



# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

January 15, 2009

*Sent by Electronic Mail – Received Receipt Requested*

Mr. B.G. Sammons  
General Manager  
Smurfit-Stone Container Enterprises, Inc.  
One Everitt Avenue  
Panama City, Florida 32402

Re: Project No. 0050009-031-AC/PSD-FL-388B  
Lime Kiln Scrubber pH Monitoring

Dear Mr. Sammons:

On December 8, 2008, the Department received a letter from Mr. Tom Clements, Environmental Manager at the Panama City mill. Attached to the letter were copies of several stack test results conducted in October of 2008. Mr. Clements requested a minimum pH operating level for the lime kiln scrubber of 7.7 based on a 3-hour average with measurements taken every 15 minutes to provide reasonable assurance of compliance with the sulfur dioxide (SO<sub>2</sub>) standards. He also requested that the approval include an option for re-evaluating the minimum pH operating level if supported by additional SO<sub>2</sub> emissions tests. The requests were submitted in response to Specific Condition 3.A.15 in original Permit No. PSD-FL-388 (Project No. 0050009-028-AC). Based on the information provided, the Department approves the request as follows.

**Determination:** The minimum pH operating level for the lime kiln scrubber is established as 7.7 based on a 3-hour block average as determined from measurements taken at least every 15 minutes. Operation below the specified minimum pH operating level is not a violation of this permit, in and of itself. However, continued operation below this level without corrective action may be considered circumvention of the air pollution control method. The permittee may conduct additional testing at reduced operating loads. If the test data indicates satisfactory compliance at a lower pH level for the reduced loads, the permittee shall submit a request for approval to the Department's Bureau of Air Regulation with data to support the request. A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This permitting decision is issued pursuant to Chapter 403, Florida Statutes (F.S.).

**Permitting Authority:** The Permitting Authority responsible for making a determination for this project is the Bureau of Air Regulation in the Department of Environmental Protection's Division of Air Resource Management. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

**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 (Telephone: 850/245-2241). Petitions must be filed within 14 days of receipt of this determination. 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; (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. 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.

**Effective Date:** This permitting decision is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this action will not be effective until further order of the Department.

**Judicial Review:** Any party to this permitting decision (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 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection 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 30 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.



Trina Vielhauer, Chief  
Bureau of Air Regulation

TLV/jfk/bm

## CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this letter 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 1/16/09 to the persons listed below.

Mr. B. G. Sammons, Smurfit-Stone Container Enterprises, Inc. ([bsammons@smurfit.com](mailto:bsammons@smurfit.com))

Mr. Tom Clements, Smurfit-Stone Container Enterprises, Inc. ([tmclemen@smurfit.com](mailto:tmclemen@smurfit.com))

Mr. Rick Bradburn, Northwest District ([rick.bradburn@dep.state.fl.us](mailto:rick.bradburn@dep.state.fl.us))

Ms. Kathleen Forney, U.S. EPA, Region 4 ([forney.kathleen@epamail.epa.gov](mailto:forney.kathleen@epamail.epa.gov))

Ms. Heather Abrams, U.S. EPA Region 4 ([abrams.heather@epamail.epa.gov](mailto:abrams.heather@epamail.epa.gov))

Ms. Catherine Collins, Fish and Wildlife Service ([catherine\\_collins@fws.gov](mailto:catherine_collins@fws.gov))

Ms. Vickie Gibson, DEP BAR ([Victoria.Gibson@dep.state.fl.us](mailto:Victoria.Gibson@dep.state.fl.us)) (for read file)

### 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.

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

1/16/09  
\_\_\_\_\_  
(Date)