

Mission:

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



Rick Scott
Governor

John H. Armstrong, MD, FACS
State Surgeon General & Secretary

Vision: To be the Healthiest State in the Nation

August 20, 2013

ELECTRONIC CORRESPONDENCE

Rick.Hayduk@waldorfastoria.com

NOTICE OF CHANGE OF THE TITLE V AIR OPERATION PERMIT'S EXPIRATION DATE

In the Matter of a Request for a
Change in the Permit's Expiration Date:

| | |
|--|---|
| Rick Hayduk | Title V Permit No.: 0990015-006-AV |
| Responsible Official and President | Palm Beach County |
| 501 East Camino Real Boca Raton, FL 33431 | Facility: Boca Raton Resort and Club |

This is a notification that the Florida Department of Health Palm Beach County (Health Department) has changed the expiration date of the above referenced Title V air operation permit to September 07, 2013. The original expiration date of this permit is February 18, 2014. This change is based on the air general permit registration sent by your facility to Florida Department of Environmental Protection on August 07, 2013. The expiration date of this Title V air operating permit coincides with the effective date of the air general permit registration.

There is a requirement that the Responsible Official submit a Statement of Compliance within 60-days of the changed expiration date at Rule 62-213.440(3), F.A.C., which, in this case, is being clocked from September 07, 2013.

The facility is also required to submit Annual Operating Report (AOR) for the period between January 01, 2013 and September 07, 2013. The deadline to submit AOR is April 1, 2014 pursuant to the Rule 62-210.370(3), F.A.C.

The Florida Department of Environmental Protection (DEP) has permitting jurisdiction for this project pursuant to Section 403.087 of the Florida Statutes (F.S.). However, in accordance with Section 403.182, F.S., the DEP recognizes the Health Department as the approved local air pollution control program in Palm Beach County. As such, the DEP and the Health Department have entered into a Specific Operating Agreement that authorizes the Health Department to issue or deny permits to for this type of air pollution source located in Palm Beach County. Accordingly, the Health Department issues this notice under the provisions of Chapter 403, F.S. and Chapters 62-4, 62-210, 62-212 and 62-213 of the Florida Administrative Code (F.A.C.).

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 Florida Department of Health Palm Beach County at 800 Clematis Street, P.O. Box 29, West Palm Beach, Florida, 33402 (Telephone: (561) 837-5900, Fax: (561) 837-5295). Petitions filed by the owner or operator or any of the parties listed below must be filed within fourteen (14) days of receipt of this notice. 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 receipt of this notice. Under Section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within fourteen (14) days of receipt of that notice. 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, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (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 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 order (permit) has the right to seek judicial review of the permit (letter) 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 Clerk of the Department in the Legal Office; 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 (thirty) days from the date this Notice is filed with the Clerk of the Department.

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



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

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF CHANGE OF THE TITLE V AIR OPERATION PERMIT'S EXPIRATION DATE was sent by electronic mail (with received receipt) before the close of business on 8.20.2013 to the person(s) listed or as otherwise noted:

Rick Hayduk, Responsible Official
Dell Huggins
Jim Burkhart, P.E.
Joe Lurix, FDEP/SED
Barbara Friday, FDEP/TAL
(for posting with Region 4, U.S. EPA)

Email Rick.Hayduk@waldorfastoria.com
Email: Dell.Huggins@waldorfastoria.com
Email: jimb@environmentalcontrol.com
Email Joe.Lurix@dep.state.fl.us
Email Barbara.Friday@dep.state.fl.us

Clerk Stamp

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

 8.20.2013
(Clerk) (Date)