



Department of Environmental Protection

Jeb Bush
Governor

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

David B. Struhs
Secretary

April 18, 2003

Mr. Rafael Rodriguez
Plant Manager
Foamex
1351 Gemini Boulevard
Orlando, FL 34744

Re: Final National Emission Standards for Hazardous Air Pollutants (NESHAP) -
Flexible Polyurethane Foam Fabrication Operations

Dear Mr. Rodriguez:

You indicated, in your 112(j) notification dated May 8, 2002, that Foamex may be subject to the NESHAP (40 CFR 63 Subpart M) for Flexible Polyurethane Foam Fabrication Operations. You may be interested in knowing that on April 14, 2003, the USEPA published the **final** NESHAP for Flexible Polyurethane Foam Fabrication Operations in the Federal Register.

If you are interested in reading the final standards, the NESHAP may be accessed through the USEPA website at <http://www.epa.gov/ttn/atw/foam2/foam2pg.html>. If you do not have access to the Internet, and would like to receive a paper copy of the final standards in the mail, please contact Mr. Bobby Bull at (850) 921-9585 or Robert.Bull@dep.state.fl.us. Existing loop slitter affected sources must be in compliance with these standards by April 14, 2004. The FDEP Central District permitting office will be contacting you this year about revising your Title V permit to include the applicable part of these new standards.

Since Mr. Anthony Grosso, Foamex Corporate Environmental Manager, indicated in a letter dated October 17, 2002; that Foamex may also be subject to the upcoming 40 CFR 63 NESHAP Subpart DDDDD, Industrial/Commercial/Institutional Boilers and Process Heaters; you may still be required to submit a 112(j) MACT Title V revision application by April 28, 2004 unless Subpart DDDDD is a **final** regulation by then. Subpart DDDDD was **proposed** on January 13, 2003. This proposed NESHAP, and a Fact Sheet explaining the proposed standards, may be accessed through the USEPA website. The Internet address is: <http://www.epa.gov/ttn/atw/boiler/boilerpg.html>. If you review the proposed NESHAP, and decide that it does not apply to your boilers or heater, then 112(j) no longer applies to your facility.

If you have any questions concerning this information, please contact me at (850)921-9534 or Cindy.Phillips@dep.state.fl.us.

Sincerely,

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

c: Gary Archer, Foamex
Anthony Grosso, Foamex International
Len Kozlov, FDEP-CD
Marie Driscoll, Orange County EPD

"More Protection, Less Process"



0950225
RECEIVED

OCT 21 2002

October 17, 2002

BUREAU OF AIR REGULATION

Foamex International Inc.
1000 Columbia Avenue
Linwood, PA 19061-3997

Ms. Cindy Phillips
FDEP Bureau of Air Regulation
MS 5505
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Re: Foamex International Inc. ("Foamex")/Clean Air Act Section 112(j) Notice

Dear Ms. Phillips:

Foamex (SIC 3086) located at 1351 Gemini Boulevard in Orlando, Florida submits this Part 1 application under Section 112(j) of the federal Clean Air Act regarding the MACT standard that may in the future regulate Industrial, Commercial, and Institutional Boilers and Process Heaters (Subpart DDDDD). The Orlando plant is already covered by the MACT standard for Flexible Polyurethane Foam Production (Subpart III), and Foamex previously provided a Section 112(j) application to your office with respect to the potential applicability of the proposed Flexible Polyurethane Foam Fabrication MACT standard (Subpart MMMMM).

Unlike the Subpart MMMMM standard, U.S. EPA did not publish a proposed MACT standard for Industrial, Commercial, and Institutional Boilers and Process Heaters by May 15, 2002, and we understand that there is still no rule proposal available for public review. Therefore, Foamex cannot determine whether this anticipated MACT standard would apply to one combustion unit at our plant. The unit is less than 1.0 MMBTUs per hour in size and runs solely on natural gas and therefore may not be regulated under Subpart DDDDD, once finalized. We are nonetheless submitting this Part 1 application. However, given the uncertainty surrounding this MACT category, we are also requesting from you an applicability determination with respect to the future Subpart DDDDD MACT standard and our two plant boilers.

We appreciate your time and attention to this request for applicability determination. Please call me at (610) 859-3215 if you need further information.

Very truly yours,

Anthony H. Grosso
Foamex Corporate Environmental Manager


Cc: Gary Archer, Foamex Orlando
USEPA Region IV

10/31 C: ORANGE CO
CD

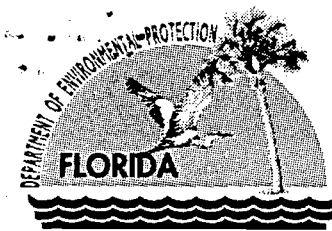
Section 112(j) Part 1 PERMIT APPLICATION & APPLICABILITY DETERMINATION

(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)) Foamex		2. APPLICANT ADDRESS: (Number and Street) (40 C.F.R. §63.53(a)(1)) Same as location	
3. LOCATION OF EMISSION UNIT(S): (Number and Street) (If different than item 2) (40 C.F.R. §63.53(a)(1)) 1351 Gemini Blvd.		CITY: (City or Village)	
CITY: (City or Village) Orlando	STATE: Florida	ZIP CODE: 34744	STATE: ZIP CODE:
4. GENERAL NATURE OF BUSINESS (40 C.F.R. §63.53(a)(2)) (INCLUDE A BRIEF DESCRIPTION OF THE MAJOR SOURCE): Flexible Polyurethane Foam Manufacturing			
5. FACILITY CODES: STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE : 3086 STATE REGISTRATION (EMISSION INVENTORY) NO.: 0950225			
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.)			
<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 type="checkbox"/> Plastic Parts (Surface Coating) <input checked="" type="checkbox"/> Other: <u>Flexible Polyurethane Foam Fabrication</u>			
ADDITIONAL DESCRIPTIVE INFORMATION: <div style="text-align: center; opacity: 0.5;">  </div>			
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. Loop Slitter Operations			
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)): N/A			
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 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: Rafael Rodriguez		DATE: May 8, 2002	PHONE NUMBER: (Include Area Code) (407) 857-2510
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: Rafael Rodriguez		TITLE: Plant Manager	
10. CONTACT PERSON NAME: (If different than name in item 9) Gary Archer EHS Manager		PHONE NUMBER: (Include Area Code) (407) 857-2510 X-247 E-MAIL ADDRESS: garcher@foamex.com	

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 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.



Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

May 14, 2002

Mr. Rafael Rodriguez
Plant Manager
Foamex
1351 Gemini Blvd.
Orlando, FL 34744

Re: 112(j) Notification Information Submittal

Dear Mr. Rodriguez:

Thank you for submitting the referenced information in your letter dated May 8, 2002. 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, please call me at 850/921-9534.

Sincerely,

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



Department of Environmental Protection

FILE

Jeb Bush
Governor

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

David B. Struhs
Secretary

October 31, 2002

Mr. Anthony H. Grosso
Foamex Corporate Environmental Manger
Foamex International Inc.
1000 Columbia Avenue
Linwood, PA 19061-3997

Re: Request for Determination of Section 112(j) Applicability for Orlando, Florida Facility

Dear Mr. Grosso:

In response to your letter received October 21, 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 if you want 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 additional 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 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

c: Gary Archer, Foamex Orlando
Orange Co. EPD
FDEP Central District

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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.