

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

ELECTRONIC MAIL

troditus@loewshotels.com

In the Matter of an  
Application for Permit by:

Loews Hotels  
6800 Lakewood Plaza Drive  
Orlando, FL 32819

Orange County - AP  
Boilers; Perc Dry Cleaners  
DEP File No.: 0951290-003-AC

Attention: Tom Reditus, Director of Operations

INTENT TO ISSUE

The Department of Environmental Protection gives notice of its intent to issue a permit (copy attached) for the proposed project as detailed in the application specified above. The Central District is issuing this Intent to Issue for the reasons stated below.

The applicant, Loews Hotels, applied on October 6, 2006, to the Department of Environmental Protection for a construction permit for the existing boilers and perc dry cleaners. The facility is a source of air emissions. This facility is located at 6800 Lakewood Plaza Drive, Orlando, Orange County, Florida.

The Department has permitting jurisdiction under Section 403 Florida Statutes (F.S.) and Chapter 62-4.210 and Chapter 62-210.300 Florida Administrative Code (F.A.C.). The project is not exempt from permitting procedures. The Department has determined that an operating permit in accordance with Rule 62-210.300(2)(b), F.A.C., is required for the proposed work.

Pursuant to Section 403.815, F.S. and DEP Rule 62-103.150, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Issue Permit. The Notice shall be published one time only within thirty (30) days, in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department, at 3319 Maguire Boulevard, Suite 232, Orlando, FL 32803-3767 within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 of the Florida Statutes, or a party requests mediation as an alternative remedy under section 120.573 before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not

result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with sections 120.569 and 120.57 of the Florida Statutes. 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 of intent. Petitions filed by any other person must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. 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 (or a request for mediation, as discussed below) 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 of the Florida Statutes, 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 28-5.207 of the Florida Administrative Code.

A petition must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number, and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by the petitioner, if any;
- (e) A statement of the facts that the petitioner contends warrants reversal or modification of the Department's action or proposed action;
- (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the action or proposed action addressed in this notice of intent.

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 notice of intent. 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.

A person whose substantial interests are affected by the Department's proposed permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35,

Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

Mediation under Section 120.573 of Florida Statutes is not available in this proceeding.

In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under section 120.542 of the Florida Statutes. 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 notice of intent.

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

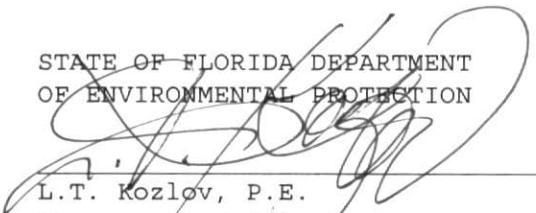
- (a) The name, address, and telephone number of the petitioner;
- (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any;
- (c) Each rule or portion of a rule from which a variance or waiver is requested;
- (d) The citation to the statute underlying (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 waiver 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) of the Florida Statutes, 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-proved program. The requirements of the program remain fully enforceable by the Administrator of EPA 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.

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
L.T. Kozlov, P.E.  
Program Administrator  
Air Resources Management  
3319 Maguire Boulevard, Suite 232  
Orlando, Florida 32803-3767  
(407) 894-7555

DATE:

12-8-06

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

  
Clerk

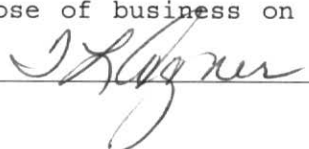
12/11/06  
Date

  
LTK/azt

Enclosures: Draft Permit  
Notice of Intent

Cc: Hamp Pridgen, OCEPD, ([hamp.Pridgen@OCFL.com](mailto:hamp.Pridgen@OCFL.com))  
Douglas W. Bauman, MSE, P.E. ([doug4ucf@earthlink.net](mailto:doug4ucf@earthlink.net))  
Tony Rodrigues ([tonyrodrigues@loweshotels.com](mailto:tonyrodrigues@loweshotels.com))

CERTIFICATE OF SERVICE

This is to certify that this INTENT TO ISSUE and all copies were E-mailed  
before the close of business on Dec. 11, 2006 to the listed  
persons by .

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
PUBLIC NOTICE OF INTENT TO ISSUE CONSTRUCTION PERMIT

The Department of Environmental Protection gives notice of its intent to issue a Construction permit to Loews Hotels, 6800 Lakewood Plaza Drive, Orlando, Florida, for the existing boilers and perchloroethylene dry cleaners. The facility, Loews Hotels, is a source of air emissions. The facility is located at 6800 Lakewood Plaza Drive, Orlando, Florida. The Department has assigned File Number 0951290-003-AC to the project.

The Department will issue the permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of 14 days from the date of publication of "PUBLIC NOTICE OF INTENT TO ISSUE A CONSTRUCTION PERMIT." Written comments should be provided to the District office at 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 Florida Statutes (F.S.), before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. 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 14 days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3) of the Florida Statutes must be filed within 14 days of publication of the public notice or within 14 days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. 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 of the Florida Administrative Code (F.A.C.).

A petition that disputes the material facts on which the Department'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 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; and
- (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 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 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 notice. 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 under Section 120.573 of the Florida Statutes is not available in this proceeding.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at: the Department of Environmental Protection, 3319 Maguire Boulevard, Suite 232, Orlando, Florida.





