

Florida Department of Environmental Protection
3900 Commonwealth Blvd. MS49
Tallahassee, FL. 32399

Dear Sirs:

Attached is our company's Part 1 Permit application for the development of maximum achievable Control technology (M.A.C.T.) standards.

Please contact me should you have any questions.

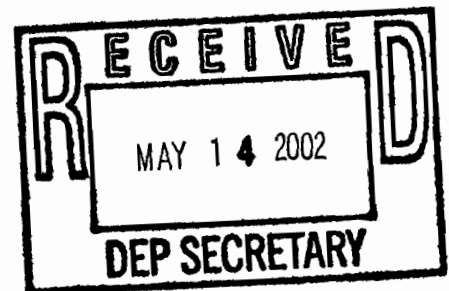
Sincerely,

Richard Hewitt, III
President

cc: Environmental Protection Agency

RECEIVED
MAY 16 2002

BUREAU OF AIR REGULATION



Section 112(j) Part 1 PERMIT APPLICATION & APPLICABILITY DETERMINATION

RECEIVED
MAY 16 2002

(Instructions are Attached)

Please type or print clearly.

1. APPLICANT NAME: (Business License Name of Corporation, Municipality, Individual Owner, Government Agency) (40 C.F.R. §63.53(a)(1))		2. APPLICANT ADDRESS: (Number and Street) (40 C.F.R. §63.53(a)(1))	
SONIC USA, Inc.		BUREAU OF AIR REGULATION	
3. LOCATION OF EMISSION UNIT(S): (Number and Street) (if different than item 2) (40 C.F.R. §63.53(a)(1))		CITY: (City or Village)	
3600 N & 9th Avenue		Hollywood	
CITY: (City or Village)	STATE:	ZIP CODE:	STATE:
Hollywood	FL	33020	
4. GENERAL NATURE OF BUSINESS (40 C.F.R. §63.53(a)(2)) (INCLUDE A BRIEF DESCRIPTION OF THE MAJOR SOURCE):			
FIBERGLASS BOAT MANUFACTURER			
5. FACILITY CODES:			
STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE: 375 206		STATE REGISTRATION (EMISSION INVENTORY) NO.:	
6. IDENTIFICATION OF THE POTENTIALLY RELEVANT SOURCE CATEGORIES FOR THE MAJOR SOURCE. (See instructions for any available description of the listed categories) (NOTE: this list was developed primarily for auto assembly operations. Not every assembly facility will be covered by every one of the source categories listed below. Likewise, there are additional MACT rules pending for additional source categories than those listed below, which may apply to individual facilities.)			
<input type="checkbox"/> Engine Test Facility <input type="checkbox"/> Industrial, Commercial, and Institutional Boilers & Process Heaters <input type="checkbox"/> Miscellaneous Metal Parts (Surface Coating) <input checked="" type="checkbox"/> Plastic Parts (Surface Coating) <input type="checkbox"/> Other: _____			
ADDITIONAL DESCRIPTIVE INFORMATION:			
① Painting of Fiberglass Parts in a Fully Contained Paint Booth with compliant Airwork/airless permit ② Adhesives for Bonding Hull/Deck/liner components			
7. IDENTIFY THE TYPES OF EMISSION POINTS BELONGING TO THE RELEVANT SOURCE CATEGORY (40 C.F.R. §63.53(a)(3)). APPLICANTS MAY SATISFY THIS REQUIREMENT BY USING THE ATTACHED TABLE 1 TO IDENTIFY THE RELEVANT TITLE V PERMIT EMISSION UNITS.			
see TABLE 1 (Attached)			
8a. IDENTIFY ANY NEW OR RECONSTRUCTED SOURCES FOR WHICH A SECTION 112(g) MACT DETERMINATION HAS BEEN MADE AT THIS MAJOR SOURCE AND INDICATE THE AFFECTED EMISSION UNITS AND THE RELEVANT SOURCE CATEGORY (40 C.F.R. §63.53(a)(4)).			
8b. IF A SECTION 112(g) DETERMINATION HAS BEEN MADE, THEN			
<input type="checkbox"/> THE APPLICANT ASSERTS THAT THIS SECTION 112(g) DETERMINATION IS EQUIVALENT TO A SECTION 112(j) DETERMINATION FOR THIS EMISSION UNIT AND REQUESTS AN EQUIVALENCY DETERMINATION. <input checked="" type="checkbox"/> THE APPLICANT REASONABLY BELIEVES THAT A SECTION 112(j) MACT DETERMINATION SHOULD BE MADE FOR THIS EMISSION UNIT AND REQUESTS AN APPLICABILITY DETERMINATION.			
9. NAME & TITLE OF RESPONSIBLE OFFICIAL		DATE:	
Richard Hewitt, Pres.		MAY 9, 2002	
SIGNATURE:		PHONE NUMBER: (Include Area Code)	
TITLE: <i>Pres</i>		954) 922-5596	
10. CONTACT PERSON NAME: (if different than name in item 9)		PHONE NUMBER: (Include Area Code)	

