Florida Department of Environmental Protection

Northeast District
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256-7590
Phone: 904/256-1700 ♦ Fax: 904/448-4366

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard, Jr.
Secretary

January 20, 2011

Mr. Howard A. Drew, V.P., Wood Cellulose Manufacturing
Buckeye Florida Limited Partnership
One Buckeye Drive
Perry, Florida 32348

Re: Draft Air Construction Permit No.: 1230001-033-AC
Buckeye Florida Limited Partnership
Clean Energy Pathways, Inc. BFO-1 Biofuel Temporary Test Burn

Dear Mr. Drew:

The Department, through its permitting authority, hereby withdraws the previously issued Draft Air Construction Permit issued on January 11, 2011, for the Foley Mill located at US 19, south of SR 30, southeast of Perry, Taylor County, Florida, and replaces it with the enclosed Draft Air Construction Permit.

On May 7, 2010, you submitted an application requesting authorization to burn BFO-01 biofuel supplied by Parsons Energy Co. (now known as Clean Energy Pathways, Inc.) as an alternate fuel or a mixture of the BFO-01 Biofuel with any other authorized fuel in each of the fuel burning units at the Foley Mill (i.e., No. 1 Power Boiler, No. 2 Power Boiler, No. 1 Bark Boiler, No. 2 Bark Boiler, No. 2 Recovery Boiler, No. 3 Recovery Boiler, No. 4 Recovery Boiler, and No. 4 Lime Kiln). The request was subsequently modified to authorize a temporary trial burn of the BFO-01 biofuel in the No. 4 Lime Kiln. This existing facility is located in Taylor County at US 19, south of SR 30, southeast of Perry, Florida 32348. Enclosed are the following 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 engineer, Rita Felton-Smith at 904/256-1556.

Sincerely,

Christopher L. Kirts, P.E.
District Air Program Administrator

CLK:rfs

Enclosure
copy furnished to:
Dave Weeden, Buckeye Florida, Limited Partnership [Email: dave_weeden@bkitech.com]

WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMIT

In the Matter of an
Application for Air Permit by:

Buckeye Florida Limited Partnership
One Buckeye Drive
Perry, Florida 32348

Authorized Representative:
Mr. Howard A. Drew, V.P., Wood Cellulose Manufacturing

Project No. 1230001-033-AC
Foley Mill
BFO-01 Biofuel Temporary
Test Burn

Air Construction Permit
Taylor County, Florida

Facility Location: Buckeye Florida, Limited Partnership operates the Foley Mill, which is located in Taylor County at US 19, south of SR 30, southeast of Perry, Florida 32348.

Project: The applicant submitted an application requesting authorization to burn BFO-01 biofuel supplied by Parsons Energy Co. (now known as Clean Energy Pathways, Inc.) as an alternate fuel or a mixture of the BFO-01 Biofuel with any other authorized fuel in each of the fuel burning units at the Foley Mill (i.e., No. 1 Power Boiler, No. 2 Power Boiler, No. 1 Bark Boiler, No. 2 Bark Boiler, No. 2 Recovery Boiler, No. 3 Recovery Boiler, No. 4 Recovery Boiler, and No. 4 Lime Kiln). The request was subsequently modified to authorize a temporary trial burn of the BFO-01 biofuel in the No. 4 Lime Kiln. Details of the project are provided in the application and the enclosed Technical Evaluation and Preliminary Determination.

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, 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 B200, 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 Department issued a Draft Air Construction Permit and Written Notice of Intent to Issue Air Permit package on January 11, 2011. The applicant submitted comments on the draft air construction permit by telephone on January 14 and 19, 2011. The Department made changes to the draft air construction permit based on the submitted comments. Based on these changes, the permitting authority is withdrawing the January 11, 2011 draft air construction permit and is replacing it with the attached draft air construction permit package. 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

1/20/2011

Christopher L. Kirts, P.E.
District Air Program Administrator

Date

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 Air Construction 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 January 20, 2011 to the persons listed below.

Mr. Howard A. Drew, Buckeye Florida, Limited Partnership [Email: howard_drew@bkitech.com]
Dave Weeden, Buckeye Florida, Limited Partnership [Email: dave_weeden@bkitech.com]

Clerk Stamp

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

1/20/2011

(Clerk) (Date)