



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

JAN 16 1991

4APT/APB

Mr. Steve Smallwood, P.E., Director
Air Resources Management Division
Florida Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RECEIVED

JAN 18 1991

DER-BAQM

Dear Mr. Smallwood:

We have reviewed the variance for the No. 3 lime slaker at Seminole Kraft Corporation's Jacksonville, Florida, facility which was submitted as a revision to the Florida State Implementation Plan (SIP). An evaluation of the effect of allowing the variance limit on ambient air quality in the vicinity of the plant was performed by the Florida Department of Environmental Regulation (DER) using the screening model ISCST. Our review of this modeling analysis to show compliance with the particulate matter (PM) National Ambient Air Quality Standard (NAAQS) shows it is incomplete. Our comments are as follows:

1. The ISCST dispersion model used in the analysis is an appropriate model for refined modeling for SIP regulatory purposes. However, when modeling is used to demonstrate compliance with the PM ambient air quality standard, the "Guideline on Air Quality Models (Revised)" requires that five years of representative meteorological data should be used when estimating concentrations with an air quality model. This insures that the worst-case meteorological conditions are adequately represented in the model results. The submitted analysis only uses one year of National Weather Service meteorological data.
2. The receptor sites used were at 381, 427, 500, 100 and 1500 meters. It was not clearly demonstrated that an adequate number of receptors was used to estimate the highest concentration that would contribute to a possible violation of the NAAQS. The documentation did not address ambient air concentrations with respect to the plant boundary. I assume that the receptor at 381 meters represents the ambient air concentrations outside of the plant's boundary. This should be clearly stated in the submittal. Concentrations located inside the plant boundary may be excluded from the assessment provided that the general public is precluded from having access to the property by a fence or other physical barriers.
3. The stack height modeled was 22.86 meters which is less than the de minimis GEP stack height of 65 meters. Were there any nearby buildings that would contribute to downwash problems? If so, the building dimensions should be included in the modeling for downwash.

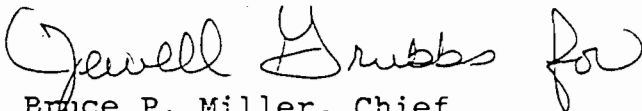
4. Background sources and the background concentrations should also be included in the modeling demonstration. This is necessary to determine whether or not the increase in emissions from the emissions limit relaxation will not adversely affect the attainment status of the area for PM.

5. The submitted analysis modeled the net increased emission rate (.117 g/s) of the #3 unit of the Lime Slaker and compared the predicted concentrations to the significant impact thresholds of 1 ug/m³ (annual) and 5 ug/m³ (24-hour) to demonstrate compliance for the temporary variance. This procedure is fine for PSD applications but not for SIP revisions. The Seminole Kraft facility is not a PSD source for PM. Considering the emissions for the #3 unit is only a portion of the plant's PM emissions. The cumulative emissions from all of the PM sources in the plant should be considered. The maximum allowable emissions for the subject source and all background sources should be modeled. All PM sources at the Seminole Kraft facility should be modeled to adequately assess NAAQS compliance.

In conclusion, the SIP revision is not approvable in its present form. The following three options are available to the State at this time: withdraw the SIP package within two weeks; submit the corrected modeling, within 60 days that will demonstrate compliance with the PM NAAQS; or let EPA formally disapprove the package.

If you have any questions, please do not hesitate to call Carol Kemker of my staff at (404) 347-2864.

Sincerely yours,



Bruce P. Miller, Chief
Air Programs Branch
Air, Pesticides, & Toxics
Management Division

cc: Clair H. Fancy
James L. Manning

Seminole Kraft Corporation -- Variance for the No. 3 Lime Slaker

Air Quality Analysis - Response to EPA Comments

The Seminole Kraft Corporation is requesting a variance from the particulate emission limitation contained in Rule 17-2.650(c)(12), which limits emissions from their No. 3 lime slaker to less than or equal to 0.03 grains per dry standard cubic foot. For the No. 3 lime slaker this equates to a maximum emission rate of 0.07 lb/hr. Seminole Kraft is requesting that this limit be relaxed to allow emissions of 1.0 lb/hr. Variances from the SIP require a demonstration that the increased emissions will not cause or contribute to violations of the ambient air quality standard.

The Department in its original submittal to the EPA included a brief analysis of the maximum impact resulting from the increased particulate emissions of 0.93 lb/hr. Because of the extremely small increase in emissions (less than one quarter of one percent of the total allowed particulate emissions at the facility) the Department used only one year of meteorological data to complete its analysis and only modeled the increase for comparison with EPA-defined significance levels. The results indicated that the maximum expected ground-level concentration increases, beyond the plant property boundary, are insignificant. That is, the maximum increase in the annual average concentration is less than $1 \mu\text{g}/\text{m}^3$, and the maximum increase in the 24-hour average concentration is less than $5 \mu\text{g}/\text{m}^3$. Given this information, the Department was reasonably assured that the emission relaxation due to the variance would not cause or contribute to a violation of the ambient air quality standard.

The EPA has subsequently determined that the air quality analysis supporting the variance is inadequate and, thus, will not approve the SIP revision until the comments made in their January 16, 1991 response (enclosed) are satisfactorily addressed. Following are the Department's responses to EPA's comments.

1. The Department has expanded its analysis to include five years of Jacksonville meteorological data (1882-1986) and virtually all particulate sources at the Seminole Kraft facility.
2. The nearest receptor ring (381 meters) used in the modeling represents the nearest plant boundary from the No. 3 lime slaker. The plant boundary is delineated by fences and other physical barriers which preclude access by the general public to the Seminole Kraft facility. In order to fully refine the maximum concentration, a high resolution grid was used for the days and receptors having the highest predicted concentrations.
3. The No. 3 lime slaker stack is located on a building which is approximately 9.1 meters in height. The stack height is 22.9 meters, so that downwash from this building will not affect the lime slaker plume. However, other buildings at the Seminole Kraft facility would affect the plume for a narrow range of wind directions. The largest of these buildings was modeled using the ISCST dispersion model for its effect on the No. 3 lime slaker. The results (enclosed) show that downwash does not significantly effect the lime slaker plume in relation to the other sources at the facility.
4. A background concentration has been determined from the PM_{10} monitoring network in the Jacksonville area. The highest annual and highest 24-hour average concentration from any of the three PM_{10} monitors located in the Jacksonville area in 1990 were $35 \mu\text{g}/\text{m}^3$, annual average and $63 \mu\text{g}/\text{m}^3$, 24-hour average. These values represent a conservative estimate of the background concentration because they include the impact due to the Seminole Kraft facility. Additional background sources were not explicitly modeled, but are accounted for in the background concentration. These background levels are added to the maximum modeled values from the Seminole Kraft facility to estimate the maximum total impact for comparison with the ambient air quality standard. It should be noted that the modeled

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emissions from Seminole Kraft are based on total suspended particulates and, thus, represent a over-estimate of the PM₁₀ concentrations.

5. Virtually all particulate sources at the Seminole Kraft facility (greater than 99 percent of the total particulate emissions allowed to be emitted from the plant) were accounted for in the new five years of modeling. The following table summarizes the particulate sources used in the modeling.

Seminole Kraft Particulate Matter Sources -- Stack Parameters and Allowable Emission Rates

Source	Stk. Hgt. (m)	Stk. Dia. (m)	Exit Temp. (K)	Exit Vel. (m/s)	Emis. Rate (g/s)
Lime Kilns 1,2, 3	21.0	1.80	344	5.18	6.05
Bark Boilers 1 & 2	41.5	2.44	329	13.72	9.73
Pwr. Boilers 1,2,3	32.3	2.13	433	20.12	7.58
Recovery Boilers 1,2,3	38.4	2.74	344	16.76	19.42
Smelt Dissolv. Tanks 1,2,3	36.6	1.22	344	3.96	6.80
No. 3 Lime Slaker	22.9	0.30	334	3.49	0.126

The results of the ISCST model runs for the five years of meteorological data are as follows.

Maximum Predicted Ambient Air Concentrations From Seminole Kraft Facility

Year	Max. Annual ($\mu\text{g}/\text{m}^3$)	Max. 24-hour ($\mu\text{g}/\text{m}^3$)	2nd Max. 24-hour ($\mu\text{g}/\text{m}^3$)
1982	8.6	87.2	79.5
1983	6.8	91.4	72.6
1984	7.4	87.2	79.9
1985	6.6	84.0	75.5
1986	7.4	87.4	71.3

Refined modeling was completed for day 262, 1984 and day 113, 1982. These days represent the highest of the high, second-high values in the five-year period. The high, second-high predicted 24-hour average concentration increased as a result of this refinement to $89.6 \mu\text{g}/\text{m}^3$. The contribution of the No. 3 lime slaker to this value is $1.1 \mu\text{g}/\text{m}^3$. The model output is enclosed. Thus, the total impact for comparison with the PM₁₀ ambient air quality standard, considering a background concentration, is $43.6 \mu\text{g}/\text{m}^3$, annual average and $152.6 \mu\text{g}/\text{m}^3$, 24-hour average. The standards are $50 \mu\text{g}/\text{m}^3$, annual average and $150 \mu\text{g}/\text{m}^3$, 24-hour average. Although the 24-hour concentration is predicted to exceed the standard, the emissions used in the model are of total suspended particulates and, thus, represent a over-estimate of the PM₁₀ emissions. The Department is reasonable assured that a more accurate reflection of the PM₁₀ emissions would lower the impacts to below the ambient standard.

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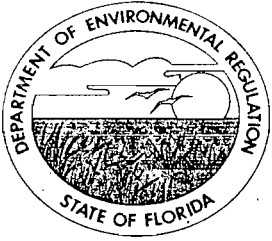
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Brown's Copy



Florida Department of Environmental Regulation

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

Lawton Chiles, Governor

Carol M. Browner, Secretary

March 15, 1991

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Bruce P. Miller, Chief
Air Programs Branch
Air, Pesticides, & Toxics Mgmt. Division
U.S. EPA - Region IV
345 Courtland Street, NE
Atlanta, Georgia 30365

Dear Mr. Miller:

Re: Seminole Kraft Corporation Variance - SIP Variance
No. 3 Lime Slaker

Enclosed, please find the Department's response to your comments received January 18, 1991, regarding the SIP revision package for the above referenced corporation and source. We hope that this response will satisfy your needs for further processing.

If there are any questions, please call Messrs. Tom Rogers or Bruce Mitchell at (904)488-1344 or write to me at the above address.

Sincerely,

C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CHF/BM/t

enclosures

cc: A. Kutyna, NE District
T. Rogers
B. Mitchell
R. Weber

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BEFORE THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA

SEMINOLE KRAFT CORPORATION

Petitioner,

v.

CITY OF JACKSONVILLE
DEPARTMENT OF HEALTH, WELFARE
AND BIO-ENVIRONMENTAL SERVICES

Respondent.

ORDER GRANTING VARIANCE

This matter came on for consideration of the request for a variance by the Petitioner, Seminole Kraft Corporation, from the requirements of Environmental Protection Board (Board) Rule 2.207, as it is applied to the Petitioner's No. 3 Lime Slaker. A public hearing was held, having been duly noticed in a newspaper of general circulation on October 23, 1990. The Board, having heard the parties and being otherwise familiar with the premises finds that:

1. The Petitioner, Seminole Kraft Corporation, has requested a variance from EPB Rule 2.207, which adopted and incorporated by reference Rule 17-2.650, Florida Administrative Code (F.A.C.).

2. Because of the configuration of the No. 3 Lime Slaker the testing required by the rule cannot be performed without substantial modification to the lime slaker's scrubber system.

3. The cost to modify the lime slaker would be approximately \$35,000, which would not reduce the emissions from the lime slaker.

4. The Petitioner plans to cease operation of the No. 3 Lime Slaker by November 19, 1992.

5. The Florida Department of Environmental Regulation has granted a variance to the requirements of Rule 17-2.650, F.A.C., to expire on August 15, 1992.

6. There are no adverse impacts to residents in the area or the environment if this variance is granted.

7. If the variance is denied, the Petitioner will be required to spend approximately \$35,000, without any showing that there will be a benefit to the environment, and for a relatively short period of time.

IT IS THEREFORE ORDERED that:

The variance requested, from the requirements of EPB Rule 2.207, is hereby granted, to expire on August 15, 1992.

DONE AND ORDERED this 13th day of November, 1990 at the regular meeting of the Environmental Protection Board.

ENVIRONMENTAL PROTECTION
BOARD

BY: *Dennis J. McDonagh M.D.*
DENNIS J. MCDONAGH, M.D.,
Chairman

ATTEST:

James L. Manning
JAMES L. MANNING, P.E.,
Deputy Director
Department of Health, Welfare &
Bio-Environmental Services

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OFFICE OF GENERAL COUNSEL
ENVIRONMENTAL LAW DIVISION
CITY OF JACKSONVILLE
715 Towncentre
421 West Church Street
Jacksonville, Florida 32202-4111
Telephone: (904) 630-4900



MEMORANDUM

TO: James L. Manning, Deputy Director, BESD
FROM: Richard L. Maguire, Assistant Counsel *RLM*
DATE: October 2, 1990
RE: Seminole Kraft Corporation, Lime Slaker No. 3,
Variance Request

As we discussed, enclosed is a Variance Request from Seminole Kraft Corporation for continued operation of their Lime Slaker No. 3. Seminole Kraft Corporation has "conditionally submitted" the Variance Request to avoid admitting that a variance is necessary, which would be contrary to their earlier position. That "conditional submission" does not affect the authority of BESD or the Environmental Protection Board. However, the reality that DER has already granted a variance from its rules, which the Board adopted by reference, must be considered in determining whether to recommend approval of the variance.

w/enc.

RLM/lou

OERTEL, HOFFMAN, FERNANDEZ & COLE, P. A.

ATTORNEYS AT LAW

SUZANNE BROWNLESS
M. CHRISTOPHER BRYANT
R. L. CALEEN, JR.
C. ANTHONY CLEVELAND
TERRY COLE
ROBERT C. DOWNIE, II
MARTHA J. EDENFIELD
SEGUNDO J. FERNANDEZ
KENNETH F. HOFFMAN
KENNETH G. OERTEL
HAROLD F. X. PURNELL
PATRICIA A. RENOVITCH
SCOTT SHIRLEY
THOMAS G. TOMASELLO
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JOHN H. MILLICAN
ENVIRONMENTAL CONSULTANT
(NOT A MEMBER OF THE FLORIDA BAR)

J. R. SUBRAMANI, PH. D., P. E.
ENVIRONMENTAL CONSULTANT
(NOT A MEMBER OF THE FLORIDA BAR)

September 27, 1990

RECEIVED
OCT 1 1990

Richard L. Maguire, Esq.
Assistant Counsel
City of Jacksonville
Suite 715 Towncentre
421 West Church Street
Jacksonville, Florida 32202

Office of General Counsel
Environmental Division

Re: Seminole Kraft Corporation
Lime Slaker No. 3, Variance Request

Dear Mr. Maguire:

You have requested that Seminole Kraft Corporation seek a variance for its Lime Slaker No. 3 from the Department of Health, Welfare and Bio-Environmental Services ("BESD"). In response to your requests, Seminole Kraft Corporation respectfully submits this letter and the following documents:

1. Seminole Kraft Corporation's February 22, 1990 application for a variance submitted to the Department of Environmental Regulation;
2. DER's May 22, 1990 Intent to Grant Variance for Seminole Kraft Corporation's No. 3 Lime Slaker, including attachments;
3. June 8, 1990 letter from Mr. Richard L. Maguire, Assistant Counsel, City of Jacksonville, to Mr. Terry Cole, Oertel, Hoffman, Fernandez & Cole, P.A.;
4. June 8, 1990 letter from Mr. Terry Cole, Oertel, Hoffman, Fernandez & Cole, P.A. to Mr. Richard L. Maguire, Assistant Counsel, City of Jacksonville.
5. DER's August 8, 1990 grant of the variance;
6. August 16, 1990 letter from Tom Tomasello, Oertel, Hoffman, Fernandez & Cole, P.A. to Mr. James L. Manning, P.E., Department of Health, Welfare and Bio-Environmental Services.

Mr. Richard L. Maguire, Esq.
September 27, 1990
Page 2

7. August 28, 1990 letter from DER amending Seminole Kraft Corporation's construction permit for Lime Slaker No. 3.

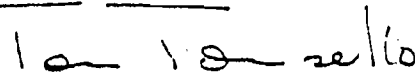
Seminole Kraft Corporation is conditionally submitting this letter and the above documents to accommodate your requests and to resolve BESD's concerns. However, by submitting this letter and the documents, Seminole Kraft Corporation is not admitting or recognizing BESD's authority to require it to seek a variance. Seminole Kraft Corporation's position in this regard is set forth in its August 7, 1990 letter to Mr. James L. Manning, P.E., Deputy Director, BESD. Furthermore, Seminole Kraft Corporation reserves the right to withdraw this letter and the enclosed documents at any time.

Seminole Kraft Corporation continues to recognize its commitment that at the end of the DER variance period, it will meet applicable rules for Lime Slaker No. 3. The City of Jacksonville is aware of this commitment as evidenced by your June 8, 1990 letter.

Seminole Kraft Corporation is eager to resolve the Lime Slaker No. 3 issue and trusts that by submitting this letter and the enclosed documents we will be able to reach closure over an insignificant source that emits little more than one ton per year of particulate matter. The installation of Lime Slaker No. 3 has substantially reduced particulate emissions, the control technology already installed on Lime Slaker No. 3 is achieving the required particulate matter removal efficiency, and DER's approval of Seminole Kraft Corporation's variance request did not and could not cause an increase in air emissions.

We look forward to the prompt processing of this letter. Thank you for your interest.

Sincerely,



Thomas G. Tomasello

TGT/dg/1003

Encls. a/s

xc: Mr. Larry Stanley
Mr. Mike Riddle
Mr. Curt Barton

Select Committee on Environmental Regulations' Substitute for File #84-674:

ORDINANCE 84-674-684

AN ORDINANCE CONCERNING ENVIRONMENTAL REGULATION; AMENDING CHAPTER 360, ORDINANCE CODE OF THE CITY OF JACKSONVILLE, TO DECLARE THE PUBLIC POLICY OF THE CITY AND THE RESPONSIBILITY OF THE CONSOLIDATED GOVERNMENT AND OF INDIVIDUALS WITH RESPECT TO THE ENVIRONMENT; REQUIRING THE PREPARATION, APPROVAL AND EXECUTION OF AN IMPLEMENTATION PLAN AND ATTAINMENT PLANS FOR THE CITY AND COMPLIANCE PLANS FOR AFFECTED PERSONS; EXPANDING THE POWERS AND DUTIES OF THE ENVIRONMENTAL PROTECTION BOARD TO INCLUDE THE POWER TO FINE VIOLATORS OF ENVIRONMENTAL PROTECTION RULES, SEEK INJUNCTIONS AGAINST THESE VIOLATIONS, REQUIRE TESTING AND SAMPLING AND OTHER REGULATORY POWERS; PROVIDING THAT THE BOARD AND THE DIRECTOR OF HEALTH, WELFARE AND BIO-ENVIRONMENTAL SERVICES SHALL HAVE THE AUTHORITY TO ISSUE ORDERS SUSPENDING OPERATIONS OF FACILITIES VIOLATING CHAPTERS 362, 368 OR 376, ORDINANCE CODE; PROVIDING FOR A HEARING OFFICER TO HEAR MATTERS OF ADJUDICATION BEFORE THE BOARD; AUTHORIZING THE ASSESSMENT OF REMEDIAL COSTS AND ASSOCIATED ADMINISTRATIVE COSTS BY THE BOARD; ESTABLISHING AN ENVIRONMENTAL PROTECTION FUND; REPEALING CHAPTERS 362 AND 390, ORDINANCE CODE AND

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16 AMENDMENTS TO CHAPTER 73, ORDINANCE CODE;
17 REPEALING CHAPTER 610, ORDINANCE CODE; PROVIDING
18 AN EFFECTIVE DATE.

19 BE IT ORDAINED by the Council of the City of Jacksonville:

20 Section 1. Chapter 360, Ordinance Code is repealed and a new Chapter 360 is
21 created to read as follows:

22 CHAPTER 360

23 ENVIRONMENTAL REGULATION

24 Part 1. Public Policy; General Provisions

25 360.101 Declaration of legislative intent and public policy. The Council finds
26 and declares that the reasonable control and regulation of activities which are causing
27 or may cause pollution of the air and of surface and underground waters so as to be
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1 (b) No person shall refuse immediate entry or access to the Director or his
2 representative who requests entry for the purposes of inspection due to an imminent
3 hazard to public health, certified under s. 360.112, and who presents appropriate
4 credentials; nor shall a person obstruct, hamper or interfere with an authorized
5 inspection.

6 (c) In the event the right of entry on property is enforced through order of a
7 court, the City shall be entitled to reasonable attorney's fees and costs, including
8 appellate fees and costs, in an action where the City is successful in obtaining
9 affirmative relief.

10 360.109 Confidential records; secret processes. To the extent permitted by
11 law, information relating to secret processes, methods of manufacture or production
12 which may be required, ascertained or discovered by inspection or investigation shall not
13 be disclosed in public hearings and shall be kept confidential by the Director, employees
14 of the Division and members and authorized representatives of the Board; provided, that
15 nothing herein shall be construed to prevent the use of these records in judicial
16 proceedings, so long as they are filed under the seal of the court, in connection with the
17 prosecution of violations of this chapter or of Chapters 362, 363 and 376, of an
18 attainment plan or compliance plan or of the rules or an order of the Board when
19 ordered to be produced by appropriate subpoena or by order of the court. No subpoena
20 or order of the court shall abridge or alter the rights or remedies of persons affected in
21 the protection of trade secrets or secret processes in the manner provided by law and
22 the persons affected may take any steps available by law to protect the trade secrets or
23 processes.

24 360.110 Variances.

25 (a) The Board shall have the authority to grant variances for just cause from any
26 of the requirements or standards in the rules adopted pursuant to Chapter 362, Chapter
27 363 or Chapter 376. Variance requests may be made only in hardship or special cases on
28 the basis of sound technical, economic and environmental data. They are not to be used
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3 against the variance request. Copies of requests for variances will be submitted to the
4 Director.

5 (b) Upon reviewing a request within a reasonable time after receipt, the Board
6 shall, after due notice, schedule a public hearing and shall address at least the following
7 factors, which shall also be addressed specifically by the person requesting the variance,
8 at the hearing:

9 (1) the law or rule, and sections thereof, from which a variance is sought.

10 (2) the facts which show that a variance should be granted because of one
11 of the following reasons:

12 (i) There is no practicable means known or available for the
13 adequate control of the pollution involved. A variance granted under the authority of
14 this subparagraph shall be limited to a period of sixty months.

15 (ii) Compliance with the particular requirement or requirements
16 from which a variance is sought will necessitate the taking of measures which, because
17 of their extent or cost, must be spread over a considerable period of time. A variance
18 granted for this reason shall prescribe a timetable for the taking of the measures
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20 to a period of sixty months.

21 (iii) It is necessary to relieve or prevent hardship of a kind other than
22 those provided in subparagraphs (i) and (ii). A variance granted under the authority of
23 this subparagraph shall be limited to a period of twenty-four months.

24 (3) the period of time for which the variance is sought, including the
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26 (4) the damage or harm resulting or which may result to the person
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1 (5) the requirements which the person requesting the variance can meet
2 and the date when the person can comply with these requirements.

3 (6) the steps the person requesting the variance is taking to meet the
4 requirements from which the variance is sought and when compliance will be achieved.

5 (7) any beneficial or adverse impact to residents and the environment in
6 the affected area resulting from the Board's requiring compliance or granting a
7 variance.

8 (8) the economic or social impacts of granting or denying the variance.

9 (c) A renewal of a variance shall be applied for in the same manner as for the
10 initial variance, except that no variance granted under subsection (b)(2)(iii) shall be
11 renewed.

12 (d) A variance will not be granted in a case where the health of the citizens
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21 reconsider an order, determination or decision that it or he has rendered.

22 360.112. Public health, safety or welfare determinations. Wherever in this
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25 and certified by the Public Health Officer and published in the Register.

26 Part 2. Implementation Plan; Attainment Plans

27 360.201 Implementation plan.

and existing vapor emission control devices or systems deemed necessary and ordered by the Board.

(2) Persons shall use reasonable care to avoid discharging, leaking, spilling, seeping, pouring, or dumping volatile organic compounds or organic solvents. [History: Formerly § 362.205 and 362.206, City Ordinance Code, adopted 2/25/85]

2.206 Visible Emissions from Ships and Locomotives. No person, including owners, shipping agents, ship's captains and engineers, shall cause, let, permit, suffer or allow visible emissions from ships or locomotives with a density greater than Number 1 on the Ringlemann chart (twenty percent opacity), except that a shade as dark as Number 2 on the Ringlemann chart (forty percent opacity) shall be permissible for no more than two minutes in an hour. [History: Formerly Section 362.208, City Ordinance Code, adopted 2/25/85]

2.207 Reasonably Available Control Technology. Section 17-2.650, Florida Administrative Code as amended October 20, 1986, is adopted and incorporated in this rule by reference as the City's standards for reasonably available control technology. [History: Adopted 2/25/85, amended 5/9/88]

2.208 New Source Performance Standards. Section 17-2.660, Florida Administrative Code, as amended October 20, 1986, is adopted and incorporated in this rule by reference as the City's Standards of Performance for New Stationary Sources. [History: Adopted 2/25/85, amended 5/12/86, 5/9/88]

2.209 National Emission Standards for Hazardous Air Pollutants.

(a) Section 17-2.670 FAC, as amended on October 20, 1986, is adopted and incorporated in this rule by reference as the City's standards for hazardous air pollutants, except that 40 CFR Part 61, Subpart M, Asbestos, is amended as follows:

BEFORE THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA

SEMINOLE KRAFT CORPORATION

Petitioner,

v.

CITY OF JACKSONVILLE
DEPARTMENT OF HEALTH, WELFARE
AND BIO-ENVIRONMENTAL SERVICES

Respondent.

ORDER GRANTING VARIANCE

This matter came on for consideration of the request for a variance by the Petitioner, Seminole Kraft Corporation, from the requirements of Environmental Protection Board (Board) Rule 2.207, as it is applied to the Petitioner's No. 3 Lime Slaker. A public hearing was held, having been duly noticed in a newspaper of general circulation on October 23, 1990. The Board, having heard the parties and being otherwise familiar with the premises finds that:

1. The Petitioner, Seminole Kraft Corporation, has requested a variance from EPB Rule 2.207, which adopted and incorporated by reference Rule 17-2.650, Florida Administrative Code (F.A.C.).
2. Because of the configuration of the No. 3 Lime Slaker the testing required by the rule cannot be performed without substantial modification to the lime slaker's scrubber system.
3. The cost to modify the lime slaker would be approximately \$35,000, which would not reduce the emissions from the lime slaker.
4. The Petitioner plans to cease operation of the No. 3 Lime Slaker by November 19, 1992.
5. The Florida Department of Environmental Regulation has granted a variance to the requirements of Rule 17-2.650, F.A.C., to expire on August 15, 1992.
6. There are no adverse impacts to residents in the area or the environment if this variance is granted.
7. If the variance is denied, the Petitioner will be required to spend approximately \$35,000, without any showing that there will be a benefit to the environment, and for a relatively short period of time.

IT IS THEREFORE ORDERED that:

The variance requested, from the requirements of EPB Rule 2.207, is hereby granted, to expire on August 15, 1992.

DONE AND ORDERED this 13th day of November, 1990 at the regular meeting of the Environmental Protection Board.

ENVIRONMENTAL PROTECTION
BOARD

BY: *Dennis J. McDonagh*
DENNIS J. MCDONAGH, M.D.,
Chairman

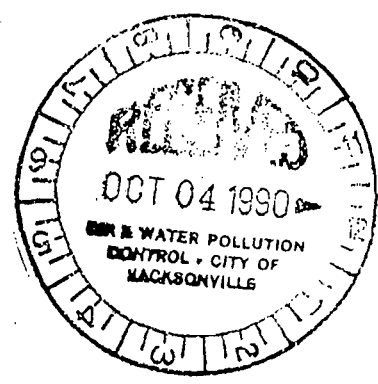
ATTEST:

James L. Manning
JAMES L. MANNING, P.E.,
Deputy Director
Department of Health, Welfare &
Bio-Environmental Services

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See page 10

OFFICE OF GENERAL COUNSEL
ENVIRONMENTAL LAW DIVISION
CITY OF JACKSONVILLE
715 Towncentre
421 West Church Street
Jacksonville, Florida 32202-4111
Telephone: (904) 630-4900



MEMORANDUM

TO: James L. Manning, Deputy Director, BESD
FROM: Richard L. Maguire, Assistant Counsel *RLM*
DATE: October 2, 1990
RE: Seminole Kraft Corporation, Lime Slaker No. 3,
Variance Request

As we discussed, enclosed is a Variance Request from Seminole Kraft Corporation for continued operation of their Lime Slaker No. 3. Seminole Kraft Corporation has "conditionally submitted" the Variance Request to avoid admitting that a variance is necessary, which would be contrary to their earlier position. That "conditional submission" does not affect the authority of BESD or the Environmental Protection Board. However, the reality that DER has already granted a variance from its rules, which the Board adopted by reference, must be considered in determining whether to recommend approval of the variance.

w/enc.

RLM/lou

OERTEL, HOFFMAN, FERNANDEZ & COLE, P. A.

ATTORNEYS AT LAW

SUZANNE BROWNLESS
M. CHRISTOPHER BRYANT
R. L. CALEEN, JR.
C. ANTHONY CLEVELAND
TERRY COLE
ROBERT C. DOWNIE, II
MARTHA J. EDENFIELD
SEGUNDO J. FERNANDEZ
KENNETH F. HOFFMAN
KENNETH G. OERTEL
HAROLD F. X. PURNELL
PATRICIA A. RENOVITCH
SCOTT SHIRLEY
THOMAS G. TOMASELLO
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MAILING ADDRESS:
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TALLAHASSEE, FLORIDA 32314-6507

TELEPHONE (904) 877-0099
FACSIMILE (904) 877-0981

JOHN H. MILLICAN
ENVIRONMENTAL CONSULTANT
(NOT A MEMBER OF THE FLORIDA BAR)

J. R. SUBRAMANI, PH. D., P. E.
ENVIRONMENTAL CONSULTANT
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September 27, 1990

RECEIVED
OCT 1 1990

Richard L. Maguire, Esq.
Assistant Counsel
City of Jacksonville
Suite 715 Towncentre
421 West Church Street
Jacksonville, Florida 32202

Office of General Counsel
Environmental Division

Re: Seminole Kraft Corporation
Lime Slaker No. 3, Variance Request

Dear Mr. Maguire:

You have requested that Seminole Kraft Corporation seek a variance for its Lime Slaker No. 3 from the Department of Health, Welfare and Bio-Environmental Services ("BESD"). In response to your requests, Seminole Kraft Corporation respectfully submits this letter and the following documents:

1. Seminole Kraft Corporation's February 22, 1990 application for a variance submitted to the Department of Environmental Regulation;

2. DER's May 22, 1990 Intent to Grant Variance for Seminole Kraft Corporation's No. 3 Lime Slaker, including attachments;

3. June 8, 1990 letter from Mr. Richard L. Maguire, Assistant Counsel, City of Jacksonville, to Mr. Terry Cole, Oertel, Hoffman, Fernandez & Cole, P.A.;

4. June 8, 1990 letter from Mr. Terry Cole, Oertel, Hoffman, Fernandez & Cole, P.A. to Mr. Richard L. Maguire, Assistant Counsel, City of Jacksonville.

5. DER's August 8, 1990 grant of the variance;

6. August 16, 1990 letter from Tom Tomasello, Oertel, Hoffman, Fernandez & Cole, P.A. to Mr. James L. Manning, P.E., Department of Health, Welfare and Bio-Environmental Services.

Mr. Richard L. Maguire, Esq.
September 27, 1990
Page 2

7. August 28, 1990 letter from DER amending Seminole Kraft Corporation's construction permit for Lime Slaker No. 3.

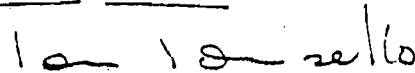
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2.209 National Emission Standards for Hazardous Air Pollutants.

(a) Section 17-2.670 FAC, as amended on October 20, 1986, is adopted and incorporated in this rule by reference as the City's standards for hazardous air pollutants, except that 40 CFR Part 61, Subpart M, Asbestos, is amended as follows:

BEFORE THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA

SEMINOLE KRAFT CORPORATION

Petitioner,

v.

CITY OF JACKSONVILLE
DEPARTMENT OF HEALTH, WELFARE
AND BIO-ENVIRONMENTAL SERVICES

Respondent.

ORDER GRANTING VARIANCE

This matter came on for consideration of the request for a variance by the Petitioner, Seminole Kraft Corporation, from the requirements of Environmental Protection Board (Board) Rule 2.207, as it is applied to the Petitioner's No. 3 Lime Slaker. A public hearing was held, having been duly noticed in a newspaper of general circulation on October 23, 1990. The Board, having heard the parties and being otherwise familiar with the premises finds that:

1. The Petitioner, Seminole Kraft Corporation, has requested a variance from EPB Rule 2.207, which adopted and incorporated by reference Rule 17-2.650, Florida Administrative Code (F.A.C.).
2. Because of the configuration of the No. 3 Lime Slaker the testing required by the rule cannot be performed without substantial modification to the lime slaker's scrubber system.
3. The cost to modify the lime slaker would be approximately \$35,000, which would not reduce the emissions from the lime slaker.
4. The Petitioner plans to cease operation of the No. 3 Lime Slaker by November 19, 1992.
5. The Florida Department of Environmental Regulation has granted a variance to the requirements of Rule 17-2.650, F.A.C., to expire on August 15, 1992.
6. There are no adverse impacts to residents in the area or the environment if this variance is granted.
7. If the variance is denied, the Petitioner will be required to spend approximately \$35,000, without any showing that there will be a benefit to the environment, and for a relatively short period of time.

IT IS THEREFORE ORDERED that:

The variance requested, from the requirements of EPB Rule 2.207, is hereby granted, to expire on August 15, 1992.

DONE AND ORDERED this 13th day of November, 1990 at the regular meeting of the Environmental Protection Board.

ENVIRONMENTAL PROTECTION
BOARD

BY: Dennis J. McDonagh, M.D.
DENNIS J. MCDONAGH, M.D.,
Chairman

ATTEST:

James L. Manning
JAMES L. MANNING, P.E.,
Deputy Director
Department of Health, Welfare &
Bio-Environmental Services

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See page 17

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ENVIRONMENTAL LAW DIVISION
CITY OF JACKSONVILLE
715 Towncentre
421 West Church Street
Jacksonville, Florida 32202-4111
Telephone: (904) 630-4900



MEMORANDUM

TO: James L. Manning, Deputy Director, BESD
FROM: Richard L. Maguire, Assistant Counsel *RLM*
DATE: October 2, 1990
RE: Seminole Kraft Corporation, Lime Slaker No. 3,
Variance Request

As we discussed, enclosed is a Variance Request from Seminole Kraft Corporation for continued operation of their Lime Slaker No. 3. Seminole Kraft Corporation has "conditionally submitted" the Variance Request to avoid admitting that a variance is necessary, which would be contrary to their earlier position. That "conditional submission" does not affect the authority of BESD or the Environmental Protection Board. However, the reality that DER has already granted a variance from its rules, which the Board adopted by reference, must be considered in determining whether to recommend approval of the variance.

w/enc.

