

RECEIVED  
OCT 23 2008  
Bureau of Air Monitor  
& Mobile Sources

PERCHLOROETHYLENE DRY CLEANER  
AIR GENERAL PERMIT NOTIFICATION FORM

Part III. Notification of Intent to Use General Permit

Prior to filling out this form, please read the instructions provided at the end of the form. Send completed form to the address listed in the instructions and keep a copy of the form for your files.

10/30/08  
PROVIDED BY  
MYRNA STEF, CFO  
(561) 447-3041

Facility Name and Location

1. Facility Owner/Company Name (Name of corporation, agency, or individual owner): <b>BLACKSTONE GROUP</b> BRE/Baton Operating Lessee, Inc. WHM LLC, Panthers BRHC LLC DBA
2. Site Name (For example, plant name or number):  Boc Raton Resort and Club
3. Hazardous Waste Generator Identification Number: FLD108973041
4. Facility Location: Boca Raton Resort and Club Street Address: 501 East Camino Real City: Boca Raton County: Palm Beach Zip Code: 33434 <b>33432 - 6127</b>
5. Facility Identification Number (DEP Use ONLY - do not fill in): <b>0990681-001</b>

Responsible Official

6. Name and Title of Responsible Official: Name: Stephen J. Ast Title: President
7. Responsible Official Mailing Address: Boca Raton Resort and Club Organization/Firm: Boca Raton Resort and Club Street Address: 501 East Camino Real City: Boca Raton County: Palm Beach Zip Code: 33434 <b>2-6127</b>
8. Responsible Official Telephone Number: Telephone: ( 561 ) 447 - 3112 Fax: ( 561 ) 447 - 5800

Facility Contact (If different from Responsible Official)

9. Name and Title of Facility Contact (For example, plant manager): Walter C. Youll, Director of Engineering
10. Facility Contact Address: Boca Raton Resort and Club Street Address: 501 East Camino Real City: Boca Raton County: Palm Beach Zip Code: 33431
11. Facility Contact Telephone Number: Telephone: ( 561 ) 447 - 3112 Fax: ( 561 ) 447 - 5800

**Facility Information**

**1.(a) DRY-TO-DRY MACHINES ONLY**

How many dry-to-dry machines do you have on-site? [ 2 ]

For each dry-to-dry machine on-site, please provide the following information:

Date Initially Purchased From Manufacturer	Status (circle one)	Control Device Required* (circle one)	Date Control Device Installed (if already included at time of purchase, write "SAME")
12-21-2000	Existing/New	RC/CA/None required	SAME
12-21-2000	Existing/New	RC/CA/None required	SAME
	Existing/New	RC/CA/None required	

\*CONTROL DEVICE KEY: RC = refrigerated condenser CA = carbon adsorber

**1.(b) TRANSFER MACHINES ONLY**

How many washers do you have on-site? [ ]

How many dryers/reclaimers do you have on-site? [ ]

If the transfer machine was purchased from the manufacturer prior to or on December 9, 1991, it is an **EXISTING** unit. If the transfer machine was purchased from the manufacturer between December 9, 1991 and September 22, 1993, it is a **NEW** unit (no units purchased after September 22, 1993 are allowed to operate under this general permit). For each transfer machine on-site, please provide the following information:

Date Initially Purchased From Manufacturer	Status (circle one)	Control Device Required* (circle one)	Date Control Device Installed (if already included at time of purchase, write "SAME")
	Existing/New	RC/CA/None required	
	Existing/New	RC/CA/None required	
	Existing/New	RC/CA/None required	

\*CONTROL DEVICE KEY: RC = refrigerated condenser CA = carbon adsorber

2.(a) How much perchloroethylene (perc) have you used within the last 12 months?

[ 690.2 ] gallons (You must fill this in)

(b) If less than 12 months, how many? [ ] months

Check why it is less than 12 months: New owner: [ ] Did not keep records: [ ]

New store: [ ] New machine [ ]

Unopened store [ ] (date of expected opening \_\_\_\_\_)

3. What is the facility's source classification based on the definitions found in section (3) of Part II?  
Indicate with an "X". Select one classification only.)