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MAY 16 2002

This Part 1 application package was developed as a service to members of the Alliance of Automobile Manufacturers for their use in submitting applications to States and the U.S. Environmental Protection Agency concerning facilities that may be subject to a delayed MACT standard, pursuant to EPA's 112(j) regulations (40 C.F.R. §63 Subpart B). Alliance members and non-members are free to use the form in whole or in part as they deem appropriate. Applicants are free to tailor this form to meet their individual needs and any specific state requirements. The legal responsibility for meeting regulatory requirements is solely that of the entity submitting the permit application. The Alliance and its contractors are not responsible for use of these forms to comply with the requirements of Section 112(j) of the Clean Air Act.

BUREAU OF AIR REGULATION

P. 04/04

TABLE 1: TITLE V EMISSION UNITS POTENTIALLY SUBJECT TO 112(j)

EMISSION UNIT ID (FROM TITLE V PERMIT OR APPLICATION)	EMISSION UNIT DESCRIPTION (FROM TITLE V PERMIT OR APPLICATION)	POTENTIAL MACT SOURCE CATEGORY THAT IS SUBJECT TO 112(j)	IS THERE A 112(j) MACT SOURCE CATEGORY APPLICABLE TO THE EMISSION UNIT?	HAS A MACT STANDARD BEEN PROPOSED FOR THIS CATEGORY?	REQUEST AN APPLICABILITY DETERMINATION?
Painting of Assembled Fiberglass Boat	Paint Booth (Licensed)	SELECT A SOURCE CATEGORY PLASTIC PARTS COATING MACT	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>
Hull/Deck/Liner Assembly Area	Assembly Area	SELECT A SOURCE CATEGORY PLASTIC PARTS COATING MACT	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>
		SELECT A SOURCE CATEGORY	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>
		SELECT A SOURCE CATEGORY	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>
		SELECT A SOURCE CATEGORY	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>
		SELECT A SOURCE CATEGORY	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>
		SELECT A SOURCE CATEGORY	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>
		SELECT A SOURCE CATEGORY	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>

This list of Emission Units conforms to the list of Emission Units under the Title V Permit, Draft Title V Permit, Proposed Title V Permit, or the Title V application for this facility. There may be emission units within the facility which are insignificant emission units, or do not have any associated applicable requirements, or are otherwise exempt from being listed as emission units under Title V. (herein referred to as "de minimis units"). These de minimis units have been disclosed to the Agency during the Title V process and may even be listed in Staff Activity Reports or similar documents. These de minimis units are not listed in this table if the applicant has reasonably determined that these de minimis units do not fall under any listed source categories subject to Section 112(j) requirements. The applicant does not intend to take any further action on behalf of these de minimis units unless the Agency notifies the Applicant otherwise, in a timely fashion, consistent with the time-frames associated with applicability determinations.

This source category was selected based upon reasonable belief that the listed emission units may fall into the listed source category. Since there are no final rules defining the applicability of the upcoming MACT standards, this is a tentative determination made by the Applicant based on information available at the time of submittal of this form. For those emission units which may reasonably be determined to have an applicable source category, a Part 2 application will be submitted unless the Agency notifies the Applicant otherwise.

This column addresses standards that have been proposed up to the date of this submittal. (Please note that some pending MACT standards will be proposed after this Part 1 application is due.)

For those emission units where the "YES" box is checked in this column, the Applicant specifically requests that an applicability determination be made by the Agency in a timely fashion. The Applicant will take no further action regarding submittal of a Part 2 application for these emission units until the Agency affirmatively notifies the Applicant that such a submittal is required.

