

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

(Instructions are Attached)

Please type or print clearly.

1. APPLICANT NAME: (Business License Name of Corporation, Partnership, Individual Owner, Government Agency) (40 C.F.R. §63.53(a)(1)) <b>Regal Marine Industries, Inc.</b>		2. APPLICANT ADDRESS: (Number and Street) (40 C.F.R. §63.53(a)(1)) <b>2300 Jetport Dr.</b>	
3. LOCATION OF EMISSION UNIT(S): (Number and Street) (If different than item 2) (40 C.F.R. §63.53(a)(1)) <b>Same</b>		CITY: (City or Village) <b>Orlando</b>	
CITY: (City or Village)	STATE:	ZIP CODE:	STATE: ZIP CODE:
			<b>FL 32809</b>

4. GENERAL NATURE OF BUSINESS (40 C.F.R. §63.53(a)(2)) (INCLUDE A BRIEF DESCRIPTION OF THE MAJOR SOURCE):  
**Boat manufacturer. Manufacturing operation includes gelcoat, resin and adhesive applications, grinding and vaccum systems.**

5. FACILITY CODES:  
 STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE: **37** Facility ID#: **0950212**  
 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 MAC T rules pending for additional source categories than those listed below, which may apply to individual facilities, )

Engine Test Facility  
 Industrial, Commercial, and Institutional Boilers & Process Heaters  
 Miscellaneous Metal Parts (Surface Coating)  
 Plastic Parts (Surface Coating)  Other: \_\_\_\_\_

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ADDITIONAL DESCRIPTIVE INFORMATION:

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.

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

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.

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: <b>Tim Kuck</b>	DATE: <b>5/7/02</b>	PHONE NUMBER: (Include Area Code) <b>407-851-4360</b>
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I certify that based on information and belief formed after 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: **Vice President**

10. CONTACT PERSON NAME: (If different than name in item 9) <b>David Smalling</b>	PHONE NUMBER: (Include Area Code) <b>407-447-9280</b>
	E-MAIL ADDRESS: <b>dsmalling@regalboats.com</b>

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This 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 the form 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.

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

EMISSION UNIT ID (FROM TITLE V PERMIT OR APPLICATION) <sup>u</sup>	EMISSION UNIT DESCRIPTION (FROM TITLE V PERMIT OR APPLICATION)	POTENTIAL MACT SOURCE CATEGORY THAT IS SUBJECT TO 112(j) <sup>9</sup>	IS THERE A 112(j) MACT SOURCE CATEGORY APPLICABLE TO THE EMISSION UNIT?	HAS A MACT STANDARD BEEN PROPOSED FOR THIS CATEGORY? <sup>r</sup>	REQUEST AN APPLICABILITY DETERMINATION? <sup>H</sup>
001 Adhesive Application	Hull lamination area	SELECT A SOURCE CATEGORY Plastic Parts Coating	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"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/>
001 Bottom Paint App.	Hull lamination area	SELECT A SOURCE CATEGORY Miscellaneous Meta Parts Coating	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"/>
001 Systems Test	Assembly area	SELECT A SOURCE CATEGORY Engine Test	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"/>

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<sup>u</sup> 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.

<sup>9</sup> 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.

<sup>r</sup> 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.)

<sup>H</sup> 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.



Jeb Bush  
Governor

# Department of Environmental Protection

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

David B. Struhs  
Secretary

June 11, 2002

Mr. David Smalling  
Vice President  
Regal Marine Industries, Inc.  
2300 Jetport Dr.  
Orlando, FL 32809

Re: Request for Determination of Section 112(j) Applicability

Dear Mr. Smalling:

In response to your letter received May 13, 2002 which requests that the Department make a determination of Section 112(j) 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 "Section 112(j) 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

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## **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.