Small Area Source [ ]

Dry-to-dry machines only on-site (used less than 140 gallons of perc per year)

Transfer only on-site (used less than 200 gallons of perc per year)

Both machine types on-site (used less than 140 gallons of perc per year)

Large Area Source [ X ]

Dry-to-dry machines only on-site (used 140 - 2,100 gallons of perc per year)

Transfer only on-site (used 200 - 1,800 gallons of perc per year)

Both machine types on-site (used 140 - 1,800 gallons of perc per year)

4. What control technology is required on machines pursuant to section (5) of Part II of this notification form?  
(Indicate with an "X".)

Existing machines at small area source  
(NONE REQUIRED) [ ]

New machines at small area source  
Refrigerated condenser [ ]

Existing machines at large area source  
Carbon adsorber [ ]  
Refrigerated condenser [ ]

New machines at large area source  
Refrigerated condenser [ X ]

5. A facility which contains non-exempt emissions units shall not be eligible to use the general permit pursuant to Rule 62-213.300, F.A.C. Verify that all steam and hot water generating units on-site meet the following exemption criteria or that no such units exist on-site (see attached memo for the criteria).

All steam and hot water generating units exempt [ X ] OR  
No such units on-site [ ]

How many boilers do you have on-site? [ 8 ]

For each boiler, indicate its horsepower (HP) rating: [ 250 bhp (2 boilers) ] [ 24 bhp (6 boilers) ] [ ]

What type of fuel do you use? [ ] propane [ X ] natural gas  
[ ] No. 2 fuel oil [ ] No. 4 fuel oil  
[ ] No. 6 fuel oil [ ] Other (please list) \_\_\_\_\_

#### 6. Equipment Monitoring and Recordkeeping Information

Check all logs which are required to be kept on-site in accordance with the requirements of this general permit:

- (a) Purchase receipts and solvent purchases/solvent addition log [ X ]
- (b) Leak detection inspection and repair [ X ]
- (c) Refrigerated condenser temperature monitoring [ X ]
- (d) Carbon adsorber exhaust perc concentration monitoring [ X ]
- (e) Startup, shutdown, malfunction plan [ X ]

7. Surrender of Existing DEP Air Permit(s)

Please indicate with an "X" the appropriate selection:

- I hereby surrender all existing DEP air permits authorizing operation of the facility indicated in this notification form; the permit number(s) are  
0990015-005-AV
- No DEP air permits currently exist for the operation of the facility indicated in this notification form.

**Responsible Official Certification**

*I, the undersigned, am the responsible official, as defined in Part II of this form, of the facility addressed in this notification. I hereby certify, based on information and belief formed after reasonable inquiry, that the statements made in this notification are true, accurate and complete. Further, I agree to operate and maintain the air pollutant emissions units and air pollution control equipment described above so as to comply with all terms and conditions of this general permit as set forth in Part II of this notification form.*

*I will promptly notify the Department of any changes to the information contained in this notification.*

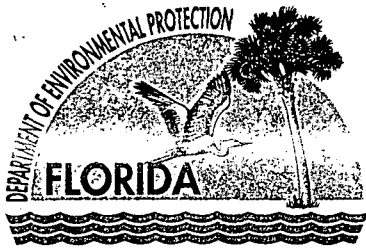
Stephen J. Ast  
Print name of responsible official

  
Signature

10/20/2008  
Date

NO ACTIVITY FOR FACILITY ..... ✓  
EMISSION FEE DATES .....  
SOC REPORTS .....  
COMP. STATUS - SNC MNC IN

*No Activity*  
*Insp - Palm Beach Co - Tittle*



# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

November 18, 2008

Mr. Stephen J. Ast, President  
Boca Raton Resort & Club  
501 East Camino Real  
Boca Raton, Florida 33432-6127

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

## NOTICE OF INELIGIBILITY TO USE TITLE V AIR GENERAL PERMIT

Dear Mr. Ast:

This is to notify you that the Department, pursuant to your submittal received on October 23, 2008, has determined that your facility does not qualify to use the Title V Air General Permit for Perchloroethylene Dry Cleaner.

