

April 26, 1993



MACHO PRODUCTS, INC.

Mr. John Reynolds
Bureau of Air Regulation
Florida Department of Environmental Regulation
Twin Tower Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400



RECEIVED

MAY 05 1993

Division of Air
Resources Management

Dear Mr. Reynolds,

This report covers the period Jan-Mar 1993. It is confidential to the DER per our existing agreement.

As you know, we propose to fulfill our permit conditions by building a new factory equipped with an emission reduction device. It will do a good job of both capture and destruction. The site has been purchased and the factory has been designed. We are waiting for the Air Emission Permit. The Permit Application was submitted in late January. We were told there were no deficiencies. We have not yet received a Notice of Intent, though we are hopeful that one will be issued soon. We will build the new factory as soon as possible once the Permit is issued. If there is a petition for an administrative proceeding by a person whose substantial interests are affected by the proposed permitting decision, and if the Office of General Counsel decides to accept it, it is our understanding that the matter may be delayed another six to nine months.

We had hoped to have the new factory in operation this year. It now appears there is a good chance that we will be producing at our current site at the end of this year. We therefore will be submitting an application for Permit Modification. We will be asking that our solvent emission limit be extended by 39 tons and that our operating hours be increased to 80 per week. The purpose of the Modification is to get us through the last two months of this year. We fully expect to receive our Air Permit, build the new factory, and be in operation sometime during the next calendar year.

It has come to our attention that a competitor in Oklahoma has been demanding access to our FDER records and has written a letter to their senator alleging "unfair" competition and criticizing the actions of the Florida Department of Environmental Regulation. The letter reeks of hypocrisy and is written to mislead. The company involved was, until recently, having their product manufactured by another company a few miles over the border in northern Mexico. They had no plans or intent to reduce emissions. The reason dipping was moved back to the US was because the Mexican diproom burned down. I am told that the state of Illinois issued the permit for the returning dipping operation in ten days. Our criticism is not of the contractor, but rather of the hypocrisy of the company in Oklahoma and their omission of information. I understand that while they were having their product



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Mr. John Reynolds
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dipped in northern Mexico, they called the DER to demand information on Macho's Permit. When asked about their standing, they claimed to be concerned about air quality in Florida.

Macho has a long record of good communication and cooperation with the FDER and stands ready to defend this record against the kind of hypocrisy and misinformation being perpetrated by a competitor. In offering and proposing to build a new factory in the U.S. specifically designed for good capture and embodying a new emission reduction device, Macho is, to the best of our knowledge, taking a step beyond those achieved or even proposed by any other vinyl dipper, including the one who manufactures our competitor's product. We feel both Macho and the Florida Department of Environmental Regulation should be able to view with pride our cooperation in implementing emission control while maintaining employment and growth.

Sincerely

Rick Hathaway
Systems Manager

RH;jq/q1der93

cc: Mr. Alan Zahm, DER Orlando

John
#7
ad
full

January 13, 1993

Mr. Preston Lewis, Supervisor
Air Permitting, FDER
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Dear Sir,

As per our telephone conversation this date, I have enclosed a copy of Dudley J. Gordon's letter addressed to the members of Indian River County's Planning and Zoning Commission. I have also enclosed copies of newspaper articles where FDER has been quoted.

Thank you for your attention to this matter.

Sincerely,

Chas. A. Hart

RECEIVED

JAN 18 1993

Division of Air
Resources Management

MEMORANDUM



MACHO PRODUCTS, INC.

TO: Members, Planning and Zoning Commission
Indian River County, Florida

FROM: Dudley J. Gordon, President, Macho Products *AG*

DATE: January 5, 1993

SUBJECT: Environmental Protection Planning

I welcome the opportunity to provide you an overview of Macho Products actions to date in the area of environmental planning and to share with you our future plans in this important area.

Macho Products commenced manufacturing protective equipment for martial artists and law enforcement officials in 1980 in Palm Bay, Florida. Our production operations include die-cutting foam, gluing and assembling the cut foam, and dipping the assembled product in a vinyl coating. The gluing and coating processes use solvents, methyl ethyl ketone (MEK) and toluene. These solvents are not carcinogens and carry official health hazard ratings of low (MEK) and moderate (Toluene). These hazard ratings are taken from Material Safety Data Sheets. The source of the ratings is the National Fire Prevention Association. Our manufacturing process generates no significant solid wastes, no hazardous wastes, no polluted effluents, and no visible air emission. The solvents used are called Volatile Organic Compounds (VOCs). VOC emissions can contribute to smog. The quantity generated is small in comparison to existing sources (eg. automobiles, power plants) and has not caused problems. Nevertheless, by 1994 we expect to reduce VOC emissions by 85 percent. (The rate of reduction will be higher, but there will be increased production.) In so doing, we will drop to the category of a "minor" source.

Macho Products was initially visited and inspected by representatives of the Florida Department of Environmental Regulation (FDER) in December 1983 and found to be "in compliance." No further visits or inspections were conducted until November 1988. At that time we were visited and told that we probably required an air permit. We requested that an application be sent to us. In January 1989, we received notice that the FDER believed we were operating in violation of Florida statutes. It was determined that an air permit was required. We were cited for a "paperwork violation having a minor potential for harm" and were assessed the minimum possible fine of \$ 600. In May 1989, we agreed to submit an Air Permit Application. We did so in June 1989 and were issued our permit in November 1989. We have been operating under the conditions of that permit, as amended in February 1992. The permit conditions, as amended, limit our annual



MACHO PRODUCTS, INC.

air emissions to two hundred and five and one-half (205 1/2) tons; require that we install, not later than July 1, 1994, a state-of-the-art pollution control device or convert to a water-based or low solvent content coating; provide FDER evidence prior to January 1, 1993 that we have contracted for the installation of one of the mandated remedial actions; provide a schedule prior to January 1, 1993 showing that contracted work will commence and terminate with completion occurring not later than July 1, 1994; and provide quarterly progress reports to the FDER.

Macho Products has cooperated with the FDER to the maximum extent possible in our efforts to resolve this issue. To date, we have accomplished everything we have been requested to do by the FDER and within the timeframe specified. In our search for an acceptable water-based or low solvent coating, we have interacted with more than 200 paint manufacturers and formulators. We have been exhaustive in contacting emission reduction equipment manufacturers while exploring the various applications for thermal and catalytic incineration, absorption, adsorption, condensation and bio-filtration. We have retained the services of nine separate consulting firms to assist us in researching alternate processes or technologies. These efforts have to date cost us in excess of \$100,000.

Macho Products will install a state-of-the-art emission reduction device. We would have preferred the remedy of changing our manufacturing process to water-based or low solvent coatings since we believe they represent the emerging technology in the vinyl coating industry and will be reality in three to five years. Moreover, it would have been less costly since the emission reduction option entails capital costs approximating \$ 350,000, plus operating costs and the costs of unique construction requirements for the coating facility.

The advantages of process change vis-a-vis the emission reduction equipment notwithstanding, the Board of Directors of Macho Products made the commitment that one of the remedial actions mandated by the FDER would be in place when our new factory commenced operations in Indian River County. This commitment was made even though the required completion date of July 1, 1994 postdates the projected factory operation date by nine to twelve months. Therefore, on December 29, 1992, I wrote to Mr. C. H. Fancy, Chief, Bureau of Air Regulation, FDER and advised him of the following:

a. we have purchased the land for a new manufacturing site in Indian River County.

b. we have retained the essential consultants and providers of goods and services to build a 40,000 sq. ft. manufacturing facility in Indian River County.



MACHO PRODUCTS, INC.

c. our contract with our mechanical engineering consultant includes engineering and design of a coating facility which will house our emission reduction equipment.

d. we have retained the services of the prestigious environmental engineering firm of Geraghty & Miller to assist in the preparation and submission of the Air Permit Application for our new plant location.

e. we have signed a letter of intent with Stelter and Brinck, Inc. to purchase a fume incinerator for treatment of our exhaust stream and established, for planning purposes, a July 1993 equipment delivery date.

f. in terms of scheduling, we are planning: (1) to complete our coating facility construction by end June 1993; (2) delivery and installation of the fume incinerator by end July 1993; (3) testing, inspection and approval of the emission reduction system and issuance of our Operating Permit by end October 1993.

One of Macho Products corporate objectives is "to be a responsible and respected corporate citizen." The manner in which we have approached the resolution of this problem epitomizes the essence of all that is embodied in that objective. We have been professional and ethical in facing up to the problem and complying with the limitations it has imposed upon us; we have persevered in our search for the most responsible solution; and we have been generous in our commitment of resources to its resolution. Our colleagues in the FDER have recognized and commended our efforts:

"They (Macho) wanted to do the right thing."

- Chuck Collins, Orlando Office, FDER

"Macho has been very cooperative and conscientious in its efforts to satisfy the conditions of the permit."

- John Reynolds, Bureau of Air Regulation, FDER

"They (Macho) seem to be very environmentally responsible. There's been a great deal of effort made by the company."

- Preston Lewis, Supervisor for Air Permitting, FDER

By 1994 we expect to reduce VOC emissions by 85 percent and the rate of emissions by almost 90 percent. Projected emissions of 285 tons for 1994 will be reduced to 30 tons; the projection of 342 tons for 1995 will be reduced to 36 tons; the projection of 410 tons for 1996 will be reduced to 43 tons; and the projection of 493 tons for 1997 will be reduced to 52 tons. The enclosed graph depicts the reduction. Our efforts will not eliminate emissions completely. There will continue to be some emissions from our manufacturing operations just as there will continue to be

Memorandum to Planning and Zoning Commission
January 5, 1993
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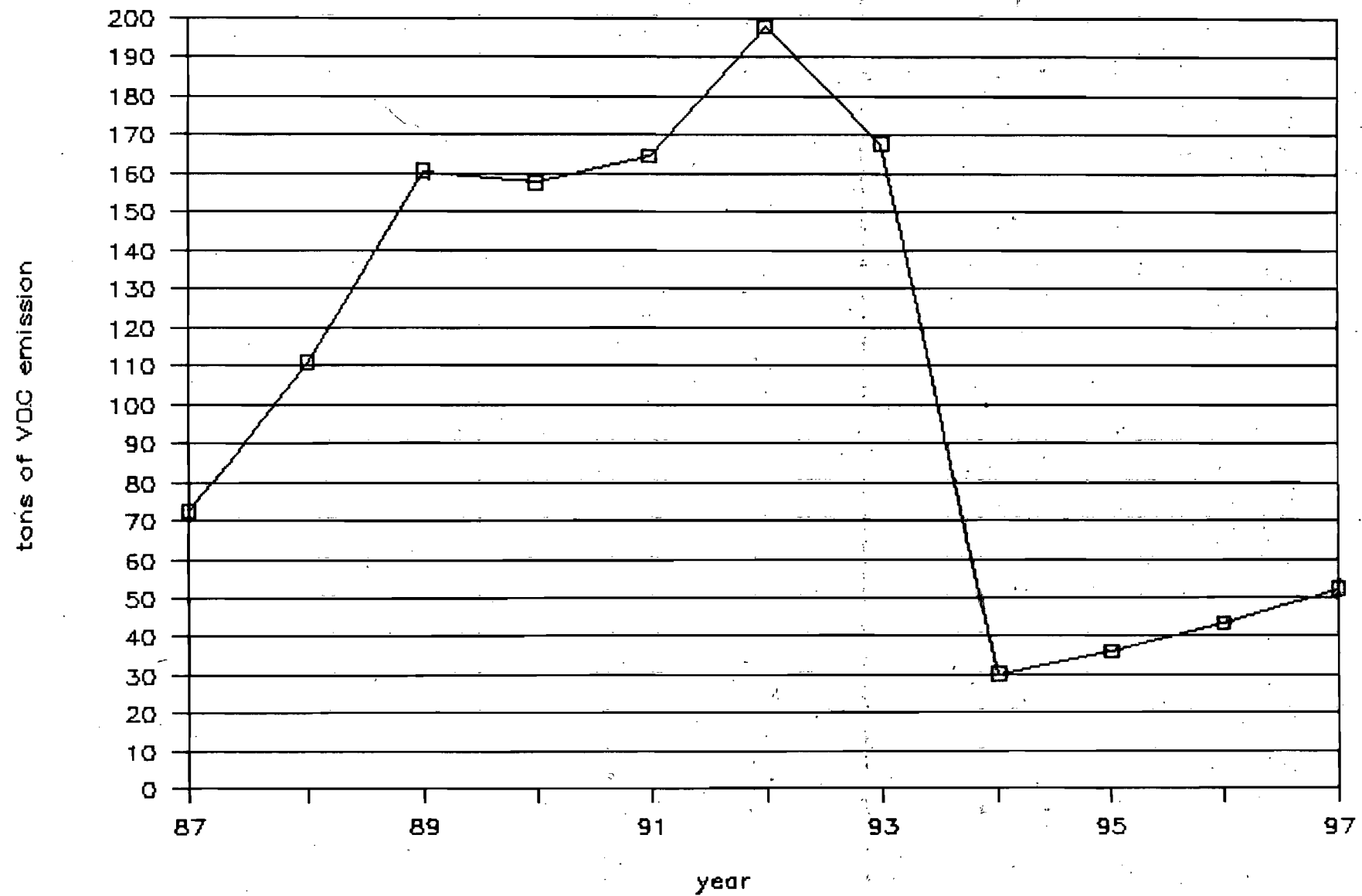
emissions from the operation of automobiles, boat motors, power plants, land fills, natural decay, and other common sources. I can assure you that we will maintain our level of emissions at the lowest possible level and will comply with the conditions of our permit and the regulations of the authorities who exercise jurisdiction in these matters.

DJG;jq

Enclosure

MACHO VOC EMISSIONS

1987-1997



(Press-Journal) 7-26-92

Macho's Move Means Pollution-Control Plans

By ADAM CHRZAN
Press-Journal Staff Writer

The move of Brevard County's worst toxic air polluter to Indian River County should satisfy a state mandate to curb the company's dirty production habits.

Palm Bay-based Macho Products announced earlier this month it plans to relocate from the 30,000-square-foot building it has rented for 12 years.

The company intends to incorporate within the new plant pollution controls that should greatly reduce the amount of toxins released by Macho each year.

One of most promising of six sites contemplated is a 10-acre tract on 102nd Terrace just off County Road 512, Macho President Dudley Gordon said.

The burgeoning growth of Macho, a company that manufactures foam rubber protective gear used in martial arts and other combat training, was cited as the prime reason for an expansion.

But the boom in business — a tripling of revenues in three years — has led state environmental officials to crack down on Brevard's biggest air polluter.

"The problem is we're a victim of our own success," Gordon said.

Macho put more than 312,000 pounds — 156 tons — of toxic pollutants into the air in 1990, the latest year for which figures from the Environmental Protection Agency are available.

That number put Macho in the EPA's top spot for toxic releases in Brevard. Sea Ray Boats ranked second with 276,000 pounds, while Harris Corp. was a distant third with 116,000 pounds.

In comparison, Indian River County's biggest and only toxic air polluter in 1989 and 1990 was Hercules Inc., a producer of pectin. The company, which ceased operations July 1, emitted less than a ton of toxins each year, EPA figures show.

