



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

NOTICE OF PERMIT DETERMINATION May 23, 2014

Mr. Robert Baker, P.E.
Baker Environmental Engineering, Inc.
3000 N Ponce De Leon Blvd
St. Augustine, FL 32084

Re: DEP Project File No.: 1030197-021-AC
Synergy Health AST, LLC – Oldsmar Facility

Dear Mr. Baker:

On May 13, 2014 the Department received your email requesting the Department to determine whether Synergy Health AST, LLC – Oldsmar Facility located in Pinellas County at 401 Commerce Blvd in Oldsmar, Florida requires an air pollution permit. Your email states that Synergy Health would like to install a small R&D chamber to perform sterilization process optimization testing for their clients. You also stated that the chamber would be similar to a hospital sterilizer and would exhaust into the facility's existing aeration rooms which exhaust to the atmosphere through a dry bed scrubber. The R&D chamber will be a source of the hazardous air pollutant, ethylene oxide; however annual emissions will be less than 500 pounds. Based on the information received by the Department, the Department has determined an air pollution permit for the facility is required. The R&D chamber is subject to 40 CFR 63, Subpart O – Ethylene Oxide Emissions Standards for Sterilization and is required to comply with the standard to reduce ethylene oxide emissions specified in 40 CFR 63.362(c) of the subpart. Because the existing facility includes three ethylene oxide chambers that are subject to 40 CFR 63, Subpart O, the proposed R&D chamber does not satisfy the exemption requirement contained in 40 CFR 63.360(d). Rule 62-210.300, Florida Administrative Code (F.A.C.), requires that non-exempt sources of air pollution obtain the appropriate air pollution permit from the Department prior to beginning construction, modification, and operation.

Prior to installing a new R & D chamber, please submit a completed permit application for this facility with appropriate processing fee to the Air Permitting Section of the Department's Southwest District. An additional copy of the application should be submitted to Pinellas County Air Quality Division. You may find the current Florida air regulations and air permit application forms at the following websites:

Rules: <http://www.dep.state.fl.us/Air/rules/current.htm>

Application Forms: <http://www.dep.state.fl.us/air/rules/forms/application.htm>

This permit determination does not relieve the facility from complying with any other requirements of Chapter 403, F.S., rules of the Department, or any other requirements under federal, state, or local law.
[Rule 62-210.300, F.A.C.]

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 filed by the applicant or any of the parties listed below must be filed within 21 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. A petition for administrative

hearing must contain the information set forth below and must be filed (received) with the Agency Clerk in the Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000, Agency.Clerk@dep.state.fl.us, before the deadline. 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 Permitting Authority'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, any email address, telephone number and any facsimile number of the petitioner; the name, address, any email address, telephone number, and any facsimile 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 each petitioner received notice of the agency action or proposed 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 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 Permitting Authority'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 Permitting Authority'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 Permitting Authority 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 determination 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 acknowledgement will not be effective until further Order of the Department.

Any party to the Order (Permit Determination) 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.

If you have any questions, please contact Danny Stubbs at (813) 470-5729, or by e-mail at danny.stubbs@dep.state.fl.us.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Kelley M. Boatwright
District Air Program Administrator
Southwest District

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT DETERMINATION was sent by electronic mail before the close of business on the date indicated below to the persons listed below.

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

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

Mr. Sherrill Culliver, PCAQD (sculliver@co.pinellas.fl.us)

Clerk Stamp

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

(Clerk) 05/23/2014
(Date)