RLM/lou

OERTEL, HOFFMAN, FERNANDEZ & COLE, P. A.

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(NOT A MEMBER OF THE FLORIDA BAR)

J. R. SUBRAMANI, PH. D., R. E.
ENVIRONMENTAL CONSULTANT
(NOT A MEMBER OF THE FLORIDA BAR)

September 27, 1990

RECEIVED
OCT 1 1990

Richard L. Maguire, Esq.
Assistant Counsel
City of Jacksonville
Suite 715 Towncentre
421 West Church Street
Jacksonville, Florida 32202

Office of General Counsel
Environmental Division

Re: Seminole Kraft Corporation
Lime Slaker No. 3, Variance Request

Dear Mr. Maguire:

You have requested that Seminole Kraft Corporation seek a variance for its Lime Slaker No. 3 from the Department of Health, Welfare and Bio-Environmental Services ("BESD"). In response to your requests, Seminole Kraft Corporation respectfully submits this letter and the following documents:

1. Seminole Kraft Corporation's February 22, 1990 application for a variance submitted to the Department of Environmental Regulation;
2. DER's May 22, 1990 Intent to Grant Variance for Seminole Kraft Corporation's No. 3 Lime Slaker, including attachments;
3. June 8, 1990 letter from Mr. Richard L. Maguire, Assistant Counsel, City of Jacksonville, to Mr. Terry Cole, Oertel, Hoffman, Fernandez & Cole, P.A.;
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Mr. Richard L. Maguire, Esq.
September 27, 1990
Page 2

7. August 28, 1990 letter from DER amending Seminole Kraft Corporation's construction permit for Lime Slaker No. 3.

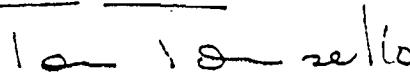
Seminole Kraft Corporation is conditionally submitting this letter and the above documents to accommodate your requests and to resolve BESD's concerns. However, by submitting this letter and the documents, Seminole Kraft Corporation is not admitting or recognizing BESD's authority to require it to seek a variance. Seminole Kraft Corporation's position in this regard is set forth in its August 7, 1990 letter to Mr. James L. Manning, P.E., Deputy Director, BESD. Furthermore, Seminole Kraft Corporation reserves the right to withdraw this letter and the enclosed documents at any time.

Seminole Kraft Corporation continues to recognize its commitment that at the end of the DER variance period, it will meet applicable rules for Lime Slaker No. 3. The City of Jacksonville is aware of this commitment as evidenced by your June 8, 1990 letter.

Seminole Kraft Corporation is eager to resolve the Lime Slaker No. 3 issue and trusts that by submitting this letter and the enclosed documents we will be able to reach closure over an insignificant source that emits little more than one ton per year of particulate matter. The installation of Lime Slaker No. 3 has substantially reduced particulate emissions, the control technology already installed on Lime Slaker No. 3 is achieving the required particulate matter removal efficiency, and DER's approval of Seminole Kraft Corporation's variance request did not and could not cause an increase in air emissions.

We look forward to the prompt processing of this letter. Thank you for your interest.

Sincerely,



Thomas G. Tomasello

TGT/dg/1003

Encls. a/s

xc: Mr. Larry Stanley
Mr. Mike Riddle
Mr. Curt Barton

Select Committee on Environmental Regulations' Substitute for File #84-674:

ORDINANCE 84-674-684

AN ORDINANCE CONCERNING ENVIRONMENTAL REGULATION; AMENDING CHAPTER 360, ORDINANCE CODE OF THE CITY OF JACKSONVILLE, TO DECLARE THE PUBLIC POLICY OF THE CITY AND THE RESPONSIBILITY OF THE CONSOLIDATED GOVERNMENT AND OF INDIVIDUALS WITH RESPECT TO THE ENVIRONMENT; REQUIRING THE PREPARATION, APPROVAL AND EXECUTION OF AN IMPLEMENTATION PLAN AND ATTAINMENT PLANS FOR THE CITY AND COMPLIANCE PLANS FOR AFFECTED PERSONS; EXPANDING THE POWERS AND DUTIES OF THE ENVIRONMENTAL PROTECTION BOARD TO INCLUDE THE POWER TO FINE VIOLATORS OF ENVIRONMENTAL PROTECTION RULES, SEEK INJUNCTIONS AGAINST THESE VIOLATIONS, REQUIRE TESTING AND SAMPLING AND OTHER REGULATORY POWERS; PROVIDING THAT THE BOARD AND THE DIRECTOR OF HEALTH, WELFARE AND BIO-ENVIRONMENTAL SERVICES SHALL HAVE THE AUTHORITY TO ISSUE ORDERS SUSPENDING OPERATIONS OF FACILITIES VIOLATING CHAPTERS 362, 368 OR 376, ORDINANCE CODE; PROVIDING FOR A HEARING OFFICER TO HEAR MATTERS OF ADJUDICATION BEFORE THE BOARD; AUTHORIZING THE ASSESSMENT OF REMEDIAL COSTS AND ASSOCIATED ADMINISTRATIVE COSTS BY THE BOARD; ESTABLISHING AN ENVIRONMENTAL PROTECTION FUND; REPEALING CHAPTERS 362 AND 390, ORDINANCE CODE AND

1 CREATING A NEW CHAPTER 362, ORDINANCE CODE TO
2 PROHIBIT AIR AND WATER POLLUTION AND TO EMPOWER
3 THE BOARD TO PROMULGATE RULES ESTABLISHING
4 AMBIENT AIR QUALITY STANDARDS AND WATER QUALITY
5 STANDARDS, SUBJECT TO CERTAIN LIMITATIONS;
6 AMENDING TITLE X, ORDINANCE CODE, ENVIRONMENTAL
7 AFFAIRS, BY ADDING A NEW CHAPTER 368, ORDINANCE
8 CODE TO PROVIDE FOR THE CONTROL OF NOISES IN THE
9 CITY; AMENDING TITLE X, ORDINANCE CODE,
10 ENVIRONMENTAL AFFAIRS, BY ADDING A NEW CHAPTER
11 376, ORDINANCE CODE TO PROVIDE FOR THE CONTROL OF
12 ODORS IN THE CITY; PROVIDING FOR INTERIM AMBIENT AIR
13 QUALITY AND WATER QUALITY RULES UNTIL THE BOARD
14 HAS ADOPTED RULES UNDER THE NEW LEGISLATIVE
15 AUTHORITY; MAKING CERTAIN ADMINIS-TRATIVE
16 AMENDMENTS TO CHAPTER 73, ORDINANCE CODE;
17 REPEALING CHAPTER 610, ORDINANCE CODE; PROVIDING
18 AN EFFECTIVE DATE.

19 BE IT ORDAINED by the Council of the City of Jacksonville:

20 Section 1. Chapter 360, Ordinance Code is repealed and a new Chapter 360 is
21 created to read as follows:

22 CHAPTER 360

23 ENVIRONMENTAL REGULATION

24 Part 1. Public Policy; General Provisions

25 360.101 Declaration of legislative intent and public policy. The Council finds
26 and declares that the reasonable control and regulation of activities which are causing
27 or may cause pollution of the air and of surface and underground waters so as to be
28

1 (b) No person shall refuse immediate entry or access to the Director or his
2 representative who requests entry for the purposes of inspection due to an imminent
3 hazard to public health, certified under s. 360.112, and who presents appropriate
4 credentials; nor shall a person obstruct, hamper or interfere with an authorized
5 inspection.

6 (c) In the event the right of entry on property is enforced through order of a
7 court, the City shall be entitled to reasonable attorney's fees and costs, including
8 appellate fees and costs, in an action where the City is successful in obtaining
9 affirmative relief.

10 360.109 Confidential records; secret processes. To the extent permitted by
11 law, information relating to secret processes, methods of manufacture or production
12 which may be required, ascertained or discovered by inspection or investigation shall not
13 be disclosed in public hearings and shall be kept confidential by the Director, employees
14 of the Division and members and authorized representatives of the Board; provided, that
15 nothing herein shall be construed to prevent the use of these records in judicial
16 proceedings, so long as they are filed under the seal of the court, in connection with the
17 prosecution of violations of this chapter or of Chapters 362, 363 and 376, of an
18 attainment plan or compliance plan or of the rules or an order of the Board when
19 ordered to be produced by appropriate subpoena or by order of the court. No subpoena
20 or order of the court shall abridge or alter the rights or remedies of persons affected in
21 the protection of trade secrets or secret processes in the manner provided by law and
22 the persons affected may take any steps available by law to protect the trade secrets or
23 processes.

24 360.110 Variances.

25 (a) The Board shall have the authority to grant variances for just cause from any
26 of the requirements or standards in the rules adopted pursuant to Chapter 362, Chapter
27 363 or Chapter 376. Variance requests may be made only in hardship or special cases on
28 the basis of sound technical, economic and environmental data. They are not to be used
29

1 as substitutes for amending Chapter 362, Chapter 368 or Chapter 376. When a request
2 is for a variance from a State or federal rule, the Board may give evidence for or
3 against the variance request. Copies of requests for variances will be submitted to the
4 Director.

5 (b) Upon reviewing a request within a reasonable time after receipt, the Board
6 shall, after due notice, schedule a public hearing and shall address at least the following
7 factors, which shall also be addressed specifically by the person requesting the variance,
8 at the hearing:

9 (1) the law or rule, and sections thereof, from which a variance is sought.
10 (2) the facts which show that a variance should be granted because of one
11 of the following reasons:

12 (i) There is no practicable means known or available for the
13 adequate control of the pollution involved. A variance granted under the authority of
14 this subparagraph shall be limited to a period of sixty months.

15 (ii) Compliance with the particular requirement or requirements
16 from which a variance is sought will necessitate the taking of measures which, because
17 of their extent or cost, must be spread over a considerable period of time. A variance
18 granted for this reason shall prescribe a timetable for the taking of the measures
19 required. A variance granted under the authority of this subparagraph shall be limited
20 to a period of sixty months.

21 (iii) It is necessary to relieve or prevent hardship of a kind other than
22 those provided in subparagraphs (i) and (ii). A variance granted under the authority of
23 this subparagraph shall be limited to a period of twenty-four months.

24 (3) the period of time for which the variance is sought, including the
25 reasons and facts in support thereof.

26 (4) the damage or harm resulting or which may result to the person
27 requesting the variance from a compliance with the law or rule.
28
29

1 (5) the requirements which the person requesting the variance can meet
2 and the date when the person can comply with these requirements.

3 (6) the steps the person requesting the variance is taking to meet the
4 requirements from which the variance is sought and when compliance will be achieved.

5 (7) any beneficial or adverse impact to residents and the environment in
6 the affected area resulting from the Board's requiring compliance or granting a
7 variance.

8 (8) the economic or social impacts of granting or denying the variance.

9 (c) A renewal of a variance shall be applied for in the same manner as for the
10 initial variance, except that no variance granted under subsection (b)(2)(iii) shall be
11 renewed.

12 (d) A variance will not be granted in a case where the health of the citizens
13 would be in imminent danger if the variance were approved. No person shall be charged
14 with a violation of the standard with respect to which the variance is being requested
15 that occurs after the application for the variance is filed.

16 360.111 Appeals; reconsideration. A person aggrieved by an administrative
17 order or a determination or decision by the Director shall have the right to appeal the
18 order, determination or decision to the Board. Appeals shall be decided in the same
19 manner as provided in Part 4 for hearings on complaints. In addition, the Director, the
20 Board or a hearing officer may, upon a showing of just cause by the aggrieved party,
21 reconsider an order, determination or decision that it or he has rendered.

22 360.112. Public health, safety or welfare determinations. Wherever in this
23 chapter or in Chapter 362, Chapter 363 or Chapter 376 a determination relative to
24 public health, safety or welfare is required to be made, the determination shall be made
25 and certified by the Public Health Officer and published in the Register.

26 Part 2. Implementation Plan; Attainment Plans

27 360.201 Implementation plan.

and existing vapor emission control devices or systems deemed necessary and ordered by the Board.

(2) Persons shall use reasonable care to avoid discharging, leaking, spilling, seeping, pouring, or dumping volatile organic compounds or organic solvents. [History: Formerly § 362.205 and 362.206, City Ordinance Code, adopted 2/25/85]

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BEFORE THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA

SEMINOLE KRAFT CORPORATION

Petitioner,

v.

CITY OF JACKSONVILLE
DEPARTMENT OF HEALTH, WELFARE
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Respondent.

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3. The cost to modify the lime slaker would be approximately \$35,000, which would not reduce the emissions from the lime slaker.

4. The Petitioner plans to cease operation of the No. 3 Lime Slaker by November 19, 1992.

5. The Florida Department of Environmental Regulation has granted a variance to the requirements of Rule 17-2.650, F.A.C., to expire on August 15, 1992.

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DONE AND ORDERED this 13th day of November, 1990 at the regular meeting of the Environmental Protection Board.

ENVIRONMENTAL PROTECTION
BOARD

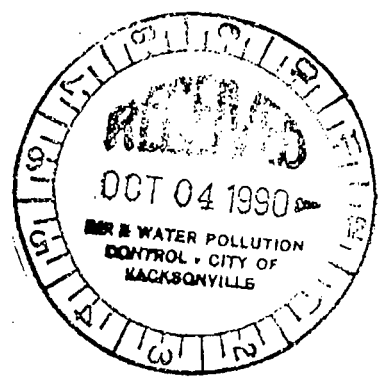
BY: *Dennis J. McDonagh M.D.*
DENNIS J. MCDONAGH, M.D.,
Chairman

ATTEST:

James L. Manning
JAMES L. MANNING, P.E.,
Deputy Director
Department of Health, Welfare &
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MEMORANDUM

TO: James L. Manning, Deputy Director, BESD
FROM: Richard L. Maguire, Assistant Counsel *RLM*
DATE: October 2, 1990
RE: Seminole Kraft Corporation, Lime Slaker No. 3,
Variance Request

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OERTEL, HOFFMAN, FERNANDEZ & COLE, P. A.

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September 27, 1990

RECEIVED
OCT 1 1990

Office of General Counsel
Environmental Division

Richard L. Maguire, Esq.
Assistant Counsel
City of Jacksonville
Suite 715 Towncentre
421 West Church Street
Jacksonville, Florida 32202

Re: Seminole Kraft Corporation
Lime Slaker No. 3, Variance Request

Dear Mr. Maguire:

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September 27, 1990
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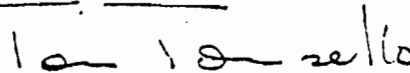
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We look forward to the prompt processing of this letter. Thank you for your interest.

Sincerely,



Thomas G. Tomasello

TGT/dg/1003

Encls. a/s

xc: Mr. Larry Stanley
Mr. Mike Riddle
Mr. Curt Barton

Select Committee on Environmental Regulations' Substitute for File #84-674:

ORDINANCE 84-674-684

AN ORDINANCE CONCERNING ENVIRONMENTAL REGULATION; AMENDING CHAPTER 360, ORDINANCE CODE OF THE CITY OF JACKSONVILLE, TO DECLARE THE PUBLIC POLICY OF THE CITY AND THE RESPONSIBILITY OF THE CONSOLIDATED GOVERNMENT AND OF INDIVIDUALS WITH RESPECT TO THE ENVIRONMENT; REQUIRING THE PREPARATION, APPROVAL AND EXECUTION OF AN IMPLEMENTATION PLAN AND ATTAINMENT PLANS FOR THE CITY AND COMPLIANCE PLANS FOR AFFECTED PERSONS; EXPANDING THE POWERS AND DUTIES OF THE ENVIRONMENTAL PROTECTION BOARD TO INCLUDE THE POWER TO FINE VIOLATORS OF ENVIRONMENTAL PROTECTION RULES, SEEK INJUNCTIONS AGAINST THESE VIOLATIONS, REQUIRE TESTING AND SAMPLING AND OTHER REGULATORY POWERS; PROVIDING THAT THE BOARD AND THE DIRECTOR OF HEALTH, WELFARE AND BIO-ENVIRONMENTAL SERVICES SHALL HAVE THE AUTHORITY TO ISSUE ORDERS SUSPENDING OPERATIONS OF FACILITIES VIOLATING CHAPTERS 362, 368 OR 376, ORDINANCE CODE; PROVIDING FOR A HEARING OFFICER TO HEAR MATTERS OF ADJUDICATION BEFORE THE BOARD; AUTHORIZING THE ASSESSMENT OF REMEDIAL COSTS AND ASSOCIATED ADMINISTRATIVE COSTS BY THE BOARD; ESTABLISHING AN ENVIRONMENTAL PROTECTION FUND; REPEALING CHAPTERS 362 AND 390, ORDINANCE CODE AND

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10 ENVIRONMENTAL AFFAIRS, BY ADDING A NEW CHAPTER
11 376, ORDINANCE CODE TO PROVIDE FOR THE CONTROL OF
12 ODORS IN THE CITY; PROVIDING FOR INTERIM AMBIENT AIR
13 QUALITY AND WATER QUALITY RULES UNTIL THE BOARD
14 HAS ADOPTED RULES UNDER THE NEW LEGISLATIVE
15 AUTHORITY; MAKING CERTAIN ADMINIS-TRATIVE
16 AMENDMENTS TO CHAPTER 73, ORDINANCE CODE;
17 REPEALING CHAPTER 610, ORDINANCE CODE; PROVIDING
18 AN EFFECTIVE DATE.

19 BE IT ORDAINED by the Council of the City of Jacksonville:

20 Section 1. Chapter 360, *Ordinance Code* is repealed and a new Chapter 360 is
21 created to read as follows:

22 CHAPTER 360

23 ENVIRONMENTAL REGULATION

24 Part 1. Public Policy; General Provisions

25 360.101 Declaration of legislative intent and public policy. The Council finds
26 and declares that the reasonable control and regulation of activities which are causing
27 or may cause pollution of the air and of surface and underground waters so as to be
28 29

1 (b) No person shall refuse immediate entry or access to the Director or his
2 representative who requests entry for the purposes of inspection due to an imminent
3 hazard to public health, certified under s. 360.112, and who presents appropriate
4 credentials; nor shall a person obstruct, hamper or interfere with an authorized
5 inspection.

6 (c) In the event the right of entry on property is enforced through order of a
7 court, the City shall be entitled to reasonable attorney's fees and costs, including
8 appellate fees and costs, in an action where the City is successful in obtaining
9 affirmative relief.

10 360.109 Confidential records; secret processes. To the extent permitted by
11 law, information relating to secret processes, methods of manufacture or production
12 which may be required, ascertained or discovered by inspection or investigation shall not
13 be disclosed in public hearings and shall be kept confidential by the Director, employees
14 of the Division and members and authorized representatives of the Board; provided, that
15 nothing herein shall be construed to prevent the use of these records in judicial
16 proceedings, so long as they are filed under the seal of the court, in connection with the
17 prosecution of violations of this chapter or of Chapters 362, 363 and 376, of an
18 attainment plan or compliance plan or of the rules or an order of the Board when
19 ordered to be produced by appropriate subpoena or by order of the court. No subpoena
20 or order of the court shall abridge or alter the rights or remedies of persons affected in
21 the protection of trade secrets or secret processes in the manner provided by law and
22 the persons affected may take any steps available by law to protect the trade secrets or
23 processes.

24 360.110 Variances.

25 (a) The Board shall have the authority to grant variances for just cause from any
26 of the requirements or standards in the rules adopted pursuant to Chapter 362, Chapter
27 363 or Chapter 376. Variance requests may be made only in hardship or special cases on
28 the basis of sound technical, economic and environmental data. They are not to be used
29

1 as substitutes for amending Chapter 362, Chapter 368 or Chapter 376. When a request
2 is for a variance from a State or federal rule, the Board may give evidence for or
3 against the variance request. Copies of requests for variances will be submitted to the
4 Director.

5 (b) Upon reviewing a request within a reasonable time after receipt, the Board
6 shall, after due notice, schedule a public hearing and shall address at least the following
7 factors, which shall also be addressed specifically by the person requesting the variance,
8 at the hearing:

9 (1) the law or rule, and sections thereof, from which a variance is sought.

10 (2) the facts which show that a variance should be granted because of one
11 of the following reasons:

12 (i) There is no practicable means known or available for the
13 adequate control of the pollution involved. A variance granted under the authority of
14 this subparagraph shall be limited to a period of sixty months.

15 (ii) Compliance with the particular requirement or requirements
16 from which a variance is sought will necessitate the taking of measures which, because
17 of their extent or cost, must be spread over a considerable period of time. A variance
18 granted for this reason shall prescribe a timetable for the taking of the measures
19 required. A variance granted under the authority of this subparagraph shall be limited
20 to a period of sixty months.

21 (iii) It is necessary to relieve or prevent hardship of a kind other than
22 those provided in subparagraphs (i) and (ii). A variance granted under the authority of
23 this subparagraph shall be limited to a period of twenty-four months.

24 (3) the period of time for which the variance is sought, including the
25 reasons and facts in support thereof.

26 (4) the damage or harm resulting or which may result to the person
27 requesting the variance from a compliance with the law or rule.
28
29

1 (5) the requirements which the person requesting the variance can meet
2 and the date when the person can comply with these requirements.

3 (6) the steps the person requesting the variance is taking to meet the
4 requirements from which the variance is sought and when compliance will be achieved.

5 (7) any beneficial or adverse impact to residents and the environment in
6 the affected area resulting from the Board's requiring compliance or granting a
7 variance.

8 (8) the economic or social impacts of granting or denying the variance.

9 (c) A renewal of a variance shall be applied for in the same manner as for the
10 initial variance, except that no variance granted under subsection (b)(2)(iii) shall be
11 renewed.

12 (d) A variance will not be granted in a case where the health of the citizens
13 would be in imminent danger if the variance were approved. No person shall be charged
14 with a violation of the standard with respect to which the variance is being requested
15 that occurs after the application for the variance is filed.

16 360.111 Appeals; reconsideration. A person aggrieved by an administrative
17 order or a determination or decision by the Director shall have the right to appeal the
18 order, determination or decision to the Board. Appeals shall be decided in the same
19 manner as provided in Part 4 for hearings on complaints. In addition, the Director, the
20 Board or a hearing officer may, upon a showing of just cause by the aggrieved party,
21 reconsider an order, determination or decision that it or he has rendered.

22 360.112. Public health, safety or welfare determinations. Wherever in this
23 chapter or in Chapter 362, Chapter 368 or Chapter 376 a determination relative to
24 public health, safety or welfare is required to be made, the determination shall be made
25 and certified by the Public Health Officer and published in the Register.

26 Part 2. Implementation Plan; Attainment Plans

27 360.201 Implementation plan.

and existing vapor emission control devices or systems deemed necessary and ordered by the Board.

(2) Persons shall use reasonable care to avoid discharging, leaking, spilling, seeping, pouring, or dumping volatile organic compounds or organic solvents. [History: Formerly § 362.205 and 362.206, City Ordinance Code, adopted 2/25/85]

2.206 Visible Emissions from Ships and Locomotives. No person, including owners, shipping agents, ship's captains and engineers, shall cause, let, permit, suffer or allow visible emissions from ships or locomotives with a density greater than Number 1 on the Ringlemann chart (twenty percent opacity), except that a shade as dark as Number 2 on the Ringlemann chart (forty percent opacity) shall be permissible for no more than two minutes in an hour. [History: Formerly Section 362.208, City Ordinance Code, adopted 2/25/85]

2.207 Reasonably Available Control Technology. Section 17-2.650, Florida Administrative Code as amended October 20, 1986, is adopted and incorporated in this rule by reference as the City's standards for reasonably available control technology. [History: Adopted 2/25/85, amended 5/9/88]

2.208 New Source Performance Standards. Section 17-2.660, Florida Administrative Code, as amended October 20, 1986, is adopted and incorporated in this rule by reference as the City's Standards of Performance for New Stationary Sources. [History: Adopted 2/25/85, amended 5/12/86, 5/9/88]

2.209 National Emission Standards for Hazardous Air Pollutants.

(a) Section 17-2.670 FAC, as amended on October 20, 1986, is adopted and incorporated in this rule by reference as the City's standards for hazardous air pollutants, except that 40 CFR Part 61, Subpart M, Asbestos, is amended as follows:

TO: OGE *Don Thompson*

← use full title etc

FROM: Steve Smallwood

→ PLM: #60

DATE: November 27, 1990

SUBJ: Issuance of Departmental Construction/Operating Permits
When Incongruent With Local Ordinances

Begin by stating the question as clearly and concisely as you can, then give the background and other considerations.

A recent situation involving permitting has prompted this request for legal guidance. The Department's Bureau of Air Regulation processed a variance request from Seminole Kraft Corporation (SKC) for the No. 3 Lime Slaker in accordance with Chapter 403.201, Florida Statutes, which included completeness review of the application package, 30-day Public Notice of a Public Hearing, the holding of a Public Hearing in Jacksonville, and the approval and signature of *Secretary* Mr. Twachtmann. The variance stipulated that the existing construction permit and operation permit be amended to reflect the approved emission limits. The construction permit has been amended.

However, at the Public Hearing, Mr. Steve Pace (BESD) said that Duval County had a variance ordinance also, and that SKC was subject to it. There is no processing fee required. Consequently, BESD said that it will not submit a proposed operation permit to the NE District for signature until SKC applies for and receives a variance from Duval County.

Therefore, the question that arises from the above scenario is, "can the Department's NE District office issue an operation permit to SKC for the affected source (No. 3 Lime Slaker) even

11-26-70

For your review, edit,
concurrency, etc. Please
return to me for
editing, etc. *[Signature]*

[Signature] Brown

Is the ^{variance} procedure a
standard that can
prevent issuance of
the Dept's CP, OP when
incongruent to a local gov.
program's ordinance

403, 182(6)

17-4,070(2)

17-4,160(3)

PART

17-2, VIII

though a local ordinance had not been formally satisfied?" Also, and in a generic sense, can the Department issue its permits independently of local ordinances whether or not they are incongruent with the ordinance or ordinances? Please consider, at a minimum, the enclosed regulations for developing the opinion.

SS/plm

a very strict state rulemaking statute, and must have rules that are to be stricter than a comparable federal rule adopted by the Gov. Cal. LAR are not subject to any of this. What is the intent of the legislature in our right?

I agree we need a clear cut legal opinion on this with no fuzzy edges on it.

add the attached memo which ~~seems~~ seems to contradict the laws cases.

[Signature]

putting these two together say the air pollution control rules and standards of DEER approved LOP.

IN implies that some local ordinance must be complied with. When you look at 409.182(b) those of these are more than 409.182(b) I to comments say that if we take that if we enforce the strict situations we enforce this raise another issue DEER is subject to)

This raise another issue DEER is subject to)

emission rates, and any other conditions which may differ from the valid outstanding operation permit.

(5) Provided, however, that if due to an emergency a start up date is not known 60 days prior thereto, the owner shall notify the Department as soon as possible after the date of such start up is ascertained.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History--New 11-1-81, Formerly 17-2.20, Amended 8-26-81, 10-20-86, 8-30-88, 7-9-89, Formerly 17-2.210, Transferred from 17-2.210, ___-___-___.

ANNOTATIONS

Local standards

Department of Environmental Regulation is not required or authorized by F.S.A. & 163.3194(1) to deny or modify air pollution permit issued pursuant to F.S.A. & 403.087 and F.A.C. Chapters 17-2 and 17-4, because of alleged non-compliance with local zoning, ordinances, land-use restrictions or long-range development; plans; issuance of such permit must be based solely on compliance with applicable pollution control standards and rules. Council of Lower Keys v. Charley Toppido & Sons, Inc. Ap, (3rd) 429 So. 2nd 67 (1983).

17-220.400 Emission Estimates.

(1) Applicability.

This rule establishes standards for making emission estimates for all regulatory purposes including permitting and reporting purposes.

(2) General Provisions.

(a) The emission estimates obtained by the procedures referenced or specified in this rule may be used for the following purposes:

1. To provide the department with reasonable assurance, as part of a construction permit application, that the source, facility, or modification for which the permit is requested:
 - a. Will have actual emissions less than a particular threshold emission level that is part of a provision in Chapters 17-202, 211, 212, and 220 through 224, F.A.C. that is used to determine which provisions or standards are applicable;
 - b. Will be capable of complying with applicable emission limiting standards or other equivalent requirements of Chapters 17-202, 211, 212, and 220 through 224, F.A.C.; or
 - c. Will not cause or contribute to ambient pollutant concentrations that exceed an applicable ambient air quality standard, PSD increment, or an ambient threshold value that is part of a provision in Chapters 17-202, 211, 212, and 220 through 224, F.A.C., that is used to determine which provisions or standards are applicable, which shall be demonstrated by using the emission estimates generated pursuant to this rule as input data for approved atmospheric dispersion models used to estimate the probable ambient pollutant concentrations that will result from the operation of the facility.

163.3194 Legal status of comprehensive plan.—

(1)(a) After a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted.

(b) All land development regulations enacted or amended shall be consistent with the adopted comprehensive plan, or element or portion thereof, and any land development regulations existing at the time of adoption which are not consistent with the adopted comprehensive plan, or element or portion thereof, shall be amended so as to be consistent. If a local government allows an existing land development regulation which is inconsistent with the most recently adopted comprehensive plan, or element or portion thereof, to remain in effect, the local government shall adopt a schedule for bringing the land development regulation into conformity with the provisions of the most recently adopted comprehensive plan, or element or portion thereof. During the interim period when the provisions of the most recently adopted comprehensive plan, or element or portion thereof, and the land development regulations are inconsistent, the provisions of the most recently adopted comprehensive plan, or element or portion thereof, shall govern any action taken in regard to an application for a development order.

(2) After a comprehensive plan for the area, or element or portion thereof, is adopted by the governing body, no land development regulation, land development code, or amendment thereto shall be adopted by the governing body until such regulation, code, or amendment has been referred either to the local planning agency or to a separate land development regulation commission created pursuant to local ordinance, or to both, for review and recommendation as to the relationship of such proposal to the adopted comprehensive plan, or element or portion thereof. Said recommendation shall be made within a reasonable time, but no later than within 2 months after the time of reference. If a recommendation is not made within the time provided, then the governing body may act on the adoption.

(3)(a) A development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

(b) A development approved or undertaken by a local government shall be consistent with the comprehensive plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of the development are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

(4)(a) A court, in reviewing local governmental action or development regulations under this act, may consider, among other things, the reasonableness of the

comprehensive plan, or element or elements thereof, relating to the issue justiciably raised or the appropriateness and completeness of the comprehensive plan, or element or elements thereof, in relation to the governmental action or development regulation under consideration. The court may consider the relationship of the comprehensive plan, or element or elements thereof, to the governmental action taken or the development regulation involved in litigation, but private property shall not be taken without due process of law and the payment of just compensation.

(b) It is the intent of this act that the comprehensive plan set general guidelines and principles concerning its purposes and contents and that this act shall be construed broadly to accomplish its stated purposes and objectives.

(5) The tax-exempt status of lands classified as agricultural under s. 193.461 shall not be affected by any comprehensive plan adopted under this act as long as the land meets the criteria set forth in s. 193.461.

*History.—*s. 12, ch. 75-257; s. 1, ch. 77-174; s. 2, ch. 77-223; s. 12, ch. 80-32; s. 69, ch. 81-259; s. 11, ch. 85-55.

163.3197 Legal status of prior comprehensive plan.

Where, prior to the adoption of a revised plan pursuant to s. 163.3167(2), a local government had adopted a comprehensive plan, or element or portion thereof, such adopted plan, or element or portion thereof, shall have such force and effect as it had at the date of adoption until a new comprehensive plan, or element or portion thereof, is adopted by or for such local government pursuant to the provisions of this act. The prior adopted plan, or element or portion thereof, may be the basis for meeting the requirement of comprehensive plan adoption set out in this act, provided all requirements of this act are met.

*History.—*s. 13, ch. 75-257; s. 12, ch. 85-55.

163.3201 Relationship of comprehensive plan to exercise of land development regulatory authority.—

It is the intent of this act that adopted comprehensive plans or elements thereof shall be implemented, in part, by the adoption and enforcement of appropriate local regulations on the development of lands and waters within an area. It is the intent of this act that the adoption and enforcement by a governing body of regulations for the development of land or the adoption and enforcement by a governing body of a land development code for an area shall be based on, be related to, and be a means of implementation for an adopted comprehensive plan as required by this act.

*History.—*s. 14, ch. 75-257; s. 13, ch. 85-55.

163.3202 Land development regulations.—

(1) Within 1 year after submission of its revised comprehensive plan for review pursuant to s. 163.3167(2), each county, each municipality required to include a coastal management element in its comprehensive plan pursuant to s. 163.3177(6)(g), and each other municipality in this state shall adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.

(2) Local land development regulations shall contain specific and detailed provisions necessary or desirable

to implement the adoption as a minimum:

(a) Regulate the use categories including the compatibility of open space;

(c) Provide for flooding and provide flood management;

(e) Ensure the productive lands designated

(f) Regulate signage

(g) Provide that public exceed the standards

improvements element available when needed

development orders and availability of these public

sary to serve the proposed 1 year after its due date

planning agency's rule comprehensive plans pursuant

ment shall not issue a which results in a reduction

the affected public facilities provided in the comprehensive

ment.

(h) Ensure safe and considering needed vehicle

(3) This section shall use of innovative land

include provisions such rights, incentive and income

development, impact fees These and all other such

and compiled into a single jurisdiction. A general

quired if a local government regulations meet the

(4) The state land planning government to submit

regulations, if it has reasonable local government has

move of the land development this section. If the state

mines after review and sent that the local government

ions required by this section circuit court to require

the action shall not review the action with this section

adopted plans.

(5) The state land planning review of land development

*History.—*s. 14, ch. 85-55; s. 12.

163.3204 Cooperative
The Department
ad hoc working groups
and all state and regional
administration and implement

2. The Secretary of Environmental Regulation or his designee;

3. The Secretary of Health and Rehabilitative Services or his designee;

4. The Commissioner of Agriculture or his designee;

5. The Secretary of Transportation or his designee; and

6. Any additional state agency members as determined and appointed by the Governor in order to properly implement the provisions of this act.

(b) The Secretary of Environmental Regulation or a designee shall chair the task force.

(2) The Florida Groundwater Protection Task Force shall:

(a) Coordinate the temporary provision of potable water to every citizen whose drinking water supply has been deemed by the state to be unsafe, until such time as a permanent source of potable water has been made available.

