



# Department of Environmental Protection

Jeb Bush  
Governor

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

Colleen M. Castille  
Secretary

October 29, 2004

## CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Milind Dange, Vice President  
Product Development & Engineering  
Sea Ray Boats, Inc.  
200 Sea Ray Boulevard  
Merritt Island, Florida 32954

Re: Merritt Island Facility  
Cape Canaveral Plant – Boat Repair  
DEP File No. 0090093-007-AC

Dear Mr. Dange:

Enclosed are documents indicating the Department's intent to issue an air construction permit to Sea Ray Boats for repair activities at the Cape Canaveral Plant located at 1200 Sea Ray Drive, Merritt Island. The documents include: the "Intent to Issue Air Construction Permit;" the "Public Notice of Intent to Issue Air Construction Permit;" the Department's "Technical Evaluation and Preliminary Determination"; and the Draft Permit.

The Public Notice must be published one time only as soon as possible in a newspaper of general circulation in the area affected, pursuant to Chapter 50, Florida Statutes. Proof of publication, i.e., newspaper affidavit, must be provided to the Department's Bureau of Air Regulation office within seven (7) days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

Please submit any other written comments you wish to have considered concerning the Department's proposed action to Mr. A. A. Linero, Program Administrator, South Permitting at the above letterhead address. If you have any questions, please call Ms. Cindy Phillips 850/921-9534 or Mr. Linero at 850/921-9523.

Sincerely,

Trina L. Vielhauer, Chief,  
Bureau of Air Regulation

.TLV/aal

Enclosures

"More Protection, Less Process"

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2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

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## CERTIFIED MAIL

In the Matter of an  
Application for Permit by:

Mr. Milind Dange, Vice President  
Product Development & Engineering  
Sea Ray Boats, Inc.  
200 Sea Ray Boulevard  
Merritt Island, Florida 32954

DEP File No. 0090093-007-AC  
Cape Canaveral Plant, Building 101  
Brevard County

## INTENT TO ISSUE AIR CONSTRUCTION PERMIT

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit (copy of permit attached) for the proposed project, detailed in the application specified above and the enclosed Technical Evaluation and Preliminary Determination, for the reasons stated below.

The applicant, Sea Ray Boats, Inc. operates a fiberglass boat production facility located at 200 Sea Ray Boulevard, Merritt Island, Brevard County. This permit authorizes the applicant to utilize Cape Canaveral Plant Building 101 to perform water-related repairs on existing Brunswick Boat Group boats. The conditions of this construction permit supersede all of the conditions of expired construction permits 0090093-005-AC, 0090093-003-AC, and PSD-FL-274. This permit revokes the Department-issued conditional exemption from permitting given to Sea Ray Boats for more limited boat repair operations.

The Department has permitting jurisdiction under the provisions of Chapter 403.087, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, and 62-210. This action is not exempt from permitting procedures. The Department has determined that an air construction permit is required to lower the minimum water pressure. The Department intends to issue this air construction permit based on the belief that reasonable assurances have been provided to indicate that operation of these emission units will not adversely impact air quality, and the emission units will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C.

Pursuant to Section 403.815, F.S., and Rule 62-110.106(7)(a)1., F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Construction Permit. The notice shall be published one time only in the legal advertisement section of a newspaper of general circulation in the area affected. Rule 62-110.106(7)(b), F.A.C., requires that the applicant cause the notice to be published as soon as possible after notification by the Department of its intended action. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax 850/ 922-6979). You must provide proof of publication within seven days of publication, pursuant to Rule 62-110.106(5), F.A.C. No permitting action for which published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform affidavit in substantially the form prescribed in section 50.051, F.S. to the office of the Department issuing the permit. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rules 62-110.106(9) & (11), F.A.C.

The Department will issue the final permit 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 fourteen (14) days from the date of publication of Public Notice of Intent to Issue Air Construction Permit.

*"More Protection, Less Process"*

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Written comments 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.

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.

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 3900 Commonwealth Boulevard, Mail Station #35, 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 120.60(3) 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 120.60(3), 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 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 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 28-106.301.

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.

Mediation is not available in this proceeding.

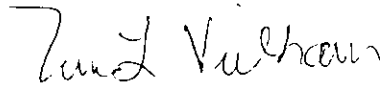
In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542 F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number of the petitioner; (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any; (c) Each rule or portion of a rule from which a variance or waiver is requested; (d) The citation to the statute underlying (implemented by) the rule identified in (c) above; (e) The type of action requested; (f) The specific facts that would justify a variance or waiver for the petitioner; (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2) F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

Executed in Tallahassee, Florida.



Trina L. Vielhauer, Chief  
Bureau of Air Regulation

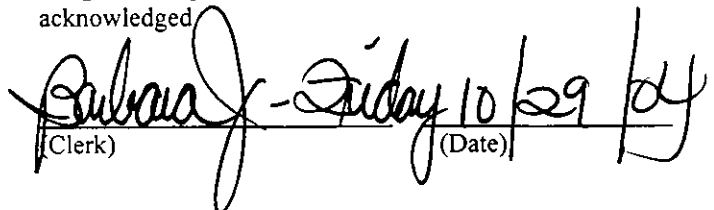
**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this Intent to Issue Air Construction Permit (including the Public Notice of Intent to Issue Air Construction Permit, Technical Evaluation and Preliminary Determination, and the Draft permit) was sent by certified mail (\*) and copies were mailed by U.S. Mail or by e-mail before the close of business on 10/29/04 to the person(s) listed:

- \* Mr. Milind Dange, VP, Sea Ray Boats
- Mr. Ken Kosky, P.E., Golder
- Mr. Len Kozlov, FDEP-CD

Clerk Stamp

**FILING AND ACKNOWLEDGMENT FILED**, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged

  
\_\_\_\_\_  
(Clerk) (Date)

**PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT**

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP File No. 0090093-007-AC

Sea Ray Boats, Inc.  
Cape Canaveral Plant  
Brevard County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit to Sea Ray Boats, Inc., for the Cape Canaveral Plant located at 1200 Sea Ray Drive, Merritt Island, Brevard County. This construction permit is to allow boat repair operations in the building that was originally intended for boat manufacturing operations. The conditions of this construction permit supersede all of the conditions of expired construction permits 0090093-005-AC, 0090093-003-AC, and PSD-FL-274. This permit revokes the Department-issued conditional exemption from permitting given to Sea Ray Boats for more limited boat repair operations.

The applicant's mailing address is: 1200 Sea Ray Drive, Merritt Island, Florida 32954. A Best Available Control Technology (BACT) determination was not required pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD).

The Department will issue the Final permit 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 fourteen (14) days from the date of publication of this Public Notice of Intent to Issue Air Construction Permit. Written comments 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.

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 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteendays of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteendays of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), 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 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 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 28-106.301

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 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Dept. of Environmental Protection	Dept. of Environmental Protection
Bureau of Air Regulation	Central District
Suite 13, 111 S. Magnolia Drive	3319 Maguire Boulevard, Suite 232
Tallahassee, Florida, 32301	Orlando, Florida 32803-3767
Telephone: 850/488-0114	Telephone: 407/894-7555
Fax: 850/921-9533	Fax: 407/897-2966

The complete project file includes the request for permit, technical evaluation, Draft permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, Title V Section, or the Department's reviewing engineer for this project, Cindy L. Phillips, P.E., at MS 5505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or call 850/921-9534, for additional information.

**TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION**

**1.0 APPLICANT INFORMATION**

**1.1 Applicant Name and Address**

Sea Ray Boats, Inc.  
Cape Canaveral Plant  
200 Sea Ray Drive  
Merritt Island, FL 32953

Representative:  
Mr. Milind Dange  
Vice President of Product Development & Engineering

**1.2 Reviewing and Processing Schedule**

May 26, 2004	Received permit application
August 5, 2004	Received additional information
August 5, 2004	Application complete

**2.0 FACILITY INFORMATION**

**2.1 Facility Location**

The facility, Sea Ray Boats, Inc., is located at 100, 200, and 350 Sea Ray Road, Merritt Island, Brevard County. The nearby Cape Canaveral Plant is considered to be part of the facility and is located at 1200 Sea Ray Drive. The UTM coordinates are Zone 17; 531.85 km E; 3114.15 km N.

**2.2 Standard Industrial Classification (SIC) Code:**

Major Group No.	37	Transportation Equipment
Industry No.	3732	Boat Building and Repairing

**2.3 Existing Facility Description:**

The facility consists of boat building and repair at the Merritt Island Plant, the Production Development and Engineering (PD&E) Plant and the Sykes Creek Plant located at 100, 200, and 350 Sea Ray Drive respectively. Only minimal repair activities heretofore exempt from permitting are authorized on Cape Canaveral Plant located at 1200 Sea Ray Drive.

**2.4 Regulatory Classification:**

The facility is classified as a Major Title V Source of air pollution because emissions of at least one regulated hazardous air pollutant (HAP), such as styrene, exceeds 10 tons per year (TPY); and because emissions of at least one regulated criteria pollutant, such as volatile organic compounds (VOCs), exceeds 250 TPY. The facility is also classified as a major source of hazardous air pollutants because emissions of at least one regulated hazardous air pollutant (HAP), such as styrene, exceeds 10 TPY.

**2.5 Permitting Background:**

This facility currently consists of the Merritt Island Plant, the Production Development and Engineering (PD&E) Plant, and the Sykes Creek Plant which are operating under Title V Operation Permit 0090093-004-AV. Construction permit 0090093-003-AC, issued May 11, 2000, authorized construction of the Cape Canaveral Plant for production of fiberglass boats. However, construction was not completed and certain air pollution control equipment was not installed. Sea Ray decided to repair boats at the Cape Canaveral Plant instead and, in 2003, requested and received a Department-issued conditional exemption from permitting for the boat repair activities, based on conditions of limited operation.

## TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

### 3. DESCRIPTION OF PROPOSED PROJECT

This project addresses the following emissions unit:

EMISSIONS UNIT NO.	EMISSIONS UNIT DESCRIPTION
004	Cape Canaveral Plant, Building 101: Fiberglass Boat Repair

This permitting action is to supersede the conditions of the previous, and expired, construction permits Nos. 0090093-003-AC (PSD-FL-274) and 0090093-005-AC which authorized the construction of Building 101 for fiberglass boat production. The permittee has requested a permit to utilize Building 101 for fiberglass boat repairs instead of fiberglass boat production, and would like to increase boat repair activities beyond the amount approved in their 2003 Department-issued conditional exemption from permitting.

The Cape Canaveral Plant will be used to perform water-related repairs on existing Brunswick Boat Group boats. These boats have been in service for various periods and there is a need to remove water and make repairs. The water damage is generally between the exterior and the interior portions of the hull near and below the waterline. The balsa wood layer, between the fiberglass exterior and interior portions of the hull, is where the water must either be removed or the water damage that has already occurred must be repaired.

The procedure will involve first placing the boats in the south half of Building 101 to keep the boats away from any rainfall. Moisture meters and infrared imaging devices are used to determine where the moisture is inside the laminate of each boat. It also determines the point of ingress of the water into the boat. Once this is complete, the determination is made of where and how many holes are necessary to vent and draw the moisture out of the laminate using high-pressure vacuum technology. The drying process is monitored closely to determine that sufficient moisture has been removed. If the vacuum system is not drying the laminate sufficiently, a determination is made whether to remove a larger section of the laminate or remove the wet core completely and replace with new laminate. Replacing laminate is more time consuming than using only the vacuum system. The bulk of the repairs involve the use of resins and putties to repair the structural components of the hull. Where needed, gel coats (bilge and/or exterior) are applied. Where needed, gunks are applied. Where carpet and other coverings are removed to expose water damage, adhesives are used to replace the coverings. Although rare, stringer(s) may occasionally be replaced within a boat. Bottom paints are used, as necessary, to complete the final repairs on the exterior portions of the hull at and below the waterline. Prior to returning the boats to the dealers/customers, the boats will be detailed and cleaned with waxes, buffing compound, polishing compounds, and various cleaners. The overall repairs can take several days to over a month, depending on the extent of repairs necessary.

### 4. PROJECT EMISSIONS

The emissions associated with this project are primarily HAPs and VOCs. The applicant estimated maximum annual VOC, total HAPs, and styrene emissions to be 3.09, 1.091 and 0.496 TPY, respectively. The calculations are based on typical average repairs, but individual repairs vary greatly due to the type and extent of water damage. Unlike the production of boats, individual repairs are uncertain since the total extent of the damage cannot be determined precisely from measurements. Therefore, emissions will be limited by limits on materials usage. There are no air pollution control devices in use. The east and west doors of the south half of Building 101 are kept open for cross-ventilation.

Projected VOC emissions of 3 TPY from repair activities at the Cape Canaveral Plant will be minimal in comparison with presently authorized VOC emissions of 426 TPY from the three boatbuilding plants.



## **TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION**

### **5. RULE APPLICABILITY**

The proposed project is subject to preconstruction review requirements under the provisions of Chapter 403, Florida Statutes, and Chapters 62-4, 62-204, 62-210, 62-213, 62-296, and 62-297 of the Florida Administrative Code (F.A.C). As a Major Source of Hazardous Air Pollutants, the facility is subject to 40 CFR 63 Subpart A-General Provisions and Subpart VVVV-Boat Manufacturing. This facility is not within an industry included in the list of the 28 Major Facility Categories per Table 62-212.400-1, F.A.C. but, since emissions are greater than 250 TPY for VOC, the facility is also a Major Facility with respect to Rule 62-212.400, Prevention of Significant Deterioration (PSD). However, the proposed project does not result in emissions that are greater than the PSD significance threshold of 40 tons per year of VOCs. Therefore, the proposed project is not subject to the preconstruction review requirements of Chapter 62-212, F.A.C.

### **6. RELATION TO OTHER ACTIVITIES**

Sea Ray has requested to conduct only repair activities at the Cape Canaveral Plant. Sea Ray is authorized by past air construction permits and their present Title V Operation Permit to build fiberglass boats at three of the plants. Cape Canaveral is the exception. Sea Ray would need to apply and obtain a separate air construction permit before they could manufacture boats at the Cape Canaveral Plant.

The Department previously exempted Sea Ray from permitting for very minimal repair activities at the Cape Canaveral Plant. The nature of future repair activities is substantially different than the past activities. The Department is revoking the exemption with Sea Ray's consent in conjunction with issuance of the present permit.

