FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
CENTRAL DISTRICT
3319 MAGUIRE BOULEVARD, SUITE 232
ORLANDO, FLORIDA 32803

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

Electronically Sent- Received Receipt Requested
cnoble@portcanaveral.com

NOTICE OF ADMINISTRATIVELY CORRECTED PERMIT

In the Matter of an Administrative Correction for a Minor Technical Change

Ms. Carol Noble, Director, Environmental Plans and Programs
Canaveral Port Authority
445 Challenger Road, Suite 301
Cape Canaveral, Florida 32920

Re: Air Construction Permit Administrative Change
DEP Project File No.: 0090243-003-AC

In correspondence dated October 22, 2014, from Bruno A. Ferraro of Grove Scientific Environmental & Engineering Company, a change to condition A.17.a. of Permit No. 0090243-002-AC was requested to accommodate the initial compliance testing. The Department agrees with the change to your air construction permit and will use the language you proposed for the revised specific condition A.17.a. This change does not alter the expiration date of the existing permit.

Administrative Change:

Page 11, Condition **A.17.a.** of Permit No. 0090243-002-AC is changed as follows:

> **From:** A.17. Initial Compliance Tests: a. The permittee shall conduct an initial performance test or any other initial compliance demonstration according to Conditions A.17 and A.19 thru A.23 no later than 180 days after the compliance date of May 3, 2014.
>
> **To:** A.17. Initial Compliance Tests: a. The initial tests shall be conducted within 60 days after completing the engine service and catalyst installation, but not later than 180 days after initial operation of the unit.

Additionally, the recipient list on page 3 of the construction permit was updated to include Bruno Ferraro of Grove Scientific and Ana Oquendo of U.S. EPA Region 4 as shown in the list below:

Carol Noble, Director, Environmental Plans and Programs, Cape Canaveral Authority: cnoble@portcanaveral.com
Bruno A. Ferraro, CEP, QEP, President, Grove Scientific & Engineering Company: bruno@grovescientific.com
Sara Greivell, Project Manager, Grove Scientific & Engineering Company: sara@grovescientific.com
James Show, P.E., V.P. Engineering, Grove Scientific and Engineering Company, j_sshow@bellsouth.net
Ana Oquendo, U.S. EPA Region 4: oquendo.ana@epa.gov
Natasha Hazziez, U.S. EPA Region 4: hazziez.natasha@epa.gov
Jeff Rustin, P.E., FDEP – Central District, jeff.rustin@dep.state.fl.us

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) by the Agency Clerk in the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice. A petitioner 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 within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

All petitions filed under these rules shall contain:

(a) The name and address of each agency affected and each agency's file or identification number, if known;
(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
(c) A statement of when and how the petitioner received notice of the agency 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, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, 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 the permitting authority'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 final decision of the permitting authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.

This Order is final and effective on the date filed with the Clerk of the Department unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S. or unless a request for an extension of time in which to file a petition is filed within the time specified for filing a petition. Upon timely filing of a petition or a request for an extension of time to file the petition, this permit amendment will not be effective until further Order of the Department.

Any party to this Order (Administratively Corrected Permit) has the right to seek judicial review of the Order pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal under Rule 9.110 of the Florida rules of Appellate Procedure, with the clerk of the Department of Environmental Protection in the Office of General Counsel, Douglas Building, Mail Station 35, 3900 Commonwealth Boulevard, 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 after this Order is filed with the Clerk of the Department.

If you have any questions, please contact the project engineer, Jeff Rustin, P.E., at (407) 897-2930 or at jeff.rustin@dep.state.fl.us.

Executed in Orange County, Florida

F. Thomas Lubozynski, P.E. — October 29, 2014
Date
Waste & Air Resource Programs Administrator

Enclosure:
Air Construction Permit 0090243-002-AC, as modified by 0090243-003-AC

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Administrative Permit Change was sent by electronic mail (or a link to these documents made available electronically on a publicly accessible server) with received receipt requested before the close of business on October 29, 2014 to the persons listed below.

Carol Noble, Director, Environmental Plans and Programs, Cape Canaveral Authority: cnoble@portcanaveral.com
Bruno A. Ferraro, CEP, QEP, President, Grove Scientific & Engineering Company: bruno@grovescientific.com
Sara Greivell, Project Manager, Grove Scientific & Engineering Company: sara@grovescientific.com
James Show, P.E., V.P. Engineering, Grove Scientific and Engineering Company, j_sshow@bellsouth.net
Ana Oquendo, U.S. EPA Region 4: oquendo.ana@epa.gov
Natasha Hazziez, U.S. EPA Region 4: hazziez.natasha@epa.gov
Jeff Rustin, P.E., FDEP – Central District, jeff.rustin@dep.state.fl.us

Clerk Stamp

FILED, on this date, pursuant to Section 120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

(Clerk) — October 29, 2014
(Date)