

Z 127 633 210



**Receipt for Certified Mail**

No Insurance Coverage Provided  
Do not use for International Mail  
(See Reverse)

PS Form 3800, March 1993

Sent To <i>James Alves</i>	
Street and No. <i>Hopping Green</i>	
P.O. State and ZIP Code <i>Sam + Smith</i>	
Postage <i>Tall. Fl</i>	
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date <i>SMI Joist Plant 5-17-96</i>	

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:  
*James Alves, Esq  
Hopping Green Sam + Smith  
123 S. Calhoun St  
Tallahassee, Fl 32314*

4a. Article Number  
*Z 127 633 210*

4b. Service Type  
 Registered     Insured  
 Certified     COD  
 Express Mail     Return Receipt for Merchandise

7. Date of Delivery  
*5/21/96*

5. Signature (Addressee)  
*Jennifer Kirk*

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



Official Business

**RECEIVED**

PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE, \$300

MAY 23 1996

BUREAU OF  
AIR REGULATION

Print your name, address and ZIP Code here

Department of Environmental Protection  
Division of Air Resources Management  
Bureau of Air Regulation, NSRS  
2600 Blair Stone Road, MS 5505  
Tallahassee, Florida 32399-2400



# Department of Environmental Protection

Lawton Chiles  
Governor

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

Virginia B. Wetherell  
Secretary

May 17, 1996

## CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. James Alves, Esq.  
Hopping Green Sams & Smith, PA  
123 South Calhoun Street  
Tallahassee, Florida 32314

Dear Mr. Alves:

Re: SMI Joist Plant - PSD Applicability

We are in receipt of your letter dated April 18, 1996, on behalf of SMI Joist Florida Plant regarding the determination of Prevention of Significant Determination (PSD) applicability for this facility. The Department concurs with your analysis that PSD is not applicable for the reasons stated in your letter. Originally, based on oral information from the company, the Department understood that SMI Joist Florida Plant was a new facility emitting approximately 350 tons per year of volatile organic compounds (VOC) and thus subject to PSD and Best Available Control Technology.

As a major source of VOC emissions and subject to Title V, SMI Joist must apply for a construction permit. The company will have the option to apply for a construction permit prior to the June 15, 1996 Title V deadline or to apply for a construction permit and operating permit at the same time on or before June 15, 1996. The application should be submitted to the DEP Northeast District office.

Because of the large step increase in emissions as SMI Joist restarts and expands its operations, the Department encourages the company to minimize VOC use. Should you have any questions, please feel free to call Teresa Heron at (904) 488-1344.

Sincerely,

A. A. Linero, P.E.  
Administrator  
New Source Review Section  
Bureau of Air Regulation

AAL/th/t

cc: C. Kirts, NED

# HOPPING GREEN SAMS & SMITH

PROFESSIONAL ASSOCIATION  
ATTORNEYS AND COUNSELORS

123 SOUTH CALHOUN STREET  
POST OFFICE BOX 6526  
TALLAHASSEE, FLORIDA 32314

(904) 222-7500

FAX (904) 224-8551

FAX (904) 425-3415

KRISTIN M. CONROY  
CONNIE C. DURRENCE  
JONATHAN S. FOX  
JAMES C. GOODLETT  
GARY K. HUNTER, JR.  
JONATHAN T. JOHNSON  
ROBERT A. MANNING  
ANGELA R. MORRISON  
GARY V. PERKO  
KAREN M. PETERSON  
MICHAEL P. PETROVICH  
DOUGLAS S. ROBERTS  
LISA K. RUSHTON  
R. SCOTT RUTH  
JULIE R. STEINMEYER

