



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

CENTRAL DISTRICT
3319 MAGUIRE BOULEVARD, SUITE 232
ORLANDO, FLORIDA 32803-3767

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

October 14, 2014

Certified Mail

91 7199 9991 7030 9095 3187

Electronic mail

pcairney@maxwestenergy.com

In the Matter of an:

Application for Initial Title V Air Operation Permit by:

APPLICANT: MaxWest Environmental Systems, Inc.

RESPONSIBLE OFFICIAL:

Mr. Paul Cairney, Chief Operating Officer

ADDRESS: 114 W. 1st Street, Suite 220

Sanford, Florida 32771

DATE RECEIVED: 04/02/14

PROJECT No.: 1170409-006-AV

SITE: MaxWest Sanford, LLC

PROJECT: Title V Operation Permit

NOTICE OF DENIAL OF PERMIT

The Department of Environmental Protection (Department) gives notice that it is denying a permit to Applicant, Paul Cairney, for an initial Title V operation permit for the MaxWest Environmental Systems Sanford facility. The Applicant, Paul Cairney, applied on April 2, 2014 to the Department of Environmental Protection for an initial Title V operation permit. The facility, MaxWest Sanford, LLC, is located at 3540 Cameron Avenue (at the wastewater treatment plant) in Seminole 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, except legal holidays, at the Department of Environmental Protection, Central District office, 3319 Maguire Boulevard, Suite 232, Orlando, FL 32803, Telephone 407-897-4100.

To view Documents in the Department's electronic filing system called Oculus:

Go to website: <http://depedms.dep.state.fl.us/Oculus/servlet/login>

Log in using the PUBLIC OCULUS LOGIN button

Under Catalog, highlight "Air"

Under Search by, make sure "Profile" is selected

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Under Profile, highlight “Permitting_Authorization”
For Facility-Site ID, enter “air_1170409”
Hit the “Tab” button on your keyboard
For Document Date, select the “Greater Than” Symbol (>) and enter “04-01-2014”
Click on the “Search” button

The Department has permitting jurisdiction under Chapter 403 of the Florida Statutes and Chapters 62-4, 62-210, and 62-213, Florida Administrative Code (F.A.C.). The Department has determined that a Title V air operation permit is required for the operation of the facility.

The Department has reviewed the Applicant’s permit application and has determined that a Public Notice of Intent per Rule 62-110.106(7) is required for the project. The Applicant has failed to provide the Department with proof of publication of the Public Notice of Intent. Therefore, the Department hereby denies the issuance of this permit for failure to publish the Public Notice of Intent for Department Project No. 1170409-006-AV per Rule 62-110.106(11), F.A.C., which states:

(11) Failure to publish any notice of application, notice of intent to issue permit, or notice of agency action required by the Department shall be an independent basis for the denial of the permit or other pertinent approval or authorization.

The Department’s proposed agency action shall become final unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57 of the Florida Statutes before the deadline for filing a petition (that is, within fourteen days of receipt of this written notice). The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department’s proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Petitions by the applicant or any of the parties listed below must be filed within fourteen days of receipt of this written notice. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3) of the Florida Statutes must be filed within fourteen days of receipt of the written notice.

Under Section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within fourteen days of receipt of such notice, regardless of the date of publication.

The 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 of the Florida Statutes. 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 of the Florida Administrative Code.

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

- (a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the Department permit identification number and the county in which the subject matter or activity is located;
- (b) A statement of how and when each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

A petition that does not dispute the material facts on which the Department'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.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department'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 Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under Section 120.573 of the Florida Statutes is not available for this proceeding.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

Any party to the order has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, 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 in the Office of General Counsel, 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 from the date when the final order is filed with the Clerk of the Department.

October 13, 2014

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jeff Prather
Director, Central District

FILING AND ACKNOWLEDGMENT

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



Clerk

October 14, 2014

Date

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this NOTICE OF DENIAL and all copies were sent before the close of business on October 14, 2014 to the listed persons.



Clerk

JP/ftl/kr

Copies furnished to:

Ms. Sara Greivell – Grove Scientific & Engineering Company, sara@grovescientific.com

Mr. James Show, P.E. – Grove Scientific & Engineering Company, j_sshow@bellsouth.net

Barbara Friday, DARM, Barbara.Friday@dep.state.fl.us

Sirena Davila – FDEP Central District, sirena.davila@dep.state.fl.us

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