(b) Ensure that public information is provided to all citizens and local governments in any area in which drinking water has been deemed by the state to be unsafe. The task force shall assure:

1. The development and maintenance of a mailing list of each citizen and each local government in an area with contaminated drinking water wells.

2. The preparation and distribution of information to all affected citizens and local governments describing state agency functions in the event of groundwater contamination.

3. The preparation and distribution of a newsletter as needed to all affected citizens and local governments, which newsletter shall contain a listing of upcoming scheduled activities, the answers to frequently submitted questions, and a listing of possible solutions or remedies to water contamination problems.

4. The availability of a toll-free telephone number to allow citizens of the state access to information regarding contaminated water supplies.

(c) Make recommendations to any person or governmental agency regarding groundwater contamination affecting public or private wells.

(d) Ensure that a current inventory of all groundwater contamination research activities by public and private universities in the state; federal, state, and local agencies; and private industry is developed and maintained. This inventory shall include, but is not limited to, a statewide listing of all facilities with groundwater testing capabilities in order to ensure that all citizens have their water tested within a reasonable period of time during a crisis situation.

(e) File, by October 1 annually, a report summarizing the activities of the task force during the past year. The report shall include, but is not limited to, a chronological listing of all groundwater contamination incidents, response strategy used by the state for each incident, actual costs for each incident, and an evaluation and recommendation concerning the needs of the state for the coming year with respect to groundwater contamination problems. A copy of the report shall be sent to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(3) The Florida Groundwater Protection Task Force shall meet as needed, at the call of the chairman, to carry out the provisions of this section.

History.—s. 27, ch. 84-338; s. 2, ch. 85-65.

Note.—Repealed effective October 1, 1989.

403.1815 Construction of water distribution mains and sewage collection laterals; local regulation.—Notwithstanding any other provision of this chapter to the contrary, the department may, upon request, allow any county or municipality to regulate independently the construction of water distribution mains and sewage collection laterals of 10 inches or less in size which may be connected to any water system or sewerage system owned by the county or municipality. In considering such request, the department shall determine the administrative and engineering ability of a county or municipality to administer and comply with the requirements of this section. In the event the department allows any county or municipality to regulate independently the construction of such water distribution mains and sewage collection laterals, these types of construction projects shall be exempt from department permit requirements. However, nothing in this section shall relieve a county or a municipality from any requirement to obtain the necessary permits for construction activities in waters of the state or of the United States or from complying with all other provisions of this chapter and rules promulgated thereunder. The exemption provided by this section shall not apply to any lateral connection to any water or sewerage system which the department has deemed to be in substantial noncompliance with applicable laws and standards if the department has so notified the respective county or municipality. Each county or municipality granted such authority shall submit monthly reports to the department of the number of connections and geographical location of such connections made to any sewerage system owned by such county or municipality and shall, not later than July 1 of each year, submit an updated map of any water distribution system and sewage collection system owned by the county or municipality. Such map shall indicate the extensions of such water mains and sewer laterals constructed for the preceding year.

History.—s. 1, ch. 80-394.

403.182 Local pollution control programs.—

(1) Each county and municipality or any combination thereof may establish and administer a local pollution control program if it complies with this act. Local pollution control programs in existence on the effective date of this act shall not be ousted of jurisdiction if such local program complies with this act. All local pollution control programs, whether established before or after the effective date of this act, must:

(a) Be approved by the department as adequate to meet the requirements of this act and any applicable rules and regulations pursuant thereto.

(b) Provide by ordinance, regulation, or local law for requirements compatible with, or stricter or more extensive than those imposed by this act and regulations issued thereunder.

(c) Provide for the enforcement of such requirements by appropriate administrative and judicial process.

(d) Provide for administrative organization, staff, financial and other resources necessary to effectively and efficiently carry out its program.

(2) The department shall have the exclusive authority and power to require and issue permits; provided, however, that the department may delegate its power and authority to local pollution control organizations if the department finds it necessary or desirable to do so.

(3) If the department finds that the location, character or extent of particular concentrations of population, contaminant sources, the geographic, topographic or meteorological considerations, or any combinations thereof, are such as to make impracticable the maintenance of appropriate levels of air and water quality without an areawide pollution control program, the department may determine the boundaries within which such program is necessary and require it as the only acceptable alternative to direct state administration.

(4)(a) If the department has reason to believe that a pollution control program in force pursuant to this section is inadequate to prevent and control pollution in the jurisdiction to which such program relates, or that such program is being administered in a manner inconsistent with the requirements of this act, it shall proceed to determine the matter.

(b) If the department determines that such program is inadequate to prevent and control pollution in the municipality or county or municipalities or counties to which such program relates, or that such program is not accomplishing the purposes of this act, it shall require that necessary corrective measures be taken within a reasonable period of time, not to exceed 90 days.

(c) If the municipality, county, or municipalities or counties fail to take such necessary corrective action within the time required, the department shall administer within such municipality, county, or municipalities or counties all of the regulatory provisions of this act. Such pollution control program shall supersede all municipal or county pollution laws, regulations, ordinances and requirements in the affected jurisdiction.

(d) If the department finds that the control of a particular class of contaminant source because of its complexity or magnitude is beyond the reasonable capability of the local pollution control authorities or may be more efficiently and economically performed at the state level, it may assume and retain jurisdiction over that class of contaminant source. Classifications pursuant to this paragraph may be either on the basis of the nature of the sources involved or on the basis of their relationship to the size of the communities in which they are located.

(5) Any municipality or county in which the department administers its pollution control program pursuant to subsection (4) of this section may with the approval of the department establish or resume a municipal or county pollution control program which meets the requirements of subsection (1) of this section.

(6) Notwithstanding the existence of any local pollution control program, whether created by a county or municipality or a combination thereof or by a special law, the department shall have jurisdiction to enforce the provisions of this chapter and any rules, regulations, or orders issued pursuant to this chapter throughout the state; however, whenever rules, regulations, or orders of

a stricter or more stringent nature have been adopted by a local pollution control program, the department, if it elects to assert its jurisdiction, shall then enforce the stricter rules, regulations, or orders in the jurisdiction where they apply.

(7) It shall be a violation of this chapter to violate, or fail to comply with, a rule, regulation, or order of a stricter or more stringent nature adopted by a local pollution control program, and the same shall be punishable as provided by s. 403.161. If any local program changes any rule, regulation, or order, whether or not of a stricter or more stringent nature, such change shall not apply to any installation or source operating at the time of such change in conformance with a currently valid permit issued by the Department of Environmental Regulation.

(8) Nothing in this act shall prevent any local pollution control program from enforcing its own rules, regulations, or orders. All remedies of the Department of Environmental Regulation under this chapter shall be available, as an alternative to local enforcement provisions, to each local pollution control program to enforce any provision of local law. When the department and a local program institute separate lawsuits against the same party for violation of a state or local pollution law, rule, regulation, or order arising out of the same act, the suits shall be consolidated when possible.

(9) Each local pollution control program shall cooperate with and assist the department in carrying out its powers, duties, and functions.

History.—s. 19, ch. 67-436; ss. 26, 35, ch. 69-106; s. 2, ch. 71-137; ss. 1, 2, ch. 73-256; s. 14, ch. 78-95; s. 76, ch. 79-65; s. 6, ch. 89-143.

403.1821 Water pollution control and sewage treatment.—Sections 403.1821-403.1832 shall be known and cited as the "Florida Water Pollution Control and Sewage Treatment Plant Grant Act."

History.—s. 1, ch. 70-251; s. 47, ch. 83-310.

403.1822 Definitions for ss. 403.1821-403.1832.—As used in ss. 403.1821-403.1832, the term:

(1) "Department" refers to the Department of Environmental Regulation.

(2) "Grants," "grant," "state grants," or "state grant" refers to disbursements from the State Water Pollution Control Trust Fund pursuant to s. 403.1825.

(3) "Local governmental agencies" refers to any municipality, county, district, or authority, or any agency thereof, or a combination of two or more of the foregoing, acting jointly in connection with a project, having jurisdiction over collection, transmission, treatment, or disposal of sewage, industrial wastes, stormwater, or other wastes and includes a district or authority the principal responsibility of which is to provide airport, industrial or research park, or port facilities to the public.

(4) "Project" means all or part of a sewage treatment or disposal facility, or other cost-effective alternative, and may include the construction or reconstruction of existing sewage collection or transmission lines.

History.—s. 2, ch. 70-251; s. 1, ch. 70-439; s. 2, ch. 71-137; s. 113, ch. 71-355; s. 77, ch. 79-65; s. 48, ch. 83-310; s. 1, ch. 87-107; s. 35, ch. 89-279.

403.1823 Department of Environmental Regulation; rulemaking authority; administration of funds.—The department shall:

(1) Promulgate rules for the purposes of s. 403.1821-403.1832.

(2) Administer the Trust Fund or received by s. 403.1821-403.1832.

History.—s. 3, ch. 89-279.

403.1824

A trust fund to be known as the Control Trust Fund shall be established to be used for the purposes of the collection, transmission, treatment, or cost-effective alternative to the department to s. 403.1832 shall be at least 45 percent of the Small County Trust Fund. Ten percent of the State Trust Fund shall cover the cost of surveillance and application.

History.—s. 4, ch. 89-279.

403.1825

ment of grants from the Trust Fund shall be subject to certification to the department and rules and regulations.

History.—s. 5, ch. 89-279.

403.1826

(1) Grants from s. 403.1832 for the department shall be effective as to this act.

(2) No grant for such project shall be approved unless the requirements advanced were required for protection of the funding.

(3) No grant from any other governmental agency shall be used for the project.

(4) The department shall fund the costs as determined by the department in each local grant.

(5) Grants shall be paid to the department by the department.

(6) A grant from a governmental agency shall be used for the purposes of and efficiency.

(1) Promulgate rules and regulations to carry out the purposes of ss. 403.1821-403.1832.

(2) Administer and control all funds appropriated to or received by the department for the purposes of ss. 403.1821-403.1832.

History.—s. 3, ch. 70-251; s. 1, ch. 70-439; s. 49, ch. 83-310.

403.1824 State Water Pollution Control Trust Fund.

A trust fund to be known as the "State Water Pollution Control Trust Fund" is established in the State Treasury to be used for state grants to local governmental agencies for the construction or reconstruction of sewage collection, transmission, treatment, or disposal facilities or cost-effective alternatives. All funds received by the department to carry out the purposes of ss. 403.1821-403.1832 shall be deposited in this fund; however, at least 45 percent of the funds received by the department and deposited in this fund shall be transferred to the Small Community Sewer Construction Assistance Trust Fund. The department may expend up to 2 percent of the State Water Pollution Control Trust Fund to cover the cost of reviewing and acting upon grant applications by a local governmental agency and the cost of surveillance and other field services associated with the application.

History.—s. 4, ch. 70-251; s. 1, ch. 70-439; s. 50, ch. 83-310.

403.1825 Grant payments.—Warrants for the payment of grants to local governmental agencies or increments thereof from the Water Pollution Control Trust Fund shall be issued by the State Comptroller upon certification to him by the department that such payments are due and payable under the department's published rules and regulations.

History.—s. 5, ch. 70-251; s. 1, ch. 70-439.

403.1826 Grants, requirements for eligibility.—

(1) Grants shall be made under ss. 403.1821-403.1832 for projects eligible as provided in rules of the department. Only those projects to be constructed after the effective date of this act are eligible for grants pursuant to this act.

(2) No grant may be made for any project unless such project and the plans and specifications therefor are approved by the department, subject to such requirements as the department imposes. The costs for advanced waste treatment facilities, or portions thereof, required for discharge to surface waters or ground water protection or protection of public health are eligible for funding.

(3) No grant may be made until the local governmental agency has available to it that part of the total cost of the project which is in excess of the applicable grant.

(4) The department shall require local governmental funds in the amount of 45 percent of eligible project costs as determined by rules of the department. The department is authorized to establish a maximum grant for each local governmental agency pursuant to this act.

(5) Grants made under ss. 403.1821-403.1832 shall be paid to the local governmental agency as provided by department rule.

(6) A grant may not be made unless the local governmental agency assures the department of the proper and efficient operation and maintenance of the project

after construction. Revenue sufficient to ensure that the facility will be self-supporting shall be generated from sources which include, but are not limited to, service charges and connection fees. The revenue generated shall provide for financing future sanitary sewerage capital improvements. The grantee shall accumulate, during the design life of the grant-funded project, moneys in an amount equivalent to the grant amount adjusted for inflationary cost increases.

(7) No grant may be made unless the local governmental agency has filed properly executed forms and applications prescribed by the department.

(8) Any local governmental agency receiving assistance under ss. 403.1821-403.1832 shall keep such records as the department prescribes, including records which fully disclose the amount and disposition by the recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with such assistance given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit. The department and the Auditor General or any of their duly authorized representatives shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of the recipient that are pertinent to grants received under ss. 403.1821-403.1832. Upon project completion, the local governmental agency shall submit to the department a separate audit, by an independent certified public accountant, of the grant expenditures.

(9) Any project satisfactorily planned and designed in accordance with the requirements of the United States Environmental Protection Agency is eligible for funding under this act.

History.—s. 6, ch. 70-251; s. 1, ch. 70-439; s. 51, ch. 83-310; s. 28, ch. 84-338; s. 52, ch. 85-81; s. 36, ch. 89-279.

403.1829 Funding of projects; priorities.—Eligible projects shall be funded according to priorities established by department rule. Such priorities shall be established according to the extent each project is intended to remove, mitigate, or prevent adverse effects on surface or ground water quality and public health. Advanced waste treatment facilities or portions thereof which are required for discharge to surface waters or ground water protection or protection of public health, which are required by the department, and which are determined to be ineligible for federal funding are eligible for supplemental state funding under this act.

History.—s. 9, ch. 70-251; s. 1, ch. 70-439; s. 52, ch. 83-310.

403.1832 Department to accept federal aid.—The department is designated as the administrative agency of the state to apply for and accept any funds or other aid and to cooperate and enter into contracts and agreements with the Federal Government relating to the planning, design, construction, operation, maintenance, and enforcement activities of the program to provide clean water and pollution abatement of the waters of the state or to any other related purpose which the Congress of the United States has authorized or may authorize. The department is authorized in the name of the state to make such applications, sign such documents, give such assurances, and do such other things as are nec-

17-4.070 Standards of Issuing or Denying Permits; Issuance; Denial.

(1) A permit shall be issued to the applicant upon such conditions as the Department may direct, only if the applicant affirmatively provides the Department with reasonable assurance based on plans, test results, installation of pollution control equipment, or other information, that the construction, expansion, modification, operation, or activity of the installation will not discharge, emit, or cause pollution in contravention of Department standards or rules. However, for discharges of wastes to water, the Department may issue temporary operation permits under the criteria set forth in Section 403.088(3), F.S.

(2) If, after review of the application and all the information, the Department determines that the applicant has not provided reasonable assurance that the construction, modification, expansion, or operation of the installation will be in accord with applicable laws or rules, including rules of approved local programs, the Department shall deny the permit.

(3) The Department may issue any permit with specific conditions necessary to provide reasonable assurance that Department rules can be met.

(4) No Department permits shall be issued for a term of more than five (5) years unless otherwise specified by statute, rule, or order of the Department. However, construction permits for air pollution sources may be issued for a period of time as necessary.

(5) No permit shall be issued for an installation subject to a Department notice of violation or judicial action initiated by the Department. Upon resolution of the enforcement action by agreement, permit, final order, or judicial action a permit may be granted subject to the applicable requirements of Title 17. This prohibition shall only be applicable when the enforcement action involves the same activity or air pollution source as the activity or air pollution source for which a permit is being sought. The Department shall take into consideration a permit applicant's violation of any Department rules at any installation when determining whether the applicant has provided reasonable assurances that Department standards will be met.

(6) The applicant shall be promptly notified if the Department intends to deny the application, and shall be informed of the reasons for the intended denial, and of the right to request an administrative hearing.

(7) The issuance of permit does not relieve any person from complying with the requirements of Chapter 403, F.S., or Department rules.

Specific Authority: 403.021, 403.031, 403.061, 403.088, F.S.

Law Implemented: 403.021, 403.031, 403.061, 403.087, 403.088, F.S.

History: New 5-17-72, Amended 7-8-82, 2-1-83, 12-3-84, 8-31-88. Previously numbered as 17-4.07.

TO: OGC

FROM: Steve Smallwood

DATE: November 27, 1990

SUBJ: Issuance of Departmental Construction/Operating Permits
When Incongruent With Local Ordinances

Stew,

For your review, edit,
concurrence, etc. Please
return to me for
editting, etc.

Blank
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PLM: # 60

A recent situation involving permitting has prompted this request for legal guidance. The Department's Bureau of Air Regulation processed a variance request from Seminole Kraft Corporation (SKC) for the No. 3 Lime Slaker in accordance with Chapter 403.201, Florida Statutes, which included completeness review of the application package, 30-day Public Notice of a Public Hearing, the holding of a Public Hearing in Jacksonville, and the approval and signature of Mr. Twachtman. The variance stipulated that the existing construction permit and operation permit be amended to reflect the approved emission limits. The construction permit has been amended.

However, at the Public Hearing, Mr. Steve Pace (BESD) said that Duval County had a variance ordinance also, and that SKC was subject to it. There is no processing fee required. Consequently, BESD said that it will not submit a proposed operation permit to the NE District for signature until SKC applies for and receives a variance from Duval County.

Therefore, the question that arises from the above scenario is, "can the Department's NE District office issue an operation permit to SKC for the affected source (No. 3 Lime Slaker) even

though a local ordinance had not been formally satisfied? Also, and in a generic sense, can the Department issue its permits independently of local ordinances whether or not they are incongruent ~~conflict~~ with the ordinance or ordinances? Please consider, at a minimum, the enclosed regulations for developing the opinion.

SS/plm

emission rates, and any other conditions which may differ from the valid outstanding operation permit.

(5) Provided, however, that if due to an emergency a start up date is not known 60 days prior thereto, the owner shall notify the Department as soon as possible after the date of such start up is ascertained.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History--New 11-1-81, Formerly 17-2.20, Amended 8-26-81, 10-20-86, 8-30-88, 7-9-89, Formerly 17-2.210, Transferred from 17-2.210, ___-___-___.

ANNOTATIONS

Local standards

Department of Environmental Regulation is not required or authorized by F.S.A. & 163.3194(1) to deny or modify air pollution permit issued pursuant to F.S.A. & 403.087 and F.A.C. Chapters 17-2 and 17-4, because of alleged non-compliance with local zoning, ordinances, land-use restrictions or long-range development; plans; issuance of such permit must be based solely on compliance with applicable pollution control standards and rules. *Council of Lower Keys v. Charley Toppido & Sons, Inc. Ap*, (3rd) 429 So. 2nd 67 (1983).

17-220.400 Emission Estimates.

(1) Applicability.

This rule establishes standards for making emission estimates for all regulatory purposes including permitting and reporting purposes.

(2) General Provisions.

(a) The emission estimates obtained by the procedures referenced or specified in this rule may be used for the following purposes:

1. To provide the department with reasonable assurance, as part of a construction permit application, that the source, facility, or modification for which the permit is requested:

a. Will have actual emissions less than a particular threshold emission level that is part of a provision in Chapters 17-202, 211, 212, and 220 through 224, F.A.C. that is used to determine which provisions or standards are applicable;

b. Will be capable of complying with applicable emission limiting standards or other equivalent requirements of Chapters 17-202, 211, 212, and 220 through 224, F.A.C.; or

c. Will not cause or contribute to ambient pollutant concentrations that exceed an applicable ambient air quality standard, PSD increment, or an ambient threshold value that is part of a provision in Chapters 17-202, 211, 212, and 220 through 224, F.A.C., that is used to determine which provisions or standards are applicable, which shall be demonstrated by using the emission estimates generated pursuant to this rule as input data for approved atmospheric dispersion models used to estimate the probable ambient pollutant concentrations that will result from the operation of the facility.

163.3194 Legal status of comprehensive plan.—

(1)(a) After a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted.

(b) All land development regulations enacted or amended shall be consistent with the adopted comprehensive plan, or element or portion thereof, and any land development regulations existing at the time of adoption which are not consistent with the adopted comprehensive plan, or element or portion thereof, shall be amended so as to be consistent. If a local government allows an existing land development regulation which is inconsistent with the most recently adopted comprehensive plan, or element or portion thereof, to remain in effect, the local government shall adopt a schedule for bringing the land development regulation into conformity with the provisions of the most recently adopted comprehensive plan, or element or portion thereof. During the interim period when the provisions of the most recently adopted comprehensive plan, or element or portion thereof, and the land development regulations are inconsistent, the provisions of the most recently adopted comprehensive plan, or element or portion thereof, shall govern any action taken in regard to an application for a development order.

(2) After a comprehensive plan for the area, or element or portion thereof, is adopted by the governing body, no land development regulation, land development code, or amendment thereto shall be adopted by the governing body until such regulation, code, or amendment has been referred either to the local planning agency or to a separate land development regulation commission created pursuant to local ordinance, or to both, for review and recommendation as to the relationship of such proposal to the adopted comprehensive plan, or element or portion thereof. Said recommendation shall be made within a reasonable time, but no later than within 2 months after the time of reference. If a recommendation is not made within the time provided, then the governing body may act on the adoption.

(3)(a) A development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

(b) A development approved or undertaken by a local government shall be consistent with the comprehensive plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of the development are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

(4)(a) A court, in reviewing local governmental action or development regulations under this act, may consider, among other things, the reasonableness of the

comprehensive plan, or element or elements thereof, relating to the issue justiciably raised or the appropriateness and completeness of the comprehensive plan, or element or elements thereof, in relation to the governmental action or development regulation under consideration. The court may consider the relationship of the comprehensive plan, or element or elements thereof, to the governmental action taken or the development regulation involved in litigation, but private property shall not be taken without due process of law and the payment of just compensation.

(b) It is the intent of this act that the comprehensive plan set general guidelines and principles concerning its purposes and contents and that this act shall be construed broadly to accomplish its stated purposes and objectives.

(5) The tax-exempt status of lands classified as agricultural under s. 193.461 shall not be affected by any comprehensive plan adopted under this act as long as the land meets the criteria set forth in s. 193.461.

History.—s. 12, ch. 75-257; s. 1, ch. 77-174; s. 2, ch. 77-223; s. 12, ch. 80-388; s. 69, ch. 81-259; s. 11, ch. 85-55.

163.3197 Legal status of prior comprehensive plan.

Where, prior to the adoption of a revised plan pursuant to s. 163.3167(2), a local government had adopted a comprehensive plan, or element or portion thereof, such adopted plan, or element or portion thereof, shall have such force and effect as it had at the date of adoption until a new comprehensive plan, or element or portion thereof, is adopted by or for such local government pursuant to the provisions of this act. The prior adopted plan, or element or portion thereof, may be the basis for meeting the requirement of comprehensive plan adoption set out in this act, provided all requirements of this act are met.

History.—s. 13, ch. 75-257; s. 12, ch. 85-55.

163.3201 Relationship of comprehensive plan to exercise of land development regulatory authority.—

It is the intent of this act that adopted comprehensive plans or elements thereof shall be implemented, in part, by the adoption and enforcement of appropriate local regulations on the development of lands and waters within an area. It is the intent of this act that the adoption and enforcement by a governing body of regulations for the development of land or the adoption and enforcement by a governing body of a land development code for an area shall be based on, be related to, and be a means of implementation for an adopted comprehensive plan as required by this act.

History.—s. 14, ch. 75-257; s. 13, ch. 85-55.

163.3202 Land development regulations.—

(1) Within 1 year after submission of its revised comprehensive plan for review pursuant to s. 163.3167(2), each county, each municipality required to include a coastal management element in its comprehensive plan pursuant to s. 163.3177(6)(g), and each other municipality in this state shall adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.

(2) Local land development regulations shall contain specific and detailed provisions necessary or desirable

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2. The Secretary of Environmental Regulation or his designee;

3. The Secretary of Health and Rehabilitative Services or his designee;

4. The Commissioner of Agriculture or his designee;

5. The Secretary of Transportation or his designee; and

6. Any additional state agency members as determined and appointed by the Governor in order to properly implement the provisions of this act.

(b) The Secretary of Environmental Regulation or a designee shall chair the task force.

(2) The Florida Groundwater Protection Task Force shall:

(a) Coordinate the temporary provision of potable water to every citizen whose drinking water supply has been deemed by the state to be unsafe, until such time as a permanent source of potable water has been made available.

(b) Ensure that public information is provided to all citizens and local governments in any area in which drinking water has been deemed by the state to be unsafe. The task force shall assure:

1. The development and maintenance of a mailing list of each citizen and each local government in an area with contaminated drinking water wells.

2. The preparation and distribution of information to all affected citizens and local governments describing state agency functions in the event of groundwater contamination.

3. The preparation and distribution of a newsletter as needed to all affected citizens and local governments, which newsletter shall contain a listing of upcoming scheduled activities, the answers to frequently submitted questions, and a listing of possible solutions or remedies to water contamination problems.

4. The availability of a toll-free telephone number to allow citizens of the state access to information regarding contaminated water supplies.

(c) Make recommendations to any person or governmental agency regarding groundwater contamination affecting public or private wells.

(d) Ensure that a current inventory of all groundwater contamination research activities by public and private universities in the state; federal, state, and local agencies; and private industry is developed and maintained. This inventory shall include, but is not limited to, a statewide listing of all facilities with groundwater testing capabilities in order to ensure that all citizens have their water tested within a reasonable period of time during a crisis situation.

(e) File, by October 1 annually, a report summarizing the activities of the task force during the past year. The report shall include, but is not limited to, a chronological listing of all groundwater contamination incidents, response strategy used by the state for each incident, actual costs for each incident, and an evaluation and recommendation concerning the needs of the state for the coming year with respect to groundwater contamination problems. A copy of the report shall be sent to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(3) The Florida Groundwater Protection Task Force shall meet as needed, at the call of the chairman, to carry out the provisions of this section.

History.—s. 27, ch. 84-338; s. 2, ch. 85-65.

*Note.—Repealed effective October 1, 1989.

403.1815 Construction of water distribution mains and sewage collection laterals; local regulation.—Notwithstanding any other provision of this chapter to the contrary, the department may, upon request, allow any county or municipality to regulate independently the construction of water distribution mains and sewage collection laterals of 10 inches or less in size which may be connected to any water system or sewerage system owned by the county or municipality. In considering such request, the department shall determine the administrative and engineering ability of a county or municipality to administer and comply with the requirements of this section. In the event the department allows any county or municipality to regulate independently the construction of such water distribution mains and sewage collection laterals, these types of construction projects shall be exempt from department permit requirements. However, nothing in this section shall relieve a county or a municipality from any requirement to obtain the necessary permits for construction activities in waters of the state or of the United States or from complying with all other provisions of this chapter and rules promulgated thereunder. The exemption provided by this section shall not apply to any lateral connection to any water or sewerage system which the department has deemed to be in substantial noncompliance with applicable laws and standards if the department has so notified the respective county or municipality. Each county or municipality granted such authority shall submit monthly reports to the department of the number of connections and geographical location of such connections made to any sewerage system owned by such county or municipality and shall, not later than July 1 of each year, submit an updated map of any water distribution system and sewage collection system owned by the county or municipality. Such map shall indicate the extensions of such water mains and sewer laterals constructed for the preceding year.

History.—s. 1, ch. 80-394.

403.182 Local pollution control programs.—

(1) Each county and municipality or any combination thereof may establish and administer a local pollution control program if it complies with this act. Local pollution control programs in existence on the effective date of this act shall not be ousted of jurisdiction if such local program complies with this act. All local pollution control programs, whether established before or after the effective date of this act, must:

(a) Be approved by the department as adequate to meet the requirements of this act and any applicable rules and regulations pursuant thereto.

(b) Provide by ordinance, regulation, or local law for requirements compatible with, or stricter or more extensive than those imposed by this act and regulations issued thereunder.

(c) Provide for the enforcement of such requirements by appropriate administrative and judicial processes.

(d) Provide for administrative organization, staff, financial and other resources necessary to effectively and efficiently carry out its program.

(2) The department shall have the exclusive authority and power to require and issue permits; provided, however, that the department may delegate its power and authority to local pollution control organizations if the department finds it necessary or desirable to do so.

(3) If the department finds that the location, character or extent of particular concentrations of population, contaminant sources, the geographic, topographic or meteorological considerations, or any combinations thereof, are such as to make impracticable the maintenance of appropriate levels of air and water quality without an areawide pollution control program, the department may determine the boundaries within which such program is necessary and require it as the only acceptable alternative to direct state administration.

(4)(a) If the department has reason to believe that a pollution control program in force pursuant to this section is inadequate to prevent and control pollution in the jurisdiction to which such program relates, or that such program is being administered in a manner inconsistent with the requirements of this act, it shall proceed to determine the matter.

(b) If the department determines that such program is inadequate to prevent and control pollution in the municipality or county or municipalities or counties to which such program relates, or that such program is not accomplishing the purposes of this act, it shall require that necessary corrective measures be taken within a reasonable period of time, not to exceed 90 days.

(c) If the municipality, county, or municipalities or counties fail to take such necessary corrective action within the time required, the department shall administer within such municipality, county, or municipalities or counties all of the regulatory provisions of this act. Such pollution control program shall supersede all municipal or county pollution laws, regulations, ordinances and requirements in the affected jurisdiction.

(d) If the department finds that the control of a particular class of contaminant source because of its complexity or magnitude is beyond the reasonable capability of the local pollution control authorities or may be more efficiently and economically performed at the state level, it may assume and retain jurisdiction over that class of contaminant source. Classifications pursuant to this paragraph may be either on the basis of the nature of the sources involved or on the basis of their relationship to the size of the communities in which they are located.

(5) Any municipality or county in which the department administers its pollution control program pursuant to subsection (4) of this section may with the approval of the department establish or resume a municipal or county pollution control program which meets the requirements of subsection (1) of this section.

(6) Notwithstanding the existence of any local pollution control program, whether created by a county or municipality or a combination thereof or by a special law, the department shall have jurisdiction to enforce the provisions of this chapter and any rules, regulations, or orders issued pursuant to this chapter throughout the state; however, whenever rules, regulations, or orders of

a stricter or more stringent nature have been adopted by a local pollution control program, the department, if it elects to assert its jurisdiction, shall then enforce the stricter rules, regulations, or orders in the jurisdiction where they apply.

(7) It shall be a violation of this chapter to violate, or fail to comply with, a rule, regulation, or order of a stricter or more stringent nature adopted by a local pollution control program, and the same shall be punishable as provided by s. 403.161. If any local program changes any rule, regulation, or order, whether or not of a stricter or more stringent nature, such change shall not apply to any installation or source operating at the time of such change in conformance with a currently valid permit issued by the Department of Environmental Regulation.

(8) Nothing in this act shall prevent any local pollution control program from enforcing its own rules, regulations, or orders. All remedies of the Department of Environmental Regulation under this chapter shall be available, as an alternative to local enforcement provisions, to each local pollution control program to enforce any provision of local law. When the department and a local program institute separate lawsuits against the same party for violation of a state or local pollution law, rule, regulation, or order arising out of the same act, the suits shall be consolidated when possible.

(9) Each local pollution control program shall cooperate with and assist the department in carrying out its powers, duties, and functions.

History.—s. 19, ch. 67-436; ss. 26, 35, ch. 69-106; s. 2, ch. 71-137; ss. 1, 2, ch. 73-256; s. 14, ch. 78-95; s. 76, ch. 79-65; s. 6, ch. 89-143.

403.1821 Water pollution control and sewage treatment.—Sections 403.1821-403.1832 shall be known and cited as the "Florida Water Pollution Control and Sewage Treatment Plant Grant Act."

History.—s. 1, ch. 70-251; s. 47, ch. 83-310.

403.1822 Definitions for ss. 403.1821-403.1832.—As used in ss. 403.1821-403.1832, the term:

(1) "Department" refers to the Department of Environmental Regulation.

(2) "Grants," "grant," "state grants," or "state grant" refers to disbursements from the State Water Pollution Control Trust Fund pursuant to s. 403.1825.

(3) "Local governmental agencies" refers to any municipality, county, district, or authority, or any agency thereof, or a combination of two or more of the foregoing, acting jointly in connection with a project, having jurisdiction over collection, transmission, treatment, or disposal of sewage, industrial wastes, stormwater, or other wastes and includes a district or authority the principal responsibility of which is to provide airport, industrial or research park, or port facilities to the public.

(4) "Project" means all or part of a sewage treatment or disposal facility, or other cost-effective alternative, and may include the construction or reconstruction of existing sewage collection or transmission lines.

History.—s. 2, ch. 70-251; s. 1, ch. 70-439; s. 2, ch. 71-137; s. 113, ch. 71-355; s. 77, ch. 79-65; s. 48, ch. 83-310; s. 1, ch. 87-107; s. 35, ch. 89-279.

403.1823 Department of Environmental Regulation; rulemaking authority; administration of funds.—The department shall:

(1) Promote purposes of s.

(2) Administer or received by 403.1821-403

History.—s. 3, ch.

403.1824

A trust fund for the Control Trust Fund to be used for purposes for the collection, transmission or cost-effective department to 403.1832 shall at least 45 percent and deposited in the Small Cell Trust Fund. The percent of the State cover the cost of surveillance by a application.

History.—s. 4, ch.

403.1825

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History.—s. 5, ch.

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(1) Promulgate rules and regulations to carry out the purposes of ss. 403.1821-403.1832.

(2) Administer and control all funds appropriated to or received by the department for the purposes of ss. 403.1821-403.1832.

History.—s. 3, ch. 70-251; s. 1, ch. 70-439; s. 49, ch. 83-310.

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(4) The department shall require local governmental funds in the amount of 45 percent of eligible project costs as determined by rules of the department. The department is authorized to establish a maximum grant for each local governmental agency pursuant to this act.

(5) Grants made under ss. 403.1821-403.1832 shall be paid to the local governmental agency as provided by department rule.

(6) A grant may not be made unless the local governmental agency assures the department of the proper and efficient operation and maintenance of the project

after construction. Revenue sufficient to ensure that the facility will be self-supporting shall be generated from sources which include, but are not limited to, service charges and connection fees. The revenue generated shall provide for financing future sanitary sewerage capital improvements. The grantee shall accumulate, during the design life of the grant-funded project, moneys in an amount equivalent to the grant amount adjusted for inflationary cost increases.

(7) No grant may be made unless the local governmental agency has filed properly executed forms and applications prescribed by the department.

(8) Any local governmental agency receiving assistance under ss. 403.1821-403.1832 shall keep such records as the department prescribes, including records which fully disclose the amount and disposition by the recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with such assistance given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit. The department and the Auditor General or any of their duly authorized representatives shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of the recipient that are pertinent to grants received under ss. 403.1821-403.1832. Upon project completion, the local governmental agency shall submit to the department a separate audit, by an independent certified public accountant, of the grant expenditures.

