an administrative hearing must conform to the requirements of Chapters 62-103 and 28-5.201, F.A.C., and must be filed (received) in the Department's Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, 32399-3000, within fourteen (14) days of receipt of this notice. Failure to file a petition within fourteen (14) days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to Section 120.57, Florida Statutes. This permit is final and effective on the date filed with the Clerk of the Department 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 62-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time this permit will not be effective until further Order of the Department.

Manatee County
Mr. Len Bramble
Permit No.: 126654-001-WT

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When the Order (Permit or Permit Modification) is final, any party to the Department 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, 3900 Commonwealth Boulevard, Tallahassee, 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 the Final Order is filed with the Clerk of the Department.

Executed in Tampa Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Kim B. Ford, P.E.
Solid Waste Section
Division of Waste Management

KBF/ab
Attachment

cc: Fred Sebesta, P.E., HDR
Robert Butera, P.E., FDEP Tampa

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT and all copies were mailed before the close of business on Oct. 12, 1998 to the listed persons.

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52(10), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.


Clerk

10/12/98
Date

RULES OF THE ADMINISTRATION COMMISSION, MODEL RULES OF PROCEDURE
CHAPTER 28-5, DECISIONS DETERMINING SUBSTANTIAL INTERESTS
PART II, FORMAL HEARINGS
A) PREHEARING PROCEDURES

28-5.201 Initial of Formal Proceedings.

(1) Initiation of formal proceedings shall be made by petition to the Agency responsible for rendering final Agency action. The term petition as used herein includes any application or other document which expresses a request for formal proceedings. Each petition should be printed, typewritten or otherwise duplicated in legible form on white paper of standard legal size. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced and indented.

(2) All petitions filed under these rules should contain:

(a) The name and address of each Agency affected and each Agency's file or identification number, if known;

(b) The name and address of the petitioner or petitioners, and an explanation of how his/her substantial interests will be affected by the Agency determination;

(c) A statement of when and how petitioner received notice of the Agency decision of intent to render a decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief;

(f) A demand for relief to which the petitioner deems himself entitled; and

(g) Other information which the petitioner contends is material.

(3) Upon receipt of a petition for formal proceedings, the Agency shall either accept or deny the petition, and if accepted shall elect either to conduct the hearing itself through the Agency head, or member thereof, assign a person authorized by Subsection 120.57(1)(a) or other authority, or request that a Hearing Officer from the Division of Administrative Hearings be assigned to conduct the hearing.

(a) A petition may be denied if the petitioner does not state adequately a material factual allegation, such as a substantial interest in the Agency determination, or if the petition is untimely.

(b) The Agency shall promptly give written notice to all parties of the action taken on the petition, and shall state with particularity its reasons therefore.

(4) If the Agency elects to request that a Hearing Officer of the Division of Administrative Hearings be assigned to conduct the hearing, the Agency shall forward the petition, and all materials filed with the Agency, to the Division of Administrative hearings, and shall notify all parties of its action.

Specific Authority: 120.53(1), 120.54(10), F.S.
Law Implemented: 120.57, F.S.
History: New 3-23-80

SECTION 62-103.155, FLORIDA ADMINISTRATIVE CODE
RULES OF ADMINISTRATIVE PROCEDURE
FINAL AGENCY ACTION (NON-RULEMAKING) AND APPEAL

62-103.155 Petition for Administrative Hearing; Waiver of Right to Administrative Proceeding.

(1)(a) Any person whose substantial interests may be affected by proposed or final agency action by the Department may file a petition for formal administrative hearing in accordance with this rule if the person disputes the material facts upon which the Department's action is based.

(b) Any person whose substantial interests may be affected by proposed or final action by the Department may file a petition for informal administrative hearing in accordance with this rule if the person objects to the Department's action but does not dispute the material facts upon which the Department's action is based.

(2) A petition for formal or informal administrative hearing pursuant to section 120.57, F.S., shall contain the following information:

(a) The name, address, and telephone number of each petitioner. If the petitioner challenges a Department action or proposed action on a permit application, the applicant's name and address, the Department permit file number and the county in which the project is proposed shall also be included;

(b) A statement of how and when each petitioner received notices of the Department 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 those material facts (i.e., those facts upon which the Department's action or proposal is based) is disputed by petitioner. If no facts are disputed, petitioner shall so state;

(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;

(g) A statement of relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

(3)(a) A petition shall be in the form required by this rule and must be filed (received) in the Office of General Counsel of the Department within the following number of days after receipt or publication (whichever occurs first) of notice of proposed agency action or of notice of agency action:

1. Petitions concerning Department action or proposed action on applications for permits (except permits for hazardous waste facilities): 14 days;

2. Petitions concerning Department action or proposed action on applications for hazardous waste facility permits: 45 days;

3. Petitions concerning notices of violation when no informal conference is held: 20 days after receipt of the notice of violation;

4. Petitions concerning notices of violation when an informal conference is held: 10 days after receipt of notice of completion of the informal conference;

5. Petitions concerning other Department actions or proposed actions: 21 days.

The petitioner shall also serve a copy of the petition on all other parties to the proceeding, as identified in the published notice, at the time of filing.

