

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

SEA RAY BOATS, INC.,

Petitioner,

vs.

OGC CASE NO. 99-1794

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

_____ /

**ORDER GRANTING REQUEST FOR EXTENSION
OF TIME TO FILE PETITION FOR HEARING**

This cause has come before the Florida Department of Environmental Protection (Department) on receipt of a request made by Petitioner, Sea Ray Boats, Inc., to grant an extension of time to file a petition for an administrative hearing on Application No. 0090093-003-AC. See Exhibit 1.

Respondent, State of Florida Department of Environmental Protection, has no objection to it. Therefore,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until December 15, 1999, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Mail Station 35, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 2nd day of November, 1999, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

F. Perry Odom
F. PERRY ODOM
General Counsel

Douglas Building, MS #35
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000
Telephone: (850) 488-9314

CERTIFICATE OF SERVICE

I CERTIFY that a true copy of the foregoing was mailed to:

Angela R. Morrison, Esq.
123 South Calhoun Street
Tallahassee, Florida 32301

on this 3rd day of November, 1999.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

W. Douglas Beason
W. DOUGLAS BEASON
Assistant General Counsel
Florida Bar No. 379239

Mail Station 35
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000
Telephone: (850) 488-9314

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an
Application for Permit by:

OGC No.: _____

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 ENLARGEMENT OF TIME

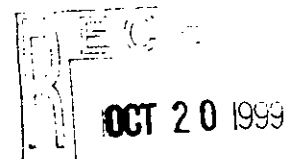
By and through undersigned counsel, Sea Ray Boats, Inc. (Sea Ray) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an Enlargement of Time, to and including December 1, 1999, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause 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. The proposed permit and associated documents contain several provisions that warrant clarification, correction, or revision.

3. 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.

130901.1



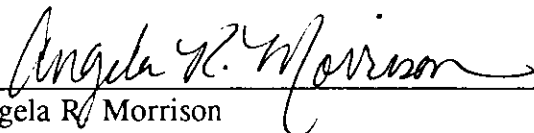
4. This request is filed simply as a protective measure to avoid waiver of Sea Ray's right to challenge certain conditions contained in the proposed permit. Grant of this request will not prejudice either party, but will further their mutual interest and likely avoid the need to file a petition and proceed to a formal administrative hearing.

5. 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 December 1, 1999. 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 20th day of October, 1999.

HOPPING GREEN SAMS & SMITH, P.A.



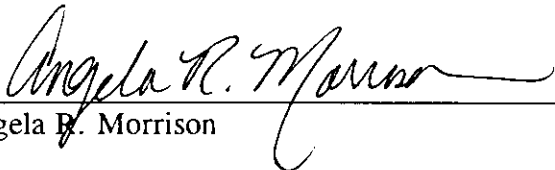
Angela R. Morrison
Fla. Bar No. 0855766
123 South Calhoun Street
Tallahassee, FL 32301
(850) 222-7500
Attorneys for SEA RAY BOATS, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following
by U.S. Mail on this 20th day of October, 1999:

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



Angela R. Morrison

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TO: Kim RE: SEA RAY NOTICE

FROM: MAUREEN FARR
PHONE: (407) 242-3832

FAX: (407) 255-0350

NUMBER OF PAGES: 2

Had to cut in 1/2 to fax.

CAPE PUBLICATIONS, INC.
P.O. BOX 419000, MELBOURNE, FL 32941-9000

LEGAL ADVERTISEMENT INVOICE

L 7182

*Original
notice in
F E A*

Insertion Dates: October 31, 1999
Public Notice/Issue Air Construction Permit
Affidavit will be sent last day of publication.

NAME Florida Dept. of Environmental Protection
ADDRESS 2600 Blair Stone Road
CITY Tallahassee, FL 32399-2400
ACCOUNT# 6FL028

INCHES	RATE	AFFIDAVIT FEE	TOTAL AMOUNT DUE
<i>2 col 13 3/4</i>	<i>27.05</i>	<i>4.50</i>	<i>\$ 748.37</i>

WHITE
INVOICE

YELLOW
ACCT.

PINK
PROOF COPY

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FILE

legal42s-r051

STATE OF FLORIDA
FLA. DEPARTMENT OF ENVIRONMENTAL PROTECTION

PURCHASE ORDER

PO NO: S 3700 204528
ISSUE DATE: OCTOBER 28, 1999

PO NUMBER MUST APPEAR ON ALL CORRESPONDENCE,
SHIPMENTS, AND INVOICES. SEE REVERSE SIDE FOR
ADDITIONAL TERMS AND CONDITIONS.