OF COUNSEL  
CARLOS ALVAREZ  
W. ROBERT FOXES

JAMES S. ALVES  
BRIAN H. BIBEAU  
KATHLEEN BLIZZARD  
ELIZABETH C. BOWMAN  
RICHARD S. BRIGHTMAN  
PETER C. CUNNINGHAM  
RALPH A. DEMEO  
THOMAS M. DE ROSE  
WILLIAM H. GREEN  
WADE L. HOPPING  
FRANK E. MATTHEWS  
RICHARD D. MELSON  
DAVID L. POWELL  
WILLIAM D. PRESTON  
CAROLYN S. RAEPPLER  
GARY P. SAMS  
ROBERT P. SMITH  
CHERYL G. STUART

Writer's Direct Dial No.  
(904) 425-2360

April 23, 1996

Ms. Teresa M. Heron  
Engineer IV  
Florida Department of Environmental Protection  
Division of Air Resources Management  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

**RECEIVED**

APR 24 1996

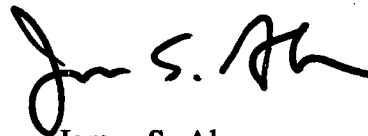
BUREAU OF  
AIR REGULATION

Re: SMI Joist Florida Plant

Dear Ms. Heron:

As requested, enclosed are copies of EPA guidance documents addressing the reactivation issue. Thank you for considering these materials.

Very Truly Yours,



James S. Alves

JSA/jam

Enclosure

Post-it® Fax Note	7671	Date	5/16	# of pages	10
To	Pat Comer	From	TERESA Heron		
Co./Dept.	OGC	Co.	DARM		
Phone #		Phone #			
Fax #		Fax #			

76006.1

## EPA Region IV

## Policy Determinations Regarding PSD Questions

1. 2/5/81

**Question:** A boiler at a major stationary source has been shut down for 11 years. At the time of the shutdown extensive efforts were made to keep the boiler from deteriorating. During the shutdown period this maintenance has continued. A recent inspection by the manufacturer shows that very little effort would be required to return the boiler to service. The operating permit has been allowed to expire. The owner maintains that the boiler was always intended to be used at some time in the future. Is the returning to service of the boiler subject to PSD?

**Answer:** No. Normally, a shutdown of greater than 2 years is considered permanent. If however, the owner demonstrates that the shutdown was not intended to be permanent, the shutdown may be considered temporary. If the shutdown is considered temporary, a startup would not be subject to PSD. The "acid test" is whether the shutdown is permanent. In any case, the increase would be considered an increase in actual emissions for any future net increase calculation and for increment consumption purposes.

**Reference:** Memo from Edward Reich, "Summary of PSD Determinations," PSD 117.

2. 2/6/81

**Question:** In the July 22, 1980 Federal Register, EPA declared 7 additional compounds (in addition to methyl chloroform and methylene chloride) to be of negligible photochemical reactivity. Does this expand the list of compounds which are not considered VOC's for purposes of PSD?

**Answer:** Yes. The complete list of organic compounds not considered photochemically reactive for purposes of PSD is now:

1. 1,1,1 - trichloroethane
2. methylene chloride
3. methane
4. ethane
5. trichlorofluoromethane
6. dichlorodifluoromethane

According to the information in your memo, Amerada Hess will only have creditable decreases in emissions at boilers 1 and 2 of 18 TPY of NO<sub>x</sub>, 32 TPY of SO<sub>2</sub> and 2 TPY of CO. Amerada Hess may not take any credit for emission changes occurring at the FCC Unit, since emissions at this unit were zero on the baseline date.

The proposed modifications and the additional new facilities to the refinery will be subject to PSD review for CO. Amerada Hess is not required to perform an increment and/or NAAQS analysis of the SO<sub>2</sub> and NO<sub>x</sub> emissions are not subject to PSD review. Nevertheless, the SO<sub>2</sub> emissions still consume increment and must be addressed by the next major modification or major source of SO<sub>2</sub> to locate in the area.

In closing, I would like to emphasize that, at this time, this determination (or any other PSD determination) is in no way affected by the CMA settlement agreement. The PSD regulations, as amended on August 7, 1980, remain in effect and binding until amended through formal rulemaking procedures.

