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To protect, promote & improve the health
of all people in Florida through integrated
state, county & community efforts.



Rick Scott
Governor

Celeste Philip, MD, MPH
State Surgeon General & Secretary

Vision: To be the Healthiest State in the Nation

December 20, 2016
ELECTRONIC CORRESPONDENCE
GPukach@nbtty.com

NOTICE OF AIR POLLUTION PERMIT MODIFICATION

Air Permit No.	0990705-005-AO
Expires:	09/13/2020

NBTY Manufacturing, LLC.
901 Broken Sound Pkwy NW
Boca Raton, Florida 33487
Authorized Representative:
Gerry Pukach – Plant Manager

Project: Minor Modification to (0990705-004-AO)

RE: Minor Modification of Air Permit, Permit Number **0990705-005-AO** to delete the Annual Operating Report (AOR) permit condition from Permit No. 0990705-004-AO.

Dear Mr. Pukach:

This minor air permit modification removes the following specific condition from Permit Number 0990705-004-AO. Because the NBTY Manufacturing, LLC. (NBTY) is neither a Title V nor a synthetic non-Title V Source, NBTY is not subject to the annual operating reporting requirement of Rule 62-210.370(3)(a), Florida Administrative Code.

Permit Condition 11 in SECTION 2. ADMINISTRATIVE REQUIREMENTS is amended

FROM:

- 11. Annual Operating Report (AOR):** The annual operating report [DEP Form No. 62-210.900(5)] shall be submitted to the Health Department by April 1. If the report is submitted, using the DEP's electronic annual operating report software (EAOR), there is no requirement to submit a hardcopy to DEP or the Health Department. [Rule 62-210.370(3)(c), F.A.C.].

{Permitting Note: Resources to help you complete your AOR are available on the electronic AOR (EAOR) website at: <http://www.dep.state.fl.us/air/emission/eaor>. If you have questions or need assistance after reviewing the information posted on the EAOR website, please contact the Department by phone at (850) 717-9000 or email at eaor@dep.state.fl.us.}

TO:

- 11. This condition is deleted.**

This modification letter must be attached to the original permit and becomes part of that permit. The remaining provisions of the permit are not changed by this action and remain in effect.

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 Florida Department of Health Palm Beach County (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 Hearing: 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, F.S. The petition must contain the information set forth below and must be filed (received) in the Florida Department of Health Palm Beach County Legal Office, located at 800 Clematis Street in West Palm Beach, Florida, 33401 (Telephone: (561) 671-4000, Fax (561) 837-5195). Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this permit modification. 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 28-106.205, 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, 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 each 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;
- (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 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 Department's final action may be different from the position taken by it in this modification. 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.

Effective: The permit modification 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.

Mediation is not available for this action.

If you have questions regarding this permit modification, you may contact Paul Kalamaras, Engineering Specialist III at 561-837-5946.

Executed in West Palm Beach, Florida
Department of Health Palm Beach County
For Division Director




Laxmana Tallam, P.E., Environmental Administrator
Air and Waste Section
Division of Environmental Public Health

cc: Diane Pupa, Southeast District Office, FDEP
Geysa Rodriguez, NBTY-Environmental Health & Safety
Jorge Patino, Florida Department of Health PBC
Jaime Morales, Florida Department of Health PBC

Email	diane.pupa@dep.state.fl.us
Email	ggonzalez1@nbtty.com
Email	jorge.patino@flhealth.gov
Email	jaime.morales@flhealth.gov

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


Clerk
Date