

PATTY

**SEA RAY BOATS  
LEGAL DEPARTMENT**



Attorney Work Product  
Privileged and Confidential

Date: 10-4-01

To: C. H. Fancy 850-922-6979

From: Kevin Thompson Pages including cover sheet: 4

Sea Ray Operator (865) 522-4181  
Preferred Fax: (865) 971-6434  
Alternate Fax: (865) 971-6423

Doug Kitts (865) 971-6503  
Allen McDonald (865) 971-6502  
Ellen O'Regan (865) 971-6558  
Linda Andrews (865) 971-6542  
Anna Isbill (865) 971-6583

Remarks: Re: Draft Permit Amendment  
Cape Canaveral Plant

*This telecopy is attorney-client privileged and contains confidential information intended only for the person (s) named above. Any other distribution, copying or disclosure is strictly prohibited. If you have received this telecopy in error, please notify us immediately by telephone and return the original transmission to us by mail without making a copy.*



October 4, 2001

VIA FACSIMILE  
850-922-6979

Mr. C. H. Fancy, P.E., Chief  
Florida Department of Environmental Protection  
Bureau of Air Regulation  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

Re: DRAFT Permit Amendment (0090093-003-AC/PSD-FL-274)  
Cape Canaveral Plant

Dear Mr. Fancy:

Attached please find proof of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT AMENDMENT" for the referenced DRAFT Permit Amendment.

If you have any questions, please feel free to contact me.

Sincerely,



Kevin Thompson  
Director of Environmental Management

**Attachment**

cc: Dennis Wilson, Sea Ray Boats, Inc.	(with attachment)
Dan Goddard, Sea Ray Boats, Inc.	( " " )
Angela Morrison, Esq., Hopping Green Sams & Smith	( " " )
Ken Kosky, P.E., Golder Associates, Inc.	( " " )



Published Daily

STATE OF FLORIDA  
COUNTY OF BREVARD

Before the undersigned authority personally appeared JODI KILPATRICK who on oath says that she is LEGAL ADVERTISING CLERK of the FLORIDA TODAY, a newspaper published in Brevard County, Florida; that the attached copy of advertising being a LEGAL NOTICE

*Ad attached*

AD#749605 (\$586.10) the matter of SEA RAY BOATS, INC.

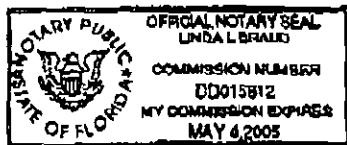
in the \_\_\_\_\_ Court  
NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT AMENDMENT

was published in the FLORIDA TODAY NEWSPAPER in the issues of SEPTEMBER 28, 2001

Affiant further says that the said FLORIDA TODAY NEWSPAPER is a newspaper in said Brevard County, Florida, and that the said newspaper has heretofore been continuously published in said Brevard County, Florida, regularly as stated above, and has been entered as periodicals matter at the post office in MELBOURNE in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

Jodi Kilpatrick  
(Signature of Affiant)

Sworn to and subscribed before this 28TH DAY OF SEPTEMBER, 2001



Linda L. Braud  
(Signature of Notary Public)

LINDA L. BRAUD  
(Name of Notary Typed, Printed or Stamped)

Personally Known  or Produced Identification \_\_\_\_\_

Type Identification Produced \_\_\_\_\_

AD074905-9/28/2001

## PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT AMENDMENT

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DEP File No. 007003-003-AC (PSD-FL-274)Sea Ray Boats, Inc.  
Cape Canaveral Plant  
Brevard County

The Department of Environmental Protection (Department) gives notice of its intent to issue an amendment to the referenced air construction permit issued under the requirements for the Prevention of Significant Deterioration (PSD) of Air Quality to Sea Ray Boats, Inc. The permit amendment applies to Sea Ray's facility at 1200 Sea Ray Drive in Merritt Island. The permittee's corporate address is Sea Ray Boats, Inc., 150 Sea Ray Drive, Merritt Island, Florida 32953.

Sea Ray was issued an air construction permit on May 11, 2001 for a new fibreglass boat manufacturing plant called the Cape Canaveral Plant. The permit required a Best Available Control Technology (BACT) determination for volatile organic compounds (VOC) and a maximum achievable control technology (MACT) determination for hazardous air pollutants (HAP) pursuant to Rules 42-212.00 and 42-204.00, F.A.C., respectively. A condition of the permit requires weekly ambient monitoring of styrene concentrations in the vicinity of nearby residences downwind from the plant. The proposed amendment would temporarily suspend ambient monitoring in view of anticipated delays in startup of lamination processing for the Cape Canaveral Plant.

The construction permit required that ambient monitoring begin within 30 days after issuance of the permit and continue for a total monitoring period of at least 24 months. The ambient monitoring schedule did not anticipate a delay in startup of lamination operations. Sea Ray Boats has notified the Department that the facility has been constructed but there is currently no anticipated date to begin lamination. Approximately twelve months of background monitoring have been obtained thus far. In response to Sea Ray's application for this permit amendment, the local neighborhood representative has requested that the Department require at least 24 months of ambient monitoring following commencement of lamination. Therefore, the Department intends to amend the permit to suspend ambient monitoring until lamination begins, at which time monitoring will be resumed and continued for at least 24 months. As before, cessation of ambient monitoring after the 24-month period shall require Department approval.

The Department will issue the FINAL Permit Amendment, in accordance with the conditions of the DRAFT Permit Amendment, unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of this Public Notice of Intent to Issue Air Construction Permit Amendment. Written comments should be provided to the Department's Bureau of Air Regulation at 800 Blair Stone Road, Mail Station 4503, Tallahassee, FL 32309-2400. Any written comments filed shall be made available for public inspection. If comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit amendment with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.549 and 120.57, F.S., before the deadline for filing a petition. The procedure for petitioning for a hearing are set forth below. Modification is not available in this proceeding.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.549 and 120.57, of the 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 2900 Commonwealth Boulevard, Mail Station 935, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.40(2) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.40(2), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.409 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.003 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's action; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.001.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that 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 such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

A complete project file is available for public inspection during normal business hours, 8:00 AM to 5:00 PM, Monday through Friday, except legal holidays, at:

Office of Environmental Protection  
Bureau of Air Regulation  
111 S. Magnolia Drive, Suite 4  
Tallahassee, FL 32301  
Telephone: 850/488-0114  
Fax: 850/492-4879

Dept. of Environmental Protection  
Central District Office  
3117 Magnolia Blvd., Suite 232  
Orlando, FL 32803-2767  
Telephone: 407/994-7555  
Fax: 407/997-5963

Brevard County Office of Natural Resource Management  
Bldg. A

7725 Judge Frank Johnson Way  
Melbourne, FL 32940 (Viera)  
Telephone: 321/433-2014  
Fax: 321/433-2029

The complete project file includes the application, technical evaluation, Draft Permit and the information submitted by the responsible official, exclusive of confidential records under Section 407.111, F.S. Interested persons may contact the Administrator, New Resource Review Section 01 111 South Apopka Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information. The draft permit, technical evaluation and preliminary BACT determination can be accessed at: <http://www.flmnr.com/licensing/permits/learn/envformsw/air/airperm1.html>