Macho's problems began in 1988, when the Florida Department of Environmental Regulation found it operating without a state-mandated permit, DER officials said. The agency classifies any company releasing more than 100 tons of pollutants a year as a "major source."

The agency in May 1989 fined Macho \$600 and had the company sign an agreement to study ways of reducing its toxic emissions.

The agreement gave Macho two options: Install a catalytic incinerator to burn the toxins before they're pumped from the plant, or use less solvent in the coating process.

The company has cut its toxic releases by 40 percent, Gordon said. But increased production has made the reduction a wash and kept the emissions up.

The compounds released by Macho come from the solvents toluene and methylethylketone, which are used in a vinyl coating on the protective gear. They

TOXIC AIR POLLUTERS

	1989	1990
Total Releases In Indian River County	1,234	1,510
Hercules Inc.*	1,234	1,510
*Shutdown operation 7/1/92		
Total Releases In Brevard County	1.3million	1.2million
Macho Products	317,494	312,346
Sea Ray Boats	261,000	276,400
Harris Corp.	222,909	116,399
McDonnell Douglas	89,041	85,324
Total Releases Statewide	59.4million	45.2million

(Figures in pounds)

Press-Journal / Marsha Damerow

are two of 189 compounds identified as hazardous in the 1990 Clean Air Act.

"Just because it's a big number (the weight of releases), it's not saying there's any significant health risk," the EPA's Carlton Hailey said. "We just can't tell what risk, if any, there is."

Gordon admitted the company hasn't decided on an option.

The coating gives the product "bleachability" if it becomes blood-stained, Gordon said. That, he said, is one of the product's major draws.

An incinerator, the second alternative, would be a waste of Macho's money at its present location, Gordon said. The \$350,000 device "just wouldn't make any sense in a lease-hold."

The DER has given Macho until January to decide which option it will implement. The company then must have made the changes by July 1994.

DER officials say Macho has cooperated toward instituting pollution controls.

"They seem very environmentally responsible," Preston Lewis, supervisor of air permitting, said. "There's been a great deal of effort made by the company."

Chuck Collins, an air administrator for DER's regional office in Orlando, recalled company officials as "very polite, they wanted to do the right thing."

The right thing, a cleaner, pollution-free operation, is something Indian River County would welcome, County Commissioner Carolyn Eggert said.

"A polluting candidate would not be acceptable," Eggert said. "But they're going to change their process so there won't be any pollution."

While the deadline prompted Macho to begin looking for a new location, Gordon said it's time for the company to settle into a permanent home.

"We were looking to move regardless (of the DER deadline)," he said.

Gordon expects the new plant to be about 40,000 square feet and cost \$1.5 million. He said a decision on a site should come later this year.

Business

Macho Products' Plan To Move Draws Protest From Local Group

By ALLISON BELL
Press-Journal Business Writer

A group of campers and hikers is trying to stop Macho Products from moving to north Indian River County.

Macho, a Palm Bay maker of martial arts protective gear, plans to build a \$1.8 million, 40,000-square-foot plant on land just north of County Road 512, near Interstate 95.

The plant would employ 120 people.

Macho says it wants to move so it can install \$350,000 worth of equipment that will cut its air pollution emissions by 95 percent.

Eleven members of the Sebas-

tian chapter of the National Campers and Hikers Association sent the Board of County Commissioners a letter arguing any pollution emission is too much.

The plant could hurt air quality near the Sebastian River Middle Junior High School, the future North County high school and the Vero Lake Estate residential area, the group argued.

"Pollution, no matter how you slice it, is still pollution," Charles Hart, president of the group, said in an interview Wednesday.

Dudley Gordon, president of Macho, said his company is doing everything it can to cooperate with federal, state and local environmental authorities.

The new plant should not have much impact on air quality, Gordon said.

Garry Kuberski, a compliance engineer with the Florida Department of Environmental Regulation, confirmed that Macho officials have been cooperative.

The pollution control system Macho wants to use in its new plant should work, Kuberski said.

If the new plant meets Macho's goal of cutting emissions to less than 10 tons a year, "then they're a very small source (of pollution)," Kuberski said.

Macho creates vapors similar to lacquer fumes when it coats its

foam-rubber protective gear with vinyl.

Its Palm Bay plant now emits about 165 tons of fumes a year, federal regulators estimate.

The fumes are unlikely to cause cancer, but experts believe long-term exposure could cause health problems.

County planners expect to issue an evaluation of the Macho plans Jan. 8. The county Planning and Zoning Board plans to consider the Macho plant plans at a 7:30 p.m. meeting on Jan. 14.

Macho executives hope to begin construction in February and complete their new plant in June.

BEST AVAILABLE COPY**MACHO PRODUCTS FINALIZES MOVE TO INDIAN RIVER COUNTY**

Macho Products, Inc. has just completed the purchase of 10 acres of land in north Indian River County for a new factory site. The site is located at an industrial park, presently housing the Hetra and Profold corporations, just north of County Road 512 at 102nd Terrace.

Macho is planning to build a 40,000 square foot facility, up from 30,000 square feet at the 12 bays currently being leased 15 miles to the north in Palm Bay.

Macho is the largest manufacturer in the world of protective sparring gear for the martial arts, including the head gear used in the Olympic Games in Barcelona. The company also supplies protective equipment for realistic simulation training to the major law enforcement agencies in the country, including the Secret Service and the Federal Law Enforcement Training Center in Georgia. Macho recently put on a free three-day seminar in Fort Pierce at which trainers from 15 Florida agencies earned instructor certification in Active Countermeasures, including officers from the Indian River County Sheriff's Department, and the Vero Beach and Sebastian Police departments.

The Board of Directors of the Council of 100 unanimously endorsed Macho's move to the county, and Alan Campbell, Director of Economic Development said, "The addition of Macho Products to our community will have a lasting positive impact for years to come." The company has doubled its work force since 1989 to 120 employees, and its annual sales of 6 million have tripled in the same time period. Macho has a 2 million dollar payroll, and Company President Dud Gordon said that, according to the generally accepted multiplier of "4", Macho's payroll translates into an 8 million dollar contribution to the local economy. One quarter of Macho employees presently live Indian River County, and company officials have already been in contact with county personnel agencies about recruitment and hiring. Apart from personnel, the company will have an additional impact locally when it shifts its services and supply purchases from Brevard to Indian River County.

The new Macho facility is expected to cost 1.8 million dollars. Mike Ableman, Production Director said, "The new building will have a much more efficient arrangement for production, and the enlarged capacity will allow us to consider adding other product lines, like medical items and toys."

Vero Beach Press Journal 1-12-93

Macho Won't Pollute, DER Says

By **BRAD BUCK**
Press-Journal Staff Writer

Macho Products' planned North County factory should not cause significant pollution, state environmental officials say.

"We believe that the system they plan to install can be considered as the best available control technology," said John Brown Jr., administrator of the Air Permitting and Standards section of the state Department of Environmental Regulation.

"Macho Products' replacement of their existing uncontrolled facility in Brevard County will result in substantial improvement in the air quality for the state," Brown said.

The Palm Bay company makes equipment for martial arts and law enforcement training. It plans to build a \$1.8 million, 40,000-square-foot plant on land just north of

County Road 512, near Interstate 95.

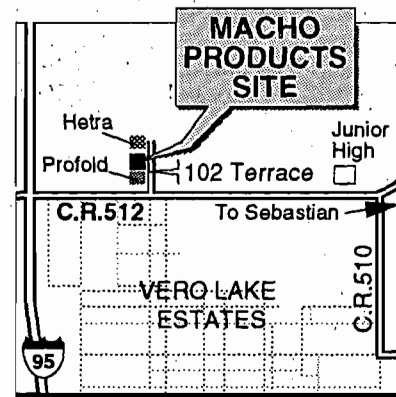
Florida has given the plant a permit to continue operating, but has asked Macho to explore ways to cut its pollution emissions.

With the new system, Macho expects to reduce emissions by 85 percent within a year, company president Dudley Johnson said in a memorandum to planning and zoning commissioners.

County planners recommend the Planning and Zoning Commission approve the Macho site plan with a few conditions.

One is that before Macho builds or moves into its planned facility, they must obtain DER permits.

The state has not received permit applications, said DER permit engineer John Reynolds. But Macho officials showed DER some drawings of what the com-



pany calls a "state-of-the-art" emission control system, and DER was satisfied, Reynolds said.

The Planning and Zoning Commission will consider Macho's site plan Thursday at 7:30 p.m. at the County Commission cham-

bers, 1840 25th St., Vero Beach. The hearing may draw a big crowd, county Senior Planner John McCoy said.

"I've had a lot more people come in (to the planning office) over this than over Sam's," McCoy said of the Sam's discount club and Wal-Mart proposed for the southeast corner of Kings Highway and State Road 60.

"I understand the public's concern," Reynolds said. "They want to prevent these people (Macho) from moving in, period."

But if a company meets state and federal pollution control standards and receives all the necessary permits, you must allow it to build its factory, Reynolds said.

Macho officials plan to attend today's County Commission meeting to present information about the pollution control system. That meeting will be at 9 a.m. in the commission chambers.

The facility's purchase price includes \$300,000 for an emission reduction system, intended to significantly reduce emissions from the process by which Macho coats its foam products. The company presently has the second highest level of emissions in Brevard County, behind Sea Ray Boats. Gordon said that up till now, it was simply not feasible to institute a proper emission reduction process until the company owned its own facility. "It made no sense to purchase \$300,000 worth of machinery, and leave it at a facility we were just leasing."

In addition to emission reduction, the company is also working on a new water-based coating process which has already achieved a 40% reduction of solvent for each unit produced. (Increased production has resulted in a trade-off in terms of savings from the water based process, however the process itself is promising as well as contributing to solvent reduction at the present time.)

Gordon said, "We're working with our engineers on developing a state of the art emission reduction system, and the final process will be approved and permitted by FDER (Florida Department of Environmental Regulation), before Macho can produce in Indian River County." He added, "We're doing everything FDER has asked, and we have every reason to believe we'll be ahead of schedule." The FDER's supervisor of air permitting, Preston Lewis, said Macho Products seems "very environmentally responsible." He added, "There's been a great deal of effort made by the company."

To facilitate Macho's move to Indian River, county commissioners and the Utility and Planning departments have endorsed bringing water and sewer to the industrial site at 102nd Terrace, and company officials are continuing to work with both departments.

Macho plans to break ground at the site shortly after the first of the year, depending on how quickly the permitting process goes forward.

Mr. Gordon said, "We hope, very optimistically, to be in and operational by the end of July, with a worst case of being in by September." Gordon, a retired Brigadier General in the U.S. Army, added, "Regardless of which date turns out to be real, I feel this will be a classic win-win situation, with Indian River County and Macho Products both benefitting from the increased productivity at our new plant."

To Clair Gancy / John / Preston
Date 1-20 Time 4:00

WHILE YOU WERE OUT

M Brad Buck
of Nero Black Press Journal
Phone 407/562-2315 EX 245
Area Code Number Extension
After 5:00 407-778-3047

<input checked="" type="checkbox"/> TELEPHONED	<input checked="" type="checkbox"/> PLEASE CALL
<input type="checkbox"/> CALLED TO SEE YOU	<input type="checkbox"/> WILL CALL AGAIN
<input type="checkbox"/> WANTS TO SEE YOU	<input type="checkbox"/> URGENT
<input type="checkbox"/> RETURNED YOUR CALL	

Message Macho Products
I called 1/20/93 and explained
The permitting process and the
Public Comment period - also
Having petition. Preston
Operator

BY

Dean Alper
Deputy Clerk

DATE: 1-20-93

**PUBLIC DISCUSSION - PETITION CONCERNING THE NEW FACILITY PROPOSED
BY MACHO PRODUCTS, INC.**

Commissioner Adams advised that she put this public discussion on the agenda today in response to a request by North County residents who have concerns about pollution emissions from the proposed Macho Products facility in Sebastian.

Chairman Bird noted that the request for site plan approval will be addressed at the Thursday, January 14, 1993 Planning and Zoning Commission meeting and that today's discussion is to address the concerns about environmental control. However, the County has no jurisdiction over air quality. The Florida Department of Environmental Regulation monitors toxic emissions.

Administrator Chandler asked Community Development Director Bob Keating to give the Board and the public a general overview of the situation.

Director Keating presented the following memo dated January 8, 1993:

TO: James Chandler
County Administrator

FROM: Robert M. Keating, AICP *RMK*
Community Development Director

DATE: January 8, 1993

SUBJECT: MACHO PRODUCTS, INC.

It is requested that the information herein presented be given formal consideration by the Board of County Commissioners at their meeting of January 12, 1993.

DESCRIPTION & CONDITIONS:

For almost a year, representatives of Macho Products, Inc. have been communicating with County staff regarding the construction of a manufacturing facility within Indian River County. Recently, Macho formalized this communication by filing an application for site plan approval. That application has been reviewed by staff and considered by the county's technical review committee. The site plan is now scheduled for consideration by the Planning and Zoning Commission at its meeting on Thursday, January 14, 1993. The Planning and Zoning Commission's action on this matter will be final unless that action is appealed, in which case the issue will come before the Board of County Commissioners.

One issue which has arisen regarding the proposed Macho site plan relates to air emissions and their potential effect upon air quality. Not only is air quality an important issue, but it is also a complicated issue. In terms of air quality, the county does not have any problems at this time; consequently, there are no county staff with expertise in this area. That, however, does not mean that air quality will not be considered in this case.

Responsibility for air quality monitoring, permitting, and enforcement lies with the state Department of Environmental Regulation. In this capacity, DER regulates all industries having air emissions. With respect to Macho, DER will address Macho's air emissions at both the plant construction and operation phases. During the site plan review process, staff has coordinated extensively with DER staff to ensure that the air emission issue will be considered in adequate detail.

ANALYSIS:

Based upon the site plan submittal and additional information provided by Macho officials, staff has identified the various characteristics of the proposed use. According to this information, the process used in Macho's manufacturing activity involves the dipping of the products into a liquid vinyl paint. The products are then conveyed through a heat tunnel to dry the coating. It is in the dipping and drying procedure that volatile organic compounds (VOCs) are released.

Emissions of VOC's are regulated by the Florida Department of Environmental Regulation (FDER). Because air quality is a complex technical issue, county staff rely heavily upon the expertise of the DER staff in such matters. In fact, county LDRs do not include any air quality standards or criteria. However, county LDR's do require site plan projects to comply with the requirements of FDER, as well as other jurisdictional agencies [reference LDR 914.10(1)].

Presently, there is no pollution control equipment at Macho Products' existing facility in Palm Bay. This accounts for press references to Macho as a major polluter in Brevard County. At its proposed facility in Indian River County, Macho will have state of the art pollution control equipment which will significantly reduce the volume of emissions. Attachment #1, which is a letter from the president of Macho Products, Inc., provides additional details on the manufacturing process and the steps taken by Macho Projects, Inc. to reduce emissions of VOCs produced in its manufacturing process.

Throughout the review of this site plan application, county staff has been in close contact with the DER staff in both the Tallahassee and the Orlando offices. According to DER's records, Macho Products has recently been in contact with the DER but has not formally submitted an application for construction of pollution control equipment at the proposed plant site. Because no specific pollution control equipment construction application has been submitted, DER representatives cannot comment on the specifics of the permit. Please see attachment #2 which is a general statement from the DER regarding local concerns over air pollution.