MAY-15-2002 08:26

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MAY 16 2002

BUREAU OF AIR REGULATION

FL-50-11 70/61/68
TOTAL P.04



Florida Department of Environmental Protection
 3900 Commonwealth Blvd. MS49
 Tallahassee, FL. 32399

Dear Sirs:

Attached is our company's Part 1 Permit application for the development of maximum achievable Control technology (M.A.C.T.) standards.

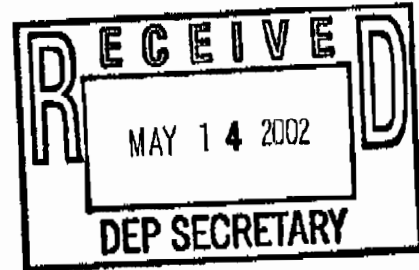
Please contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Hewitt, III".

Richard Hewitt, III
 President

cc: Environmental Protection Agency



The first sentence of 60.58c(d) sets the base date for the periodic reporting as the date of submittal of “the information in paragraph (c) of this section.” Paragraph (c) deals with reporting the results of the initial stack tests confirming that the modifications to the incinerator enable it to operate within the emission limitations of the subpart. Thus, the timing of subsequent reports is predicated on the submittal date of the initial stack test report.

Most of the confusion arises from the first paragraph in the box above. It starts out by defining an “annual report,” then states that it is to be submitted semiannually for Title V facilities, and then refers to it again as the “annual report” in the last sentence when it defines what is to be included. Since, as far as I have been able to determine, all of our HMIWI in Florida permitted under this subpart are at Title V facilities, this will be a semiannual report for our purposes; but the subpart persists in calling it an annual report. The picture is further confused by the next paragraph in the subpart, quoted below.

60.58c(e) The owner or operator of an affected facility shall submit semiannual reports containing any information recorded under paragraphs (b)(3) through (b)(5) of this section no later than 60 days following the reporting period. The first semiannual reporting period ends 6 months following the submission of information in paragraph (c) of this section. Subsequent reports shall be submitted no later than 6 calendar months following the previous report. All reports shall be signed by the facilities manager.

This paragraph adds confusion by defining a “semiannual report” after telling Title V operators that they must submit the “annual report” semiannually. Note that the information required by 60.58c(e) duplicates the requirement in 60.58c(d)(4).

THE BOTTOM LINE—WHAT AND WHEN DO THEY REALLY NEED TO REPORT?: Six months after the submittal of the initial test report and every six months thereafter, Title V facilities with HMIWI permitted under Subpart Ce should submit reports containing the information listed in paragraphs 60.58c(d)(1) through 60.58c(d)(8). The semiannual timing for Title V purposes overrides the annual timing specified for the more general case. They do not need to submit another report as outlined in paragraph 60.58c(e), since all of those elements are a subset of the requirements of 60.58c(d). One final consideration: all reports from Title V facilities must be signed by the Responsible Official, who is not necessarily the facility manager.

Joe Cox, Engineer III
Southwest District
(813) 744-6100, ext 129
SUNCOM 512-1042, ext 129

Best Available Copy

Section 112(j) Part 1 PERMIT APPLICATION & APPLICABILITY DETERMINATION

(Instructions are Attached)

Please type or print clearly.