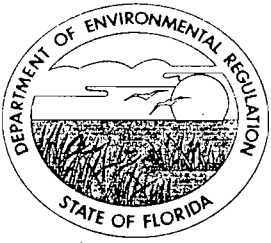
(9) Any project satisfactorily planned and designed in accordance with the requirements of the United States Environmental Protection Agency is eligible for funding under this act.

History.—s. 6, ch. 70-251; s. 1, ch. 70-439; s. 51, ch. 83-310; s. 28, ch. 84-338; s. 52, ch. 85-81; s. 36, ch. 89-279.

403.1829 Funding of projects; priorities.—Eligible projects shall be funded according to priorities established by department rule. Such priorities shall be established according to the extent each project is intended to remove, mitigate, or prevent adverse effects on surface or ground water quality and public health. Advanced waste treatment facilities or portions thereof which are required for discharge to surface waters or ground water protection or protection of public health, which are required by the department, and which are determined to be ineligible for federal funding are eligible for supplemental state funding under this act.

History.—s. 9, ch. 70-251; s. 1, ch. 70-439; s. 52, ch. 83-310.

403.1832 Department to accept federal aid.—The department is designated as the administrative agency of the state to apply for and accept any funds or other aid and to cooperate and enter into contracts and agreements with the Federal Government relating to the planning, design, construction, operation, maintenance, and enforcement activities of the program to provide clean water and pollution abatement of the waters of the state or to any other related purpose which the Congress of the United States has authorized or may authorize. The department is authorized in the name of the state to make such applications, sign such documents, give such assurances, and do such other things as are nec-



Florida Department of Environmental Regulation

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

Lawton Chiles, Governor

Carol M. Browner, Secretary

March 15, 1991

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Bruce P. Miller, Chief
Air Programs Branch
Air, Pesticides, & Toxics Mgmt. Division
U.S. EPA - Region IV
345 Courtland Street, NE
Atlanta, Georgia 30365

Dear Mr. Miller:

Re: Seminole Kraft Corporation Variance - SIP Variance
No. 3 Lime Slaker

Enclosed, please find the Department's response to your comments received January 18, 1991, regarding the SIP revision package for the above referenced corporation and source. We hope that this response will satisfy your needs for further processing.

If there are any questions, please call Messrs. Tom Rogers or Bruce Mitchell at (904)488-1344 or write to me at the above address.

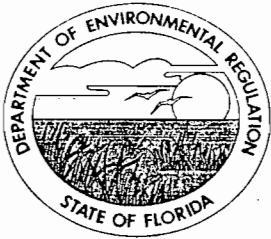
Sincerely,

C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CHF/BM/t

enclosures

cc: A. Kutyna, NE District
T. Rogers
B. Mitchell
R. Weber



Florida Department of Environmental Regulation

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

Lawton Chiles, Governor

Carol M. Browner, Secretary

March 15, 1991

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Bruce P. Miller, Chief
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Air, Pesticides, & Toxics Mgmt. Division
U.S. EPA - Region IV
345 Courtland Street, NE
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C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CHF/BM/t

enclosures

cc: A. Kutyna, NE District
T. Rogers
B. Mitchell
R. Weber



Florida Department of Environmental Regulation

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

Lawton Chiles, Governor

Carol M. Browner, Secretary

February 7, 1991

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Bruce P. Miller, Chief
Air Programs Branch
Air, Pesticides, & Toxics Management Division
U.S. EPA, Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30365

Dear Mr. Miller:

Re: Seminole Kraft Corporation Variance - SIP Revision
No. 3 Lime Slaker

The Department has reviewed your letter received January 18, 1991, regarding the recently submitted SIP revision package for the above referenced corporation and source. It is our intent to provide you with the additional information that was deemed incomplete, and within the time frame specified.

If there are any questions, please call Messrs. Tom Rogers or Bruce Mitchell at 904-488-1344 or write to me at the above address.

Sincerely,

C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CHF/BM/plm

c: A. Kutyna, NE Dist.
T. Rogers
B. Mitchell ✓
R. Weber

Department of Environmental Regulation
Routing and Transmittal Slip

SECTION AGENCY

To: (Name, Office, Location)

1.	Clair AI #: DARM 075
2.	Due: 1-24-91
3.	
4.	

RECEIVED

JAN 18 1991

DER-BAQM

Remarks:

Per Edm's request, draft reply for his signature

rec'd 1-22-91 p.m. via CHF RR

cc'd:

Tom Rogers
 Ray Weber
 original - made file } 1-22-91 p.m. RR

Terry Cole 2-13-91 RR (runner pick-up)

From: Judy	Date 1-22-91
	Phone

time slaker at Seminole
 facility which was submitted
 tion Plan (SIP). An
 ance limit on ambient air
 formed by the Florida
 using the screening model
 to show compliance with
 Air Quality Standard
 are as follows:

analysis is an
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 to demonstrate compliance
 the "Guideline on Air
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 be used when estimating
 This insures that the
 adequately represented in
 s only uses one year of
 ata.

127, 500, 100 and 1500
 that an adequate number of
 : concentration that would
 NAAQS. The documentation
 with respect to the
 or at 381 meters
 outside of the plant's
 in the submittal.

Concentrations located inside the plant boundary may be excluded from the assessment provided that the general public is precluded from having access to the property by a fence or other physical barriers.

3. The stack height modeled was 22.86 meters which is less than the de minimis GEP stack height of 65 meters. Were there any nearby buildings that would contribute to downwash problems? If so, the building dimensions should be included in the modeling for downwash.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

JAN 16 1991

4APT/APB

Mr. Steve Smallwood, P.E., Director
Air Resources Management Division
Florida Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RECEIVED

JAN 18 1991

DER-BAQM

Dear Mr. Smallwood:

We have reviewed the variance for the No. 3 lime slaker at Seminole Kraft Corporation's Jacksonville, Florida, facility which was submitted as a revision to the Florida State Implementation Plan (SIP). An evaluation of the effect of allowing the variance limit on ambient air quality in the vicinity of the plant was performed by the Florida Department of Environmental Regulation (DER) using the screening model ISCST. Our review of this modeling analysis to show compliance with the particulate matter (PM) National Ambient Air Quality Standard (NAAQS) shows it is incomplete. Our comments are as follows:

1. The ISCST dispersion model used in the analysis is an appropriate model for refined modeling for SIP regulatory purposes. However, when modeling is used to demonstrate compliance with the PM ambient air quality standard, the "Guideline on Air Quality Models (Revised)" requires that five years of representative meteorological data should be used when estimating concentrations with an air quality model. This insures that the worst-case meteorological conditions are adequately represented in the model results. The submitted analysis only uses one year of National Weather Service meteorological data.
2. The receptor sites used were at 381, 427, 500, 100 and 1500 meters. It was not clearly demonstrated that an adequate number of receptors was used to estimate the highest concentration that would contribute to a possible violation of the NAAQS. The documentation did not address ambient air concentrations with respect to the plant boundary. I assume that the receptor at 381 meters represents the ambient air concentrations outside of the plant's boundary. This should be clearly stated in the submittal. Concentrations located inside the plant boundary may be excluded from the assessment provided that the general public is precluded from having access to the property by a fence or other physical barriers.
3. The stack height modeled was 22.86 meters which is less than the de minimis GEP stack height of 65 meters. Were there any nearby buildings that would contribute to downwash problems? If so, the building dimensions should be included in the modeling for downwash.

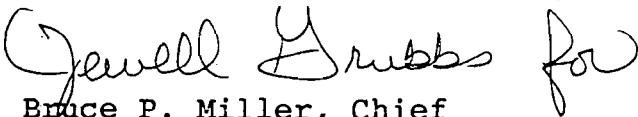
4. Background sources and the background concentrations should also be included in the modeling demonstration. This is necessary to determine whether or not the increase in emissions from the emissions limit relaxation will not adversely affect the attainment status of the area for PM.

5. The submitted analysis modeled the net increased emission rate (.117 g/s) of the #3 unit of the Lime Slaker and compared the predicted concentrations to the significant impact thresholds of 1 ug/m³ (annual) and 5 ug/m³ (24-hour) to demonstrate compliance for the temporary variance. This procedure is fine for PSD applications but not for SIP revisions. The Seminole Kraft facility is not a PSD source for PM. Considering the emissions for the #3 unit is only a portion of the plant's PM emissions. The cumulative emissions from all of the PM sources in the plant should be considered. The maximum allowable emissions for the subject source and all background sources should be modeled. All PM sources at the Seminole Kraft facility should be modeled to adequately assess NAAQS compliance.

In conclusion, the SIP revision is not approvable in its present form. The following three options are available to the State at this time: withdraw the SIP package within two weeks; submit the corrected modeling, within 60 days that will demonstrate compliance with the PM NAAQS; or let EPA formally disapprove the package.

If you have any questions, please do not hesitate to call Carol Kemker of my staff at (404) 347-2864.

Sincerely yours,



Bruce P. Miller, Chief
Air Programs Branch
Air, Pesticides, & Toxics
Management Division

cc: Clair H. Fancy
James L. Manning

February 7, 1991

J. H. [unclear]
[unclear]

CM-RR2

BEST AVAILABLE COPY

Mr. Bruce P. Miller, Chief
Air Programs Branch
Air, Pesticides, & Toxics
Management Division
U.S. EPA, Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30305

To: PM
2-6-91
2:45 PM
[initials]

Dear Mr. Miller:

Re: Seminole Kraft Corporation Variance - SIP Revision
No. 3 Lime Slaker

The Department has reviewed your letter received January 18, 1991, regarding the recently submitted SIP revision package for the above referenced corporation and source. It is our intent to provide ^{you with} the additional information that was deemed incomplete and within the time frame specified.

If there are any questions, please call Messrs. ^{Tom Rogers or} Bruce Mitchell at (904) 488-1344 or write to me at the above address.

Sincerely,

C. H. Fancy

Chief

Bureau of Air Regulation

cc: A. Kutyna, NE District

T. Rogers
B. Mitchell
R. Weber

STATE OF FLORIDA
STATE AIR IMPLEMENTATION PLAN
SEMINOLE KRAFT CORPORATION
VARIANCE

ADOPTED AUGUST 15, 1990

Bruce file or
for file or
if duplicate, recycle.
You did an excellent
job on this project
Clan



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 18, 1990

Mr. Greer C. Tidwell
Regional Administrator
United States Environmental
Protection Agency
Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30365

Dear Mr. Tidwell:

The attached revision to Florida's State Air Implementation Plan (SIP) is submitted for your approval pursuant to 40 CFR 51.102, and 40 CFR 51.104. The revision amends the state air implementation plan to include the Seminole Kraft Corporation variance. The revision was subject to a duly noticed public hearing held June 26, 1990 at the City of Jacksonville's, Bio-Environmental Services Division conference rooms A & B, 421 West Church Street, Jacksonville, Florida.

I certify that the public notice and hearing requirements of all applicable state and federal regulations have been satisfied. A copy of the certification of publication is included with the revision.

We respectfully request your approval of this revision to the State Air Implementation Plan pursuant to the Clean Air Act as amended, 42 USC 1856 et seq.

Sincerely,

Dale Twachtmann
Secretary

DT/ht

Enclosure



SIP REVISION FOR THE SEMINOLE KRAFT CORPORATION
DUVAL COUNTY, FLORIDA, VARIANCE

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COMPARATIVE APPRAISAL

A. Introduction and History:

Pursuant to Florida Administrative Code (F.A.C.) Rule 17-2.650(c)(12), no owner or operator of a miscellaneous manufacturing process operation shall cause, permit, or allow emissions of particulate matter (PM) in excess of 0.03 gr/dscf, or any visible emissions greater than 5 percent opacity; however, these limits may be exceeded if the associated control system has an actual PM collection efficiency of at least 98%, which is to be determined by conducting compliance tests at the inlet and outlet ducts using EPA Method 5 (which references EPA Methods 1-3) in accordance with F.A.C Rule 17-2.700, Table 1.

The source of concern is Seminole Kraft Corporation's No. 3 lime slaker and its associated control system. Because of constraints at the inlet duct work between the lime slaker and its associated control system, the requirements of EPA Method 1 could not be satisfied and, therefore, neither could the requirements of EPA Method 5. Consequently, the actual collection efficiency could not be determined using the required test methods without making physical modifications to the control system duct work that vents the emissions from the source to the control device. Absence the test demonstration of achieving 98% collection efficiency, the PM emission limiting standard automatically defaulted to 0.03 gr/dscf (0.07 lb/hr) instead of the company requested limit of 3.2 lbs/hr, which was based on the assumption of having an actual efficiency of at least 98%.

Through negotiations and in accordance with the Stipulation of Settlement (OGC File No. 89-0022) signed February 15, 1990, Seminole Kraft Corporation submitted a request for a variance (OGC File No. 90-0701) to resolve this issue on February 22, 1990, pursuant to Chapter 403, Florida Statutes.

Based on current PM test results, the existing control system cannot meet the PM emission limiting standard of 0.03 gr/dscf. Estimated expenditures of \$35,500 are needed just to modify the existing inlet duct work section of the control system so that an EPA Method 5 could be performed in order to establish an actual efficiency, not to meet the grain loading limit, which could require additional expenditures. The Department does not feel that it is appropriate to require this expense in lieu of granting the proposed variance level of 1.0 lb/hr for several reasons, including the fact that the U.S. EPA Region IV and the Duval County's Bio-Environmental Services Division have indicated that they would not oppose an even higher limit if the 98% efficiency was demonstrated. For additional information on this, see Exhibit II - Summary of Public Hearing.

Based on recent test results, the company has shown that the existing emission control system is capable of maintaining compliance with the 5% opacity visible emissions standard.

An evaluation of the effect of allowing the variance limit on ambient air quality in the vicinity of the plant was performed by the Department using an approved EPA screening model, the ISCST. The results demonstrate that the proposed variance's PM emission limit of 1.0 lb/hr (4.38 TPY) would not cause or contribute to a violation of the PM ambient air quality standard.

The existing facility's allowable/permitted emissions of PM are 1824 TPY (1988 APIS) and the actual existing facility's reported PM emissions are 942 TPY (1988 AOR: APIS). A weighted comparison of these numbers with the corresponding proposed variance's allowable limit (4.38 TPY) and the source's actual emissions (test result: 1.36 TPY) results in 0.2% (4.38 vs 1824) and 0.1% (1.36 vs 942), respectively.

B. Action Taken:

A State Implementation Plan rule change requires a public notice period of 30 days and a public hearing. The public notice was placed in the Florida Times-Union of Jacksonville, Florida, on May 23, 1990, and in the Florida Administrative Weekly on May 25, 1990. The public hearing was held in Jacksonville, Florida, in the A and B Conference Rooms of the Duval County's Bio-Environmental Services Division (BESD) on June 26, 1990.

Comments were submitted regarding the Department's proposed action. The Department addressed these comments in the Final Determination. The variance was approved and signed by Mr. John Shearer, Assistant Secretary of the Department of Environmental Regulation, on August 15, 1990.

RESPONSE TO 40 CFR 51 REQUIREMENTS

Subject: Amendment to the Florida State Air Implementation Plan to Include the Seminole Kraft Corporation Variance, Duval County, Florida.

- A. This amendment was subject to a public hearing before the Florida Department of Environmental Regulation at the City of Jacksonville's, Bio-Environmental Services conference rooms A & B, 421 West Church Street, Jacksonville, Florida on June 26, 1990.
- B. Copies of the public notice, which was advertised prior to the hearing, are attached with the certification of publication. The public notice was prominently advertised in a newspaper of general circulation in the affected air quality control region thirty days prior to the hearing.
- C. The Region IV Office of EPA was notified 30 days in advance of the hearing and provided with a copy of the proposed variance to be adopted.
- D. The DER's Northeast District Office was notified 30 days in advance of the hearing and provided with a copy of the proposed variance and supporting information.
- E. The Duval County's Bio-Environmental Services Division was notified 30 days in advance of the hearing and provided with a copy of the proposed variance and supporting information.
- F. At the hearing, the Department provided an additional supporting document, which was a run of an approved EPA screening model, the ISCST. The results demonstrated that the proposed variance would not adversely affect the maintenance of the ambient air quality standard.

G. Transmittal of this material is intended to satisfy the plan submittal requirements in 40 CFR 51. The subject amendment to the Florida State Air Implementation Plan was approved by the Florida Department of Environmental Regulation on August 15, 1990.

H. Certification is included in the letter of transmittal.

EXHIBIT I.
REVISION TO BE INCORPORATED INTO THE SIP:
Variance as adopted



Florida Department of Environmental Regulation

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

Bob Martinez, Governor

Dale Twachtman, Secretary

John Shearer, Assistant Secretary

August 8, 1990

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. L. A. Stanley
General Manager
Seminole Kraft Corporation
9469 Eastport Road
Jacksonville, Florida 32218

Dear Mr. Stanley:

Re: Grant of Variance
OGC File No. 90-0701
No. 3 Lime Slaker

The Department has reviewed and processed the variance request for the above referenced source. The Department is in agreement with the request and the variance is hereby granted, subject to the following conditions:

- 1) The appropriate conditions of the construction permit (AC 16-144791) and the operating permit (AO 16-155275) shall be amended to reflect:
 - a. The No. 3 lime slaker's maximum allowable PM emissions shall not exceed 1.0 lbs/hr, 4.38 TPY. Annual compliance tests shall be conducted using EPA Reference Method 5 in accordance with 40 CFR 60, Appendix A, and Rule 17-2.700, Table 1, F.A.C.
 - b. The No. 3 lime slaker's maximum visible emissions shall not exceed 5% opacity (\leq 5% opacity). Annual compliance tests shall be conducted using EPA Reference Method 9 in accordance with 40 CFR 60, Appendix A, and Rule 17-2.700, Table 1, F.A.C.
- 2) This variance shall be issued for a 24 month time period calculated from the date this variance is executed.
- 3) The Department shall be notified every 6 months on the status of the conversion to 100% recycled fiber, and shall be notified in writing of the date of any source shut-down, along with the affected Departmental permit(s).

Mr. L. A. Stanley
Page Two
August 8, 1990

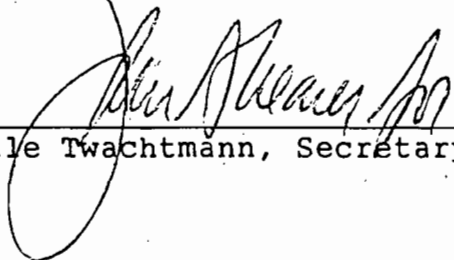
- 4) Exhibits 1-23, attached, are incorporated by reference in this Variance.

Any party to this Variance has the right to seek judicial review of the Variance pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; 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 of Appeal must be filed within 30 days from the date this Variance is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

Issued this 15th day
of August, 1990

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


Dale Twachtmann, Secretary

DT/kt

Attachment

Copies furnished to:

- S. Smallwood, DER
- C. Fancy, DER
- B. Congdon, Esq., DER
- C. Shaver, NPS
- A. Kutyna, DER
- R. Roberson, BESD
- B. Miller, EPA

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this NOTICE OF VARIANCE and all copies were mailed before the close of buisness on 8-16-90.

FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to
§120.52(9), Florida Statutes, with
the designated Department Clerk,
receipt of which is hereby
acknowledged.

Kern J. Ober
Clerk

8-16-90
Date

Attachment

EXHIBITS

1. Cost of upgrading the existing system dated December 4, 1989.
2. Stipulation of Settlement dated February 15, 1990.
3. Application for Variance received February 22, 1990.
4. Mr. C. H. Fancy's letters dated March 7, 1990.
5. Mr. Robert S. Pace's letter dated March 16, 1990 and received March 19, 1990.
6. Department's request to publish the Notice of Intent in the May 25, 1990, issue of the Florida Administrative Weekly (F.A.W.).
7. Distribution cover letters associated with the Intent to Issue variance package.
8. May 25, 1990, F.A.W. notice issue.
9. Mr. T. G. Tomasello's letter dated May 30, 1990, and received May 31, 1990.
10. The Public Notice of the Intent to Issue in the May 23, 1990 issue of the Florida Times-Union received June 4, 1990.
11. Mr. R. L. Maguire's letter dated June 8 and received June 11, 1990.
12. Mr. T. Cole's letter dated June 8 and received June 11, 1990.
13. Mr. L. A. Stanley's letter dated June 14, 1990, and received June 18, 1990.
14. Mr. B. P. Miller's letter received via FAX on June 19, 1990.
15. Mr. T. Roger's memo with an associated model print-out dated June 22, 1990.
16. The Department's Intent to Grant Variance package that was placed on public notice and subjected to a public hearing.
17. Mr. Terry Cole's letter dated and received May 21, 1990.
18. June 26, 1990 Public Hearing Agenda.
19. June 26, 1990 Public Hearing Attendee List.
20. Mr. Robert S. Pace's letter dated March 16, 1990, and received June 26, 1990.
21. Mr. John Brown's Interoffice Memorandum dated September 8, 1989, and submitted by Mr. Pace on June 26, 1990.
22. Mr. Ferrari's letter dated June 25, 1990, and submitted by Mr. Pace on June 26, 1990.
23. BESD stack test review for SKC's No. 3 lime slaker submitted by Mr. Pace on June 26, 1990.
24. Final Determination dated August 8, 1990.

Exhibit 1.

Modifications to Slaker/Scrubber

12/04/89

	Labor	Material	Equipment	Total
I. Demolition				
A. Piping	\$3,000			\$3,000
1. Cut and Remove 10' of 12" exhaust stack				
2. Remove 10" drain line at Scrubber				
B. Scrubber	\$1,000			\$1,000
1. Remove				
II. Installation				
A. Piping	\$6,000	\$5,000		\$11,000
1. Raise and weld 12" exhaust stack from Scrubber				
2. Fabricate and install 10' of 36" stainless steel line from Scrubber to Slaker				
3. Fabricate and install 10' of 10" drain line from Scrubber				
4. Fabricate and install new water header				
B. 15" Fan (Industrial Air Inc.)	\$2,000	\$500	\$3,500	\$6,000
1. Duct miser				
a. Model No. 041f015NQ				
C. Scrubber	\$2,000	\$1,500		\$3,500
1. Structural supports and ladders	\$3,000	\$3,000		\$6,000
III. Electrical	\$3,000	\$2,000		\$5,000
Total	\$20,000	\$12,000	\$3,500	\$35,500

Exhibit 2

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

FEB 15 1990

Dept. of Environmental Reg.
Office of General Counsel

SEMINOLE KRAFT CORPORATION,)
)
Petitioner,)
)
vs.)
)
STATE OF FLORIDA, DEPARTMENT)
OF ENVIRONMENTAL REGULATION)
)
Respondent.)
_____)

DOAH Case No. 89-5133
OGC Case No. 89-0022

STIPULATION OF SETTLEMENT

Petitioner, Seminole Kraft Corporation, and Respondent, the State of Florida Department of Environmental Regulation, by and through their undersigned attorneys, hereby stipulate and agree as follows:

1. On February 8, 1990, Petitioner's Attorney filed a Notice of Dismissal concerning Paragraph 4(c) of it's Petition for Formal Administrative Proceedings. Petitioner agrees not to raise the issues encompassed in Paragraph 4(c) again in this proceeding.

2. The Department's regulations require the use of EPA Method 5, 40 CFR 60, Appendix A (July 1, 1988 version) or an alternative procedure approved by the Department pursuant to Rule 17-2.700(3), F.A.C., to make the actual efficiency demonstration required by Rule 17-2.650(2)(c)12, F.A.C.

3. Petitioner shall file a petition for variance, pursuant to Rule 17-103.100, F.A.C., within ten days of the date of this Stipulation. The petition for variance shall request a variance from Rule 17-2.650(2)(c)12, F.A.C.

4. The final hearing presently set for February 23, 1990, should be rescheduled to a date during the middle of the month of August, 1990, to allow the Department to determine the merits of the petition for variance referred to in paragraph 3 above and the merits of a pending Request for Alternative Procedure.

5. If the Department grants the request for alternative procedure and that determination becomes final, the Department shall amend Construction Permit No. AC16-144791 and then issue Operating Permit No. AO16-155275, substantially in the form of the draft permit which is the subject of the instant proceeding. Provided, however, Specific Condition 5 of the construction permit and Specific Condition 10 of the operation permit shall be amended as follows:

10a. Absent a 98% collection efficiency demonstration for particulate matter using EPA Method 5, 40 CFR 60, Appendix A (July 1, 1988 version) or an alternative methodology approved pursuant to Rule 17-2.700(3), F.A.C., particulate matter shall not exceed 0.03 gr/dscf (0.07 lb/hr; 0.32 TPY). Compliance shall be demonstrated using EPA Method 5, 40 CFR 60, Appendix A (July 1, 1988 version) or an alternative methodology approved pursuant to Rule 17-2.700(3), F.A.C. Visible emissions shall not exceed 5% opacity (no visible emissions) and compliance shall be demonstrated using EPA Method 9, 40 CFR-60, Appendix A (July 1, 1988 version).

10b. The maximum allowable emissions, after demonstrating an actual particulate matter collection efficiency of 98%, by EPA Method 5, 40 CFR 60, Appendix A (July 1, 1988 version) or an alternative methodology approved pursuant to Rule 17-2.700(3), F.A.C., shall be as follows:

<u>Pt. No.</u>	<u>Pollutant</u>	<u>lbs/hr</u>	<u>T/yr</u>	<u>Other</u>	<u>Opacity</u>
21	PM VE	1.0	4.38		≤ 5%

6. If the Department grants the request for a variance and that determination becomes final, the Department shall amend Construction Permit No. AC16-144791 and then issue Operating

Permit No. A016-155275, substantially in the form of the draft permit which is the subject of this proceeding. However, Specific Condition 5 of the construction permit and Specific Condition 10 of the operating permit shall be amended to read as follows:

<u>Pt. No.</u>	<u>Pollutant</u>	<u>lbs/hr</u>	<u>T/yr</u>	<u>Other</u>	<u>Opacity</u>
21	PM	1.0	4.38		
	VE				≤ 5%

7. Petitioner may continue to operate under construction permit AC16-144791 until the operating permit becomes final and the Department agrees not to bring any enforcement action against the Petitioner provided that the Petitioner complies with the emission limitations set forth in the construction permit.

8. In the event that the requested variance or requested alternative procedure is not granted and Petitioner files a Petition for Administrative Proceeding thereon, any such petitions should be consolidated with the instant case and heard at the final hearing to be set in August.

9. In the event that either the Variance or the Request for Alternative Procedure is granted by the Department, Petitioner shall dismiss the petition pending in this case and any pending petitions on the variance or the Request for Alternative Procedure.

DATED this 15th day of February, 1990.

Thomas G. Tomasello
THOMAS G. TOMASELLO, Esquire

W. H. Congdon
WILLIAM H. CONGDON
Assistant General Counsel

OERTEL, HOFFMAN,
FERNANDEZ & COLE, P.A.
ATTORNEYS AT LAW
Post Office Box 6507
Tallahassee, Florida 32314-6507

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to Mr. Terry Cole, Esquire, Oertel, Hoffman, Fernandez & Cole, P.A., Attorneys at Law, Post Office Box 6507, Tallahassee, Florida 32314-6507 by Hand Delivery, this 15th day of February, 1990.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

W. H. Congdon
WILLIAM H. CONGDON
Assistant General Counsel

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904)488-9730

201 Steve Pace - BEED
Ron Robertson - BEED
Andy Kutyna
CHF/JP/ST

2-15-90 RSW

Exhibit 3

OERTEL, HOFFMAN, FERNANDEZ & COLE, P. A.

ATTORNEYS AT LAW

M. CHRISTOPHER BRYANT
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C. ANTHONY CLEVELAND
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JOHN H. MILLICAN
ENVIRONMENTAL CONSULTANT
(NOT A MEMBER OF THE FLORIDA BAR)

J. P. SUBRAMANI, Ph.D., P. E.
ENVIRONMENTAL CONSULTANT
(NOT A MEMBER OF THE FLORIDA BAR)

February 22, 1990

Mr. Dale Twachtmann
Secretary
Department of Environmental
Regulation
2600 Blair Stone Road
Tallahassee, Florida 32301

RECEIVED

FEB 22 1990

DER-BAQM

Re: Variance Request: Lime Slaker No. 3

Dear Secretary Twachtmann:

Seminole Kraft Corporation, pursuant to Section 403.201, Florida Statutes, and Rule 17-103.100, Florida Administrative Code, files this application for a variance.

BACKGROUND

This application for a variance involves Seminole Kraft Corporation's No. 3 Lime Slaker at 9459 Eastport Road, Jacksonville, Florida. Seminole Kraft Corporation's address is Post Office Box 26998, Jacksonville, Florida. Lime Slaker No. 3 is subject to the emission limitations set out in Rule 17-2.650(2)(c)12, Florida Administrative Code, which prohibits emissions of particulate matter in excess of 0.03 gr/dscf, but allows this limitation to be exceeded if the pollution control device or system used "has an actual particulate matter collection efficiency of at least 98%."

Seminole Kraft Corporation installed Lime Slaker No. 3 including a Goslin 36" positive draft 304L stainless steel scrubber for particulate emissions control pursuant to DER Construction Permit No. AC16-144791. Lime Slaker No. 3 replaced Lime Slakers No. 1 and 2 which had particulate matter emissions of 140 TPY. The construction permit for Lime Slaker No. 3, however, only authorized particulate matter emissions of up to 3.2 lbs/hr. and 7.0 TPY. Such emissions exceed the 0.03 gr/dscf, but were based on Seminole Kraft Corporation using a pollution control device with a collection efficiency of at least 98%. The construction permit is attached as Attachment A.

However, the draft DER operation permit established maximum allowable emission limits for particulate matter of 0.22 lbs/hr. and < 1.0 TPY. See Attachment B. Seminole Kraft Corporation filed a petition for a formal administrative hearing challenging the more restrictive limitations in the operation permit. However, Seminole Kraft Corporation has actively negotiated with DER since issuance of the draft operation permit to resolve the emission limits without a formal administrative hearing. If this variance request is granted, the need for an administrative hearing is eliminated. This variance request seeks relief from the DER requirement that compliance with the 98% removal efficiency must be demonstrated with EPA Method 5.

VARIANCE REQUEST

This variance request addresses each subparagraph of Rule 17-103.100(1)(a) through (g) as follows:

Subparagraph (a)

The statute or rule from which a variance is sought.

Response

Rule 17-2.650(2)(c)12, Florida Administrative Code. Seminole Kraft Corporation is seeking a variance from DER's requirement that the particulate matter collection efficiency set forth in Rule 17-2.650(2)(c)(12), Florida Administrative Code, be demonstrated by EPA Method 5.

Subparagraph (b)

The facts which show that a variance should be granted because of one of the reasons set forth in Section 403.201, Florida Statutes.

Response

Since the particulate emissions from Seminole Kraft Corporation's Lime Slaker No. 3 exceed 0.03 gr/dscf, Seminole Kraft Corporation must demonstrate that the Goslin 36" scrubber it has installed on Lime Slaker No. 3 pursuant to DER Construction Permit No. AC 16-144791, has an actual particulate matter collection efficiency of at least 98%. See Rule 17-2.650(2)(c)12.b., Florida Administrative Code.

Mr. Dale Twachtmann
February 22, 1990
Page 3

Because of the manner in which the Goslin 36" scrubber was installed and its operation characteristics, Seminole Kraft Corporation is unable to show that the scrubber has an actual particulate matter collection efficiency of at least 98 percent using EPA Method No. 5. Specifically, Seminole Kraft Corporation is unable to locate the sampling port on the lime slaker side of the scrubber at least 2 stack diameters from any constriction or other flow disturbance as called for in Rule 17-2.700(4)(c)1.c., Florida Administrative Code.

On December 15, 1989, Seminole Kraft Corporation submitted a request to DER for approval of an alternative source emission test procedure or methodology for its Lime Slaker No. 3 pursuant to Rule 17-2.700(3), Florida Administrative Code. That request is incorporated by reference into this variance request and is attached as Attachment C. In the December 15, 1989 request, Seminole Kraft Corporation indicated that the cost of attempting to comply with EPA method 5 for the sampling port on the lime slaker side of the control equipment would be substantial, i.e., approximately \$35,500. Such an expenditure is unnecessary because, as Seminole Kraft Corporation demonstrated in its December 15, 1989 request, the actual scrubber efficiency exceeds 98%. This demonstration was based on a mass balance methodology developed and implemented by Seminole Kraft Corporation.

Furthermore, the manufacturer of the Goslin 36" scrubber is not certain that if the current installation of the scrubber were modified to accommodate EPA Method 5, the scrubber would perform satisfactorily. See Attachment C. Thus, the \$35,500 expenditure might not serve any useful purpose.

Moreover, modifying the pollution control equipment merely to comply with the technical requirements of EPA Method 5 will not reduce the emissions from Lime Slaker No. 3. Put another way, Seminole Kraft Corporation is not seeking relief from an emission limit or standard; instead it is seeking a variance from the method of demonstrating compliance with an emission limit. In any case, Seminole Kraft Corporation submits that the control technology it has installed is achieving an actual particulate matter collection efficiency of at least 98%.

The only other alternative would be for Seminole Kraft Corporation to remove the Goslin 36" scrubber and install new pollution control equipment. Such an alternative would be significantly more costly than modifying the installation of the Goslin 36" scrubber.

Finally, as noted below, Seminole Kraft Corporation plans to shut down Lime Slaker No. 3 by November 12, 1992.

Mr. Dale Twachtman
February 22, 1990
Page 4

In view of the above, Seminole Kraft Corporation is entitled to a variance under Section 403.201(1)(c), Florida Statutes, because granting such a variance would relieve or prevent a hardship, specifically the unnecessary expenditure of a substantial amount of money to demonstrate compliance using EPA Method 5 with an emission limitation that Seminole Kraft Corporation has already demonstrated it is meeting, and because the imposition of EPA Method 5 will not reduce emissions from Lime Slaker No. 3.

Subparagraph (c)

The period of time for which the variance is sought, including the reasons and facts in support of the time period.

Response

Seminole Kraft Corporation plans to convert to 100% recycled fiber operation by November 12, 1992 to comply with DER's TRS rule. Accordingly, Lime Slaker No. 3 will be shut down no later than November 12, 1992.

Seminole Kraft Corporation restates the justification set forth above in response to subparagraph (b). Specifically, if the variance is granted, such approval will not increase the emissions from the lime slaker. Moreover, the test methodology used by Seminole Kraft Corporation demonstrates that emissions from the lime slaker comply with the removal efficiency established in DER rules.

Subparagraph (d)

The requirements which the Petitioner can meet, including the date or time when the requirements will be met.

Response

Seminole Kraft Corporation is meeting the requirement that its scrubber has an actual collection efficiency of at least 98%, and thus is complying with the emission limitations of DER's rules. However, based on how its pollution control equipment has been installed, Seminole Kraft Corporation cannot place a sampling port between the lime slaker and the scrubber in compliance with Rule 17-2.700(4)(c)1.c., Florida Administrative Code. Seminole Kraft Corporation can, however, demonstrate compliance through the mass balance test methodology it proposed in its December 15, 1989 request for approval of an alternative test methodology.