(b) Failure to timely file a petition within the applicable time period after receipt of notice of agency action or receipt of notice of proposed agency action, whichever notice first occurs, shall constitute a waiver of any right to request an administrative proceeding under Chapter 120, F.S.

(4) If a petition is filed that does not substantially comply with the requirements of subsection (2) of this rule, the Department shall issue an order dismissing the petition with leave to file an amended petition complying with the requirements of this rule within 15 days of service of the order. If an amended petition complying with this rule is not filed (received) within 15 days of service of the order, the petitioner's right to a proceeding under Section 120.57, F.S., is waived.

(5) When there has been no publication of notice of agency action or notice of proposed agency action as prescribed in Rule 62-103.150, F.A.C., a person who has actual knowledge of the agency action or has knowledge which would lead a reasonable person to conclude that the Department has taken final agency action, has a duty to make further inquiry within 14 days of obtaining such knowledge by contacting the Department to ascertain whether action has occurred. The Department shall upon receipt of such an inquiry, if agency action has occurred, promptly provide the person with notice as prescribed by Rule 62-103.150, F.A.C. Failure of the person to make inquiry with the Department within 14 days after obtaining such knowledge may stop the person from obtaining an administrative proceeding on the agency action.

(6)(a) "Receipt of notice of agency action" means receipt of written notice of final agency action, as prescribed by Department rule, or the publication, pursuant to Department rule, of notice of final agency action, whichever first occurs.

(b) "Receipt of notice of proposed agency action" means receipt of written notice (such as a letter of intent) that the Department proposes to take certain action, or the publication pursuant to Department rule of notice of proposed agency action, whichever first occurs.

(7) Notwithstanding any other provision in this Chapter, should a substantially affected person who fails to timely request a hearing under Section 120.57, F.S., administratively appeal the final Department action or order, the record on appeal shall be limited to:

(a) the application and accompanying documentation submitted by the applicant prior to the issuance of the agency's intent to issue or deny the requested permit.

(b) the materials and information relied upon by the agency in determining the final agency action or order;

(c) any notices issued or published; and

(d) the final agency action or order entered concerning the permit application.

(8) In such cases where persons do not timely exercise their rights accorded by Section 120.57(1), Florida Statutes, the allegations of fact contained in or incorporated by the final agency action shall be deemed uncontested and true, and appellants may not dispute the truth of such allegations upon subsequent appeal.

(9) Any applicant may challenge the Department's request for additional information by filing with the Office of General Counsel an appropriate petition for administrative proceeding pursuant to Section 120.60, F.S., following receipt by the applicant of the Department's notification pursuant to Section 403.0876, F.S., that additional information is required.

Specific Authority: 120.53, 403.0876, 403.815, F.S.

Law Implemented: 120.53, F.S.

History: New 9-20-79; Amended 4-28-81; Transferred from 17-1.62 and Amended 6-1-84; Amended 10-19-88, Formerly 17-103.155.

Permitting Application

Events Scheduled **21** of **90**

Site #: 0126654 Name: MANATEE CO. LENA RD. WTPF (WTPF)
 Permit #: 0126654-001-WT Type/Subtype: WT /02 Received: 30-JAN-1998
 Project #: 001 Name: WASTE TIRE PROCESSING FACILITY