SHIP TO: SHAROLYN W. 850/488-0114
DIV OF AIR RESOURCE MANAGEMENT
111 S MAGNOLIA STE 23 RM 241
MS 5500
TALLAHASSEE FL 32301

INVOICE TO: DIV OF AIR RESOURCE MANAGEMENT
ATTN: SHAROLYN WOOD
2600 BLAIR STONE RD MS 5500
TALLAHASSEE FL 32399-24

VENDOR (NOT TRANSFERABLE)

FLORIDA TODAY
CAPE PUBLICATION
PO BOX 419000
MELBOURNE FL 32941-9000

VEN#: F591096979006
CMBE: A
BID/QUOTE/CONT NO:

CONFIRMING ORDER - DO NOT DUPLICATE

VENDOR PHONE # 407/242-3600

ATTN: LEGAL DEPARTMENT

STATE SALES TAX EXEMPT

FOB: DESTINATION

FGT: FRT INCLUDED IN PRICE

P.O. LINE	COMMODITY CODE/DESCRIPTION	QUANTITY AND UNIT	UNIT PRICE	EXTENDED TOTAL
1	973 040 000 0000 LEGAL ADVERTISEMENT TO BE PUBLISHED IN YOUR PAPER ON OCTOBER 31, 1999	1 DAY	\$400.000 0.000% DISC TAKEN	\$400.00

AFFIDAVIT AND PROOF OF PUBLICATION
SHOULD ACCOMPANY INVOICE

AD TO INFORM PUBLIC OF PUBLIC MEETING

DELIVER ON OR BEFORE: 10/31/1999
PURCHASE CODE: Q DISCRETIONARY PURCHASE
RECYCLED CONTENT: Y

ADDITIONAL CONDITIONS/INSTRUCTIONS

REF NO. DARM 00-197
FUND 035001
CATEGORY 040000
MODULE
2550

TOTAL \$400.00

REQ NO
NONE

ORIGINATOR

P.A. / TELEPHONE
JOANN WEBB

850-488-6711

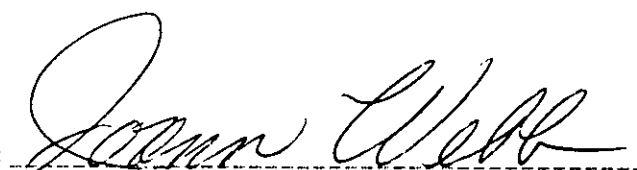
CONTINUED ON NEXT PAGE

STATE OF FLORIDA
FLA. DEPARTMENT OF ENVIRONMENTAL PROTECTION

PURCHASE ORDER

PO NO: S 3700 204528
ISSUE PAGE: 2

ORG. CODE--- EO VR OBJECT	ENCUMBRANCE	AMOUNT	VENDOR NO	P/O NUMBER
57 55 02 04 000 1R 01 133100	\$0.00	\$400.00	F591096978 006 S	3700 204528

BY: 
AS AGENT FOR ABOVE NAMED GOVERNMENT ENTITY



Published Daily

STATE OF FLORIDA
COUNTY OF BREVARD

Before the undersigned authority personally appeared MAUREEN FARR who on oath says that she is LEGAL ADVERTISING CLERK

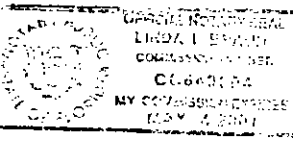
of the FLORIDA TODAY, a newspaper published in Brevard County, Florida; that the attached copy of advertising being a LEGAL NOTICE in the matter of FLA. DEPT. OF ENVIRONMENTAL PROTECTION in the Court "SEA RAY BOATS, INC."

was published in the FLORIDA TODAY NEWSPAPER in the issues of OCTOBER 31, 1999

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.

Signature of Affiant: Maureen Farr

Sworn to and subscribed before me this 31st day of OCTOBER 1999.



