# Florida Department of Environmental Protection

Northeast District
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary


Mr. Scott Grimes, General Manager
RockTenn CP, LLC
North 8th Street
Fernandina Beach, Florida 32034

Re: Project No. 0890003-034-AC
Fernandina Beach Mill
No. 4 Lime Kiln/No. 7 Power Boiler Natural Gas Project

Dear Mr. Grimes:

On February 13, 2012, you submitted an application requesting the flexibility to use up to 100% used oil, any mixture of used oil and No. 6 fuel oil, 100% No. 6 fuel oil, 100% natural gas, or a mixture of natural gas and fuel oil (including used oil) as the fuel for the No. 4 Lime Kiln located at the Fernandina Beach Mill. In order to operate in these scenarios a new dual fuel burner is required in the lime kiln to replace the existing oil fired burner.

On February 28, 2012, you submitted an application requesting the flexibility to use natural gas in the No. 7 Power Boiler. In order to operate with natural gas new natural gas igniters (burners) are required. Twelve burners will be installed (rated capacity of 20 MMBtu per hour heat input each) in addition to the existing oil fired burners and coal injectors.

This existing facility is located at North 8th Street in Nassau County, Fernandina Beach, Florida. The Department, through its permitting authority, hereby withdraws the draft permit issued on March 12, 2012, and replaces it with the following enclosed documents: the Technical Evaluation and Preliminary Determination; the Draft Permit and Appendices; the Written Notice of Intent to Issue Air Permit; and the Public Notice of Intent to Issue Air Permit. The Public Notice of Intent to Issue Air Permit is the actual notice that you must have published in the legal advertisement section of a newspaper of general circulation in the area affected by this project. If you have any questions, please contact the project specialist, Jerry Woosley at 904/256-1563.

Sincerely,

Khalid Al-Nahdy

Khalid A. Al-Nahdy, P.E.
District Air Program Administrator

Enclosures

KAA/jw

# WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMIT

*In the Matter of an*
*Application for Air Permit by:*

RockTenn CP, LLC
North 8th Street
Fernandina Beach, Florida 32034

*Authorized Representative:*
Mr. Scott Grimes, General Manager

Project No. 0890003-034-AC
Fernandina Beach Mill
No. 4 Lime Kiln and No. 7
Power Boiler Natural Gas
Project
Minor Air Construction Permit
Nassau County, Florida

**Facility Location**: RockTenn CP, LLC operates the existing Fernandina Beach Pulp Mill, No. 4 Lime Kiln and No. 7 Power Boiler, which is located in Nassau County at North 8th Street in Fernandina Beach, Florida.

**Project**: On February 13, 2012, the applicant submitted an application requesting the flexibility to use up to 100% used oil[1], any mixture of used oil and No. 6 fuel oil, 100% No. 6 fuel oil, 100% natural gas, or a mixture of natural gas and fuel oil (including used oil) as the fuel for the No. 4 Lime Kiln located at the Fernandina Beach Mill. In order to operate in these scenarios a new dual fuel burner (oil and/or natural gas) is required in the lime kiln to replace the existing oil fired burner.

[1]Subject to completion of the terms and conditions of Air Construction permit No. 0890003-029-AC.

On February 28, 2012, you submitted an application requesting the flexibility to use natural gas in the No. 7 Power Boiler. In order to operate with natural gas new natural gas igniters (burners) are required. Twelve burners will be installed (rated capacity of 20 MMBtu per hour heat input each) in addition to the existing oil fired burners and coal injectors.

Pursuant to Rule 62-212.400, F.A.C., RockTenn CP, LLC provided information to show that the project will not exceed the significant emissions rates that require preconstruction review for the Prevention of Significant Deterioration (PSD) of Air Quality. Details of the project are provided in the application and the enclosed Technical Evaluation and Preliminary Determination.

On March 12, 2012, the Department issued a draft permit for the project. On March 15 and 16, 2012, the applicant submitted comments on the draft permit and the Department has made changes to the draft permit based on the submitted comments. The permitting authority is withdrawing the March 12, 2012 draft permit and is replacing it with the attached permit package.

**Permitting Authority**: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Department of Environmental Protection, Northeast District Office, Air Resources Section is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical and mailing address is: 7825 Baymeadows Way, Suite 200B, Jacksonville, FL 32256-7590. The Permitting Authority's telephone number is 904/256-1700.

**Project File**: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for

the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

**Notice of Intent to Issue Permit**: The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

**Public Notice**: Pursuant to Section 403.815, F.S. and Rules 62-110.106 and 62-210.350, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Permit (Public Notice). The Public Notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected by this project. The newspaper used must meet 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 Permitting Authority at above address or phone number. Pursuant to Rule 62-110.106(5) and (9), F.A.C., the applicant shall provide proof of publication to the Permitting Authority at the above address within 7 days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

**Comments**: The Permitting Authority will accept written comments concerning the proposed Draft Permit for a period of 14 days from the date of publication of the Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of the 14-day period. If written comments received result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

**Petitions**: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this Written Notice of Intent to Issue Air Permit. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the attached Public Notice or within 14 days of receipt of this Written Notice of Intent to Issue Air Permit, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 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 (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority'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 when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (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 including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the 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 Permitting Authority'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, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Written Notice of Intent to Issue Air Permit. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

**Mediation**: Mediation is not available in this proceeding.

Executed in Jacksonville, Florida

Khalid A. Al-Nahdy, P.E.
District Air Program Administrator

## CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Written Notice of Intent to Issue Air Permit package (including the Written Notice of Intent to Issue Air Permit, the Public Notice of Intent to Issue Air Permit, the Technical Evaluation and Preliminary Determination and the Draft Permit with Appendices) was sent by electronic mail (or a link to these documents made available electronically on a publicly accessible server) with received receipt requested before the close of business on March 21, 2012, to the persons listed below.

Ms. Tammy McWade, DARM, Tallahassee tammy.mcwade@dep.state.fl.us
Ms. Kathleen Forney, EPA Region 4 forney.kathleen@epa.gov
Ms. Ana M. Oquendo, EPA Region 4 oquendo.ana@epa.gov
Mr. David Buff, P.E., Golder Associates, Inc.dbuff@golder.com
Mr. Scott Grimes, RockTenn CP, LLC sgrimes@rocktenn.com
Ms. Michelle Rundlett, RockTenn CP, LLC mrundlet@rocktenn.com
Ms. Ashley Woolley, RockTenn CP, LLC awoolley@rocktenn.com

**FILING AND ACKNOWLEDGMENT FILED**, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency clerk, receipt of which is hereby acknowledged.

Monique Jordan

(Clerk) 3/21/2012 (Date)