

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF FINAL AGENCY ACTION

The Florida Department of Environmental Protection gives Notice of the entry of a Final Order Adopting the Orange Creek Basin Management Action Plan (BMAP). The Orange Creek BMAP was developed as part of the Department's Total Maximum Daily Load (TMDL) Program, as authorized under the Florida Watershed Restoration Act (Chapter 403.067, Florida Statutes). The Orange Creek BMAP addresses the following surface waters: Newnans Lake; Orange Lake; Alachua Sink; Lake Wauberg; Tumblin Creek; Hogtown Creek; and Sweetwater Branch. The waterbodies covered by the Orange Creek BMAP are located within Alachua County and northern Marion County.

The Final Order has been assigned OGC Case No. 08-0731. The Department file on this matter is available for public inspection during normal business hours, except legal holidays, at the following locations: Alachua County Library District Headquarter Office, 401 East University Avenue, Gainesville, Florida; the Millhopper Branch Library, 3145 N.W. 43rd Street, Gainesville, Florida; Reddick Public Library, 15150 N.W. Gainesville Road, Reddick, Florida; and at the Florida Department of Environmental Protection, Bureau of Watershed Management, Room 648 Bob Martinez Center, 2600 Blair Stone Road, Tallahassee Florida.

The Department file may also be obtained from the FDEP website at <http://www.dep.state.fl.us/water/tmdl/index.htm>.

The Department's agency action shall become final unless a timely petition for an administrative proceeding is filed pursuant to the provisions of sections 120.569 and 120.57, Florida Statutes. Any person whose substantial interests are affected by the Department's action may file such a petition. In accordance with Rule 62-110.106(3)(a), F.A.C., a petition filed by person whose substantial interests are affected by the Department's action must be filed within 21 days of the publication of this public notice. The petition must contain the information set forth below and must be timely filed (received) in the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000.

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 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;

(b) A statement of when and how the petitioner received notice of the agency decision;

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

(d) 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;

(e) 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

(f) 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.

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, Florida Statutes. Any subsequent intervention will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, 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 petition have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Blvd., Mail Station 35, Tallahassee, Florida 32399-3000 before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation under section 120.573, Florida Statutes is not available for this proceeding.