

Homeowners worry new Sea Ray plant will give off odor

By Jeff Schweers
FLORIDA TODAY

MERRITT ISLAND — Barney Clary wants Sea Ray to guarantee that the production of its million-dollar speed boats doesn't put a bad odor in the air surrounding his quarter-million-dollar home just south of the company's new plant.

"What's going to be the issue is the smell," Clary said of Sea Ray's \$16 million plant.

Neighbors are starting to focus more on the odor, which has been an issue with the company's existing plant, now that concerns about hazardous emissions have been allayed.

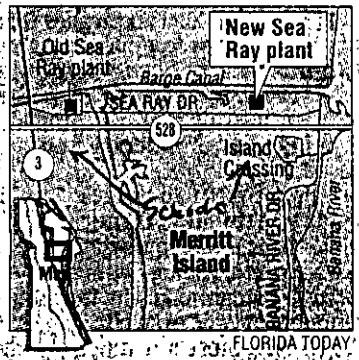
"I don't want that smell when I'm sitting by the pool," said Clary, president of the Island Crossings homeowners' association.

The company is looking at ways to reduce the odor, its officials say, but its first priority is making sure neighbors know the plant won't pose a health hazard.

What has particularly concerned neighbors and environmentalists was the new plant's increased output of styrene, a sweet-smelling liquid used in boat manufacturing that's been linked to neurological damage.

Sea Ray has promised to spend \$1 million installing and operating technology designed to reduce such emissions by about half.

"We don't want the next thing to go out that. They're still kill-



ing us, it just smells like bananas," said Sea Ray Vice President Dan Goddard.

Goddard said ways the company could reduce it include injecting a neutralizing agent into the plant stacks to make the smell more pleasant.

But, the method is still under discussion, said Island Crossings homeowner Sam Yunis. Using one chemical to mask the smell of another chemical is not his idea of solving the odor problem.

"The odor issue must be resolved immediately at the time of the plant opening," he said.

Sea Ray has built boats on Merritt Island for 27 years and employs 1,400 people. The new plant will employ an additional 400 workers.

The state Department of Environmental Protection has made Sea Ray's installation of emissions reduction equipment a condition for a permit allowing construction of the new plant, a mile east of the existing Sykes Creek facility.

1. Where is the Voice of Dist. 2. Commissioner

Randy Obrien? It is his district.

2. Where is the Voice of School Board Commissioner

Dist. 2. Ms Bea Fowler? There are 2 schools, Elementary, in the vicinity that could be affected. (Lewis Carroll and Stevenson.)

3. Where are the far paid attorneys to enforce the DEP Statute?

DEP Section 11(b):

"No person shall cause, suffer, allow, or permit the discharge of air pollutants which cause or contribute to an objectionable odor.

[Note: An objectionable odor is defined in Rule 62-210.200(203), F.A.C., as any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance.]"

4. What rights does a company have to move to or near an existing residential area and emit bad odor?

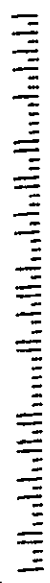
5. Does the Public have any rights?



A
 Mr AL Lenero
 Florida Dept of Environmental Protection
 Bureau of Air Regulation
 111 S. Magnolia Drive Suite 4

81010 JMMW

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BUREAU OF AIR REGULATION

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 OF COUNSEL
 ELIZABETH C. BOWMAN

January 10, 2000

FAX COVER SHEET

Please deliver the following pages to:

Name: Clair Fancy **Fax No.:** 922-6979
Firm: DEP **Phone No.:** 921-9503

Message:

Attached is a copy of the Request for Extension of Time filed today on behalf of Sea Ray Boats. An original will follow via mail. If you should have any questions, please do not hesitate to contact me. Thank you.

From: Angela R. Morrison

We are transmitting 4 pages (including this cover sheet). If you do not receive all of the pages, please call (850) 222-7500 and ask for the Fax Desk.