Signature of Notary Public: Linda L. Braud

(Name of Notary Typed, Printed or Stamped)

Personally Known or Produced Identification
Type of Identification Produced

TO-L7182-1T-10/31/1999-SUN
PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DEP File No. 890991-903-AC (PSD-FL-274)
Sea Ray Boats, Inc., Merritt Island Facility
Cape Canaveral Plant
Brevard County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit pursuant to the Rules for the Prevention of Significant Deterioration of Air Quality pursuant to the Clean Air Act (PSD) for Sea Ray Boats, Inc. to construct a new fiberglass boat production plant at 1200 Sea Ray Drive, Merritt Island, Brevard County, a Best Available Control Technology (BACT) determination and a Maximum Achievable Control Technology (MACT) determination were required pursuant to Rules 62-212.400 and 62-204.800(10)(1)(2), P.A.C. for volatile organic compounds (VOC) and hazardous air pollutants (HAP), respectively. The applicant's name and address are Sea Ray Boats, Inc., 1200 Sea Ray Drive, Merritt Island, Florida 32953.

The existing facility lies on property bounded by the Barge Canal to the North, Sea Ray Drive (parallel to SR 528) to the South, Highway 3 to the West and Sykes Creek to the East. The new plant will be located West of the Banana River and 1.2 miles East of the existing facility. The Department determined that the new plant will be part of the existing facility based on common control, industrial classification and adjacency. Because the new plant is considered by the Department to be a modification of an existing major facility, PSD review and a BACT determination are required. The Region IV US Environmental Protection Agency office made the same determination. EPA is developing MACT standards for the fiberglass boat industry pursuant to section 112(d) of the Clean Air Act. Because the standards have not been finalized, the State must prepare a case-by-case new source MACT determination in accordance with Section 112(g) of the Act and 40CFR 63. Subpart B as adopted in the Department's Rules. The final permit, if issued, will serve the purposes of the required Notice of MACT Approval.

Sea Ray produces fiberglass boats by a process called "contact open molding". Emissions of VOC/HAP result primarily from the application and curing of gel coat and resin that is applied to various molds for the boat parts. The plant will be constructed in three phases. For Sea Ray's applications and control technology proposals, VOC emissions from the fully constructed new plant are expected to be 21 tons per year (TPY), including 149 TPY of HAP, of which 125 TPY will be styrene. This level of control will be accomplished by limits on HAP content of raw materials and low-emitting application techniques. The Department's preliminary determination is that further control may be feasible and cost-effective including: capture and add-on controls for gel coat application; and lamination emissions; compliant finishing materials for interior wood finishing parts; compliant materials for bottom and non-wood exterior coatings; and non-HAP resin and gel coat cleaning solvents. Therefore emissions could be substantially lower than projected by Sea Ray.

The Department will initially require additional control of emissions from gel coat application and lamination by a system designed to capture and destroy at least 50 percent of the total VOC/HAP. If the initial control system is shown to be feasible and cost-effective, a full-scale control system designed to capture and destroy at least 85 percent will be required. Fabric filters will control particulate emissions from wood chip operations. Sea Ray will be required to submit a proposed pilot-scale add-on control system design for the Department's approval six months after beginning lamination. One year will be allowed for installation following approval of the control system design. During a one-year demonstration program, the Department will make a final determination whether a full-scale control system is feasible and cost-effective. Another Public Notice will be published if the Department determines that a full-scale system is not required. The applicant believes that particulate emissions will be minimum because of high efficiency filtration throughout the ventilation system. VOC emissions will contribute to ground-level ozone formation. The impacts of this type of project on ambient ozone levels cannot be accurately modeled. However, the Department believes that the project will not cause or contribute to a violation of any National Ambient Air Quality Standards or increments.

The Department will accept written comments and requests for public meetings 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. Written comments and requests for public meetings should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written 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. Written and oral comments will also be received at a public meeting scheduled for November 17, 1999 at 7:30 a.m. in the Brevard County Commission Chambers, Building C, Moore Justice Center, 2825 Judge Fran Jamieson Way, Viera, Florida. The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below. Mediation 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 120.569 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 2600 Commonwealth Boulevard, Mail Station #55, 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 120.603 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 120.603, 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 120.569 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 28-106.205 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 proceedings; 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 proposed 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 28-106.30. 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 on 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 is filed is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Florida Department of Environmental Protection
Bureau of Air Regulation
111 S. Magnolia Drive, Suite 4
Tallahassee, Florida 32301
Telephone: 850/488-1344
FAX: 850/922-4979

Florida Department of Environmental Protection
Central District Office
3319 Maquire Boulevard, Suite 222
Orlando, Florida 32803-3767
Telephone: 407/894-7355
FAX: 407/897-5963

Brevard County Office of Natural Resource Management
Building A
2725 Judge Fran Jamieson Way
Melbourne, (Viera), FL 32940
Telephone: 407/433-7016
FAX: 407/433-7029

The complete project file includes the application, technical evaluation, draft permit, and the information submitted by the responsible applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, Natural Resource Review Section at 111 South Magnolia Drive, Suite A, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.