Mr. Dale Twachtmann
February 22, 1990
Page 5

Subparagraph (e)

The steps or measures the Petitioner is taking to meet the requirements from which the variance is sought.

Response

Seminole Kraft Corporation can and has demonstrated compliance with the 98% efficiency requirement by utilizing a mass balance test methodology. See Attachment C.

Subparagraph (f) and (g)

The social, economic and environmental impacts on the applicant, residents of the area and of the state if the variance is granted or denied.

Response

This variance request will not have any social or environmental impact on the residents of the area or the state because approval of the variance will not increase air emissions from Lime Slaker No. 3. Moreover, granting the variance does not mean that Seminole Kraft Corporation will be operating Lime Slaker No. 3 in excess of the particulate matter limitations set forth in DER's rules. Indeed, according to its mass balance test methodology, Seminole Kraft Corporation is meeting or exceeding the required removal efficiency for particulate matter.

On the other hand, if this variance request is not granted, it will have a significant economic impact on Seminole Kraft Corporation due to the approximate \$35,500 it would have to spend to make modifications to the installation of the scrubber in order to provide for a test port between the slaker and the scrubber in accordance with EPA Method 5. The costs of compliance would be substantially greater were Seminole Kraft Corporation required to install new pollution control equipment. Furthermore, the changes that would have to be made to accommodate EPA Method 5 may impede the performance of the scrubber with the unwanted effect of increasing the emissions of particulate matter from the existing scrubber.

Mr. Dale Twachtmann
February 22, 1990
Page 6

Conclusion

In view of the above, Seminole Kraft Corporation submits that it is entitled to a variance under Section 403.201, Florida Statutes, and Rule 17-103.100, Florida Administrative Code.

Respectfully submitted,



Thomas G. Tomasello
Attorney for Seminole Kraft
Corporation

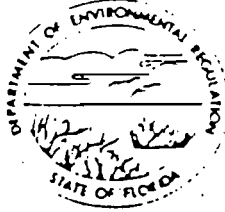
TGT/dg/1003

Attachment

xc: Mr. Larry Stanley
Mr. Mike Riddle
Mr. Curt Barton
Mr. Steve Smallwood
Mr. William H. Congdon

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

TWIN TOWERS OFFICE BUILDING
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32395-2400



ECB MARTINEZ
GOVERNOR
DALE TWACHTMANN
SECRETARY

PERMITTEE: Seminole Kraft Corporation
P. O. Box 26998
Jacksonville, FL 32210

Permit Number: AC 16-144791
Expiration Date: December 1, 1988
County: Duval
Latitude/Longitude: 30° 25' 15"N
81° 36' 00"W
Project: Lime Slaker with
a Scrubber

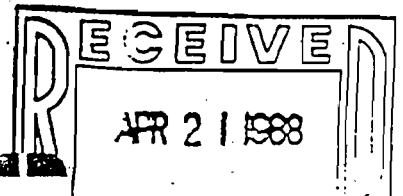
This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule(s) 17-2 and 17-4. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

For the construction of a lime slaker with a scrubber. This unit will be located at the Seminole Kraft Corporation facility in Jacksonville, Duval County, Florida. The UTM coordinates of this site are Zone 17, 441.75 East and 3365.60 North.

Construction will be in accordance with the permit application, plans, documents, and reference materials submitted unless otherwise stated in the General and Specific Conditions.

Attachments

1. Application to Construct Air Pollution Sources, DER Form 17-1.122(16) dated February 2, 1988.



ATTACHMENT A

PERMITTEE:
Seminole Kraft Corp.

Permit Number: AC 16-14-791
Expiration Date: December 1, 1988

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the permittee and enforceable pursuant to the authority of Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is hereby placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of the "Permit Conditions" by the permittee, its agents, employees, servants or representatives.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit does not constitute a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.

4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgement of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life or property and penalties therefore caused by the construction or operation of this permitted source, nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

PERMITTEE:
Seminole Kraft Corp.

Permit Number: AC 16-144791
Expiration Date: December 1, 1968

GENERAL CONDITIONS:

6. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:

- a. Having access to and copying any records that must be kept under the conditions of the permit;
- b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and
- c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately notify and provide the Department with the following information:

- a. a description of and cause of non-compliance; and
- b. the period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

PERMITTEE:
Seminole Kraft Corp.

Permit Number: AC 16-144791
Expiration Date: December 1, 1988

GENERAL CONDITIONS:

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the Department, may be used by the Department as evidence in any enforcement case arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.73 and 403.111, Florida Statutes.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

11. This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 17-4.12 and 17-30.30, as applicable. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department.

12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction or operation.

13. This permit also constitutes:

- () Determination of Best Available Control Technology (BACT)
- () Determination of Prevention of Significant Deterioration (PSD)
- () Compliance with New Source Performance Standards

14. The permittee shall comply with the following monitoring and record keeping requirements:

- a. Upon request, the permittee shall furnish all records and plans required under Department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the Department, during the course of any unrescinded enforcement action.

PERMITTEE:
Seminole Kraft Corp.

Permit Number: AC 16-144791
Expiration Date: December 1, 1988

GENERAL CONDITIONS:

- b. The permittee shall retain at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rule.
- c. Records of monitoring information shall include:
- the date, exact place, and time of sampling or measurements;
 - the person responsible for performing the sampling or measurements;
 - the date(s) analyses were performed;
 - the person responsible for performing the analyses;
 - the analytical techniques or methods used; and
 - the results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be submitted or corrected promptly.

SPECIFIC CONDITIONS:

1. This source shall be allowed to operate continuously (8760 hours/year).

PERMITTEE:
Seminole Kraft Corp.

Permit Number: AC 16-144791
Expiration Date: December 1, 1988

SPECIFIC CONDITIONS:

2. In accordance with FAC Rule 17-2.610(3), Unconfined Emissions of PM, reasonable precautions to control emissions of unconfined PM may include, but shall not be limited to the following:

- a) Reduced speeds for vehicular traffic.
- b) Use of liquid resinous adhesives or other liquid dust suppressants or wetting agents.
- c) Use of paving or other asphaltic materials.
- d) Removal of particulate matter from paved roads and/or other paved areas by vacuum cleaning or otherwise by wetting prior to sweeping.
- e) Covering of trucks, trailers, front end loaders, and other vehicles or containers to prevent spillage of particulate matter during transport.
- f) Use of mulch, hydroseeding, grassing and/or other vegetative ground cover on barren areas to prevent or reduce windblown particulate matter.
- g) Use of hoods, fans, filters, and similar equipment to contain, capture, and vent particulate matter.
- h) Enclosure or covering of conveyor systems.

3. In accordance with FAC Rule 17-2.620(2), no person shall cause, suffer, allow, or permit the discharge of air pollutants which cause or contribute to an objectionable odor.

4. In accordance with FAC Rule 17-2.240, Circumvention, no person shall circumvent any air pollution control device or allow the emissions or air pollutants without the applicable pollution control device operating properly.

PERMITTEE:
Seminole Kraft Corp.

Permit Number: AC 16-144791
Expiration Date: December 1, 1988

SPECIFIC CONDITIONS:

5. A scrubber system shall be installed to control pollutant emissions from the lime slaker. Particulate matter (PM) emissions shall not exceed 3.2 lb/hr and 7 TPY. Visible emissions shall be limited to no more than the average opacity level achieved during the initial compliance test, which establishes compliance with the standard, plus 5% opacity. Compliance tests for PM shall be demonstrated using EPA Methods 1, 2, 3, 5, and 9, in accordance with 40 CFR 60, Appendix A, and FAC Rule 17-2.700. The test facilities for the lime slaker shall comply with all applicable provisions of FAC Rule 17-2.700(4)(c). Sampling ports shall be located pursuant to FAC Rule 17-2.700(4)(c)l.c.i. Compliance tests shall be demonstrated while operating at 90-100% of the maximum permitted rate. The Duval County Bio-Environmental Services Division (BESD) office shall be notified 15 days prior to testing.

6. Visible emissions and particulate emissions tests shall run concurrently.

7. A pressure meter shall be installed on the scrubber system for the lime slaker to measure the scrubbing liquid supply pressure. The pressure sensor or tap shall be located close to the scrubber liquid discharge point. The monitoring device is to be certified by the manufacturer to be accurate within ± 15 percent of design scrubbing liquid supply pressure.

8. The lime slaker is subject to the provisions of FAC Rule 17-2.250, Excess Emissions.

9. The construction shall reasonably conform to the plans and schedule submitted in the application. If the applicant is unable to complete construction on schedule, he must notify the Department in writing 60 days prior to the expiration of the construction permit and submit a new schedule and request for an extension of the construction permit (FAC Rule 17-4.09).

To obtain a permit to operate, the applicant must demonstrate compliance with the conditions of the construction permit and submit a complete application for an operating permit, including the application fee, along with test results and Certificate of Completion, to the Duval County Department of Health, Welfare & Bio-Environmental Services (BESD) office 90 days prior to the expiration date of the construction permit. The permittee may continue to operate in compliance with all terms of the construction permit until its expiration date. Operation beyond the construction permit expiration date requires a valid permit to operate (FAC Rules 17-4.22 and 17-4.23).

PERMITTEE:
Seminole Kraft Corp.

Permit Number: AC 16-144791
Expiration Date: December 1, 1988

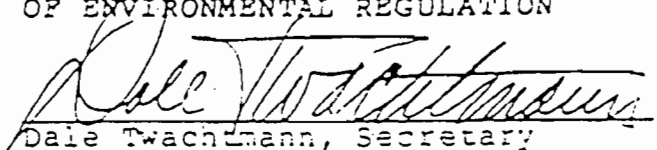
SPECIFIC CONDITIONS:

If the construction permit expires prior to the applicant requesting an extension or filing an application for a permit to operate, then all activities at the project must cease and the applicant must apply for a new permit to construct which can take up to 90 days to process a complete application (FAC Rule 17-4.10).

10. Upon obtaining a permit to operate, the permittee will be required to submit annual reports on the actual operation and emissions of this source. Annual reports shall be sent to Duval County Bio-Environmental Services Division (BESD).

Issued this 20 day of April,
1988

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


Dale Twachtman, Secretary



Florida Department of Environmental Regulation

Northeast District • 3426 Bills Road • Jacksonville, Florida 32207 • 904-798-4200

Bob Martinez, Governor

Dale Twachtman, Secretary

John Shearer, Assistant Secretary
Ernest Gray, Deputy Assistant Secretary

Permittee:	I.D. Number:	31-16-0067-21
Seminole Kraft Corporation	Permit/Certification Number:	AO16-155275
Post Office Box 26998	Date of Issue:	December 20, 1988
Jacksonville, Florida 32218	Expiration Date:	November 30, 1993
	County:	Duval
	Latitude/Longitude:	30:25:15/81:36:00
	UTM:	E-7441.75 N-3365.60
	Project:	No. 3 Lime Slaker

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rules 17-2 and 17-4. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the department and made a part hereof and specifically described as follows:

For the operation of a lime slaker with a scrubber

Particulate Matter (PM) emissions shall be controlled as follows:

<u>Source</u>	<u>Control Equipment</u>
No. 3 Lime Slaker	Goslin Birmingham No. 36 Posidraft Slake Scrubber

Emission source(s) shall be as follows:

<u>Point</u>	<u>Source</u>
21	No. 3 Lime Slaker

Located at 9469 Eastport Road, Jacksonville, Florida 32218

Supporting documents shall be as follows:

- (1) Permit Application dated August 31, 1988
- (2) Construction Permit AC16-144791
- (3) Bio-Environmental Services Division's letter dated September 14, 1988
- (4) Seminole Kraft Corporation's letter received September 22, 1988

BEST AVAILABLE COPY

Permittee:
Seminole Kraft Corporation

I.D. Number:
Permit/Certification Number:
Date of Issue:
Expiration Date:

01-16-0067-01
A016-155275
December 30, 1992
November 30, 1993

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the permittee and enforceable pursuant to the authority of Sections 403.403, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is hereby placed on notice that the department will review this permit periodically and may initiate enforcement action for any violation of "Permit Conditions" by the permittee, its agents, employees, servants, or representatives.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the department.
3. As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit does not constitute a waiver of or approval of any other department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgement of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, and to plant or aquatic life, or property and penalties therefore caused by the construction or operation of a permitted source, nor does it allow the permittee to cause pollution in contravention of Florida Statutes and department rules, unless specifically authorized by an order from the department.
6. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by department rules. This provision includes the operation of back-up or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of this permit and when required by department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized department personnel, upon presentation of credentials or other documents as may be required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:
 - a. Having access to and copying any records that must be kept under the conditions of the permit;
 - b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and
 - c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or department rules.Reasonable time may depend on the nature of the concern being investigated.
8. If, for any reason, the permittee does not comply with, or will be unable to comply with, any condition or limitation specified in this permit, the permittee shall immediately notify and provide the department with the following information:
 - a. A description of and cause of non-compliance; and
 - b. the period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the department for penalties or revocation of this permit.

BEST AVAILABLE COPY

Permittee:

Seminole Kraft Corporation

I.D. Number:

Permit/Certification Number:

Date of Issue:

Expiration Date:

31-16-0067-21

AO16-155275

December 20, 1988

November 30, 1993

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the department, may be used by the department as evidence in any enforcement case arising under the Florida Statutes or department rules, except where such use is proscribed by Sections 403.73 and 403.111, Florida Statutes.
10. The permittee agrees to comply with changes in department rules and Florida Statutes after a reasonable time for compliance, provided however, the permittee does not waive any other rights granted by Florida Statute or department rules.
11. This permit is transferable only upon department approval in accordance with Florida Administrative Code Rule 17-4.12 and 17-30.30, as applicable. The permittee shall be liable for any non-compliance of the permittee activity until the transfer is approved by the department.
12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction or operation.
13. This permit also constitutes:
 - () Determination of Best Available Control Technology (BACT)
 - () Determination of Prevention of Significant Deterioration (PSD)
 - () Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500)
 - () Compliance with New Source Performance Standards
14. The permittee shall comply with the following monitoring and record keeping requirements:
 - a. Upon request, the permittee shall furnish all records and plans required under department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the department, during the course of any unresolved enforcement action.
 - b. The permittee shall retain at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation), copies of all reports required by this permit and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report, or application unless otherwise specified by department rule.
 - c. Records of monitoring information shall include:
 - the date, exact place, and time of sampling or measurements;
 - the person responsible for performing the sampling or measurements;
 - the date(s) analyses were performed;
 - the person responsible for performing the analyses;
 - the analytical techniques or methods used; and
 - the results of such analyses
15. When requested by the department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the department, such facts or information shall be submitted or corrected promptly.

BEST AVAILABLE COPY

Permittee:	I.D. Number:	31-16-0067-21
Seminole Kraft Corporation	Permit/Certification Number:	AO16-155275
	Date of Issue:	December 20, 1988
	Expiration Date:	November 30, 1993

SPECIFIC CONDITIONS:

1. Permittee shall notify the Bio-Environmental Services Division (BESD) fifteen (15) days prior to source testing in accordance with Rule 17-2.700(2)(a)5., Florida Administrative Code (FAC), and Rule 2.501, Jacksonville Environmental Protection Board (JEPB).
2. Copies of the test report(s) shall be submitted to BESD within forty-five (45) days of completion of testing in accordance with Rule 17-2.700(7)(b), FAC, and Rule 2.501, JEPB.
3. Testing of emissions shall be accomplished at a minimum of 90% of the permitted capacity. If testing is performed at a rate less than 90% of the permitted capacity, operation shall be limited to a maximum of 110% of the tested capacity until such time as an acceptable test is performed at a minimum of 90% of the permitted capacity. When operation is restricted to a lower capacity because of testing at such a level, BESD, upon advanced notification, will allow operation at higher capacities if such operation is for demonstrating compliance at a higher capacity.
4. Any revision(s) to a permit (and application) shall be submitted and approved prior to implementing.
5. Control equipment shall be provided with a method of access that is safe and readily accessible.
6. Stack sampling facilities shall be required and shall comply with the requirements of Rule 17-2.700(4), FAC, and Rule 2.207, JEPB.
7. Permittee shall submit an annual operation report to BESD for this source on the form supplied for each calendar year on or before March 1 in accordance with Rule 17-4.140, FAC.

8. The following pollutant(s) shall be tested at intervals indicated from the date of July 31, 1988:

<u>Pt. No.</u>	<u>Pollutant</u>	<u>Interval</u>	<u>Test Method</u>
21	Particulate Matter (PM)	12 Months	EPA Reference Method (RM) 5
	Visible Emissions (VE)	12 Months	EPA RM 9

9. The applicable emission limiting rules shall be as follows:

<u>Pt. No.</u>	<u>Pollutant</u>	<u>¹FAC</u>	<u>²JEPB</u>	<u>Other</u>
21	PM	17-2.650(2)(b)3.	2.207	
	VE	17-4.070(3)		
	Objectionable Odors (OO)	17-2.620(2)	2.205	

10. The maximum allowable emissions shall be as follows:

<u>Pt. No.</u>	<u>Pollutant</u>	<u>lbs/hr</u>	<u>T/yr</u>	<u>Other</u>	<u>Opacity</u>
21	PM	0.22	<1.0		
	VE				5%
	OO			None Allowed	

11. Visible emissions and particulate emissions tests shall run concurrently.
12. A pressure meter shall be installed on the scrubber system for the lime slaker to measure the scrubbing liquid supply pressure. The pressure sensor or tap shall be located close to the scrubber liquid discharge point. The monitoring device is to be certified by the manufacturer to be accurate within ± 15 percent of design scrubbing liquid supply pressure.

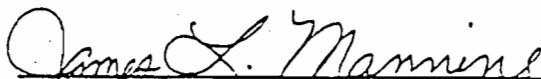
Permittee:
Seminole Kraft Corporation

I.D. Number:
Permit/Certification Number:
Date of Issue:
Expiration Date:

31-16-0067-21
AO16-155275
December 20, 1988
November 30, 1993

13. The maximum process input rate shall be limited to 725,000 lbs/hr of green liquor (@15% solids) and 32,000 lbs/hr of lime (dry).
14. Operation shall be limited to 8760 hours per year.
15. An Operation and Maintenance Plan shall be attached to and shall be part of this permit in accordance with Rule 17-2.650(2)(g), Florida Administrative Code. All activities shall be performed as scheduled and recorded data made available to BESD upon request. Records shall be maintained on file for a minimum period of two (2) years.
16. Unconfined particulate matter emissions from yard operations, open stockpiling of materials and/or materials handling operations shall be controlled by using the following reasonable precautions in accordance with Rule 17-2.610(3), Florida Administrative Code FAC, and Rule 2.204(d), JEPB:
 - Reduced speeds for vehicular traffic.
 - Use of liquid resinous adhesives or other liquid dust suppressants or wetting agents.
 - Use of paving or other asphaltic materials.
 - Removal of particulate matter from paved roads and/or other paved areas by vacuum cleaning or otherwise by wetting prior to sweeping.
 - Covering of trucks, trailers, front end loaders, and other vehicles or containers to prevent spillage of particulate matter during transport.
 - Use of mulch, hydroseeding, grassing, and/or other vegetative ground cover on barren areas to prevent or reduce particulate matter from being windblown.
 - Use of hoods, fans, filters, and similar equipment to contain, capture, and vent particulate matter.
 - Enclosure or covering of conveyor systems.
17. The permittee shall apply for a renewal operation permit sixty (60) days prior to the expiration date of this permit in accordance with Rule 17-4.090, FAC. Failure to submit a renewal application sixty (60) days prior to the expiration date shall result in the assessment of a penalty in accordance with Section 360.701(a)19., Ordinance Code.

City of Jacksonville
Department of Health, Welfare, and
Bio-Environmental Services


James L. Manning, P.E., Deputy Director

Issued this 20 day of December, 1988

State of Florida
Department of Environmental Regulation


Ernest E. Frey, Deputy Assistant Secretary

¹Florida Administrative Code

²Jacksonville Environmental Protection Board

5 Pages Attached

-32-

DER FORM 17-1.201(5) Effective November 30, 1982

(Disc: 6/23-25 rlj)

ATTACHMENT I

Proposed operation and maintenance plan for No. 3 Slaker Scrubber, required by RACT portion 17-2.650.

1. OPERATION

- a. Caustic operator will record scrubber feed water pressure once per hour.
- b. Caustic operator will record green liquor feed rate once per hour.
- c. Caustic operator will record feed green liquor temperature once per shift.
- d. Caustic operator will record slaker temperature once per hour.
- e. Caustic operator will record slaker type of lime used and relative amount once per hour.
eg - 1/2 fresh lime 1/2 reburned lime

2. MAINTENANCE

- a. The No. 3 Slaker will routinely have 1 maintenance outage per year with the rest of the mill. Other maintenance will be scheduled as needed. All maintenance records will be kept by the maintenance department.

FILE

OERTEL, HOFFMAN, FERNANDEZ & COLE, P. A.

ATTORNEYS AT LAW

M. CHRISTOPHER BRYANT
R. L. CALEEN, JR.
C. ANTHONY CLEVELAND
TERRY COLE
MARTHA J. EDENFIELD
SEGUNDO J. FERNANDEZ
KENNETH F. HOFFMAN
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TELEPHONE (904) 877-0099
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JOHN H. MILLICAN
ENVIRONMENTAL CONSULTANT
NOT A MEMBER OF THE FLORIDA BAR

J. P. SUBRAMANI, P.L.D., P.E.
ENVIRONMENTAL CONSULTANT
NOT A MEMBER OF THE FLORIDA BAR

December 15, 1989

Mr. Clair Fancy, P.E.
Chief, Bureau of Air Regulation
Florida Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Re: Seminole Kraft Corporation;
Number 3 Lime Slaker Compliance Issues;
AO16-155275 (AC16-144791)

Dear Mr. Fancy:

This letter with attachments is to comply with the Department's earlier request for additional information regarding the Number 3 Lime Slaker. More specifically, we have attached the following:

1. Evaluation of mass balance approach to determine scrubber efficiency.
2. Letter from Goslin-Birmingham which indicates that testing the stack with and without the scrubber water is not a valid test of the scrubber's efficiency.
3. Estimate of cost to modify the Number 3 Slaker to allow EPA RM5 Inlet to scrubber emission testing.

We believe this information should provide the Department with the necessary justification to allow the use of the mass balance approach to demonstrate the efficiency of the wet scrubber on our Number 3 Lime Slaker. Further, we believe that the previous mass balance test which demonstrated a wet scrubber efficiency greater than 98% allows the Department to issue an operating permit for our Number 3 Slaker based on 17-2.650(2)(c)12 allowing a source to exceed 0.03 gr/dscf if the control device has a collection efficiency of 98% or greater. As indicated in our previous letter to you of November 13, 1989,

Mr. Clair Fancy, P.E.
December 15, 1989
Page 2

although we believe the mass balance testing justified an emission limit equal to that in the construction permit (3.2 lbs/hour), we would be willing to accept an emission limit for the Number 3 Lime Slaker of 1.0 lb/hour.

Please let us know if you have any questions.

Sincerely,



J. P. Subramani

JPS:slw

cc: Larry A. Stanley
Curt Barton
Mike Riddle
Tom Tomasello

**EVALUATION OF MASS BALANCE APPROACH
TO DETERMINE SCRUBBER EFFICIENCY**

Introduction

In 1988, Seminole Kraft Corporation replaced its existing No. 3 lime slaker with a new unit with an attached wet scrubber. The scrubber is a Goslin 36" positive draft unit which is constructed as an integral part of the lime slaker. There are approximately 30 or 40 scrubbers of this type typically used in the pulp and paper industry. The configuration of the lime slaker and the scrubber directly mounted on it does not allow for testing of the scrubber inlet using EPA Reference Method 5. Therefore, an alternate sampling procedure is needed to demonstrate the efficiency of the wet scrubber. On August 16, 1989, Seminole Kraft Corporation conducted tests utilizing the mass balance methodology to determine the scrubber inlet loading. A report summarizing the results of this alternate sampling procedure was submitted to DER on August 30, 1989.

Description of the Scrubber Operation

The lime slaking process is an exothermic reaction. Temperature in the slaking bowl is usually between 215°F and 220°F. The slaking process is a continuous operation and the steam evolved is at the equilibrium conditions encountered in the slaking bowl. The scrubber which is mounted on to the slaking bowl with a 35" flange is in close proximity to the rising steam. As steam enters the scrubber, the water sprays condense the steam thus creating the necessary draft to pull additional steam into the scrubber from the

slaking compartment. After the first series of sprays, the flow of gas enters at a right angle into a second scrubber compartment where another set of sprays cool the gas stream which reduces the temperature further and creates the necessary draft for the exhaust gases to exit approximately at a velocity of 10 feet per second or greater. The scrubber water drains to the mill sewer system.

On December 1, 1989, I made an on-site inspection of the scrubber in question and closely observed its operation along with the slaking process which was under normal operating conditions. There were no fugitive emissions from the slaking compartment or from the scrubber. (If there were, it would be readily seen by the naked eye because of the escaping steam plume). It was obvious that the mass balance methodology would yield valid results on a scrubber system such as the one used in the lime slaker at Seminole Kraft Corporation.

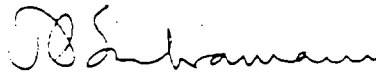
Scrubber Inlet Loading Determination

The water flow to the slaker was measured using a portable doppler flow meter. A 500 ml sample of the scrubber inlet water was collected at the beginning of the test and another sample collected at the end of the test. Eight samples, each 500 ml, of the scrubber outlet (drain) were collected at one hour intervals during the test cycle. A subsample of 75 ml was transferred from each sample into a beaker, evaporated to dryness and the mass loadings were averaged for inlet and outlet of the scrubber. The difference between these averages produced the net mass loading of particulates carried to the mill sewer.

A stack test using EPA Reference Method 5 was conducted to determine the stack particulate emission, and the scrubber efficiency was determined using the balance analysis.

Conclusion

The mass balance methodology utilized by Seminole Kraft Corporation to determine the scrubber inlet loading produced valid results. The calculations employed to determine the particulate loading of the scrubber yielded a conservative estimate. These calculations did not account for the condensed steam in the scrubber which is also discharged to the drain. Accounting for the condensed steam would produce a higher mass loading of the scrubber drain (see attached calculations).



Dec. 15, 1989

J. P. Subramani, Ph.D., P.E.
Environmental Consultant
Oertel, Hoffman, Fernandez & Cole, P.A.
2700 Blair Stone Road, Suite C
Tallahassee, Florida 32301

Florida Registration No. 12777

JPS:gg

Attachment

Average flow to scrubber = 110 gal/min
 = 918 lbs/min
 Scrubber inlet temperature = 90°F (assumed)
 Scrubber outlet temperature = 195°F
 Slaker bowl temperature = 220°F
 Enthalpy of saturated water @ 220°F = 188.23 BTU/lb
 Amount of steam condensed = X lbs/min

Net heat gain by scrubber water = (918) (195-90) = 96,390 BTU/min

Amount of steam condensed = $\frac{96,390}{188.23}$ lbs/min

= 512 lbs/min
 = 61 gals/min*

Scrubber outlet flow = 110 + 61 or
 = 171 gals/min

Average scrubber drain mass loading = 0.1537 gms/75 ml
 (Freshwater to Scrubber) = $\frac{(0.1537) (171) (3,785) (1000)}{(75) (453.6)}$ = 2.924 $\frac{\text{lbs}}{\text{min}}$
 = 175.44 lbs/hour

Average scrubber inlet mass loading = 0.0277 gms/75 ml
 = $\frac{(0.0277) (110) (3,785) (1000)}{(75) (453.6)}$ = 0.339 $\frac{\text{lbs}}{\text{min}}$
 = 20.34 lbs/hour

Net mass loading to the drain = 155.10 lbs/hour

Emission = $\frac{\text{stack emission}}{\text{stack emission} + \text{drain loss}}$
 = $\frac{0.31}{0.31 + 155.10}$

Scrubber Efficiency = 0.2 percent
 = 99.8 percent

*Weight of water vapor emitted through the stack was estimated at less than 1 gal/min



GOSLIN-BIRMINGHAM

A Division of Green Bay Packaging, Inc.

3401 8th Avenue North
Birmingham, Alabama 35222

November 21, 1989

Seminole Kraft
Post Office Box 26998
Jacksonville, FL 32218

Please reply to
Post Office Box 398
Birmingham, Alabama 35201

Telephone 205/324-7511
Telex 59-825

ATTENTION: Mr. Mike Riddle
REFERENCE: Goslin Slaker Scrubber

Gentlemen:

We are writing in response to your questions regarding modification of the Slaker Scrubber arrangement to facilitate testing. You asked about placing a 10' x 36" pipe between the slaker and scrubber.

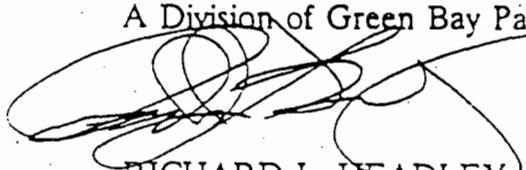
There are approximately 30 or 40 scrubbers of this type in service in similar application. To our knowledge, all are mounted directly on the slaker. We have no data to support the impact of such an installation. The draft created by the scrubber serves only to direct the steam toward the scrubber and is quite small. Any additional restrictions or limitations can only impede the performance. The wet lime particles are sticky and will quickly build up on the walls of the pipe. You cannot wash this with water because it will dilute the contents of the slaker. Washing with green liquor will likely exacerbate the problem.

With the long stack you have installed, you do have some chimney effect. However, most of the draft is created by the condensing of the steam with the cool water showers. The gas flow will be significantly reduced by cutting off the shower flow. Testing the stack with and without shower water is not a valid test of the performance of the scrubber.

I hope we have sufficiently responded to your questions. Please call if you need further information.

Very truly yours,

GOSLIN-BIRMINGHAM
A Division of Green Bay Packaging, Inc.



RICHARD L. HEADLEY
Sales Engineer

RLH:bel

L-Semino.brh

Modifications to No.3 Slaker to Allow EPA RM5 Inlet to Scrubber Emission Testing

Purpose

Florida DER has indicated a desire to determine the particulate removal efficiency of the scrubber on the No.3 Lime Slaker. Unfortunately, when Florida DER approved the installation of the No.3 Lime Slaker and attached wet scrubber, they did not indicate a RM5 test of the inlet to the scrubber would be required and, therefore, did not object to the fact the wet scrubber was directly coupled to the scrubber bowl, hence precluding testing the scrubber inlet using EPA RM5. This document outlines the modifications which would be required to allow testing the scrubber inlet using EPA RM5.

Scope and Cost Estimates

The proposed modifications and associated costs are shown on Attachment A. A drawing showing the proposed modifications is also attached. As can be noted, the scope includes demolition of some existing materials, reinstallation of the scrubber, associated piping, structural supports, electrical equipment and because the scrubber will no longer draft naturally, a new induced draft fan.

Modification Assumptions

1. EPA RM5 for determination of particulate matter emission require duct configurations that allow for proper measurement of gas flow. These required parameters are ≥ 2 duct diameters upstream from sample ports and ≥ 0.5 duct diameters downstream of sample ports free of obstructions to flow.

Inlet duct diameter is 36"

$2 \times 36" = 72"$

$0.5 \times 36" = 90" = 7'6"$

Say 10' for better access

2. The scrubber must be removed from the slaker. A corresponding 10' section of exhaust stack must be removed. A new/modified fresh water supply header must be run. A 10' extension must be added to the scrubber drain line.

3. The scrubber will not support its own weight at the new height, so structural steel must be added to the slaker to support the scrubber and provide safe access to the inlet.
4. The scrubber manufacturer (Goslin-Birmingham) has reservations about proper operation of the scrubber at the remotely mounted position (see attachment B), so we have added on induced draft fan to maintain the draft generated at the close coupled position.
5. The cost estimates are based on a general contractor performing the work on a five day scheduled outage of the slaker at the standard labor charge rates. Reduction in the downtime of the slaker would increase labor costs.
6. If this work had to be performed outside a scheduled outage, an additional cost for lost production would have to be added.

Reservations

These modifications to the Goslin-Birmingham posidraft scrubber would allow an attempt to run EPA RM5 on the inlet to the scrubber. However, we would like to reiterate the reservations on the likely success of the testing we expressed in our November 13, 1989 letter to you. We still feel that conditions in the inlet duct of the scrubber (stack temperature > 200^CF and saturated with moisture > 80%) would preclude the successful testing of the particulate emissions by EPA RM5. Accordingly, we still feel a mass balance approach is the only way to analyze the scrubbers inlet loading and efficiency.

Summary

The modifications to the No.3 Lime Slaker required to allow using EPA RM5 to measure the wet scrubber inlet particulate loading are substantial. The scrubber must be relocated to a point 10' above the slaker, new ductwork and plumbing must be installed and an induced draft fan must be purchased and installed to insure proper draft through the wet scrubber. The total installed cost for the project is estimated to be \$35,500.

Modifications to Slaker/Scrubber

12/04/89

	Labor	Material	Equipment	Total
I. Demolition				
A. Piping	\$3,000			\$3,000
1. Cut and Remove 10' of 12" exhaust stack				
2. Remove 10" drain line at Scrubber				
B. Scrubber	\$1,000			\$1,000
1. Remove				
II. Installation				
A. Piping	\$6,000	\$5,000		\$11,000
1. Raise and weld 12" exhaust stack from Scrubber				
2. Fabricate and install 10' of 36" stainless steel line from Scrubber to Slaker				
3. Fabricate and install 10' of 10" drain line from Scrubber				
4. Fabricate and install new water header				
B. 15" Fan (Industrial Air Inc.)	\$2,000	\$500	\$3,500	\$6,000
1. Duct miser				
a. Model No. 041f015N0				
C. Scrubber	\$2,000	\$1,500		\$3,500
1. Structural supports and ladders	\$3,000	\$3,000		\$6,000
III. Electrical	\$3,000	\$2,000		\$5,000
Total	\$20,000	\$12,000	\$3,500	\$35,500

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GOSLIN-BIRMINGHAM

A Division of Green Bay Packaging, Inc.

3401 6th Avenue North
Birmingham, Alabama 35222

November 21, 1989

Please reply to
Post Office Box 398
Birmingham, Alabama 35201

Telephone 205/324-7511
Telex 59-825

Seminole Kraft
Post Office Box 26998
Jacksonville, FL 32218

ATTENTION: Mr. Mike Riddle

REFERENCE: Goslin Slaker Scrubber

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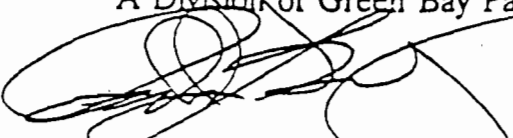
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I hope we have sufficiently responded to your questions. Please call if you need further information.

Very truly yours,

GOSLIN-BIRMINGHAM
A Division of Green Bay Packaging, Inc.

