

**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**BOB MARTINEZ CENTER
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

May 13, 2015

Sent by Electronic Mail – Document Access Verification Requested

Mr. David McCorkle, President
Central Florida Custom Trailer, d.b.a. Ram-Lin
ramlin@ramlin.com
2136 East Fourth Street
Orlando, FL 32824

RE: Ram-Lin, Orange County
Variance from Florida Administrative Code
OGC File No.: 14-0509
Expiration: May 13, 2017

FINAL ORDER GRANTING VARIANCE

Mr. McCorkle,

The Department of Environmental Protection (Department) hereby grants to Central Florida Custom Trailer, d.b.a. Ram-Lin (Ram-Lin), a variance from an emission limiting standard in Rule 62-296.513, Florida Administrative Code (F.A.C.), pursuant to the authority of Section 403.201(1)(c), Florida Statutes (F.S.).

FINDINGS OF FACT

1. On September 16, 2014, the Department received Ram-Lin's Petition for Variance along with the \$2,000.00 variance processing fee in accordance with Rule 62-4.050, F.A.C. The Department received additional information clarifying the variance petition on March 17, 2015.
2. In support of the petition, Ram-Lin provided the following documentation:
 - a) A letter dated March 9, 2015, from DRS Technologies Inc. stating that the Petitioner is under subcontract to DRS Technologies Inc. in support of the United States Department of Defense (DOD) Contract ID FA8519-12-D-0001, which requires the Petitioner to apply Sherwin Williams E90G4/V93VC2 Metal Wash Primer Pre-treatment to all aluminum parts;

- b) The Material Safety Data Sheet (MSDS) for DOD-P-15328D, Sherwin Williams Metal Wash Primer, which defines the maximum volatile organic compound (VOC) content for the metal wash primer, to be between 5.89 and 6.1 pounds per gallon (lbs/gallon);
 - c) A response to the Department's Request for Additional Information including acceptance of a maximum annual metal wash primer usage rate of 100 gallons per year containing no more than 7.0 lbs/gallon of VOCs.
3. The Department is a State of Florida administrative agency with the discretionary power to grant rule variances pursuant to Section 403.201, F.S.
 4. Ram-Lin is a metal fabrication and finishing company located at 2136 East Fourth Street in Orlando and Orange County, Florida.
 5. Orange County is designated as an air quality maintenance area for the pollutant ozone pursuant to Rule 62-204.340 (4), F.A.C.
 6. Ram-Lin operates under Department operating permit 0951342-003-AO, Rule 62-296.513, F.A.C., and an associated existing variance, the latter of which expires May 17, 2015.
 7. Ram-Lin is a subcontractor to DRS Technologies Inc., which is under contract with the DOD in support of the United States Air Force Tunner 60K Loader Refurbishment Program. The specifications of DOD Contract ID FA8519-14-D-0001 require that Ram-Lin apply Sherwin Williams E90G4/V93VC2 Metal Wash Primer Pre-treatment to all aluminum parts to be manufactured or finished under the contract.
 8. The VOC content of this DOD-required wash primer is between 5.89 and 6.1 lbs/gallon, excluding water.
 9. After reasonable inquiry, Ram-Lin has not identified a wash primer product with a VOC content of 3.5 lbs/gallon or less that would be compliant with the DOD contract.
 10. To curtail the VOC emissions to be less than or equal to that of a product with a VOC content of 3.5 lbs/gallon, Ram-Lin would need to purchase and install a control device such as a Zeolite concentrator followed by a regenerative thermal oxidizer. The estimated cost to purchase and install such a control device on a 12,000 cubic feet per minute spray booth is \$1.5 million dollars. Additional estimated operating costs for this control device are approximately \$250,000 per year for maintenance, natural gas and electricity. These costs would be prohibitive and infeasible for Ram-Lin to continue to conduct business.
 11. Ram-Lin requests permission to use no more than 100 gallons per year of the DOD-required wash primer with a maximum VOC content of 7.0 only when finishing or manufacturing products pursuant to its DOD contract for a period of 24 months or until a substitute DOD-compliant wash primer is found with a VOC content of 3.5 lbs/gallon.

12. The denial of this request could result in the assessment of penalties by DOD, the loss of current and future contracts with DOD, and ultimately the loss of jobs.
13. The Department published a Notice of Intent to Grant in the Florida Administrative Register and Ram-Lin published a Notice of Intent to Grant in a newspaper of general circulation in the area affected on April 24, 2015. No request for hearing was filed within the requisite timeframe.