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RH*

RECEIVED

OCT 21 1999

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

BUREAU OF AIR REGULATION

In the Matter of an
Application for Permit by:

OGC No.: _____

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 ENLARGEMENT 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 Enlargement of Time, to and including December 1, 1999, 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. The proposed permit and associated documents contain several provisions that warrant clarification, correction, or revision.

3. 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.

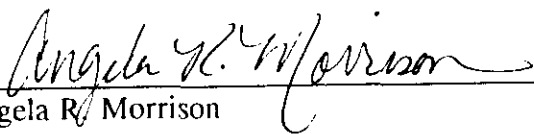
4. This request is filed simply as a protective measure to avoid waiver of Sea Ray's right to challenge certain conditions contained in the proposed permit. Grant of this request will not prejudice either party, but will further their mutual interest and likely avoid the need to file a petition and proceed to a formal administrative hearing.

5. 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 December 1, 1999. 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 20th day of October, 1999.

HOPPING GREEN SAMS & SMITH, P.A.



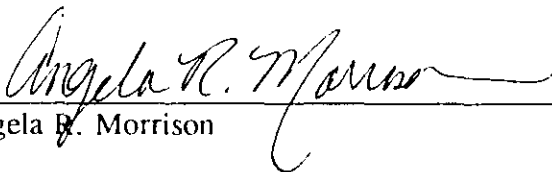
Angela R. Morrison
Fla. Bar No. 0855766
123 South Calhoun Street
Tallahassee, FL 32301
(850) 222-7500
Attorneys for SEA RAY BOATS, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following
by U.S. Mail on this 20th day of October, 1999:

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



Angela R. Morrison



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960
OCT 19 1999

*Copied:
at
John R
10/25
CJH*

RECEIVED

OCT 25 1999

4APT-ARB

BUREAU OF AIR REGULATION

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

SUBJ: Applicability Determination of Sea Ray Boats

Dear Mr. Fancy:


Thank you for the letter dated September 3, 1999, requesting an applicability determination for Sea Ray Boats, located in Brevard County, Florida. Based on a review of 40 CFR 63 Subpart II, National Emission Standard for Hazardous Air Pollutant (NESHAP), for Shipbuilding and Ship Repair and the information provided to the Environmental Protection Agency (EPA) concerning this facility, only military or commercial shipbuilding and repair operations at this facility, which exceed the volume thresholds, are subject to Subpart II.

Section 63.781 of Subpart II applies to shipbuilding and ship repair operations at any facility that is a major source. This Subpart only applies to "ship" operations, as defined in the Subpart, regardless of length, which have a combined annual surface coating use above 1000 liters(L), (264 gallons [gal]), or a single annual coating usage at or above 200 (L), 52.8 (gal). Section 63.782, defines a "ship" as "any marine or fresh water vessel used for military or commercial operations...." The definition of "ship" is specific to vessels used for military or commercial operations. Additionally, Section 63.782 defines "shipbuilding and repair operations" as "any building, repair, repainting, or alteration of ships." Therefore, this regulation applies only to operations associated with the building, repair, repainting, or alteration of "ships" as defined by Subpart II, which meet the associated volume quantities. Any building, repair, repainting, or alteration of any vessel within a facility that does not meet the definition of "ship" is not subject to Subpart II.

To further clarify the applicability of Subpart II to the Sea Ray Boat facility, any shipbuilding or repair operations which involve military or commercial vessels and use a combination of annual coatings above 1000(L), 264 (gal) or a single annual coating usage at or above 200 (L), 52.8 (gal) are subject to Subpart II. Similarly, any operations at Sea Ray Boat facility which do not involve military or commercial vessels, regardless of length or coating usage volumes, are not be subject to Subpart II.

This determination has been coordinated with the EPA's Office of Enforcement and Compliance Assurance, Office of Air Quality Planning and Standards, and Office of General Counsel, and overrides all previous determinations. If you have any questions or concerns, please contact Mr. Leonardo Ceron of the Region 4 staff at (404) 562-9129.

