



Department of Environmental Protection

Jeb Bush
Governor

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Colleen M. Castille
Secretary

E-CORRESPONDENCE

rarodriguez@foamex.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:

Raphael Rodriguez, Plant Manager	DEP File No.: 0950225-007-AV
	Orange County
Foamex, L.P. 1351 Gemini Blvd. Orlando, FL 32824	Gemini Boulevard Facility

This is a notification that the Florida Department of Environmental Protection has changed the expiration date of the above referenced Title V Air Operation Permit to **July 20, 2006 at midnight**. This change is based on your request received March 14, 2006, which stated that the facility was becoming a non-Title V source by obtaining a FESOP. Also, 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)(a)2.b., F.A.C., which, in this case, is being clocked from **July 20, 2006**.

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 owner or operator 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 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 Change in the Title V Permit's Expiration Date

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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.

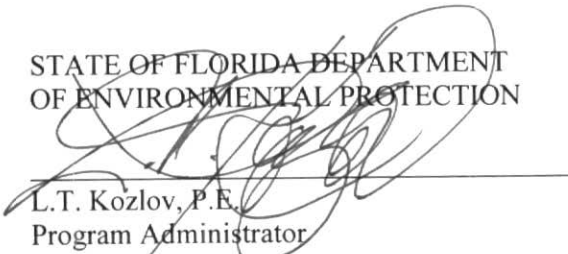
Mediation is not available in this proceeding.

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 Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



L.T. Kozlov, P.E.
Program Administrator
Air Resources Management
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767
(407) 894-7555

DATE: _____

7-25-06

ADZ/jt 

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 certified mail and copies were sent by U.S. Mail or electronically (Received Receipt requested) before the close of business on 7/25/2006 to the person(s) listed or as otherwise noted:

James T. Show, P.E. (**show@grovescientific.com**)

Caroline Shine, FDEP

Hamp Pridgen, OCEPD (**hamp.pridgen@ocfl.net**)

Scott Sheplak, BAR, Title V Coordinator (**scott.sheplak@dep.state.fl.us**)

Barbara Friday, BAR (for posting with Region 4, U.S. EPA) (**barbara.friday@dep.state.fl.us**)

Clerk Stamp

FILED, on this date, pursuant to Section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Dina Jones 7/25/2006
(Clerk) (Date)



Department of Environmental Protection

Jeb Bush
Governor

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Colleen M. Castille
Secretary

NOTICE OF PERMIT

E-CORRESPONDENCE
(rarodriguez@foamex.com)

Foamex, L.P.
1351 Gemini Blvd.
Orlando, Florida 32824

Attention: Raphael Rodriguez, Plant Manager

Orange County - AP
Gemini Boulevard Facility
DEP File Number: 0950225-008-AF

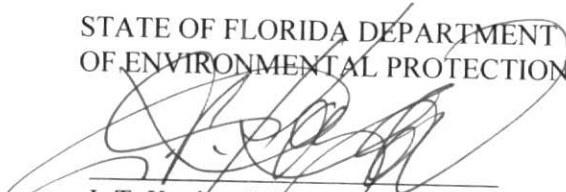
Dear Mr. Rodriguez:

Enclosed is Permit Number 0950225-008-AF to operate the above referenced source issued pursuant to Section(s) 403.087, Florida Statutes (F.S.).

Any party to this order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68 F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the permitting authority 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 permitting authority.

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



L.T. Kozlov, P.E.
Program Administrator
Air Resources Management

Date: 7-25-06

LTK/jt

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Copy: James T. Show, P.E., (**show@grovescientific.com**)
Caroline Shine, FDEP
Hamp Pridgen, OCEPD (**hamp.pridgen@ocfl.net**)

FILING AND ACKNOWLEDGEMENT FILED, on this date, pursuant to §120.52(11), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Dina Jones Clerk July 25, 2006 Date

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT ISSUANCE and all copies were mailed before the close of business on July 25, 2006 to the listed persons, by D. Jones.



Department of Environmental Protection

Jeb Bush
Governor

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Colleen M. Castille
Secretary

Permittee:
Foamex, L.P.
1351 Gemini Blvd.
Orlando, FL 32824

I.D. Number: 0950225
Permit Number: 0950225-008-AF
Effective Date:
Expiration Date: April 30, 2011
County: Orange
Latitude/Longitude:
28° 24' 15"N/81° 23' 40"W
Project: Gemini Boulevard Facility

Attn: Raphael Rodriguez, Plant Manager

This permit is issued under the provisions of Chapter(s) 403, F.S., and Florida Administrative Code Rule(s) 62-210. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

The permittee operates a Polyurethane Foam Products Facility. The slabstock polyurethane foam and rebond polyurethane foam production processes make foam products of different densities, color, and thickness. The proportion of raw materials are modified for each batch to achieve the desired product specifications. Support operations include foam fabrication, tank storage of chemicals, steam boiler operation, heating, cleaning, and maintenance.

Additional processes at the facility are:

1. Rebond Polyurethane Foam Production. This process mixes scrap foam and binder to make polyurethane logs. The logs are reworked and coated with a polyethylene film, packaged, and shipped to customers.
2. Foam Fabrication Operations. These processes involve the cutting, sizing, assembly, and gluing of foam buns according to customer specifications.
3. Tank Storage. The facility has more than twenty storage tanks used to mix, blend, and store raw materials.