Client/Matter: SEARAY/109 (5302)

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

**THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the Matter of an
Application for Permit by:

OGC No.: 99-1794

Sea Ray Boats, Inc.
1200 Sea Ray Drive
Merritt Island, FL 32953

Permit No.: 0090093-003-AC; PSD-FL-274
Cape Canaveral Plant
Brevard County, Florida

REQUEST FOR EXTENSION OF TIME

By and through undersigned counsel, Sea Ray Boats, Inc. (Sea Ray) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an Extension of Time, to and including January 28, 2000, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Sea Ray states the following:

1. On or about October 8, 1999, Sea Ray received from the Department of Environmental Protection (Department) an "Intent to Issue Air Construction Permit" (Permit No. 0090093-003-AC, PSD-FL-274) for the proposed Cape Canaveral Plant to be located in Brevard County, Florida. Along with the Intent to Issue, Sea Ray received a proposed Air Construction Permit and "Public Notice of Intent to Issue Air Construction Permit."

2. Sea Ray received from the Department an extension of time through and including January 14, 2000, by order dated December 27, 1999.

3. The proposed permit and associated documents contain several provisions that warrant clarification, correction, or revision.

4. Representatives of Sea Ray have corresponded and intend to continue to correspond with staff of the Department's Bureau of Air Regulation in an effort to resolve all issues.

5. This request is filed simply as a protective measure to avoid waiver of Sea Ray's right to challenge certain conditions contained in the proposed permit. Grant of this

request will not prejudice either party, but will further their mutual interest and likely avoid the need to file a petition and proceed to a formal administrative hearing.


6. A representative of Sea Ray has contacted Clair Fancy with the Department's Bureau of Air Regulation to discuss Sea Ray's request for an extension of time until January 28, 2000, and he has no objection.

7. Counsel for Sea Ray has attempted without success to contact Douglas Beason with the Department's Office of General Counsel regarding this request.

WHEREFORE, Sea Ray respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Air Construction Permit for Permit No. 0090093-003-AC, PSD-FL-274 be formally extended to and including January 28, 2000. If the Department denies this Request, Sea Ray requests the opportunity to file a Petition for Administrative Proceedings within 10 days of such denial.

Respectfully submitted this 10th day of January, 2000.

HOPPING GREEN SAMS & SMITH, P.A.



Angela R. Morrison
Fla. Bar No. 0855966
123 South Calhoun Street
Tallahassee, FL 32301
(850) 222-7500

Attorney for SEA RAY BOATS, INC.

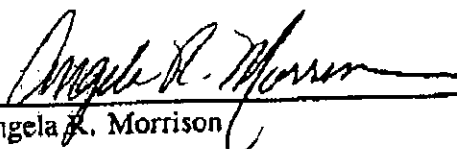
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following
by U.S. Mail on this 10th day of January, 2000:

Clair H. Fancy, P.E., Chief
Bureau of Air Regulation
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2600

Douglas Beason, Esq.
Office of General Counsel
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2600

Clarence Rowe
418 Pennsylvania Avenue
Rockledge, FL 32955



Angela R. Morrison



JEB BUSH
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

December 27, 1999

DEC 27 1999

Ms. Lori Moore
1380 Grand Cayman Drive
Merritt Island, Florida 32952

Dear Ms. Moore:

Thank you for your letter about the Sea Ray Boats project in Merritt Island.

The Department of Environmental Protection (DEP) distributed an intent to issue with a draft permit on October 6. DEP held a meeting at the Government Center in Viera on November 17 to inform the public about the project, the proposed action, and to receive questions and comments. The opportunity for comments was open for several weeks, and DEP received additional letters and e-mails from the public about the project.

DEP staff are reviewing all comments before making a final decision on this matter. To assist you in your endeavor, I have sent a copy of your letter to them.

Thank you again for writing about your concern. If you have any questions or need further information, please write to Mr. Al Linero, Division of Air Resources Management, Department of Environmental Protection, Mail Station 5505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or call (850) 921-9523.

