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BUREAU OF AIR REGULATION

August 8, 2007

Smurfit-Stone  
Container Corporation  
Panama City Mill  
1 Everitt Ave.  
Panama City, FL 32401  
850-785-4311  
850-763-8530 fax

Mr. Bruce Thomas P.E.  
FDEP  
2600 Blair Stone Rd  
Tallahassee FL 32399

Re: Proof of public notice – Permit No. PSD-FL-388  
Project No. 0050009-028-AC

Dear Mr. Thomas

Attached is the proof of public notice for the above permit. Please contact me at (850) 785-4311 x470 if you have additional questions.

Sincerely

A handwritten signature in black ink, appearing to read "Tom Clements".

Tom Clements  
Environmental Mgr.

# Florida Freedom Newspapers, Inc.

PUBLISHERS OF THE NEWS HERALD  
Panama City, Bay County, Florida  
Published Daily

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## State of Florida County of Bay

AUG 09 2007

BUREAU OF AIR REGULATION

Before the undersigned authority appeared \_\_\_\_\_

Pam Gregory

who on oath says that (s)he

is Advertising Director

of The News Herald, a daily

newspaper published at Panama City, in Bay County, Florida; that the attached copy of

advertisement, being a Legal Advertisement - #5051

in the matter of Public Notice


Air Permit

in the Bay County

Court, was published in said newspaper in the issue of \_\_\_\_\_

August 2, 2007

Affiant further says that The News Herald is a direct successor of the Panama City News and that this publication, together with its direct predecessor, has been continuously published in said Bay County, Florida, each day (except that the predecessor, Panama City News, was not published on Sundays), and that this publication together with its said predecessor, has been entered as periodicals matter at the post office in Panama City, in said Bay County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



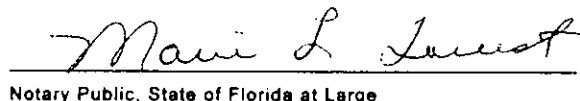
State of Florida  
County of Bay

Sworn and subscribed before me this 2nd day of August

A.D. 2007 by Pam Gregory, Advertising director

of The News Herald, who is personally known to me or has produced \_\_\_\_\_

as identification.



Notary Public, State of Florida at Large



### PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Florida Department of Environmental Protection, Division of Air Resource Management, Bureau of Air Regulation, Draft Air Permit No. PSD-FL-388, Project No. 0050009-028-A-C, Smurfit-Stone Container Enterprises, Inc., Panama City Mill, Bay County, Florida

**Applicant:** The applicant for this project is Smurfit-Stone Container Enterprises, Inc. The applicant's authorized representative and mailing address is: B. G. Sammons, General Manager, Smurfit-Stone Container Enterprises, Inc., Panama City Mill, One Everitt Avenue, Panama City, Florida 32402.

**Facility - Location:** Smurfit-Stone Container Enterprises, Inc., operates the existing Panama City Mill, which is located in Bay County at One Everitt Avenue in Panama City, Florida 32402. The existing facility is a Kraft pulp and paper mill.

**Project:** The applicant proposes to add petroleum coke as a primary fuel to the existing lime kiln. The following equipment will be installed: a new lime kiln burner capable of firing a combination of petroleum coke with No. 6 fuel oil and/or natural gas; a petcoke storage silo, a dense phase pneumatic conveying system that will be used to unload the delivery trucks and transport the ground petcoke to the storage silo; and a weigh feeder and blower with eductor to pneumatically convey the ground petcoke to the kiln burner. The project also includes enclosing or partially enclosing the recovery boiler building to reduce corrosion and maintenance.

The project is projected to result in a net actual emissions increase of 155 tons per year of nitrogen oxides (NOx) and a net actual emissions increase of 77 tons per year of sulfur dioxide (SO2). Because these rates are greater than the significant emissions rates, the project is subject to preconstruction review for these pollutants in accordance with Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality. Pursuant to this rule, the Department is required to make a determination of the Best Available Control Technology (BACT) and review the ambient air quality impacts for each pollutant. The Department's preliminary BACT determination for NOx is based on good combustion practices and low-NOx burners. The Department's preliminary BACT determination for SO2 is based on proper kiln design and operation, optimal mud washing and flue gas desulfurization with the existing wet scrubber.

The Department reviewed the applicant's air quality impact analysis. The following table shows the maximum predicted SO2 and NO2 increments consumed by all sources in the PSD Class II area (vicinity of the facility) including this project.

Pollutant	Averaging Time	Allowable Increment (ug/m3)	Increment Consumed (ug/m3)	Increment Consumed (%)
SO2				

proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-211, 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 Section 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.

**Comments:** The Permitting Authority will accept written comments concerning the Draft Permit for a period of 30 days from the date of publication of the Public Notice. Written comments must be post-marked by the close of business (5:00 p.m.) on or before the end of this 30-day period by the Permitting Authority at the above address. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location in the Florida Administrative Weekly and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the Draft Permit, the Permitting Authority will issue a revised 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 at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. 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 this Public Notice or receipt of a written notice, 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 at the time of a

with the existing wet scrubber.

The Department reviewed the applicant's air quality impact analysis. The following table shows the maximum predicted SO<sub>2</sub> and NO<sub>2</sub> increments consumed by all sources in the PSD Class II area (vicinity of the facility) including this project.

**Pollutant-Averaging Time-Allowable Increment (ug/m3)-Increment Consumed (ug/m3)-Increment Consumed (%)**

**SO<sub>2</sub>**

3-hour-512(ug/m3)-447(ug/m3)-87%

24-hour-91(ug/m3)-78(ug/m3)-86%

Annual-20(ug/m3)-0.12(ug/m3)-0.6%

**NO<sub>2</sub>**

Annual-25(ug/m3)-13(ug/m3)-52%

In addition, there were no significant impacts predicted for the PSD Class I Bradwell Bay or St. Marks National Wilderness Areas located 96 and 112 kilometers east of the facility, respectively. Therefore, no PSD Class I increment consumption analyses were required for SO<sub>2</sub> and NO<sub>2</sub> in these areas. Emissions from the facility will not significantly contribute to or cause a violation of any state or federal ambient air quality standards.

**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 Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. 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.

**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 and phone number listed above. In addition, electronic copies of these documents are available on the following web site: <http://www.dep.state.fl.us/air/eproducts/apds/default.asp>.

**Notice of Intent to Issue Air 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 as-

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 rights will be affected by the agency determination;

(c) A statement of when and how the 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 Public 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 for this proceeding.

August 2, 2007