



FLORIDA DEPARTMENT OF Environmental Protection

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

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

Sent by Electronic Mail – Received Receipt Requested

Ms. Sarah J. Hibbs, P.E., Senior Environmental Affairs Representative
Walt Disney Parks and Resorts U.S., Inc.
P.O. Box 10,000
Lake Buena Vista, Florida 32830-1000

Re: Conditional Exemption from the Requirement to Obtain an Air Construction Permit
Walt Disney Parks and Resorts U.S., Inc., Walt Disney World (WDW) Resort Complex
Project No. 0950111-048-AC
Air Construction Permit Exemption for Temporary Hot Water Heater at the TSA Laundry

Dear Ms. Hibbs:

On July 18, 2019, Walt Disney Parks and Resorts U.S., Inc. (WDW), submitted a request for an exemption from the requirement to obtain an air construction permit for the installation and operation of a temporary propane-fired hot water heater at the Textile Services Administrative (TSA) Laundry facility in the Walt Disney World Resort Complex located in Orange and Osceola Counties at 1375 Buena Vista Drive, Lake Buena Vista, Florida.

Project and Rule Applicability: WDW operates the Walt Disney World Resort Complex under current Title V air operation permit No. 0950111-039-AV, with an effective date of March 19, 2018, and an expiration date of March 18, 2023. This Title V air operation permit authorizes operation of Emissions Unit (EU) 072, which includes two natural gas-fired laundry hot water heaters (LAU-1 and LAU-2), rated at 10.1 million British thermal units per hour (MMBtu/hr), and located in the TSA Laundry. LAU-1 recently failed on July 12, 2018 and is currently not operational, and LAU-2 was removed from service in September 2017. WDW wishes to immediately install and operate a temporary propane-fired hot water heater, rated at 5.0 MMBtu/hr, to provide the necessary hot water to resume proper laundry services at TSA Laundry.

Potential emissions from the temporary propane-fired hot water heater were calculated using U.S. Environmental Protection Agency (EPA) AP-42 emissions factors for liquified petroleum gas combustion, Chapter 1.5. Additionally, it was conservatively assumed for annual emissions calculations that the temporary propane-fired hot water heater would be operated for 8,760 hours per year. (Note: It is anticipated this temporary hot water heater will be in operation for no more than 12 months and will cease operation upon installation and operation of the permanent replacement steam boiler system.) The potential air emissions from the proposed hot water heater are summarized in the following table:

Pollutant	Potential Emissions	
	Pounds per Hour	Tons per Year
NO _x	0.71	3.1
CO	0.41	1.8
VOC	0.05	0.24
SO ₂	0.01	0.05
PM/PM ₁₀ /PM _{2.5}	0.04	0.17
CO ₂	683	2,992
HAPs	Negligible	Negligible

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Note: CO = carbon monoxide
CO₂ = carbon dioxide.
HAPs = hazardous air pollutants.
VOC = volatile organic compound.
NO_x = nitrogen oxides.
PM = particulate matter.

PM₁₀ = particulate matter less than or equal to 10 micrometers.
PM_{2.5} = particulate matter less than or equal to 2.5 micrometers.
SO₂ = sulfur dioxide.

As defined in 40 CFR 63.7575 and subsequently clarified by EPA, a “Hot Water Heater” is a closed vessel with a capacity of no more than 120 U.S. gallons in which water is heated and withdrawn for use external to the vessel regardless of heat input capacity, or a hot water boiler which is heated by a combustion source that has a heat input capacity of less than 1.6 MMBtu/hr, regardless of storage capacity. Based on this definition, the temporary replacement unit is defined as a “Hot Water Heater” due to its internal water storage capacity of less than 120 gallons. Per 40 CFR 63.7491(d), hot water heaters are not subject to 40 CFR 63, Subpart DDDDD - National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters.

This water heater is not exempt from construction permitting requirements based on the conditional exemptions listed in 62-210.300(3)(a), F.A.C. However, the replacement equipment will continue to meet the requirements for being listed as an insignificant emissions unit in the Title V air operation permit, per 62-213.430(6), F.A.C., as there are no unit-specific applicable requirements, nor does this unit have the potential to emit pollutants beyond the thresholds listed in 62-213.430(6)(b)(3), F.A.C.

Because there are no unit specific applicable requirements and based on the relatively insignificant potential emissions from the temporary replacement hot water heater, WDW requests Florida Department of Environmental Protection’s (FDEP’s) concurrence that a permit exemption is appropriate under Chapter 62-4, F.A.C., and that WDW can proceed with the immediate installation and operation of the proposed propane-fired hot water heater to serve as a temporary replacement for laundry boilers 1 and 2 until the permanent replacement hot water boiler system can be installed. A separate air construction permit application has been submitted for the permanent replacement of the failed hot water boilers at the TSA Laundry.