Once a permit application is made to the DER, the application will be reviewed; if all applicable state regulations and policies are met, the application will then be approved. Subsequently, DER will issue a construction permit for the pollution control equipment. When complete, the applicant will be required to perform operational tests in order to obtain an operational permit from the DER. As part of the operational permit, the applicant is required to conduct an annual performance test and file an annual monitoring report with DER. The DER staff can perform periodic site inspections as needed to ensure on-going compliance with state regulations.

In verbal conversations with county staff, DER staff has indicated that Macho Products, Inc. will be using the best available control technology (BACT) to handle VOC emissions. DER staff has also indicated that Macho Products, Inc. will soon apply for a DER air quality permit. Consequently, county planning staff will require the applicant to submit a DER construction permit prior to site plan release and to submit a DER operations permit prior to the issuance of a certificate of occupancy for the project.

In staff's opinion, state air emissions requirements enforced through the FDER permitting and inspection process are adequate to ensure that no adverse air quality problems will result from site plan approval. In fact, if Macho Products were proposing to locate within an existing structure which was approved for industrial uses, no county approvals at all would be required. In that case, however, DER would still require that applicable air emissions permits be obtained.

It is staff's opinion that all air emission related issues be addressed by DER. Not only does DER have adequate technical staff to address air emissions, but DER also has standards and criteria relating to air quality. Because Indian River County regulations do not specifically address air emissions, any decision made based upon assumed air quality impacts would be arbitrary and probably indefensible if challenged in court.

RECOMMENDATION:

Staff recommends that the Board of County Commissioners take no action on this matter.

Director Keating reported that staff has been talking to representatives of Macho Products for a year about their desire to locate within Indian River County, and they have informed staff about characteristics of their product and the fact that they have some emissions. Any site plan must meet the requirements of all jurisdictional agencies, including the St. Johns River Water Management District (SJWRMD) and the Florida Department of Environmental Regulation (FDER). Construction and operating permits will be required. Macho has not yet applied for either of these. Indian River County ordinance requires all permits and agency criteria to be submitted to staff before a permit will be issued. The specifics will be discussed Thursday night at the Planning & Zoning Commission meeting. He noted that if Macho wanted to move into an existing facility, they would not have to get a permit from the County because that would be outside the scope of the County's authority. Because this is a new facility the County will be coordinating with FDER.

Dudley Gordon, president of Macho Products, reviewed the information in the following memo dated January 5, 1993:

MACHO PRODUCTS, Inc. • 2550 Kirby Ave. N.E. • Palm Bay, FL 32905-3494 USA
(407) 729-6137 • (800) 327-6812 • FAX (407) 768-2598

MEMORANDUM



MACHO PRODUCTS, INC.

TO: Members, Planning and Zoning Commission
Indian River County, Florida

FROM: Dudley J. Gordon, President, Macho Products *AG*

DATE: January 5, 1993

SUBJECT: Environmental Protection Planning

I welcome the opportunity to provide you an overview of Macho Products actions to date in the area of environmental planning and to share with you our future plans in this important area.

Macho Products commenced manufacturing protective equipment for martial artists and law enforcement officials in 1980 in Palm Bay, Florida. Our production operations include die-cutting foam, gluing and assembling the cut foam, and dipping the assembled product in a vinyl coating. The gluing and coating processes use solvents, methyl ethyl ketone (MEK) and toluene. These solvents are not carcinogens and carry official health hazard ratings of low (MEK) and moderate (Toluene). These hazard ratings are taken from Material Safety Data Sheets. The source of the ratings is the National Fire Prevention Association. Our manufacturing process generates no significant solid wastes, no hazardous wastes, no polluted effluents, and no visible air emission. The solvents used are called Volatile Organic Compounds (VOCs). VOC emissions can contribute to smog. The quantity generated is small in comparison to existing sources (eg. automobiles, power plants) and has not caused problems. Nevertheless, by 1994 we expect to reduce VOC emissions by 85 percent. (The rate of reduction will be higher, but there will be increased production.) In so doing, we will drop to the category of a "minor" source.

Macho Products was initially visited and inspected by representatives of the Florida Department of Environmental Regulation (FDER) in December 1983 and found to be "in compliance." No further visits or inspections were conducted until November 1988. At that time we were visited and told that we probably required an air permit. We requested that an application be sent to us. In January 1989, we received notice that the FDER believed we were operating in violation of Florida statutes. It was determined that an air permit was required. We were cited for a "paperwork violation having a minor potential for harm" and were assessed the minimum possible fine of \$ 600. In May 1989, we agreed to submit an Air Permit Application. We did so in June 1989 and were issued our permit in November 1989. We have been operating under the conditions of that permit, as amended in February 1992. The permit conditions, as amended, limit our annual

air emissions to two hundred and five and one-half (205 1/2) tons; require that we install, not later than July 1, 1994, a state-of-the-art pollution control device or convert to a water-based or low solvent content coating; provide FDER evidence prior to January 1, 1993 that we have contracted for the installation of one of the mandated remedial actions; provide a schedule prior to January 1, 1993 showing that contracted work will commence and terminate with completion occurring not later than July 1, 1994; and provide quarterly progress reports to the FDER.

Macho Products has cooperated with the FDER to the maximum extent possible in our efforts to resolve this issue. To date, we have accomplished everything we have been requested to do by the FDER and within the timeframe specified. In our search for an acceptable water-based or low solvent coating, we have interacted with more than 200 paint manufacturers and formulators. We have been exhaustive in contacting emission reduction equipment manufacturers while exploring the various applications for thermal and catalytic incineration, absorption, adsorption, condensation and bio-filtration. We have retained the services of nine separate consulting firms to assist us in researching alternate processes or technologies. These efforts have to date cost us in excess of \$100,000.

Macho Products will install a state-of-the-art emission reduction device. We would have preferred the remedy of changing our manufacturing process to water-based or low solvent coatings since we believe they represent the emerging technology in the vinyl coating industry and will be reality in three to five years. Moreover, it would have been less costly since the emission reduction option entails capital costs approximating \$ 350,000, plus operating costs and the costs of unique construction requirements for the coating facility.

The advantages of process change vis-a-vis the emission reduction equipment notwithstanding, the Board of Directors of Macho Products made the commitment that one of the remedial actions mandated by the FDER would be in place when our new factory commenced operations in Indian River County. This commitment was made even though the required completion date of July 1, 1994 postdates the projected factory operation date by nine to twelve months. Therefore, on December 29, 1992, I wrote to Mr. C. H. Fancy, Chief, Bureau of Air Regulation, FDER and advised him of the following:

a. we have purchased the land for a new manufacturing site in Indian River County.

b. we have retained the essential consultants and providers of goods and services to build a 40,000 sq. ft. manufacturing facility in Indian River County.

c. our contract with our mechanical engineering consultant includes engineering and design of a coating facility which will house our emission reduction equipment.

d. we have retained the services of the prestigious environmental engineering firm of Geraghty & Miller to assist in the preparation and submission of the Air Permit Application for our new plant location.

e. we have signed a letter of intent with Stelter and Brinck, Inc. to purchase a fume incinerator for treatment of our exhaust stream and established, for planning purposes, a July 1993 equipment delivery date.

f. in terms of scheduling, we are planning: (1) to complete our coating facility construction by end June 1993; (2) delivery and installation of the fume incinerator by end July 1993; (3) testing, inspection and approval of the emission reduction system and issuance of our Operating Permit by end October 1993.

One of Macho Products corporate objectives is "to be a responsible and respected corporate citizen." The manner in which we have approached the resolution of this problem epitomizes the essence of all that is embodied in that objective. We have been professional and ethical in facing up to the problem and complying with the limitations it has imposed upon us; we have persevered in our search for the most responsible solution; and we have been generous in our commitment of resources to its resolution. Our colleagues in the FDER have recognized and commended our efforts:

"They (Macho) wanted to do the right thing."

- Chuck Collins, Orlando Office, FDER

"Macho has been very cooperative and conscientious in its efforts to satisfy the conditions of the permit."

- John Reynolds, Bureau of Air Regulation, FDER

"They (Macho) seem to be very environmentally responsible. There's been a great deal of effort made by the company."

- Preston Lewis, Supervisor for Air Permitting, FDER

By 1994 we expect to reduce VOC emissions by 85 percent and the rate of emissions by almost 90 percent. Projected emissions of 285 tons for 1994 will be reduced to 30 tons; the projection of 342 tons for 1995 will be reduced to 36 tons; the projection of 410 tons for 1996 will be reduced to 43 tons; and the projection of 493 tons for 1997 will be reduced to 52 tons. The enclosed graph depicts the reduction. Our efforts will not eliminate emissions completely. There will continue to be some emissions from our manufacturing operations just as there will continue to be

emissions from the operation of automobiles, boat motors, power plants, landfills, natural decay, and other common sources. I can assure you that we will maintain our level of emissions at the lowest possible level and will comply with the conditions of our permit and the regulations of the authorities who exercise jurisdiction in these matters.

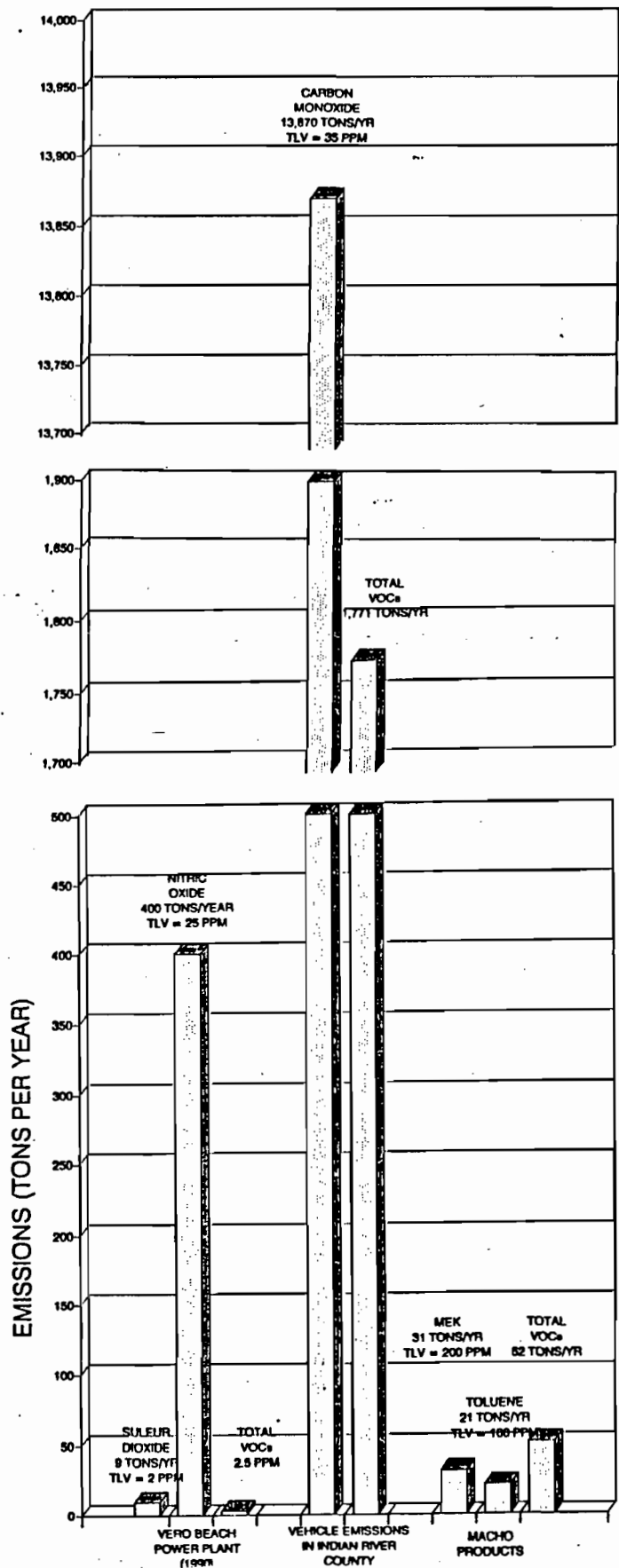
Chairman Bird asked Mr. Gordon to tell the Board and the public about his background. Mr. Gordon related that he was in the Army for 30 years before retiring as a Major General, and his current rank is Brigadier General. Four years ago he had the very good fortune to go to work for Macho, which was a small company at that time.

Mr. Gordon introduced R. J. Vadimsky, President of Relco, Unlimited (Relco), the technical consultant for Macho Products.

R. J. Vadimsky conveyed that Relco is an engineering firm with 8 employees that has been in Melbourne for 29 years. Relco has worked on a number of projects in this area, including the Jaycee Park turtle lighting facilities and the Adult Congregate Living facility on SR-60. Currently, they are working on the Riverwalk Shopping Center in Sebastian. Macho hired his company in July

1992 to do the research and development phase of this facility and determine the minimum standards acceptable to FDER. Mr. Vadimsky discussed the following chart:

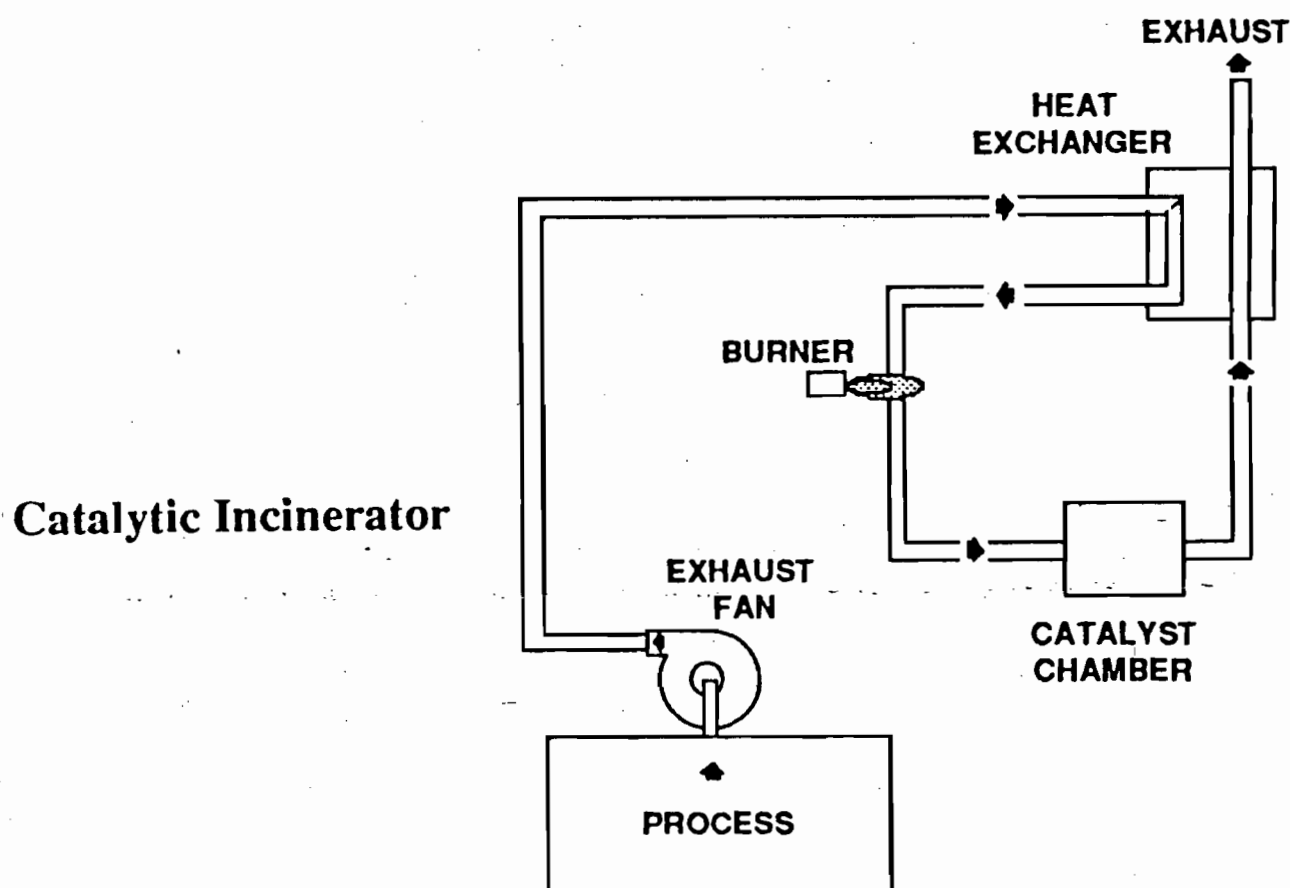
COMPARISON OF EMISSION SOURCES
IN INDIAN RIVER COUNTY



Mr. Vadimsky stressed that Macho will become a minor source of volatile organic chemicals (VOCs) when the new facility is placed in operation because the level of emissions will decrease significantly. Mr. Vadimsky showed a diagram of the proposed 38,000 square foot plant and pointed out the storage and mixing area. He explained that the processing areas will be separated from the main facility by firewalls. The storage and mixing area will have a depressed floor with a ramp into it and a containment dike that could contain the worst possible spill. All of the containers are non-tippable stainless steel drums on welded steel legs. The most that could spill in that area would be a 10- or 15-gallon container. Further, if for some reason one of the containers burst completely, the dike would contain the spill. All nine containers would have to burst before the spillage reached the height of the curb, and this has never happened. Mr. Vadimsky stressed that the rest of the building is pressurized with filtered fresh air. When the incinerator is put into the process, it will have complete control over all the other devices, and if anything should fail in the system, everything would automatically stop except the exhaust fans. The fans would keep running in order to prevent any buildup of solvent in the air that might become hazardous. Storage of the solvent will be in a 6,000-gallon fiberglass tank with a containing dike around it, which Mr. Vadimsky compared with local gasoline tanks that contain between 25,000 and 30,000 gallons of fuel.

John Marcheschi, environmental product manager of Stelter and Brinck, Cincinnati, Ohio, came before the Board to describe his company's role in the proposed facility. Mr. Marcheschi advised that Stelter and Brinck was founded in 1956, and he has been with the company for the past 6 years since obtaining his bachelor's degree in chemical engineering from Vanderbilt University. Mr. Marcheschi explained that the emission control device is actually a catalytic converter which converts the chemicals to harmless compounds. The catalytic convertor is similar in some ways to the catalytic converters in automobiles. When an engine burns gasoline, the gasoline itself is inorganic. However, it is not burned completely and the residual organic compounds must be converted to harmless compounds before being released into the atmosphere. However, an automobile catalytic converter emits carbon monoxide, which is harmful. The Macho incinerator is much safer in that it will not release any carbon monoxide, but instead converts the chemicals to carbon dioxide and water. No cloudiness will be seen coming out of the building. There will be some heat

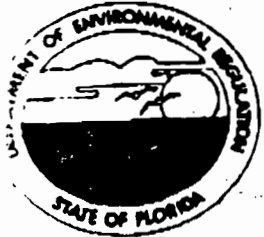
discharged, but it will be limited to a maximum of 400 degrees. The surface temperature of the incinerator will be no more than 120 degrees, which is beneath the standards of the Occupational Safety and Health Administration (OSHA). This incinerator follows the guidelines of all regulatory agencies. Mr. Vadimsky then gave a technical explanation of how the incinerator works, with the aid of the following diagram:



Mr. Vadimsky stressed that his company has been manufacturing incinerators for 16 years and has the best service record in the industry. If there is a problem, they fix it. To date, there has never been a problem with their equipment, but if a problem did occur, service personnel could be here in three hours on their company plane. The engineering is sound and the equipment is constantly monitored. Stelter and Brinck do not take anything for granted.

G. Nell Tyner, Ph.D is a geochemist with Geraghty and Miller, Melbourne, Florida, an environmental service firm established in the 1950s with over 40 offices nationwide. Dr. Tyner has been with the company 4 years. Prior to that she taught geological oceanography at Florida Institute of Technology for 6 years. She

reported that she discussed the planned system with FDER and directed the Board's attention to the following letter:



Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Lawton Chiles, Governor

Carol M. Browner, Secretary

January 7, 1993

Mr. John McCoy
Indian River County
Administration Building
1840 - 25th Street, Suite 312
Vero Beach, Florida 32960

Dear Mr. McCoy:

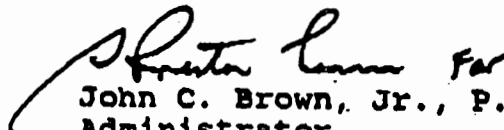
Re: Macho Products' Proposed Facility in Indian River County

You requested that the Department provide comments on a local resident's December 30, 1992, letter to the Indian River County Commissioners regarding Macho Products' proposed facility to be constructed in that county.

Without commenting on the accuracy of the facts presented by the local resident, Macho Products will be required to follow all applicable rules and regulations required under the new Clean Air Act for the new plant. On December 16, 1992, Macho Products met with our staff in Tallahassee to present the basic air pollution control system design for their proposed facility. Based on that meeting, we believe that the system they plan to install can be considered as the best available control technology.

Macho Products' replacement of their existing uncontrolled facility in Brevard County with a new, well-controlled plant in Indian River County will result in substantial improvement in the air quality for the state. If you need further comments or have any questions, please contact Preston Lewis or John Reynolds at (904) 488-1344.

Sincerely,


John C. Brown, Jr., P.E.
Administrator
Air Permitting and Standards

JCB/JR/plm

cc: C. Collins, CD

Dr. Tyner explained that toluene and methyl ethyl ketone (MEK) are chemicals used by all of us in our daily lives. Over 90% of all toluene is used in gasoline. There is a concern that toluene is used in TNT, but she explained that it is actually very different from TNT. She recognizes that everyone is concerned about chemicals in the environment, but the U.S. Department of Health has learned that the level of toluene inside our homes is higher than outside. Both MEK and toluene are biodegraded into harmless compounds fairly rapidly, and their lifetime is only about a day.

Dr. Tyner discussed the following permit application process:

AIR PERMIT APPLICATION PROCESS

Construction Permit Application

Reviewed by Orlando for Minor Source.

Best Available Control Technology
Not required for Minor Source but still achieved.

Florida "No Threat" Levels Required

OPERATING PERMIT APPLICATION

Reviewed by Orlando for Minor Source.

Air Quality Test performed by Independent Test Firm.

Compliance Report Provided.

Chart recorder required.

Yearly testing required.

Dr. Tyner emphasized that the FDER is very aggressive and the public can put their trust in them. Macho will have to get approval before they can even start construction. After approval is given to start construction, they will have to submit quarterly compliance reports. At the end of the first year they will have to submit an annual report. FDER will review that information, and

will not give Macho a regular operating permit if they are not in compliance. If everything is satisfactory, an operating permit will be issued and it also has requirements for quarterly and annual reports. The incinerator guarantees a minimum efficiency of 95%, but the incinerator will actually have about 98% efficiency. The levels will be well below toxic levels. Dr. Tyner added that the EPA has thoroughly investigated these chemicals. The EPA is very conservative in what they think the public should be exposed to, and they have determined that these chemicals are not carcinogenic.

Mr. Gordon again came before the Board and stressed several points:

- (1) A lot of the chemicals being objected to are already in use in our everyday lives. They must be handled carefully and should only be used for the purpose for which they were intended. If those practices are followed, they are not hazardous.
- (2) Macho has 12 years' experience handling these chemicals and has never had a serious incident.
- (3) Macho has not spared resources in designing the new facility nor will they spare resources in constructing it. Additional resources will be committed to changing to a low solvent process when that technology is available.
- (4) One of Macho's goals is to be a responsible and respected corporate citizen that has been professional and ethical in dealing with FDER.

Mr. Gordon read several quotes from FDER officials, stating that Macho Products has been cooperative, conscientious and environmentally responsible.

Mr. Gordon hoped the Board and the public would agree that the construction of the new facility will not present a threat to the community or to Indian River County. He predicted that Macho's work force of 120 personnel will provide year-round employment and benefits, including health insurance and profit-sharing. The payroll is currently about \$2 million a year and growing. Most of that will be paid to Indian River County residents. Applying a generally used multiplier effect of 3 or 4 translates to a total contribution of \$6 to 8 million a year to the local economy.

Mr. Gordon concluded that officials of his company would be happy to meet with any organizations and individuals who still have concerns, and he hopes the citizens of the County will feel as good about the arrival of Macho as he does.

Chairman Bird thanked everyone for their very informative presentation and hoped it will help the audience understand the issues.

Commissioner Macht asked whether the emissions were lighter or heavier than air, and Mr. Gordon replied that they are heavier than air and would settle.

The Chairman opened the public discussion.

Rose Gaines, 1955 31st Avenue, recognized that Indian River County needs business to turn the local economy around, but felt that her concerns were not addressed during the presentation and it only made her more nervous. She expressed concern about the proposed facility's proximity to Sebastian Middle/Junior High. This is the age when human reproductive systems become mature and rapid growth occurs. Any amount of MEK and toluene released into the atmosphere is too much. Further, Mrs. Gaines pointed out that the water supply for the school comes from a well and she is concerned about possible effects of these compounds on the water. She asked whether there is firm commitment that the company will continue to make environmental safety a top priority and make adequate inspections, especially as the facility ages. She concluded that if the commitment is there, then they should go ahead with the project, but she wished it were further away from the school.

Mr. Doug Leonard, Geraghty & Miller, felt that the storage issue had been addressed in that spills will be contained within the dike to prevent groundwater contamination. He reminded the public that the incinerator's manufacturer guarantees 95% of the VOCs and probably 98% of the VOCs will be taken out. Inspection will be continuous as the compounds pass through the catalyst. Both inlet and outlet air quality samples will be taken.

Mr. Marcheschi added that the heat exchangers will not corrode because they are not susceptible to rust. As far as detrimental effects on children, carbon dioxide and water will not do a thing. The hydrocarbons in the exhaust from a school bus are much more harmful than the 2 percent that will pass through the incinerator and be emitted at stack elevation. It will be impossible to sense a change from the previous environment to the environment after incineration.

Dr. Tyner stressed that huge doses of compounds are given to laboratory animals in order to evoke a response. The only possible effects of MEK and toluene are on the nervous system and they are reversible.

Jim Granse, 36 Pine Arbor, asked if Macho has had any problem securing liability or Workers Compensation insurance, because insurance companies have their own safety engineers.

Mr. Gordon assured him that Macho is covered by a major carrier and has had no problems in securing insurance; in fact, their premiums have declined, evidence that the carrier recognizes Macho has become more expert over the years. He added that he would not preside over a company that does illegal or unethical things, and that 7 out of 10 employees would tell anyone who asked them that Mr. Gordon is more concerned about safety than anything.

Rick Hathaway, Macho systems manager, related that Macho's workers compensation and health loss ratio are currently 3:1, a remarkably good record.

Constance Faith, who will be a resident of Roseland Road in a few months, expressed concern that residents would not find out about a failure until three months later because the monitoring is done quarterly. She pointed out that a person can leave a paint-filled room, but she is breeding a pair of rare Amazon parrots and they can't leave the room to breathe clean air. She had planned to breed additional endangered species, but if this firm comes in she is not going to do so.

Mr. Marscheschi reiterated that the unit is monitored daily and hourly, not just every three months. There is a constant readout every minute of every day to insure the unit is operating the way it should be.

Steve Pitiak, resident of Sebastian, suggested that the Board consider the effect this will have on employment and the tax rate. He pointed out that Indian River County has a very high unemployment rate and the young people are leaving because there are no jobs. Mr. Pitiak suggested that the County establish the right to shut them down if they pollute. He recalled that he lived near DuPont and Hercules in New Jersey for many years with no harmful effect, and he did not think anyone should get hysterical about this proposed facility.

Leonard Bassi, 573 Browning Terrace, Sebastian, contended that he lived 18 miles from DuPont and Hercules and had to leave New Jersey because they were going to take out his left lung. He did not understand why state of the art equipment was not in place at

the Melbourne location. Although he recognized that these people all have credits and degrees, he would like to see a notarized report on all of this that could be made public record.

Keith Miller, 961 Riviera Avenue, presented the following letter from the Sebastian Elementary PTA:

Sebastian Elementary School PTA

January 2, 1993

Dear Sir/Ms.,

Our PTA Board recently heard a presentation by Mr. Hart, who is a Sebastian citizen, school volunteer, and grandfather of children at our school. He reminded us that Macho Products, a manufacturer of martial arts equipment, is planning to relocate from Palm Bay to a site about one mile, as the crow flies, from the Sebastian River Middle Junior High School, and the Sebastian River High School. Mr. Hart shared Florida Today newspaper articles which recently stated that Macho Products is the number one polluter in Brevard County, emitting 300,000 pounds of pollution in the air this past year alone. Mr. Hart shared documents from the New Jersey Department of Health which describe the toxicity of two of the chemicals used by Macho Products. Those documents indicate that exposure to those chemicals directly or through the air creates significant health hazards.

As a PTA Board, we are concerned about the health and safety of the 600 school children at our school as well as all of the children at the middle school and senior high school. We would like to know what precautions the county commissioners will take so that our school children will not be exposed to factory emissions, and toxic leaks into the groundwater or air by accident, technological failure, or human error since the plant is so close to the Sebastian schools. We would like reassurances from the County Commissioners or your environmental experts that these children will be safe and that their safety has been carefully considered.

Interestingly, last week there was a toxic cloud formed in Titusville when chemicals escaped from the Pharmco factory, necessitating the evacuation of 400 residents. This incident is an example of how the health of nearby children can be jeopardized. We also would like reassurance that the county has a plan, trained personnel and equipment available on an emergency basis in the event that the school children would need to be quickly evacuated. As you can see in the attached newspaper clipping, the evacuation in Titusville depended upon highly trained personnel familiar with working with hazardous materials, as well as coordination of community agencies as support services.

Thank-you for your attention. We look forward to your reassurance and an outline of the precautions that will be taken.

