

July 13, 2001

4APT-ARB

Howard L. Rhodes, Director
Department of Environmental Protection
Division of Air Resources Management
Mail Station 5500
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Dear Mr. Rhodes:

The purpose of this letter is to notify the Florida Department of Environmental Protection (FDEP) that the U.S. Environmental Protection Agency (EPA) formally objects to the issuance of the proposed title V operating permit for the Foamex, L.P., Gemini Boulevard Facility, located in Orlando, Florida, which was received by EPA, via e-mail notification and FDEP's web site, on May 30, 2001.

Based on EPA's review of the proposed permit and the supporting information received for this facility, EPA objects, under the authority of Section 505(b) of the Clean Air Act ("the Act") and 40 C.F.R. § 70.8(c) (see also Florida Regulation 62-213.450), to the issuance of the proposed title V permit for this facility. The basis for EPA's objection is that the permit fails to incorporate all applicable requirements, as defined in 40 C.F.R. §70.2. Pursuant to 40 C.F.R. § 70.8(c), this letter and its enclosure contain a detailed explanation of the objection issues and the changes necessary to make the permit consistent with the requirements of 40 C.F.R. Part 70 and assure compliance with applicable requirements of the Clean Air Act. The enclosure also contains general comments applicable to the permit.

Section 70.8(c) requires EPA to object to the issuance of a proposed permit in writing within 45 days of receipt of the proposed permit (and all necessary supporting information) if EPA determines that the permit is not in compliance with the applicable requirements under the Act or the requirements of 40 C.F.R. Part 70. Section 70.8(c)(4) of the title V regulations and Section 505(c) of the Act further provide that if the State fails to revise and resubmit a proposed permit within 90 days to satisfy the objection, the authority to issue or deny the permit passes to EPA, and EPA will act accordingly. Because the objection issues must be fully addressed within the 90 days, we suggest that the revised permit be submitted in advance in order that any outstanding issues may be resolved prior to the expiration of the 90-day period.

If you have any questions or wish to discuss this further, please contact Mr. Gregg Worley, Chief of the Air Permits Section, at (404) 562-9141. Should your staff need additional information, they may contact Ms. Gracy R. Danois, Florida Title V Contact, at (404)

562-9119 or Ms. Lynda Crum, Associate Regional Counsel, at (404) 562-9524.

Sincerely,

/s/

Winston A. Smith
Director
Air, Pesticides and Toxics
Management Division

Enclosure

cc: Mr. Raphael Rodriguez, Foamex, L.P.
Mr. Scott Sheplak, P.E., FDEP (via E-Mail)
Mr. L.T. Kozlov, P.E., FDEP Central District

Enclosure

**U.S. EPA Region 4 Objection
Proposed Part 70 Operating Permit
Foamex, L.P.
Gemini Boulevard Facility
Permit no. 0950225-005-AV**

I EPA Objection Issues

1. Emission Limitations: Condition A.2 states that the visible emissions limit for unit 004 is 20%. However, the permit application for this facility states that in the construction permit and the initial title V permit, the unit was subject to a 5% opacity standard. The permit cites rule 62-296.320(4)(b)1., F.A.C. as basis for the 20% opacity limit. During the review of the permit, EPA could not access the final initial title V permit for this facility, nor had access to the construction permits for this facility. If the visible emissions limit for this unit is being modified, the title V statement of basis needs to specify that the limit is being changed and the public notice should have also stated that this action was taken place, as allowed under rule 62-210.300(1)(b)1., F.A.C. Otherwise, the Department needs to clarify whether the limit contained in the permit is the appropriate one for this source, or if the information contained in the permit application is not correct, the statement of basis needs to contain a statement addressing the discrepancy.
2. Insignificant Activities: Items 1 thru 4 in Appendix I-1 contain citations referring to rule 62-210.300, F.A.C. In the permit application, the applicant used these citations as basis for proposing these activities as insignificant for title V purposes. These citations need to be removed from this appendix since they are not the appropriate citations for insignificant activities under the title V regulations in Florida. The fact that these activities are listed in rule 62-210.300, F.A.C. does not make them insignificant. Rather, the activities listed in this rule can be considered insignificant if they also meet the criteria in rule 62-213.430(6), F.A.C. The presence of citations in items 1 through 4 of Appendix I-1 increases the confusion on how rules 62-210 and 62-213, F.A.C. interact. Since the Department chose to remove the boilerplate language usually included in this appendix, which clarified how these two rules were to be applied in evaluating insignificant activities, it would be best if only the citations from rule 62-213, F.A.C. are used in the appendix. Also, since the applicant used rule 62-210.330, F.A.C. as basis for proposing these activities as insignificant, the statement of basis needs to contain a statement clarifying whether these activities are indeed insignificant for title V purposes based on the criteria of rule 62-213.430(6), F.A.C.