This response has been reviewed and received concurrence from the Office of General Counsel and the Office of Air Quality Planning and Standards.

If you have any questions regarding this determination, please contact Janet Farella of my staff at 382-2877.

*151 Ed Reich*  
Edward E. Reich

cc: Ken Eng, Region II  
Mike Trutna, OAQPS  
Peter Wyckoff, OGC

PREPARED BY:JFARELLA:rbr:22877:7/1/82:DISK JANET #2:AMERADA/HESS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

3.21

JUL - 9 1982

MEMORANDUM

**SUBJECT:** Reactivation of Amerada Hess Corporation's Port Reading Facility and PSD Review

**FROM:** Director  
Division of Stationary Source Enforcement

**TO:** Conrad Simon, Director  
Air and Waste Management Division, Region II

This is in response to Michael Bonchonsky's memo of May 25, 1982, concerning the applicability of PSD review to the reactivation and modification of the Port Reading Refinery, which is owned by the Amerada Hess Corporation.

Your memorandum basically outlines two issues: 1) Is the reactivation of existing facilities at Port Reading subject to PSD review and 2) Upon reactivation, what emissions may Amerada Hess use as creditable emission decreases.

On the issue of reactivation, the Agency has maintained the policy that if a source can demonstrate, to the satisfaction of the Administrator, that its shutdown was not intended to be of a permanent nature, PSD review does not apply to its reactivation. Although the facility in question has been inactive since 1974, Amerada Hess has submitted adequate evidence to demonstrate that its shutdown was not intended to be permanent. The reactivation of boilers 1 and 2 and the FCC Unit would not trigger PSD review. PSD review may be applicable only if new facilities or modifications cause a significant net emissions increase.

Regarding creditable emissions, Amerada Hess would like to take credit for the difference in emissions between operation prior to shutdown in 1974 and operation after the reactivation of the facility. During the shutdown of the plant (1978) the baseline for the area in which the source is located was triggered. Your memo contains the correct analysis of baseline emissions and creditable emission reductions: The baseline concentration includes the actual emissions of a source in existence on the baseline date. Upon reactivation of its facility, Amerada Hess may only credit a decrease in emissions from the actual emissions occurring on the baseline date.

CONCURRENCES

SYMBOL	SN 341						
SURNAME	Amella	Thorne					
DATE	7/9/82	7-9-82					

**OWEN** ✦ OWEN JOIST OF FLORIDA, INC.

October 31, 1991

CERTIFIED P 212 480 694

Mr. Maxie Carter, Jr.  
Chairman, Bradford County Commissioners  
Post Office Drawer B  
Starke, Florida 32091

Dear Mr. Carter:

This letter is to notify you in accordance with the provisions of the Worker Adjustment and Retaining Notification Act of the closing of Owen Joist of Florida's plant located on County Road C-100A in Starke, Florida.

December 31, 1991 is the expected date of the separation of all employees. The plant closing is expected to last until at least 1993.

Attached to this letter is a list of affected employees and their corresponding job titles.

For further information contact:

Walter E. Ripke, Executive Vice President & General Manager  
Post Office Box 1000  
Starke, Florida

The telephone number is (904) 964-5900.

Yours very truly,

Walter E. Ripke  
Executive Vice President and  
General Manager

/jm  
Enclosure





**OWEN** ✦ OWEN JOIST OF FLORIDA, INC.

October 31, 1991

Dear Fellow Employees:

No doubt you are aware of our struggle to sell enough work to keep our plant in Starke running. Even though we have reduced our prices significantly and have suffered tremendous losses, we have not been able to sell sufficient work to keep our plant running at even near our capacity.