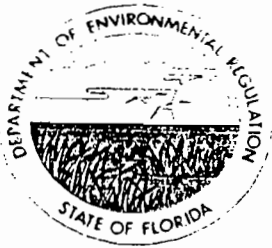


RICHARD L. HEADLEY
Sales Engineer

RLH:bel

L-Semino.brh

Exhibit 4



Florida Department of Environmental Regulation

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

Bob Martinez, Governor

Dale Twachtman, Secretary

John Shearer, Assistant Secretary

March 7, 1990

Mr. Steve Pace
Duval County Department of Health,
Welfare & Bio-Environmental Services
421 W. Church Street, Suite 412
Jacksonville, Florida 32202

Dear Mr. Pace


Re: Variance Request for Seminole Kraft Corporation
No. 3 Lime Slaker

The enclosed information is being forwarded to you for completeness review.

The stipulation points out that the variance should request relief from Rule 17-2.650(2)(c)12, F.A.C. The variance application received actually deals with Rule 17-2.700, Table 700-1, F.A.C. The Department intends to treat the variance application pursuant to stipulation No. 3 of the "Stipulation of Settlement" as a request seeking relief from the grain loading limitation in the rule (0.03 gr/dscf = 0.07 lb/hr vs. 1.0 lb/hr).

If you have any questions and/or comments, please call Bruce Mitchell at (904)488-1344 or write to me at the above address. All comments, written or oral, should be received by March 21, 1990.

Sincerely,


C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CHF/BM/t



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

March 7, 1990

Mr. R. H. Collom, Jr.
Chief, Air Protection Branch
Environmental Protection Division
Georgia Department of Natural Resources
270 Washington Street, SW
Atlanta, Georgia 30334

Dear Mr. Collom:


Re: Variance Request for Seminole Kraft Corporation
No. 3 Lime Slaker

The enclosed information is being forwarded to you for completeness review.

The stipulation points out that the variance should request relief from Rule 17-2.650(2)(c)12, F.A.C. The variance application received actually deals with Rule 17-2.700, Table 700-1, F.A.C. The Department intends to treat the variance application pursuant to stipulation No. 3 of the "Stipulation of Settlement" as a request seeking relief from the grain loading limitation in the rule ($0.03 \text{ gr/dscf} = 0.07 \text{ lb/hr}$ vs. 1.0 lb/hr).

If you have any questions and/or comments, please call Bruce Mitchell at (904)488-1344 or write to me at the above address. All comments, written or oral, should be received by March 21, 1990.

Sincerely,


C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CHF/BM/t



Florida Department of Environmental Regulation

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

Bob Martinez, Governor

Dale Twachtman, Secretary

John Shearer, Assistant Secretary

March 7, 1990

Mr. Wayne Aronson, Chief
Air Programs
U.S. EPA, Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30365.

Dear Mr. Aronson:

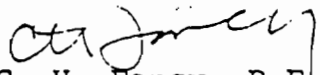
Re: Variance Request for Seminole Kraft Corporation
No. 3 Lime Slaker

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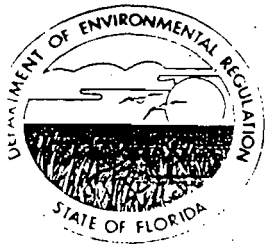
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Sincerely,


C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CHF/BM/t



Florida Department of Environmental Regulation

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

Bob Martinez, Governor

Dale Twachmann, Secretary

John Shearer, Assistant Secretary

March 7, 1990

Mrs. Chris Shaver
Chief, Permit Review and Technical
Support Branch
National Park Service
Air Quality Division
P. O. Box 25287
Denver, Colorado 80255

Dear Mrs. Shaver:


Re: Variance Request for Seminole Kraft Corporation
No. 3 Lime Slaker

The enclosed information is being forwarded to you for completeness review.

The stipulation points out that the variance should request relief from Rule 17-2.650(2)(c)12, F.A.C. The variance application received actually deals with Rule 17-2.700, Table 700-1, F.A.C. The Department intends to treat the variance application pursuant to stipulation No. 3 of the "Stipulation of Settlement" as a request seeking relief from the grain loading limitation in the rule ($0.03 \text{ gr/dscf} = 0.07 \text{ lb/hr}$ vs. 1.0 lb/hr).

If you have any questions and/or comments, please call Bruce Mitchell at (904)488-1344 or write to me at the above address. All comments, written or oral, should be received by March 21, 1990.

Sincerely,


C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CHF/BM/t



Florida Department of Environmental Regulation

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

Bob Martinez, Governor

Dale Twaichmann, Secretary

John Stewart, Assistant Secretary

March 7, 1990

Mr. Andy Kutyna
Northeast District
3426 Bills Road
Jacksonville, Florida 32207

Dear Mr. Kutyna:


Re: Variance Request for Seminole Kraft Corporation
No. 3 Lime Slaker

The enclosed information is being forwarded to you for completeness review.

The stipulation points out that the variance should request relief from Rule 17-2.650(2)(c)12, F.A.C. The variance application received actually deals with Rule 17-2.700, Table 700-1, F.A.C. The Department intends to treat the variance application pursuant to stipulation No. 3 of the "Stipulation of Settlement" as a request seeking relief from the grain loading limitation in the rule ($0.03 \text{ gr/dscf} = 0.07 \text{ lb/hr}$ vs. 1.0 lb/hr).

If you have any questions and/or comments, please call Bruce Mitchell at (904)488-1344 or write to me at the above address. All comments, written or oral, should be received by March 21, 1990.

Sincerely,


C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CHF/BM/t

Exhibit 5

DEPARTMENT OF HEALTH, WELFARE
& BIO-ENVIRONMENTAL SERVICES
Bio-Environmental Services



RECEIVED

MAR 19 1990

DER BAQW

March 16, 1990.

Mr. Clair Fancy, P.E., Chief
Bureau of Air Regulations
Florida Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400

**RE: SEMINOLE KRAFT CORPORATION
VARIANCE REQUEST -
NUMBER 3 LIME SLAKER**

Dear Mr. Fancy:

Bio-Environmental Services Division (BESD) appreciates being forwarded the technical package relating to Seminole Kraft Corporation, Stipulation of Settlement, and associated documentation related to the variance petition. BESD strongly opposes the action of a variance for the subject source, as the applicant has failed to meet the legal requirements and provide technical support to justify such action.

The following describes BESD's specific objections or questions relating to the staff opposition to this variance.

- I. Seminole Kraft Corporation has failed to demonstrate that a hardship exists, as required under Section 403.201 (c), Florida Statutes (FS). The applicant states that the cost of modification will approach \$35,000, and provides no further data to support that a \$35,000 cost would be a hardship on this corporation. Even with the statement that the source will be shut down by November 12, 1992, there is no fiscal data supplied to suggest a hardship exists.

The applicant installed a new lime slaker, i.e., number three, at what cost, and it now only has a life span of thirty-two months. What is the ratio of these expenses and compared to the overall profits of the corporation can a hardship be established? Unless further data is forthcoming, the requirements of the FS do not appear to be fulfilled.

Please note that the applicant's attorney statement that the expense of doing a proper test (i.e., incurring the \$35,000 expense) is "unnecessary", is not reflected in the criteria for a variance as outlined in the FS.



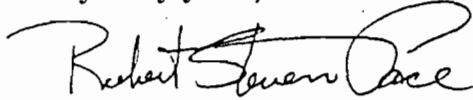
- II. The applicant is obviously seeking a variance for a period of time (August 1990 to November 1992) that exceeds the limits allowed by the FS. Section 403.201 (1)(c), FS, allows a variance for only twenty-four months. The ongoing actions by the applicant in fact give the applicant a variance from this point in time, which truly exceeds the twenty-four months allowed by the FS. Some form of penalty should be extracted for this period of time, possibly via a Consent Order.
- III. The applicant's use of a "mass balance" to demonstrate compliance seems to raise more questions than it answers. Specifically -
- a. The calculations use the enthalpy for a saturated liquid of 188 BTU/lb, when it would appear that the enthalpy for a saturated vapor (1153 BTU/lb) would be more appropriate. As the author of the calculations noted, and the stack test of August 16, 1989 noted this is a saturated gas stream. Hence, by definition it would appear that the enthalpy for a saturated vapor should have been used. BESD requests the Department to review this aspect of the calculation.
 - b. The "mass balance" calculations notes that only a sub-sample of 75 ml was analyzed, rather than the entire 500 ml sample. Why? Also were the samples allowed to sit, resulting in settling. Hence, was the 75 ml sub-sample truly representative? Who did the analysis? Did they have a QA/QC program? Was the balance used to do the work certified? We do not even know if the water samples were collected on the same day as the stack test from the data supplied by Seminole Kraft Corporation.
 - c. The applicant used a doppler meter to measure the in-flow of water, and we have no idea as to the accuracy of this measurement. Why didn't the applicant measure the discharge flow at the same time? What was the duration of the measurement and was the number used in the calculations an average number?
 - d. In the example calculations provided with the variance petition, it is noted that part of the formula uses a factor of "3.875 lb/gallon" which probably should be "3.785 liters/gallon". Likewise, abbreviations for units aren't consistent throughout the formula.
 - e. The applicant attempts to use this "mass balance" to preclude a stack test (inlet and outlet), as the applicant cannot meet the distance requirements for obstructions to the gas stream. Has the applicant or DER considered increasing the number of test points on the inlet side, which is allowed by the reference method.

Obviously BESD has major concerns relative to this variance request. Hence, until the applicant, or DER, can provide explanation to the above questions, BESD cannot approve of this action.

Mr. Clair Fancy
March 16, 1990
Page 3

Please advise if you have any questions regarding the above comments.

Very truly yours,



Robert S. Pace, P.E.
Assistant Division Chief

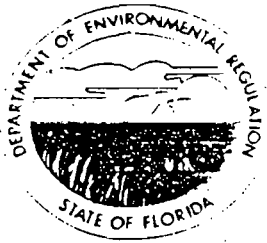
RSP/ns

cc: Mr. Dan Richardson, OGC
Mr. Jerry Woosley, BESD
Mr. Ron Roberson, BESD
Mr. Andy Kutyna, P.E., DER, Jax

Disc 4/43

B. Mitchell
CHF/SKP/ET

Exhibit 6



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

May 17, 1990

Ms. Liz Cloud
Office of Secretary of State
The Capitol, Suite 1802
Tallahassee, Florida 32301

RE: Notices

Dear Ms. Cloud:

Please publish the attached Notice in the May 25, 1990, issue of the Florida Administrative Weekly.

Please send the bill for publication of this item to:

Chief, Bureau of Accounting
and Budgeting
Department of Environmental
Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Thank you.

Sincerely,

David A. Crowley for
Daniel H. Thompson
General Counsel

DT/mdc
Attachment

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

90 MAY 17 AM 11:39

RECEIVED

NOTICE OF PROPOSED AGENCY ACTION

The Department of Environmental Regulation gives notice of its receipt of a petition and of its intent to issue a variance, (OGC File No. 90-0701) with conditions, pursuant to Section 403.201, Florida Statutes (F.S.), to Seminole Kraft Corporation, Jacksonville, Florida. The variance will allow SKC's No. 3 lime slaker relief from the pollutant emission limiting standards contained in Rule 17-2.650(2)(c)12, Florida Administrative Code (F.A.C.).

The petition for variance 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 Regulation, Northeast District Office, 4200 Bills Road, Jacksonville, Florida 32207; Department of Environmental Regulation, Bureau of Air Regulation Office, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and, Duval County Department of Health, Welfare & Bio-Environmental Services, Bio-Environmental Services Division, 421 West Church Street, Jacksonville, Florida 32202.

Any person who is substantially affected by the Department's proposed permitting decision may request a hearing in accordance with Section 120.57, F.S., and Chapters 17-1 and 28-5, F.A.C. The request for hearing must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within fourteen (14) days of publication of this notice. Failure to file a request for

RECEIVED
MAY 7 11:30 AM '90
DEPARTMENT OF ENVIRONMENTAL REGULATION
TALLAHASSEE, FLORIDA

hearing within this time period shall constitute a waiver of any right such person may have to request a hearing under Section 120.57, F.S.

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 proposed agency action. Persons whose substantial interests will be affected by any decision of the Department have the right to intervene in the proceeding. A petition for intervention must be filed pursuant to Model Rule 28-5.207, F.A.C., at least five (5) days before the final hearing and be filed with the Hearing Officer if one has been assigned at the Division of Administrative Hearings, Department of Administration, 2009 Apalachee Parkway, Tallahassee, Florida 32301. If no Hearing Officer has been assigned, the petition is to be filed with the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such person has to an administrative determination (hearing) under Section 120.57, F.S.

If granted, the variance would require a revision to the State Implementation Plan pursuant to 40 CFR Part 51. A hearing will be held on June 26, 1990 at the City of Jacksonville's Bio-Environmental Services Division conference rooms A & B, 421 West Church Street, Jacksonville, Florida at 9:00 a.m. to hear public comment on the revision.

FAW NOTICE COVER SHEET

Date to be filed: 5/17/90 PLFAWRUL I.D# _____ (Sent by E-mail)
PLAQPLM #340

- 1. Person originating Notice Bruce Mitchell (DARM/BAR)
- 2. Subject of Notice Agency Action
- 3. Type of Notice Public: Variance OGC File No. 90-0701

- _____ Rulemaking §120.54, F.S. RRC Review
- _____ Rulemaking §403.8055, F.S. _____
- _____ Workshop §17-102.300, F.A.C. (Date)
- _____ Meeting §286.011, F.S.
- _____ Variance §17-103.110, F.A.C.
- _____ WQBEL Study §17-6.403, F.A.C.
- _____ Receipt of Rule Petition §28-3.013, F.A.C.
- _____ Declaratory Statement §120.565, F.S.
- _____ Other

4. Explain need, including Statute or Rule requiring the Notice.

Rule 17 - 103.100(4), F.A.C.

5. Notice is to be mailed:

- Department's rulemaking mailing list.
- A special mailing list, specify _____
- No mailing is required.

6. Comments: _____

APPROVALS:

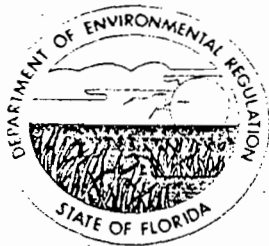
Division Director: _____

OGC ATTORNEY: _____

Secretary: _____

[Handwritten Signature]
[Handwritten Signature]
[Handwritten Signature]

Exhibit 7



Florida Department of Environmental Regulation

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

Bob Martinez, Governor

Dale Twachmann, Secretary

John Shearer, Assistant Secretary

May 22, 1990

Mr. L. A. Stanley
General Manager
Seminole Kraft Corporation
9469 Eastport Road
Jacksonville, Florida 32218-0998

Dear Mr. Stanley:

Attached is one copy of the Intent to Grant Variance for Seminole Kraft Corporation's (SKC) No. 3 lime slaker located at SKC's existing mill in Jacksonville, Duval County, Florida. The variance will grant relief from the particulate matter emission limiting standard contained in Rule 17-2.650(2)(c)12., Florida Administrative Code.

Please submit any written comments you wish to have considered concerning the Department's proposed action to Mr. Bruce Mitchell of the Bureau of Air Regulation.

Sincerely,

C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CHF/plm

Attachment

c: A. Kutyna
R. Roberson



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

May 22, 1990

Mr. Bruce Miller, Chief
Air Programs Branch
U.S. EPA, Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30365

Dear Mr. Miller:

Re: Petition for Variance (OGC File No. 90-0701)
Seminole Kraft Corporation

The Department of Environmental Regulation will hold a public hearing regarding a Petition for Variance for Seminole Kraft Corporation, located in Jacksonville, Duval County, Florida. The hearing will be held in the City of Jacksonville's Bio-Environmental Services Division conference rooms A & B, 421 West Church Street, Jacksonville, Florida, on June 26, 1990, at 9:00 a.m. A copy of the Public Notice and five copies of the Intent to Grant Variance are enclosed. These documents are being submitted pursuant to 40 CFR 51 as the 30-day notification to the Administrator, through the Regional Office, of the hearing on this proposed revision to Florida's State Air Implementation Plan.

If you have any questions on this matter, please call me at (904) 88-1344.

Sincerely,

C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CHF/BM/plm

Enclosures

c: W. Starnes
B. Congdon
R. Weber
B. Mitchell
C. Shaver, NPS



State of Florida
DEPARTMENT OF ENVIRONMENTAL REGULATION

For Routing To Other Than The Addressee	
To _____	Location _____
To _____	Location _____
To _____	Location _____
From _____	Date _____

Interoffice Memorandum

TO: Steve Pace
FROM: Clair Fancy *CF*
DATE: May 22, 1990
SUBJ: Petition of Variance (OGC File No. 90-0701)
Seminole Kraft Corporation

The Department of Environmental Regulation will hold a public hearing regarding a Petition for Variance for Semincle Kraft Corporation, located in Jacksonville, Florida. The hearing will be held in the City of Jacksonville's Bio-Environmental Services Division conference rooms A & B, 421 West Church Street, Jacksonville, Florida, on June 26, 1990, at 9:00 a.m. Copies of the Public Notice and the Intent to Grant Variance are enclosed.

Pursuant to the requirements of 40 CFR 51, please maintain this document available for public inspection until the date of the hearing.

If you have any questions or comments on the proposal, please call Bruce Mitchell at SunCom 278-1344.

CF/plm

Enclosures

c: W. Starnes
B. Congdon
R. Weber
B. Mitchell
R. Roberson, BESD



State of Florida
DEPARTMENT OF ENVIRONMENTAL REGULATION

For Routing To Other Than The Addressee	
To _____	Location _____
To _____	Location _____
To _____	Location _____
From _____	Date _____

Interoffice Memorandum

TO: Andy Kutyna
FROM: Clair Fancy *Clair Fancy*
DATE: May 22, 1990
SUBJ: Petition of Variance (CGC File No. 90-0701)
Seminole Kraft Corporation

The Department of Environmental Regulation will hold a public hearing regarding a Petition for Variance for Seminole Kraft Corporation, located in Jacksonville, Florida. The hearing will be held in the City of Jacksonville's Bio-Environmental Services Division conference rooms A & B, 421 West Church Street, Jacksonville, Florida, on June 26, 1990, at 9:00 a.m. Copies of the Public Notice and the Intent to Grant Variance are enclosed.

Pursuant to the requirements of 40 CFR 51, please maintain this document available for public inspection until the date of the hearing.

If you have any questions or comments on the proposal, please call Bruce Mitchell at SunCom 278-1344.

CF/plm

Enclosures

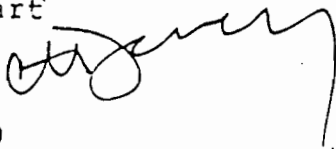
c: W. Starnes
B. Congdon
R. Weber
B. Mitchell
R. Roberson, BESD



State of Florida
DEPARTMENT OF ENVIRONMENTAL REGULATION

For Routing To Other Than The Addressee	
To _____	Location _____
To _____	Location _____
To _____	Location _____
From _____	Date _____

Interoffice Memorandum

TO: Ed Middleswart
FROM: Clair Fancy 
DATE: May 22, 1990
SUBJ: Petition of Variance (OGC File No. 90-0701)
Seminole Kraft Corporation

The Department of Environmental Regulation will hold a public hearing regarding a Petition for Variance for Seminole Kraft Corporation, located in Jacksonville, Florida. The hearing will be held in the City of Jacksonville's Bio-Environmental Services Division conference rooms A & B, 421 West Church Street, Jacksonville, Florida, on June 26, 1990, at 9:00 a.m. Copies of the Public Notice and the Intent to Grant Variance are enclosed.

Pursuant to the requirements of 40 CFR 51, please maintain this document available for public inspection until the date of the hearing.

If you have any questions or comments on the proposal, please call Bruce Mitchell at SunCom 278-1344.

CF/plm

Enclosures

c: W. Starnes
B. Congdon
R. Weber
B. Mitchell
R. Roberson, BESD



Florida Department of Environmental Regulation

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

Bob Martinez, Governor

Dale Twachtman, Secretary

John Shearer, Assistant Secretary

May 22, 1990

Mr. Robert H. Collum, Chief
Air Protection Branch
Environmental Protection Division
Georgia Department of Natural Resources
270 Washington Street, S.W.
Atlanta, Georgia 30334

Dear Mr. Collum:

Enclosed for your information is a notice of public hearing regarding a Petition for Variance for Seminole Kraft Corporation, located in Jacksonville, Florida. The variance, if granted, would require a revision to the State Implementation Plan pursuant to 40 CFR 51. The hearing will be held at 9:00 a.m., on June 26, 1990, at the City of Jacksonville's Bio-Environmental Services Division conference rooms A & B, 421 West Church Street, Jacksonville, Duval County, Florida.

A copy of the Intent to Grant Variance is also enclosed for your review. If you have any questions, please call Bruce Mitchell at (904)488-1344.

Sincerely,

C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CHF/plm

Enclosures

c: W. Starnes
B. Congdon
R. Weber
B. Mitchell

Exhibit 8

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The petition for variance 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 Regulation, Northeast District Office, 3426 Bills Road, Jacksonville, Florida 32207; Department of Environmental Regulation, Bureau of Air Regulation Office, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and, Duval County Department of Health, Welfare & Bio-Environmental Services, Bio-Environmental Services Division, 421 West Church Street, Jacksonville, Florida 32202.

Any person who is substantially affected by the Department's proposed permitting decision may request a hearing in accordance with Section 120.57, F.S., and Chapters 17-1 and 28-5, F.A.C. The request for hearing must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within fourteen (14) days of publication of this notice. Failure to file a request for hearing within this time period shall constitute a waiver of any right such person may have to request a hearing under Section 120.57, F.S.

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 proposed

agency action. Persons whose substantial interests will be affected by any decision of the Department have the right to intervene in the proceeding. A petition for intervention must be filed pursuant to Model Rule 28-5.207, F.A.C., at least five (5) days before the final hearing and be filed with the Hearing Officer if one has been assigned at the Division of Administrative Hearings, Department of Administration, 2009 Apalachee Parkway, Tallahassee, Florida 32301. If no Hearing Officer has been assigned, the petition is to be filed with the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such person has to an administrative determination (hearing) under Section 120.57, F.S.

If granted, the variance would require a revision to the State Implementation Plan pursuant to 40 CFR Part 51. A hearing will be held on June 26, 1990 at the City of Jacksonville's Bio-Environmental Services Division conference rooms A & B, 421 West Church Street, Jacksonville, Florida at 9:00 a.m. to hear public comment on the revision.

Exhibit 9

OERTEL, HOFFMAN, FERNANDEZ & COLE RECEIVED

ATTORNEYS AT LAW

M. CHRISTOPHER BRYANT
R. L. CALEEN, JR.
C. ANTHONY CLEVELAND
TERRY COLE
MARTHA J. EDENFIELD
SEGUNDO J. FERNANDEZ
KENNETH F. HOFFMAN
KENNETH G. OERTEL
HAROLD F. X. PURNELL
PATRICIA A. RENOVITCH
SCOTT SHIRLEY
THOMAS G. TOMASELLO
W. DAVID WATKINS

SUITE C
2700 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32301

MAILING ADDRESS:
POST OFFICE BOX 6507
TALLAHASSEE, FLORIDA 32314-6507

MAY 31 1990
TELEPHONE (904) 877-8099
FACSIMILE (904) 877-0981

DER BAQW
ENVIRONMENTAL CONSULTANT
(NOT A MEMBER OF THE FLORIDA BAR)

J. P. SUBRAMANI, Ph.D., P. E.
ENVIRONMENTAL CONSULTANT
(NOT A MEMBER OF THE FLORIDA BAR)

May 30, 1990

Mr. Clair Fancy
Bureau of Air Quality Management
Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400


Re: Intent to Grant Variance: Seminole Kraft Corporation
OGC File No. 90-0701

Dear Mr Fancy:

The reference in Paragraph 9 of the above-captioned Intent to Grant Variance to Paragraph 7 of the Stipulation of Settlement should be amended to read Paragraph 6 of the Stipulation of Settlement.

Thank you for your assistance.

Sincerely,



Thomas G. Tomasello

TGT/dg/1003

xc: Mr. Larry Stanley
Mr. Curt Barton

R. Mitchell

BA/CF

Bill Congdon

Roy Weber

} 5/31/90 AB

Exhibit 10



Seminole Kraft Corporation

Jacksonville Mill

RECEIVED
8409 Eastport Road
P.O. Box 26098
Jacksonville, Florida 32218-0998
JUN 04 1990

May 31, 1990

DER - BAQM 904 751-6400

Mr. Clair Fancy, P.E.
Fla. Dept. of Environmental Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400

RE: Public notice of intent to grant variance on No.3 lime
slaker

Dear Mr. Fancy:

Enclosed is the certified notice of publication for the intent to grant variance. If you have any questions about this please contact me.

Sincerely,

L.A. Stanley by DDL

L.A. Stanley
General Manager

ah

enclosure

cc: Mike Riddle
Curt Barton
Tom Tomasello, Oertel and Hoffman

*L. Condon
T. Billie
J. Mitchell
J. Putnam
K. Riddle*



FLORIDA PUBLISHING COMPANY

Publisher

JACKSONVILLE, DUVAL COUNTY, FLORIDA

STATE OF FLORIDA }
COUNTY OF DUVAL }

Before the undersigned authority personally appeared _____

Patricia D. Cothorn _____ who on oath says that he is

Legal Advertising Assistant _____ of The Florida Times-Union,

a daily newspaper published at Jacksonville in Duval County, Florida; that the

attached copy of advertisement, being a Legal Notice _____

in the matter of Notice of Proposed Agency Action _____

in the _____ Court,

was published in THE FLORIDA TIMES-UNION in the issues of _____

May 21, 22, 23, 1990

Affiant further says that the said The Florida Times-Union is a newspaper published at Jacksonville, in said Duval County, Florida, and that the said newspaper has heretofore been continuously published in said Duval County, Florida, The Florida Times-Union each day, has been entered as second class mail matter at the postoffice in Jacksonville, in said Duval County, Florida, for a period of one year next preceeding the first publication of the attached copy of advertisement; and affiant further says that he 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 said newspaper.

Sworn to and subscribed before me
this 25th day of

May 1990

Mary A. Walls, Notary Public, State of Florida at Large. Patricia D. Cothorn

My Commission Expires _____

Notary Public, State of Florida
Commission Expires Feb. 7, 1994
Bonded Thru Troy Coin - Insurance Inc.

NOTICE OF PROPOSED AGENCY ACTION
The Department of Environmental Regulation gives notice of its receipt of a petition and of its intent to issue a variance, (OGC File No. 90-0701) with conditions, pursuant to Section 403.201, Florida Statutes (F.S.), to Seminoe Kraft Corporation, Jacksonville, Florida. The variance will allow SKCs No. 3 time staker relief from the pollutant emission limiting standards contained in Rule 17-2.450(2)(c)12, Florida Administrative Code (F.A.C.).
The petition for variance 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 Regulation, Northeast District Office, 3426 Billis Road, Jacksonville, Florida 32207; Department of Environmental Regulation, Bureau of Air Regulation Office, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and Duval County Department of Health, Welfare & Bio-Environmental Services, Bio-Environmental Services Division, 421 West Church Street, Jacksonville, Florida 32202.
Any person who is substantially affected by the Department's proposed permitting decision, may request a hearing in accordance with Section 120.57, F.S., and Chapters 17-1 and 28-5, F.A.C. The request for hearing must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within fourteen (14) days of publication of this notice. Failure to file a request for hearing within this time period shall constitute a waiver of any right such person may have to request a hearing under Section 120.57, F.S.
If a petition is filed, the administration hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the proposed agency action. Persons whose substantial interests will be affected by any decision of the Department have the right to intervene in the proceeding. A petition for intervention must be filed pursuant to Model Rule 28-5.207, F.A.C., at least five (5) days before the final hearing and be filed with the Hearing Officer if one has been assigned at the Division of Administrative Hearings, Department of Administration, 2009 Apalachee Parkway, Tallahassee, Florida 32301. If no Hearing Officer has been assigned, the petition is to be filed with the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such person has to an administrative determination (hearing) under Section 120.57, F.S.
If granted, the variance would require a revision to the State Implementation Plan pursuant to 40 CFR Part 51. A hearing will be held at June 24, 1990 at the City of Jacksonville's Bio-Environmental Services Division conference rooms A & B, 421 West Church Street, Jacksonville, Florida at 9:00 a.m. to hear public comment on the revision.

Exhibit 11

RECEIVED
JUN 11 1990
DER
DANIEL D. RICHARDSON
CHIEF, ENVIRONMENTAL LAW DIVISION

OFFICE OF
GENERAL COUNSEL
CITY OF JACKSONVILLE
SUITE 715 TOWNCENTRE
421 WEST CHURCH STREET
JACKSONVILLE, FLORIDA 32202-4156

JAMES L. HARRISON
GENERAL COUNSEL
THOMAS R. WELCH
DEPUTY GENERAL COUNSEL

TELEPHONE 904/630-4900
TELECOPIER 904/630-4991

June 8, 1990

Terry Cole, Esq.
Oertel, Hoffman, Fernandez & Cole
2700 Blair Stone Road, Suite C
P. O. Box 6507
Tallahassee, Florida 32314-6507

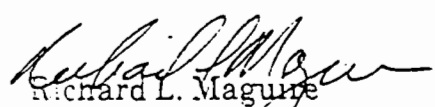
RE: Seminole Kraft Petition for Variance on Lime Slaker

Dear Terry:

As we discussed this afternoon, this letter is to confirm the City of Jacksonville's understanding of how Seminole Kraft will meet the applicable rules for testing the lime slaker at the end of the two-year variance. The City of Jacksonville understands that at the end of that time, Seminole Kraft will either shut down the lime slaker or upgrade the existing system so that testing can be performed, as required by the rules then in effect.

Since today is the last day to file for a request for a hearing, please contact me immediately if the interpretation is incorrect.

Sincerely,


Richard L. Maguire
Assistant Counsel

CC:

Clair Fancy, DER
Stephen Pace, P.E.

Exhibit 12

OERTEL, HOFFMAN, FERNANDEZ & COLE, P. A.

ATTORNEYS AT LAW

M. CHRISTOPHER BRYANT
R. L. CALEEN, JR.
C. ANTHONY CLEVELAND
TERRY COLE
MARTHA J. EDENFIELD
SEGUNDO J. FERNANDEZ
KENNETH F. HOFFMAN
KENNETH G. OERTEL
HAROLD F. X. PURNELL
PATRICIA A. RENOVITCH
SCOTT SHIRLEY
THOMAS G. TOMASELLO
W. DAVID WATKINS

SUITE C
2700 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32301

MAILING ADDRESS:
POST OFFICE BOX 6507
TALLAHASSEE, FLORIDA 32314-6507

TELEPHONE (904) 877-0089
FACSIMILE (904) 877-0981

JOHN H. MILLICAN
ENVIRONMENTAL CONSULTANT
(NOT A MEMBER OF THE FLORIDA BAR)

J. P. SUBRAMANI, Ph.D., P. E.
ENVIRONMENTAL CONSULTANT
(NOT A MEMBER OF THE FLORIDA BAR)

June 8, 1990

Mr. Richard Maguire
Office of General Counsel
City of Jacksonville
421 W. Church Street
Towncentre Suite 715
Jacksonville, Florida 32202

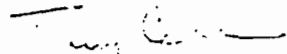
Re: Seminole Kraft Corporation
Petition for Variance on Slaker

Dear Rich:

As we discussed, this letter is to confirm Seminole Kraft's agreement to a further condition on the proposed variance. Because there is a possibility of the slaker being used for other purposes when the pulping operation is replaced by the recycled fiber process, Seminole Kraft agrees that at the end of the variance period it will meet the applicable rules.

By copy of this letter to Clair Fancy, we request that this be made a part and condition of the variance. I hope that this satisfies the concerns of the City of Jacksonville.

Sincerely,


Terry Cole

TC:slw

cc: Larry Stanley
Curt Barton
Clair Fancy
Bruce Mitchell

RECEIVED
JUN 11 1990
DER-BAQM

Exhibit 13



Seminole Kraft Corporation

Jacksonville Mill

9469 Eastport Road
P.O. Box 26998
Jacksonville, Florida 32218-0998

June 14, 1990

904 751-6400

Mr. Dale Twachtmann, Secretary
Florida Dept. of Environment Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400

RE: Notice of Intent to Convert to Recycle Fiber Operation

Dear Secretary Twachtmann:

This letter will provide notice, pursuant to the Amendment to Seminole Kraft Corporation's construction permit dated June 6, 1990, that Seminole Kraft Corporation plans to convert the Seminole Kraft mill to a 100% recycle fiber operation.

We appreciate the Department's cooperation in this matter and will periodically brief you on the progress of the project.

Sincerely,

L.A. Stanley
General Manager

ah

CC: Mike Riddle
Curt Barton
Terry Cole

RECEIVED
JUN 20 1990
Dale Twachtmann

RECEIVED
JUN 18 1990

Office of the Secretary

Exhibit 14



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

JUN 19 1990

4APT/APB

Mr. Steve Smallwood, P.E., Director
Air Resources Management Division
Florida Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Dear Mr. Smallwood:

We have reviewed the petition for a variance for the No. 3 lime slaker at Seminole Kraft Corporation's Jacksonville, Florida, facility. Our comments are as follows:

- 1) The proposed variance would relax the emission limit from the allowable rate of 0.03 gr/dscf (equivalent to a mass rate of 0.07 lb/hr) to 1 lb/hr. However, the proposal does not contain any demonstration that such an increase would not adversely affect the maintenance of the ambient air quality standard. In order to approve the relaxed limit, such a demonstration must be made.
- 2) The State of Florida proposes to grant a variance to Rule 17-2.650(2)(c)12 for particulate emissions from Miscellaneous Manufacturing Process Operations. The emission limit for a source subject to this rule is 0.03 gr/dscf and an opacity not greater than 5%. The emission limit may be exceeded providing a pollution control device or system for control of particulate matter which has an actual particulate matter collection efficiency of at least 98% is utilized. The State had previously proposed that the source be granted an alternative test method based on the inability to do the inlet portion of the Method 5 test on the scrubber as required by Rule 17-2.700(1)(b)3. The source has submitted an alternate method based on a mass balance which demonstrates a collection efficiency of 99.8%. In a February 23, 1990, letter from Roger O. Pfaff to Clair H. Fancy, our enforcement branch indicated that the alternative test procedure using a mass balance is sound but that a more detailed test procedure should be requested from the source. A copy of that letter is enclosed for your convenience. Should this mass balance method be proven to be an adequate alternative the source would be in compliance with 17-2.650(2)(c)12 and thus no variance would be necessary.

However, the granting of an alternative test procedure should not be based on the source's claim that the cost of upgrading the existing system so that testing at the inlet duct can be performed would cause a hardship. There has been no demonstration that an expenditure of \$35,500 would cause a hardship for the source. Rather, the need for the alternative should be based on the manufacturer's reservations regarding the performance of the scrubber if the modification is made.