CONCLUSIONS OF LAW

14. The Department has jurisdiction to grant the requested variance pursuant to Section 403.201, F.S.
15. Ram-Lin has satisfied the requirements of Rule 62-110.104(1), F.A.C., to enable the Department to evaluate the merits of the request.
16. Pursuant to Rule 62-296.500(1)(a), F.A.C., Ram-Lin is subject to Rule 62-296.513, F.A.C.
17. Rule 62-296.513(2)(a)2., F.A.C., requires that no owner or operator of a coating line for miscellaneous metal parts and products shall cause, allow, or permit the discharge into the atmosphere of any VOCs in excess of 3.5 lbs/gallon of coating (0.42 kilograms per liter), excluding water, delivered to a coating applicator in a coating application system that is air dried or forced warm air dried at temperatures up to 194 degrees Fahrenheit (90 degrees Celsius).
18. Rule 62-296.513(3), F.A.C., requires that the emission limits in Rule 62 296.513(2)(a), F.A.C., shall be achieved by: (a) The application of low solvent coating technology; or (b) Incineration, provided that 90 percent of the volatile organic compounds (VOC measured as total combustible carbon) which enter the incinerator are oxidized to carbon dioxide and water.
19. Section 403.201(1)(c), F.S., permits the granting of a variance in the Department's discretion to prevent or relieve a hardship for a period of no more than 24 months. The Petitioner has demonstrated to the satisfaction of the Department that compliance with Rule 62-296.513(2)(a)2., F.A.C., will cause a hardship to Ram-Lin.
20. The Department and Ram-Lin satisfied the noticing requirements of Section 403.201(3), F.S. and Rule 62-110.104, F.A.C.

DETERMINATION

The Department grants a variance from the emission limiting standard in Rule 62-296.513(2)(a)2., F.A.C., pursuant to Section 403.201(1)(c), F.S. Subject to the following, Ram-Lin is relieved of the requirement to restrict the VOC content of surface coatings for parts manufactured as specified under the DOD contract to 3.5 lbs/gallon of coating (0.42 kilograms per liter) for a metal wash primer coating for the duration of this variance.

21. This variance becomes effective May 13, 2015 and expires on May 13, 2017. It is advised that if the Petitioner intends to seek a new variance upon expiration of this variance, they should submit to the Department an application for variance no later than 120 days prior to expiration of this variance.
22. This variance shall not apply to any other new or existing state or federal rule which may require VOC emission control.
23. Ram-Lin shall comply with the following usage and VOC content limits for the metal wash primer coating in lieu of complying with the VOC content limits contained in Rule 62-296.513, F.A.C., for only those parts manufactured under and as specified by a DOD contract:
 - a. The Petitioner is limited to a total usage of 100 gallons per year of any chromate metal wash primer.
 - b. The chromate metal wash primer's VOC content shall not exceed 7.0 lbs/gallon.
24. Authority to operate in compliance with the above referenced limits in lieu of Rule 62-296.513(2)(a)2., F.A.C. is limited to the metal wash primer application pursuant to the DOD contract. It does not pertain to other applications pursuant to the contract or applications that are not done pursuant to the contract.
25. In the event a substitute chromate metal wash primer coating becomes available that is compliant with both the DOD contract and Rule 62-296.513, F.A.C., the Petitioner shall notify the Department and begin using that coating in the facility's operations as soon as practicable.
26. All other coatings used at Ram-Lin shall meet the requirements of Rule 62-296.513, F.A.C.
27. For all metal wash primer used pursuant to the DOD contract and this Variance, Ram-Lin shall record monthly surface coating usage on a 12 month rolling basis.
28. Granting this variance is contingent upon the facility's ability to meet all terms and conditions of this Order.

RIGHT TO APPEAL

A party to this order has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within thirty days (30) after this order is filed with the clerk of the Department.

DONE AND ORDERED this 13th day of May 2015 in Tallahassee, Florida.



Justin B. Green, Director
Division of Air Resource Management
Department of Environmental Protection
2600 Blair Stone Road,
Mail Station 5500
Tallahassee, Florida 32399-2400
Telephone 850/717-9000

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this ORDER GRANTING VARIANCE was sent by electronic mail, with received receipt requested before the close of business on 2015.05.13 09:24:40 -04'00' to the person listed:

Mr. David McCorkle, President, Central Florida Custom Trainers, Inc., Orlando, Florida

FILING AND ACKNOWLEDGMENT:

The undersigned duly designated deputy agency clerk hereby certifies that this Written Notice of Final Order Granting Variance was sent by electronic mail, with received receipt requested before the close of business on the date indicated below to the following persons.

Atlas Scientific Technologies

Mr. David Knothe, CIH, Dknothe@cfl.rr.com

Mr. Matt Minard, IH, Matt.Minard@Atlasscitech.com

Orange County Environmental Protection Division, Air Quality

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Ms. Cindy Mulkey, DARM, cindy.mulkey@dep.state.fl.us

Mr. Chad Stevens, OGC, Chad.R.Stevens@dep.state.fl.us

Ms. Lynn Scarce, DEP, DARM, Lynn.Scarce@dep.state.fl.us

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52, Florida Statutes, with the designated agency clerk, receipt of which is hereby acknowledged.



Clerk