### **7. CONCLUSION**

Based on the foregoing technical evaluation of the application and additional information submitted by the applicant and other available information, the Department has made a preliminary determination that the proposed project will comply with all applicable state and federal air pollution regulations.

**PERMITTEE**

Sea Ray Boats, Inc.  
200 Sea Ray Boulevard  
Merritt Island, Florida 32954

<b>Permit No.:</b>	0090093-007-AC
<b>Project:</b>	Cape Canaveral Plant, Building 101 Fiberglass Boat Repairs
<b>Expires:</b>	November 15, 2005

**AUTHORIZED REPRESENTATIVE:**

Mr. Milind Dange, Vice President  
Product Development & Engineering

**PROJECT AND LOCATION**

This permit authorizes the applicant to utilize Cape Canaveral Plant, Building 101 to perform water-related repairs on existing Brunswick Boat Group boats. The SIC code for this project is 3732.

The project is to be located at 1200 Sea Ray Drive, Merritt Island, Brevard County. The UTM coordinates are Zone 17; 531.85 km E; 3142.15 km N.

**STATEMENT OF BASIS**

This construction permit is issued under the provisions of Chapter 403 of the Florida Statutes (F.S.), and the Florida Administrative Code (F.A.C.) Chapters 62-4, 62-204, 62-210, 62-296, and 62-297. The above named permittee is authorized to construct the emissions units in accordance with the conditions of this permit and as described in the application, approved drawings, plans, and other documents on file with the Department of Environmental Protection (Department). The conditions of this construction permit supersede all of the conditions of expired construction permits 0090093-005-AC, 0090093-003-AC, and PSD-R-274. This permit revokes the Department-issued conditional exemption from permitting given to Sea Ray Boats for more limited boat repair operations.

**APPENDICES**

The attached appendices are a part of this permit:

- Appendix A 40 CFR 63 Subpart VVV- NESHAP for Boat Manufacturing  
(including 40 CFR 63 Subpart A - General Provisions)
- Appendix GC General Permit Conditions

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Michael G. Cooke, Director  
Division of Air Resource  
Management

**AIR CONSTRUCTION PERMIT**  
**SECTION I. FACILITY INFORMATION**

**FACILITY DESCRIPTION**

Sea Ray Boats operates a boatbuilding facility consisting of three plants located at 100, 200, and 350 Sea Ray Drive in Merritt Island. The fourth plant, called the Cape Canaveral Plant, was partially constructed under a permit issued pursuant to the rules for the prevention of significant deterioration (PSD). The permit expired on January 1, 2003 and Sea Ray is not authorized to complete construction or to manufacture boats at this plant.

The facility operates under a single Title V Operation Permit that includes the Merritt Island Plant, the Product Development and Engineering Plant and the Sykes Creek Plant. The Cape Canaveral Plant is yet not reflected in the facility Title V Operation Permit.

Building 101 at the Cape Canaveral Plant was erected prior to expiration of the PSD permit. It was originally intended for assembly and lamination of new fiberglass boats. Certain pollution control equipment required by the PSD permit was not installed.

**PROJECT DETAILS**

The Cape Canaveral Plant will repair fiberglass boats of varying sizes in the south half of existing Building 101. The Cape Canaveral Plant will consist of the following emissions unit:

EMISSIONS UNIT NO.	EMISSIONS UNIT DESCRIPTION
004	Cape Canaveral Plant, Building 101: Fiberglass Boat Repair

**REGULATORY CLASSIFICATION**

The facility is classified as a Major or Title V Source of air pollution because emissions of volatile organic compounds (VOC) exceed 100 tons per year (TPY), and because emissions of one hazardous air pollutant (HAP) (styrene) exceed 10 tons per year and emissions of total HAPs exceed 25 tons per year. This facility is also classified as a Major Source of Hazardous Air Pollutants, because emissions of one hazardous air pollutant (styrene) exceed 10 tons per year and emissions of total HAPs exceed 25 tons per year, and is therefore subject to 30 CFR 63. This facility is not within an industry included in the list of the 28 Major Facility Categories per Table 62-212.400-1, F.A.C. but, since emissions are greater than 250 TPY for VOC, the facility is also a Major Facility with respect to Rule 62-212.400, Prevention of Significant Deterioration (PSD). However, the proposed project does not result in emissions that are greater than the PSD significance threshold of 40 tons per year of VOCs. Therefore, the proposed project is not subject to the preconstruction review requirements of Chapter 62-212, F.A.C.

**REVIEWING AND PROCESS SCHEDULE**

05-26-04	Received permit application
08-05-04	Received additional information
08-05-04	Application complete
10-29-04	Issued Notice of Intent
xx-xx-xx	Notice of Intent Published

**RELEVANT DOCUMENTS**

The documents listed below constitute the basis for the permit and are on file with the Department.

- Permit application
- Applicant's additional information noted above
- Department's Technical Evaluation and Preliminary Determination and Intent to Issue

**AIR CONSTRUCTION PERMIT**  
**SECTION II. FACILITY-WIDE SPECIFIC CONDITIONS**

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The following specific conditions apply to all emissions units at this facility addressed by this permit.

**ADMINISTRATIVE**

1. **Regulating Agencies:** All documents related to applications for permits to construct, operate or modify an emissions unit should be submitted to the Bureau of Air Regulation (BAR), Florida Department of Environmental Protection at Mail Station #5505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, phone number 850/488-0114. All documents related to reports, tests, minor modifications and notifications shall be submitted to the Department's Central District office at 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767, phone number 407/894-7555.
2. **General Conditions:** The permittee is subject to and shall operate under the attached General Permit Conditions G.1 through G.15 listed in Appendix GC of this permit. General Permit Conditions are binding and enforceable pursuant to Chapter 403 of the Florida Statutes. [Rule 62-4.160, F.A.C.]
3. **Terminology:** The terms used in this permit have specific meanings as defined in the corresponding chapters of the Florida Administrative Code.
4. **Applicable Regulations, Forms and Application Procedures:** Unless otherwise indicated in this permit, the construction and operation of the subject emissions unit shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of Chapter 403, F.S. and Florida Administrative Code Chapters 62-4, 62-110, 62-204, 62-212, 62-213, 62-296, 62-297, and the Code of Federal Regulations Title 40, Part 60, adopted by reference in the Florida Administrative Code (F.A.C.) regulations. The permittee shall use the applicable forms listed in Rule 62-210.900, F.A.C. and follow the application procedures in Chapter 62-4, F.A.C. Issuance of this permit does not relieve the facility owner or operator from compliance with any applicable federal, state, or local permitting or regulations. [Rules 62-204.800, 62-210.300 and 62-210.900, F.A.C.]
5. **New or Additional Conditions:** Pursuant to Rule 62-4.080, F.A.C., for good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]
6. **Expiration:** This air construction permit shall expire on November 15, 2005. The permittee, for good cause, may request that this construction permit be extended. Such a request shall be submitted to the Department's Bureau of Air Regulation prior to 60 days before the expiration of the permit. [Rules 62-210.300(1), 62-4.070(4), 62-4.080, and 62-4.210, F.A.C.]
7. **Modifications:** No emissions unit or facility subject to this permit shall be constructed or modified without obtaining an air construction permit from the Department. Such permit must be obtained prior to the beginning of construction or modification. [Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]
8. **Boat Building Prohibited:** Facility boatbuilding shall not be conducted at the Cape Canaveral Plant unless a construction permit to perform this activity is obtained pursuant to Rules 62-210 and 62-212, F.A.C.
9. **Title V Operation Permit Required:** This permit authorizes construction and/or installation of the permitted emissions unit and initial operation to determine compliance with Department rules. A Title V operation permit is required for regular operation of the permitted emissions unit. The owner or operator shall apply for and receive a Title V operation permit prior to expiration of this permit. To apply for a Title V operation permit, the applicant shall submit the appropriate application form, compliance test results, and such additional information as the Department may by law require. The application shall be submitted to the Department's Central District office. [Rules 62-4.030, 62-4.050, 62-4.220, and Chapter 62-213, F.A.C.]

## AIR CONSTRUCTION PERMIT

### SECTION II. FACILITY-WIDE SPECIFIC CONDITIONS

#### GENERAL EMISSIONS LIMITING STANDARDS

10. General Visible Emissions Standard: Except for emissions units that are subject to a particulate matter or opacity limit set forth or established by rule and reflected by conditions in this permit, no person shall cause, let, permit, suffer, or allow to be discharged into the atmosphere the emissions of air pollutants from any activity, the density of which is equal to or greater than that designated as Number 1 on the Ringelmann Chart (20% opacity). The test method for visible emissions shall be EPA Method 9, incorporated and adopted by reference in Chapter 62-297, F.A.C. Test procedures shall meet all applicable requirements of Chapter 62-297, F.A.C. [Rule 62-296.320(4)(b)1, F.A.C.]
11. Unconfined Emissions of Particulate Matter: [Rules 62-296.320(4)(c) and 62-212.400, F.A.C.; and Permit application 0090039-007-AC]
- (a) No person shall cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction, alteration, demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions.
  - (b) Any permit issued to a facility with emissions of unconfined particulate matter shall specify the reasonable precautions to be taken by that facility to control the emissions of unconfined particulate matter.
  - (c) Reasonable precautions include the following:
    - Removal of particulate matter from Building 101 work areas by vacuum or hand sweeping to prevent particulate matter from becoming airborne.
  - (d) In determining what constitutes reasonable precautions for a particular source, the Department shall consider the cost of the control technique or work practice, the environmental impacts of the technique or practice, and the degree of reduction of emissions expected from a particular technique or practice.
12. General Pollutant Emission Limiting Standards: [Rule 62-296.320(1)(a)&(2), F.A.C.]
- (a) No person shall store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds or organic solvents without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department.
  - (b) No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor. (Not federally enforceable)
- [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.]

#### OPERATIONAL REQUIREMENTS

13. Plant Operation - Problems: If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by hazard of fire, wind or by other cause, the permittee shall immediately notify the Department's Central District office. The notification shall include pertinent information as to the cause of the problem, and what steps are being taken to correct the problem and to prevent its recurrence, and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with Department rules. [Rule 62-4.130, F.A.C.]
14. Circumvention: No person shall circumvent any air pollution control device or allow the emission of air pollutants without the applicable air pollution control device operating properly. [Rule 62-210.650, F.A.C.]
15. Excess Emissions: For purposes of this permit, all limits established pursuant to the State Implementation Plan, including those limits established as BACT, include emissions during periods of startup and shutdown, and are not subject to the provisions of Rule 62-210.700(1), F.A.C. This provision can not be used to vary any NESHAP requirements from any subpart of 40 CFR 63. Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during start-up, shutdown or malfunction shall be prohibited pursuant to Rule 62-210.700(4), F.A.C. [Rules 62-4.070(3) and 62-210.700(5), F.A.C.]

## AIR CONSTRUCTION PERMIT

### SECTION II. FACILITY-WIDE SPECIFIC CONDITIONS

Excess emissions resulting from malfunction of any emissions units shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized, but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration. [Rule 62-210.700(1), F.A.C.]

#### COMPLIANCE MONITORING AND TESTING REQUIREMENTS

16. Required Number of Test Runs: For mass emission limitations, a compliance test shall consist of three complete and separate determinations of the total air pollutant emission rate through the test section of the stack or duct and three complete and separate determinations of any applicable process variables corresponding to the three distinct time periods during which the stack emission rate was measured; provided, however, that three complete and separate determinations shall not be required if the process variables are not subject to variation during a compliance test, or if three determinations are not necessary in order to calculate the unit's emission rate. The three required test runs shall be completed within one consecutive five-day period. In the event that a sample is lost or one of the three runs must be discontinued because of circumstances beyond the control of the owner or operator, and a valid third run cannot be obtained within the five-day period allowed for the test, the Secretary or his or her designee may accept the results of two complete runs as proof of compliance, provided that the arithmetic mean of the two complete runs is at least 20% below the allowable emission limiting standard. [Rule 62-297.310(1), F.A.C.]
17. Operating Rate During Testing: Unless otherwise stated in the applicable emission limiting standard rule, testing of emissions shall be conducted with the emissions unit operation at permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the minimum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test load until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. [Rule 62-297.310(2), F.A.C.]
18. Calculation of Emission Rate: The indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the three separate test runs unless otherwise specified in a particular test method or applicable rule. [Rule 62-297.310(3), F.A.C.]
19. Test Procedures shall meet all applicable requirements of Rule 62-297.310(4), F.A.C. [Rule 62-297.310(4), F.A.C.]
20. Determination of Process Variables: [Rule 62-297.310(5), F.A.C.]
  - (a) Required Equipment. The owner or operator of an emissions unit for which compliance tests are required shall install, operate, and maintain equipment or instruments necessary to determine process variables, such as process weight input or heat input, when such data are needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards.
  - (b) Accuracy of Equipment. Equipment or instruments used to directly or indirectly determine process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value.
21. Required Stack Sampling Facilities: Sampling facilities include sampling ports, work platforms, access to work platforms, electrical power, and sampling equipment support. All stack sampling facilities must meet any Occupational Safety and Health Administration (OSHA) Safety and Health Standards described in 29 CFR Part 1910, Subparts D and E. Sampling facilities shall also conform to the requirements of Rule 62-297.310(6), F.A.C. [Rule 62-297.310(6), F.A.C.]
22. Test Notification: The permittee shall notify the Department's Central District office and, if applicable, appropriate local program, at least 15 days prior to the date on which each formal compliance test is to begin. Notification shall include the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted for the owner or operator. [Rule 62-297.310(7)(a)9., F.A.C.]

## AIR CONSTRUCTION PERMIT

### SECTION II. FACILITY-WIDE SPECIFIC CONDITIONS

23. Special Compliance Tests: When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the facility to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions units and to provide a report on the results of said tests to the Department. [Rule 62-297.310(7)(b), F.A.C.]

