

TO: Howard Rhodes

THRU: Clair Fancy

FROM: Bruce Mitchell *BM*

SUBJECT: Conditional Exemption for One Paint Spray Booth  
Walt Disney World Resort  
Disney's Animal Kingdom Theme Park: Spray Booth (DAKU-53)

DATE: February 12, 2002

The attached conditional exemption is for a proposed paint spray booth (DAKU-53), which will be located adjacent to the "Back of House" facilities building, which supports Disney's Animal Kingdom theme park. The operation will emit volatile organic compounds (VOC). The DAKU-53 operations will be used to spray coating materials on fixtures, furniture, props, and other assorted wood and metal products, and as needed for touch-up requirements. The potential/estimated gallons per year usage of paints and solvents are 400. The increase of potential VOC emissions from the new booth is estimated to be 0.6 ton per year.

Upon the next opening of the facility's Title V operation permit, this paint spray booth will be identified/designated as an "unregulated" emissions unit/activity and placed in Appendix U-1, Unregulated Emissions Units/Activities, for future inventory purposes.

The construction of this emissions unit should not be controversial. Therefore, it is recommended that the attached conditional exemption be signed as drafted.

CHF/bm

Attachment

cc: Scott Sheplak, P.E.



Jeb Bush  
Governor

# Department of Environmental Protection

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

David B. Struhs  
Secretary

February 14, 2002

CERTIFIED MAIL – Return Receipt Requested

Mr. Lee Schmudde  
Vice President, Legal  
Walt Disney World Co.  
P.O. Box 10,000  
Lake Buena Vista, Florida 32830-1000

Re: Walt Disney World Resort  
Conditional Exemption for One Paint Spray Booth  
Disney's Animal Kingdom Theme Park: Spray Booth (DAKU-53)

Dear Mr. Schmudde:

The Department has evaluated the submittal regarding the above referenced proposed new emission activity, in which one paint spray booth (DAKU-53) will be located adjacent to the "Back of House" facilities building, which supports Disney's Animal Kingdom theme park. The operation will emit volatile organic compounds (VOC) emissions.

The DAKU-53 operation will be used to spray coating materials on fixtures, furniture, props, and other assorted wood and metal products, and as needed for touch-up requirements. The increase of potential VOC emissions from the new booth is 0.6 ton per year (TPY; potential/estimated gallons per year usage of paints and solvents are 400).

The existing facility is a "major source of air pollution" or "Title V Source" for criteria pollutants and hazardous air pollutant emissions pursuant to Rule 62-210.200, Florida Administrative Code (F.A.C.), Definitions, and received its initial Title V operation permit on December 31, 1997, and became effective on January 1, 1998. Since the proposed contemporaneous VOC emissions increase is much less than the significant emissions rate of 40 TPY contained in Table 212.400-2, F.A.C., the proposal is not subject to PSD new source review pursuant to Rule 62-212.400(5), F.A.C.; also, for PSD review consideration pursuant to Rule 62-212.400(6)(b), F.A.C., it is determined that the proposal is not considered as part of a phased project. Finally, there are no specific emission limiting standards pursuant to Rule 62-204.800 and Chapter 62-296, F.A.C.

Based on the above findings, the Department is granting a conditional exemption from the air permitting requirements of the Florida Department of Environmental Protection for the subject paint spray booth. The exemption is based on the premise that any air pollutants emitted from the proposed paint spray booth will not be in significant quantities to contribute to air pollution problems in the state pursuant to Rule 62-4.040(1)(b), F.A.C.

The conditions of this exemption are:

- A. Disney's Animal Kingdom Theme Park: Spray Booth (DAKU-53)
  1. The total material usage of the paint spray booth operations is 400 gallons per calendar year.
  2. The owner or operator(s) will account for the materials used using a materials balance scheme, which employs the following:
    - a. a beginning inventory of materials in stock (on or about 1/1/yr);
    - b. adding any materials received during the year;
    - c. subtracting any materials recycled during the year; and,
    - d. subtracting any ending inventory of materials in stock (on or about 12/31/yr), with the net result assumed to have been used and emitted.