# Department of Environmental Protection

Jeb Bush  
Governor

Central District  
3319 Maguire Boulevard, Suite 232  
Orlando, Florida 32803-3767

Colleen M. Castille  
Secretary

Permittee:  
Loews Hotels  
6800 Lakewood Plaza Drive  
Orlando, Florida 32819

Facility Number: 0951290  
**Permit Number: 0951290-003-AC**  
Expiration Date: February 28, 2007  
County: Orange  
Latitude/Longitude:  
28° 27' 25.6"N/81° 28' 30.3"W  
**Project: Boilers and Perc Dry Cleaners**

Attention: Tom Reditus, Director of Operations

This permit is issued under the provisions of Chapter(s) 403, Florida Statutes, and Florida Administrative Code Rule(s) 62-210. 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 department and made a part hereof and specifically described as follows:

The permittee may construct one 500 hp Clever-Brooks boiler resulting in two 500 hp Clever-Brooks boilers at the facility.

The permittee may construct one Multimatic Shop Star Perchloroethylene Dry-to-Dry machine, resulting in three Multimatic Shop Star Perchloroethylene Dry-to-Dry machines. The Multimatic Shop Star Perchloroethylene Dry-to-Dry machines are subject to 40 CFR 63.320 Subpart M, Dry Cleaning Facilities and subjects the facility to Title V status. The dry cleaner perchloroethylene usage is less than 2100 gallons per year, making its designation a non-major source.

Operating Conditions

1. The **maximum fuel consumption** for each fuel-burning unit at the facility (natural gas fired hot water boilers) is limited to 170.3 million standard cubic feet of natural gas per consecutive twelve months. The **maximum facility perchloroethylene usage** is less than 2100 gallons per consecutive twelve months.
2. All emission units are permitted to operate continuously.

Emission Limitations and Standards

3. The maximum facility volatile organic compound (VOC) and nitrogen oxide (NOx) emission rates are each limited to less than 25.0 tons per consecutive twelve-month period, including fugitive emissions. Additionally, combined hazardous air pollutant (HAP) emissions are limited to less than 25.0 tons per consecutive 12 months, and any single HAP emission is limited to less than 10.0 tons per consecutive 12 months.
4. Visible emissions from the facility are limited to less than 20% opacity [Rule 62-296.320(4)(b)1., F.A.C.].

Compliance

5. Each of the boilers at the facility must be tested for visible emissions in accordance with DEP Method 9 within 180 days after receipt of this permit. The required minimum period of observation for a compliance test shall be sixty (60) minutes for boilers which emit or have the potential to emit 100 tons per year or more of particulate matter, and thirty (30) minutes for boilers which have potential emissions less than 100 tons per year of particulate matter. The opacity test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur.  
[Rules 62-296.320(4)(b)4.a., 62-296.320(7)(a)3., 62-297.310(4)(a)2., and 62-297.410(9)(a), F.A.C.]
6. The owner or operator shall notify the air compliance section of the Orange County Environmental Protection Division, at least 15 days prior to the date on which each formal compliance test is to begin, of the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted for the owner or operator.  
[Rule 62-297.310(7)(a)9., F.A.C.]
7. The owner or operator shall submit a copy of the compliance test results to the air compliance section of the Orange County Environmental Protection Division as soon as practical but no later than 45 days after the last sampling run of each test is completed. [Rule 62-297.310(8)(b), F.A.C.]
8. The owner or operator shall complete DEP Form No. 62-210.900(5), F.A.C. "Annual Operating Report for Air Pollutant Emitting Facility", including the Emissions Report, for each calendar year and submit to the air compliance section of the Orange County Environmental Protection Division on or before March 1 of the following year. [Rule 62-210.370(3)(a), F.A.C.]



9. In order to demonstrate compliance with condition numbers 1 and 2, the permittee shall maintain a log at the facility for a period of at least 5 years from the date the data is recorded. The log at a minimum shall contain the following:

- a. Monthly designation of month and year of operation
- b. For each boiler, monthly and twelve month natural gas usage
- c. For the dry cleaners, monthly and twelve month perchloroethylene usage
- d. Consecutive twelve month total of VOC, HAPs, individual HAPs, and NOx emissions
- e. 40 CFR Part 63.323, Subpart M, test methods and monitoring
- f. 40 CFR Part 63.324, Subpart M, reporting and record keeping

Note: A consecutive twelve-month total is equal to the total for the month in question plus the totals for the eleven months previous to the month in question. A consecutive twelve-month total treats each month of the year as the end of a 12-month period. A twelve-month total is not a year-to-date total. Facilities that have not been operating for twelve months should retain twelve-month totals using whatever number of months of data is available until such a time as a consecutive twelve-month total can be maintained each month.

Supporting documentation (chemical usage tracking logs, MSDS sheets, purchase orders, EPA "As Supplied" data sheets, etc.) shall be kept for each chemical and associated products which includes sufficient information to determine usage rates and emissions. These records shall be made available to the Department upon request. Documentation of each chemical reclaimed will use a mass balance method to determine usage/emissions (amount used minus amount collected for disposal or recycle). The log and documents shall be kept at the facility for at least 5 years and made available to the Department. Monthly logs shall be completed by the end of the following month.

[Rule 62-4.070(3), F.A.C.]

#### PERMIT APPLICATION

10. The construction shall reasonably conform to the plans and schedule submitted in the application. If the permittee is unable to complete construction on schedule, he must notify the department in writing at least 90 days prior to the expiration of the construction permit and submit an application for an extension of the construction permit.

A title V operating permit is required for operation of this source. To obtain an operating permit, the permittee must demonstrate compliance with the conditions of the construction permit and provide the compliance test results and Application for Air Permit to the Department's Central Florida District office. **The application shall be submitted no later than 180 days after receipt of this permit.**

[Rule 62-4.220, F.A.C.]

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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L.T. Kozlov, P.E.  
Program Administrator  
Air Resources Management

Issued: \_\_\_\_\_