#### REPORTING AND RECORD KEEPING REQUIREMENTS

24. Duration of Record Keeping: Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least five years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule. [Rules 62-4.160(14)(a)&(b) and 62-213.440(1)(b)2.b., F.A.C.]
25. Test Reports: The owner or operator of an emissions unit for which a compliance test is required shall file a report with the Department on the results of each such test. The required test report shall be filed with the Department as soon as practical but no later than 45 days after the last sampling run of each test is completed. The test report shall provide sufficient detail on the emissions unit tested and the test procedures used to allow the Department to determine if the test was properly conducted and the test results properly computed. As a minimum, the test report, other than for an EPA or DEP Method 9 test, shall provide the applicable information listed in Rule 62-297.310(8)(c), F.A.C. [Rule 62-297.310(8), F.A.C.]
26. Excess Emissions Report: If excess emissions occur, the owner or operator shall notify the Department within one working day of: the nature, extent, and duration of the excess emissions; the cause of the excess emissions; and the actions taken to correct the problem. In addition, the Department may request a written summary report of the incident. Pursuant to the NESHAP requirements, excess emissions shall also be reported in accordance with 40 CFR 63, Subpart A. [Rule 62-4.130, F.A.C.]
27. Excess Emissions Report- Malfunctions: In case of excess emissions resulting from malfunctions, each owner or operator shall notify the Department's Central District office in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report if requested by the Department. [Rule 62-210.700(6), F.A.C.]
28. Annual Operating Report for Air Pollutant Emitting Facility: The Annual Operating Report for Air Pollutant Emitting Facility shall be completed each year and shall be submitted to the Department's Central District office by March 1 of the following year. [Rule 62-210.370(3), F.A.C.]

## AIR CONSTRUCTION PERMIT

### SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

The following specific conditions apply to the following emissions units:

E.U. NO.	EMISSIONS UNIT DESCRIPTION
004	Cape Canaveral Plant, Building 101: Fiberglass Boat Repair

#### MACT APPLICABILITY

- This emissions unit shall comply with the attached Appendix A - 40 CFR 63 Subpart VVVV- NESHAP for Boat Manufacturing (including 40 CFR 63 Subpart A- General Provisions).

#### EMISSIONS LIMITATIONS

- VOC Emissions Limits:** Total emissions of volatile organic compounds (VOC), including hazardous air pollutants (HAPs), shall not exceed 3.09 tons in any consecutive 12-month period.  
[Rules 62-4.070(3), 62-204.800(10)(d)2, and 62-210.200 (PTE), F.A.C.; applicant request and escape BACT.]

#### MATERIAL USAGE /APPLICATION LIMITATIONS

- This emissions unit is subject to the following material usage/application limitations:

Materials	Application Methods	Consecutive 12-Month Usage
Pigmented production gelcoats for repairs	Atomized spray	4,590 lbs.
Production resins (filled & unfilled) for repairs	Hand lay-up and occasional non-atomized spray. <b>NOTE:</b> If resin is filled, the neat resin will contain 35% or less HAPs. Also, the neat resin to make "filled resin" is the same resin used for non-filled applications.	10,700 lbs.  <b>NOTE:</b> Usage poundage refers to resin weight without any filler.
Bonding putty fillers, putties, and gunks	Hand lay-up or other non-atomized application method	5,900 lbs.
Carpet & fabric adhesives	Generally use aerosol cans. (If larger containers of adhesives are used, the adhesives shall contain <5% HAPs.)	200 lbs.
Non-HAP/non-VOC solvents (such as Acetone) for cleaning equipment, wiping-off resin/gelcoat from boats, prepping boats for bottom paint, and thinning gelcoats		7,050 lbs.
Other VOC/HAP Materials including: a) Boat Cleaners & Washing Solutions (such as Fantastik, 409, Spray Nine, Orpine and other common cleaners/washing solutions); b) Bottom Paints; c) Bottom Paint-related primers for fiberglass & metal; d) Catalyst for Gel Coats, Resins, Putties & gunks; e) Other adhesives, caulk, epoxies & sealants; f) VOC-containing solvents (such as Polyvinyl Alcohol Part-All #10); g) Waxes, Buffing Compounds & Polishing Compounds; and h) Dyes & Traces such as Dychem Blue.		12,840 lbs.

Sea Ray Boats, Inc.  
Cape Canaveral Plant

Permit 0090093-007-AC  
Boat Repair Activities



## AIR CONSTRUCTION PERMIT

### SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

#### OPERATIONAL REQUIREMENTS

4. **Hours of Operation:** Fiberglass boat repairs may be performed on existing Brunswick Boat Group boats in Building 101 for 8760 hours/year.  
[Rules 62-210.200, Definitions-Potential to Emit (PTE) and 62-213.440(1)(b)1.b., F.A.C.]

#### REPORTING AND RECORD KEEPING REQUIREMENTS

5. In order to demonstrate compliance with conditions Nos. III.2 and III.3, the permittee shall maintain a log at the facility for a period of at least 5 years from the date the data is recorded. The log at a minimum shall contain the following:

##### Monthly

- a) month
- b) consecutive twelve month total of material usage rates
- c) consecutive twelve month total of VOC emission rate

[Rules 62-4.070(3), and 62-213.440(1)(b)2., F.A.C.]

6. Documentation of each chemical reclaimed will use a mass balance method to determine usage/emissions (the amount used minus the amount collected for disposal or recycle). Supporting documentation (chemical usage tracking logs, MSD sheets, purchase orders, EPA "As Supplied" data sheets, EPA Method 24 and 24A, Method of Application, etc.) shall be kept for each chemical and associated products which includes sufficient information to determine usage rates and emissions. These records shall be made available to the Department upon request.

The log and documents shall be kept at the facility for at least five years and made available to the Department. The monthly log shall be completed by the end of the following month.

[Rules 62-4.070(3), and 62-213.440(1)(b)2., F.A.C.]

#### PROHIBITION

7. Neither this permit nor the Merritt Island Facility Title V Operation Permit authorizes boatbuilding at the Cape Canaveral Plant. Boatbuilding shall not be conducted at the Cape Canaveral Plant unless a construction permit to perform this activity is obtained pursuant to Rules 62-210 and 62-212, F.A.C.  
[Application Information, Conditions of Present Permit, Rules 62-210 and 212, F.A.C.]

#### PREVIOUS CONSTRUCTION PERMITS

8. The conditions of this construction permit supersede all of the conditions of expired construction permits 0090093-005-AC, 0090093-003-AC, and PSD-FL-274.

#### PREVIOUS DEPARTMENT-ISSUED CONDITIONAL EXEMPTION FROM PERMITTING

9. This permit revokes the Department-issued conditional exemption from permitting given to Sea Ray Boats for more limited boat repair operations. [Rule 62-4.040(b), F.A.C., "Such determination may be revoked if the installation is substantially modified ...."]

**APPENDIX GC**  
GENERAL PERMIT CONDITIONS [RULE 62-4.160, F.A.C.]

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- G.1 The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
- G.2 This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings or exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
- G.3 As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey and vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
- G.4 This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
- G.5 This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
- G.6 The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
- G.7 The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:
- (a) Have access to and copy and records that must be kept under the conditions of the permit;
  - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit, and,
  - (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

- G.8 If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
- (a) A description of and cause of non-compliance; and
  - (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

**APPENDIX GC**  
GENERAL PERMIT CONDITIONS [RULE 62-4.160, F.A.C.]

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- G.9 In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
- G.10 The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
- G.11 This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
- G.12 This permit or a copy thereof shall be kept at the work site of the permitted activity.
- G.13 This permit also constitutes:
- (a) Determination of Best Available Control Technology ( );
  - (b) Determination of Prevention of Significant Deterioration ( ); and
  - (c) Compliance with New Source Performance Standards ( ).
- G.14 The permittee shall comply with the following:
- (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
  - (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application or this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
  - (c) Records of monitoring information shall include:
    - 1. The date, exact place, and time of sampling or measurements;
    - 2. The person responsible for performing the sampling or measurements;
    - 3. The dates analyses were performed;
    - 4. The person responsible for performing the analyses;
    - 5. The analytical techniques or methods used; and
    - 6. The results of such analyses.
- G.15 When requested by the Department, the permittee shall within a reasonable time furnish any information, required by law, which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

Updated 6/25/03

## Appendix A

### **40 CFR 63 Subpart VVVV - National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing [for Open Molding Resin and Gel Coat Operations using Emissions Averaging Option and/or Compliant Materials Option]**

Sec.

#### **What the Subpart Covers**

63.5689 What parts of my facility are covered by this subpart?

63.5695 When must I comply with this subpart?

#### **Standards for Open Molding Resin and Gel Coat Operations**

63.5695 When must I comply with this subpart?

63.5698 What emission limit must I meet for open molding resin and gel coat operations?

63.5701 What are my options for complying with the open molding emission limit?

63.5704 What are the general requirements for complying with the open molding emission limit?

63.5707 What is an implementation plan for open molding operations and when do I need to prepare one?

63.5710 How do I demonstrate compliance using emissions averaging?

63.5713 How do I demonstrate compliance using compliant materials?

63.5714 How do I demonstrate compliance if I use filled resins?

#### **Standards for Closed Molding Resin Operations**

63.5728 What standards must I meet for closed molding resin operations?

#### **Standards for Resin and Gel Coat Mixing Operations**

63.5731 What standards must I meet for resin and gel coat mixing operations?

#### **Standards for Resin and Gel Coat Application Equipment Cleaning Operations**

63.5734 What standards must I meet for resin and gel coat application equipment cleaning operations?

63.5737 How do I demonstrate compliance with the resin and gel coat application equipment cleaning standards?

#### **Standards for Carpet and Fabric Adhesive Operations**

63.5740 What emission limit must I meet for carpet and fabric adhesive operations?

#### **Methods for Determining Hazardous Air Pollutant Content**

63.5758 How do I determine the organic HAP content of materials?

#### **Notifications, Reports, and Records**

63.5761 What notifications must I submit and when?

63.5764 What reports must I submit and when?

63.5767 What records must I keep?

63.5770 In what form and for how long must I keep my records?

#### **Other Information You Need To Know**

63.5773 What parts of the General Provisions apply to me?

63.5776 Who implements and enforces this subpart?

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#### **Tables**

Table 1 to Subpart VVVV - Compliance Dates for New and Existing Boat Manufacturing Facilities

Table 2 to Subpart VVVV - Alternative HAP Content Requirements for Open Molding Resin and Gel Coat Operations

- Table 3 to Subpart VVVV - MACT Model Point Value Formulas for Open Molding Operations
- Table 4 to Subpart VVVV - [Reserved.]
- Table 5 to Subpart VVVV - Default Organic HAP Contents of Solvents and Solvent Blends
- Table 6 to Subpart VVVV - Default Organic HAP Contents of Petroleum Solvent Groups
- Table 7 to Subpart VVVV - Applicability and Timing of Notifications
- Table 8 - General Provisions (40 CFR 63 Subpart A) applicable to Boat Manufacturing  
[for Open Molding Resin and Gel Coat Operations using Emissions Averaging Option  
and/or Compliant Materials Option]

**WHAT THE SUBPART COVERS**

**§ 63.5689 What parts of my facility are covered by this subpart?**

The affected source (the portion of your boat manufacturing facility covered by this subpart) is the combination of all of the boat manufacturing operations listed in paragraphs (a) through (f) of this section.

- (a) Open molding resin and gel coat operations (including pigmented gel coat, clear gel coat, production resin, tooling gel coat, and tooling resin).
- (b) Closed molding resin operations.
- (c) Resin and gel coat mixing operations.
- (d) Resin and gel coat application equipment cleaning operations.
- (e) Carpet and fabric adhesive operations.

**§ 63.5695 When must I comply with this subpart?**

You must comply with the standards in this subpart by the compliance dates specified in Table 1 to this subpart.

**STANDARDS FOR OPEN MOLDING RESIN AND GEL COAT OPERATIONS**

**§ 63.5698 What emission limit must I meet for open molding resin and gel coat operations?**

(a) You must limit organic HAP emissions from the five open molding operations listed in paragraphs (a)(1) through (5) of this section to the emission limit specified in paragraph (b) of this section. Operations listed in paragraph (d) are exempt from this limit.

- (1) Production resin.
- (2) Pigmented gel coat.
- (3) Clear gel coat.
- (4) Tooling resin.
- (5) Tooling gel coat.

(b) You must limit organic HAP emissions from open molding operations to the limit specified by equation 1 of this section, based on a 12-month rolling average.

$$\text{HAP Limit} = [46(M_R) + 159(M_{PG}) + 291(M_{CG}) + 54(M_{TR}) + 214(M_{TG})] \quad (\text{Eq. 1})$$

Where:

- HAP Limit = total allowable organic HAP that can be emitted from the open molding operations, kilograms.
- $M_R$  = mass of production resin used in the past 12 months, excluding any materials exempt under paragraph (d) of this section, megagrams.
- $M_{PG}$  = mass of pigmented gel coat used in the past 12 months, excluding any materials exempt under paragraph (d) of this section, megagrams.

$M_{CG}$  = mass of clear gel coat used in the past 12 months, excluding any materials exempt under paragraph (d) of this section, megagrams.  
 $M_{TR}$  = mass of tooling resin used in the past 12 months, excluding any materials exempt under paragraph (d) of this section, megagrams.  
 $M_{TG}$  = mass of tooling gel coat used in the past 12 months, excluding any materials exempt under paragraph (d) of this section, megagrams.

(c) The open molding emission limit is the same for both new and existing sources.

(d) The materials specified in paragraphs (d)(1) through (3) of this section are exempt from the open molding emission limit specified in paragraph (b) of this section.

(1) Production resins (including skin coat resins) that must meet specifications for use in military vessels or must be approved by the U.S. Coast Guard for use in the construction of lifeboats, rescue boats, and other life-saving appliances approved under 46 CFR subchapter Q or the construction of small passenger vessels regulated by 46 CFR subchapter T. Production resins for which this exemption is used must be applied with nonatomizing (non-spray) resin application equipment. You must keep a record of the resins for which you are using this exemption.

(2) Pigmented, clear, and tooling gel coat used for part or mold repair and touch up. The total gel coat materials included in this exemption must not exceed 1 percent by weight of all gel coat used at your facility on a 12-month rolling-average basis. You must keep a record of the amount of gel coats used per month for which you are using this exemption and copies of calculations showing that the exempt amount does not exceed 1 percent of all gel coat used.

