

**LEISURE BAY**

**I N D U S T R I E S  
I N C O R P O R A T E D**

**RECEIVED**

**MAY 13 2002**

May 9, 2002

**BUREAU OF AIR REGULATION**

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

Dear Ms. Phillips:

Enclosed is Leisure Bay Manufacturing, Inc.'s Part 1 application required under Section 112(j) of the Clean Air Act.

If you have any questions, please call me at (407) 210-2269.

Sincerely,

Leisure Bay Manufacturing, Inc.



Gary Harder  
Vice President

3033 Mercy Dr • Orlando, Florida 32808 • Phone: (407) 210-2269  
• Office Fax: (407) 210-2308 • email: garyh@leisurebay.com

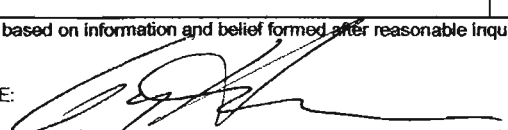
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MAY 13 2002

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

BUREAU OF AIR REGULATION

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)) Leisure Bay Manufacturing, Inc.		2. APPLICANT ADDRESS: (Number and Street); (40 C.F.R. §63.53(a)(1)) 3033 Mercy Drive		
3. LOCATION OF EMISSION UNIT(S): (Number and Street) (If different than item 2) (40 C.F.R. §63.53(a)(1)) SAME		CITY: (City or Village) Orlando		
CITY: (City or Village)	STATE:	ZIP CODE:	STATE: FL	ZIP CODE: 32808
4. GENERAL NATURE OF BUSINESS (40 C.F.R. §63.53(a)(2)) (INCLUDE A BRIEF DESCRIPTION OF THE MAJOR SOURCE): Manufacture and assembly of spas (hot tubs), and pool filters.				
5. ENTER FACILITY CODES (AS REQUIRED BY THE STATE):				
STANDARD INDUSTRIAL CLASSIFICATION (SIC):		39		
NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS):		not applicable		
STATE REGISTRATION (EMISSION INVENTORY) NO.:		Facility Number 0950252		
OTHER IDENTIFYING CODE: _____				
6. IDENTIFICATION OF THE POTENTIALLY RELEVANT SOURCE CATEGORIES FOR THE MAJOR SOURCE: (See Instructions for any available description of the listed categories)				
<input checked="" type="checkbox"/> Reinforced Plastic Composite Manufacturing				
<input checked="" type="checkbox"/> Plywood and Composite Wood Products				
ADDITIONAL DESCRIPTIVE INFORMATION:				
The facility has applied for and received a Section 112(g) MACT determination for the spa shell manufacturing process (EU 003). Spa assembly (EU 002) is most likely not covered by the reinforced plastic composites manufacturing MACT (Subpart WWWW); a determination request is included in this submittal. The facility no longer engages in pool table manufacturing (EU 001), therefore no notification or determination is requested for this emissions unit. Some woodworking operations (cutting and joining spa "skirting" is included in the Title V permit as an insignificant emissions unit – since the woodworking processes involve the use of adhesives to join the panels, and some minor use of coatings to color the panels, we are requesting a determination whether the Plywood and Composite Wood Products MACT (Subpart DDDD) is applicable.				
7. IDENTIFY THE TYPES OF EMISSION POINTS BELONGING TO EACH 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.				
8. IDENTIFY ANY AFFECTED SOURCES FOR WHICH A SECTION 112(g) MACT DETERMINATION HAS BEEN MADE. (40 C.F.R. §63.53(a)(4)).				
A section 112(g) determination was made for emission unit 003, (permit 095052-005-AC), and is incorporated in the facility's current Title V permit (095052-006-AV).				
9. PRINT NAME OF RESPONSIBLE OFFICIAL: Gary Harder		DATE: May 10, 2002		PHONE NUMBER: (Include Area Code) (407) 210-2269
I certify that based on information and belief formed after reasonable inquiry, the statements and information in this submittal are true, accurate, and complete.				
SIGNATURE: 		TITLE: Vice President, Manufacturing		
10. CONTACT PERSON NAME: (If different than name in item 10) Same as Item 10			PHONE NUMBER: (Include Area Code) E-MAIL ADDRESS: <a href="mailto:garyh@leisurebay.com">garyh@leisurebay.com</a>	

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

(Please Carefully Review the Instructions Prior to Filling out Table 1.)

IDENTIFICATION OF EMISSION UNITS POTENTIALLY SUBJECT TO SECTION 112(j) <sup>1</sup>  (FROM TITLE V PERMIT OR APPLICATION)	EMISSION UNIT DESCRIPTION  (FROM TITLE V PERMIT OR APPLICATION)	POTENTIALLY APPLICABLE § 112(j) SOURCE CATEGORY <sup>2</sup>	IS THERE A § 112(j) MACT SOURCE CATEGORY APPLICABLE TO THE EMISSION UNIT?	HAS A MACT STANDARD BEEN PROPOSED FOR THIS CATEGORY? <sup>3</sup>	REQUEST AN APPLICABILITY DETERMINATION? <sup>4</sup>
EU 002  BUREAU OF AIR REGULATION  MAY 13 2002  RECEIVED	Spa Manufacturing (assembly). Includes completing the spa shell by installing plumbing and electrical equipment, including joining sections of PVC pipe using PVC cement, some use of cleaners to promote adhesion, and minor assembly operations. These operations are performed after the spa shell has been manufactured (EU 003).	Reinforced Plastic Composites Production (WWWW)	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"/>
EU 003	Spa Shell Manufacturing (using styrene-based polyurethane foam system applied to an acrylic shell). The facility applied for, and received, a construction permit containing a Section 112(g) MACT determination for this emissions unit.	Reinforced Plastic Composites Production (WWWW)	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"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Insignificant	Woodworking operations related to spa assembly, including gluing, cutting and coating.	Plywood and Composite Wood Products (DDDD)	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <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"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>

1. This list of Emission Units reflects 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 that are potentially subject to Section 112(j). 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 (hereinafter referred to as "de minimis units"). These de minimis units have been disclosed to the Agency during the Title V process and may or may not 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 to do otherwise, in a timely fashion, consistent with the time-frames associated with applicability determinations.

2. 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. A Part 2 application will be submitted for these emission units unless the Agency notifies the Applicant to do otherwise.

3. 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.)

4. 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

May 14, 2002

Mr. Gary Harder  
Vice President  
Leisure Bay  
3033 Mercy Drive  
Orlando, Florida 32808

Re: 112(j) Notification Information Submittal

Dear Mr. Harder:

Thank you for submitting the referenced information in your letter dated May 9, 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 "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, please call me at 850/921-9534.

Sincerely,

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

"More Protection, Less Process"

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Jeb Bush  
Governor

# Department of Environmental Protection

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

David B. Struhs  
Secretary

May 22, 2002

Mr. Gary Harder  
Vice President  
Leisure Bay  
3033 Mercy Drive  
Orlando, Florida 32808

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

Dear Mr. Harder:

In response to your letter dated May 9, 2002 which requests that the Department make a determination of the applicability of CAA Section 112(j) 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

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.