Sincerely,


Bonnie Slade
President


Vicki Tozzolo
First Vice President


Dee Blossom
Second Vice President


Shaun Rogers
Secretary


Kim Massung
Treasurer

cc/ County Commissioners
School Board
Sebastian River Middle Junior High School PTA
Pelican Island Elementary School PTA
County Council PTA Board
Mayor Lonnie Powell, Sebastian
Dr. Gary Norris, Superintendent
Mr. Hart

Mr. Miller commented that the FDER did not check on Macho Products for five years between 1983 and 1988. Further, he did not believe this would have a beneficial effect on the tax base.

Alan Campbell, Council of 100, spoke in support of Macho Products. The Council of 100 has been working with Macho for about a year in an effort to persuade them to relocate. He felt that Macho is a socially responsible company that will benefit Indian River County.

John Otero, 454 Tennyson Lane, Sebastian, spoke as a representative of concerned citizens of North County. He understood everything that was said by Macho representatives but is still concerned about the emissions. He quoted from the following letter dated November 21, 1992:

December 30, 1992

COUNTY COMMISSIONERS
Indian River County, FL

Dear Commissioner:

To introduce myself, I am a retiree who moved to Sebastian from Phoenix, Arizona a year ago, largely because of increasing air and water pollution there. I hold two BS degrees in engineering, I am a registered professional engineer in the state of Arizona, and worked as an engineer in Phoenix industries for 23 years.

I am writing to express my deep concern regarding the imminent move of Macho Products, Inc., from Brevard county to Indian River county. I first became aware of this move when I read the Press-Journal article of 7-26-1992 (Ref. 1). This article stated, among other things, that toxic air pollution in Indian River county in 1990 (the last year for which data was available) was a minuscule 1510 pounds (dropping to zero when Hercules, Inc. ceased production 7-1-'92). That same year, Macho Inc., Brevard's worst polluter by far, released an almost unbelievable 156 TONS, 312,346 pounds of toxic pollutants. (Ref. 1). Ref. 1 also quoted Macho president Dudley Gordon as saying the company had cut its toxic releases 40%, but that increased production had made the reduction "a wash"--basically stating that total pollution had not decreased at all. An information sheet recently distributed by Macho (Ref. 2) states: "--Macho expects to be able to reduce daily fugitive solvent evaporation to about 50 gallons." (Underlining is mine) Assuming the toxic pollution is about equally divided between the two pollutants released (Toluene and Methyl Ethyl Ketone, known as MEK), this amounts to about 126,500 pounds yearly, which is over 63 tons! Since pollution control is expensive, it is obviously advantageous to the polluter to do as little pollution control as they can. My experience with Phoenix industry was that cleanup projections were rarely, if ever, met. It was always a case of "We will try to do better next year", or "Reducing pollutants will be too expensive. We would just have to cease production, with attendant loss of jobs and tax revenues. You don't want that, do you?", etc. EPA threats and industry promises just seem to go on forever.

To put the toxicity of these solvents in perspective: the toxicity rating of MEK is 3 (Moderately toxic), and the toxicity rating for Toluene is 4 (Very toxic). If ingested, the probable lethal dose for a 150# person is "Between one ounce and one pint" for a rating of 3 (MEK), and "Between one teaspoon and one ounce" for a rating of 4 (Toluene). These toxicity data per Ref. 3.

The Ref. 4 Fact Sheet tells us the following about MEK:

"The chemical should be handled as a teratogen--with extreme caution." (A teratogen is a substance that causes birth defects by damaging the fetus).

"Repeated exposures, along with other solvents, can damage the nervous system."

"The liquid can severely burn the eyes and may irritate the skin."

And a few items from Ref. 5 Fact Sheet on Toluene:

"Cancer Hazard. Toluene may cause mutations (genetic changes) in living cells. Whether or not it poses a cancer hazard needs further study."

"It may damage the developing fetus."

"Toluene can affect you when breathed in and by passing through the skin."

"Repeated exposures can damage bone marrow causing low blood cell count. It can also damage the liver and kidneys."

Both solvents are limited by OSHA. The legal airborne exposure limit (PEL) is 200 ppm (parts per million) averaged over an 8-hour workshift (Toluene) and over a 10-hour workshift for MEK (Ref. 4 & 5). It is interesting to note that the evaporation quantity of these solvents Macho "expects", 63 tons yearly, would pollute 315,000 tons of air yearly to OSHA's 200 ppm limit!

Another concern which should be objectively addressed is aquifer pollution. MEK is soluble in water. When handling these massive quantities, my judgment based on experience is that spills are inevitable. Even with the best-intentioned management and workforce, these things happen. With our permeable Florida soil and high groundwater table, it seems logical that aquifer pollution could occur very easily.

Does Indian River county need the "tax base" this desperately? Would we benefit enough to justify the pollution our presently clean air would suffer from Brevard's worst polluter? I personally think not, and would hope that you, as our representatives, would act forcefully to prevent this tragic incursion.

Let's insist on clean industry, and keep Indian River county's air and water clean and pure!

Jim Kinsolving

J. E. KINSOLVING 567 Cross Creek Circle, Sebastian, 32958 (407)589-3022

REFERENCES:

1. Press-Journal: Macho's Move Means Pollution Control Plans, 7-26-'92
2. Undated sheet: Summary for Macho Products, Inc.
3. Gosselin, Smith, Hodge: Clinical Toxicology of Commercial Products Fifth Ed. 1984, Williams & Wilkins, Baltimore, Md.
4. New Jersey Department of Health: Hazardous Substance Fact Sheet CAS #78-93-3, DOT #UN 1193
5. New Jersey Department of Health: Hazardous Substance Fact Sheet CAS #108-88-3, DOT #UN 1294

Mr. Otero added that any amount of emissions are unacceptable, especially so close to the school. He reported that 1000 people from North County had signed petitions opposing the new facility.

PETITIONS ARE ON FILE
IN THE OFFICE OF THE CLERK TO THE BOARD

Mr. Otero then quoted from the following articles and hazardous substances fact sheets:

Cleaner processes, new chemicals help firms

By Wevonneda Minis
FLORIDA TODAY

Brevard firms cut toxic emissions by 30 percent within a year, according to the Florida Department of Community Affairs.

"We have been encouraged by a downward trend in chemicals being emitted to the air, land and water," said Carl Terry, an Environmental Protection Agency spokesman in Atlanta. "We are encouraging all companies that process these chemicals to seek reductions."

The agency's education blitz since 1988 and establishment of a

ENVIRONMENT

pollution prevention office to work with industry for voluntary pollution reduction appear to be paying off, Terry said.

Emission reductions are expected from firms that released 25,000 pounds or more of any chemical listed in the Superfund Amendments and Reauthorization Act of 1986.

In 1991, the last year for which state figures are available, Brevard plants discharged 911,484 pounds of chemicals into the air,

land and water. Federal figures will be released in 1993.

Ideally, the companies reduce emissions by adopting cleaner manufacturing practices, Terry said. "What we would like to see is pollution prevention."

Recently, Harris Corp. of Melbourne and Palm Bay and McDonnell Douglas of Titusville announced they have joined a voluntary EPA program to cut current emissions one-third by Dec. 31, and in half by Dec. 31, 1995. The program targets emissions of the 17 most worrisome, often carcinogenic, chemicals.

Tightened manufacturing

cut pollution

practices accounted for most emission reductions at Brevard plants. But in some instances, companies substituted less-polluting chemicals in their manufacturing processes.

Countywide, four of the five top toxic-chemical polluters cut their emissions. (Only Macho Products of Palm Bay, a manufacturer of protective gear for martial arts practice, increased emissions. Macho replaced Sea Ray Boats as the county's No. 1 polluter.)

Macho, Sea Ray Boats on

Merritt Island, Advanced Quick Circuits in Melbourne, Harris Corp. and McDonnell Douglas released 74 percent of the toxic chemicals emitted in the county, according to data from the state Department of Community Affairs.

(Macho Products emitted 321,600 pounds of toxic chemicals in 1991, increasing its emissions by 9,254 pounds over 1990.)

(Richard Hathaway, Macho's systems manager, said increased production accounts for the increase in emissions.)

What the figures don't show, Hathaway said, is that the company has cut the amount of emissions produced per article manufactured.

"We've been able to hold the line on emissions by using less solvent per unit," Hathaway said. The company has found water-based substitutes for some solvents — particularly those it uses to apply finishes to its products.

Macho plans to further reduce its emissions, Hathaway said.

The company plans to do that by building a factory capable of capturing and destroying toxic emissions during manufacturing, Hathaway said. They are looking at potential sites in Brevard and Indian River counties.



HAZARDOUS SUBSTANCE FACT SHEET

COMMON NAME: TOLUENE

CAS NUMBER: 108-88-3

DOT NUMBER: UN 1294

HAZARD SUMMARY

- * Toluene can affect you when breathed in and by passing through your skin.
- * Toluene may cause mutations. Handle with extreme caution.
- * It may damage the developing fetus.
- * Toluene is a FLAMMABLE LIQUID and a FIRE HAZARD.
- * Exposure can irritate the nose, throat, and eyes. Higher levels can cause you

to feel dizzy, lightheaded, and to pass out. Death can occur.

- * Repeated exposures can damage bone marrow causing low blood cell count. It can also damage the liver and kidneys.
- * Toluene can cause slowed reflexes, trouble concentrating, and headaches.
- * Prolonged contact can cause a skin rash.

IDENTIFICATION

Toluene is a colorless liquid with a sweet pungent odor. It is used as a solvent and in aviation gasoline, making other chemicals, perfumes, medicines, dyes, explosives, and detergents.

REASON FOR CITATION

- * Toluene is on the Workplace Hazardous Substance List because it is regulated by OSHA and cited by ACGIH, DOT, NIOSH, NFPA and other authorities.
- * This chemical is on the Special Health Hazard Substance List because it is **FLAMMABLE**.
- * Definitions are provided on page 5.

WORKPLACE EXPOSURE LIMITS

OSHA: The legal airborne permissible exposure limit (PEL) is 200 ppm averaged over an 8-hour workshift and 300 ppm, not to be exceeded during any 15 minute work period and a maximum peak concentration of 500 ppm.

NIOSH: The recommended airborne exposure limit is 100 ppm averaged over an 8-hour workshift and 200 ppm, not to be exceeded during any 10 minute work period.

- * The above exposure limits are for air levels only.
- * Toluene may cause mutations. All contact with this chemical should be reduced to the lowest possible level.

HOW TO DETERMINE IF YOU ARE BEING EXPOSED

- * Exposure to hazardous substances should be routinely evaluated. This may include collecting air samples. Under OSHA 1910.20, you have a legal right to obtain copies of sampling results from your employer. If you think you are experiencing any work-related health problems, see a doctor trained to recognize occupational diseases. Take this Fact Sheet with you.
- * ODOR THRESHOLD = 2.9 ppm.
- * The odor threshold only serves as a warning of exposure. Not smelling it does not mean you are not being exposed.

WAYS OF REDUCING EXPOSURE

- * Where possible, enclose operations and use local exhaust ventilation at the site of chemical release. If local exhaust ventilation or enclosure is not used, respirators should be worn.
- * Wear protective work clothing.
- * Wash thoroughly immediately after exposure to Toluene and at the end of the workshift.
- * Post hazard and warning information in the work area. In addition, as part of an ongoing education and training effort, communicate all information on the health and safety hazards of Toluene to potentially exposed workers.

This Fact Sheet is a summary source of information for workers, employers, and community residents. Health professionals may also find it useful. If this substance is part of a mixture, this Fact Sheet should be used along with the manufacturer-supplied Material Safety Data Sheet (MSDS).

HEALTH HAZARD INFORMATION

Acute Health Effects

The following ~~acute~~ (short-term) health effects may occur immediately or shortly after exposure to Toluene:

- * Exposure can irritate the nose, throat, and eyes. Higher levels can cause you to feel dizzy, lightheaded, and to pass out. Death can occur.
- * Lower levels may cause trouble concentrating, headaches, and slowed reflexes.

Chronic Health Effects

The following chronic (long-term) health effects can occur at some time after exposure to Toluene and can last for months or years:

Cancer Hazard

- * Toluene may cause mutations (genetic changes) in living cells. Whether or not it poses a cancer hazard needs further study.

Reproductive Hazard

- * Toluene may damage the developing fetus.

Other Long-Term Effects

- * Repeated exposure may damage bone marrow, causing low blood cell count.
- * Prolonged contact can cause drying and cracking of the skin, and a rash.
- * Repeated Toluene exposure can cause headaches, loss of appetite, nausea, and liver and kidney damage, and may cause brain damage.

MEDICAL TESTING

For those with frequent or potentially high exposure (half the TLV or greater, or significant skin contact), the following is recommended before beginning work and at regular times after that:

- * Urinary Hippuric acid excretion (at the end of shift) as an index of overexposure.

If symptoms develop or overexposure is suspected, the following may be useful:

- * Exam of the nervous system.
- * Liver and kidney function tests, and evaluation for renal tubular acidosis.
- * Complete blood count.

Any evaluation should include a careful history of past and present symptoms with an exam. Medical tests that look for damage already done are not a substitute for controlling exposure.

Request copies of your medical testing. You have a legal right to this information under OSHA 1910.20.

WORKPLACE CONTROLS AND PRACTICES

Unless a less toxic chemical can be substituted for a hazardous substance, ENGINEERING CONTROLS are the most effective way of reducing exposure. The best protection is to enclose operations and/or provide local exhaust ventilation at the site of chemical release. Isolating operations can also reduce exposure. Using respirators or protective equipment is less effective than the controls mentioned above, but is sometimes necessary.

In evaluating the controls present in your workplace, consider: (1) how hazardous the substance is, (2) how much of the substance is released into the workplace, and (3) whether harmful skin or eye contact could occur. Special controls should be in place for highly toxic chemicals or when significant skin, eye, or breathing exposures are possible.

In addition, the following controls are recommended:

- * Where possible, automatically pump liquid Toluene from drums or other storage containers to process containers.
- * Specific engineering controls are recommended for this chemical by NIOSH.

Common Name: TOLUENE

DOT Number: UN 1294

NFPA Flammability: 3

NFPA Reactivity: 0

FIRE HAZARDS

- * Toluene is a FLAMMABLE LIQUID.
- * CONTAINERS MAY EXPLODE IN FIRE.
- * POISONOUS GAS IS PRODUCED IN FIRE.
- * Use dry chemical, CO₂, or foam extinguishers.
- * Vapors may travel to a source of ignition and flash back.
- * If employees are expected to fight fires, they must be trained and equipped as stated in OSHA 1910.156.

SPILLS AND EMERGENCIES

If Toluene is spilled or leaked, take the following steps:

- * Restrict persons not wearing protective equipment from area of spill or leak until clean-up is complete.
- * Remove all ignition sources.
- * Ventilate area of spill or leak.
- * Absorb liquids in vermiculite, dry sand, earth, or a similar material and deposit in sealed containers.
- * Keep Toluene out of a confined space, such as a sewer, because of the possibility of an explosion, unless the sewer is designed to prevent the build-up of explosive concentrations.
- * It may be necessary to contain and dispose of Toluene as a HAZARDOUS WASTE. Contact the NJ Department of Environmental Protection (DEP) or your regional office of the federal Environmental Protection Agency (EPA) for specific recommendations.