In the past, we have always suffered these losses until the economy improved and the market returned. But our market outlook remains bleak and there appears to be little or no chance that it will improve before 1993, if then. The Company can not continue to suffer these losses. It is therefore with profound regret that we notify you in accordance with the provisions of the Worker Adjustment and Retraining Notification Act that Owen Joist of Florida, Inc. will temporarily close its plant in Starke on December 31, 1991. We do not know when the market for our product will improve, so we cannot tell you when our plant will be able to reopen. However, based on our present assessment of economic conditions, we do not believe it will be before 1993, if then.

December 31, 1991 is the expected date that the plant will be closed and you will be separated.

For information on dislocated worker assistance you may contact:

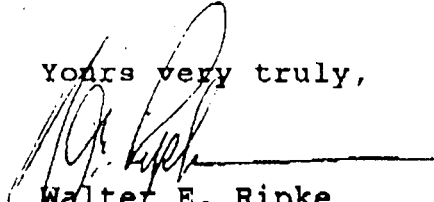
Mr. Hayden Gray  
Assistant Chief, Bureau of Job Training  
Division of Labor, Employment, and Training  
Department of Labor and Employment Security  
1320 Executive Center Drive  
Suite 201  
Tallahassee, Florida 32399-0667

Over the next several weeks, we will contact various government agencies to try to arrange plant site meetings to assist us in unemployment claims, job placement assistance, and any job training programs available. We will also be providing you shortly with information on your group insurance and 401-K funds. I can assure you that all of your retirement money will be available to you. If any of you would like to be considered for possible work at Owen Steel Company of Florida in Whitehouse, let me know so I can pass your name on to them.



Again, we regret that we are forced to take this action. It is something we have never done before. We appreciate the efforts of our loyal employees over the years and thank you again for your past help. I will keep you informed as plans develop and will try to assist you any way I can. Please contact me if you have any questions.

Yours very truly,



Walter E. Ripke  
Executive Vice President and  
General Manager

# HOPPING GREEN SAMS & SMITH

PROFESSIONAL ASSOCIATION

ATTORNEYS AND COUNSELORS

123 SOUTH CALHOUN STREET

POST OFFICE BOX 6526

TALLAHASSEE, FLORIDA 32314

(904) 222-7500

FAX (904) 224-8551

FAX (904) 425-3415

JAMES S. ALVES  
BRIAN H. BIBEAU  
KATHLEEN BLIZZARD  
ELIZABETH C. BOWMAN  
RICHARD S. BRIGHTMAN  
PETER C. CUNNINGHAM  
RALPH A. DEMEO  
THOMAS M. DE ROSE  
WILLIAM H. GREEN  
WADE L. HOPPING  
FRANK E. MATTHEWS  
RICHARD D. MELSON  
DAVID L. POWELL  
WILLIAM D. PRESTON  
CAROLYN S. RAEPPLER  
GARY P. SAMS  
ROBERT P. SMITH  
CHERYL G. STUART

KRISTIN M. CONROY  
CONNIE C. DURRENCE  
JONATHAN S. FOX  
JAMES C. GOODLETT  
GARY K. HUNTER, JR.  
JONATHAN T. JOHNSON  
ROBERT A. MANNING  
ANGELA R. MORRISON  
GARY V. PERKO  
KAREN M. PETERSON  
MICHAEL P. PETROVICH  
DOUGLAS S. ROBERTS  
LISA K. RUSHTON  
R. SCOTT RUTH  
JULIE R. STEINMEYER

OF COUNSEL  
CARLOS ALVAREZ  
W. ROBERT FOKES

Writer's Direct Dial No.

(904) 425-2360

April 18, 1996

## VIA HAND DELIVERY

Ms. Teresa M. Heron  
Engineer IV  
Florida Department of Environment Protection  
Division of Air Resources Management  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

Re: SMI Joist Florida Plant

Dear Ms. Heron:

Thank you for taking the time to confer with representatives of SMI last February concerning the air permitting status of the SMI Joist Florida Plant in Starke, Florida. This letter is to follow-up on the question you raised regarding potential Prevention of Significant Deterioration (PSD) permit applicability. After carefully considering your comments and looking into the facts at hand, we have determined that this facility is not subject to PSD review. We request DEP's concurrence on this issue, based on the following facts and legal analysis.