> ISSUE PERMIT: Issued

Event	Begin Date	Prd	Due Date	Rmn	Status	End Date
Receive Request	30-JAN-1998	1	31-JAN-1998		Done	30-JAN-1998
Fee Verification	30-JAN-1998	2	01-FEB-1998		Sufficient	02-FEB-1998
Completeness Review	30-JAN-1998	30	01-MAR-1998		Incomplete	25-FEB-1998
Awaiting Addition	25-FEB-1998	45	11-APR-1998		Received	28-APR-1998
Completeness Review	28-APR-1998	30	28-MAY-1998		Incomplete	26-MAY-1998
Awaiting Addition	26-MAY-1998	45	10-JUL-1998		Received	03-AUG-1998
Completeness Review	03-AUG-1998	30	02-SEP-1998		Complete	03-AUG-1998
Determine Age	03-AUG-1998	90	01-NOV-1998		Issue	12-OCT-1998
Issue Final	12-OCT-1998	14	26-OCT-1998		Issued	12-OCT-1998
ISSUE PERMI	12-OCT-1998	1	13-OCT-1998		Issued	12-OCT-1998
STOP CLOCK	12-OCT-1998	1	13-OCT-1998		Done	12-OCT-1998

Count: *11

v

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perMits-↓ Events | Payment | Site | Facility | party | Reports | >
-----
                Permitting Application
-----
+----- SITE Permit -----+
| Site Name: MANATEE CO. LENA RD. WTPF (WTPF)                Site #: 0126654 |
|
| County: MANATEE                Comments: N RPAs: N # Cases: 0
-----
                Project
-----
|Permit #:0126654-001-WT    Project #: 001 Logged:04-FEB-1998 CRA #: 17329
|Permit Office: SWD (DISTRICT)                Agency Action: Issued
| Project Name: WASTE TIRE PROCESSING FACILITY Desc:
| Type/Sub/Des: WT /02 W/T PROCESSING FACILITY                COE #:
| Received: 30-JAN-1998 Issued: 12-OCT-1998 Expires: 12-OCT-2003 OGC:
|Fee: 1250.00 Fee Recd: 1250.00 Dele:                Override: NONE
-----
                Related Party
-----
|Role: APPLICANT                Begin: 04-FEB-1998 End:
|Name: BRAMBLE, LEN                Company: MANATEE COUNTY
|Addr: 4410 66TH ST WEST
|City: BRADENTON                State: FL Zip: 34210-                Country: U.S.A.
|Phone: 941-792-8811 Fax:
-----
                Processors
-----
|Processor: FORD_K                Y Active: 04-FEB-1998 Inactive:
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Count: *1

<Replace>

perMits | Events | Permit | Site | Facility | party | Reports | >

----- Permitting Application -----

----- SITE Permit -----

Site Name: MANATEE_CO. LENA RD. WTPF (WTPF) Site #: 0126654

County: MANATEE Comments: RPAs: # Cases:

----- Project -----

Permit #: - - Project #: 001 Logged: 04-FEB-1998 CRA #:

Permit Office: SWD (DISTRICT) Agency Action: Pending

Project Name: WASTE TIRE PROCESSING FACILITY Desc:

Type/Sub/Des: WT /02 W/T PROCESSING FACILITY COE #:

Received: 30-JAN-1998 Issued: Expires:

Fee: 1250.00 Fee Recd: Dele: Override: NONE

----- Related Party -----

Role: APPLICANT Begin: 04-FEB-1998 End:

Name: BRAMBLE, LEN Company: MANATEE COUNTY

Addr: 4410 66TH ST WEST

City: BRADENTON State: FL Zip: 34210- Country: U.S.A.

Phone: 941-792-8811 Fax:

----- Processors -----

Processor: FORD_K Y Active: 04-FEB-1998 Inactive:

Enter 'Y' if this is the PRIMARY processor. Count: *0 v <Replace>

AREA: SWD _____

Cash Receiving Application
Collection Point Log Remittance

CRAF006A
Tot: \$1,250.00

-----+-----

SYS\$REMT: 227976 Type: CP Recvd Date: 30-JAN-1998 Status: RECEIVED
 SYS\$RCPT: 184411 PNR: _____ Check #: 1247864 Amount: 1,250.00
 SSN/FEI#: _____ Name: MANATEE COUNTY
 First: _____ Middle: _____ Title: _____ Suf: _____
 Address1: BOARD OF COUNTY COMMISSIONERS Short Comments:
 Address2: P.O. BOX 1000 L-LENA RD LANDFILL
 City: BRADENTON ST: FL Zip: 34206-1000 Country: _____

-----+-----

-----+-----> P A Y M E N T (S) <-----+-----

Distr	CL	Object	Payment	Reference#	Applic/	S
Area..	Code/Description.....	Amount.....		Fund		T
236694	SWD	002207 WASTE_TIRE-PROC	\$1,250.00	126654-01	PA SWMTF	CO
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

-----+-----

COMMIT FREQUENTLY \$1,250.00 Payment total
 Press <TAB> to accept Collection Point or enter F&A.
 Count: *1 <Replace>