FOR LARGE SPILLS AND FIRES immediately call your local fire department. You can also request emergency information from the following:

DEP HOTLINE: (609) 292-7172

CHEMTREC: (800) 424-9300

Not intended to be copied and sold for commercial purposes.



New Jersey Department of Health
CN 368 Trenton, NJ 08625
(609) 984-2202

Date prepared: May 1986

Revision:

OES-16
AUG 84



New Jersey Department of Health HAZARDOUS SUBSTANCE FACT SHEET

COMMON NAME: METHYL ETHYL KETONE
CAS NUMBER: 78-93-3 **DOT NUMBER:** UN 1193

HAZARD SUMMARY

- * Methyl Ethyl Ketone can affect you when breathed in and by passing through your skin.
- * The chemical should be handled as a teratogen--with extreme caution.
- * Exposure can cause dizziness, headache, blurred vision, and cause you to pass out. Repeated exposures, along with other solvents, can damage the nervous system.
- * The liquid can severely burn the eyes and may irritate the skin. Repeated exposure can cause drying and cracking of the skin. The vapor can irritate the eyes, nose, mouth, and throat.
- * It is a **FLAMMABLE LIQUID**.

IDENTIFICATION

Methyl Ethyl Ketone is a clear colorless liquid with a fragrant, mint-like, odor. It is used as a solvent and in making plastics, textiles, and paint.

REASON FOR CITATION

- * Methyl Ethyl Ketone is on the Workplace Hazardous Substance List because it is regulated by OSHA.
- * Definitions are provided at the end of this Fact Sheet.

WORKPLACE EXPOSURE LIMITS

- OSHA: The legal airborne permissible exposure limit (PEL) is 200 ppm averaged over an 8-hour workshift.
- NIOSH: The recommended airborne exposure limit is 200 ppm averaged over an 10-hour workshift.
- ACGIH: The recommended airborne exposure limit is 200 ppm averaged over an 8-hour workshift and 300 ppm as a STEL (short term exposure limit).
- * The above exposure limits are for air levels only. When skin contact also occurs, you may be overexposed, even though air levels are less than the limits listed above.
 - * Methyl Ethyl Ketone may be a teratogen. All contact with this chemical should be reduced to the lowest possible level.

HOW TO DETERMINE IF YOU ARE BEING EXPOSED

- * Exposure to hazardous substances should be routinely evaluated. This may include collecting air samples. Under OSHA 1910.20, you have a legal right to obtain copies of sampling results from you employer. If you think you are experiencing any work-related health problems, see a doctor trained to recognize occupational diseases. Take this Fact Sheet with you.
- * **ODOR THRESHOLD** = 5.4 ppm.
- * The odor threshold only serves as a warning of exposure. Not smelling it does not mean you are not being exposed.

WAYS OF REDUCING EXPOSURE

- * Where possible, enclose operations and use local exhaust ventilation at the site of chemical release. If local exhaust ventilation or enclosure is not used, respirators should be worn.
- * Wear protective work clothing.
- * Wash thoroughly immediately after exposure to Methyl Ethyl Ketone.
- * Post hazard and warning information in the work area. In addition, as part of an ongoing education and training effort, communicate all information on the health and safety hazards of Methyl Ethyl Ketone to potentially exposed workers.

This Fact Sheet is a summary source of information for workers, employers, and community residents. Health professionals may also find it useful. If this substance is part of a mixture, this Fact Sheet should be used along with the manufacturer-supplied Material Safety Data Sheet (MSDS).

HEALTH HAZARD INFORMATION

Acute Health Effects

The following acute (short-term) health effects may occur immediately or shortly after exposure to Methyl Ethyl Ketone:

- * Contact may irritate the skin, causing a rash or burning feeling.
- * The liquid can severely burn the eyes, leading to permanent damage.
- * Exposure to the vapor can irritate the eyes, nose, mouth, and throat.
- * Exposure to high concentrations can cause dizziness, lightheadedness, headache, nausea, and blurred vision. Higher levels may cause you to pass out.

Chronic Health Effects

The following chronic (long-term) health effects can occur at some time after exposure and can last for months or years:

Reproductive Hazard

- * There is limited evidence that Methyl Ethyl Ketone is a teratogen in animals. Until further testing has been done, it should be treated as a possible teratogen in humans.

Other Long-Term Effects

- * Repeated exposure, in conjunction with certain other solvents, can damage the nervous system, causing numbness and weakness in the hands and feet.
- * Long-term skin exposure can cause drying and cracking of the skin.

MEDICAL TESTING

If symptoms develop, or overexposure is suspected, exam of the nervous system is recommended. Special tests for nerve damage called nerve conduction studies, may be useful.

Any evaluation should include a careful history of past and present symptoms with an exam. Medical tests that look for damage already done are not a substitute for controlling exposure.

Request copies of your medical testing. You have a legal right to this information under OSHA 1910.20.

WORKPLACE CONTROLS AND PRACTICES

Unless a less toxic chemical can be substituted for a hazardous substance, ENGINEERING CONTROLS are the most effective way of reducing exposure. The best protection is enclosing operations and/or providing local exhaust ventilation at the site of chemical release. Isolating operations can also reduce exposure. Using respirators or protective equipment is less effective than the controls mentioned above, but is sometimes necessary.

In evaluating the controls present in your workplace, consider: (1) how hazardous the substance is; (2) how much of the substance is released into the workplace, and (3) whether harmful skin or eye contact could occur. Better controls should be in place for highly toxic chemicals or when significant skin, eye, or breathing exposures are possible.

In addition, the following controls are recommended:

- * Where possible, automatically pump liquid Methyl Ethyl Ketone from drums or other storage containers to process containers.
- * Specific engineering controls are recommended for this chemical by NIOSH. Refer to the NIOSH criteria document: Ketones # 78-173.

He concluded by stating that he lived in New Jersey as a young child when the Exxon plant blew up, proof that accidents can and do happen.

Charles Hart, resident of Roseland, discussed the following letter dated December 22, 1992:

December 22, 1992

Board of County Commissioners
1840 25th Street
Vero Beach, FL 32960

We are members of a local chapter of the National Campers and Hikers Association. As an environmentally concerned group, we voice our objections regarding Macho Products move to North Indian River County.

- In a news item in Florida Today, dated November 21, 1992, Macho Products was listed as the number one polluter in Brevard County, emitting 321,600 pounds of toxic pollutants in 1991.

- Macho's plan to build a 40,000 square foot plant proximal to the North County Middle School, the future high school, and the Vero Lake Estates residential subdivision, gives us great concern for the well being of the school students and families in the nearby communities.

In recent news releases regarding this move, Macho representatives have stated that they plan to reduce their toxic emissions. However, nothing has been said about eliminating said pollution. We as a group feel strongly that toxic pollution in any amount is unacceptable. We are not opposed to new clean industry moving to Indian River County. We are opposed to industry that threatens to pollute our clean air.

Respectfully submitted,

Charles A. Hart, President
National Chapter #3865
National Campers and Hikers Assoc.

Mr. Hart felt that Macho Products did not care about the quality of Florida air and the health of Palm Bay. During a tour of the Palm Bay plant, which he requested in order to become more informed, he found no attempt to capture vapors. He felt light-headed and anxious in the area where products were dipped and asked to be moved to another area of the plant. Although he realizes the new plant will result in lower levels of toxic emissions, he is not convinced the level will be acceptable. When production increases, emissions will also increase, and he was worried about the effect this will have on school students and residents of Vero Lake Estates. He did not think comparing the emissions to gasoline was a good argument because a new hazard will be introduced into the community. He was also concerned about future maintenance and wondered if the company will resist the temptation to continue production if the incinerator has to be shut down for maintenance. Mr. Evans quoted the following disclaimer from the manufacturer of the chemicals in a document presented by Mr. Evans in a meeting with Commissioner Adams:

The information in this document is believed to be correct as of the date issued; however, no warranty ... is expressed or implied regarding the accuracy or completeness of this information, the results to be obtained from the use of this product, the safety of this product, or the hazards related to it.

Mr. Evans believes that permits just give Macho the right to pollute the air and hopes this will not be the case in Indian River County. He does not believe the agencies that are supposed to be helping us can keep up with the polluters because they are understaffed.

Debra Curbow, 1080 Evernia Street, Sebastian, remarked that her son has Hodgkins disease, and the doctors are trying to determine if his condition is related to the General Development water. Her concern is that Macho cannot guarantee the emissions will not cause similar problems in children.

Al Vilardi, 445 Georgia Boulevard, Sebastian, was opposed to the new facility because Macho is the biggest polluter in Brevard County. He contended that they should have purchased an incinerator and then moved it to the new facility. He added that the County recently passed a referendum to buy \$26 million worth of land, part of which would be adjacent to Macho, and it did not make sense to him to build this facility next door to environmentally sensitive land. Mr. Vilardi did not believe Macho when they said the metal is rustproof, and did not understand how the Planning & Zoning Commission can approve the plant without spec sheets. He questioned whether the compounds would be properly processed if more air was forced through the incinerator than the incinerator could handle. Finally, Mr. Vilardi expressed concern for wildlife and birds in the area.

Wayne Henderson, 1120 SR-507, Fellsmere, asked if any studies have been done about the long-term effect of these chemicals on birds, cattle, fish and game.

Jim Shields, 1134 Spanish Lakes Lane, was quite concerned about the pollution. He reported that he has a chemistry degree, has worked in industrial plants in Chicago, and currently is involved in pollution research at Vara International. He knows from his experience that the solvents do not disappear when they go into the air, and mentioned Silicon Valley where the solvents ended up on the ground surface, making it necessary to flood the affected areas with water in order to dilute the pollutants to less-harmful levels. Mr. Shields wanted them to look at other alternatives to using these solvents.

Stan Fronczek, president of the Vero Lake Estates Homeowners' Association, urged the Board not to allow the pollution to start.

Cheryl Sterk, 709 Doctor Avenue, expressed a great deal of concern about flammability and reported that a Vero Lake Estates Volunteer Fireman told her they do not have the necessary equipment to handle a chemical fire. She added that her husband wanted to know if the County will monitor water quality in the area.

Commissioner Eggert commented that the Indian River County Fire Department is equipped to handle chemical fires.

Sharon Anderson, 9336 126th Avenue, Fellsmere, indicated that she just recently built her home 1-1/2 miles from the proposed

plant and plans to be there at least 30 years. Therefore, she is worried about the long-term effect of these chemicals.

The Chairman closed the public discussion.

Commissioner Eggert felt that it is important for the FDER to receive all of the information presented during this public discussion.

Commissioner Adams thought that the County's role in this should be to forward the concerns that were espoused today to the FDER so that agency will be aware of them, and to watch closely how FDER monitors this process. She did not think the County has any other legal standing at this point.

MOTION WAS MADE by Commissioner Adams, SECONDED by Commissioner Eggert to forward these concerns to the Orlando FDER office.

Under discussion, Commissioner Macht stated that monitoring the process was one of the first things he thought about when he saw the proposal. He asked if there is anything in law or anything in procedure that would prevent the County government, on reasonable suspicion of non-compliance, from notifying FDER, and if they are unwilling or unable to act in a timely manner, to contract with a qualified expert to take an air sample and then shut the plant down if it were found to be in non-compliance.

Attorney Vitunac advised that the FDER has not pre-empted the field, and Chapter 403 specifically encourages local programs as long as they are consistent with the FDER's program. The County can develop a program and have it approved by FDER. In addition, Mike Galanis of Environmental Control here in the Vero Beach office can offer some expertise. Even though they do not currently do air enforcement, if a program were developed, they could probably insert it into their system.

Commissioner Adams recommended that the County could cover all industries with such a program, and not just this one, and Commissioner Eggert agreed.

Commissioner Macht thought the County should investigate what authority it has in these matters and set up such a program, because anything could happen, including problems with petroleum distillates from various sources.

THE CHAIRMAN CALLED FOR THE QUESTION.

It was voted on and carried unanimously.

Aug 10, 1993

dep810.93

Bureau of Air Regulation
Florida Department of Environmental Regulation
Twin Tower Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Attn: Mr. John Reynolds

Dear Sirs,

Enclosed please find proof of publication of Notice of Intent to Issue Permit AC 05-230726 for a temporary increase in production rate.

Thanks very much

Sincerely ,



Rick Hathaway
Systems Manager

cc: J. Reynolds
A. Zahra, C. Dist.

The Times

Published Weekly on Wednesday

THE TRIBUNE

Published Weekly on Wednesday



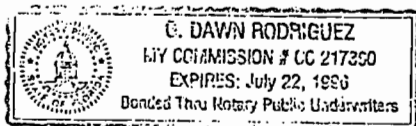
Published Daily

STATE OF FLORIDA
COUNTY OF BREVARDBefore the undersigned authority personally appeared Sandra N. Thomas who ofoath says that she is Legal Advertising Clerkof the FLORIDA TODAY, a newspaper published in Brevard County,Florida; that the attached copy of advertising being a LEGAL NOTICEin the matter of MACHO PRODUCTS, INC Notice of Intent to issue a permit

in the _____ Court

was published in the FLORIDA TODAY NEWSPAPERin the issues of AUGUST 10, 1993Affiant further says that the said FLORIDA TODAY NEWSPAPERis a newspaper published in said Brevard County, Florida, and that the said newspaper has
heretofore been continuously published in said Brevard County, Florida, regularly as stated above
and has been entered as second class mail matter at the post office in MELBOURNEsaid Brevard County, Florida, for a period of one year next preceeding the first publication of the
attached copy of advertisement; and affiant further says that she has neither paid nor promised any
person, firm or corporation any discount, rebate, commission or refund for the purpose of securing
this advertisement for publication in said newspaper.

(Signature of Affiant)

Sworn to and subscribed before me this 10 day of AUGUST19 93

(Signature of Notary Public)

G. DAWN RODRIGUEZ

(Name of Notary Typed, Printed or Stamped)

Personally Known ☒ or Produced Identification ☐

Type of Identification Produced _____

STAR

Publish

REGULATION NOTICE OF INTENT TO ISSUE PERMIT
The Department of Environmental Protection gives notice of its intent to issue a permit to Macho Products, Inc., 2550 Kirby Avenue, Palm Bay, Florida 32909, to temporarily increase the production rate of the vinyl dipping operation at their facility in Palm Bay, Brevard County, Florida. This facility will be permanently closed when the applicant's new plant in Indian River County begins operation by July 1, 1994. A determination of Best Available Control Technology (BACT) was not required. The Department is issuing this intent to issue for the reasons stated in the Technical Evaluation and Preliminary Determination. A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel at the Department, 111 S. Magnolia Drive, Suite 232, Tallahassee, Florida 32303-2400, within 14 days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The Petition shall contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by petitioner if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. If a court order by 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 decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements set forth above and be filed (received) within 14 days of publication of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28.5207, F.A.C.

The application is 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 Department of Environmental Protection, Bureau of Air Regulation, 111 S. Magnolia Drive, Suite 232, Tallahassee, FL 32303-2400.

Department of Environmental Protection
3519 Maguire Boulevard
Suite 232
Tallahassee, Florida 32303-3767

Any person may send written comments on the proposed action to Mr. Preston Lewis at the Department's Tallahassee address. All comments received within 14 days of the publication of this notice will be considered in the Department's final determination.

