



ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT
POLLUTION PREVENTION, REMEDIATION AND AIR QUALITY DIVISION
One North University Drive, Suite 203 • Plantation, Florida 33324 • 954-519-1260 • FAX 954-519-1495

NOTICE OF FINAL AIR PERMIT

Sent by Electronic Mail – E-mail Receipt Requested

Mr. Giorgio Taghavi, Warehouse Manager
Optimum Nutrition
403 Sawgrass Corporate Parkway
Sunrise, Florida 33325

Air Permit No. 0112725-001-AC
Optimum Nutrition
Minor Source Air Construction Permit
Food/ Dietary Supplement
Manufacturing Operation.
Broward County, Florida

Dear Mr. Taghavi:

Enclosed is the final air construction permit, which authorizes Optimum Nutrition to construct and operate, after the fact, a food/dietary manufacturing facility. The proposed work will be conducted at the Optimum Nutrition facility which is located in Broward County at 403 Sawgrass Corporation Parkway, Sunrise, Florida. This final permit is issued pursuant to Chapter 403, Florida Statutes.

Any party to this order has the right to seek judicial review of it under Section 120.68 of the Florida Statutes by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Pollution Prevention, Remediation and Air Quality Division (PPRAQ), One North University Drive, Suite: 203, Plantation, Florida 33324 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 must be filed within 30 days after this order is filed with the clerk of the PPRAQ.

Executed in Plantation, Florida.

A handwritten signature in blue ink that reads "Daniela Banu".

Daniela Banu, Air Quality Administrator
Pollution Prevention, Remediation and Air Quality Division

NOTICE OF FINAL AIR PERMIT

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Final Air Permit package (including the Final Determination and Final Permit) was sent by electronic mail or regular mail with received receipt requested before the close of business on 12/27/2010 to the persons listed below.

James D. Burkhart, P.E., Environmental Control, Inc. via regular mail
Lennon Anderson, P.E., SFDEP, Air Section, (Lennon.anderson@dep.state.fl.us)

Clerk Stamp

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.



(Clerk)

12/27/2010
(Date)



ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT
POLLUTION PREVENTION, REMEDIATION AND AIR QUALITY DIVISION
One North University Drive, Suite 203 • Plantation, Florida 33324 • 954-519-1260 • FAX 954-519-1495

ISSUED TO:

PERMITTEE:

Mr. Giorgio Taghavi
Warehouse Manager
Optimum Nutrition
403 Sawgrass Corporate Parkway
Sunrise, FL 33325

AIRS ID NO: 0112725

Permit Number: 0112725-001-AC

Issue Date: December 27, 2010

Expiration Date: October 10, 2011

Project: After-the-fact construction permit for a food/dietary supplement manufacturing process.

Lat/Long: 26°07'35"N/ 80°19'55"W

UTM: Zone 17; 5667.87 Km. E; 2889.852 Km. N

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.) Florida Administrative Code (F.A.C.) Rules 62-4 and 62-204 through 62-297 (permitting requirements) and Broward County Code, Chapter 27 (emission limitations) and in conformance with all existing regulations of the Florida Department of Environmental Protection (DEP). The above named Permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Pollution Prevention, Remediation and Air Quality Division (PPRAQ) and made a part hereof and specifically described as follows:

Construct: An air pollution source consisting of a food/dietary supplement manufacturing operation. This facility uses pharmaceutical glaze (ethyl alcohol and ethyl acetate) in the tablet coating process. The emissions unit is as follows:

EU#001: A food/dietary supplement manufacturing process consisting of blending or dry ingredients, tableting and encapsulation processes; and a pan coating operation. Particulate matter emissions at the pan coating room are controlled by a dust collector, DC-1(Torit DFO2-8) that exhausts to the outside.

There are two dust collectors (DC-2, Torit DFT2-8; and DC-3, Torit DFT03-12) in the raw materials storage area and finished product warehouse that do not exhaust to the outside. DC-2 serves the encapsulation process and DC-3 serves the tableting process.

In accordance with: Application for permit to construct received with the fee on September 10, 2010, additional information received November 8, 2010, Public Notice of Intent to Issue Permit issued November 17, 2010 and published on December 9, 2010 in the Broward Daily Business Review newspaper (none are attached).

Location: 403 Sawgrass Corporate Parkway, Sunrise, Broward County, Florida.

To serve: A Medicinal Chemical and Botanical Products Manufacturing Facility(SIC #2833)

Subject to: General Conditions 1-16, Facility-Wide Conditions 17 -22 and Specific Conditions 23-30.