(3) Pure, 100 percent vinylester resin used for skin coats. This exemption does not apply to blends of vinylester and polyester resins used for skin coats. The total resin materials included in the exemption cannot exceed 5 percent by weight of all resin used at your facility on a 12-month rolling-average basis. You must keep a record of the amount of 100 percent vinylester skin coat resin used per month that is eligible for this exemption and copies of calculations showing that the exempt amount does not exceed 5 percent of all resin used.

#### **§ 63.5701 What are my options for complying with the open molding emission limit?**

You must use one or more of the options listed in paragraphs (a) through (c) of this section to meet the emission limit in § 63.5698 for the resins and gel coats used in open molding operations at your facility.

(a) *Maximum achievable control technology (MACT) model point value averaging (emissions averaging) option.*

(1) Demonstrate that emissions from the open molding resin and gel coat operations that you average meet the emission limit in § 63.5698 using the procedures described in § 63.5710. Compliance with this option is based on a 12-month rolling average.

(2) Those operations and materials not included in the emissions average must comply with either paragraph (b) or (c) of this section.

(b) *Compliant materials option.* Demonstrate compliance by using resins and gel coats that meet the organic HAP content requirements in Table 2 to this subpart. Compliance with this option is based on a 12-month rolling average.

(c) [Reserved.]

**§ 63.5704 What are the general requirements for complying with the open molding emission limit?**

(a) *Emissions averaging option.* For those open molding operations and materials complying using the emissions averaging option, you must demonstrate compliance by performing the steps in paragraphs (a)(1) through (5) of this section.

(1) Use the methods specified in § 63.5758 to determine the organic HAP content of resins and gel coats.

(2) Complete the calculations described in § 63.5710 to show that the organic HAP emissions do not exceed the limit specified in § 63.5698.

(3) Keep records as specified in paragraphs (a)(3)(i) through (iv) of this section for each resin and gel coat.

(i) Hazardous air pollutant content.

(ii) Amount of material used per month.

(iii) Application method used for production resin and tooling resin. This record is not required if all production resins and tooling resins are applied with nonatomized technology.

(iv) Calculations performed to demonstrate compliance based on MACT model point values, as described in § 63.5710.

(4) Prepare and submit the implementation plan described in § 63.5707 to the Administrator and keep it up to date.

(5) Submit semiannual compliance reports to the Administrator as specified in § 63.5764.

(b) *Compliant materials option.* For each open molding operation complying using the compliant materials option, you must demonstrate compliance by performing the steps in paragraphs (b)(1) through (4) of this section.

(1) Use the methods specified in § 63.5758 to determine the organic HAP content of resins and gel coats.

(2) Complete the calculations described in § 63.5713 to show that the weighted-average organic HAP content does not exceed the limit specified in Table 2 to this subpart.

(3) Keep records as specified in paragraphs (b)(3)(i) through (iv) of this section for each resin and gel coat.

(i) Hazardous air pollutant content.

(ii) Application method for production resin and tooling resin. This record is not required if all production resins and tooling resins are applied with nonatomized technology.

(iii) Amount of material used per month. This record is not required for an operation if all materials used for that operation comply with the organic HAP content requirements.

(iv) Calculations performed, if required, to demonstrate compliance based on weighted-average organic HAP content as described in § 63.5713.

(4) Submit semiannual compliance reports to the Administrator as specified in § 63.5764.

(c) [Reserved.]

**§ 63.5707 What is an implementation plan for open molding operations and when do I need to prepare one?**

(a) You must prepare an implementation plan for all open molding operations for which you comply by using the emissions averaging option described in § 63.5704(a).

(b) The implementation plan must describe the steps you will take to bring the open molding operations covered by this subpart into compliance. For each operation included in the emissions average, your implementation plan must include the elements listed in paragraphs (b)(1) through (3) of this section.

(1) A description of each operation included in the average.

(2) The maximum organic HAP content of the materials used, the application method used (if any atomized resin application methods are used in the average), and any other methods used to control emissions.

(3) Calculations showing that the operations covered by the plan will comply with the open molding emission limit specified in § 63.5698.

(c) You must submit the implementation plan to the Administrator with the notification of compliance status specified in § 63.5761.

(d) You must keep the implementation plan on site and provide it to the Administrator when asked.

(e) If you revise the implementation plan, you must submit the revised plan with your next semiannual compliance report specified in § 63.5764.

#### § 63.5710 How do I demonstrate compliance using emissions averaging?

(a) Compliance using the emissions averaging option is demonstrated on a 12-month rolling-average basis and is determined at the end of every month (12 times per year). The first 12-month rolling-average period begins on the compliance date specified in § 63.5695.

(b) At the end of the twelfth month after your compliance date and at the end of every subsequent month, use equation 1 of this section to demonstrate that the organic HAP emissions from those operations included in the average do not exceed the emission limit in § 63.5698 calculated for the same 12-month period. (Include terms in equation 1 of § 63.5698 and equation 1 of this section for only those operations and materials included in the average.)

$$\text{HAP emissions} = [(PV_R)(M_R) + (PV_{PG})(M_{PG}) + (PV_{CG})(M_{CG}) + (PV_{TR})(M_{TR}) + (PV_{TG})(M_{TG})] \text{ (Eq. 1)}$$

Where:

HAP emissions = Organic HAP emissions calculated using MACT model point values for each operation included in the average, kilograms.

$PV_R$  = Weighted-average MACT model point value for production resin used in the past 12 months, kilograms per megagram.

$M_R$  = Mass of production resin used in the past 12 months, megagrams.

$PV_{PG}$  = Weighted-average MACT model point value for pigmented gel coat used in the past 12 months, kilograms per megagram.

$M_{PG}$  = Mass of pigmented gel coat used in the past 12 months, megagrams.

$PV_{CG}$  = Weighted-average MACT model point value for clear gel coat used



in the past 12 months, kilograms per megagram.

$M_{CG}$  = Mass of clear gel coat used in the past 12 months, megagrams.

$PV_{TR}$  = Weighted-average MACT model point value for tooling resin used in the past 12 months, kilograms per megagram.

$M_{TR}$  = Mass of tooling resin used in the past 12 months, megagrams.

$PV_{TG}$  = Weighted-average MACT model point value for tooling gel coat used in the past 12 months, kilograms per megagram.

$M_{TG}$  = Mass of tooling gel coat used in the past 12 months, megagrams.

(c) At the end of every month, use equation 2 of this section to compute the weighted-average MACT model point value for each open molding resin and gel coat operation included in the average.

$$PV_{OP} = \frac{\sum_{i=1}^n (M_i PV_i)}{\sum_{i=1}^n (M_i)} \quad (\text{Eq. 2})$$

Where:

$PV_{OP}$  = weighted-average MACT model point value for each open molding operation ( $PV_R$ ,  $PV_{PG}$ ,  $PV_{CG}$ ,  $PV_{TR}$ , and  $PV_{TG}$ ) included in the average, kilograms of HAP per megagram of material applied.

$M_i$  = mass of resin or gel coat  $i$  used within an operation in the past 12 months, megagrams.

$n$  = number of different open molding resins and gel coats used within an operation in the past 12 months.

$PV_i$  = the MACT model point value for resin or gel coat  $i$  used within an operation in the past 12 months, kilograms of HAP per megagram of material applied.

(d) You must use the equations in Table 3 to this subpart to calculate the MACT model point value ( $PV_i$ ) for each resin and gel coat used in each operation in the past 12 months.

(e) If the organic HAP emissions, as calculated in paragraph (b) of this section, are less than the organic HAP limit calculated in § 63.5698(b) for the same 12-month period, then you are in compliance with the emission limit in § 63.5698 for those operations and materials included in the average.

### § 63.5713 How do I demonstrate compliance using compliant materials?

(a) Compliance using the organic HAP content requirements listed in Table 2 to this subpart is based on a 12-month rolling average that is calculated at the end of every month. The first 12-month rolling-average period begins on the compliance date specified in § 63.5695. If you are

using filled material (production resin or tooling resin), you must comply according to the procedure described in § 63.5714.

(b) At the end of the twelfth month after your compliance date and at the end of every subsequent month, review the organic HAP contents of the resins and gel coats used in the past 12 months in each operation. If all resins and gel coats used in an operation have organic HAP contents no greater than the applicable organic HAP content limits in Table 2 to this subpart, then you are in compliance with the emission limit specified in § 63.5698 for that 12-month period for that operation. In addition, you do not need to complete the weighted-average organic HAP content calculation contained in paragraph (c) of this section for that operation.

(c) At the end of every month, you must use equation 1 of this section to calculate the weighted-average organic HAP content for all resins and gel coats used in each operation in the past 12 months.

$$\text{Weighted-Average HAP Content (\%)} = \frac{\sum_{i=1}^n (M_i \text{ HAP}_i)}{\sum_{i=1}^n (M_i)} \quad (\text{Eq. 1})$$

Where:

$M_i$  = mass of open molding resin or gel coat  $i$  used in the past 12 months in an operation, megagrams.

$\text{HAP}_i$  = Organic HAP content, by weight percent, of open molding resin or gel coat  $i$  used in the past 12 months in an operation. Use the methods in § 63.5758 to determine organic HAP content.

$n$  = number of different open molding resins or gel coats used in the past 12 months in an operation.

(d) If the weighted-average organic HAP content does not exceed the applicable organic HAP content limit specified in Table 2 to this subpart, then you are in compliance with the emission limit specified in § 63.5698.

**§ 63.5714 How do I demonstrate compliance if I use filled resins?**

(a) If you are using a filled production resin or filled tooling resin, you must demonstrate compliance for the filled material on an as-applied basis using equation 1 of this section.

$$PV_F = PV_u \times \frac{(100 - \% \text{ Filler})}{100} \quad (\text{Eq. 1})$$

Where:

$PV_F$  = The as-applied MACT model point value for a filled production resin or tooling resin, kilograms organic HAP per megagram of filled material.

$PV_u$  = The MACT model point value for the neat (unfilled) resin, before filler is added, as calculated using the formulas in Table 3 to this subpart.

**% Filler =** The weight-percent of filler in the as-applied filled resin system.

(b) If the filled resin is used as a production resin and the value of  $PV_F$  calculated by equation 1 of this section does not exceed 46 kilograms of organic HAP per megagram of filled resin applied, then the filled resin is in compliance.

(c) If the filled resin is used as a tooling resin and the value of  $PV_F$  calculated by equation 1 of this section does not exceed 54 kilograms of organic HAP per megagram of filled resin applied, then the filled resin is in compliance.

(d) If you are including a filled resin in the emissions averaging procedure described in § 63.5710, then use the value of  $PV_F$  calculated using equation 1 of this section for the value of  $PV_i$  in equation 2 of § 63.5710.

#### **STANDARDS FOR CLOSED MOLDING RESIN OPERATIONS**

##### **§ 63.5728 What standards must I meet for closed molding resin operations?**

(a) If a resin application operation meets the definition of closed molding specified in § 63.5779, there is no requirement to reduce emissions from that operation.

(b) If the resin application operation does not meet the definition of closed molding, then you must comply with the limit for open molding resin operations specified in § 63.5698.

(c) Open molding resin operations that precede a closed molding operation must comply with the limit for open molding resin and gel coat operations specified in § 63.5698. Examples of these operations include gel coat or skin coat layers that are applied before lamination is performed by closed molding.

#### **STANDARDS FOR RESIN AND GEL COAT MIXING OPERATIONS**

##### **§ 63.5731 What standards must I meet for resin and gel coat mixing operations?**

(a) All resin and gel coat mixing containers with a capacity equal to or greater than 208 liters, including those used for on-site mixing of putties and polyputties, must have a cover with no visible gaps in place at all times.

(b) The work practice standard in paragraph (a) of this section does not apply when material is being manually added to or removed from a container, or when mixing or pumping equipment is being placed in or removed from a container.

(c) To demonstrate compliance with the work practice standard in paragraph (a) of this section, you must visually inspect all mixing containers subject to this standard at least once per month. The inspection should ensure that all containers have covers with no visible gaps between the cover and the container, or between the cover and equipment passing through the cover.

(d) You must keep records of which mixing containers are subject to this standard and the results of the inspections, including a description of any repairs or corrective actions taken.

## **STANDARDS FOR RESIN AND GEL COAT APPLICATION EQUIPMENT CLEANING OPERATIONS**

### **§ 63.5734 What standards must I meet for resin and gel coat application equipment cleaning operations?**

(a) For routine flushing of resin and gel coat application equipment (e.g., spray guns, flowcoaters, brushes, rollers, and squeegees), you must use a cleaning solvent that contains no more than 5 percent organic HAP by weight. For removing cured resin or gel coat from application equipment, no organic HAP content limit applies.

(b) You must store organic HAP-containing solvents used for removing cured resin or gel coat in containers with covers. The covers must have no visible gaps and must be in place at all times, except when equipment to be cleaned is placed in or removed from the container. On containers with a capacity greater than 7.6 liters, the distance from the top of the container to the solvent surface must be no less than 0.75 times the diameter of the container. Containers that store organic HAP-containing solvents used for removing cured resin or gel coat are exempt from the requirements of 40 CFR part 63, subpart T. Cured resin or gel coat means resin or gel coat that has changed from a liquid to a solid.

### **§ 63.5737 How do I demonstrate compliance with the resin and gel coat application equipment cleaning standards?**

(a) Determine and record the organic HAP content of the cleaning solvents subject to the standards specified in § 63.5734 using the methods specified in § 63.5758.

(b) If you recycle cleaning solvents on site, you may use documentation from the solvent manufacturer or supplier or a measurement of the organic HAP content of the cleaning solvent as originally obtained from the solvent supplier for demonstrating compliance, subject to the conditions in § 63.5758 for demonstrating compliance with organic HAP content limits.

(c) At least once per month, you must visually inspect any containers holding organic HAP-containing solvents used for removing cured resin and gel coat to ensure that the containers have covers with no visible gaps. Keep records of the monthly inspections and any repairs made to the covers.

## **STANDARDS FOR CARPET AND FABRIC ADHESIVE OPERATIONS**

### **§ 63.5740 What emission limit must I meet for carpet and fabric adhesive operations?**

(a) You must use carpet and fabric adhesives that contain no more than 5 percent organic HAP by weight.

(b) To demonstrate compliance with the emission limit in paragraph (a) of this section, you must determine and record the organic HAP content of the carpet and fabric adhesives using the methods in § 63.5758.