Sincerely,



R. Douglas Neeley
Chief
Air, Radiation and Technology Branch
Air, Pesticides, and Toxics
Management Division

CC: J. Reynolds, BAR
CD
NPS
Brevard Co. Chair
P. Cantelou, PE - Sea Ray
D. Wilson, Sea-Ray
A. Morrison, HB545
C. Rowe
D. Sphar, Sierra Club



MEMORANDUM

TO: Mark Morris, U.S. EPA/OAQPS/OCG (MD-13)

FROM: Brian Palmer, Eastern Research Group, Inc.

DATE: October 18, 1999

SUBJECT: Comments on Draft BACT/MACT Determination for Proposed Sea Ray Boats Plant at Cape Canaveral, Florida

1.0 INTRODUCTION

We have reviewed the draft BACT/MACT determination for the proposed Sea Ray Boats plant and have the following three comments. The comments relate to how the EPA database and MACT model point values were used and interpreted in the determination that an add-on control was BACT for the proposed Sea Ray Boats plant. The comments are listed and explained below.

- 1. The BACT determination does not compare estimated emissions from the Bombardier jet-boat line to the MACT floor technology on an equal basis. The control level for the Bombardier jet-boat line must be estimated using the MACT model point value equations.**

On pages BD-14 and BD-15, the BACT determination notes that the MACT model point value for 35-percent styrene resin and non-atomized application is 85 lbs per ton of resin. *[The revised equations currently used by EPA give a value of 91 lb/ton.]* It

also states that Bombardier's *uncontrolled* styrene emissions at their original 35-percent styrene resin, applied by spray, is 77 lbs per ton of resin. This latter estimate is based on an emission factor of 11-percent of available styrene and shown by the following equation:

The emission factor of 11-percent used in the above equation is the midpoint of the EPA's AP-42 emission factors for resin spray lay up, which range from 9 to 13 percent of available styrene. More recent data from the industry and EPA test programs have shown that the AP-42 emission factors for polyester resin operations underestimate actual emissions. The EPA's MACT model point value equations are based on the more current data and give point values that are substantially higher than the lb/ton emission rates estimated from AP-42 emission factors.

To compare the uncontrolled and controlled emissions from Bombardier's jet-boat line to the MACT floor technology, the MACT model point value equation for resin spray up operations must be used to estimate uncontrolled lb/ton emissions. For a 35-percent styrene resin, which Bombardier originally used on the jet-boat line, the point value equation for atomized application estimates a MACT model point value of 155 lb/ton:

For the 42-percent styrene resin that Bombardier is currently using, the same equation estimates a MACT model point value of 242 lb/ton:

Applying the 85-percent control level (90-percent capture, 95-percent destruction), to the operation with 42-percent styrene resin gives a controlled point value for the Bombardier jet-boat line of 36 lb/ton:

- 2. The BACT analysis questions EPA's conclusion that the Bombardier facility is no better controlled than a facility using the existing source MACT floor technology. Although the jet-boat line is better controlled than the MACT floor technology, the EPA's conclusion is based on the entire facility, including the uncontrolled Celebrity line, and not just the jet-boat line.**

On page BD-14, the BACT determination questions EPA's conclusion that the Bombardier facility is probably no better controlled than a facility using 35-percent styrene resin and non-spray application (the existing source MACT floor). The EPA included both the Celebrity line and the jet-boat line in determining the overall control level of the Bombardier facility. The Celebrity line spray-applies resin with 42-percent

styrene content and the Celebrity line emissions are not controlled by the add-on control device. The EPA's MACT analysis was based on a facility-wide control level for all boat manufacturers because most boat manufacturers make a variety of products and change their product mix over time. By performing the MACT analysis on a facility-wide basis, the proposed standards will allow averaging among different operations and across production lines.

The MACT model point value for the Celebrity line is 242 lb/ton and the controlled point value for the jet-boat line is 36 lb/ton. The Celebrity line represents 25-percent of the total resin usage at the plant and the jet-boat line 75-percent. Therefore, the combined MACT model point value is 88 lb/ton, compared to the existing source MACT floor value of 91 lb/ton:

However, EPA has not been able to confirm the performance of the control device. The EPA contacted the Illinois EPA several times after the performance test had been completed in April 1998. As of April, 1999 Illinois EPA had not received a report on the performance of the control device. After several years of operation, the facility was still operating under a construction permit and had not yet received an operating permit with an enforceable emission limit. In the absence of data from a successful performance test, the EPA decided to remove the Bombardier facility from the MACT analysis because of the uncertainty associated with the emission limitation the facility was achieving.