The facility is no longer a Title V facility and is classified as a synthetic minor. The facility is located at 1351 Gemini Blvd., Orlando, Orange County, Florida.

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, Florida Statutes (F.S.) The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup and auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
 - (a) Have access to and copy any records that must be kept under conditions of this permit;
 - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
 - (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
 - (a) A description of and cause of noncompliance; and
 - (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

GENERAL CONDITIONS:

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Section 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-730.300, Florida Administrative Code (F.A.C.), as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes:
 - () Determination of Best Available Control Technology (BACT)
 - () Determination of Prevention of Significant Deterioration (PSD)
 - () Certification of compliance with State Water Quality Standards (Section 401, PL 92-500)
 - () Compliance with New Source Performance Standards
14. The permittee shall comply with the following:
 - (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring information) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
 - (c) Records of monitoring information shall include:
 1. The date, exact place, and time of sampling or measurements;
 2. The person responsible for performing the sampling or measurements;
 3. The date's analyses were performed;
 4. The person responsible for performing the analyses;
 5. The analytical techniques or methods used;
 6. The results of such analyses.
15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

SPECIFIC CONDITIONS:

OPERATING CONDITIONS

1. The facility is permitted to operate continuously.
[Rule 62-210.200, Potential to Emit (PTE), F.A.C.]
2. The chemicals used at the facility shall not exceed the following quantities during any consecutive 12 month period:
 - a) isopropyl alcohol 240 gallons
 - b) mineral spirits 1,000 pounds
3. The permittee shall allow no person to store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds (VOC) or organic solvents (OS) without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department. To comply, procedures to minimize pollutant emissions shall include the following:
 - a) Tightly cover or close all VOC containers when they are not in use;
 - b) Tightly cover, where possible, all open troughs, basins, baths, tanks, etc. when they are not in use;
 - c) Maintain all piping, valves, fittings, etc. in good operating condition;
 - d) Prevent excessive air turbulence across exposed VOCs; and
 - e) Immediately confine and clean up VOC spills and make sure certain wastes are placed in closed containers for reuse, recycling or proper disposal.[Rule 62-296.320(1)(a), F.A.C.]

EMISSION LIMITS

4. No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor. An objectionable odor is defined as any odor present in the outdoor atmosphere, which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance.
[Rules 62-296.320(2) and 62-210.200, F.A.C.]
5. The maximum permitted emissions for total VOCs shall not exceed 2.0 tons per consecutive 12 month period; the maximum permitted emissions for total HAPs shall not exceed 2.0 tons per consecutive 12 month period, and the maximum permitted emissions for any individual HAP shall not exceed 2.0 tons per consecutive 12 month period, all VOC and HAP emissions updated monthly.
[Rule 62-210.200, (PTE), F.A.C.]

RECORDKEEPING AND DOCUMENT SUBMITTAL

6. A monthly log shall be kept for this facility to document compliance with the limitations of specific conditions no. 2 and 5. The log shall be completed by the end of the following month and retained on file at the facility for at least three years. At a minimum, the monthly log shall:
 - a. Identify and quantify each material used at the facility that has a VOC and HAP air pollution emission; and,
 - b. Quantify the consecutive 12-month period total of emissions from individual and combined HAPs and from VOC.

SPECIFIC CONDITIONS:

Supporting documentation (chemical usage tracking logs, MSDS sheets, purchase orders, EPA "As Supplied" data sheets, EPA Method 24, etc.) shall be kept for each chemical and associated products which includes sufficient information to determine usage rates and emissions. These records shall be made available to the Department upon request. Documentation of each chemical reclaimed will use a mass balance method to determine usage/emissions (amount used minus amount collected for disposal or recycle). The log and documents shall be kept at the facility for at least three years.
[Rule 62-4.070(3), F.A.C.]

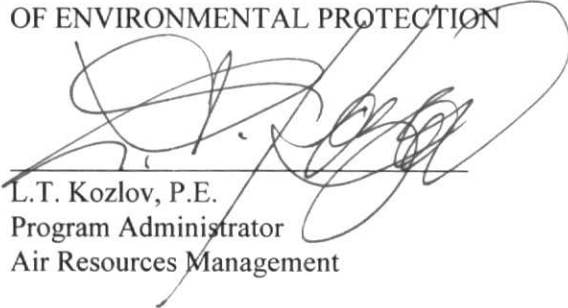
Note: A consecutive 12-month total is equal to the total for the month in question plus the totals for the eleven months previous to the month in question. A consecutive 12-month total treats each month of the year as the end of a 12-month period. A 12-month total is not a year-to-date total. Facilities that have not been operating for 12-months should retain 12-month totals using whatever number of months of data is available until such a time as a consecutive 12-month total can be maintained each month.

7. The owner or operator shall complete DEP Form No. 62-210.900(5), F.A.C., "Annual Operating Report for Air Pollutant Emitting Facility," including the Emissions Report, for each calendar year and submit it to the air compliance section of the Orange County Environmental Protection Division on or before March 1 of the following year in accordance with Rule 62-210.370(3), F.A.C.

PERMIT APPLICATION

8. **At least sixty days prior to the expiration date of this permit**, the permittee shall submit to this office four copies of air permit application along with the processing fee established in Rule 62-4.050(4), F.A.C.
[Rule 62-4.090(1), F.A.C.]

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


L.T. Kozlov, P.E.
Program Administrator
Air Resources Management

Issued: 7-25-06