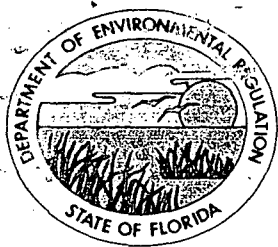


Bruce's Copy



# Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Bob Martinez, Governor

Dale Twachtmann, Secretary

John Shearer, Assistant Secretary

October 2, 1990

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. J. Franklin Mixson  
General Manager and V.P.  
Jefferson Smurfit Corporation  
1915 Wigmore Street  
Jacksonville, Florida 32201

Dear Mr. Mixson:

Re: No. 3 Lime Kiln Visible Emission Limiting Standard  
AC 16-142989

On October 1, 1985, Jefferson Smurfit Corporation received a construction permit (AC 16-095614) to construct the new No. 3 lime kiln. The source was subject to the RACT visible emission limiting standard pursuant to F.A.C. Rule 17-2.650(2)(c)9. On July 11, 1990, Jefferson Smurfit Corporation was issued the above referenced construction permit for a modification. Due to the rescission of F.A.C. Rule 17-2.650(2)(a)2, which applied to new and modified sources, it appeared that the source was entitled to a relaxation of the visible emission standard. However, F.A.C. Rule 17-2.400(1)(d) requires that all emission limiting standards and permit conditions that were established pursuant to F.A.C. Rule 17-2.650 shall remain in effect, even though Duval County has been redesignated to an air quality maintenance area for PM pursuant to F.A.C. Rule 17-2.460. Therefore, the following shall be changed:

Specific Condition No. 4:

FROM: Visible emissions from the lime kiln shall be less than 20 percent opacity pursuant to F.A.C. Rule 17-2.610(2). Compliance tests shall be measured by EPA Method 9 pursuant to F.A.C. Rule 17-2.700 Table I.

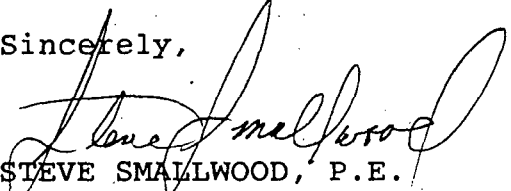
TO: Visible emissions from the lime kiln shall not exceed 10 percent opacity pursuant to F.A.C. Rule 17-2.650(2)(c)9.b. Compliance tests shall be measured by EPA Method 9 pursuant to F.A.C. Rule 17-2.700 Table I.

Mr. J. Franklin Mixson  
October 2, 1990  
Page 2

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must contain the information set forth in Attachment 1 and must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Petitions filed by the permit applicant and the parties listed below must be filed within 14 days of receipt of this intent. Petitions filed by other persons must be filed within 14 days of publication of the public notice or within 14 days of receipt of this intent, whichever first occurs. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

This letter must be attached to the construction permit, No. AC 16-142989, and shall become a part of the permit.

Sincerely,



STEVE SMALLWOOD, P.E.  
Director  
Division of Air Resources  
Management

SS/BM/plm

Attachment

c: A. Kutyna, NE District  
R. Roberson, BESD  
D. Schwartz, DER, OGC  
T. Cole, OHF&C, P.A.  
J. Cox, JSC

Attachment 1

The Petition shall contain the following information;

(a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;

(b) A statement of how and when each petitioner received notice of the Department's action or proposed action;

(c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;

(d) A statement of the material facts disputed by Petitioner, if any;

(e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;

(f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and

(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the application(s) have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office in General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.