1. APPLICANT NAME: (Business License Name or Corporation, Partnership, Individual Owner, Government Agency) (40 C.F.R. §63.53(a)(1)) SONIC USA, INC.		2. APPLICANT ADDRESS: (Number and Street) (40 C.F.R. §63.53(a)(1))	
3. LOCATION OF EMISSION UNIT(S): (Number and Street) (if different than item 2) (40 C.F.R. §63.53(a)(1)) 2600 N. 29th Avenue		CITY: (City or Village)	
CITY: (City or Village) Hollywood	STATE: FL	ZIP CODE: 33020	STATE: ZIP CODE:
4. GENERAL NATURE OF BUSINESS (40 C.F.R. §63.53(a)(2)) (INCLUDE A BRIEF DESCRIPTION OF THE MAJOR SOURCE): FIBERGLASS BOAT MANUFACTURER			
5. FACILITY CODES: STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE: 375206 STATE REGISTRATION (EMISSION INVENTORY) NO.:			
6. IDENTIFICATION OF THE POTENTIALLY RELEVANT SOURCE CATEGORIES FOR THE MAJOR SOURCE (See instructions for any available description of the listed categories) (NOTE: this list was developed primarily for auto assembly operations. No every assembly facility will be covered by every one of the source categories listed below. Likewise, there are additional MACT rules pending for additional source categories than those listed below, which may apply to individual facilities.)			
<input type="checkbox"/> Engine Test Facility <input type="checkbox"/> Industrial, Commercial, and Institutional Boilers & Process Heaters <input type="checkbox"/> Miscellaneous Metal Parts (Surface Coating) <input checked="" type="checkbox"/> Plastic Parts (Surface Coating) <input type="checkbox"/> Other:			
ADDITIONAL DESCRIPTIVE INFORMATION: ① PAINTING OF FIBERGLASS PARTS IN A FULLY CONTAINED PAINT BOOTH WITH CARBONACT AIRWORKINGS PERMIT ② RESINS FOR BONDING HULL/DECKLINE COMPONENTS			
7. IDENTIFY THE TYPES OF EMISSION POINTS BELONGING TO THE RELEVANT SOURCE CATEGORY (40 C.F.R. §63.53(a)(3)). APPLICANTS MAY SATISFY THIS REQUIREMENT BY USING THE ATTACHED TABLE 1 TO IDENTIFY THE RELEVANT TITLE V PERMIT EMISSION UNITS. see table 1 (attached)			
8a. IDENTIFY ANY NEW OR RECONSTRUCTED SOURCES FOR WHICH A SECTION 112(j) MACT DETERMINATION HAS BEEN MADE AT THIS MAJOR SOURCE AND INDICATE THE AFFECTED EMISSION UNITS AND THE RELEVANT SOURCE CATEGORY (40 C.F.R. §63.53(a)(4)).			
8b. IF A SECTION 112(j) DETERMINATION HAS BEEN MADE, THEN			
<input type="checkbox"/> THE APPLICANT ASSERTS THAT THIS SECTION 112(j) DETERMINATION IS EQUIVALENT TO A SECTION 112(j) DETERMINATION FOR THIS EMISSION UNIT AND REQUESTS AN EQUIVALENCY DETERMINATION. <input checked="" type="checkbox"/> THE APPLICANT REASONABLY BELIEVES THAT A SECTION 112(j) MACT DETERMINATION SHOULD BE MADE FOR THIS EMISSION UNIT AND REQUESTS AN APPLICABILITY DETERMINATION.			
9. NAME & TITLE OF RESPONSIBLE OFFICIAL: Richard Hewitt, Pres.		DATE: MAY 9, 2002	PHONE NUMBER: (Include Area Code) (954) 922-5535
I certify that based on information and belief formed by reasonable inquiry, the statements and information in this submittal are true, accurate, and complete. This submittal constitutes a good faith effort to provide full disclosure and notification of the emission units at this facility that may reasonably be determined to be subject to a Section 112(j) requirement.			
SIGNATURE:		TITLE: Pres.	
10. CONTACT PERSON NAME: (if different than name in item 9)		PHONE NUMBER: (Include Area Code)	
		E-MAIL ADDRESS:	

The Part 1 application package was developed as a service to members of the Alliance of Automobile Manufacturers for their use in submitting information to States and the U. S. Environmental Protection Agency concerning facilities that may be subject to a delayed MACT standard, pursuant to EPA's 112(j) regulations (40 C.F.R. §63 Subpart B). Alliance members and non-members are free to use this form in whole or in part as they deem appropriate. Applicants are free to tailor this form to meet their individual needs and any specific state requirements. The legal responsibility for meeting regulatory requirements is solely that of the entity submitting the permit application. The Alliance and its contractors are not responsible for use of these forms to comply with the requirements of Section 112(j) of the Clean Air Act.

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PAGE 04
P. 04/04

DEP OMBUDSMAN'S OFF.

850-487-3267
05/15/2002 09:03

TABLE 1: TITLE V EMISSION UNITS POTENTIALLY SUBJECT TO 112(j)

EMISSION UNIT ID (FROM TITLE V PERMIT OR APPLICATION)	EMISSION UNIT DESCRIPTION (FROM TITLE V PERMIT OR APPLICATION)	POTENTIAL MACT SOURCE CATEGORY THAT IS SUBJECT TO 112(j)	IS THERE A 112(j) MACT SOURCE CATEGORY APPLICABLE TO THE EMISSION UNIT?	HAS A MACT STANDARD BEEN PROPOSED FOR THIS CATEGORY?	REQUEST AN APPLICABILITY DETERMINATION?
PAINTING / RESEMBLED FIBERGLASS BOAT	PAINT BOOTH (LICENSED)	SELECT A SOURCE CATEGORY PLASTIC PARTS COATING MACT	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>
HULL/DECK/LINER ASSEMBLY AREA	ASSEMBLY AREA	SELECT A SOURCE CATEGORY PLASTIC PARTS COATING MACT	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>
		SELECT A SOURCE CATEGORY	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>
		SELECT A SOURCE CATEGORY	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>
		SELECT A SOURCE CATEGORY	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>
		SELECT A SOURCE CATEGORY	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>
		SELECT A SOURCE CATEGORY	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>
		SELECT A SOURCE CATEGORY	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>

