FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

RICK SCOTT
GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

May 22, 2013

NOTICE OF ADMINISTRATIVE PERMIT CORRECTION

Mr. Ray Aaron, Plant Manager
Synergy Health AST, LLC
401 Commerce Blvd.
Oldsmar, Florida 34677

Re: Administrative Correction
DEP Project File No.: 1030197-019-AF
Reference DEP Air Operation Permit No.: 1030197-018-AF

Dear Mr. Aaron:

On May 16, 2013, the Department received an email on your behalf from your consultant Mr. Bob Baker, notifying the Department of omissions and needed clarifications in Air Operation Permit No. 1030197-018-AF, which was issued on May 14, 2013, for your facility that sterilizes custom surgical pallets for the health care industry as well as other medical supplies. The requested corrections were as follows: 1) amend the process description to clarify that the three aeration rooms can be vented to both the dry bed scrubber and the Abator system; 2) include the full Ethylene Oxide (EtO) gas usage limitation of 197.4 tons in any consecutive 12-month period from Air Construction Permit No. 1030197-015-AC, since even though all five chambers have not yet been constructed the three current chamber have the capacity to reach this level; and 3) extend the timeframe for records to be completed from within 10 calendar days of the end of each month to within 30 calendar days of the end of each month. The Department has reviewed these requests and agrees that administrative corrections are warranted, with the exception that while additional time to complete records is reasonable, 30 days for records to be completed is excessive and not consistent with requirements in other similar permits. Pursuant to Rule 62-210.360, Florida Administrative Code (F.A.C.), and Chapter 403, Florida Statutes (F.S.), the following corrections are hereby made to Operation Permit No. 1030197-019-AF.

On Page 9 of 15, change the 2nd sentence of 3rd paragraph of the description of the <u>Aeration Room</u>:

FROM: These rooms are vented to the dry bed scrubber for reducing EtO emissions.

TO: These rooms are vented to the dry bed scrubber for reducing EtO emissions. They can also be vented to the Abator System to allow for continued use during down time of the dry bed scrubber (when changing media, etc.).

On Page 10 of 15, change Condition No. A.2.:

FROM: The permittee shall not exceed a daily maximum usage rate of 1,170 pounds of EtO and a maximum usage of 126.2 tons of EtO in any consecutive 12-month period.

TO: The permittee shall not exceed a daily maximum usage rate of 1,170 pounds of EtO and a maximum usage of 197.4 tons of EtO in any consecutive 12-month period.

On Page 14 of 15, change the first sentence of the last paragraph of Condition No. A.14.:

FROM: Daily records shall be completed within five (5) calendar days and monthly records shall be completed within ten (10) calendar days of the end of each month.

TO: Daily records shall be completed within five (5) calendar days and monthly records shall be completed within fifteen (15) calendar days of the end of each month.

This corrective action does not alter the effective date of the existing permit.

A person whose substantial interests are affected by the proposed permit amendment 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. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice. 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 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.

All petitions filed under these rules shall contain:

(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 when and how the 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

permit amendment. 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.

This permit amendment is final and effective on the date filed with the Clerk of the Department unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S. or unless a request for an extension of time in which to file a petition is filed within the time specified for filing a petition. Upon timely filing of a petition or a request for an extension of time to file the petition, this permit amendment will not be effective until further Order of the Department.

Any party to the Order (Permit Amendment) 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 under Rule 9.110 of the Florida rules of Appellate Procedure, with the clerk of the Department of Environmental Protection in the Office of General Counsel, Douglas Building, 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 after this Order is filed with the Clerk of the Department.

This letter must be attached to and becomes a part of Air Operation Permit No. 1030197-018-AF. If you have any questions, please call permit engineer, Kelley Boatwright, at (813) 632-7600 extension 394.

Executed in Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

_____

Kelley M. Boatwright
District Air Program Administrator
Southwest District

KMB

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Administrative Permit Correction was sent by electronic mail before the close of business on the date indicated below to the person(s) listed:

Mr. Ray Aaron, Authorized Representative, Synergy Health AST, LLC (raaron@beam-one.com)

Mr. Ray Aaron, Synergy Health AST, LLC (raaron@beam-one.com)

Mr. Bob Baker, Baker Environmental Engineering, Inc. (baker@atlantic.net)

Mr. Gary Robbins, PCAQD (grobbins@co.pinellas.fl.us)

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

_____ May 22, 2013
(Clerk) (Date)