



Rick Scott
Governor

H. Frank Farmer, Jr., M.D., Ph.D.
State Surgeon General

JUNE 10, 2011
Electronic Correspondence
jsiegel@biotestpharma.com

NOTICE OF TIME EXTENSION OF AIR POLLUTION PERMIT

Permittee:

Biotest Pharmaceuticals Corporation
5800 Park of Commerce Blvd, NW
Boca Raton, Florida 33487

Air Permit No.: 0990341-004-AC
PALM BEACH COUNTY, FLORIDA

Authorized Representative:

Jordan Siegel – Senior Vice President and Chief Financial Officer

Project: Extension of Permit No.
0990341-003-AC

Dear Mr. Siegel:

Attached is the executed "Permit Extension" for above referenced air pollution permit issued pursuant to Section 403.087, Florida Statutes (F.S.) and Rule 62-4.120, Florida Administrative Code (F.A.C.). This letter shall be attached to the air permit and becomes a part of that permit.

The Florida Department of Environmental Protection (DEP) has permitting jurisdiction under Section 403.087, Florida Statutes (F.S.). However, in accordance with Section 403.182, F.S., the DEP recognizes the Palm Beach County Health Department (Health Department) as the approved local air pollution control program of Palm Beach County. Through a Specific Operating Agreement, the DEP authorized the Health Department to issue or deny permits for this type of air pollution source located in Palm Beach County.

Administrative Hearings: A person whose substantial interests are affected by the permitting 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) in the Health Department's office at the address listed below. Petitions filed by the permit applicant or any of the parties listed below must be filed within 14 days of receipt of this Notice. Petitions filed by any other person must be filed within 14 days of receipt of this Notice. 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 28-5.207, F.A.C.

A petition must contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the 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 Health Department's action; (c) A statement of how each petitioner's substantial interests are affected by the Health Department's action; (d) A statement of the material facts disputed by the petitioner, if any; (e) A statement of the facts that the petitioner contends warrant reversal or modification of the Health Department's action; (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Health Department's action; and, (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Health Department to take with respect to the action addressed in this Notice.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the 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 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.

Effective: The permit extension is final and effective on the date filed with the Clerk of the Health Department *unless* a petition is filed in accordance with the above paragraphs *or unless* a request for an extension of time in which to file a petition is filed within 14 days of receipt of this permitting action and conforms to Rule 62-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time, this permit will not be effective until further Order of the Health Department.

Any party to this Final Order has the right to seek judicial review 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 Health Department at the address listed below; 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 days from the date this Order is filed with the Clerk of the Health Department.

Executed in West Palm Beach, Florida

PALM BEACH COUNTY HEALTH DEPARTMENT



James E. Stormer, Q.E.P., Environmental Administrator
Air & Waste Section
Division of Environmental Public Health

If you have any questions, contact:

Laxmana Tallam, PE,
Permitting Supervisor
Air & Waste Section
Palm Beach County Health Department
P.O. Box 29 (800 Clematis St.)
West Palm Beach, Florida, 33402-0029

TIME EXTENSION OF AIR PERMIT
Air Pollution Permit: 0990341-004-AC

Biotest Pharmaceuticals Corporation

5800 Park of Commerce Blvd, NW

Boca Raton, Florida 33487

LOCATED AT:

Project Location: 5800 Park of Commerce Boulevard NW, Boca Raton, Florida 33487

UTM Coordinates: Zone 17; 590.2 km E; 2920.2 km N

Latitude: 26° 23' 56.21" North / **Longitude:** 80° 05' 42.9" West

SIC Description: Biological Products except diagnostic substances [2836]

This Permit extension is to allow more time for the completion of the second phase of the construction for an addition of a 350-hp boiler (EU004) capable of being fired with natural gas and or No. 2 ultra-low sulfur fuel oil (0.0015% S by wt.), and a temporary generator rated at 2000 kilowatts (KW) (EU006).

The expiration date for the air pollution permit no. 09903410-0004-AC is extended:

FROM:

July 15, 2011

To:

January 15, 2012

All existing permit conditions remain in effect. This letter shall be attached to the original permit and becomes a part of that permit.

Filename: 0990341-004-AC_PMT_Extension

CERTIFICATE OF SERVICE

The undersigned duly designated agency clerk hereby certifies that the Permit Extension was sent by electronic mail (with Received Receipt) before the close of business on 6/10/11 to the identified Authorized Representative.

In addition, the undersigned duly designated agency clerk hereby certifies that *copies* of the Permit Extension were sent by electronic mail (with Received Receipt) on the same date to the person(s) listed:

Wendy Ash, CSP Mgr., Env. Health and Safety
Biotest Pharmaceuticals Corporation
5800 Park of Commerce Boulevard NW
Boca Raton, Florida 33487
wash@biotestpharma.com

Lennon Anderson, P.E.
FL DEP/Southeast District
400 North Congress Avenue, Suite 200
West Palm Beach, Florida 33401
Lennon.Anderson@dep.state.fl.us

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

Kadean M.
(Clerk)

6/10/11
(Date)