Also, item 5 describes the following as an insignificant activity: “Any source

identified in Table 2-5 “Summary of Final Insignificant Sources,” which are based upon the EPA White Paper included in Attachment A of the Title V application.” While the cross-referencing of documents may be adequate under certain circumstances, the document in question appears to only include a subset of all of the activities identified in EPA’s White Paper I and includes other activities considered insignificant based on specific determinations made by the Department. In this case, the Department should include a complete list of activities that are considered insignificant at this facility.

3. Applicable Requirements - Section 112(r): Section II, condition 4 contains a general requirement to comply with 40 CFR Part 68 if the facility becomes subject to that part of the CAA. Foamex, L.P. is subject to the part 68 requirements and the permit requirements need to be updated to reflect the applicability of this part and to include the applicable certification update requirements from 40 CFR §68.190.
4. Applicable Requirements - Subpart III: The permit application for Foamex, L.P. and the statement of basis for the proposed permit indicate that the polyurethane foam production processes at this facility are subject to 40 C.F.R. 63, Subpart III - *National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production*. Appendix B to the permit does contain Subpart III in its entirety. However, these requirements are not referenced from within the body of the permit, and therefore cannot be enforced through the title V permit. Furthermore, the permit does not identify which units at the facility are subject to Subpart III.

To resolve this concern, the applicable section from Subpart III must either be included directly as specific conditions in the title V permit itself, or a specific condition must be added to the main body of the permit referencing and requiring compliance with the regulations contained under Appendix B.

Another concern is that the entire text of Subpart III was included as Appendix B, instead of just the portions applicable to equipment or processes at Foamex. Inclusion of the entire Subpart makes this part of the permit confusing and conflicts with the objective of title V to issue clear permits that are easy to comply with and enforce. Therefore, in order to help streamline the permit, and make it easier to identify the applicable requirements for this facility, only the relevant portions of Subpart III should be included in the permit or Appendix B. To facilitate clarification of the permit, we have outlined source-specific requirements from Subpart III that should be included in the final permit, based on the information from the permit application and proposed permit. Because our knowledge of this site is limited, the Department must make its own determination regarding which requirements actually apply to Foamex. Please add the following information, with any updates or corrections, to the permit to address specific affected emission units subject to Subpart III.

A. Compliance Options:

For Slabstock Process: One of the following:

1. Individual control for; storage vessels; transfer pump; production lines; equipment cleaning and fugitive equipment leaks.
2. Source wide overall emission limit.

For Molded Foam Process:

Prohibition of HAP laden chemicals for equipment cleaning and mold release agents.

For Rebond Foam Process:

Prohibition of HAP laden chemicals for equipment cleaning and mold release agents.

B. Compliance Date:

New = at time of start up

Existing = October 8, 2001

C. Reporting Requirements:

Initial notification: 120 days after source becomes subject to Subpart III (40 CFR §63.9(b)(2)). The notification needs to include the following items: Name and address, location of affected source, identification of relevant standard, description of source, statement of whether affected source is a major source.