Permitting Note: This operation is not a source of hazardous air pollutants (HAP) emissions at the present time. The facility had a Broward County air license in the past and because the VOC emissions exceeded the state applicability threshold of F.A.C. Rule 62-210.300 – Permits Required, the owner/operator is subject to Florida minor source air permitting requirements. Also, this operation is a natural minor source of air pollutant emissions.

General Conditions

1. **Terms of Permit.** The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The Permittee is placed on notice that the PPRAQ will review this permit periodically and may initiate enforcement action for any violation of these conditions.
[Rules 62-4.160 (1), F.A.C.]
2. **Permit Validity.** This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the PPRAQ.
[Rules 62-4.160 (2), F.A.C.]
3. **Disclaimer.** As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, or any violations of federal, state or local laws or regulations. This permit is not a waiver of or approval of any other permit that may be required for other aspects of the total project which are not addressed in this permit.
[Rules 62-4.160 (3), F.A.C.]
4. **Disclaimer.** This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interest have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
[Rules 62-4.160 (4), F.A.C.]
5. **Liability.** This permit does not relieve the Permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the Permittee to cause pollution in contravention of Florida Statutes and DEP rule, unless specifically authorized by an order from the PPRAQ.
[Rules 62-4.160 (5), F.A.C.]
6. **Operation and Maintenance.** The Permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the Permittee to achieve compliance with the conditions of this permit, as required by county and state rules. This provision included the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and PPRAQ and DEP rules.
[Rules 62-4.160 (6), F.A.C.]
7. **Onsite Inspection Activities.** The Permittee, by accepting this permit, specifically agrees to allow authorized PPRAQ personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times (depending on the nature of the concern being investigated), access to the premises where the permitted activity is located or conducted to:
 - (a) Have access to and copy any records that must be kept under conditions of the permit;
 - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
 - (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or PPRAQ and DEP rules.[Rules 62-4.160 (7), F.A.C.]

8. **Notice of Noncompliance.** If, for any reason, the Permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the Permittee shall immediately provide PPRAQ with the following information:
 - (a) A description of and cause of noncompliance; and
 - (b) The period of noncompliance, including dates and times, or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to educe, eliminate, and prevent recurrence of the noncompliance. The Permittee shall be responsible for any enforcement action by PPRAQ for penalties or for revocation of this permit.[Rules 62-4.160 (8), F.A.C.]

9. **Reporting Noncompliance.** The Permittee shall report any periods of noncompliance to the PPRAQ immediately by phone at 954-519-1499 or by Email at EPDHOTLINE@broward.org. This also applies when the period of noncompliance is first determined after normal business hours or on weekends and holidays.
[Rules 62-4.130 and 62-4.070(3), F.A.C.]

10. **Evidence Materials.** By accepting this permit, the Permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted facility or activity, that are submitted to the PPRAQ may be used by the PPRAQ as evidence in any enforcement proceeding arising under the Florida Statutes or F.A.C. rules, except where such use is prohibited by Section 403.111 and 403.73, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
[Rules 62-4.160 (9), F.A.C.]

11. **Rule Changes.** The Permittee agrees to comply with changes in Florida DEP and Florida Statutes after a reasonable time for compliance; provided, however, the Permittee does not waive any other rights granted by Florida Statutes or DEP rules.
[Rules 62-4.160 (10), F.A.C.]

12. **Permit Transfer.** This permit is transferable only upon PPRAQ approval in accordance with Rule 62-4.120 and 62-730.300 F.A.C., as applicable. The Permittee shall be liable for any non-compliance of the permitted activity until the transfer approved by the PPRAQ.
[Rules 62-4.160 (11), F.A.C.]

13. **Work Site Copy.** This permit or a copy thereof shall be kept at the work site of the permitted activity.
[Rules 62-4.160 (12), F.A.C.]

14. **Miscellaneous Compliance Requirements.** The Permittee shall comply with the following:
 - (a) Upon request, the Permittee shall furnish all records and plans required under DEP rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the PPRAQ.
 - (b) The Permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recording for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by PPRAQ rule.

(c) Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
2. The person responsible for performing the sampling or measurements;
3. The dates analyses were performed.
4. The person responsible for performing the analyses;
5. The analytical techniques or methods used;
6. The results of such analyses.

[Rules 62-4.160 (14), F.A.C.]

15. **Information Submittal.** When requested by the PPRAQ, the Permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the Permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the PPRAQ, such facts or information shall be corrected promptly.
[Rules 62-4.160 (15), F.A.C.]

16. **Rules Adoption.** Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, as amended, are adopted by Broward County Code, Sec. 27-173.
[Broward County Code, Sec. 27-173]

Facility-wide Conditions

17. **Objectionable Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor.
[Rule 62-296.320(2), F.A.C.]