HOPPING BOYD GREEN & SAMS

ATTORNEYS AND COUNSELORS

123 SOUTH CALHOUN STREET

POST OFFICE BOX 6526

TALLAHASSEE, FLORIDA 32314

(904) 222-7500

FAX (904) 224-8551

FAX (904) 681-2964

May 26, 1993

CARLOS ALVAREZ
JAMES S. ALVES
BRIAN H. BIBEAU
KATHLEEN BLIZZARD
ELIZABETH C. BOWMAN
WILLIAM L. BOYD, IV
RICHARD S. BRIGHTMAN
PETER C. CUNNINGHAM
RALPH A. DeMEO
THOMAS M. DeROSE
WILLIAM H. GREEN
WADE L. HOPPING
FRANK E. MATTHEWS
RICHARD D. NELSON
WILLIAM D. PRESTON
CAROLYN S. RAEPPEL
GARY P. SAMS
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CHERYL G. STUART

C. ALLEN CULP, JR.
JONATHAN S. FOX
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DALANA W. JOHNSON
RICHARD W. MOORE
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MARIBEL N. NICHOLSON
LAURA BOYD PEARCE
GARY V. PERKO
MICHAEL P. PETROVICH
DOUGLAS S. ROBERTS
JULIE B. ROME
KRISTIN C. RUBIN
CECELIA C. SMITH

OF COUNSEL
W. ROBERT FOKES

RECEIVED

MAY 27 1993

Division of Air
Resources Management

Clair Fancy, Chief
Bureau of Air Regulation
Florida Department of Environmental
Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Re: Permit No. AC05-166484

Dear Clair:

Earlier this month, Macho Products, Inc. filed with the Department an application to modify the referenced air construction permit. Please accept this letter as an addendum to that previous permit modification request. More specifically, this letter is to request that the following underscored language be added to Specific Condition No. 4 in Permit No. AC05-166484:

4. One of the following steps must be carried out before July 1, 1994:
 - a. installation of a state-of-the-art pollution control device limiting VOC emissions to 10.0 lbs per hour (based on 95% efficiency); 80 lbs per day (30 day average).
 - b. conversion to a water-based or low solvent content coating approved by the Bureau of Air Regulation.

The Department recognizes that notwithstanding the Permittee's best efforts to comply with the commitments in this Specific Condition, events beyond the Permittee's control may prevent or delay one or more phases of the actual completion date. Such events include, but are not limited to, natural disasters, contractual or labor difficulties, or administrative proceedings by third parties which delay issuance of any permit needed to undertake the referenced activity or alternative thereto. Should implementation of the referenced requirements, or an alternative thereto, be delayed by such causes, the

Mr. Clair Fancy
May 26, 1993
Page 2

Permittee's performance shall be excused for a period of time necessary to remedy the effects thereof.

The rationale for this requested modification is simply to address the possibility of delay caused by circumstances substantially beyond the control of the permittee. Please be assured that Macho Products, Inc. is committed to taking all reasonable steps to maximize the possibility that it will never be necessary to invoke this proposed language.

Please give me a call if you have any questions or concerns regarding this request.

Very truly yours,

James S. Alves / kkm

James S. Alves

/kkm

cc: John Reynolds



Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Lawton Chiles, Governor

Virginia B. Wetherell, Secretary

March 24, 1993

Mr. Wendell Reed
U.S. Environmental Protection
Agency-Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30365

Dear Mr. Reed:

This is in response to the letter regarding Macho Products, Inc., a Florida-based manufacturer of martial arts equipment, written by Century Martial Arts Supply, Inc., and sent to U.S. Senator David Boren, dated January 26, 1993. The purpose of our response is to present the facts concerning the permitting of Macho Products.

We have enclosed copies of pertinent documents from Macho's permitting file. The enclosed copy of Macho's permit application filed on June 19, 1989, shows that they originally sought to install a ventilation duct system without any pollution control device to control emissions of volatile organic compounds (VOC) from their vinyl dipping operation. Macho's request for installation of ductwork without a pollution control device was not entirely unreasonable because treating very large volumes of building exhaust air containing very low VOC concentrations is generally not feasible. However, it appeared to us that in Macho's case, the VOC concentration of the exhaust air would be high enough to justify installing a pollution control device.

In July, 1989, the Department wrote to Macho notifying them that pollution abatement of the building exhaust duct system appeared to be feasible and that to avoid such control, their application should state why such control would not be feasible (see copy of letter to Macho dated July 12, 1989). Macho responded claiming economic hardship as their basis for avoiding pollution control (see copy of letter dated July 21, 1989). On September 27, 1989, the Department issued the proposed construction permit requiring that Macho be allowed three years to either install a state-of-the-art pollution control device or convert their dipping process to water-based or non-volatile coatings. Also required was a quarterly report outlining Macho's progress toward installing the pollution equipment or converting to a new technology before January 1, 1993. The final permit was issued to Macho on November 20, 1989.

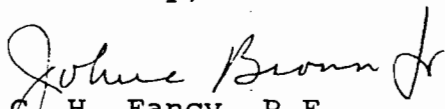
From 1990 through 1992, Macho filed quarterly reports indicating an in-depth investigation into converting their process to water based or low solvent coatings. On February 19, 1992, Macho requested

modifications to a permit condition. This modification required them to submit evidence to the Department, in the event the January 1, 1993, deadline was not met, that showed Macho had entered into a contract with a supplier to carry out one of the two options with final completion occurring not later than July 1, 1994 (see copy of letters dated March 25, 1992 and February 19, 1992). Evidence of Macho's having retained the services of a pollution control equipment contractor was received by letter on October 19, 1992 (see enclosed copy).

In early December, 1992, Macho notified our staff by phone that they had closed on a land purchase in Indian River County and would be building a state-of-the-art facility to replace their existing Brevard County site as soon as permits could be obtained. They requested a meeting with the Department to outline their plans and the proposed pollution control system for the new facility. This meeting was held on December 16, 1992. Upon evaluating Macho's proposed pollution control system, the Department agreed that it would be representative of the best available control technology. Macho was advised to apply immediately with the Department's district office for the new construction permit since the lowered emissions dictated jurisdiction of the district rather than the Tallahassee office. An application for the new facility was filed with the district on January 29, 1993.

In summary, Macho Products applied for a construction permit to modify an existing facility. The Department granted a three year period for effecting compliance which included time for conversion of process technology to achieve the lower emissions or to install control devices. Macho Products elected instead to build a new facility at a different location with a state-of-the-art control device. They have applied through the district for a construction permit and continue to operate under the construction permit issued in 1989. The anticipated completion date for the new facility in Indian River county is six months from the date the construction permit is issued. Please let us know if we can provide further information.

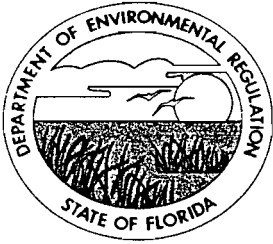
Sincerely,

for 
C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CHF/ms

Enclosures

cc: C. Collins, C. D. (w/partial Enclosures)



Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Lawton Chiles, Governor

Carol M. Browner, Secretary

March 25, 1992

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Dudley J. Gordon, President
Macho Products, Inc.
2550 Kirby Avenue
Palm Bay, Florida 32905

Dear Mr. Gordon:

Re: Amendment of Permit AC 05-166484

The Department received your amendment fee for modification of the construction permit referenced above. The request is acceptable and the following modification is made:

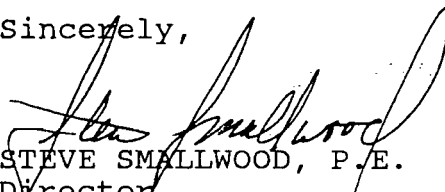
Project: AC 05-166484

Add Specific Condition No. 4.c.:

4.c. In the event that neither 4.a. nor 4.b. above is carried out to completion before January 1, 1993, the permittee shall submit evidence to the Department before said date showing that permittee has entered into a contract with a supplier to carry out No. 4.a. or 4.b. to completion, and also a schedule showing the dates on which installation will begin and end, with completion occurring not later than July 1, 1994.

This letter shall become Attachment No. 4 to the subject permit.

Sincerely,


STEVE SMALLWOOD, P.E.
Director
Division of Air Resources
Management

SS/JR/plm

c: C. Collins, CD
F. Cross, Jr., P.E.

April 26, 1993

RECEIVED

APR 30 1993

Division of Air
Resources Management



MACHO PRODUCTS, INC.

Ms. Barbara Goetz
Environmental Protection Agency
1445 Ross Avenue, 13th Floor
Dallas, TX 75202

Dear Ms. Goetz:

I have recently learned that Century Martial Art Supply, Inc. has alleged unfair competition and has generated a congressional inquiry to your office on the basis that the Florida Department of Environmental Regulation (FDER) has allowed Macho Products to ignore Environmental Protection Agency (EPA) compliance.

This allegation is both unfortunate and unfounded. Macho Products has enjoyed recent and significant growth which resulted in the increased consumption of the raw materials used in our production processes. Since determining that our solvent use required more control, the FDER has been exacting in prescribing and monitoring operating limits and procedures. In this regard, I would point out that we significantly reduced our production in the last two months of 1992 as a direct result of FDER imposed solvent use limitations. The permit extension granted by the FDER was to enable us to further explore the possibility of effecting pollution control by changing our manufacturing process rather than by resorting to pollution reduction. As you are aware, this is the preferred option. The FDER has been reasonable in recognizing our need to continue to manufacture our products while at the same time discharging its responsibility to protect the environment. Both of us have the right to be proud of the professional and businesslike relationship we have established and maintained. As a result of that relationship, the facility which Macho Products will construct in the near future will be a state-of-the-art facility, both in terms of emissions capture and destruction, and will set the standard for companies involved in our manufacturing processes.

In order to put this matter in perspective, the following is pertinent. Century Martial Art Supply does not manufacture the equipment which it sells. The manufacturer of its products only recently moved to and commenced vinyl dipping in the United States after its facility in Mexico burned. Prior to that, Century enjoyed for an extended period of time the cost advantages of purchasing vinyl dipped products from a manufacturer who was unencumbered by environmental regulations and the wage scales customary in the United States. Century Martial Art Supply is more than disingenuous by now attempting to raise specious issues of unfair competition and cost disadvantage given its past history of involvement in such practices.




Ms. Barabara Goetz

April 27, 1993

Page 2

Ms. Goetz, I felt the obligation to write you regarding this matter because the allegations by Century Martial Art Supply are unwarranted and yet could unfavorably reflect upon Macho Products and the FDER. I hope the information I have provided will place this issue in proper perspective and enable you to see Century's true motivation as a thinly veiled effort to fix blame and assess penalties when such actions would neither be justified nor appropriate.

Sincerely,


Dudley J. Gordon
President

cc: The Honorable Bob Graham, U. S. Senate
The Honorable Connie Mack, U.S. Senate
The Honorable Jim Bacchus, U.S. House of Representatives
The Honorable Patsy Kurth, Florida State Senate
Mr. Wendell Reed, U.S. E.P.A., Georgia
Mr. Gary Hestilow, President, Century Martial Art Supply
Mr. John Reynolds, FDER, Tallahassee
Mr. Chuck Collins, FDER, Orlando





Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Lawton Chiles, Governor

Carol M. Browner, Secretary

January 7, 1993

Mr. John McCoy
Indian River County
Administration Building
1840 - 25th Street, Suite 312
Vero Beach, Florida 32960

Dear Mr. McCoy:

Re: Macho Products' Proposed Facility in Indian River County

You requested that the Department provide comments on a local resident's December 30, 1992, letter to the Indian River County Commissioners regarding Macho Products' proposed facility to be constructed in that county.

Without commenting on the accuracy of the facts presented by the local resident, Macho Products will be required to follow all applicable rules and regulations required under the new Clean Air Act for the new plant. On December 16, 1992, Macho Products met with our staff in Tallahassee to present the basic air pollution control system design for their proposed facility. Based on that meeting, we believe that the system they plan to install can be considered as the best available control technology.

Macho Products' replacement of their existing uncontrolled facility in Brevard County with a new, well-controlled plant in Indian River County will result in substantial improvement in the air quality for the state. If you need further comments or have any questions, please contact Preston Lewis or John Reynolds at (904) 488-1344.

Sincerely,



John C. Brown, Jr., P.E.
Administrator
Air Permitting and Standards

JCB/JR/plm

cc: C. Collins, CD

INDIAN RIVER COUNTY, FLORIDA
OFFICE OF MANAGEMENT AND BUDGET

© 3:11

Mailing Address:

Indian River County
Administration Building
1840 25th Street, Suite 312
Vero Beach, FL 32960

Date:

1/5/93

Telephone Number:

(407) 567-8000, Ext. ~~214~~ 235

Fax Number:

(407) 778-9391

ATTENTION:

John Reynolds

COMPANY:

DEB, Tullhouse

FAX NUMBER:

407-932-6979

FROM:

John W. McCoy

You should receive a total of 3 pages, including this cover page. If you are not receiving clearly or do not have all the pages at the end of this transmission, please call ~~John~~ at (407)-567-8000, Ext. ~~214~~ 235.

OTHER INSTRUCTIONS:

Dear Mr. Reynolds

The staff has received several letters along this line, however this is the most technical. We would appreciate any comments your office has relative to this letter. If you need any additional information please call

Thanks

John W. McCoy

DISTRIBUTION LIST

Commissioners	<input checked="" type="checkbox"/>
Administrator	<input type="checkbox"/>
Attorney	<input type="checkbox"/>
Personnel	<input type="checkbox"/>
Public Works	<input type="checkbox"/>
Community Dev.	<input checked="" type="checkbox"/>
Utilities	<input type="checkbox"/>
Finance	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>

December 30, 1992

COUNTY COMMISSIONERS
Indian River County, FL

Dear Commissioner:

To introduce myself, I am a retiree who moved to Sebastian from Phoenix, Arizona a year ago, largely because of increasing air and water pollution there. I hold two BS degrees in engineering, I am a registered professional engineer in the state of Arizona, and worked as an engineer in Phoenix Industries for 23 years.

I am writing to express my deep concern regarding the imminent move of Macho Products, Inc., from Brevard county to Indian River county. I first became aware of this move when I read the Press-Journal article of 7-26-1992 (Ref. 1). This article stated, among other things, that toxic air pollution in Indian River county in 1990 (the last year for which data was available) was a minuscule 1510 pounds (dropping to zero when Hercules, Inc. ceased production 7-1-'92). That same year, Macho Inc., Brevard's worst polluter by far, released an almost unbelievable 156 TONS, 312,346 pounds of toxic pollutants. (Ref. 1 also quoted Macho president Dudley Gordon as saying the company had cut its toxic releases 40%, but that increased production had made the reduction "a wash"--basically stating that total pollution had not decreased at all. An information sheet recently distributed by Macho (Ref. 2) states: "--Macho expects to be able to reduce daily fugitive solvent evaporation to about 50 gallons." (Underlining is mine) Assuming the toxic pollution is about equally divided between the two pollutants released (Toluene and Methyl Ethyl Ketone, known as MEK), this amounts to about 126,500 pounds yearly, which is over 62 tons! Since pollution control is expensive, it is obviously advantageous to the polluter to do as little pollution control as they can. My experience with Phoenix Industries was that cleanup projections were rarely, if ever, met. It was always a case of "We will try to do better next year", or "Reducing pollutants will be too expensive. We would just have to cease production, with attendant loss of jobs and tax revenues. You don't want that, do you?", etc. EPA threats and industry promises just seem to go on forever.