Pre-compliance report: No later than 12 months before the compliance date (40 CFR §§ 63.1303(b)(5), 63.1303(c), and 63.1303(e)(4)). The report need to address whether the source will comply with emission point specific limitations or source-wide emission limitations, whether the facility will be determining compliance on a rolling annual basis or will be using the monthly alternative for compliance, the monitoring method for HAP ABA and/or polyol at the mixhead, whether the facility will be using a recovery device to comply with HAP ABA emissions standards for production line or source-wide emissions. In addition, for sources using a recovery device, the report must address the continuous recovered HAP ABA monitoring and recordkeeping program. For compliance with source-wide emission limitations, the report needs to include a description of how amounts of HAP ABA in (and added to) storage vessels will be

determined and monitored. If applicable, the report shall include the alternative monitoring programs for HAP ABA at the mixhead, or as added to a storage vessel.

Compliance status for molded foam processes: No later than 180 days after compliance date (40 CFR §63.1306(d)(4)).

Compliance status for rebond foam processes: No later than 180 days after compliance date (40 CFR §63.1306(d)(5)).

Compliance status for slabstock production processes: No later than 180 days after compliance date (40 CFR §63.1306(d)(1-3)) This report shall include a list of diisocyanate storage vessels and type of control utilized for each vessel, and the type of control utilized for each transfer pump in diisocyanate service. If complying with emission point specific limitations, a list of HAP ABA storage vessels and type of control utilized for each vessel, a list of pumps, valves, connectors, pressure-relief devices, and open-ended valves or lines in HAP ABA service, and a list of modifications to equipment in HAP ABA service used to comply with equipment leak standards.

Annual compliance certification: As described in 40 CFR §63.1306(g).

Change in reported information: As described in 40 CFR §63.1302.

Semiannual report for slabstock sources using emission point specification: As specified in 40 CFR §63.1306(e).

Semiannual report for slabstock sources using source-wide limitations: As required by 40 CFR §63.1306(e).

D. Recordkeeping Requirements:

All items required in 40 CFR §§ 63.1296, 63.1302, and 63.1307.

II General Comments

1. General Comment: Please note that EPA reserves the right to enforce any noncompliance, including any noncompliance related to issues that have not been specifically raised in these comments. After final issuance, this permit shall be reopened if EPA or the permitting authority determines that it must be revised or revoked to assure compliance with applicable requirements.
2. Section II, condition 1: Appendix TV-1 has been replaced by Appendix TV-3, dated April 30, 1999. Please correct this condition accordingly.

3. Section II, condition 7: Please replace “Operating Source Section” with “Air & EPCRA Enforcement Branch, Air Compliance Section” and add the correct telephone (404/562-9055) and fax (404/562-9163) numbers.
4. Section II, condition 9: This condition should specifically reference condition 51 of Appendix TV-3, which lists the compliance certification requirements of 40 C.F.R. §70.6(c)(5)(iii), to ensure that complete certification information is submitted to EPA.
5. Section III, condition A.8: Condition A.8 states that in order to demonstrate compliance with conditions A.1 and A.3, the permittee must maintain a log at the facility for a period of 5 years, and that the log must at a minimum contain the following:

Monthly

- a) Month
- b) consecutive twelve month total of material usage rates which will equal the emission rate for that material.

The description of the minimum required data elements that are to be kept in the log is not very clear. For instance, AES is interpreting the condition to mean that “Monthly”, is designating the frequency at which the records are to be summarized, and “a) month” is specifying that the total of material usage rates for each month are to be logged (in addition to the consecutive twelve month total). Since there still appears to be some confusion, this condition should be clarified.

6. Section III, condition A.9: This condition states that supporting documentation, such as Material Safety Data Sheets, purchase orders, etc., shall be kept which includes sufficient information to determine compliance. The condition is not specific enough, and leaves too much room for inappropriate interpretation concerning exactly what kind of information is, or is not sufficient for determining compliance. Therefore, the permit should indicate exactly which parameters (i.e. density) the documentation must contain, in order to properly determine the compliance status of the source.