## METHODS FOR DETERMINING HAZARDOUS AIR POLLUTANT CONTENT

### § 63.5758 How do I determine the organic HAP content of materials?

(a) *Determine the organic HAP content for each material used.* To determine the organic HAP content for each material used in your open molding resin and gel coat operations, carpet and fabric adhesive operations, or aluminum recreational boat surface coating operations, you must use one of the options in paragraphs (a)(1) through (6) of this section.

(1) *Method 311 (appendix A to 40 CFR part 63).* You may use Method 311 for determining the mass fraction of organic HAP. Use the procedures specified in paragraphs (a)(1)(i) and (ii) of this section when determining organic HAP content by Method 311.

(i) Include in the organic HAP total each organic HAP that is measured to be present at 0.1 percent by mass or more for Occupational Safety and Health Administration (OSHA)-defined carcinogens as specified in 29 CFR 1910.1200(d)(4) and at 1.0 percent by mass or more for other compounds. For example, if toluene (not an OSHA carcinogen) is measured to be 0.5 percent of the material by mass, you do not need to include it in the organic HAP total. Express the mass fraction of each organic HAP you measure as a value truncated to four places after the decimal point (for example, 0.1234).

(ii) Calculate the total organic HAP content in the test material by adding up the individual organic HAP contents and truncating the result to three places after the decimal point (for example, 0.123).

(2) [Reserved.]

(3) *ASTM D1259–85 (Standard Test Method for Nonvolatile Content of Resins).* You may use ASTM D1259–85 (available for purchase from ASTM) to measure the mass fraction of volatile matter of resins and gel coats for open molding operations and use that value as a substitute for mass fraction of organic HAP.

(4) *Alternative method.* You may use an alternative test method for determining mass fraction of organic HAP if you obtain prior approval by the Administrator. You must follow the procedure in § 63.7(f) to submit an alternative test method for approval.

(5) *Information from the supplier or manufacturer of the material.* You may rely on information other than that generated by the test methods specified in paragraphs (a)(1) through (4) of this section, such as manufacturer's formulation data, according to paragraphs (a)(5)(i) through (iii) of this section.

(i) Include in the organic HAP total each organic HAP that is present at 0.1 percent by mass or more for OSHA-defined carcinogens as specified in 29 CFR 1910.1200(d)(4) and at 1.0 percent by mass or more for other compounds. For example, if toluene (not an OSHA carcinogen) is 0.5 percent of the material by mass, you do not have to include it in the organic HAP total.

(ii) If the organic HAP content is provided by the material supplier or manufacturer as a range, then you must use the upper limit of the range for determining compliance. If a separate measurement of the total organic HAP content using the methods specified in paragraphs (a)(1) through (4) of this section exceeds the upper limit of the range of the total organic HAP content provided by the material supplier or manufacturer, then you must use the measured organic HAP content to determine compliance.

(iii) If the organic HAP content is provided as a single value, you may assume the value is a manufacturing target value and actual organic HAP content may vary from the target value. If a separate measurement of the total organic HAP content using the methods

specified in paragraphs (a)(1) through (4) of this section is less than 2 percentage points higher than the value for total organic HAP content provided by the material supplier or manufacturer, then you may use the provided value to demonstrate compliance. If the measured total organic HAP content exceeds the provided value by 2 percentage points or more, then you must use the measured organic HAP content to determine compliance.

(6) *Solvent blends*. Solvent blends may be listed as single components for some regulated materials in certifications provided by manufacturers or suppliers. Solvent blends may contain organic HAP which must be counted toward the total organic HAP content of the materials. When detailed organic HAP content data for solvent blends are not available, you may use the values for organic HAP content that are listed in Table 5 or 6 to this subpart. You may use Table 6 to this subpart only if the solvent blends in the materials you use do not match any of the solvent blends in Table 5 to this subpart and you know only whether the blend is either aliphatic or aromatic. However, if test results indicate higher values than those listed in Table 5 or 6 to this subpart, then the test results must be used for determining compliance.

(b) – (c) [Reserved.]

## NOTIFICATIONS, REPORTS, AND RECORDS

### § 63.5761 What notifications must I submit and when?

(a) You must submit all of the notifications in Table 7 to this subpart that apply to you by the dates in the table. The notifications are described more fully in 40 CFR part 63, subpart A, General Provisions, referenced in Table 8 to this subpart.

(b) If you change any information submitted in any notification, you must submit the changes in writing to the Administrator within 15 calendar days after the change.

### § 63.5764 What reports must I submit and when?

(a) You must submit the applicable reports specified in paragraphs (b) through (e) of this section. To the extent possible, you must organize each report according to the operations covered by this subpart and the compliance procedure followed for that operation.

(b) Unless the Administrator has approved a different schedule for submission of reports under § 63.10(a), you must submit each report by the dates in paragraphs (b)(1) through (5) of this section.

(1) If your source is not controlled by an add-on control device (i.e., you are complying with organic HAP content limits, application equipment requirements, or MACT model point value averaging provisions), the first compliance report must cover the period beginning 12 months after the compliance date specified for your source in § 63.5695 and ending on June 30 or December 31, whichever date is the first date following the end of the first 12-month period after the compliance date that is specified for your source in § 63.5695.

(2) The first compliance report must be postmarked or delivered no later than 60 calendar days after the end of the compliance reporting period specified in paragraph (b)(1) of this section.

(3) Each subsequent compliance report must cover the applicable semiannual reporting period from January 1 through June 30 or from July 1 through December 31.

(4) Each subsequent compliance report must be postmarked or delivered no later than 60 calendar days after the end of the semiannual reporting period.

(5) For each affected source that is subject to permitting regulations pursuant to 40 CFR part 70 or 71, and if the permitting authority has established dates for submitting semiannual reports pursuant to 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A), you may submit the first and subsequent compliance reports according to the dates the permitting authority has established instead of according to the dates in paragraphs (b)(1) through (4) of this section.

(c) The compliance report must include the information specified in paragraphs (c)(1) through (7) of this section.

(1) Company name and address.

(2) A statement by a responsible official with that official's name, title, and signature, certifying the truth, accuracy, and completeness of the report.

(3) The date of the report and the beginning and ending dates of the reporting period.

(4) A description of any changes in the manufacturing process since the last compliance report.

(5) A statement or table showing, for each regulated operation, the applicable organic HAP content limit, application equipment requirement, or MACT model point value averaging provision with which you are complying. The statement or table must also show the actual weighted-average organic HAP content or weighted-average MACT model point value (if applicable) for each operation during each of the rolling 12-month averaging periods that end during the reporting period.

(6) If you were in compliance with the emission limits and work practice standards during the reporting period, you must include a statement to that effect.

(7) If you deviated from an emission limit or work practice standard during the reporting period, you must also include the information listed in paragraphs (c)(7)(i) through (iv) of this section in the semiannual compliance report.

(i) A description of the operation involved in the deviation.

(ii) The quantity, organic HAP content, and application method (if relevant) of the materials involved in the deviation.

(iii) A description of any corrective action you took to minimize the deviation and actions you have taken to prevent it from happening again.

(iv) A statement of whether or not your facility was in compliance for the 12-month averaging period that ended at the end of the reporting period.

(d) - (e) [Reserved.]

### § 63.5767 What records must I keep?

You must keep the records specified in paragraphs (a) through (d) of this section in addition to records specified in individual sections of this subpart.

(a) You must keep a copy of each notification and report that you submitted to comply with this subpart.

(b) You must keep all documentation supporting any notification or report that you submitted.

(c) If your facility is not controlled by an add-on control device (i.e., you are complying with organic HAP content limits, application equipment requirements, or MACT model point value averaging provisions), you must keep the records specified in paragraphs (c)(1) through (3) of this section.

(1) The total amounts of open molding production resin, pigmented gel coat, clear gel coat, tooling resin, and tooling gel coat used per month and the weighted-average organic HAP contents for each operation, expressed as weight-percent. For open molding production resin and

tooling resin, you must also record the amounts of each applied by atomized and nonatomized methods.

(2) The total amount of each aluminum coating used per month (including primers, top coats, clear coats, thinners, and activators) and the weighted-average organic HAP content as determined in § 63.5752.

(3) The total amount of each aluminum wipedown solvent used per month and the weighted-average organic HAP content as determined in § 63.5749.

(d) [Reserved.]

### **§ 63.5770 In what form and for how long must I keep my records?**

(a) Your records must be readily available and in a form so they can be easily inspected and reviewed.

(b) You must keep each record for 5 years following the date that each record is generated.

(c) You must keep each record on site for at least 2 years after the date that each record is generated. You can keep the records offsite for the remaining 3 years.

(d) You can keep the records on paper or an alternative media, such as microfilm, computer, computer disks, magnetic tapes, or on microfiche.

### **OTHER INFORMATION YOU NEED TO KNOW**

#### **§ 63.5773 What parts of the General Provisions apply to me?**

You must comply with the requirements of the Table 8 - General Provisions

(40 CFR 63 Subpart A) applicable to Boat Manufacturing [for Open Molding Resin and Gel Coat Operations using Emissions Averaging Option and/or Compliant Materials Option].

#### **§ 63.5776 Who implements and enforces this subpart?**

(a) If the Administrator has delegated authority to your State or local agency, the State or local agency has the authority to implement and enforce this subpart.

(b) In delegating implementation and enforcement authority of this subpart to a State or local agency under 40 CFR part 63, subpart E, the authorities that are retained by the Administrator of the U.S. EPA and are not transferred to the State or local agency are listed in paragraphs (b)(1) through (4) of this section.

(1) Under § 63.6(g), the authority to approve alternatives to the standards listed in paragraphs (b)(1)(i) through (vii) of this section is not delegated.

(i) § 63.5698—Emission limit for open molding resin and gel coat operations.

(ii) § 63.5728—Standards for closed molding resin operations.

(iii) § 63.5731(a)—Standards for resin and gel coat mixing operations.

(iv) § 63.5734—Standards for resin and gel coat application equipment cleaning operations.

(v) § 63.5740(a)—Emission limit for carpet and fabric adhesive operations.

(vi) § 63.5743—Standards for aluminum recreational boat surface coating operations.

(vii) § 63.5746(g)—Approval of alternative means of demonstrating compliance with the emission limits for aluminum recreational boat surface coating operations.



(2) Under § 63.7(e)(2)(ii) and (f), the authority to approve alternatives to the test methods listed in paragraphs (b)(2)(i) through (iv) of this section is not delegated.

(i) § 63.5719(b)—Method for determining whether an enclosure is a total enclosure.

(ii) § 63.5719(c)—Methods for measuring emissions from a control device.

(iii) § 63.5725(d)(1)—Performance specifications for thermal oxidizer combustion temperature monitors.

(iv) § 63.5758—Method for determining hazardous air pollutant content of regulated materials.

(3) Under § 63.8(f), the authority to approve major alternatives to the monitoring requirements listed in § 63.5725 is not delegated. A “major alternative” is defined in § 63.90.

(4) Under § 63.10(f), the authority to approve major alternatives to the reporting and recordkeeping requirements listed in §§ 63.5764, 63.5767, and 63.5770 is not delegated. A “major alternative” is defined in § 63.90.

## DEFINITIONS

### § 63.5779 What definitions apply to this subpart?

Terms used in this subpart are defined in the Clean Air Act, in § 63.2, and in this section as follows:

*Add-on control* means an air pollution control device, such as a thermal oxidizer, that reduces pollution in an air stream by destruction or removal before discharge to the atmosphere.

*Administrator* means the Administrator of the United States Environmental Protection Agency (U.S. EPA) or an authorized representative (for example, a State delegated the authority to carry out the provisions of this subpart).

*Antifoulant coating* means any coating that is applied to the underwater portion of a boat specifically to prevent or reduce the attachment of biological organisms and that is registered with EPA as a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. section 136, et seq.). For the purpose of this subpart, primers used with antifoulant coatings to prepare the surface to accept the antifoulant coating are considered antifoulant coatings.

*Assembly adhesive* means any chemical material used in the joining of one fiberglass, metal, foam, or wood parts to another to form a temporary or permanently bonded assembly. Assembly adhesives include, but are not limited to, methacrylate adhesives and putties made from polyester or vinyl ester resin mixed with inert fillers or fibers.

*Atomized resin application* means a resin application technology in which the resin leaves the application equipment and breaks into droplets or an aerosol as it travels from the application equipment to the surface of the part. Atomized resin application includes, but is not limited to, resin spray guns and resin chopper spray guns.

*Boat* means any type of vessel, other than a seaplane, that can be used for transportation on the water.

*Boat manufacturing facility* means a facility that manufactures the hulls or decks of boats from fiberglass or aluminum or assembles boats from premanufactured hulls and decks, or builds molds to make fiberglass hulls or decks. A facility that manufactures only parts of boats (such as hatches, seats, or lockers) or boat trailers, but no boat hulls or decks or molds for fiberglass boat hulls or decks, is not considered a boat manufacturing facility for the purpose of this subpart.

*Carpet and fabric adhesive* means any chemical material that permanently attaches carpet, fabric, or upholstery to any surface of a boat.

*Clear gel coat* means gel coats that are clear or translucent so that underlying colors are visible. Clear gel coats are used to manufacture parts for sale. Clear gel coats do not include tooling gel coats used to build or repair molds.

*Closed molding* means any molding process in which pressure is used to distribute the resin through the reinforcing fabric placed between two mold surfaces to either saturate the fabric or fill the mold cavity. The pressure may be clamping pressure, fluid pressure, atmospheric pressure, or vacuum pressure used either alone or in combination. The mold surfaces may be rigid or flexible. Closed molding includes, but is not limited to, compression molding with sheet molding compound, infusion molding, resin injection molding (RIM), vacuum-assisted resin transfer molding (VARTM), resin transfer molding (RTM), and vacuum-assisted compression molding. Processes in which a closed mold is used only to compact saturated fabric or remove air or excess resin from the fabric (such as in vacuum bagging), are not considered closed molding. Open molding steps, such as application of a gel coat or skin coat layer by conventional open molding prior to a closed molding process, are not closed molding.

*Cured resin and gel coat* means resin or gel coat that has been polymerized and changed from a liquid to a solid.

