STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the matter of:	)	Permit No.: 1030218-011-AC
	)	
M C Graphics, Inc.	)	
	)	
Petitioner.	)	File No.: 05-I-AP

ORDER ON REQUEST FOR ALTERNATE PROCEDURES AND REQUIREMENTS

Pursuant to Rule 62-297.620, Florida Administrative Code (F.A.C.), M C Graphics, Inc., a lithographic printing facility located in Pinellas County, has petitioned for approval of an alternate testing procedure for the determination of thermal oxidizer destruction efficiency on its new Printing Line #4 (Emission Unit 005). The Petitioner requested approval to utilize the inlet flow rate calculated by the dryer controller in lieu of the required EPA test method. The basis for this request is the Petitioner's assertion that the design of the dryer unit does not permit flow testing using a pitot tube. The Petitioner also requested approval to omit EPA Methods 3 and 4 during the compliance test. In lieu of performing Methods 3 and 4, Petitioner proposed to utilize molecular weight and moisture values determined during a recent engineering study on Printing Line #4.

Having considered Petitioner's written request and all supporting documentation, the following Findings of Fact, Conclusions of Law, and Order are entered:

FINDINGS OF FACT

1. M C Graphics, Inc., has installed a new printing line, Printing Line #4 (Emission Unit 005), which includes a printing press and a natural gas-fired dryer with an integrated thermal oxidizer to control VOC emissions.

2. Pursuant to its construction permit, the facility is required to test the destruction efficiency of the unit's thermal oxidizer within 60 days of first operation of the new printing line. Destruction efficiency is to be determined using EPA Methods 1, 2, 3, and 4 to measure flow, moisture and molecular weight, and either Method 25 or 25A to measure VOC concentration of the gas stream.

3. On September 30, 2005, the Department received Petitioner's request for approval to utilize the thermal oxidizer inlet flow rate computed by the dryer controller of Press #4 in lieu of EPA Method 2. Petitioner stated that the basis for the request is that "the construction of the press does not allow us to measure the inlet flow rate using a pitot tube. The access port is 1/8" in diameter with a 2" nipple protruding from the side of the press."

4. On October 3, 2005, the Department received technical information on the dryer, including the equation used by the dryer controller to compute the thermal oxidizer inlet flow rate.

5. On October 11, 2005, the Department received data collected during a 40-minute engineering study performed on September 30, 2005. As part of that submission, Petitioner requested approval to

utilize the molecular weight and moisture values determined during that study rather than conduct EPA Methods 3 and 4 during compliance testing.

6. In the October 11, 2005, submission, Petitioner stated that the moisture content determined during the engineering study was 7.4 percent, the uncorrected destruction efficiency was 99.70 percent, and the corrected destruction efficiency was 99.67 percent. Petitioner further stated that omitting the molecular weight and moisture determinations is appropriate "because of the very high destruction efficiency and the insignificant effect that it [moisture] has on the outcome..."

7. On October 14, 2005, the Department discussed the flow rate equation used by the dryer controller with Petitioner's consultant as well as a representative of the dryer manufacturer. During the discussion, questions were answered regarding the derivation of the equation and assumption made as part of that derivation.

CONCLUSIONS OF LAW

1. The Department has jurisdiction to consider Petitioner's request pursuant to Section 403.061, Florida Statutes (F.S.), and Rule 62-297.620, F.A.C.

2. Petitioner has provided diagrams and documentation from the dryer manufacturer showing that testing thermal oxidizer inlet flow rate is not possible using EPA Method 2 due to the configuration of the integrated oxidizer in the dryer unit.

3. Petitioner has provided a sufficient demonstration that utilizing the inlet flow rate computed by the dryer controller is adequate for use in determining the destruction efficiency of the unit.

4. Petitioner has not provided adequate justification for omitting EPA Methods 3 and 4 (molecular weight and moisture content) during compliance testing. These values are utilized in the calculations made to determine compliance and, therefore, should be obtained during compliance testing.

5. Pursuant to Rule 62-297.310(7), F.A.C., the Department may require Petitioner to conduct quality assurance tests that identify inconsistencies with or problematic data, if, after investigation, it is believed that any applicable condition of the applicable permits is being violated.

ORDER

Having considered Petitioner's written request and supporting documentation, it is hereby ordered that:

1. In lieu of performing EPA Method 2, Petitioner shall utilize the average thermal oxidizer inlet flow rate computed by the dryer controller of Printing Line #4 (Emission Unit 005) when determining the destruction efficiency of that unit.

2. All other testing requirements associated with determining the destruction efficiency of Printing Line #4 as specified in the facility's permit and/or applicable Department rules shall be followed.

3. This Order shall not abrogate Petitioner's obligation to comply with any periodic monitoring requirements established pursuant to the provisions of the federal Clean Air Act (42 USC 1857, et seq) as amended in 1990.

PETITION FOR ADMINISTRATIVE REVIEW

The Department's proposed agency action will become final upon expiration of the petition period described below 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 agency action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. 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 twenty-one 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) of the Florida Statutes must be filed within twenty-one days of publication of the public notice or within twenty-one days of receipt of this notice, whichever occurs first. Under Section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within twenty-one 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.

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;

(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

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.

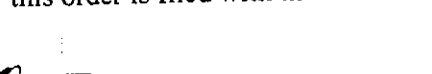
Mediation is not available in this proceeding.

NOTICE OF APPEAL RIGHTS

Any party to this order has the right to seek judicial review of it under Section 120.68 of the Florida Statutes, 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 thirty days after this order is filed with the clerk of the Department.

DONE AND ORDERED this 27th day of October, 2005, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



MICHAEL G. COOKE, Director
Division of Air Resource Management
Mail Station 5500
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
(850) 488-0114

Clerk Stamp
FILING AND ACKNOWLEDGMENTFILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Martha Jane Wise 10/27/05
(Clerk) (Date)