This list of Emission Units conforms to the list of Emission Units under the Title V Permit, Draft Title V Permit, Proposed Title V Permit, or the Title V application for this facility. There may be emission units within the facility which are insignificant emission units, or do not have any associated applicable requirements, or are otherwise exempt from being listed as emission units under Title V. (herein referred to as "de minimis units"). These de minimis units have been disclosed to the Agency during the Title V process and may even be listed in Staff Activity Reports or similar documents. These de minimis units are not listed in this table if the applicant has reasonably determined that these de minimis units do not fall under any listed source categories subject to Section 112(j) requirements. The applicant does not intend to take any further action on behalf of these de minimis units unless the Agency notifies the Applicant otherwise, in a timely fashion, consistent with the time-frames associated with applicability determinations.

This source category was selected based upon reasonable belief that the listed emission units may fall into the listed source category. Since there are no final rules defining the applicability of the upcoming MACT standards, this is a tentative determination made by the Applicant based on information available at the time of submittal of this form. For those emission units which may reasonably be determined to use an applicable source category, a Part 2 application will be submitted unless the Agency notifies the Applicant otherwise.

This column addresses standards that have been proposed up to the date of this submittal. (Please note that some pending MACT standards will be proposed after this Part 1 application is due.)

For those emission units where the "YES" box is checked in this column, the Applicant specifically requests that an applicability determination be made by the Agency in a timely fashion. The Applicant will take no further action regarding submittal of a Part 2 application for these emission units until the Agency affirmatively notifies the Applicant that such a submittal is required.

850-487-3267
 P. 04/04
 TOTAL P. 04

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Office of the Secretary Correspondence Control

Correspond Number	Date Received
-------------------	---------------

EO-09346 05/14/02

Name: Richard Hewitt, III
Organization: Sonic USA, Inc.
Address: 3600 North 29th Avenue
City/State/Zip: Hollywood, FL 33020
County: Broward
Phone: 954-922-5535

Assigned to: Air Resource Management

Instructions: Handle Appropriately
Division/District Director to handle as deemed appropriate. No need to report response to OMB.

Assigned by Joni Scott, Office of Ombudsman 850/921-1222, SC 291-1222, Fax: 850/487-3267,
Email: joni.scott@dep.state.fl.us

If there are any concerns with assignment, due date, etc., the OMB analyst listed above should be contacted immediately.

Fax: 922-6979

Mary,

We received the letter w/out attachments yesterday. They fax appl. today as today is the deadline for submitting these. I called Cindy Phillips to let her know this was on the way.

Thanks,

Joni

**CLARIFICATION OF PERIODIC REPORTING REQUIREMENTS
FOR HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS (HMIWI)
REGULATED UNDER 40 CFR 60, SUBPART Ce**

A consultant for one of the hospitals in the Southwest District requested clarification of reporting requirements for a HMIWI regulated under Subpart Ce. In addition to reading the subpart and attempting to decipher its meaning myself, I consulted John Glunn. When he and I had reached agreement as to what we thought it meant, John suggested I check with EPA's expert on the matter—Rick Copeland, (919) 541-5265. Rick agreed with the interpretation John and I had come to, so I believe we are on solid ground when we tell operators what they need to report and when.

The confusion arises from terms used and instructions given in 40 CFR 60.58c. I have extracted the relevant paragraphs below and follow them with discussion of the confusion and the conclusion reached in consultation with John Glunn and Rick Copeland. To avoid any confusion over what is extracted from 40 CFR 60 and what is my writing, I will use a different type face for the extraction and enclose it in a box.

60.58c(d) An annual report shall be submitted 1 year following the submission of the information in paragraph (c) of this section and subsequent reports shall be submitted no more than 12 months following the previous report (once the unit is subject to permitting requirements under Title V of the Clean Air Act, the owner or operator of an affected facility must submit these reports semiannually). The annual report shall include the information specified in paragraphs (d)(1) through (d)(8) of this section. All reports shall be signed by the facilities manager.