18. **General Visible Emissions Standard.** Unless otherwise specified by permit or rule, no person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity, the density of which is equal to or greater than 20 percent opacity. This condition also applies to EU#001.
[Rule 62-296.320(4) (b), F.A.C., and *DEP Guidance, March 2000, DARM-PER 33*]

19. **Volatile Organic Compounds Emissions or Organic Solvent Emissions.** No person shall store, pump, handle, process, load, unload or use in any process or installation volatile organic solvents without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the PPRAQ.
[Broward County Code, Sec. 27-175(f)]

20. **Concealment.** No person shall build, erect, install, or use any article, machine, equipment or other contrivance, the use of which will conceal any emission which would otherwise constitute a violation of any provisions of Broward County Code.
[Broward County Code, Sec. 27-175(b)]

21. **Circumvention.** No person shall circumvent any air pollution device, or allow the emission of air pollutants without the applicable air pollution control device operating properly.
[Broward County Code, Sec. 27-175(c)]

22. **Maintenance.** No person shall operate any air pollution control equipment or systems without proper and sufficient maintenance to assure compliance with Broward County Code.
[Broward County Code, Sec. 27-175(d)]

Specific Conditions

Emission Limiting Standards

23. Facility Wide VOC Emissions. In order to maintain the minor source status, the volatile organic compounds (VOC) emissions shall be less than 34.90 tons in any consecutive twelve -month period.
[Rule 62-4.070(3) F.A.C., PTE in construction application submitted September 10, 2010]

Recordkeeping Requirement

24. VOC Content and Usage Rate: The owner or operator shall monitor the usage of the pharmaceutical glaze #2 and #4 at the referenced emission unit by recording and maintaining the following information:
- The VOC content for pharmaceutical glaze # 2 and #4.
 - The material utilization rate on a monthly basis, for pharmaceutical glaze #2 and/or #4 used at the referenced emission unit.
 - The total monthly VOC emission rates for pharmaceutical glaze #2 and/or #4, calculated from the monthly material utilization rates and the VOC content, calculated for the preceding month no later than 20 days after the end of that month.
 - A rolling consecutive 12-month total emission rate for VOC, calculated from the monthly totals for the previous twelve calendar months.
 - Maintain Material Safety Data Sheets (MSDS) for the pharmaceutical glaze # 2 and #4 utilized.
[Rule 62-4.070(3), F.A.C.]
26. The permittee shall maintain the records required by this permit for a period of five (5) years from the date the records were created and be made available for PPRAQ staff review, upon request.
[Rule 62-4.070(3), F.A.C.]
27. The permittee shall notify PPRAQ in writing of any change in products, and shall submit new material safety data sheets (MSDS) prior to use.
[Rule 62-4.070(3), F.A.C.]

Reporting Requirement

28. Annual Operating Report (AOR). The AOR shall be submitted to the PPRAQ by April 1 of the following year. If the report is submitted to FDEP using FDEP's electronic annual operating report software (EAOR), there is no requirement to submit a copy to PPRAQ.
[Rule 62-210.370(3), F.A.C.]
{Permitting Note. Information on the EAOR submittal is available at <http://www.dep.state.fl.us/air/eproducts/eaor/default.htm>}

Other Requirement

29. When the PPRAQ, after investigation, has good reason to believe (such as complaints, increased visible emissions or questionable maintenance of control equipment) that any applicable emission standard in F.A.C. Rules 62-204 through 62-297 or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit to provide a report on the results of said tests to PPRAQ.
[Rule 62-297.310(7) (b), F.A.C.]

Operating Permit Requirements

30. By this construction permit, the owner or operator is allowed to construct, operate, and conduct tests, if required, to determine compliance with the provisions of the permit, and to apply for and receive an operation permit prior to the permit's expiration date. To properly apply for an operation permit the applicant shall submit the appropriate fee and certification that construction was completed noting any deviations from the conditions in the construction permit and test results where appropriate.
[F.A.C. Rule 62-4.210(3) and 62-4.220]

{Permitting Note: The Permittee may also elect to submit the application electronically using the Electronic Permit Submittal and Processing system (EPSAP) via the <http://www.dep.state.fl.us/air/software.htm> website, along with the processing fee established in Rule 62-4.050(4), F.A.C. , [62-4.090(1) and 62-4.050(4), F.A.C.]

Executed in Broward County, Florida
POLLUTION PREVENTION, REMEDIATION AND AIR
QUALITY DIVISION



Daniela Banu, Air Quality Administrator