



Jeb Bush
Governor

John O. Agwunobi, M.D., M.B.A.
Secretary

June 3, 2005

Gloria Rizzo, President
Premier Funeral Services & Cremations, Inc.
d/b/a/ Treasure Coast Crematory
730 North Dixie Highway
Lake Worth, FL 33460

**Re: Draft Air Pollution Construction Permit No. 0990322-007-AC
Treasure Coast Crematory
Air Pollution Construction Permit for Two Refurbished Human Cremation Units.**

Dear Mrs. Rizzo:

For the above referenced project, I have enclosed one copy of each of the following documents:

- Notice of Intent to Issue Air Pollution Construction Permit (*for facility's authorized representative*)
- Public Notice (*for publication in newspaper*)
- Draft Air Pollution Construction Permit
- Technical Evaluation and Preliminary Determination

The Public Notice must be published within 30 days of receipt of this letter. Proof of publication (i.e., newspaper affidavit) must be provided to the Air Pollution Control Section of the Palm Beach County Health Department within seven (7) 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.

Comments on the proposed Draft Permit you would like to have considered should be sent to me in writing at the letterhead address below. If you have any other questions, please contact me at (561) 355-3136.

Sincerely,

For the Division Director
Environmental Health and Engineering

Jose M Garcia, PE
Air Pollution Control Section

Filename: 0322007.INT

NOTICE OF INTENT TO ISSUE AIR POLLUTION CONSTRUCTION PERMIT

Draft Permit No.: 0990322-007-AC

*In the Matter of an
Application for Air Permit by:*

Applicant:

Premier Funeral Services & Cremations, Inc.
d/b/a/ Treasure Coast Crematory
730 North Dixie Highway
Lake Worth, FL 33460

Permitting Authority:

Palm Beach County Health Department
P.O. Box 29 (901 Evernia Street)
West Palm Beach, FL 33402-0029
Phone: (561) 355-3136

Authorized Representative:

Gloria Rizzo, President

Permit Engineer: Jose M. Garcia

The Palm Beach County Health Department (PBC Health Department) gives notice of its intent to issue an air pollution construction permit (copy of Draft Permit attached) for the proposed project, detailed in the application submitted and the attached Technical Evaluation and Preliminary Determination, for the reasons stated below.

Permitting Authority: The Florida Department of Environmental Protection (DEP) has permitting jurisdiction under the provisions of Chapter 403 of the Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.). However, in accordance with Section 403.182, F.S., DEP recognizes the PBC Health Department as the approved local air pollution control program in Palm Beach County. As such, DEP and the PBC Health Department have entered into a Specific Operating Agreement that delegates to the PBC Health Department the authority to issue or deny permits for this type of air pollution source located in Palm Beach County. The mailing address of the PBC Health Department is P.O. Box 29, West Palm Beach, Florida 33402-0029. The PBC Health Department's Air Pollution Control Section is located at 901 Evernia Street in West Palm Beach, Florida and the phone number is (561) 355-3136. The PBC Health Department's Legal Office is located at 826 Evernia Street in West Palm Beach, Florida and the phone number is (561) 355-3007.

Proposed Project: On January 14, 2005, Premier Funeral Services & Cremations, Inc. d/b/a/ Treasure Coast Crematory applied to the Palm Beach County Health Department (Health Department) for an air pollution construction permit to install two additional human cremators at their facility located at 730 North Dixie Highway in Lake Worth, Palm Beach County, Florida. The existing facility consists of two Crawford Model No. C-1000H incinerator units. The two proposed units will be refurbished to meet Crawford Model No. C-1000H specifications. All four units use natural gas or LPG to fire the primary and secondary burners. Previous performance test on similar cremator units indicate that, if operated properly, these units can maintain compliance with state regulations.

Proposed Agency Action: The proposed project, as described in the application and attached Technical Evaluation and Preliminary Determination, requires an air pollution construction permit. The PBC Health Department believes your application provides reasonable assurance of compliance with the applicable air pollution control regulations of Chapters 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C. Therefore, the PBC Health Department will issue a final 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.

Publishing Notice of Proposed Agency Action: Pursuant to Section 403.815, F.S., and Rule 62-110.106(7)(a)1., F.A.C., you (the applicant) are required to publish at your own expense the enclosed "Public Notice of Intent to Issue an Air Pollution Construction Permit" (Public Notice). The notice shall be published one time only in the legal advertisement section of a newspaper of general circulation in the area affected. In accordance with Rule 62-110.106(7)(b), F.A.C., you must have the notice published as soon as possible after notification by the PBC Health Department of its intended action. For the purpose of these rules, "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 PBC Health Department. Pursuant to Rule 62-110.106(5), F.A.C., you must provide proof of publication to the PBC Health Department within seven (7) days of publication. No permitting

action for which published notice is required shall be granted until proof of publication of the notice is made by furnishing a uniform affidavit in substantially the form prescribed in Section 50.051, F.S. to the office of the Air Pollution Control Section of the PBC Health Department. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rules 62-110.106(9) and (11), F.A.C.

Public Comment Period: The PBC Health Department will accept written comments concerning the proposed permit issuance action for a period of fourteen (14) days from the date of publication of Public Notice. Written comments should be provided to the PBC Health Department's Air Pollution Control Section at the address indicated above. Any written comments filed shall be made available for public inspection. All written comments shall be considered, but may not alter the permitting process. If written comments received result in a significant change in the proposed agency action, the PBC Health Department shall revise the proposed permit and require, if applicable, another Public Notice.