*Deviation* means any instance in which an affected source subject to this subpart or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this subpart, including, but not limited to, any emission limit, operating limit, or work practice requirement;

(2) Fails to meet any term or condition which is adopted to implement an applicable requirement in this subpart and which is included in the operating permit for any affected source required to obtain such permit; or

(3) Fails to meet any emission limit, operating limit, or work practice requirement in this subpart during any startup, shutdown, or malfunction, regardless of whether or not such failure is permitted by this subpart.

*Enclosure* means a structure, such as a spray booth, that surrounds a source of emissions and captures and directs the emissions to an add-on control device.

*Fiberglass boat* means a vessel in which either the hull or deck is built from a composite material consisting of a thermosetting resin matrix reinforced with fibers of glass, carbon, aramid, or other material.

*Fiberglass hull and deck coatings* means coatings applied to the exterior or interior surface of fiberglass boat hulls and decks on the completed boat. Polyester and vinylester resins and gel coats used in building fiberglass parts are not fiberglass hull and deck coatings for the purpose of this subpart.

*Filled resin* means a resin to which an inert material has been added to change viscosity, density, shrinkage, or other physical properties.

*Gel coat* means a thermosetting resin surface coating containing styrene (Chemical Abstract Service or CAS No. 100-42-5) or methyl methacrylate (CAS No. 80-62-6), either pigmented or clear, that provides a cosmetic enhancement or improves resistance to degradation from exposure to the elements. Gel coat layers do not contain any reinforcing fibers and gel coats are applied directly to mold surfaces or to a finished laminate.

*Hazardous air pollutant or HAP* means any air pollutant listed in, or pursuant to section 112(b) of the Clean Air Act.

*Hazardous air pollutant content or HAP content* means the amount of HAP contained in a regulated material at the time it is applied to the part being manufactured. If no HAP is added to a material as a thinner or diluent, then the HAP content is the same as the HAP content of the material as purchased from the supplier. For resin and gel coat, HAP content does not include any HAP contained in the catalyst added to the resin or gel coat during application to initiate curing.

*Hazardous air pollutant data sheet (HDS)* means documentation furnished by a material supplier or an outside laboratory to provide the organic HAP content of the material by weight,

measured using an EPA Method, manufacturer's formulation data, or an equivalent method. For aluminum coatings, the HDS also documents the solids content by volume, determined from the manufacturer's formulation data. The purpose of the HDS is to help the affected source in showing compliance with the organic HAP content limits contained in this subpart.

The HDS must state the maximum total organic HAP concentration, by weight, of the material. It must include any organic HAP concentrations equal to or greater than 0.1 percent by weight for individual organic HAP that are carcinogens, as defined by the Occupational Safety and Health Administration Hazard Communication Standard (29 CFR part 1910), and 1.0 percent by weight for all other individual organic HAP, as formulated. The HDS must also include test conditions if EPA Method 311 is used for determining organic HAP content.

*Manufacturer's certification* means documentation furnished by a material supplier that shows the organic HAP content of a material and includes a HDS.

*Mold* means the cavity or surface into or on which gel coat, resin, and fibers are placed and from which finished fiberglass parts take their form.

*Mold sealing and release agents* means materials applied to a mold to seal, polish, and lubricate the mold to prevent parts from sticking to the mold. Mold sealers, waxes, and glazing and buffing compounds are considered mold sealing and release agents for the purposes of this subpart.

*Mold stripping and cleaning solvents* means materials used to remove mold sealing and release agents from a mold before the mold surface is repaired, polished, or lubricated during normal mold maintenance.

*Month* means a calendar month.

*Neat resin* means a resin to which no filler has been added.

*Nonatomized resin application* means any application technology in which the resin is not broken into droplets or an aerosol as it travels from the application equipment to the surface of the part. Nonatomized resin application technology includes, but is not limited to, flowcoaters, chopper flowcoaters, pressure fed resin rollers, resin impregnators, and hand application (for example, paint brush or paint roller).

*Open molding resin and gel coat operation* means any process in which the reinforcing fibers and resin are placed in the mold and are open to the surrounding air while the reinforcing fibers are saturated with resin. For the purposes of this subpart, open molding includes operations in which a vacuum bag or similar cover is used to compress an uncured laminate to remove air bubbles or excess resin, or to achieve a bond between a core material and a laminate.

*Pigmented gel coat* means opaque gel coats used to manufacture parts for sale. Pigmented gel coats do not include tooling gel coats used to build or repair molds.

*Production resin* means any resin used to manufacture parts for sale. Production resins do not include tooling resins used to build or repair molds, or assembly adhesives as defined in this section.

*Recycled resin and gel coat application equipment cleaning solvent* means cleaning solvents recycled on-site or returned to the supplier or another party to remove resin or gel coat residues so that the solvent can be reused.

*Research and development activities* means:

(1) Activities conducted at a laboratory to analyze air, soil, water, waste, or product samples for contaminants, environmental impact, or quality control;

(2) Activities conducted to test more efficient production processes or methods for preventing or reducing adverse environmental impacts, provided that the activities do not include the production of an intermediate or final product for sale or exchange for commercial profit, except in a de minimis manner; and

(3) Activities conducted at a research or laboratory facility that is operated under the close supervision of technically trained personnel, the primary purpose of which is to conduct research and development into new processes and products and that is not engaged in the

manufacture of products for sale or exchange for commercial profit, except in a de minimis manner.

*Resin* means any thermosetting resin with or without pigment containing styrene (CAS No. 100-42-5) or methyl methacrylate (CAS No. 80-62-6) and used to encapsulate and bind together reinforcement fibers in the construction of fiberglass parts.

*Resin and gel coat application equipment cleaning* means the process of flushing or removing resins and gel coats from the interior or exterior of equipment that is used to apply resin or gel coat in the manufacture of fiberglass parts.

*Resin and gel coat mixing operation* means any operation in which resin or gel coat, including the mixing of putties or polyputties, is combined with additives that include, but are not limited to, fillers, promoters, or catalysts.

*Roll-out* means the process of using rollers, squeegees, or similar tools to compact reinforcing materials saturated with resin to remove trapped air or excess resin.

*Skin coat* is a layer of resin and fibers applied over the gel coat to protect the gel coat from being deformed by the next laminate layers.

*Tooling resin* means the resin used to build or repair molds (also known as tools) or prototypes (also known as plugs) from which molds will be made.

*Tooling gel coat* means the gel coat used to build or repair molds (also known as tools) or prototypes (also known as plugs) from which molds will be made.

*Vacuum bagging* means any molding technique in which the reinforcing fabric is saturated with resin and then covered with a flexible sheet that is sealed to the edge of the mold and where a vacuum is applied under the sheet to compress the laminate, remove excess resin, or remove trapped air from the laminate during curing. Vacuum bagging does not include processes that meet the definition of closed molding.

*Vinylester resin* means a thermosetting resin containing esters of acrylic or methacrylic acids and having double-bond and ester linkage sites only at the ends of the resin molecules.

*Volume fraction of coating solids* means the ratio of the volume of coating solids (also known as volume of nonvolatiles) to the volume of coating; liters of coating solids per liter of coating.

*Wood coatings* means coatings applied to wooden parts and surfaces of boats, such as paneling, cabinets, railings, and trim. Wood coatings include, but are not limited to, primers, stains, sealers, varnishes, and enamels. Polyester and vinylester resins or gel coats applied to wooden parts to encapsulate them or bond them to other parts are not wood coatings.

**TABLES**

**Table 1 to Subpart VVVV - Compliance Dates for New and Existing Boat Manufacturing Facilities**

As specified in § 63.5695, you must comply by the dates in the following table:

If your facility is—	And—	Then you must comply by this date—
1. An existing source .....	... Is a major source on or before August 22, 2001 <sup>1</sup> .	August 23, 2004.
2. An existing or new area source .....	Becomes a major source after August 22, 2001 <sup>1</sup> .	1 year after becoming a major source or August 22, 2002, whichever is later.
3. A new source .....	Is a major source at startup <sup>1</sup> .....	Upon startup or August 22, 2001, whichever is later.

<sup>1</sup>Your facility is a major source if it is a stationary source or group of stationary sources located within a contiguous area and under common control that emits or can potentially emit, considering controls, in the aggregate, 9.1 megagrams or more per year of a single hazardous air pollutant or 22.7 megagrams or more per year of a combination of hazardous air pollutants.

**Table 2 to Subpart VVVV - Alternative Organic HAP Content Requirements for Open Molding Resin and Gel Coat Operations**

As specified in §§ 63.5701(b), 63.5704(b)(2), and 63.5713(a), (b), and (d), you must comply with the requirements in the following table:

For this operation—	And this application method—	You must not exceed this weighted-average organic HAP content (weight percent) requirement—
1. Production resin operations .....	Atomized (spray) .....	28 percent.
2. Production resin operations .....	Nonatomized (nonspray) .....	35 percent.
3. Pigmented gel coat operations .....	Any method .....	33 percent.
4. Clear gel coat operations .....	Any method .....	48 percent.
5. Tooling resin operations .....	Atomized (spray) .....	30 percent.
6. Tooling resin operations .....	Nonatomized (nonspray) .....	39 percent.
7. Tooling gel coat operations .....	Any method .....	40 percent.

**Table 3 to Subpart VVVV-MACT Model Point Value Formulas for Open Molding Operations<sup>1</sup>**

As specified in §§ 63.5710(d) and 63.5714(a), you must calculate point values using the formulas in the following table:

For this operation—	And this application method—	Use this formula to calculate the MACT model plant value for each resin and gel coat—
1. Production resin, tooling resin	a. Atomized .....	$0.014 \cdot (\text{Resin HAP}\%)^{2.425}$
	b. Atomized, plus vacuum bagging with roll-out	$0.01185 \cdot (\text{Resin HAP}\%)^{2.425}$
	c. Atomized, plus vacuum bagging without roll-out	$0.00945 \cdot (\text{Resin HAP}\%)^{2.425}$
	d. Nonatomized .....	$0.014 \cdot (\text{Resin HAP}\%)^{2.275}$
	e. Nonatomized, plus vacuum bagging with roll-out	$0.0110 \cdot (\text{Resin HAP}\%)^{2.275}$
	f. Nonatomized, plus vacuum bagging without roll-out	$0.0076 \cdot (\text{Resin HAP}\%)^{2.275}$
2. Pigmented gel coat, clear gel coat, tooling gel coat	All methods .....	$0.445 \cdot (\text{Gel coat HAP}\%)^{1.675}$

<sup>1</sup>Equations calculate MACT model point value in kilograms of organic HAP per megagrams of resin or gel coat applied. The equations for vacuum bagging with roll-out are applicable when a facility rolls out the applied resin and fabric prior to applying the vacuum bagging materials. The equations for vacuum bagging without roll-out are applicable when a facility applies the vacuum bagging materials immediately after resin application without rolling out the resin and fabric. HAP% = organic HAP content as supplied, expressed as a weight-percent value between 0 and 100 percent.

**Table 4 to Subpart VVVV - [Reserved.]**

**Table 5 to Subpart VVVV - Default Organic HAP Contents of Solvents and Solvent Blends**

As specified in § 63.5758(a)(6), when detailed organic HAP content data for solvent blends are not available, you may use the values in the following table:

Solvent/solvent blend	CAS No.	Average organic HAP content, percent by mass	Typical organic HAP, percent by mass
1. Toluene .....	108-88-3	100	Toluene.
2. Xylene(s) .....	1330-20-7	100	Xylenes, ethylbenzene.
3. Hexane .....	110-54-3	50	n-hexane.
4. n-hexane .....	110-54-3	100	n-hexane.
5. Ethylbenzene .....	100-41-4	100	Ethylbenzene.
6. Aliphatic 140 .....	.....	0	None.
7. Aromatic 100 .....	.....	2	1% xylene, 1% cumene.
8. Aromatic 150 .....	.....	9	Naphthalene.
9. Aromatic naptha .....	64742-95-6	2	1% xylene, 1% cumene.
10. Aromatic solvent .....	64742-94-5	10	Naphthalene.
11. Exempt mineral spirits ..	8032-32-4	0	None.
12. Lignoines (VM & P) .....	8032-32-4	0	None.
13. Lactol spirits .....	64742-89-6	15	Toluene.
14. Low aromatic white spirit	64742-82-1	0	None.
15. Mineral spirits .....	64742-88-7	1	Xylenes.
16. Hydrotreated naphtha .....	64742-48-9	0	None.
17. Hydrotreated light distillate	64742-47-8	0.1	Toluene.
18. Stoddard solvent .....	8052-41-3	1	Xylenes.
19. Super high-flash naphtha ..	64742-95-6	5	Xylenes.
20. Varol solvent .....	8052-49-3	1	0.5% xylenes, 0.5% ethyl benzene.
21. VM & P naphtha .....	64742-89-8	6	3% toluene, 3% xylene.
22. Petroleum distillate mixture	68477-31-6	8	4% naphthalene, 4% biphenyl.

**Table 6 to Subpart VVVV - Default Organic HAP Contents of Petroleum Solvent Groups**

As specified in § 63.5758(a)(6), when detailed organic HAP content data for solvent blends are not available, you may use the values in the following table:

Solvent type	Average organic HAP content, percent by mass	Typical organic HAP, percent by mass
Aliphatic (Mineral Spirits 135, Mineral Spirits 150 EC, Naphtha, Mixed Hydrocarbon, Aliphatic Hydrocarbon, Aliphatic Naptha, Naphthol Spirits, Petroleum Spirits, Petroleum Oil, Petroleum Naphtha, Solvent Naphtha, Solvent Blend.)	3	1% Xylene, 1% Toluene, and 1% Ethylbenzene.
Aromatic (Medium-flash Naphtha, High-flash Naphtha, Aromatic Naphtha, Light Aromatic Naphtha, Light Aromatic Hydrocarbons, Aromatic Hydrocarbons, Light Aromatic Solvent.)	6	4% Xylene, 1% Toluene, and 1% Ethylbenzene.

**Table 7 to Subpart VVVV—Applicability and Timing of Notifications**

As specified in § 63.5761(a), you must submit notifications according to the following table:

If your facility—	You must submit—	By this date—
1. - 3. [Reserved]	.....	.....
4. Is complying with organic HAP content limits, application equipment requirements; or MACT model point value averaging provisions.	A notification of compliance status as specified in § 63.9(h).*	No later than 30 calendar days after the end of the first 12-month averaging period after your facility's compliance date.
5. [Reserved]	.....	.....

