

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NOTICE OF INTENT TO ISSUE PERMIT

The Department of Environmental Protection (Department) gives notice of its intent to issue a National Pollutant Discharge Elimination System (NPDES) permit renewal (DEP File No FLR04E044-005) for the Municipal Separate Storm Sewer System (MS4) to the Town of Sewall's Point. The renewal permit requires the implementation of a Stormwater Management Program to control the discharge from the MS4 to the maximum extent practicable.

The intent to issue and application file and supporting data are available online at: <https://prodenv.dep.state.fl.us/DepNexus/public/searchPortal> or for public inspection during normal business hours by contacting the NPDES Stormwater Program by email, [NPDES-MS4@floridadep.gov](mailto:NPDES-MS4@floridadep.gov), by mail at 2600 Blair Stone Rd, MS 3585, Tallahassee, Florida 32399-2400, or by phone at 850-245-7561.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, Florida Statutes (F.S.), within 14 days of receipt of 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, F.S. 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.

Under Rule 62-110.106(4), Florida Administrative Code (F.A.C.), a person may request enlargement of the time for filing a petition for an administrative hearing. The request must be filed (received by the clerk) in the Office of General Counsel before the end of the time period for filing a petition for an administrative hearing.

Petitions filed by any persons other than those entitled to written notice under section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Section 120.60(3), F.S., however, also allows that any person who has asked the Department in writing for notice of agency action may file a petition within 14 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 or request for an extension of time within 14 days of receipt of notice shall constitute a waiver of that person's right to request an administrative determination (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, Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information, as indicated in Rule 28-106.201, F.A.C:

- (a) The petitioner's name, address and telephone number;
- (b) Town of Sewall's Point, FLR04E044, Martin County;
- (c) A statement of how and when each petitioner received notice of the Department action;
- (d) A statement of how each petitioner's substantial interests are affected by the Department action;
- (e) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (f) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (g) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
- (h) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

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, F.S., is not available for this proceeding.