- 3. The Production Resin Draft Summary Table cited on page BD-17, which lists Bombardier as the best controlled facility for resin operations, has been updated and the draft table is no longer valid. Bombardier has been removed from EPA's MACT analysis.**

The draft tables were posted on the EPA's Unified Air Toxics website in September 1998. Since then, EPA has revised the MACT model point value equations. In addition, EPA has removed Bombardier from the MACT analysis because of the uncertainty surrounding the emission limitation the facility is achieving. Therefore, Bombardier is no longer the facility with the lowest MACT model point value for open mold resin operations, according to the EPA database. Corsair Marine and Tracker Marine are the facilities with the lowest MACT model point values, both achieving 86

lb/ton. Corsair Marine uses vacuum bagging to build the narrow hulls and other parts of trimarans. Tracker Marine uses 34-percent styrene resin applied with resin rollers.

RFC-822-headers:

Received: from epic50.dep.state.fl.us ([199.73.195.8])
by mail.epic1.dep.state.fl.us (PMDF V5.2-32 #37976)
with ESMTP id <01JHBBDB3PLG002TZ6@mail.epic1.dep.state.fl.us> for
PHILLIPS_C@a1.epic1.dep.state.fl.us
(ORCPT rfc822;Cindy.Phillips@dep.state.fl.us); Tue, 19 Oct 1999 09:34:07 EDT

Received: from merlin.rtpnc.epa.gov ([134.67.208.148])
by mail.epic50.dep.state.fl.us (PMDF V5.2-32 #31508)
with ESMTP id <01JHBBEITR48004DDQ@mail.epic50.dep.state.fl.us> for
PHILLIPS_C@a1.epic1.dep.state.fl.us
(ORCPT rfc822;Cindy.Phillips@dep.state.fl.us); Tue,
19 Oct 1999 09:35:07 -0400 (EDT)

Received: from myrtle.rtpnc.epa.gov by epamail.epa.gov (PMDF V5.1-12 #26439)
with ESMTP id <0FJU0056NQND0A@epamail.epa.gov> for
Cindy.Phillips@dep.state.fl.us; Tue, 19 Oct 1999 09:27:57 -0400 (EDT)

Received: from RTASY1.RTP.EPA.GOV by epamail.epa.gov (PMDF V5.1-12 #26438)
with SMTP id <0FJU00JIZQNWQS@epamail.epa.gov> for
Cindy.Phillips@dep.state.fl.us; Tue, 19 Oct 1999 09:26:27 -0400 (EDT)

Received: from RTPHUB-Message_Server by RTASY1.RTP.EPA.GOV with
Novell_GroupWise; Tue, 19 Oct 1999 09:26:37 -0400

X-Mailer: Novell GroupWise 4.1

Clarence Rowe
418 Pennsylvania Avenue
Rockledge, FL 32955

BUREAU OF AIR REGULATION
OCT 18 1999
RECEIVED

October 13, 1999

Florida Department of Environmental Protection
Bureau of Air Regulation
2600 Blair Stone Road, Mail Station 5505
Tallahassee, FL 32399-2400

Reference DEP File No. 0090093-003, Sea Ray Boats, Inc.

Dear Sir or Madam:

I am writing to request that DEP hold a public meeting in Central Brevard concerning the Intent to Issue Air Construction Permit for the referenced file. I reside in Central Brevard and I have children, grandchildren, and other family members in Central Brevard. The younger members of my family will potentially have many years of exposure to the styrene emissions of this facility. I am concerned about the long-term effects on their health.

I request the hearing so the public can gather information on this proposed facility. The public can also hear DEP describe what emission controls and monitors DEP will be imposing on Sea Ray. The public meeting should be held at a Central Florida location, after normal working hours to provide maximum opportunity for affected citizens to attend, hear DEP's presentation, and ask questions.

Yours truly,



Clarence Rowe

INTEROFFICE MEMORANDUM

Date: 12-Oct-1999 03:59pm
From: Douglas Sphar
canoe2@digital.net
Dept:
Tel No:

To: LINERO_A (LINERO_A@dep.state.fl.us)
CC: Mary Todd (marytodd3@juno.com)

Subject: DEP File 0090093-003 Sea Ray Boats

Mr Linero:

Ref. DEP File 0090093-003 Sea Ray Boats

The Public Notice of Intent to Issue an Air Construction Permit states that the proposed facility will emit 211 TPY of VOC of which 125 TPY will be styrene.