First and foremost, PSD does not apply because the potential to emit associated with this plant, which does not belong to any of the categories listed in Table 62-212.400-1, Fla. Administrative Code, is less than 250 tons per year (TPY). As you know, the term "potential to emit" means the "maximum capacity of an emissions unit or facility to emit a pollutant under its physical or operational design." Rule 62-210.200(223), F.A.C. Given the inherent design limitations in the Florida Joist Plant, maximum emissions of volatile organic compounds (VOCs) cannot exceed 213 TPY. Actual VOC emissions typically have been about 100 TPY. Emissions of all other regulated pollutants have been well below the applicable PSD applicability thresholds.

Ms. Teresa M. Heron  
April 18, 1996  
Page 2

With respect to whether the recent shut-down and reopening of the joist plant could have triggered PSD, EPA Region IV (1981) guidance on this issue provides as follows:

Normally, a shutdown of greater than 2 years is considered permanent. If however, the owner demonstrates that the shutdown was not intended to be permanent, the shutdown may be considered temporary. If the shutdown is considered temporary, a startup would not be subject to PSD. The "acid test" is whether the shutdown is permanent.

(Emphasis added.) The "two years" benchmark referenced in Region IV's guidance (derived from a 1978 EPA guidance document) is not dispositive; the presumption of permanence may be rebutted. And in fact there have been several cases in which companies have submitted adequate evidence to demonstrate that its shutdown was not intended to be permanent.

The shutdown of the SMI Florida Joist Plant was intended to be, and in fact was, temporary. This is evidenced by the attached letter to plant employees, apprising them that the company "will temporarily close its plant in Starke on December 31, 1991." (Emphasis added, note that this and other letters were from Owen Joist of Florida, Inc., which was purchased by SMI in November, 1994.) This letter went on to explain the company's intention to "reopen" the plant when the market improves. Similarly, the enclosed letter from the company to the Bradford County Board of Commissioners reveals that closure was not permanent; that letter indicates that a sales office will be maintained at the site and production will recommence in a few years. Although production of steel joists did (temporarily) cease on January 1, 1992, a full-time sales office was maintained at the plant site for the next 1.5 years, until August 31, 1993. Moreover, during the entire period until joist production recommenced (August 31, 1995), key production equipment was periodically run and maintained so that it would be operational when favorable market conditions returned. During this entire period, the company made no effort to sell or lease the property or production equipment. In fact, total expenses associated with this site between cessation of production on January 1, 1992 and recommencement in August, 1995 exceeded \$150,000. Because SMI Florida Joist Plant was kept in operational condition, no extensive capital expenditures were required prior to recommencement of operations in 1995. Two dip tanks were installed prior to restarting production, but this constituted typical replacement in accordance with the normal change-out cycle (7 to 10 years) for such equipment.

Finally, please note that SMI intends to submit by not later than May 31, 1996, an application for a Title V air permit for the existing emission sources. Accompanying this application will be an application for authorization to construct a new production line. This modification will result in an increase in potential VOC emissions from 213 tpy to approximately 350 to 360 tpy, but will not trigger PSD review pursuant to Rule 62-212.400(2)(d)4, Fla. Admin. Code, since the planned increase will be less than 250 tpy.

Ms. Teresa M. Heron  
April 18, 1996  
Page 3

In sum, we trust that you will concur that these facts verify that the SMI Joist Florida plant is not subject to PSD review. We also believe that we can demonstrate that the proposed plant modifications are also not subject to PSD review. We welcome the opportunity to discuss this facility by telephone or in person, at your convenience. I look forward to hearing from you.

Sincerely,



James S. Alves

JSA:lb

cc: Emerson Raulerson, Jacksonville District, FDEP  
Robert Leetch, Jacksonville District, FDEP