Sincerely,

Jeb Bush

JB/h

cc: Mr. Al Linero
Enclosure

THIS IS AN EXAMPLE OF THE
LETTER WE SENT ON THE 27th.
ENCLOSED ARE THE ORIGINAL LETTERS
SENT TO US.



**WATER
MANAGEMENT
DISTRICT**

December 16, 1999

Certified Mail: Z 397 084 895

Sea Ray Boats, Inc.
ATTN: Bruce Thompson
200 Sea Ray Drive
Merritt Island FL 32953

Re: Sea Ray Boats, New PDEW Facility
Permit # 4-009-0620-ERP
(Please reference permit number on all correspondence.)

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| To | Al Linero | From | Len Roylov | | |
| Co./Dept. | D2P | Co. | | | |
| Phone # | | Phone # | 56325-3332 | | |
| Fax # | 56292-6979 | Fax # | | | |

Dear Mr. Thompson:

This letter follows my site visit today to the referenced site that is under construction. I met with Steve Builder and have spoken with Pete Cantelou regarding my findings. The District received a call from John Royal of the Brevard County Stormwater Division regarding an alleged turbidity violation. Upon inspecting the excavated test basin opening to the barge canal today, I found that the side slopes of the basin entrance are under construction, not stabilized, and are not bordered with adequate floating turbidity control devices. Mr. Cantelou indicated today that he would install a portion of the floating barrier today and finish the installation along both sides of the basin entrance tomorrow. Upon completion, please fax written confirmation that this has been accomplished. Direct the fax (# 407-722-5357) to Janice Unger, Compliance Manager.

Upon reviewing the plans, it appears that the proposed rock revetment—which you have said will be installed along the shoreline entrance to the test basin—is not on the District's approved plans. As I discussed with Mr. Cantelou, please fax us the construction plans for the revetment by 4pm Monday, December 20, 1999. District staff will review the plan and send you written verification of approval or necessary revisions.

Considering the amount of barge canal water displaced each time a barge passes through the canal, it is imperative that the revetment is constructed as soon as possible. Per Mr. Cantelou, the 3-foot-high water displacement and wave action from the barges will likely dislodge the floating barrier upon each barge passing. The wave action against the unstabilized shoreline is resulting in apparent turbidity violations. The turbidity has reportedly extended into the Banana River, which is an aquatic preserve. It appears that the only way to abate the water quality violations is to construct the revetment as soon as possible. **Considering the unlikelyhood of a turbidity control device that will remain in place and function as designed, you will need to complete construction of the revetment within 10 days of the District faxing you**

William Kerr, CHAIRMAN
MELBOURNE BEACH

Ombelias D. Long, VICE CHAIRMAN
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Jeff K. Jennings, SECRETARY
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Duane Oranstrofer, TREASURER
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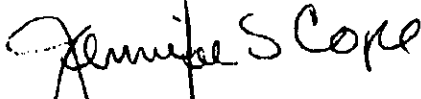
Clay Albright
EAST LAKE WEIR

Field Hughes
DAYTONA BEACH

approval of the revetment plans. As discussed with Mr. Cantelou, please be sure that filter fabric is a component of the revetment construction.

I will be out of the office until Monday, December 27, 1999, so please coordinate all District contact with Janice Unger. She can be reached at 321-984-4940.

Sincerely,



Jennifer S. Cope, Senior Regulatory Scientist
Department of Resource Management

cc: Janice Unger
John Jullianna *JF*
Lynne Olsson
Max Bosso
Pete Cantelou—CHP, Inc. 1400 Sarno Road Melbourne FL 32935
Len Koslov—Department of Environmental Protection, 3319 Maguire Blvd.,
Suite 232, Orlando FL 32803
Gregory Lugar—Brevard County, Office of County Manager, 2725 Judge
Fran Jamieson Way, Bldg. C, Viera FL 32940
PDS-CI (1999)