Please send the types and amounts of the remaining 86 TPY of VOC/HAP.

Thanks,

Douglas Sphar

Air Quality Issues Chair, Turtle Coast Group Sierra Club

canoe2@digital.net

Douglas Sphar
819 Heron Road
Cocoa, FL 32926-2320

← Kim - Send to

Certified

Is your RETURN ADDRESS completed on the reverse side?

SENDER: <ul style="list-style-type: none"> ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered. 		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee. .	
3. Article Addressed to: Mr. Douglas Sphan 819 Nevon Rd Cocoa, Fl 32926-2320		4a. Article Number Z 031 391 959	
		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
		7. Date of Delivery 10-14-99	
5. Received By: (Print Name)		8. Addressee's Address (Only if requested and fee is paid)	
6. Signature (Addressee or Agent) x <i>[Signature]</i>			
PS Form 3811, December 1994		102595-98-B-0229 Domestic Return Receipt	

Thank you for using Return Receipt Service.

Z 031 391 959

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sent to	<i>Douglas Sphan</i>
Street & Number	<i>819 Nevon Rd</i>
Post Office, State, & ZIP Code	<i>Cocoa Fl</i>
Postage	\$
Certified Fee	
Special Delivery Fee	<i>sent him</i>
Restricted Delivery Fee	<i>Sea Ray</i>
Return Receipt Showing to Whom & Date Delivered	<i>copy</i>
Return Receipt Showing to Whom, Date, & Addressee's Address	<i>PKG.</i>
TOTAL Postage & Fees	\$
Postmark or Date	<i>Sea Ray 10-13-99</i>

PS Form 3800, April 1995



Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

October 11, 1999

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Clarence Rowe
418 Pennsylvania Avenue
Rockledge, Florida 32955

Re: Your Public Records Request
Sea Ray File

Dear Mr. Rowe:

Your telephone request to Mike Halpin for information regarding the Sea Ray Project was forwarded to my assistant, Kim Tober. She has enclosed a copy of a draft permit and Public Notice information that we sent to Sea Ray last week. She will routinely copy you as you requested on all future correspondence at no cost.

You may review a complete file at our Orlando District office and request copies in accordance with their procedures. Typically copies are made at a charge of \$0.15 per page (1-sided) or \$0.20 per page (2-sided). We estimate that the applications and correspondence to-date comprise about 200 pages which would cost approximately \$20.00 to copy. You can send a check in that amount to the letterhead address and we will send you the rest of the file (and return any balance due). We also sent some additional information to Brevard County that you can review at their Office of Natural Resource Protection in Viera.

If you have any further questions regarding this matter, please contact Ms. Kim Tober at 850/921-9533.

Sincerely,

A. A. Linero, P.E. Administrator
New Source Review Section

AAL/t

Enclosures

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Clarence Rowe
418 Pennsylvania
Rockledge, FL

32955

4a. Article Number

Z 031 392 022

4b. Service Type

- Registered Certified
- Express Mail Insured
- Return Receipt for Merchandise COD

7. Date of Delivery

10-14-98

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X Clarence Rowe

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

Z 031 392 022

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	Clarence Rowe
Street & Number	418 Pennsylvania
Post Office, State, & ZIP Code	Rockledge FL
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	10-12-99
	Sea Ray Draft

PS Form 3800, April 1995

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 11-Oct-1999 11:50am
From: Mike Halpin TAL
HALPIN_M
Dept: Air Resources Management
Tel No: 850/488-0114

To: Alvaro Linero TAL (LINERO_A)
CC: Kim Tober TAL (TOBER_K)

Subject: sea-ray

Al -

I received a call this morning from Mr. Clarence Rowe (Brevard County). You may recall that Mr. Rowe had an interest in the Oleander project. Mr. Rowe has asked about the Brevard County Sea-Ray application, but I was unable to give him any specific information as I am not involved in that project.

He specifically requested the following:

- 1) to be placed on the "list" of interested parties (so as to get routine information)
- 2) to be copied on any past formal correspondence which we have had with the applicant, including any public notices.

Mr. Rowe's mailing address (which I copied from the Oleander file) is:

Mr. Clarence Rowe
418 Pennsylvania Ave.
Rockledge, FL 32955

Thanks
Mike