The requirements that a facility must meet in order to qualify for use of the Title V Air General Permit are set forth in Rule 62-213.300, Florida Administrative Code (F.A.C.). Your submittal indicates your facility is not eligible for the reason(s) listed below:

- facility information provided is insufficient
- equipment information provided is insufficient
- equipment control information is insufficient
- emissions indicate facility is not eligible
- source category is incorrect
- certification statement is blank or not signed by Responsible Official (Owner)
- other:

If you have any questions regarding the Department's determination, please contact Dick Dibble or Sandy Bowman at the Bureau of Air Monitoring and Mobile Sources at 850/488-0114. However, if you believe you meet the requirements for a Title V Air General Permit, you may complete the enclosed blank notification form, making the corrections indicated above, and resubmit it to the Department. Any facility which does not qualify for a Title V air general permit may require a standard air pollution control permit from the Department. A notice of your legal rights begins on the following page.

The DEP will consider the above-noted action final unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, Florida Statutes, (F.S.).

A person whose substantial interests are affected by the proposed decision may petition for an administrative hearing in accordance with sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) by the Agency Clerk in the DEP Office of General Counsel, MS #35, 3900 Commonwealth Boulevard, Tallahassee, FL, 32399-3000 (Telephone: 850/488-9314, Fax: 850/487-4938). Petitions filed by the permit applicant or any of the parties listed below must be filed within 14 (fourteen) days of receipt of this notice. Petitions filed by any other person must be filed within 14 (fourteen) days of receipt of notice of this proposed action. A petitioner must 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..

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, 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 how and when each petitioner received notice of the agency action or proposed action;
- (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, as well as the rules and statutes which entitle the petitioner to relief;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; 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 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 will not be available in this proceeding.

In addition to the above, a person subject to regulation has a right to apply to the Department of Environmental Protection for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542, F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this note.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information:.

- (a) The name, address, and telephone number of the petitioner;
- (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any;
- (c) Each rule or portion of a rule from which a variance or waiver is requested;
- (d) The citation to the statute underlying (implemented by) the rule identified in (c) above;
- (e) The type of action requested;
- (f) The specific facts that would justify a variance or waiver for the petitioner;
- (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and,
- (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or wavier requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2), F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the United States Environmental Protection Agency and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

Any party to this order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the permitting authority in the Legal Office; 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 (thirty) days from the date this Notice is filed with the Clerk of the permitting authority.



Executed in Tallahassee, Florida, this 21<sup>st</sup> day of November, 2008.

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION



\_\_\_\_\_  
Joseph Kahn, Director  
Division of Air Resource Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this order and all copies were sent by certified mail before the close of business on \_\_\_\_\_ to the person(s) listed:

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

Martha Jane Wise  
(Clerk)

11-21-08  
(Date)

cc: Jim Stormer, Palm Beach County

MEMORANDUM

TO: *Jane Wise*

CC: *Sandy Bowman*

FROM: *Dick Dibble, Air General Permits*

DATE: *November 18, 2007*

TIME: *10:00 AM*

SUBJECT: *Denial of Air General Permit*

**Ref:** 10/23/08 - PERCHLOROETHYLENE DRY CLEANER AIR GENERAL PERMIT  
NOTIFICATION FORM for:  
BRE/Baton Operating Lessee, Inc EHM LLC, Panthers BRHC LLC DBA  
Boca Raton Resort and Club  
501 East Camino Real  
Boca Raton, Palm Beach Co., Florida 33432-6127

*Jane,*

*We will need to prepare and send a **NOTICE OF INELIGIBILITY TO USE TITLE V AIR GENERAL PERMIT** to the following Responsible Official:*

Mr. Stephen J. Ast, President  
Boca Raton Resort & Club  
501 East Camino Real  
Boca Raton, Florida 33432-6127

*... for the following reason:*

      ✓       emissions indicate facility is not eligible

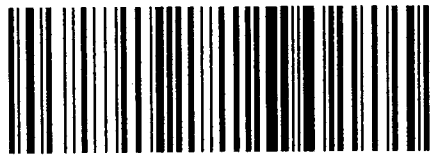
*Thank you for your assistance. Should you have any questions, please call me.*

*Dick Dibble*  
*GIC# - 345, or*  
*921-9586*



OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

**CERTIFIED MAIL™**



7006 3450 0003 0177 9631



02 1M \$ 03.92  
0004263736 OCT 21 20  
MAILED FROM ZIP CODE 334



**BOCA RATON RESORT & CLUB®**

Post Office Box 5025, Boca Raton, Florida 33431-0825

General Permits Section  
ATT: Dixon Dibble  
Bureau of Air Monitoring and  
Mobile Sources, MS 5510  
Dept of Env Protection  
2600 BLAIR Stone Road  
Tallahassee, Florida 32399-2400