*"More Protection, Less Process"*

Printed on recycled paper.

3. Any records shall be retained for a five year period and made available for Department inspection upon request.
4. The operation of this activity shall not cause or contribute to an objectionable odor.
5. If the conditions on which this exemption are based change, the operator shall notify the Department's Bureau of Air Regulation of the changes and request the exemption be amended.
6. Upon the next opening of the facility's Title V operation permit, this paint spray booth will be identified/designated as an "unregulated" emissions unit/activity and placed in Appendix U-1, Unregulated Emissions Units/Activities, for future inventory purposes on an every 5-year basis, starting in year 2000.

This conditional exemption will take effect 21 days from the clerking date unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, Florida Statutes (F.S.). The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the proposed agency action 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 Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within twenty-one 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 twenty-one days of publication of the public notice or within twenty-one days of receipt of this notice, 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 twenty-one 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 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 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 request for conditional exemption have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.

#### NOTICE OF APPEAL RIGHTS

Any party to this conditional exemption 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 thirty days after this conditional exemption is filed with the Clerk of the Department.

A copy of the conditional exemption and accompanying materials related to the proposed agency action are 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

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Department of Environmental Protection, Division of Air Resources Management, Suite 23, Magnolia Courtyard, 111 South Magnolia Drive, Tallahassee, Florida 32301, and at the Department's Central Florida District Office, 3319 Maguire Blvd., Suite 232, Orlando, Florida 32803-3767.  
Executed in Tallahassee, Florida.

**STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION**



Howard L. Rhodes, Director  
Division of Air Resources Management  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400  
(850)488-0114

Walt Disney World Resort  
Conditional Exemption for One Paint Spray Booth  
Disney's Animal Kingdom Theme Park: Spray Booth (DAKU-53)  
February 14, 2002  
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**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF CONDITIONAL EXEMPTION and all copies were sent by certified mail before the close of business on 2/14/02 to the person(s) listed:

Mr. Lee Schmutde, Vice President, Legal, Walt Disney World Co.

In addition, the undersigned duly designated deputy agency clerk hereby certifies that copies of this NOTICE OF CONDITIONAL EXEMPTION were sent by U.S. mail on the same date to the person(s) listed, unless otherwise noted:

Mr. Len Kozlov, CD (Interoffice mail)  
Mr. Richard Bumar, P.E., Walt Disney World Co.  
Mr. Scott Sheplak, BAR (hand delivered)

Clerk Stamp

**FILED 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.

Barbara J. Friday 2/14/02  
(Clerk) (Date)

HLR/CHF/bm

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Mr. Lee Schmulde  
 Vice President, Legal  
 Walt Disney World Co.  
 P.O. Box 10,000  
 Lake Buena Vista, Florida  
 32830-1000

2. Article Number (Copy from service label)  
 7000 0520 0020 9371 2691

**COMPLETE THIS SECTION ON DELIVERY**

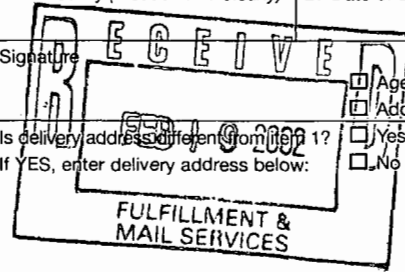
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3. Service Type

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PS Form 3811, July 1999

Domestic Return Receipt

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**U.S. Postal Service  
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Mr Lee Schmulde

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Recipient's Name (Please Print Clearly) (To be completed by mailer)

Mr. Lee Schmulde  
 Street, Apt. No.; or PO Box No.  
 P. O. Box 10,000  
 City, State, ZIP+ 4  
 Lake Buena Vista, FL 32830-1000

PS Form 3800, February 2000

See Reverse for Instructions