\*See following Table 8 for § 63.9(h)

**Table 8**  
**General Provisions (40 CFR 63 Subpart A) applicable to Boat Manufacturing**  
**[for Open Molding Resin and Gel Coat Operations using**  
**Emissions Averaging Option and/or Compliant Materials Option]**

**§ 63.1 Applicability.**

(a) *General.*

(1) Terms used throughout this part are defined in § 63.2 or in the Clean Air Act (Act) as amended in 1990, except that individual subparts of this part may include specific definitions in addition to or that supersede definitions in § 63.2.

(2) [Reserved.]

(3) No emission standard or other requirement established under this part shall be interpreted, construed, or applied to diminish or replace the requirements of a more stringent emission limitation or other applicable requirement established by the Administrator pursuant to other authority of the Act (including those requirements in part 60 of this chapter), or a standard issued under State authority.

(4) – (9) [Reserved.]

(10) For the purposes of this part, time periods specified in days shall be measured in calendar days, even if the word “calendar” is absent, unless otherwise specified in an applicable requirement.

(11) For the purposes of this part, if an explicit postmark deadline is not specified in an applicable requirement for the submittal of a notification, application, test plan, report, or other written communication to the Administrator, the owner or operator shall postmark the submittal on or before the number of days specified in the applicable requirement. For example, if a notification must be submitted 15 days before a particular event is scheduled to take place, the notification shall be postmarked on or before 15 days preceding the event; likewise, if a notification must be submitted 15 days after a particular event takes place, the notification shall be postmarked on or before 15 days following the end of the event. The use of reliable non-Government mail carriers that provide indications of verifiable delivery of information required to be submitted to the Administrator, similar to the postmark provided by the U.S. Postal Service, or alternative means of delivery agreed to by the permitting authority, is acceptable.

(12) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. Procedures governing the implementation of this provision are specified in § 63.9(i).

(13) Special provisions set forth under an applicable subpart of this part or in a relevant standard established under this part shall supersede any conflicting provisions of this subpart.

(14) Any standards, limitations, prohibitions, or other federally enforceable requirements established pursuant to procedural regulations in this part [including, but not limited to, equivalent emission limitations established pursuant to section 112(g) of the Act] shall have the force and effect of requirements promulgated in this part and shall be subject to the provisions of this subpart, except when explicitly specified otherwise.

(b) - (e) [Reserved.]



**§ 63.2 Definitions. [Additional definitions are found in § 63.5779.]**

The terms used in this part are defined in the Act or in this section as follows:

*Act* means the Clean Air Act (42 U.S.C. 7401 et seq., as amended by Pub. L. 101-549, 104 Stat. 2399).

*Actual emissions* is defined in subpart D of this part for the purpose of granting a compliance extension for an early reduction of hazardous air pollutants.

*Administrator* means the Administrator of the United States Environmental Protection Agency or his or her authorized representative (e.g., a State that has been delegated the authority to implement the provisions of this part).

*Affected source, per 40 CFR 63.41*, means the stationary source or group of stationary sources which, when fabricated (on site), erected or installed meets the definition of "construct a major source" or the definition of "reconstruct a major source."

*Alternative emission limitation* means conditions established pursuant to sections 112(i)(5) or 112(i)(6) of the Act by the Administrator or by a State with an approved permit program.

*Alternative emission standard* means an alternative means of emission limitation that, after notice and opportunity for public comment, has been demonstrated by an owner or operator to the Administrator's satisfaction to achieve a reduction in emissions of any air pollutant at least equivalent to the reduction in emissions of such pollutant achieved under a relevant design, equipment, work practice, or operational emission standard, or combination thereof, established under this part pursuant to section 112(h) of the Act.

*Commenced* means, with respect to construction or reconstruction of a stationary source, that an owner or operator has undertaken a continuous program of construction or reconstruction or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or reconstruction.

*Compliance date* means the date by which an affected source is required to be in compliance with a relevant standard, limitation, prohibition, or any federally enforceable requirement established by the Administrator (or a State with an approved permit program) pursuant to section 112 of the Act.

*Construction* means the on-site fabrication, erection, or installation of an affected source.

*Emission standard* means a national standard, limitation, prohibition, or other regulation promulgated in a subpart of this part pursuant to sections 112(d), 112(h), or 112(f) of the Act.

*Emissions averaging* is a way to comply with the emission limitations specified in a relevant standard, whereby an affected source, if allowed under a subpart of this part, may create emission credits by reducing emissions from specific points to a level below that required by the relevant standard, and those credits are used to offset emissions from points that are not controlled to the level required by the relevant standard.

*EPA* means the United States Environmental Protection Agency.

*Equivalent emission limitation* means the maximum achievable control technology emission limitation (MACT emission limitation) for hazardous air pollutants that the Administrator (or a State with an approved permit program) determines on a case-by-case basis, pursuant to section 112(g) or section 112(j) of the Act, to be equivalent to the emission standard that would apply to an affected source if such standard had been promulgated by the Administrator under this part pursuant to section 112(d) or section 112(h) of the Act.

*Fugitive emissions* means those emissions from a stationary source that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening. Under section 112 of the Act, all fugitive emissions are to be considered in determining whether a stationary source is a major source.

*Hazardous air pollutant* means any air pollutant listed in or pursuant to section 112(b) of the Act.

*Malfunction* means any sudden, infrequent, and not reasonably preventable failure of air pollution control and monitoring equipment, process equipment, or a process to operate in a normal or usual manner which causes, or has the potential to cause, the emission limitations in an applicable standard to be exceeded. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

*Owner or operator* means any person who owns, leases, operates, controls, or supervises a stationary source.

*Reconstruction* means the replacement of components of an affected or a previously unaffected stationary source to such an extent that:

(1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable new source; and

(2) It is technologically and economically feasible for the reconstructed source to meet the relevant standard(s) established by the Administrator (or a State) pursuant to section 112 of the Act. Upon reconstruction, an affected source, or a stationary source that becomes an affected source, is subject to relevant standards for new sources, including compliance dates, irrespective of any change in emissions of hazardous air pollutants from that source.

*Relevant standard* means:

(1) An emission standard;

(2) An alternative emission standard;

(3) An alternative emission limitation; or

(4) An equivalent emission limitation established pursuant to section 112 of the Act that applies to the stationary source, the group of stationary sources, or the portion of a stationary source regulated by such standard or limitation. A relevant standard may include or consist of a design, equipment, work practice, or operational requirement, or other measure, process, method, system, or technique (including prohibition of emissions) that the Administrator (or a State) establishes for new or existing sources to which such standard or limitation applies. Every relevant standard established pursuant to section 112 of the Act includes subpart A of this part and all applicable appendices of this part or of other parts of this chapter that are referenced in that standard.

*Shutdown* means the cessation of operation of an affected source for any purpose.

*Startup* means the setting in operation of an affected source for any purpose.

*Stationary source* means any building, structure, facility, or installation which emits or may emit any air pollutant.

### § 63.3 Units and abbreviations.

Used in this part are abbreviations and symbols of units of measure. These are defined as follows:

(a) *System International (SI) units of measure:*

g = gram

kg = kilogram

Mg = megagram =  $10^6$  gram = metric ton

{Permitting note: tons (short) x 0.9072 = metric tons. Metric tons x 1.1023 = tons (short).}

(b) [Reserved.]

(c) *Miscellaneous:*

% = percent

**§ 63.4 Prohibited activities and circumvention.**

*(a) Prohibited activities.*

(1) No owner or operator subject to the provisions of this part shall operate any affected source in violation of the requirements of this part except under-

- (i) An extension of compliance granted by the Administrator under this part; or
- (ii) An extension of compliance granted under this part by a State with an approved permit program; or
- (iii) An exemption from compliance granted by the President under section 112(i)(4) of the Act.

(2) No owner or operator subject to the provisions of this part shall fail to keep records, notify, report, or revise reports as required under this part.

(3) After the effective date of an approved permit program in a State, no owner or operator of an affected source in that State who is required under this part to obtain a title V permit shall operate such source except in compliance with the provisions of this part and the applicable requirements of the permit program in that State.

(4) [Reserved]

(5) An owner or operator of an affected source who is subject to an emission standard promulgated under this part shall comply with the requirements of that standard by the date(s) established in the applicable subpart(s) of this part (including this subpart) regardless of whether -

- (i) A title V permit has been issued to that source; or
- (ii) If a title V permit has been issued to that source, whether such permit has been revised or modified to incorporate the emission standard.

*(b) Circumvention.* No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment, or process to conceal an emission that would otherwise constitute noncompliance with a relevant standard. Such concealment includes, but is not limited to

- (1) The use of diluents to achieve compliance with a relevant standard based on the concentration of a pollutant in the effluent discharged to the atmosphere;
- (2) The use of gaseous diluents to achieve compliance with a relevant standard for visible emissions; and
- (3) The fragmentation of an operation such that the operation avoids regulation by a relevant standard.

*(c) Severability.* Notwithstanding any requirement incorporated into a title V permit obtained by an owner or operator subject to the provisions of this part, the provisions of this part are federally enforceable.

**§ 63.5 [Reserved.]**

**§ 63.6 Compliance with standards and maintenance requirements.**

*(a) Applicability.*

(1) The requirements in this section apply to owners or operators of affected sources for which any relevant standard has been established pursuant to section 112 of the Act unless—

(i) The Administrator (or a State with an approved permit program) has granted an extension of compliance consistent with paragraph (i) of this section; or

(ii) The President has granted an exemption from compliance with any relevant standard in accordance with section 112(i)(4) of the Act.

(b) - (e) [Reserved]

*(f) Compliance with nonopacity emission standards –*

(1) *Applicability.* The nonopacity emission standards set forth in this part shall apply at all times except during periods of startup, shutdown, and malfunction, and as otherwise specified in an applicable subpart.

(2) *Methods for determining compliance.*

(i) - (iii) [Reserved.]

(iv) The Administrator will determine compliance with design, equipment, work practice, or operational emission standards in this part by review of records, inspection of the source, and other procedures specified in applicable subparts of this part.

(v) [Reserved.]

(3) *Finding of compliance.* The Administrator will make a finding concerning an affected source's compliance with a nonopacity emission standard, as specified in paragraphs (f)(1) and (f)(2) of this section, upon obtaining all the compliance information required by the relevant standard (including the written reports of performance test results, monitoring results, and other information, if applicable) and any information available to the Administrator needed to determine whether proper operation and maintenance practices are being used.

*(g) Use of an alternative nonopacity emission standard.*

(1) If, in the Administrator's judgment, an owner or operator of an affected source has established that an alternative means of emission limitation will achieve a reduction in emissions of a hazardous air pollutant from an affected source at least equivalent to the reduction in emissions of that pollutant from that source achieved under any design, equipment, work practice, or operational emission standard, or combination thereof, established under this part pursuant to section 112(h) of the Act, the Administrator will publish in the FEDERAL REGISTER a notice permitting the use of the alternative emission standard for purposes of compliance with the promulgated standard. Any FEDERAL REGISTER notice under this paragraph shall be published only after the public is notified and given the opportunity to comment. Such notice will restrict the permission to the stationary source(s) or category(ies) of sources from which the alternative emission standard will achieve equivalent emission reductions. The Administrator will condition permission in such notice on requirements to assure the proper operation and maintenance of equipment and practices required for compliance with the alternative emission standard and other requirements, including appropriate quality assurance and quality control requirements, that are deemed necessary.

(2) An owner or operator requesting permission under this paragraph shall, unless otherwise specified in an applicable subpart, submit a proposed test plan or the results of testing

and monitoring in accordance with § 63.7 and § 63.8, a description of the procedures followed in testing or monitoring, and a description of pertinent conditions during testing or monitoring. Any testing or monitoring conducted to request permission to use an alternative non-opacity emission standard shall be appropriately quality assured and quality controlled, as specified in § 63.7 and § 63.8.

(3) The Administrator may establish general procedures in an applicable subpart that accomplish the requirements of paragraphs (g)(1) and (g)(2) of this section.

**§ 63.7 –63.8 [Reserved.]**

**§ 63.9 Notification requirements.**

*(a) Applicability and general information.*

(1) The requirements in this section apply to owners and operators of affected sources that are subject to the provisions of this part, unless specified otherwise in a relevant standard.

(2) For affected sources that have been granted an extension of compliance under subpart D of this part, the requirements of this section do not apply to those sources while they are operating under such compliance extensions.

(3) If any State requires a notice that contains all the information required in a notification listed in this section, the owner or operator may send the Administrator a copy of the notice sent to the State to satisfy the requirements of this section for that notification.

(4) (i) [Reserved.]

(ii) After a State has been delegated the authority to implement and enforce notification requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit notifications to the delegated State authority (which may be the same as the permitting authority). In addition, if the delegated (permitting) authority is the State, the owner or operator shall send a copy of each notification submitted to the State to the appropriate Regional Office of the EPA, as specified in paragraph (a)(4)(i) of this section. The Regional Office may waive this requirement for any notifications at its discretion.

(b) – (g) [Reserved.]

*(h) Notification of compliance status.*

(1) The requirements of paragraphs (h)(2) through (h)(4) of this section apply when an affected source becomes subject to a relevant standard.

(2) (i) Before a title V permit has been issued to the owner or operator of an affected source, and each time a notification of compliance status is required under this part, the owner or operator of such source shall submit to the Administrator a notification of compliance status, signed by the responsible official who shall certify its accuracy, attesting to whether the source has complied with the relevant standard. The notification shall list -

(A) The methods that were used to determine compliance;

(B) [Reserved.]

(C) The methods that will be used for determining continuing compliance, including a description of monitoring and reporting requirements and test methods;

(D) The type and quantity of hazardous air pollutants emitted by the source (or surrogate pollutants if specified in the relevant standard), reported in units and averaging times and in accordance with the test methods specified in the relevant standard;

(E) An analysis demonstrating whether the affected source is a major source or an area source (using the emissions data generated for this notification);

(F) A description of the air pollution control equipment (or method) for each emission point, including each control device (or method) for each hazardous air pollutant and the control efficiency (percent) for each control device (or method); and

(G) A statement by the owner or operator of the affected existing, new, or reconstructed source as to whether the source has complied with the relevant standard or other requirements.