To put the toxicity of these solvents in perspective: the toxicity rating of MEK is 3 (Moderately toxic), and the toxicity rating for Toluene is 4 (Very toxic). If ingested, the probable lethal dose for a 150# person is "Between one ounce and one pint" for a rating of 3 (MEK), and "Between one teaspoon and one ounce" for a rating of 4 (Toluene). These toxicity data per Ref. 3.

The Ref. 4 Fact Sheet tells us the following about MEK:

"The chemical should be handled as a teratogen--with extreme caution. (A teratogen is a substance that causes birth defects by damaging the fetus).

"Repeated exposures, along with other solvents, can damage the nervous system."

"The liquid can severely burn the eyes and may irritate the skin."

and a few items from Ref. 5 Fact Sheet on Toluene:

Cancer Hazard. Toluene may cause mutations (genetic changes) in living cells. Whether or not it poses a cancer hazard needs further study.

"It may damage the developing fetus."

"Toluene can affect you when breathed in and by passing through the skin."

"Repeated exposures can damage bone marrow causing low blood cell count. It can also damage the liver and kidneys."

Both solvents are limited by OSHA. The legal airborne exposure limit (PEL) is 200 ppm (parts per million) averaged over an 8-hour workshift (Toluene) and over a 10-hour workshift for MEK (Ref. 4 & 5). It is interesting to note that the evaporation quantity of these solvents from "cans", 63 tons yearly, would pollute 315,000 tons of air yearly. 200 ppm limit!

Another concern which should be objectively addressed is the potential for pollution. MEK is soluble in water. When handling it, spills are inevitable. In my judgment based on experience is that spills are inevitable. Even with the best-intentioned management and workforce. With our permeable Florida soil and high groundwater table, it is logical that aquifer pollution could occur very easily.

Does Indian River county need the "tax base" this company brings? Do we benefit enough to justify the pollution our presently clean air must suffer from Brevard's worst polluter? I personally hope that you, as our representatives, would act to prevent this tragic incursion.

Let's insist on clean industry, and keep Indian River water clean and pure!

Jim Kinsolving

J. E. KINSOLVING 567 Cross Creek Circle, Sarasota

REFERENCES:

1. Press-Journal: Macho's Move Means Pollut.
2. Undated sheet: Summary for Macho Products.
3. Gosselin, Smith, Hodge: Clinical Toxicology, Fifth Ed. 1984, Williams & Wilkins, Baltimore, Md.
4. New Jersey Department of Health: Hazardous Substances, CAS #78-93-3, DOT #UN 1193
5. New Jersey Department of Health: Hazardous Substances, CAS #108-88-3, DOT #UN 1294

DAVID BOREN
OKLAHOMA

RUSSELL BUILDING
WASHINGTON, DC 20510

621 NORTH ROBINSON
OKLAHOMA CITY, OK 73102

409 S. BOSTON
TULSA, OK 74103

211 EAST OAK
SEMINOLE, OK 74868

United States Senate

WASHINGTON, DC 20510-3601

RECEIVED

FEB 22 AM 8:33
EXTERNAL AFFAIRS DIVISION

CHAIRMAN,
SELECT COMMITTEE ON INTELLIGENCE
MEMBER, COMMITTEE ON FOREIGN
AFFAIRS, SUBCOMMITTEE ON
AFRICAN AFFAIRS
MEMBER, COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY
CHAIRMAN, SUBCOMMITTEE ON
DOMESTIC AND FOREIGN MARKETING
AND PRODUCT PROMOTION

February 15, 1993

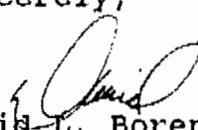
Ms. Barbara Goetz
Environmental Protection Agency
1445 Ross Avenue, 13th Floor
Dallas, Texas 75202

Dear Ms. Goetz:

I wanted to share with you the enclosed letter from Mr. Gary Hestilow, President of Century Martial Art Supply, Inc., who is concerned about unfair competition enjoyed by another company which is not in compliance with EPA regulations. Because of my desire to be responsive to all inquiries and communications received in my office, I would appreciate any consideration you may be able to give this situation.

Please direct any questions and your response to my Oklahoma City Office, Attn: PM, 621 N. Robinson, Suite 370, Oklahoma City, OK 73102. I would greatly appreciate any assistance you may be able to provide in this matter.

Sincerely,


David L. Boren
United States Senator

DLB/pm:e

Enclosure

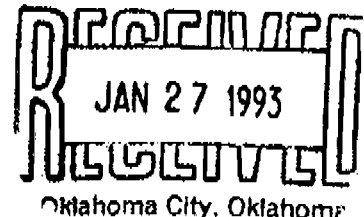
**CENTURY MARTIAL ART SUPPLY, INC.**

1705 NATIONAL BLVD. MIDWEST CITY, OKLAHOMA 73110-7842 • (405) 732-2220 • FAX (405) 737-0954

January 26, 1993

The Honorable David Boren
U. S. Senator
602 N. Robinson
Oklahoma City, OK 73102

SEN. DAVID BOREN



Dear Senator Boren:

My purpose in writing is to advise you of a situation that I believe creates unfair competition between Century Martial Art Supply, Inc. and a competitor, Macho Products, Inc., for the sale of vinyl coated martial art sparring gear.

The U.S. produced vinyl coated sparring gear that Century sells is manufactured by a company in compliance with EPA regulations. Our supplier incurred great expense to meet EPA regulations and the cost of that compliance is built into the price we pay for their product. Our competitor enjoys a cost advantage because they are spared the expense of EPA compliance.

Since about 1981, Macho Products, Inc., 2550 Kirby Avenue, NE, Palm Bay, FL 32905 (Ref. EPA No. FL 005-03-88826) has used Section 313 toxic chemicals Toluene and Methyl Ethyl Ketone in the manufacture of vinyl coated sparring products. In November, 1989, the Florida Department of Environmental Regulation (FDER) issued Macho Products, Inc. a construct permit requiring the installation of state-of-the art pollution control devices or conversion to a water based or low solvent content coating in the manufacture of these products. The date for compliance was January 1, 1993.

On January 14, 1993, my office contacted John Reynolds, Permitting Engineer, FDER, Tallahassee, to determine if Macho Products had met the required deadline. Mr. Reynolds, who in May, 1990 was instrumental in our obtaining a copy of the Macho construct permit, referred me to Alan Zahm, FDER, Orlando.

Mr. Zahm informed us that in December, 1992, the Tallahassee office of FDER accepted a plan presented by Macho Products, Inc. to relocate and construct a state-of-the-art facility. The compliance date for the new facility is July 1, 1994. Mr. Zahm suggested that we again call Mr. Reynolds to get a copy of agreement negotiated with Macho. Mr. Reynolds stated that no formal agreement exists. He responded to questions about the timing of the extension, penalties and/or production limitations resulting from failure to comply, with "...in this economy we try to accommodate..."

The Honorable David Boren
January 26, 1993
Page 2

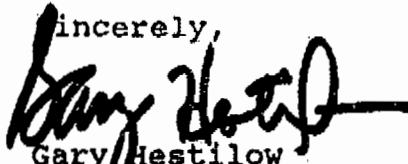
Responding to a request from my office, Mr. Zahm provided a copy of a letter from Macho Products to the Tallahassee office of FDER, outlining their timetable for construction of a new facility.

I view this situation as unfair competition because Macho Products, Inc., after a three year mandate, has taken no positive action to control pollution. The FDER has given them authority to continue ignoring EPA requirements for another 18 months with no apparent penalties.

An appropriate penalty should be assessed to a company whose response to an EPA deadline is to propose an alternative plan that allows them to continue polluting for additional lengthy period.

I would appreciate your reviewing this situation and bringing it to the attention of appropriate federal EPA officials.

Sincerely,



Gary Hestilow
President

ENC: MACHO PRODUCTS LETTER DTD. 1/29/92
FDER PERMIT DTD. 11/14/89

John - FYI

I N T E R O F F I C E M E M O R A N D U M

Date: 11-May-1993 10:49am EST
From: Dea Wahlen TAL
WAHLEN_D
Dept: Office General Counsel
Tel No: (904) 488-9730
SUNCOM: 278-9730

TO: Alex Alexander ORL
TO: Patty Adams TAL

(ALEXANDER_A)
(ADAMS_P)

Subject: Macho Products, Inc.

On May 10, 1993, we received from Vero Lakes Estates Homeowners Association, Sebastian Home Owners Association, and four other parties a third-party petition for hearing concerning AC31-225067, Macho Products, Inc.

*Dismissed
per Rick Hathaway
7/1*

April 16, 1993

FAX to: Florida Dept of Environmental Regulation
904 487 4938, 904 922 6979
Attn: John Reynolds

From: Rick Hathaway, Macho Products
407 729 6137
FAX 407 769 2598

RECEIVED
APR 20 1993
Division of Air
Resources Management

Dear John

We had hoped to complete our new factory by fall, but events are taking more time. Demand has increased over 20 percent this year. At current rates, we will reach our permitted solvent-use level in late October or early November. We would like to apply for a Permit Modification for an increase in solvent emissions from 208.5 tons to about 249 tons.

This Modification is of a temporary nature. As soon as the Permit for our new plant is obtained, we expect to build the plant as quickly as possible, in about six months.

My understanding is that we must complete and submit a Permit Application. Geraghty and Miller in Melbourne will again be our engineers.

I appreciate your assistance in this matter and will try to call you on Monday.

Sincerely

Rick Hathaway

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF PERMIT

In the matter of an
Application for Permit by:

DER File No. AC05-230726
Brevard County


Dudley J. Gordon
Macho Products, Inc.
2550 Kirby Avenue
Palm Bay, Florida 32905

Enclosed is Permit Number AC05-230726 to temporarily increase production of the vinyl dipping operation at the Palm Bay facility, issued pursuant to Section(s) 403, Florida Statutes.

Any party to this Order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, Florida Statutes, 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 Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; 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 Notice is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

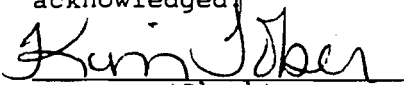

C. H. Fancy, P.E., Chief
Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400
904-488-1344

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT and all copies were mailed before the close of business on 9-14-93 to the listed persons.

Clerk Stamp

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


(Clerk)

9-14-93
(Date)

Copies furnished to:
C. Collins, CD
G. Leonard, P.E.

Final Determination

Macho Products, Inc.
Brevard County
Palm Bay, Florida

Temporary Production Increase for
Existing Vinyl Coating Facility
Permit No. AC 05-230726

Department of Environmental Protection
Division of Air Resources Management
Bureau of Air Regulation

September 7, 1993

Final Determination

The Technical Evaluation and Preliminary Determination for the permit to temporarily increase production of the vinyl dipping operation at the Macho Products facility in Palm Bay, Brevard County, Florida, was distributed on July 23, 1993. The Notice of Intent to Issue was published in the Florida Today newspaper on August 10, 1993. Copies of the evaluation were available for public inspection at the Department's offices in Orlando and Tallahassee.

No comments were submitted on the Department's Intent to Issue the permit. The final action of the Department will be to issue construction permit AC 05-230726 as proposed in the Technical Evaluation and Preliminary Determination.



Lawton Chiles
Governor

Florida Department of Environmental Protection

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

Virginia B. Wetherell
Secretary

PERMITTEE:
Macho Products, Inc.
2250 Kirby Avenue
Palm Bay, Florida 32905

Permit Number: AC 05-230726
Expiration Date: July 1, 1994
County: Brevard
Latitude/Longitude: 28°02'21"N
80°35'33"W

Project: Temporary Production
Increase for Vinyl
Coating Facility

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 17-212 and 17-4. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawings, plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

For the temporary increase in solvent consumption from 205.5 tons per year of VOCs to 243.4 tons per year of VOCs. This facility is located in Palm Bay, Brevard County, Florida. The UTM coordinates of this site are Zone 17, 539.8 km E and 3, 101.4 Km N.

The source shall be constructed in accordance with the permit application, plans, documents, amendments and drawings, except as otherwise noted in the General and Specific Conditions.

Attachments are listed below:

1. Application to Operate/Construct Air Pollution Sources, DEP Form 17-202(1), received on May 3, 1993.
2. Hopping, Boyd, Green & Sams letter dated May 26, 1993.

PERMITTEE:
Macho Products, Inc.

Permit Number: AC 05-230726
Expiration Date: July 1, 1994

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 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. 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), Florida Statutes, 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 the 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 or 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 or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

PERMITTEE:
Macho Products, Inc.

Permit Number: AC 05-230726
Expiration Date: July 1, 1994

GENERAL CONDITIONS:

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 a reasonable time, 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 the conditions of the 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 non-compliance; and
- b. the period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

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.

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 Sections 403.73 and 403.111, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

PERMITTEE:
Macho Products, Inc.

Permit Number: AC 05-230726
Expiration Date: July 1, 1994

GENERAL CONDITIONS:

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 Florida Administrative Code Rules 17-4.120 and 17-730.300, 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. 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 instrumentation) 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:
 - the date, exact place, and time of sampling or measurements;
 - the person responsible for performing the sampling or measurements;
 - the dates analyses were performed;
 - the person responsible for performing the analyses;
 - the analytical techniques or methods used; and
 - the results of such analyses.

14. 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 that 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.

PERMITTEE:
Macho Products, Inc.

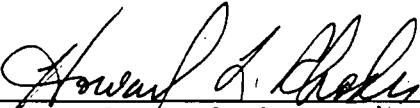
Permit Number: AC 05-230726
Expiration Date: July 1, 1994

SPECIFIC CONDITIONS:

1. The construction and operation of this source shall be in accordance with the capacities and specifications stated in the application.
2. The source shall be allowed to operate for up to 4,160 hours per year.
3. VOC emissions from the source shall not be greater than 243.4 tons per year (based on the period from July 1, 1993, through July 1, 1994)..
4. No air pollutants shall be discharged which cause or contribute to an objectionable odor.
5. Continuous VOC compliance shall be demonstrated by EPA Method 24, Determination of Volatile Matter Content, 40 CFR 60, Appendix A. The manufacturer's stated VOC content shall be acceptable for the compliance determination if determined by EPA Method 24.
6. This facility shall be permanently closed by July 1, 1994, or upon startup of the permittee's new plant in Indian River county, whichever first occurs. The Department recognizes that notwithstanding the Permittee's best efforts to comply with the commitments in this Specific Condition, events beyond the Permittee's control may prevent or delay the actual startup date of the new plant. Such events include, but are not limited to, natural disasters, contractual or labor difficulties, or administrative proceedings by third parties which delay issuance of any permit needed to undertake the referenced activity or alternative thereto. Should the startup of the new plant be delayed by such causes, the Department shall consider modifying this condition accordingly.

Issued this 13 day
of September, 1993

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Howard L. Rhodes, Director
Division of Air Resources
Management