- 3) Since the source has indicated that it can comply with the applicable regulation through demonstration that the collection device operates with an efficiency of at least 98%, it is unnecessary to grant an alternative emission limit. However, if an alternative emission limit is granted the following should be considered:
 - a) The allowable emission rate of 0.03 gr/dscf is equivalent to a mass rate of 0.07 lb/hr and the most recent test (8/16/89) performed on the slaker showed an outlet concentration of 0.10 gr/dscf which is equivalent to 0.31 lb/hr. It does not appear to be appropriate to grant an emission limit three times the level at which the source has demonstrated it can comply. We recommend that any alternative emission limit be no greater than 0.4 lb/hr.
 - b) Furthermore, the test results of the August 16, 1989, test are approximately three times the results of the test performed in July 1988, which indicates the possibility that the scrubber is not being properly operated and maintained. Scrubbers on lime slakers are prone to scaling and if scale is not removed periodically, then poor scrubber performance and increased particulate emissions can occur. Our concern regarding the operation and maintenance of the scrubber was previously expressed in the February 23, 1990, letter. No increase in emission limit should be granted if the increase is necessitated by the improper operation and maintenance of a facility or pollution control device.
- 4) If the variance were to be granted as a result of the hearing scheduled on June 26, 1990, the 24 month time period for a variance would expire prior to the projected date of November 12, 1992, for permanent shutdown of the slaker. Therefore, it should be noted that it would be necessary to process a renewal to the variance for the time period between expiration of this variance and the shutdown date.

In conclusion, the variance is not approvable in its present form. We recommend that the source be granted the alternate test procedure providing a more detailed test procedure is submitted. If you have any questions, please do not hesitate to call Kay Prince of my staff at (404) 347-2864.

Sincerely,

Douglas Neely for


Bruce P. Miller, Chief
Air Programs Branch
Air, Pesticides & Toxics
Management Division

Enclosure

cc: Clair H. Fancy
James L. Manning

Exhibit 15

TO: Bruce Mitchell

FROM: Tom Rogers 

DATE: June 22, 1990

SUBJECT: Seminole Kraft Lime Slaker No. 3 -- Variance;
Ambient Air Quality Analysis

At your request I have modeled the increased particulate emissions associated with the Seminole Kraft variance. The results show that the increased emissions cause an insignificant increase in ambient concentration levels. That is, the maximum predicted 24-hour concentration, off plant property, is less than 5 micrograms per cubic meter, and the maximum annual predicted concentration is less than 1 microgram per cubic meter. These significant impact thresholds are defined by both the state and the U.S. EPA.

The ISCST atmospheric dispersion model was used to complete the modeling. This is an EPA-approved model appropriate for use in the area of the Seminole Kraft facility. One year of meteorological data from the National Weather Service station in Jacksonville was used in the analysis. Concentration predictions were made off plant property using a polar receptor grid system with the closest receptor at a distance of 381 meters. Receptors were placed every 10 degrees of azimuth. The model was run in regulatory default mode.

Given the results of the air quality analysis, the Department is reasonably assured that the increased emissions associated with the temporary variance will not adversely affect the attainment and maintenance plans for the Jacksonville area.

STARTING TIME: 11:16:18

DATE: 6/22/1990

*** Seminole Kraft - Lime Saker #3

CALCULATE (CONCENTRATION=1,DEPOSITION=2) ISW(1) = 1
 RECEPTOR GRID SYSTEM (RECTANGULAR=1 OR 3, POLAR=2 OR 4) ISW(2) = 4
 DISCRETE RECEPTOR SYSTEM (RECTANGULAR=1,POLAR=2) ISW(3) = 1
 TERRAIN ELEVATIONS ARE READ (YES=1,NO=0) ISW(4) = 0
 CALCULATIONS ARE WRITTEN TO TAPE (YES=1,NO=0) ISW(5) = 0
 LIST ALL INPUT DATA (NO=0,YES=1,MET DATA ALSO=2) ISW(6) = 1

COMPUTE AVERAGE CONCENTRATION (OR TOTAL DEPOSITION)

WITH THE FOLLOWING TIME PERIODS:

HOURLY (YES=1,NO=0) ISW(7) = 0
 2-HOUR (YES=1,NO=0) ISW(8) = 0
 3-HOUR (YES=1,NO=0) ISW(9) = 0
 4-HOUR (YES=1,NO=0) ISW(10) = 0
 6-HOUR (YES=1,NO=0) ISW(11) = 0
 8-HOUR (YES=1,NO=0) ISW(12) = 0
 12-HOUR (YES=1,NO=0) ISW(13) = 0
 24-HOUR (YES=1,NO=0) ISW(14) = 1
 PRINT 'N'-DAY TABLE(S) (YES=1,NO=0) ISW(15) = 1

PRINT THE FOLLOWING TYPES OF TABLES WHOSE TIME PERIODS ARE
 SPECIFIED BY ISW(7) THROUGH ISW(14):

DAILY TABLES (YES=1,NO=0) ISW(16) = 0
 HIGHEST & SECOND HIGHEST TABLES (YES=1,NO=0) ISW(17) = 1
 MAXIMUM 50 TABLES (YES=1,NO=0) ISW(18) = 1
 METEOROLOGICAL DATA INPUT METHOD (PRE-PROCESSED=1,CARD=2) ISW(19) = 1
 RURAL-URBAN OPTION (RU.=0,UR. MODE 1=1,UR. MODE 2=2,UR. MODE 3=3) ISW(20) = 0
 WIND PROFILE EXPONENT VALUES (DEFAULTS=1,USER ENTERS=2,3) ISW(21) = 1
 VERTICAL POT. TEMP. GRADIENT VALUES (DEFAULTS=1,USER ENTERS=2,3) ISW(22) = 1
 SCALE EMISSION RATES FOR ALL SOURCES (NO=0,YES>0) ISW(23) = 0
 PROGRAM CALCULATES FINAL PLUMB RISE ONLY (YES=1,NO=2) ISW(24) = 1
 PROGRAM ADJUSTS ALL STACK HEIGHTS FOR DOWNWASH (YES=2,NO=1) ISW(25) = 2
 PROGRAM USES BUOYANCY INDUCED DISPERSION (YES=1,NO=2) ISW(26) = 1
 CONCENTRATIONS DURING CALM PERIODS SET = 0 (YES=1,NO=2) ISW(27) = 1
 REG. DEFAULT OPTION CHOSEN (YES=1,NO=2) ISW(28) = 1
 TYPE OF POLLUTANT TO BE MODELLED (1=SO2,2=OTHER) ISW(29) = 2
 DEBUG OPTION CHOSEN (YES=1,NO=2) ISW(30) = 2
 ABOVE GROUND (FLAGPOLE) RECEPTORS USED (YES=1,NO=0) ISW(31) = 0

NUMBER OF INPUT SOURCES NSOURC = 1
 NUMBER OF SOURCE GROUPS (=0,ALL SOURCES) NGROUP = 0
 TIME PERIOD INTERVAL TO BE PRINTED (=0,ALL INTERVALS) IPRD = 0
 NUMBER OF X (RANGE) GRID VALUES NXPTS = 5
 NUMBER OF Y (THETA) GRID VALUES NYPTS = 36
 NUMBER OF DISCRETE RECEPTORS NXWYPT = 0
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 HEIGHT ABOVE GROUND AT WHICH WIND SPEED WAS MEASURED ZR = 10.00 METERS
 LOGICAL UNIT NUMBER OF METEOROLOGICAL DATA IMET = 9
 DECAY COEFFICIENT FOR PHYSICAL OR CHEMICAL DEPLETION DECAT = .000000E+00
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 YEAR OF SURFACE DATA ISY = 86
 UPPER AIR STATION NO. IUS = 13861
 YEAR OF UPPER AIR DATA IUY = 86
 ALLOCATED DATA STORAGE LIMIT = 43500 WORDS
 REQUIRED DATA STORAGE FOR THIS PROBLEM RUN MIMT = 1969 WORDS

EMISSION RATE

TIME. EXIT VEL.

BEST AVAILABLE COPY

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HOURS (-1) FOR DAY 217 * 1 1 1 1 1 1 1 0 0 1 1 0 0 0 0 0 0 1 1 1
HOURS (-1) FOR DAY 218 * 1 1 1 1 1 1 1 0 0 0 0 0 0 1 0 0 0 0 0 1
HOURS (-1) FOR DAY 219 * 1 1 1 1 1 1 1 0 0 0 0 0 0 1 0 0 0 0 0 0
HOURS (-1) FOR DAY 220 * 0 0 0 0 0 1 0 0 0 0 0 0 0 0 0 0 0 0 0 1
HOURS (-1) FOR DAY 221 * 1 1 0 0 0 1 0 0 0 1 1 1 0 0 0 0 0 0 1 0
HOURS (-1) FOR DAY 222 * 1 1 1 1 1 1 1 0 0 0 0 0 0 0 0 0 0 0 0 0
HOURS (-1) FOR DAY 223 * 0 0 1 1 1 1 1 0 0 0 0 0 0 0 0 0 0 0 0 1
HOURS (-1) FOR DAY 224 * 1 1 1 1 1 0 0 0 0 0 0 0 0 0 0 0 1 1 0 0
HOURS (-1) FOR DAY 225 * 0 0 0 1 1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
HOURS (-1) FOR DAY 227 * 0 0 0 0 0 1 0 0 0 0 0 0 0 0 0 0 0 0 0 0
HOURS (-1) FOR DAY 228 * 0 0 0 0 0 1 0 0 0 0 0 0 0 0 0 0 0 0 0 0
HOURS (-1) FOR DAY 229 * 0 0 0 0 0 0 1 0 0 0 0 0 0 0 0 0 0 0 0 0
HOURS (-1) FOR DAY 230 * 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 1 0 1
HOURS (-1) FOR DAY 231 * 0 1 1 1 1 1 1 0 1 0 0 0 0 0 0 0 0 0 0 1
HOURS (-1) FOR DAY 232 * 0 1 0 0 0 1 1 1 0 0 0 0 0 0 0 0 0 1 0 0

Table with columns: CALM HOURS (-1), FOR DAY, and a grid of 0/1 values. Rows are numbered 236 through 300.

Table with columns for HOURS (=1), FOR DAY, and a grid of 0/1 values for days 306 through 365.

N-DAY
365 DAYS
SGROUP 1

*** Seminole Kraft - Lime Slaker #3

==

* 365-DAY AVERAGE CONCENTRATION (MICROGRAMS/CUBIC METER) *

* FROM ALL SOURCES *
* FOR THE RECEPTOR GRID *

* MAXIMUM VALUE EQUALS .19942 AND OCCURRED AT (391.0, 50.0) *

RION /
ZBS) / RANGE (METERS)
381.0 427.0 500.0 1000.0 1500.0

.00 / .13019 .12451 .11409 .06526 .04363

BEST AVAILABLE COPY

350.0 /	.10396	.10024	.09710	.09555	.09366
320.0 /	.13744	.13071	.11915	.09850	.09692
310.0 /	.15386	.14340	.12735	.09575	.09475
300.0 /	.17552	.16356	.14462	.09375	.09145
290.0 /	.19562	.18467	.16350	.09160	.08951
280.0 /	.09295	.08111	.06964	.02893	.01599
270.0 /	.10705	.09951	.08753	.03945	.02229
260.0 /	.12957	.12202	.10928	.05448	.03376
250.0 /	.12197	.11502	.10324	.05256	.03313
240.0 /	.13540	.12964	.11817	.06165	.03930
230.0 /	.15519	.15000	.13804	.07125	.04291
220.0 /	.16394	.15625	.14414	.07214	.04335
210.0 /	.13736	.13341	.12323	.06297	.03852
200.0 /	.12695	.12325	.11362	.05696	.03453
190.0 /	.16500	.16114	.14991	.07905	.04942
180.0 /	.18455	.18008	.16764	.08918	.05552
170.0 /	.16654	.16273	.15169	.08167	.05145
160.0 /	.12067	.11749	.10935	.06024	.03845
150.0 /	.12412	.11908	.10948	.06201	.04097
140.0 /	.15864	.15039	.13625	.07471	.04958
130.0 /	.14260	.13288	.11819	.06604	.04614
120.0 /	.15339	.14198	.12494	.06272	.04018
110.0 /	.16254	.14841	.12802	.05958	.03776
100.0 /	.16534	.14355	.12999	.06748	.04627
90.0 /	.15366	.14047	.12217	.06621	.04679
80.0 /	.17262	.15998	.14145	.08019	.05742
70.0 /	.17104	.15929	.14188	.09052	.05624
60.0 /	.18545	.17472	.15754	.08740	.05780
50.0 /	.19942	.19027	.17378	.09823	.06576
40.0 /	.16345	.15450	.13975	.07871	.05295
30.0 /	.13058	.12327	.11138	.05391	.04413
20.0 /	.10489	.09796	.08715	.04581	.03009
10.0 /	.10634	.10018	.09034	.05230	.03648

HIGH
24-HR
SGROUP# 1

*** Seminole Kraft - Lime Slaker #3

* HIGHEST 24-HOUR AVERAGE CONCENTRATION (MICROGRAMS/CUBIC METER) *
* FROM ALL SOURCES *
* FOR THE RECEPTOR GRID *

* MAXIMUM VALUE EQUALS 2.80319 AND OCCURRED AT (427.0, 180.0) *

STATION / (METERS) /	RANGE (METERS)				
	381.0	427.0	500.0	1060.0	1500.0
350.0 /	1.68671C(170, 1)	1.65573C(170, 1)	1.54223C(170, 1)	.74819C(170, 1)	.45589C(36, 1)
350.0 /	1.41571 (298, 1)	1.42542 (298, 1)	1.35849 (298, 1)	.69386 (345, 1)	.43452 (345, 1)
340.0 /	1.77648C(225, 1)	1.71351C(225, 1)	1.56339C(225, 1)	.92779C(343, 1)	.65862C(343, 1)
330.0 /	1.03092 (298, 1)	1.08311 (298, 1)	1.09328 (298, 1)	.68795 (298, 1)	.44418 (298, 1)
320.0 /	2.39932C(224, 1)	2.27595C(224, 1)	2.04655C(224, 1)	.93061C(224, 1)	.52000C(224, 1)
310.0 /	1.32327C(188, 1)	1.19872C(224, 1)	1.12365C(224, 1)	.71973C(224, 1)	.47120C(224, 1)
300.0 /	1.36955C(71, 1)	1.24250C(71, 1)	1.05623C(71, 1)	.49618C(233, 1)	.39121C(95, 1)
290.0 /	1.53123C(95, 1)	1.38047C(95, 1)	1.16505C(95, 1)	.43836C(95, 1)	.30729C(156, 1)
280.0 /	1.01045C(134, 1)	.91271C(134, 1)	.79097C(173, 1)	.55450C(173, 1)	.42227C(173, 1)
270.0 /	1.74119C(261, 1)	1.71513C(261, 1)	1.60081C(261, 1)	.77369C(261, 1)	.44532C(261, 1)
260.0 /	1.31566C(334, 1)	1.25976C(334, 1)	1.13851C(334, 1)	.58803C(172, 1)	.44667C(172, 1)
250.0 /	1.61351C(171, 1)	1.41079C(171, 1)	1.14192C(171, 1)	.68063C(130, 1)	.44401C(130, 1)
240.0 /	1.64539C(124, 1)	1.64427C(124, 1)	1.55829C(124, 1)	.77623C(124, 1)	.53701C(18, 1)
230.0 /	1.85566C(307, 1)	1.79806C(307, 1)	1.65435C(307, 1)	.80104C(307, 1)	.57331C(156, 1)
220.0 /	1.79467 (10, 1)	1.81714 (10, 1)	1.74220 (10, 1)	.87274 (10, 1)	.49937 (10, 1)

Table with 10 columns of data, likely representing measurements from various sources. Includes numerical values and alphanumeric codes.

*** Seminc

* 50 MAXIMUM

2ND HIGH
24-HR
SGROUP 1

RANK CON. PRE. DAY

*** Seminole Kraft - Lime Slaker #3

* SECOND HIGHEST 24-HOUR AVERAGE CONCENTRATION (MICROGRAMS/CUBIC METER) *
* FROM ALL SOURCES *
* FOR THE RECEPTOR GRID *

* MAXIMUM VALUE EQUALS 2.29990 AND OCCURRED AT (427.0, 170.0) *

DIRECTION / RANGE (METERS)
(DEGREES) / 381.0 427.0 500.0 1000.0 1500.0

Main data table with columns for RANK, CON., PRE. DAY, and multiple columns of measurement data. Includes text like 'END TIME: 11:29:29 DATE: 6/22/1990'.



Florida Department of Environmental Regulation

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

Bob Martinez, Governor

Dale Twachmann, Secretary

John Shearer, Assistant Secretary

May 22, 1990

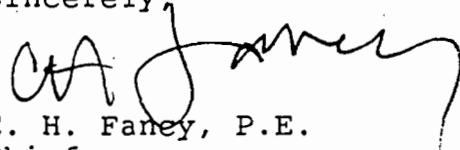
Mr. L. A. Stanley
General Manager
Seminole Kraft Corporation
9469 Eastport Road
Jacksonville, Florida 32218-0998

Dear Mr. Stanley:

Attached is one copy of the Intent to Grant Variance for Seminole Kraft Corporation's (SKC) No. 3 lime slaker located at SKC's existing mill in Jacksonville, Duval County, Florida. The variance will grant relief from the particulate matter emission limiting standard contained in Rule 17-2.650(2)(c)12., Florida Administrative Code.

Please submit any written comments you wish to have considered concerning the Department's proposed action to Mr. Bruce Mitchell of the Bureau of Air Regulation.

Sincerely,


C. H. Faney, P.E.
Chief
Bureau of Air Regulation

CHF/plm

Attachment

c: A. Kutyna
R. Roberson

Intent to Grant Variance

Mr. L. A. Stanley
General Manager
Seminole Kraft Corporation
9469 Eastport Road
Jacksonville, Florida 32218-0998

Dear Mr. Stanley:

Seminole Kraft Corporation
Petition for Variance
OGC File No. 90-0701
Duval County

On February 22, 1990, the Department of Environmental Regulation ("Department") received the above referenced Petition for Variance pursuant to Rule 17-2.650(2)(c)12, Florida Administrative Code (F.A.C.), Rule 17-103.100, F.A.C., and Section 403.201, Florida Statutes (F.S.). Seminole Kraft Corporation ("SKC") requested a variance to seek relief from the particulate matter ("PM") emission limiting standard of 0.03 gr/dscf for its No. 3 lime slaker at SKC's existing facility.

The Department has reviewed the Petition for Variance and hereby gives notice of its intent to issue SKC a variance based on the following findings:

- 1) Rule 17-2.650(2)(c)12, F.A.C., requires that an actual efficiency be demonstrated in order to be allowed relief from the PM emission limiting standard contained in that rule.
- 2) An efficiency is a ratio of at least two data points (i.e., inlet duct and outlet duct).
- 3) Rule 17-2.700(1)(b)3., Table 1, F.A.C., requires that the PM compliance tests be performed using EPA Reference Method 5.

- 4) The configuration of the as-built scrubber system associated with the No. 3 lime slaker does not allow for PM testing at the inlet duct using EPA Reference Method 5, which includes the requirements of EPA Reference Methods 1, 2, 3 and 4. Specifically, there are no adequate duct diameters between the source and the scrubber system to comply with EPA Reference Method 1.
- 5) The cost of upgrading the existing system so that testing at the inlet duct can be performed is estimated to be \$35,500. (Exhibit 1)
- 6) To date, compliance tests show that the outlet concentration (0.10 gr/dscf, tested 8/16/89) exceeds the allowable PM emission limiting rate of 0.03 gr/dscf (equivalent mass rates: 0.31 lb/hr vs. 0.07 lb/hr, respectively).
- 7) On February 15, 1990, DOAH Case No. 89-5133 and OGC Case No. 89-0022 were resolved with the signing of the "Stipulation of Settlement." (Exhibit 2) Specifically, paragraph 3 of the stipulation required that SKC apply for a variance from Rule 17-2.650(2)(c)12., F.A.C., pursuant to Rule 17-103.100, F.A.C.
- 8) On February 22, 1990, SKC applied for a variance pursuant to Section 403.201, F.S., and Rule 17-103.100, F.A.C. (Exhibit 3) Following a review of the application package, it was deemed complete.
- 9) Paragraph 7 of the "Stipulation of Settlement" establishes allowable PM emission limits of 1.0 lb/hr and 4.38 TPY. It also establishes an allowable visible emission limiting standard of "not greater than 5% opacity" (\leq 5% opacity).

- 10) SKC sent a letter dated February 16, 1990, to Mr. C. H. Fancy, stating that the mill would be going to a 100% recycled fiber by November 12, 1992, in accordance with Rule 17-2.960(1)(d)2.b.ii., F.A.C. This change of operation would eliminate the use of the No. 3 lime slaker.
- 11) Under Section 403.201(1)(c), F.S., a variance and renewals thereof shall each be limited to a period of 24 months.

The Department hereby gives notice of its intent to issue a variance (OGC File No. 90-0701) to Seminole Kraft Corporation for the No. 3 lime slaker, subject to the following conditions:

- 1) The appropriate conditions of the construction permit (AC 16-144791) and the operating permit (AO 16-155275) shall be amended to reflect:
 - a) The No. 3 lime slaker's maximum allowable PM emissions shall not exceed 1.0 lbs/hr, 4.38 TPY. Annual compliance tests shall be conducted using EPA Reference Method 5 in accordance with 40 CFR 60, Appendix A, and Rule 17-2.700, Table 1, F.A.C.
 - b) The No. 3 lime slaker's maximum visible emissions shall not exceed 5% opacity (\leq 5% opacity). Annual compliance tests shall be conducted using EPA Reference Method 9 in accordance with 40 CFR 60, Appendix A, and Rule 17-2.700, Table 1, F.A.C.
- 2) This variance shall be issued for a 24 month time period calculated from the date this variance is executed.
- 3) The Department shall be periodically updated (i.e., every 6 months) on the status of the conversion to 100% recycled

fiber, and shall be notified in writing of the date of any source shut-down, along with the affected Departmental permit(s).

4) The following attachments are incorporated:

1. Mr. C. H. Fancy's letters dated March 7, 1990. (Exhibit 4)
2. Mr. Robert S. Pace's letter dated March 16, 1990, and received March 19, 1990. (Exhibit 5)

Any administrative relief approved by the Department must also be approved by the Regional Administrator of Region IV, United States Environmental Protection Agency (EPA). The Department will coordinate with the Atlanta office of the U.S. EPA in this regard to the maximum extent possible.

Pursuant to Rules 17-103.100 and 17-103.150, F.A.C., the petitioner shall publish at his expense one time only the attached legal notice in a newspaper of general circulation in the area affected by the proposed project. Proof of publication shall be in the form of an affidavit of publication submitted to the Bureau of Air Regulation, Department of Environmental Regulation. The Department will place the public notice in the Florida Administrative Weekly.

This Intent to Issue shall be placed before the Secretary for final action, unless an appropriate petition for a hearing pursuant to the provision of Section 120.57, F.S., is filed within fourteen (14) days of publication of the public notice (copy attached) required pursuant to Rule 17-103.150, F.A.C. Should anyone wish to dispute a material fact or object to a condition of this proposed intent, a petition for a formal

hearing shall be filed in accordance with the provisions of Section 120.57(1), F.S. The petition must comply with the requirements of Rules 17-103.155 and 28-5.201, F.A.C., and be filed pursuant to Rule 17-103.155(1), F.A.C., in the Office of General Counsel of the Department of Environmental Regulation at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Failure to file a petition within fourteen (14) days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to Section 120.57, F.S.

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.

In the event a formal hearing is conducted pursuant to Section 120.57(1), F.S., all parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination of witnesses and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to any order of the hearing officer's recommended order, and to be represented by counsel. If an informal hearing is requested, pursuant to Section 120.57(2), F.S., the agency, in accordance with its rules of procedure, will provide affected persons or parties or their counsel an opportunity at a convenient time and place, to present to the agency or hearing officer, written or oral evidence in opposition to the agency's action or refusal to act, or a written statement challenging the grounds upon which the agency has chosen to justify its action or inaction.

The administrative hearing process is designed to formulate agency action. Accordingly, if a petition is filed, the Department's final action may be different from the proposed agency action. Therefore, persons who may not wish to file a petition, may wish to intervene in the proceeding. A petition for intervention must be filed pursuant to Model Rule 28-5.207, F.A.C., at least five (5) days before the final hearing and be filed with the hearing officer, if one has been assigned, at the Division of Administrative Hearings, 2009 Apalachee Parkway,

Tallahassee, Florida 32301. If no hearing officer has been assigned, the petition is to be filed with the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S.

If the Department does not receive a petition for hearing within the time allowed by this letter and does receive proof of public notice from the petitioner, a final order will be issued.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

Dale Twachtmann
Secretary
2600 Blair Stone Road
Twin Towers Office Building
Tallahassee, Florida
32399-2400

Copies furnished to:

S. Smallwood, DER
C. Fancy, DER
B. Congdon, Esq., DER
C. Shaver, NPS
A. Kutyna, DER
E. Middleswart, DER
R. Roberson, BESD

Exhibit 17

OERTEL, HOFFMAN, FERNANDEZ & COLE, P. A.

ATTORNEYS AT LAW

M. CHRISTOPHER BRYANT
R. L. CALEEN, JR.
C. ANTHONY CLEVELAND
TERRY COLE
MARTHA J. EDENFIELD
SEGUNDO J. FERNANDEZ
KENNETH F. HOFFMAN
KENNETH G. OERTEL
HAROLD F. X. PURNELL
PATRICIA A. RENOVITCH
SCOTT SHIRLEY
THOMAS G. TOMASELLO
W. DAVID WATKINS

SUITE C
2700 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32301

MAILING ADDRESS:
POST OFFICE BOX 6507
TALLAHASSEE, FLORIDA 32314-6507

TELEPHONE (904) 877-0099
FACSIMILE (904) 877-0981

JOHN H. MILLICAN
ENVIRONMENTAL CONSULTANT
(NOT A MEMBER OF THE FLORIDA BAR)

J. P. SUBRAMANI, Ph.D., P. E.
ENVIRONMENTAL CONSULTANT
(NOT A MEMBER OF THE FLORIDA BAR)

May 21, 1990

RECEIVED

MAY 21 1990

DER-BAQM

Mr. Bruce Mitchell
Engineer IV
Florida Department of
Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Re: Seminole Kraft Corporation
Construction Permit No. AC16-168607

Dear Bruce:

On behalf of Seminole Kraft this will amend the letter of February 16, 1990 dealing with the above construction permit. We request that the suggested amendment to paragraph 15 be changed as follows:

15. Seminole Kraft Corporation has indicated to the Department that as an alternative to replacing the three existing kraft recovery boilers with a new recovery boiler, it may choose to convert the mill to a 100% recycle fiber operation and close down the kraft pulp mill, recovery boilers and associated facilities. In the event that Seminole Kraft chooses this alternative, the following conditions apply:
 - a. The existing three recovery boilers and three smelt dissolving tanks, will be permanently shut down and be made incapable of operation by November 12, 1992. Operating permits for these sources shall be turned into the BESD office by this same date.
 - b. Notice of Seminole Kraft's decision to proceed with construction of a new recovery boiler or to convert the mill to 100% recycle fiber operation shall be provided to DER and BESD by June 1, 1990.

Mr. Bruce Mitchell
May 21, 1990
Page 2

- c. If Seminole Kraft chooses to convert the mill to 100% recycle fiber operation, it shall submit semi-annual progress reports to DER and BESO by June 30 and December 31 of each year until the recycle fiber project is completed and in operation.
- d. To be inserted by DER.

We appreciate your cooperation in this matter. Please let me know if you have any questions.

Sincerely,

Terry Cole
Terry Cole

TC:slw

cc: Curt Barton
Larry Stanley
Mike Riddle

*1. 5/21/90
2. 5/21/90
3. 5/21/90
4. 5/21/90*

Exhibit 18

DEPARTMENT OF ENVIRONMENTAL REGULATION ADMINISTRATIVE HEARING

The Department of Environmental Regulation gives notice of its intent to Issue a Variance (OGC File No. 90-0701) to Seminole Kraft Corporation, Jacksonville, Duval County, Florida.

Date: June 26, 1990

Time: 9:00 a.m.

Place: City of Jacksonville
Bio-Environmental Services Division
Conference Rooms A & B
421 West Church Street
Jacksonville, Florida

Hearing Officer: Clair Fancy
Chief
Bureau of Air Regulation

- AGENDA -

9:00 a.m.

Call to Order

BAR Response to Petition Review

Seminole Kraft Corporation Response
to Petition Issues

Public Comments on Intent to Issue

Closing Statements

Adjourn

Exhibit 19

DEPARTMENT OF HEALTH, WELFARE
& BIO-ENVIRONMENTAL SERVICES
Bio-Environmental Services Division



C O N F E R E N C E

Subject: Seminole Kraft
Line Slaker #3 Variance Hearing

Date Held: 9 AM 6/26/90

<u>NAME/TITLE</u>	<u>AFFILIATION</u>	<u>TELEPHONE NUMBER</u>
W.H. Congdon	DER/OGC	904 488-9730
C.H. Fancy	DER/BAR	904 488-1344
R. Bruce Mitchell	DER/DARM/BAR	904 488-1344
ROBERT STEVEN PACE	BESD	904 630-3666
Jerry E. Woosley	BESD	904 630-3666
RONALD L. ROBERSON	BESD	904 630-3666
Michael Riddle (Environmental)	Seminole Kraft	904 751-6400 ext 27
DARREL HALL	BESD	904 630-3666
George Hawkins	BESD	904/630-3666
Chris Kirk	BESD	904/630-3666



Exhibit 20

DEPARTMENT OF HEALTH, WELFARE
& BIO-ENVIRONMENTAL SERVICES
Bio-Environmental Services



RECEIVED

MAR 19 1990

DER - BAQM

March 16, 1990

Mr. Clair Fancy, P.E., Chief
Bureau of Air Regulations
Florida Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400

RECEIVED

JUN 26 1990

DER - BAQM

RE: SEMINOLE KRAFT CORPORATION
VARIANCE REQUEST -
NUMBER 3 LIME SLAKER

Dear Mr. Fancy:

Bio-Environmental Services Division (BESD) appreciates being forwarded the technical package relating to Seminole Kraft Corporation, Stipulation of Settlement, and associated documentation related to the variance petition. BESD strongly opposes the action of a variance for the subject source, as the applicant has failed to meet the legal requirements and provide technical support to justify such action.

The following describes BESD's specific objections or questions relating to the staff opposition to this variance.

- I. Seminole Kraft Corporation has failed to demonstrate that a hardship exists, as required under Section 403.201 (c), Florida Statutes (FS). The applicant states that the cost of modification will approach \$35,000, and provides no further data to support that a \$35,000 cost would be a hardship on this corporation. Even with the statement that the source will be shut down by November 12, 1992, there is no fiscal data supplied to suggest a hardship exists.

The applicant installed a new lime slaker, i.e., number three, at what cost, and it now only has a life span of thirty-two months. What is the ratio of these expenses and compared to the overall profits of the corporation can a hardship be established? Unless further data is forthcoming, the requirements of the FS do not appear to be fulfilled.

Please note that the applicant's attorney statement that the expense of doing a proper test (i.e., incurring the \$35,000 expense) is "unnecessary", is not reflected in the criteria for a variance as outlined in the FS.



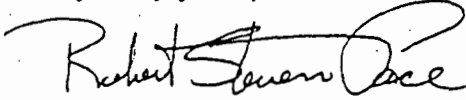
- II. The applicant is obviously seeking a variance for a period of time (August 1990 to November 1992) that exceeds the limits allowed by the FS. Section 403.201 (1)(c), FS, allows a variance for only twenty-four months. The ongoing actions by the applicant in fact give the applicant a variance from this point in time, which truly exceeds the twenty-four months allowed by the FS. Some form of penalty should be extracted for this period of time, possibly via a Consent Order.
- III. The applicant's use of a "mass balance" to demonstrate compliance seems to raise more questions than it answers. Specifically -
- a. The calculations use the enthalpy for a saturated liquid of 186 BTU/lb, when it would appear that the enthalpy for a saturated vapor (1153 BTU/lb) would be more appropriate. As the author of the calculations noted, and the stack test of August 16, 1989 noted this is a saturated gas stream. Hence, by definition it would appear that the enthalpy for a saturated vapor should have been used. BESD requests the Department to review this aspect of the calculation.
 - b. The "mass balance" calculations notes that only a sub-sample of 75 ml was analyzed, rather than the entire 500 ml sample. Why? Also were the samples allowed to sit, resulting in settling. Hence, was the 75 ml sub-sample truly representative? Who did the analysis? Did they have a QA/QC program? Was the balance used to do the work certified? We do not even know if the water samples were collected on the same day as the stack test from the data supplied by Seminole Kraft Corporation.
 - c. The applicant used a doppler meter to measure the in-flow of water, and we have no idea as to the accuracy of this measurement. Why didn't the applicant measure the discharge flow at the same time? What was the duration of the measurement and was the number used in the calculations an average number?
 - d. In the example calculations provided with the variance petition, it is noted that part of the formula uses a factor of "2.875 lb/gallon" which probably should be "3.785 liters/gallon". Likewise, abbreviations for units aren't consistent throughout the formula.
 - e. The applicant attempts to use this "mass balance" to preclude a stack test (inlet and outlet), as the applicant cannot meet the distance requirements for obstructions to the gas stream. Has the applicant or DER considered increasing the number of test points on the inlet side, which is allowed by the reference method.

Obviously BESD has major concerns relative to this variance request. Hence, until the applicant, or DER, can provide explanation to the above questions, BESD cannot approve of this action.

Mr. Clair Fancy
March 16, 1990
Page 3

Please advise if you have any questions regarding the above comments.

Very truly yours,



Robert S. Pace, P.E.
Assistant Division Chief

RSP/ns

cc: Mr. Dan Richardson, OGC
Mr. Jerry Woosley, BESD
Mr. Ron Roberson, BESD
Mr. Andy Kutyna, P.E., DER, Jax

Disc 4/43

B. Mitchell
CHF/JKP/ET

Exhibit 21



State of Florida
DEPARTMENT OF ENVIRONMENTAL REGULATION

For Routing to Other Than The Addressee	
To: <u>Steve Pace</u>	Location: _____
To: <u>Don Roberzen</u>	Location: _____
To: _____	Location: _____
From: _____	Date: _____

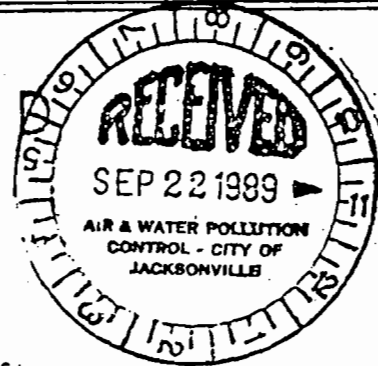
Interoffice Memorandum

TO: Bruce Mitchell
 THRU: Clair Fancy *and*
 FROM: *John Brown*
 DATE: September 8, 1989
 SUBJ: Lime Slaker Permit @ Seminole Kraft

RECEIVED

JUN 20 1990

DER-BAQM



Based on my review of the attached August 30, 1989 letter from Seminole Kraft the following observations are made:

- a) When Seminole Kraft negotiated a consent order to open the former Jacksonville Kraft facility there were several days of negotiation during which company representatives spent much time and effort in convincing the BESD, the Department and the EPA that they would be a good "Corporate Neighbor".

