

January 16, 2014

**CERTIFIED MAIL NO. 7006 0810 0000 7059 7945**  
**RETURN RECEIPT REQUESTED**

Mr. Richard Gilbert  
Vice President Operations  
Noven Pharmaceuticals, Inc.  
11960 SW 144 Street  
Miami, FL 33186

Re: Extension of Air Construction Permit Expiration Date  
Noven Pharmaceuticals, Inc. Miami  
Project No. 0250616-015-AC  
Extension of Original Air Permit No. 0250616-013-AC

Dear Mr. Gilbert:

On December 16, 2013, Sara Greivell – Project Manager of Grove Scientific & Engineering Company requested on Noven Pharmaceuticals, Inc. behalf, an extension of the expiration date of air construction permit No. 0250616-013-AC for the Noven Pharmaceuticals, Inc. Miami, facility located in Miami-Dade County at 11960 SW 144 Street & 14500 SW 119 Ave, Miami, Florida. Noven Pharmaceuticals, Inc. requests the additional time for commissioning, initial compliance testing and applying for an air operating permit revision for the new RCO. Based on the circumstances and information provided, the Miami-Dade County Department of Regulatory and Economic Resources (RER), Division of Environmental Resources Management, Air Quality Management approves this request.

**Permitting Authority:** Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Permitting Authority responsible for making a permit determination for this project is the Miami-Dade County Department of Regulatory and Economic Resources (RER), Division of Environmental Resources Management, Air Quality Management. The Division of Environmental Resources Management is physically located at: 701 NW 1 Court, Suite 200, Miami, Florida 33136. The Division of Environmental Resources Management's mailing address is: 701 NW 1 Court, Suite 400, Miami, Florida 33136. The Division of Environmental Resources Management's telephone number is 305/372-6925.

**Determination:** The expiration date is hereby extended from March 21, 2014 to September 20, 2014 to provide the necessary time to complete the commissioning, initial compliance testing and application for an air operating permit revision for the new RCO). This permitting action does not authorize any new construction. A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This permitting decision is issued pursuant to Chapter 403, Florida Statutes.

## **EXTENSION OF AIR CONSTRUCTION PERMIT EXPIRATION DATE**

---

**Petitions:** 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. Petitions must be filed within 14 days of receipt of this permit extension. 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 (in a proceeding initiated by another party) 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.

A petition that disputes the material facts on which the RER'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's determination; (c) A statement of when and how each petitioner received notice of the agency's action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (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 the 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 RER'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 RER's final action may be different from the position taken by it in this written notice. Persons whose substantial interests will be affected by any such final decision of the RER on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

**Mediation:** Mediation is not available in this proceeding.

**Effective Date:** This permitting decision is final and effective on the date filed with the clerk of the RER unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this action will not be effective until further order of the RER.