(1) The values for the site-specific operating parameters established pursuant to § 60.56c(d)or(i), as applicable.

(2) The highest maximum operating parameter and the lowest minimum operating parameter, as applicable, for each operating parameter recorded for the calendar year being reported, pursuant to § 60.56c(d)or(i), as applicable.

(3) The highest maximum operating parameter and the lowest minimum operating parameter, as applicable for each operating parameter recorded pursuant to § 60.56c(d)or(i) for the calendar year preceding the year being reported, in order to provide the Administrator with a summary of the performance of the affected facility over a 2-year period.

(4) Any information recorded under paragraphs (b)(3) through (b)(5) of this section for the calendar year being reported.

(5) Any information recorded under paragraphs (b)(3) through (b)(5) of this section for the calendar year preceding the year being reported, in order to provide the Administrator with a summary of the performance of the affected facility over a 2-year period.

(6) If a performance test was conducted during the reporting period, the results of that test.

(7) If no exceedances or malfunctions were reported under paragraphs (b)(3) through (b)(5) of this section for the calendar year being reported, a statement that no exceedances occurred during the reporting period.

(8) Any use of the bypass stack, the duration, reason for malfunction, and corrective action taken.



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

June 12, 2002

Mr. Richard Hewitt, III
President
Sonic USA, Inc.
3600 North 29th Avenue
Hollywood, Florida 33020

Re: Request for Determination of MACT Applicability

Dear Mr. Hewitt

In response to your information received May 15, 2002 which requests that the Department make a determination of MACT applicability for your plant, I have attached Chapter 28-105, F.A.C., Declaratory Statements, which specifies the procedure that you must follow in order for us to comply with your request.

The Department's Agency Clerk is Kathy Carter. Her address is:

Kathy Carter, Agency Clerk
Florida Department of Environmental Protection
MS 35
3900 Commonwealth Boulevard
Tallahassee FL 32399-3000

Thank you for submitting the 112(j) notification information. Your information submittal appears to meet our current 112(j) requirements.

Please be aware that, although your letter refers to this information submittal as a "Part 1 Permit application," the Department does not recognize your submittal as a state permit application and has no plans to process it as such.

No further 112(j) information is needed from you at this time. If you have any questions, concerning this matter, please contact me at 850/921-9534.

Sincerely,

Cindy L. Phillips, P.E.
Bureau of Air Regulation

attachment

"More Protection, Less Process"

Printed on recycled paper.

CHAPTER 28-105, F.A.C.

DECLARATORY STATEMENTS

28-105.001 Purpose and Use of Declaratory Statement.

A declaratory statement is a means for resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the agency has authority. A petition for declaratory statement may be used only to resolve questions or doubts as to how the statutes, rules, or orders may apply to the petitioner's particular circumstances. A declaratory statement is not the appropriate means for determining the conduct of another person or for obtaining a policy statement of general applicability from an agency. A petition for declaratory statement must describe the potential impact of statutes, rules, or orders upon the petitioner's interests.

28-105.002 The Petition.

A petition seeking a declaratory statement shall be filed with the clerk of agency that has the authority to interpret the statute, rule, or order at issue and shall provide the following information:

(1) The caption shall read:

Petition for Declaratory Statement

Before (Name of Agency)

(2) The name, address, telephone number, and any facsimile number of the petitioner.

(3) The name, address, telephone number, and any facsimile number of the attorney or qualified representative (if any) of the petitioner.

(4) The statutory provision(s), agency rule(s), or agency order(s) on which the declaratory statement is sought.

(5) A description of how the statutes, rules, or orders may substantially affect the petitioner in the petitioner's particular set of circumstances.

(6) The signature of the petitioner or of the petitioner's attorney or qualified representative.

(7) The date.

28-105.003 Agency Disposition.

The agency may hold a hearing to consider a petition for declaratory statement. If the agency is headed by a collegial body, it shall take action on a petition for declaratory statement only at a duly noticed public meeting. If a hearing is held, it shall be conducted in accordance with Sections 120.569 and 120.57(2), F.S. The agency may rely on the statements of fact set out in the petition without taking any position with regard to the validity of the facts. Within 90 days of the filing of the petition, the agency shall render a final order denying the petition or issuing a declaratory statement.