Determination: Pursuant to Rule 62.4.040(1)(b), F.A.C., based on the information presented above and subject to the conditions listed below, the Office of Permitting and Compliance determines that the described activity will not emit air pollutants, “... in sufficient quantity, with respect to its character, quality or content, and the circumstances surrounding its location, use and operation, as to contribute significantly to the pollution problems within the State, so that the regulation thereof is not reasonably justified”. Therefore, the project is exempt from the requirement to obtain an air construction permit and WDW may proceed with the immediate installation and operation of the temporary propane-fired hot water heater at the TSA Laundry. This determination may be revoked if the proposed activity is substantially modified or the basis for the exemption is determined to be materially incorrect. A copy of this letter shall be maintained at the site of the proposed activity. This permitting decision is made pursuant to Chapter 403, Florida Statutes.

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, F.A.C. The Permitting Authority responsible for making a permit determination for this project is the Office of Permitting and Compliance in the Department of Environmental Protection’s Division of Air Resource Management. The Permitting Authority’s physical address is: 2600 Blair Stone Road, Tallahassee, Florida 32301. The Permitting Authority’s mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority’s telephone number is 850/717-9000 and email address is: DARM_Permitting@dep.state.fl.us.

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. The petition

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must contain the information set forth below and must be filed with (received by) the agency clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, Agency_Clerk@dep.state.fl.us. Petitions must be filed within 21 days of receipt of this exemption from air permitting requirements. 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 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 permitting action. 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: 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 Permitting Authority 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 Permitting Authority.

Judicial Review: Any party to this permitting decision (order) has the right to seek judicial review of it under Section 120.68, F.S., by filing 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, 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 must be filed within 30 days after this order is filed with the clerk of the Department.

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Executed in Tallahassee, Florida.

for:

Syed Arif, P.E., Program Administrator
Division of Air Resource Management

SA/jh

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Air Permit Exemption was sent by electronic mail, or a link to this document made available electronically on a publicly accessible server, with received receipt requested before the close of business on the date indicated below to the following persons.

Ms. Sarah Hibbs, P.E., Walt Disney Parks and Resorts U.S., Inc.: sarah.j.hibbs@disney.com

Ms. Joyce Bowers, Vice President, Walt Disney Parks and Resorts U.S., Inc.: joyce.m.bowers@disney.com

Mr. Armando Rodriguez, Walt Disney Parks and Resorts U.S., Inc.: armando.rodriguez@disney.com

Mr. Jose Garrido, Walt Disney Parks and Resorts U.S., Inc.: jose.r.garrido@disney.com

DEP - Central District Compliance Office: DEP_CD@dep.state.fl.us

Mr. Aaron Watkins, DEP - CD: aaron.watkins@dep.state.fl.us

Ms. Sirena Davila, DEP - CD: sirena.davila@dep.state.fl.us

Mr. Daniel Hall, DEP - CD: daniel.k.hall@dep.state.fl.us

Ms. Lynn Searce, DEP - OPC: lynn.searce@dep.state.fl.us

Clerk Stamp

FILED 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.

CONDITIONS OF EXEMPTION

Subject to the following conditions, WDW is exempted from the requirements contained in Rule 62-210.300(1)(a), F.A.C., to obtain an air construction permit for the installation and operation of the temporary propane-fired hot water heater at the TSA Laundry, as described above:

1. This exemption is valid only for the installation and operation of the temporary propane-fired hot water heater located at the TSA Laundry, described above.
2. If equipment selection changes, WDW shall submit the pertinent information to the Department of Environmental Protection's Office of Permitting and Compliance within the Division of Air Resource Management by electronic mail and request a new exemption, if applicable. The email address for the Office of Permitting and Compliance is: DARM_Permitting@dep.state.fl.us. If it is determined that an exemption for the alternately selected equipment is not applicable, WDW shall apply for and receive an air construction permit prior to commencing construction of that equipment.
3. WDW shall notify the Department's Central District Compliance Office by electronic mail prior to starting up the temporary hot water heater. The email address for the Central District's Compliance Office is: DEP_CD@dep.state.fl.us.
4. Pursuant to subparagraph 62-213.420(1)(a)3., F.A.C., and paragraph 62-213.430(6)(a), F.A.C., no later than 180 days following the startup of the temporary hot water heater, WDW shall submit a request to the permitting authority to add the above described hot water heater to the list of insignificant emissions units/activities the next time that the Title V air operation permit is renewed. That request shall be kept on file at the facility as part of the current Title V air operation permit.
5. WDW shall continue to work expeditiously with the Department to obtain the necessary air construction permit to install a permanent replacement hot water boiler system at the TSA Laundry to replace the currently permitted hot water boiler systems that failed and had to be removed from service.
6. WDW shall discontinue operation of this temporary propane-fired hot water heater as soon as the replacement hot water boiler systems are constructed and able to satisfy the hot water needs of the TSA Laundry.