**Dibble, Dickson**

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**From:** Dibble, Dickson  
**Sent:** Thursday, October 30, 2008 9:08 AM  
**To:** 'Laxmana\_Tallam@doh.state.fl.us'  
**Cc:** Bowman, Sandy; Paul\_Kalamaras@doh.state.fl.us; Thomas\_Tittle@doh.state.fl.us; James\_Stormer@doh.state.fl.us; Holtom, Jonathan  
**Subject:** RE: 0990015

<b>Tracking:</b>	<b>Recipient</b>	<b>Delivery</b>	<b>Read</b>
	'Laxmana_Tallam@doh.state.fl.us'		
	Bowman, Sandy	Delivered: 10/30/2008 9:08 AM	Read: 10/30/2008 9:24 AM
	Paul_Kalamaras@doh.state.fl.us		
	Thomas_Tittle@doh.state.fl.us		
	James_Stormer@doh.state.fl.us		
	Holtom, Jonathan	Delivered: 10/30/2008 9:08 AM	Read: 10/30/2008 9:08 AM

Laxmana,

Thank you for your response and the information.

We will go ahead with the PERC DC AGP Registration processing for that facility. At the conclusion of the thirty (30) day review period and issuance of the AGP entitlement we will advise you, since your office is the TV permitting authority for this the facility. The facility will be required to surrender their AV permit, and according to Jonathan Holtom, Acting Administrator for the Title V program there is a protocol for surrendering and expiring of the current AV permit.

Have a great day, and an enjoyable vacation!

*Dick*

**Dickson E. Dibble, ES III**

FL Dept of Environmental Protection  
 Div. of Air Resource Management  
 Bureau of Air Monitoring & Mobile Sources  
 Air General Permit Program  
 Tel. (850) 921-9586  
 FAX (850) 922-6979  
 ICG-#345

**Dickson.Dibble@dep.state.fl.us**



**Please note:** Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure

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**From:** Laxmana\_Tallam@doh.state.fl.us [mailto:Laxmana\_Tallam@doh.state.fl.us]  
**Sent:** Thursday, October 30, 2008 8:50 AM  
**To:** Bowman, Sandy; Dibble, Dickson

10/30/2008

**Cc:** Paul\_Kalamaras@doh.state.fl.us; Thomas\_Tittle@doh.state.fl.us; James\_Stormer@doh.state.fl.us  
**Subject:** RE: 0990015

Sandy:

This facility is located in Palm Beach County. (Cliff Bittle is with Broward County)

The boilers are considered regulated because at the time of permit issuance (yr 2003), since they were subject to Rule 62-296.406 - an emission unit specific requirement. I believe it is no longer considered an emission unit specific requirement if the facility wants to operate these boiler below the thresholds specified in categorical exemption for boilers. Current fuel consumption levels for these boilers are below such thresholds.

Last month the facility submitted an application for renewing the Title V permit.

Please let me know if you need further information.

Please include JIM STORMER in your future email since I will be on vacation starting Monday.

~Laxmana

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**From:** Kalamaras, Paul T  
**Sent:** Tuesday, October 28, 2008 11:57 AM  
**To:** Tallam, Laxmana  
**Subject:** FW: 0990015

fwd:

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**From:** Bowman, Sandy [mailto:Sandy.Bowman@dep.state.fl.us]  
**Sent:** Friday, October 24, 2008 10:25 AM  
**To:** Bittle, Clifton  
**Cc:** Dibble, Dickson; Kalamaras, Paul T  
**Subject:** RE: 0990015

Hi Cliff,

We have received a Perchloroethylene air general permit registration form from Boca Raton Resort and Club. In ARMS, there are several EUs identified, 2 of which are boilers that are further identified as regulated (none of the EUs are linked to the current project).

An inspection was conducted in August of this year and the facility was determined to be in compliance as a Title V facility.

This facility now indicates they wish to surrender their Title V permit. I wanted to alert you of receipt of the GP registration form and to verify with you that all EUs identified are insignificant.

We appreciate your assistance. Thank you.

*Sandy Bowman*  
*Environmental Administrator*

10/30/2008

*Division of Air Resource Management  
850/921-9583 or sandy.bowman@dep.state.fl.us*

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

*The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.*

size=2 width="100%" align=center>

Spam

Not spam

Forget previous vote