(ii) The notification must be sent before the close of business on the 60<sup>th</sup> day following the completion of the relevant compliance demonstration activity specified in the relevant standard (unless a different reporting period is specified in the standard, in which case the letter must be sent before the close of business on the day the report of the relevant testing or monitoring results is required to be delivered or postmarked). For example, the notification shall be sent before close of business on the 60th (or other required) day following completion of the initial performance test and again before the close of business on the 60th (or other required) day following the completion of any subsequent required performance test. If no performance test is required but opacity or visible emission observations are required to demonstrate compliance with an opacity or visible emission standard under this part, the notification of compliance status shall be sent before close of business on the 30th day following the completion of opacity or visible emission observations. Notifications may be combined as long as the due date requirement for each notification is met.

(3) After a title V permit has been issued to the owner or operator of an affected source, the owner or operator of such source shall comply with all requirements for compliance status reports contained in the source's title V permit, including reports required under this part. After a title V permit has been issued to the owner or operator of an affected source, and each time a notification of compliance status is required under this part, the owner or operator of such source shall submit the notification of compliance status to the appropriate permitting authority following completion of the relevant compliance demonstration activity specified in the relevant standard.

(4) [Reserved]

(5) If an owner or operator of an affected source submits estimates or preliminary information in the application for approval of construction or reconstruction required in § 63.5(d) in place of the actual emissions data or control efficiencies required in paragraphs (d)(1)(ii)(H) and (d)(2) of § 63.5, the owner or operator shall submit the actual emissions data and other correct information as soon as available but no later than with the initial notification of compliance status required in this section.

(6) Advice on a notification of compliance status may be obtained from the Administrator.

*(i) Adjustment to time periods or postmark deadlines for submittal and review of required communications.*

(1) (i) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under paragraphs (i)(2) and (i)(3) of this section, the owner or operator of an affected source remains strictly subject to the requirements of this part.

(ii) An owner or operator shall request the adjustment provided for in paragraphs (i)(2) and (i)(3) of this section each time he or she wishes to change an applicable time period or postmark deadline specified in this part.

(2) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is

required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the Administrator that an adjustment is warranted.

(3) If, in the Administrator's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the Administrator will approve the adjustment. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.

(4) If the Administrator is unable to meet a specified deadline, he or she will notify the owner or operator of any significant delay and inform the owner or operator of the amended schedule.

(j) *Change in information already provided.* Any change in the information already provided under this section shall be provided to the Administrator in writing within 15 calendar days after the change.

### **§ 63.10 Recordkeeping and reporting requirements.**

(a) *Applicability and general information.*

(1) The requirements of this section apply to owners or operators of affected sources who are subject to the provisions of this part, unless specified otherwise in a relevant standard.

(2) For affected sources that have been granted an extension of compliance under subpart D of this part, the requirements of this section do not apply to those sources while they are operating under such compliance extensions.

(3) If any State requires a report that contains all the information required in a report listed in this section, an owner or operator may send the Administrator a copy of the report sent to the State to satisfy the requirements of this section for that report.

(4) (i) [Reserved]

(ii) After a State has been delegated the authority to implement and enforce recordkeeping and reporting requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit reports to the delegated State authority (which may be the same as the permitting authority). In addition, if the delegated (permitting) authority is the State, the owner or operator shall send a copy of each report submitted to the State to the appropriate Regional Office of the EPA, as specified in paragraph (a)(4)(i) of this section. The Regional Office may waive this requirement for any reports at its discretion.

(5) If an owner or operator of an affected source in a State with delegated authority is required to submit periodic reports under this part to the State, and if the State has an established timeline for the submission of periodic reports that is consistent with the reporting frequency(ies) specified for such source under this part, the owner or operator may change the dates by which periodic reports under this part shall be submitted (without changing the frequency of reporting) to be consistent with the State's schedule by mutual agreement between the owner or operator and the State. For each relevant standard established pursuant to section 112 of the Act, the allowance in the previous sentence applies in each State beginning 1 year after the affected source's compliance date for that standard. Procedures governing the implementation of this provision are specified in § 63.9(i).

(6) If an owner or operator supervises one or more stationary sources affected by more than one standard established pursuant to section 112 of the Act, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State permitting authority) a common schedule on which periodic reports required for each source shall be submitted throughout the year. The allowance in the previous sentence applies in each State

beginning 1 year after the latest compliance date for any relevant standard established pursuant to section 112 of the Act for any such affected source(s). Procedures governing the implementation of this provision are specified in § 63.9(i).

(7) If an owner or operator supervises one or more stationary sources affected by standards established pursuant to section 112 of the Act (as amended November 15, 1990) and standards set under part 60, part 61, or both such parts of this chapter, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State permitting authority) a common schedule on which periodic reports required by each relevant (i.e., applicable) standard shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning 1 year after the stationary source is required to be in compliance with the relevant section 112 standard, or 1 year after the stationary source is required to be in compliance with the applicable part 60 or part 61 standard, whichever is latest. Procedures governing the implementation of this provision are specified in § 63.9(i).

*(b) General recordkeeping requirements.*

(1) The owner or operator of an affected source subject to the provisions of this part shall maintain files of all information (including all reports and notifications) required by this part recorded in a form suitable and readily available for expeditious inspection and review. The files shall be retained for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent 2 years of data shall be retained on site. The remaining 3 years of data may be retained off site. Such files may be maintained on microfilm, on a computer, on computer floppy disks, on magnetic tape disks, or on microfiche. **[§§63.567 and 63.5770 specify additional recordkeeping requirements.]**

(2) The owner or operator of an affected source subject to the provisions of this part shall maintain relevant records for such source of –

(i) – (xi) [Reserved.]

(xii) Any information demonstrating whether a source is meeting the requirements for a waiver of recordkeeping or reporting requirements under this part, if the source has been granted a waiver under paragraph (f) of this section;

(xiii) [Reserved.]

(xiv) All documentation supporting initial notifications and notifications of compliance status under § 63.9.

(3) [Reserved.]

(c) [Reserved.]

*(d) General reporting requirements.*

(1) Notwithstanding the requirements in this paragraph or paragraph (e) of this section, the owner or operator of an affected source subject to reporting requirements under this part shall submit reports to the Administrator in accordance with the reporting requirements in the relevant standard(s). **[§ 63.5764 specifies additional reporting requirements.]**

(2) - (5) [Reserved.]

(e) [Reserved.]

*(f) Waiver of recordkeeping or reporting requirements.*

(1) Until a waiver of a recordkeeping or reporting requirement has been granted by the Administrator under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section.



(2) Recordkeeping or reporting requirements may be waived upon written application to the Administrator if, in the Administrator's judgment, the affected source is achieving the relevant standard(s), or the source is operating under an extension of compliance, or the owner or operator has requested an extension of compliance and the Administrator is still considering that request.

(3) If an application for a waiver of record-keeping or reporting is made, the application shall accompany the request for an extension of compliance under § 63.6(i), any required compliance progress report or compliance status report required under this part (such as under § 63.6(i) and § 63.9(h)) or in the source's title V permit, or an excess emissions and continuous monitoring system performance report required under paragraph (e) of this section, whichever is applicable. The application shall include whatever information the owner or operator considers useful to convince the Administrator that a waiver of recordkeeping or reporting is warranted.

(4) The Administrator will approve or deny a request for a waiver of recordkeeping or reporting requirements under this paragraph when he/she -

(i) Approves or denies an extension of compliance; or

(ii) Makes a determination of compliance following the submission of a required compliance status report or excess emissions and continuous monitoring systems performance report; or

(iii) Makes a determination of suitable progress towards compliance following the submission of a compliance progress report, whichever is applicable.

(5) A waiver of any recordkeeping or reporting requirement granted under this paragraph may be conditioned on other recordkeeping or reporting requirements deemed necessary by the Administrator.

(6) Approval of any waiver granted under this section shall not abrogate the Administrator's authority under the Act or in any way prohibit the Administrator from later canceling the waiver. The cancellation will be made only after notice is given to the owner or operator of the affected source.

#### § 63.11 [Reserved.]

#### § 63.12 State authority and delegations. [§ 63.5776 lists those sections of subpart A that are not delegated.]

(a) The provisions of this part shall not be construed in any manner to preclude any State or political subdivision thereof from -

(1) Adopting and enforcing any standard, limitation, prohibition, or other regulation applicable to an affected source subject to the requirements of this part, provided that such standard, limitation, prohibition, or regulation is not less stringent than any requirement applicable to such source established under this part;

(2) Requiring the owner or operator of an affected source to obtain permits, licenses, or approvals prior to initiating construction, reconstruction, modification, or operation of such source; or

(3) Requiring emission reductions in excess of those specified in subpart D of this part as a condition for granting the extension of compliance authorized by section 112(i)(5) of the Act.

(b) (1) Section 112(l) of the Act directs the Administrator to delegate to each State, when appropriate, the authority to implement and enforce standards and other requirements pursuant to section 112 for stationary sources located in that State. Because of the unique nature of radioactive material, delegation of authority to implement and enforce standards that control radionuclides may require separate approval.

(2) Subpart E of this part establishes procedures consistent with section 112(l) for the approval of State rules or programs to implement and enforce applicable Federal rules promulgated under the authority of section 112. Subpart E also establishes procedures for the review and withdrawal of section 112 implementation and enforcement authorities granted through a section 112(l) approval.

(c) All information required to be submitted to the EPA under this part also shall be submitted to the appropriate State agency of any State to which authority has been delegated under section 112(l) of the Act, provided that each specific delegation may exempt sources from a certain Federal or State reporting requirement. The Administrator may permit all or some of the information to be submitted to the appropriate State agency only, instead of to the EPA and the State agency.

### **§ 63.13 Addresses of State air pollution control agencies and EPA Regional Offices.**

(a) All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted to the appropriate Regional Office of the U.S. Environmental Protection Agency indicated as follows:

EPA Region IV; Director; Air, Pesticides and Toxics, Management Division; Atlanta Federal Center, 61 Forsyth Street  
Atlanta, Georgia 30303-8960

(b) All information required to be submitted to the Administrator under this part also shall be submitted to the appropriate State agency of any State to which authority has been delegated under section 112(l) of the Act. The owner or operator of an affected source may contact the appropriate EPA Regional Office for the mailing addresses for those States whose delegation requests have been approved.

(c) If any State requires a submittal that contains all the information required in an application, notification, request, report, statement, or other communication required in this part, an owner or operator may send the appropriate Regional Office of the EPA a copy of that submittal to satisfy the requirements of this part for that communication.

### **§ 63.14 Incorporations by reference.**

(a) The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and notice of any change in these materials will be published in the FEDERAL REGISTER. The materials are available for purchase at the corresponding addresses noted below, and all are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC, at the Air and Radiation Docket and Information Center, U.S. EPA, 401 M Street, SW., Washington, DC, and at the EPA Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina.

(b) The materials listed below are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103; or University Microfilms International, 300 North Zeeb Road, Ann Arbor, Michigan 48106.

(1) – (8) [Reserved.]

(9) ASTM D1475–90, Standard Test Method for Density of Paint, Varnish, Lacquer, and Related Products, IBR approved for § 63.788 appendix A.

(10) ASTM D2369–93, Standard Test Method for Volatile Content of Coatings, IBR approved for § 63.788 appendix A.

(11) [Reserved.]

(12) ASTM D4017–90, Standard Test Method for Water and Paints and Paint Materials by Karl Fischer Method, IBR approved for § 63.788 appendix A.

(13) – (14) [Reserved.]

(15) ASTM D3792–91, Standard Test Method for Water Content of Water-Reducible Paints by Direct Injection into a Gas Chromatograph, IBR approved for § 63.788 appendix A.

(16) ASTM D3257–93, Standard Test Methods for Aromatics in Mineral Spirits by Gas Chromatography, IBR approved for § 63.786(b).

(17) ASTM E260–91, Standard Practice for Packed Column Gas Chromatography, IBR approved for § 63.786(b).

### **§ 63.15 Availability of information and confidentiality.**

#### *(a) Availability of information.*

(1) With the exception of information protected through part 2 of this chapter, all reports, records, and other information collected by the Administrator under this part are available to the public. In addition, a copy of each permit application, compliance plan (including the schedule of compliance), notification of compliance status, excess emissions and continuous monitoring systems performance report, and title V permit is available to the public, consistent with protections recognized in section 503(e) of the Act.


(2) The availability to the public of information provided to or otherwise obtained by the Administrator under this part shall be governed by part 2 of this chapter.

#### *(b) Confidentiality.*

(1) If an owner or operator is required to submit information entitled to protection from disclosure under section 114(c) of the Act, the owner or operator may submit such information separately. The requirements of section 114(c) shall apply to such information.

(2) The contents of a title V permit shall not be entitled to protection under section 114(c) of the Act; however, information submitted as part of an application for a title V permit may be entitled to protection from disclosure.

TO: Trina Vielhauer, Chief  
Bureau of Air Regulation

THROUGH: Al Linero, P.E. Administrator   
Permitting South

FROM: Cindy Phillips, P.E.

DATE: October 27, 2004

RE: Sea Ray Boats, Inc. – Cape Canaveral Plant  
Minor AC permit for Boat Repair Operations

The intent of this permit is to allow the repair of boats in the building that was originally constructed to manufacture boats. The conditions of this construction permit for boat repair operations supersede the conditions of the previously issued (and expired) construction permits which were issued for boat manufacturing. This permit also replaces the conditional exemption granted by the Department last year for the Boat Repair Operations.


**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Milind Dange, Vice Pres.  
 Product Development & Eng.  
 Sea Ray Boats, Inc.  
 200 Sea Ray Blvd.  
 Merritt Island, FL 32954

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) <b>P SZAPOL</b>	B. Date of Delivery <b>11-1</b>
C. Signature <b>X- [Signature]</b>	
<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

2. Article Number (Copy from service label)  
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Name (Please Print Clearly) (To be completed by mailer) <b>Mr. Milind Dange, VP, Sea Ray Boats</b>			
Street, Apt. No.; or PO Box No. <b>200 Sea Ray Blvd.</b>			
City, State, ZIP+4 <b>Merritt Island, FL 32954</b>			
PS Form 3800, July 1999		<b>See Reverse for Instructions.</b>	