



# Florida Department of Environmental Protection

Northeast District  
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Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

## STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

### NOTICE OF ADMINISTRATIVELY CORRECTED NON-TITLE V AIR OPERATION PERMIT

In the Matter of a Request for Administrative Correction:

Mr. Diego Posada  
Operations Manager  
EZflow, LP  
1345 Old Hendersonville Highway  
Brevard, North Carolina 28712

<u>Project</u>	<u>Administrative Correction to Permit No.:</u>
No.	
002	Permit No. 1090458-002-AO

The Department has determined that a minor correction to information contained in Permit Number 1090458-002-AO is required. This correction is in response to the Application for Transfer of Air Permit received August 7, 2009. This Administrative Permit Correction was processed as Project Number 003, pursuant to Rule 62-210.360, F.A.C. This corrective action does not alter the effective dates of the existing permit.

The legal entity name in the referenced permit is hereby changed to:

EZflow, LP  
1345 Old Hendersonville Highway  
Brevard, North Carolina 28712

*“More Protection, Less Process”*  
[www.dep.state.fl.us](http://www.dep.state.fl.us)

EZflow, LP  
Transfer of Air Permit  
August 12, 2009  
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The Department of Environmental Protection (Department) will consider the above-noted action final unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S. Mediation under Section 120.573, F.S., will not be available for this proposed action.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (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 the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000 (Telephone: 850/245-2242; Fax: 850/245-2303). Petitions filed by the applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice. Petitions filed by any other person must be filed within fourteen days of this proposed action. A petitioner must 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 of the Florida Administrative Code (F.A.C.).

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

- (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 how and when 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 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, F. A. C.

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 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.

Any party to the Order 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 pursuant to 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, Mail Station 35, 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 the Final Order is filed with the Clerk of the Department.

Executed in Jacksonville, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Christopher L. Kirts, P. E.  
District Air Program Administrator

CLK:lm

FILING AND ACKNOWLEDGEMENT FILED, on  
this date, pursuant to Section 120.52(7), Florida statutes,  
with the designated agency Clerk, receipt of which is hereby  
acknowledged.



8/12/2009

(Clerk)

(Date)