



Lawton Chiles
Governor

Florida Department of Environmental Protection

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

Virginia B. Wetherell
Secretary

July 23, 1993.

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

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

Dear Mr. Gordon:

Attached are the Technical Evaluation and Preliminary Determination and proposed permit for temporarily increasing the production rate of the vinyl dipping operation at your facility in Palm Bay, Florida.

Please submit any written comments you wish to have considered concerning the Department's proposed action to Mr. Preston Lewis of the Bureau of Air Regulation.

Sincerely,

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

CHF/JR/bjb

Attachments

cc: C. Collins, Central District
G. Leonard, P.E.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CERTIFIED MAIL

In the Matter of an
Application for Permit by:

DER File No. AC 05-230726
Brevard County

Macho Products, Inc.
2550 Kirby Avenue
Palm Bay, FL 32905

INTENT TO ISSUE

The Department of Environmental Protection gives notice of its intent to issue a permit (copy attached) for the proposed project as detailed in the application specified above, for the reasons stated in the attached Technical Evaluation and Preliminary Determination.

The applicant, Macho Products, Inc., applied on May 3, 1993, to the Department of Environmental Protection for a permit to temporarily increase the production rate of the vinyl dipping operation at their facility in Palm Bay, Brevard County, Florida. The applicant's facility will be permanently closed when their new plant in Indian River County begins operation by July 1, 1994.

The Department has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes and Florida Administrative Code (F.A.C.) Chapters 17-296 and 17-4. The project is not exempt from permitting procedures. The Department has determined that a construction permit is required for the proposed work.

Pursuant to Section 403.815, Florida Statutes and Rule 17-103.150, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Issue Permit OR Permits. The notice shall be published one time only within 30 days in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit OR permits.

The Department will issue the permit with the attached conditions unless a petition for an administrative proceeding (hearing) is filed pursuant to the provisions of Section 120.57, F.S.

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 of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Petitions filed by the permit applicant and the parties listed below must be filed within 14 days of receipt of this intent. Petitions filed by other persons must be filed within 14 days of publication of the public notice or within 14 days of their receipt of this intent, whichever first occurs. 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

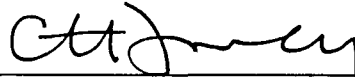
(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this intent. 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 specified above and be filed (received) within 14 days of receipt of this intent 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 28-5.207, F.A.C.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



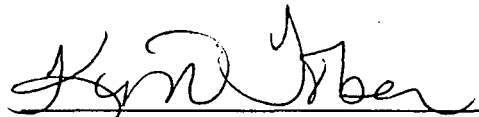
C. H. Fancy, P.E., Chief
Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399
904-488-1344

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this INTENT TO ISSUE and all copies were mailed by certified mail before the close of business on 7-28-93 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

7-28-93
Date

Copies furnished to:

C. Collins, Central District
G. Leonard, P.E.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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 32905, 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 of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, 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. Accordingly, 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 specified 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 28-5.207, 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:

Department of Environmental Protection
Bureau of Air Regulation
111 S. Magnolia Drive, Suite 4
Tallahassee, Florida 32301

Department of Environmental Protection
Central District
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803-3767

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.

Technical Evaluation
and
Preliminary Determination

Macho Products, Inc.
Brevard County
Palm Bay, Florida

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

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

July 23, 1993

I. Application Information

A. Applicant

Macho Products, Inc.
2550 Kirby Avenue N.E.
Palm Bay, Florida 32905

B. Request

The Department received an application on May 3, 1993, for a permit to increase the production rate of the existing vinyl dipping facility in Palm Bay, Brevard County, Florida. The application was deemed complete on June 3, 1993.

C. Location/Classification

The applicant's martial arts equipment manufacturing facility (SIC Code 3949) is located in Palm Bay at latitude and longitude of 28°02'21"N and 80°35'33"W, respectively. UTM coordinates of the site are Zone 17, 539.8 km E and 3101.4 km N.

II. Project Description/Emissions

The applicant currently operates a martial arts equipment manufacturing plant in a leased building in which foam-covered sparring gear are dip-coated with a vinyl material. The uncontrolled vinyl dipping process presently emits about 206 tons of VOCs per year. In June, 1989, the applicant applied for a construction permit to install a ventilation duct system for removal of VOCs from the work areas. The Department issued the permit in November, 1989, under the condition that either a VOC pollution control device be installed or the process be converted to water-based technology by January 1, 1993. In February, 1992, the permit was amended to require installation of one of the options by July 1, 1994. After investigating conversion to water-based technology, the applicant decided in 1992 to relocate and build a state-of-the-art facility with a VOC pollution control device. The applicant recently obtained a construction permit to relocate the plant to a site in Indian River County. The new facility will have state-of-the-art emission controls and is scheduled to be completed by July 1, 1994. Requested for the current site is an increase to about 243 tons of VOCs per year based on operation at the present site only until the new plant begins operation, or no later than July 1, 1994. Therefore, this request is for a temporary increase in allowable emissions which will expire on July 1, 1994, or when the new plant begins operation.

III. Rule Applicability

The permit application is subject to review under Chapter 403, Florida Statutes, and Florida Administrative Code (F.A.C.) Chapters 17-296 and 17-4. The facility is located in an area classified as attainment for all of the regulated air pollutants. Applicable rules are F.A.C. Rule 17-212.300; Sources Not Subject to Prevention of Significant Deterioration

or Nonattainment Requirements and F.A.C. Rule 17-296.320, General Pollutant Emission Limiting Standards.

IV. Conclusion

Based on the information provided by Macho Products, Inc., the Department has reasonable assurance that the proposed modification, as described in this evaluation and subject to the conditions proposed herein, will not cause or contribute to a violation of any air quality standard, PSD increment, or any other technical provision of the air pollution rules of the Florida Administrative Code.

[Handwritten Signature]
#41755



Florida Department of Environmental Protection

Lawton Chiles
Governor

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 _____ day
of _____, 1993

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Howard L. Rhodes, Director
Division of Air Resources
Management