



# Florida Department of Environmental Protection

Northeast District  
7825 Baymeadows Way, Suite B200  
Jacksonville, Florida 32256-7590  
Phone: 904/807-3300 ♦ Fax: 904/448-4366

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

December 17, 2007

Mr. George Q. Langstaff, V.P. Regional Mill Operations  
Smurfit-Stone Container Enterprises, Inc.  
North 8th Street  
Fernandina Beach, FL 32034

Re: Nassau County – Air Permitting  
Smurfit-Stone Container Enterprises, Inc.  
Air Construction Permit  
AIRS ID No.: 0890003 Project No.:013

Dear Mr. Langstaff:

This is in reference to your air pollution permit application for the above referenced project. The permitting authority is withdrawing the previously issued draft construction permit and Intent to Issue package issued on April 27, 2007, and replacing it with this package.

Florida Administrative Code (F.A.C.) Rule 62-210.350(1)(a) and Florida Statute (F.S.) Section 403.815 require that you (the applicant) publish at your own expense, the enclosed NOTICE OF INTENT TO ISSUE CONSTRUCTION PERMIT.

The 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. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place.

The proof of publication, i.e. newspaper affidavit, shall be provided to the Department of Environmental Protection as soon as possible upon receipt of this letter. The processing of the application will be delayed until fourteen (14) days after this office has received the proof of publication. Failure to publish this Notice and to provide proof of publication may result in the denial of the permit.

If you have any questions, please contact Rita Felton-Smith at (904) 807-3237.

Sincerely,

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

RFS:rfs

cc: David A. Buff, P.E.

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[www.dep.state.fl.us](http://www.dep.state.fl.us)



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## STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION INTENT TO ISSUE

In the Matter of an  
Application for Permit by:

DEP File No.: 0890003-013-AC  
County: Nassau

Mr. George Q. Langstaff, V.P. Regional Mill Operations  
Smurfit-Stone Container Enterprises, Inc.  
North 8th Street  
Fernandina Beach, FL 32034

### INTENT TO ISSUE

The Department of Environmental Protection gives notice of its intent to issue a permit (copy attached) for the proposed project as detailed in the application specified above, for the reasons stated below. The permitting authority is withdrawing the previously issued draft construction permit and Intent to Issue package issued on April 27, 2007, and replacing it with this package.

The applicant Mr. George Langstaff, V.P., Regional Mill Operations, Smurfit-Stone Container Enterprises, Inc., applied on June 2, 2006, to the Department for a construction permit to use Hot Caustic Extract (HCE) as an additive to supplement black liquor solids at the mill. This facility is located at North 8th street, Fernandina Beach, Nassau County, Florida.

The Department has permitting jurisdiction under Chapter 403, Florida Statutes (F.S.) and Rules 62-4.05 and 62-4.07, Florida Administrative Code (F.A.C.). The project is not exempt from permitting procedures. The Department has determined that a construction permit is required for the proposed work.

The Department intends to issue the permit for the following reason(s):

The applicant has provided reasonable assurances that the proposed work will comply with all applicable department regulations.

Pursuant to Section 403.815, F.S. and Rule 62-210.350(1)(a), F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Issue Permit. The 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. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. The applicant shall provide proof of publication to the Department, at the Northeast District Office, 7825 Baymeadows Way, Suite B200,

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Jacksonville, Florida 32256-7590 as soon as possible upon publishing. Failure to publish the notice and provide proof of publication may result in the denial of the permit.

The Department will issue the permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of "PUBLIC NOTICE OF INTENT TO ISSUE CONSTRUCTION PERMIT." Written comments should be provided to the Florida Department of Environmental Protection, Northeast District Office at 7825 Baymeadows Way, Suite B-200, Jacksonville, Florida 32256-7590. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000 (Telephone: 850/245-2242; Fax: 850/245-2303). Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within fourteen 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 will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code (F.A.C.).

A petition that disputes the material facts on which the Department'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;

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- (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 how and when petitioner received notice of the agency action or proposed action;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (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; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action 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 Department'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 Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.

Executed in Jacksonville, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

A handwritten signature in black ink, appearing to read "Christopher L. Kirts".

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

RFS:rfs

cc: David A. Buff, P.E.

**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
PUBLIC NOTICE OF INTENT TO ISSUE CONSTRUCTION PERMIT**

The Department of Environmental Protection gives notice of its intent to issue a permit to Smurfit-Stone Container Enterprises, Inc., which has a mailing address of North 8th Street, Fernandina Beach, Florida 32034. This project is for the use of Hot Caustic Extract (HCE) as an additive to supplement black liquor solids at the mill. This facility is located at North 8th Street, Fernandina Beach, Nassau County, Florida. The Department has assigned file number 0890003-013-AC to this project.

The Department will accept written comments concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of "PUBLIC NOTICE OF INTENT TO ISSUE CONSTRUCTION PERMIT." Written comments must be post-marked and all facsimile comments must be received by the close of business (5:00 pm), on or before the end of this 14-day period, by the Permitting Authority at the Florida Department of Environmental Protection, Northeast District, 7825 Baymeadows Way, Suite B-200, Jacksonville, Florida 32256-7590 or facsimile (904) 448-4363. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within fourteen 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 will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code (F.A.C.).

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- (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 how and when petitioner received notice of the agency action or proposed action;

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

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Northeast District Office, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256-7590.