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

Petitions and Administrative Hearings: 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, F.S. The petition must contain the information set forth below and must be filed (received) in the PBC Health Department's Legal Office at the address indicated above, and must be marked, "*Request for Administrative Hearing on Intent to Issue Air Pollution Permit*". Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen (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), F.S. must be filed within fourteen (14) days of publication of the Public Notice or within fourteen (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 PBC Health Department for notice of agency action may file a petition within fourteen (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, F.A.C.

A petition that disputes the material facts on which the PBC Health 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 demand for relief.

A petition that does not dispute the material facts upon which the PBC Health 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 PBC Health 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 PBC Health 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: Mediation is not available in this proceeding.

Variances and Waivers: 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, 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 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 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 waiver requested.

The Department of Environmental Protection 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 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 West Palm Beach, Florida.

PALM BEACH COUNTY HEALTH DEPARTMENT

James E. Stormer , Q.E.P., Environmental Administrator
Air Pollution Control Section
Division of Environmental Health and Engineering

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that the Notice of Intent to Issue an Air Pollution Construction Permit, the Public Notice, the Draft Permit, and the Technical Evaluation and Preliminary Determination were sent by certified mail to the Authorized Representative and copies were mailed by U.S. Mail to the persons listed before close of business on the filing date indicated below.

Copies:

*Darrel J. Graziani, P.E. Air Program Administrator
(INTERNET E-mail Memorandum)
Southeast District Office - DEP
400 N. Congress Avenue, Suite 200
West Palm Beach, FL 33402*

*Pamela LeBoss
Air Observations, Inc.
P.O. Box 290535
Tampa FL 33687*

*J.S. Nagamia, P.E.
Air Observations, Inc.
P.O. Box 290535
Tampa FL 33687*

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52, Florida Statutes, with the designated agency clerk, receipt of which is hereby acknowledged.

(Clerk)

(Filing Date)

PUBLIC NOTICE OF INTENT TO ISSUE AIR POLLUTION CONSTRUCTION PERMIT

Draft Permit No. 0990322-007-AC
Premier Funeral Services & Cremations , Inc.
d/b/a Treasure Coast Crematory
Palm Beach County, Florida

Applicant: The permit applicant for this proposed project is Premier Funeral Services & Cremations , Inc., d/b/a Treasure Coast Crematory. The applicant's Authorized Representative is Gloria Rizzo, President whose mailing address is 730 North Dixie Highway, Lake Worth, FL 33460.

Permitting Authority: The permitting authority for this project is the Palm Beach County Health Department (PBC Health Department) whose mailing address is P.O. Box 29, West Palm Beach, Florida 33402-0029. For technical information regarding the project, please contact the air permitting supervisor, Jose Garcia, at (561) 355-3136 Ext. 1142. He is located at the PBC Health Department's Air Pollution Control Section at 901 Evernia Street in West Palm Beach, Florida. For questions regarding the administrative hearing procedures, please contact the PBC Health Department's Legal Office at 826 Evernia Street in West Palm Beach, Florida and phone number (561) 355-3007.

Proposed Project: The applicant proposes to install two additional human cremators at their facility located at 730 North Dixie Highway in Lake Worth, Palm Beach County, Florida. The existing facility consists of two Crawford Model No. C-1000H incinerator units. The two proposed units will be refurbished to meet Crawford Model No. C-1000H specifications. All four units will use natural gas or LPG to fire the primary and secondary burners.

Proposed Agency Action: The PBC Health Department gives notice of its intent to issue an air pollution construction permit to the applicant for the project described above. The PBC Health Department will issue a final permit, as originally drafted, for the proposed project unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

Public Comment Period: The PBC Health Department will accept written comments concerning the proposed permit issuance action for a period of fourteen (14) days from the date this Public Notice was published. Written comments should be sent to the PBC Health Department's Air Pollution Control Section at the address indicated above and will be made available for public inspection. All written comments shall be considered, but may not alter the permitting process. If written comments received result in a significant change to the proposed agency action, the PBC Health Department shall revise the proposed permit draft and require, if applicable, another Public Notice.

The PBC Health Department will issue a final permit for the proposed project *unless* a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

Petitions and Administrative Hearings: 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, F.S. The petition must contain the information set forth below and must be filed (received) in the PBC Health Department's Legal Office at the address indicated above. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen (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), F.S. must be filed within fourteen (14) days of publication of the public notice or within fourteen days (14) of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the PBC Health Department for notice of agency action may file a petition within fourteen (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, F.A.C.

A petition that disputes the material facts on which the PBC Health 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 demand for relief.

A petition that does not dispute the material facts upon which the PBC Health Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information 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 PBC Health Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests

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Draft Permit No. 0990322-007-AC
Premier Funeral Services & Cremations , Inc.
d/b/a Treasure Coast Crematory
Palm Beach County, Florida

will be affected by any such final decision of the PBC Health Department 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.

Project File: A complete project file is available for public inspection at the PBC Health Department's Air Pollution Control Section during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. The complete project file includes the proposed Draft Permit, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the PBC Health Department's air permitting supervisor for additional information at the address and phone number indicated above.