Since reopening they have failed eleven stack tests, the most recent in June 1989. BESD spent an inordinate period of time negotiating a settlement of \$40,000 for the first nine test failures. Now we are back into enforcement against two additional stack test failures.

The 10-03-88 version of 17-4.070(5) states in part, "The Department shall take into consideration a permit applicant's violation of any department rules at any installation when determining whether the applicant has provided reasonable assurances that Department standards will be met".

The construction permit allegedly placed the burden on the facility to demonstrate compliance with RMS 5. Therefore, the facility should have designed and built the Slaker to meet that requirement. They still should be required to do so, in my opinion.

The test described in the attached letter was a compliance test and therefore the owner had a responsibility to notify the Department (BESD, in this case) of the test 15 days prior to testing. The Department was denied the opportunity to observe the test, thus rendering it unacceptable.

If it is impossible to test utilizing Method 5 ahead of the scrubber, the company needs to demonstrate through 17-2.700(3), ASP, that Compliance can be determined through equivalent methods. This is required prior to using the test method, not after the fact. There is no reason that we can think of that precludes the use of Method 5 for a wet stack.

17-2.700(3)(C) clearly spells out the requirements for test facilities that do not conduct a compliance test on at least an annual basis. It is apparent that this rule was not met. A good argument can be made for annual demonstration of 98% efficiency or at least establishment of surrogate parameters which will guarantee compliance on a continuous basis. I propose that you consider requiring the source to modify the configuration to allow for RMS 5 testing and that the efficiency be demonstrated annually.

Your consideration of the above comments is appreciated.

JB/cl

Attachment

SPECIAL REPORT
NO. 3 LIME SLAKER
WET SCRUBBER PERFORMANCE

RECEIVED

AUG 31 1989

DER-BAQM

Purpose

The test described in this report was conducted to demonstrate the efficiency of the wet scrubber on No.3 Lime Slaker.

Description of test

The integral design of the wet scrubber on the No.3 Lime Slaker does not allow a determination of the wet scrubber inlet particulate loading using EPA-RM5. There is no room to properly install ports for the test probe and inlet gas conditions (>212° F supersaturated) would not allow the sampling methodology to work. Therefore, the method chosen to demonstrate the scrubber efficiency was a mass balance approach.

The water flow into the scrubber was determined. The particulate concentration was determined on both the inlet to the scrubber and drain from the scrubber. A particulate mass rate was then determined for both the inlet water flow and the scrubber drain. Finally, the particulate mass loading to the scrubber was the difference between the mass input in the fresh water and the mass discharged through the drain.

The water flow into the scrubber was used for both inlet and outlet flows in the scrubber. This was a conservative approach because the volume of water emitted through the scrubber vent should be less than the volume of water condensed in the scrubber from the slaking process. This would make the scrubber discharge volume used in the calculations lower than the actual discharge volume and therefore makes the calculated mass loading to the scrubber lower than the actual mass loading. We also believe that the amount of water condensed in the scrubber and discharged through the stack are very minor when compared to the flow of fresh water to the scrubber.

Result of test

The results of the stack test on the No.3 Lime Slaker are shown on Attachment A. The average particulate emissions were 0.31 lb/hr.

The results from testing the scrubber water (in and out) are shown on Attachment B. The wet scrubber inlet particulate

loading calculations are shown on Attachment B. The wet scrubber inlet particulate loading was 95.01 lb/hr.

The particulate removal efficiency of the wet scrubber is calculated on Attachment C. The particulate removal efficiency was 99.7%.

Conclusion

This test demonstrates that the wet scrubber on the No.3 Lime Slaker has an efficiency exceeding 98%. Under rule 17-2.650(2)(c)12, FAC, a source which has no specific RACT emission limitations is allowed to emit in excess of 0.03 gr/dscf if the control device has a collection efficiency of 98%.

Recommendations

Based on this demonstration, DER should issue an operating permit for the No.3 Lime Slaker with the same conditions as were contained in the construction permit for this source. Specifically particulate matter emissions shall not exceed 3.2 lb/hr and 7 TPY. Visible emissions shall be limited to no more than the average opacity achieved during a compliance test, which establishes compliance with the standard, plus 5% opacity.

ATTACHMENT A

SEMINOLE KRAFT PARTICULATE CALCULATIONS

SOURCE : SLAKER No. 3

DATE: 8-16-89

INPUT DATA

	RUN 1	RUN 2	RUN 3	AVG.
TIME STARTED	1126	1255	1437	
TIME FINISHED	1230	1421	1548	
BAROMETRIC PRESSURE, in Hg	30.07	30.07	30.07	30.07
METER CORRECTION FACTOR	1.04	1.04	1.04	1.04
METER VOLUME, cu ft	48.480	49.070	50.954	49.501
AVG DELTA-H, in water	2.03	1.89	2.03	1.98
AVG METER TEMP, deg F	117	121	123	120
VOL. LIQUID COLLECTED, ml *	240	293	286	273
SILICA GEL WEIGHT CHANGE, g	12.7	14.9	19.2	15.6
CARBON DIOXIDE CONTENT, %	0.0	0.0	0.0	0.0
OXYGEN CONTENT, %	20.0	20.0	20.5	20.2
NITROGEN CONTENT, %	80.0	80.0	79.5	79.8
AVG SRT DELTA-P, in water	0.19	0.18	0.19	0.18
AVG STACK TEMP, deg F	139	144	142	142
AVG STACK PRES., in Hg	30.07	30.07	30.07	30.07
STACK AREA, sq ft	0.785	0.785	0.785	0.79
NET RUN TIME, hrs	1.0	1.0	1.0	1.0
NOZZLE SIZE, in	0.55	0.55	0.55	0.550
PARTICULATE WEIGHT, g	0.3089	0.2762	0.3263	0.3038

CALCULATED DATA

	RUN 1	RUN 2	RUN 3	AVG.
VOL METER, SDCF	46.606	46.833	48.480	47.307
VOL CONDENSATE, SDCF *	11.910	14.511	14.384	13.602
GAS MOISTURE CONTENT, % *	20.4	23.7	22.9	22.3
DRY GAS MOLECULAR WT.	28.80	28.80	28.82	28.81
STACK GAS MOLECULAR WT.	26.60	26.25	26.34	26.40
GAS VELOCITY, FPS	11.56	11.18	11.58	11.44
GAS FLOW RATE, ACFM	544	527	545	539
GAS FLOW RATE, SDCFM	384	353	371	369
GAS FLOW RATE, SDCFH	23047	21196	22248	22164
ISOKENETIC RATE, %	96.3	105.2	102.7	101.7
PARTICULATE CONC, gr/cu ft	0.1023	0.0910	0.1039	0.0990
PARTICULATE CONC., lb/cu ft	1.5E-05	1.3E-05	1.5E-05	1.4E-05
MASS EMISSION RATE, lb/hr	0.34	0.28	0.33	0.31

* DATA CORRECTED TO SATURATION AT STACK TEMPERATURE

ATTACHMENT B

Field Data
Slaker Water Flow and Solids Loading

The water flow to the slaker was measured using a portable doppler flow meter. This meter reads water velocity in the pipe. Volumetric flow is calculated from pipe diameter and a conversion factor.

Example calculation:

$$\text{gallons per minute} = (\text{pipe diameter})^2 \times (\text{velocity}) \times 2.45$$

Where: pipe diameter is in inches, velocity is in feet per second
2.45 is a conversion factor.

Water pipe feeding slaker scrubber is 4 inch schedule 40 stainless with an internal diameter of 4.03 inches.

DATA

<u>Date</u>	<u>Time</u>	<u>Velocity</u>	<u>Flow</u>
8/16/89	1100	3.0	119
8/16/89	1200	2.95	117
8/16/89	1300	2.95	117
8/16/89	1400	2.6	103
8/16/89	1500	2.6	103
8/16/89	1600	2.5	100

Average: 110 gpm

DATA

Solids analysis of scrubber water

<u>Sample ID</u>	<u>Sample No.</u>	<u>Time</u>	<u>Sample Size</u>	<u>Beaker tare</u>	<u>Beaker w/sample</u>	<u>Weight</u>
inlet water	In ₁	930	75 ml	47.9110	47.9328	0.0217
inlet water	In ₂	1630	75 ml	57.7679	57.8013	0.0336
scrubber	0 ₁	930	75 ml	60.2748	60.4213	0.1466
drain	0 ₂	1030	75 ml	57.7780	57.9006	0.1226
"	0 ₃	1130	75 ml	66.1722	66.3269	0.1546
"	0 ₄	1230	75 ml	65.7772	65.9511	0.1740
"	0 ₅	1330	75 ml	65.9570	66.0962	0.1392
"	0 ₆	1430	75 ml	68.9192	69.0614	0.1522
"	0 ₇	1530	75 ml	67.8210	67.9866	0.1655
"	0 ₈	1630	75 ml	70.1460	70.3210	0.1750

average inlet water Δ weight 0.0277

average scrubber drain Δ weight 0.1537

Calculate loading

$$\text{lb/gallon} = \frac{\text{weight (grams)}}{3.875 \text{ lb/gallon} \times \text{pounds/453.8 gram}} \times \text{gr/75 ml} \times 1000 \text{ ml/liter} \times$$

$$\text{lb/gallon} = \text{weight} \times 0.1139$$

$$\text{lb/hour} = \text{lb/gallon} \times \text{gallon/minute} \times 60 \text{ minutes/hr} =$$

Scrubber inlet water

$$0.0277 \times 0.1139 \times 110 \times 60 = 20.8 \text{ lb/hr}$$

Scrubber drain water

$$0.1537 \times 0.1139 \times 110 \times 60 = 115.5 \text{ lb/hr}$$

Particulate mass to the scrubber from the process

$$\begin{array}{l} \text{pounds/hr scrubber drain} + \text{pounds/hr particulate emitted} - \\ \text{pounds/hr particulate in inlet water} \end{array}$$

$$115.5 \text{ lb/hr} + 0.31 \text{ lb.hr} - 20.8 \text{ lb/hr} = 95.01 \text{ lb/hr}$$

ATTACHMENT C

Particulate removal efficiencies

No.3 Lime Slaker Scrubber

Removal efficiency is equal to:

$$\frac{\text{Mass in scrubber drain}}{\text{Mass to scrubber}} \times 100 =$$

$$\frac{94.7 \text{ lb/hr}}{95.01 \text{ lb/hr}} \times 100 =$$

99.7%

Exhibit 22

SIERRA CLUB

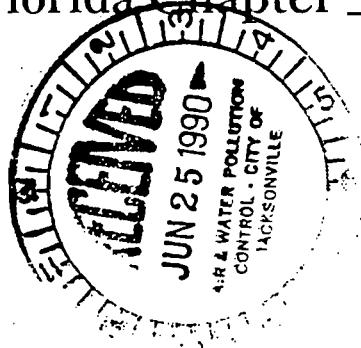


The Florida Chapter

Mail response to: 3280-B Justice Ks
Jacksonville, Fl. 32211

6-25-90

Attn.: Len Roberson



RECEIVED

JUN 26 1990

DER. BAQU.

This letter is to be formally entered into the public hearing being held tomorrow at 9am, 6-26-90 regarding Seminole Kraft's request for a variance from Method 5 testing. A representative of the Sierra Club can not attend due to the inconvenient timing of the hearing.

The Sierra Club representing thousands of Jacksonville citizens completely opposes the issuance of this variance for Seminole Kraft. EPA Method 5 testing is a valid engineering test that Kraft agreed to when they received their permit. The test is well established in the courts and Seminole Kraft's alternative has no legal standing and could be utilized to engaged in endless litigation as new legal matters are dealt with. Considering Seminole Kraft's poor record of compliance, a legal and engineering loophole at variance with establish law and engineering practice should not be granted.

John Muir
National Chair

Exhibit 23

RECEIVED

BESD STACK TEST REVIEW

JUN 20 1990

PLANT Seminole Kraft SOURCE # 3 Line Slaker PER. BAS
PERMIT # A016-155275 FILE # 2155 B OBS. NA RPT. REC'D 1/1/1

AIR041 * 31/16 0:0:0:0:0:0 (INITIAL & DATE: _____)
 CURRENT TEST DATE: 03/26/90 NEXT TEST DATE: _____
 TEAM NAME: BESD - Hawks, Ms. Gaston, Walker

1 TEST ACTUAL EMISSIONS:	<u>0:0:0:0:0</u>	<u>0:0:0:0:0</u>	(LBS/HR)
2 TEST ACTUAL EMISSIONS:	---	---	(LBS/HR)
3 TEST ACTUAL EMISSIONS:	---	---	(LBS/HR)
4 TEST ACTUAL EMISSIONS:	---	---	(LBS/HR)

COMMENTS: _____

AIR042 (VE TESTS ONLY)
 OBSERVER NAME: _____ TEST LENGTH: _____ (Min) TEST PASS: _____ (Y OR N)
 1 TEST % OPACITY: NORMAL: _____ EXCEPT: _____ TIME: _____ (Min)
 2 TEST % OPACITY: NORMAL: _____ EXCEPT: _____ TIME: _____ (Min)

COMPLIANCE INDICATED	Y (M) N ()	REPORT APPROVAL	Y () N ()	FIELD TEST APPROVAL	Y () N ()	PROCESS APPROVAL	Y () N ()
----------------------	----------------	-----------------	----------------	---------------------	----------------	------------------	----------------

- 1 METH.: S/TP ALLOW. EMIS.: 3.2 #/hr. ACTUAL EMIS.: 0.007 #/hr. (0.21%)
- 2 METH.: S/TP ALLOW. EMIS.: 0.03 ^{gr} SCF ACTUAL EMIS.: 0.004 ^{gr} SCF (13%)
- 3 METH.: _____ ALLOW. EMIS.: _____ ACTUAL EMIS.: _____ (____%)
- 4 METH.: _____ ALLOW. EMIS.: _____ ACTUAL EMIS.: _____ (____%)
- 5 METH.: _____ ALLOW. EMIS.: _____ ACTUAL EMIS.: _____ (____%)
- 6 METH.: _____ ALLOW. EMIS.: _____ ACTUAL EMIS.: _____ (____%)

- 1 ALLOW. PROCESS WT.: 725,000 #/hr. ACTUAL PROCESS WT.: 399,438 #/hr. (55%)
- 2 ALLOW. PROCESS WT.: _____ ACTUAL PROCESS WT.: _____ (____%)
- 3 ALLOW. PROCESS WT.: _____ ACTUAL PROCESS WT.: _____ (____%)
- 4 ALLOW. PROCESS WT.: _____ ACTUAL PROCESS WT.: _____ (____%)
- 5 ALLOW. PROCESS WT.: _____ ACTUAL PROCESS WT.: _____ (____%)
- 6 ALLOW. PROCESS WT.: _____ ACTUAL PROCESS WT.: _____ (____%)

NOTES: Report received in _____ days.

REVIEWED BY: Hawks DATE: 1/1/1 (OVER)

BESD CALCULATIONS CHECK

Run No. 1 Avg. Stack Temp. (F) 157.4 Avg. Delta H 0.90
 Max. Filter Temp. 262 Avg. Meter Temp. (F) 96.8 Max. Vac. 510
 No. Of Points 8 Min./Point 8 Leak Checks (Y/N) Y

	REPORT VALUE	BESD VALUE
TOTAL EMISSIONS (lbs/hr)	<u>0.010</u>	_____
CONCENTRATION (gr/DSCF)	<u>.00548</u>	_____
VELOCITY (fps)	<u>6.98</u>	_____
VOLUME (DSCFM)	<u>216</u>	_____
% MOISTURE	<u>24.32</u>	_____
SAMPLE VOLUME (DSCF)	<u>32.073</u>	_____
% ISOKINETIC	<u>108.42</u>	_____
LBS/MM BTU	<u>-</u>	_____
% CARBON DIOXIDE	<u>0</u>	_____
% OXYGEN	<u>21</u>	_____

NOTES

BESD STACK TEST REVIEW

PLANT Seminole Kraft SOURCE #2 Lime Kiln IBM _____

PERMIT # A016-174976 FILE # 2155B OBS. NA RPT. REC'D 1/1/90

AIR041 * 31/16/0:0:6:7:10:2 (INITIAL & DATE: _____)
 CURRENT TEST DATE: 03/27/90 NEXT TEST DATE: 07/01/90
 TEAM NAME: BESD - Hawkins, Gaston, Walker
 1 TEST ACTUAL EMISSIONS: 0.00024 6.80000 (LBS/HR)
 2 TEST ACTUAL EMISSIONS: _____ (LBS/HR)
 3 TEST ACTUAL EMISSIONS: _____ (LBS/HR)
 4 TEST ACTUAL EMISSIONS: _____ (LBS/HR)
 COMMENTS: _____

AIR042 (VE TESTS ONLY)
 OBSERVER NAME: _____ TEST LENGTH: _____ (Min) TEST PASS: _____ (Y OR N)
 6 TEST % OPACITY: NORMAL: _____ EXCEPT: _____ TIME: _____ (Min)
 6 TEST % OPACITY: NORMAL: _____ EXCEPT: _____ TIME: _____ (Min)

COMPLIANCE INDICATED	Y (M) N ()	REPORT APPROVAL	Y () N ()	FIELD TEST APPROVAL	Y () N ()	PROCESS APPROVAL	Y () N ()
----------------------	----------------	-----------------	----------------	---------------------	----------------	------------------	----------------

1 METH.: STBP ALLOW. EMIS.: 16.0 #/hr. ACTUAL EMIS.: 4.68 #/hr. (29%)
 2 METH.: _____ ALLOW. EMIS.: _____ ACTUAL EMIS.: _____ (____%)
 3 METH.: _____ ALLOW. EMIS.: _____ ACTUAL EMIS.: _____ (____%)
 4 METH.: _____ ALLOW. EMIS.: _____ ACTUAL EMIS.: _____ (____%)
 5 METH.: _____ ALLOW. EMIS.: _____ ACTUAL EMIS.: _____ (____%)
 6 METH.: _____ ALLOW. EMIS.: _____ ACTUAL EMIS.: _____ (____%)

1 ALLOW. PROCESS WT.: 22,340 #/hr. ACTUAL PROCESS WT.: 30,000 #/hr. (134%)
 2 ALLOW. PROCESS WT.: _____ ACTUAL PROCESS WT.: _____ (____%)
 3 ALLOW. PROCESS WT.: _____ ACTUAL PROCESS WT.: _____ (____%)
 4 ALLOW. PROCESS WT.: _____ ACTUAL PROCESS WT.: _____ (____%)
 5 ALLOW. PROCESS WT.: _____ ACTUAL PROCESS WT.: _____ (____%)
 6 ALLOW. PROCESS WT.: _____ ACTUAL PROCESS WT.: _____ (____%)

NOTES: Report received in _____ days.

REVIEWED BY: Hawkins DATE: 1/1/90 (OVER)

BESD CALCULATIONS CHECK

Run No. 1 Avg. Stack Temp. (F) 142.3 Avg. Delta H 1.0950
Max. Filter Temp. 267 Avg. Meter Temp. (F) 73.5 Max. Vac. 55
No. Of Points 24 Min./Point 2.5 Leak Checks (Y/N) Y

	REPORT VALUE	BESD VALUE
TOTAL EMISSIONS (lbs/hr)	<u>4.98</u>	_____
CONCENTRATION (gr/DSCF)	<u>0.3599</u>	_____
VELOCITY (fps)	<u>21.65</u>	_____
VOLUME (DSCFM)	<u>16,160</u>	_____
% MOISTURE	<u>18.25</u>	_____
SAMPLE VOLUME (DSCF)	<u>40.477</u>	_____
% ISOKINETIC	<u>93.60</u>	_____
LBS/MM BTU	<u>—</u>	_____
% CARBON DIOXIDE	<u>0</u>	_____
% OXYGEN	<u>21</u>	_____

NOTES

RECEIVED

BESD STACK TEST REVIEW

JUN 26 1990

PLANT Seminole Kraft SOURCE # 3 Line Slaker DER. BADWHL

PERMIT # A016-155275 FILE # 2155B OBS. NA RPT. REC'D - / - / -

AIR041 * 31/16/0:0:6:7:1:1:1 (INITIAL & DATE: _____)
 CURRENT TEST DATE: 03/26/90 NEXT TEST DATE: _____
 TEAM NAME: BESD - Hawks, Ms. Gaston, Walker
 1 TEST ACTUAL EMISSIONS: 0.0000 : 0.0000 (LBS/HR)
 2 TEST ACTUAL EMISSIONS: _____ (LBS/HR)
 3 TEST ACTUAL EMISSIONS: _____ (LBS/HR)
 4 TEST ACTUAL EMISSIONS: _____ (LBS/HR)
 COMMENTS: _____

AIR042 (VE TESTS ONLY)
 OBSERVER NAME: _____ TEST LENGTH: _____ (Min) TEST PASS: _____ (Y OR N)
 1 TEST % OPACITY: NORMAL: _____ EXCEPT: _____ TIME: _____ (Min)
 2 TEST % OPACITY: NORMAL: _____ EXCEPT: _____ TIME: _____ (Min)

COMPLIANCE INDICATED	Y (M) N (I)	REPORT APPROVAL	Y (I) N (I)	FIELD TEST APPROVAL	Y (I) N (I)	PROCESS APPROVAL	Y (I) N (I)

1 METH.: S/TBP ALLOW. EMIS.: 3.2 #/hr. ACTUAL EMIS.: 0.007 #/hr. (<1%)
 2 METH.: S/TBP ALLOW. EMIS.: 0.03 ^{gr} BSCF ACTUAL EMIS.: 0.004 ^{gr} BSCF (13%)
 3 METH.: _____ ALLOW. EMIS.: _____ ACTUAL EMIS.: _____ (____%)
 4 METH.: _____ ALLOW. EMIS.: _____ ACTUAL EMIS.: _____ (____%)
 5 METH.: _____ ALLOW. EMIS.: _____ ACTUAL EMIS.: _____ (____%)
 6 METH.: _____ ALLOW. EMIS.: _____ ACTUAL EMIS.: _____ (____%)

1 ALLOW. PROCESS WT.: 725,000 #/hr. ACTUAL PROCESS WT.: 399,438 #/hr. (55%)
 2 ALLOW. PROCESS WT.: _____ ACTUAL PROCESS WT.: _____ (____%)
 3 ALLOW. PROCESS WT.: _____ ACTUAL PROCESS WT.: _____ (____%)
 4 ALLOW. PROCESS WT.: _____ ACTUAL PROCESS WT.: _____ (____%)
 5 ALLOW. PROCESS WT.: _____ ACTUAL PROCESS WT.: _____ (____%)
 6 ALLOW. PROCESS WT.: _____ ACTUAL PROCESS WT.: _____ (____%)

NOTES: Report received in _____ days.

REVIEWED BY: Hawks DATE: - / - / - (OVER)

BESD STACK TEST REVIEW

PLANT Seminole Kraft SOURCE # 2 Line Kiln IBM _____

PERMIT # A016-174976 FILE # 2155 B OBS. NA RPT. REC'D 1/2/90

AIR041 * 31/16/0:0:6:7:10:2 (INITIAL & DATE: _____)
 CURRENT TEST DATE: 03/27/90 NEXT TEST DATE: 07/01/90
 TEAM NAME: BESD - Hawkins, Gaston, Walker
 1 TEST ACTUAL EMISSIONS: 0.0004 6.800000 (LBS/HR)
 2 TEST ACTUAL EMISSIONS: _____ (LBS/HR)
 3 TEST ACTUAL EMISSIONS: _____ (LBS/HR)
 4 TEST ACTUAL EMISSIONS: _____ (LBS/HR)
 COMMENTS: _____

AIR042 (VE TESTS ONLY)
 OBSERVER NAME: _____ TEST LENGTH: _____ (Min) TEST PASS: _____ (Y OR N)
 6 TEST % OPACITY: NORMAL: _____ EXCEPT: _____ TIME: _____ (Min)
 6 TEST % OPACITY: NORMAL: _____ EXCEPT: _____ TIME: _____ (Min)

COMPLIANCE INDICATED	Y (M) N (I)	REPORT APPROVAL	Y (I) N (I)	FIELD TEST APPROVAL	Y (I) N (I)	PROCESS APPROVAL	Y (I) N (I)
----------------------	----------------	-----------------	----------------	---------------------	----------------	------------------	----------------

1 METH.: STBP ALLOW. EMIS.: 16.0 #/hr. ACTUAL EMIS.: 4.68 #/hr. (29%)
 2 METH.: _____ ALLOW. EMIS.: _____ ACTUAL EMIS.: _____ (____%)
 3 METH.: _____ ALLOW. EMIS.: _____ ACTUAL EMIS.: _____ (____%)
 4 METH.: _____ ALLOW. EMIS.: _____ ACTUAL EMIS.: _____ (____%)
 6 METH.: _____ ALLOW. EMIS.: _____ ACTUAL EMIS.: _____ (____%)
 6 METH.: _____ ALLOW. EMIS.: _____ ACTUAL EMIS.: _____ (____%)

1 ALLOW. PROCESS WT.: 22,340 #/hr. ACTUAL PROCESS WT.: 30,000 #/hr. (134%)
 2 ALLOW. PROCESS WT.: _____ ACTUAL PROCESS WT.: _____ (____%)
 3 ALLOW. PROCESS WT.: _____ ACTUAL PROCESS WT.: _____ (____%)
 4 ALLOW. PROCESS WT.: _____ ACTUAL PROCESS WT.: _____ (____%)
 6 ALLOW. PROCESS WT.: _____ ACTUAL PROCESS WT.: _____ (____%)
 6 ALLOW. PROCESS WT.: _____ ACTUAL PROCESS WT.: _____ (____%)

NOTES: Report received in _____ days.

REVIEWED BY: Hawkins DATE: 1/2/90 (OVER)

EMISSION SOURCE
HISTORICAL DATA

BESD File #: 2155 J

Plant Name: Seminole Kraft Corporation

Plant Address: 9469 Eastport Rd. 29

Contact Name: Mr. Michael Riddle, Environmental Supervisor

Contact Address: P.O. Box 26998 Jax. 18

Source: #2 Lime Kiln

Control Equipment: Venturi Scrubber

Permit #: 71213

APIS #: 0067-02

Permit Renewal Date: 07/31/88

Testing Anniversary Date: 07/01/83

Allowable Operational Period: 8,760 hrs/yr

Allowable Process Input: 22,340 #/hr / 60 MBTU/hr

Allowable Emissions: P: 16 #/hr (3.59 x (P**.62)), VE: 10%.

Applicable Rule: 17-2.650(2)(c)9

Specific Conditions: Testing @ 90-100% cap. P: semi-annually, VE: upon request.

Date of Last Test Performed: 12/08/89

Due Date of Next Test: 07/01/90

In Compliance?: Y

Additional Information Forthcoming?: N

Temporary Restrictions: NA

Other DBMS?: N

Comments(1): 7/8/87: P: 8.19 #/hr; VE: 13.3%. Requested retest of VE. 9/10/87: VE: 7.9%. 11/20/87: P: 3.3 #/hr. 5/25/88: P: 5.58 #/hr. 6/6/88: TRS: 16.91 ppm. 10/12/88: BESD test: P: 3.07 #/hr. 10/25/88: P: 5.06 #/hr. 6/1/89: P: 7.05 #/hr.

Comments(2): 11/1/89: TRS: 0.77 ppm 12/8/89: P: 5.14 #/hr. 3/28/89: SO2: 0.06 #/hr; 0.36 ppm.

Comments(3): NA

Date of Last Revision: 1/29/90

BESD SOURCE TEST REPORT
FOR
SEMINOLE KRAFT CORPORATION

PARTICULATE EMISSIONS
FROM
#3 LIME SLAKER; #2 LIME KILN

MARCH 26 & 27, 1990

Prepared by:
George Hawkins
William Gaston
Wayne Walker

DEPARTMENT OF HEALTH, WELFARE, AND BIO-ENVIRONMENTAL SERVICES

AIR POLLUTION CONTROL

SUMMARY OF TEST DATA

PLANT: SEMINOLE KRAFT CORP.
SOURCE: #3 LIME SLAKER

TEST DATE: 3/26/90
RUN NUMBERS: 1 - 3

	#1	#2	#3	AVG
Date	3/26/90	3/26/90	3/26/90	
Start Time	12:33	2:09	3:38	
End Time	1:40	3:15	4:44	
Stack Diameter, inches	12	12	12	
Nozzle Diameter, inches	0.555	0.555	0.555	
Test Time, minutes	64	64	64	
Number of Test Points per Run	8	8	8	
Average Stack Gas Temperature, F	157.4	162.0	164.1	161.2
Stack Gas Moisture Content, %	24.32	32.34	32.77	29.81
Stack Gas Molecular Weight	26.20	25.33	25.29	25.61
Stack Gas, Volume Sampled, CF	33.256	32.819	31.952	32.676
Volume Sampled, SCF @ 68 dgs. F	32.073	31.607	31.014	31.565
Stack Gas Velocity, FPS	6.98	7.46	7.97	7.47
Stack Gas Flowrate, ACFM	329	352	375	352
Stack Gas Flowrate, DSCFM @ 68 dgs. F	216	205	217	213
Isokinetic Sampling Rate, %	108.42	112.67	104.56	108.55
Particulate Collected, grams	0.0114	0.0046	0.0083	0.0081
Part. Concentration, grains/SCF	0.0055	0.0023	0.0041	0.0040
Pollutant Mass Rate, lbs/hr	0.010	0.004	0.008	0.007

Field Data and Samples under control of:

Wayne J. Walker

Laboratory Analysis under control of:

George H. Smith

BESD SOURCE SAMPLING FIELD DATA SHEET

Facility Seminole Kraft C. 0.84 ΔHe 1.91 F 71.64 Test Start Time 12:33
 Source #3 Staker Initial DGM 397.431 Stop Time 1:40
 Method # 5 Final DGM 430.588 D_n calculated (in.) _____
 Run # 1 Date 3/26/90 P. in. H2O _____ D_n used (in.) 0.555
 Filter # 1 Bw. (assumed) _____ P_b: Int. 30.36 Stk _____ Final _____
 Operator Walker Y of Mtr. 1.003 Weather _____
 Meter Box # _____ Heater Box Setting, F _____ Stack Temperature: _____
 Condensate (ml) 210 Probe Heater Setting, F _____ ASTM _____
 Silica Gel (gms) 8.9 Pitot # _____ Probe # _____ STLED _____
 Sampling Leak Rate: Pre-Test 0.0 CFM @ 15 in. Hg Post-Test 0.0 CFM @ 10 in. Hg
 Pitot Tube Leak Rate: Pre-Test OK @ ✓ in. H2O Post-Test OK @ ✓ in. H2O

Pt. #	Clock Time	Dry Gas Mtr. CF	ΔP in. H2O	Dry Gas Temp. F	ΔH in. H2O	Stack Temp. F	Hot Box Temp. F	Last Imp. Temp. F	Vac. in. Hg	Notes
1	0	397.431	0.01	94	0.72	51	262	57	23	
2	8	401.21	0.01	95	0.72	61	254	58	23	
3	16	404.98	0.01	96	0.72	60	255	60	23	
4	24	408.77	0.01	97	0.72	57	256	61	23	
1	32	412.427	0.01	98	0.72	47	249	63	20	
2	40	416.29	0.02	98	1.44	57	255	64	25	
3	48	421.51	0.02	98	1.44	60	255	65	25	
4	56	426.73	0.01	98	0.72	66	254	66	20	
	64	430.588								

Analyzer: _____
 O₂: _____
 CO₂: _____
 CO: _____

Traverse:
 1 1.0 7 _____
 2 3.0 8 _____
 3 9.0 9 _____
 4 11.0 10 _____
 5 _____ 11 _____
 6 _____ 12 _____
 (inches)

Schematic
 D. 12 (in.)

$$D_n = 0.0374 \left[\frac{(T_s + 460)}{(H \times (T_s + 460))^{1/2} \times FDA} \right]^{1/2}$$

$$F = 1570 \left[(T_m \times \Delta H_e) / ((FDA + 1.6) T_s) \right] (FDA \times D_n^2)^2$$

BESD SOURCE SAMPLING FIELD DATA SHEET

Facility Seminole Kraft C_p 0.84 ΔH @ 1.91 F 64.26 Test Start Time 2:09
 Source #3 Slaker Initial DGM 432.532 Stop Time 3:15
 Method # 5 Final DGM 465.253 D_n calculated (in.) _____
 Run # 2 Date 3/26/90 P. in. H2O _____ D_n used (in.) 0.535
 Filter # 2 B_w (assumed) _____ P_b: Int. 30.36 Stk _____ Final _____
 Operator Walaker Y of Mtr. 1.003 Weather _____
 Meter Box # _____ Heater Box Setting, F _____ Stack Temperature: _____
 Condensate (ml) 312 Probe Heater Setting, F _____ ASTM _____
 Silica Gel (gms) 8.9 Pitot # _____ Probe # _____ STLED _____
 Sampling Leak Rate: Pre-Test 0.0 CFM @ 15 in. Hg Post-Test 0.0 CFM @ 15 in. Hg
 Pitot Tube Leak Rate: Pre-Test OK @ ✓ in. H2O Post-Test OK @ ✓ in. H2O

Pt. #	Clock Time	Dry Gas Mtr. CF	ΔP in. H2O	Dry Gas Temp. F	ΔH in. H2O	Stack Temp. F	Hot Box Temp. F	Last Imp. Temp. F	Vac. in. Hg	Notes
1	0	432.532	0.01	95	0.64	50	262	57	13	
2	8	436.14	0.01	96	0.64	64	244	57	13	
3	16	439.73	0.02	98	1.28	67	254	59	17	
4	24	444.61	0.01	98	0.64	67	253	61	10	
5	32	448.126	0.01	97	0.64	59	254	62	15	
6	40	451.76	0.02	97	1.28	61	254	64	15	
7	48	456.69	0.02	99	1.28	64	255	65	10	
8	56	461.67	0.01	100	0.64	64	256	66	15	
	64	465.253								

64.26
Notes

Analyzer: _____
 O₂: _____
 CO₂: _____
 CO: _____

Traverse:
 1 _____ 7 _____
 2 _____ 8 _____
 3 _____ 9 _____
 4 _____ 10 _____
 5 _____ 11 _____
 6 _____ 12 _____
 (inches)

Schematic
 D_n _____ (in.)

$$D_n = 0.0374 \left[\frac{(T_s + 460)}{(H \times (T_s + 460))^{1/2} \times FDA} \right]^{1/2}$$

$$F = 1570 \left[\frac{(T_m \times \Delta H @)}{(FDA + 1.6) T_s} \right] (FDA \times D_n^2)^2$$

BESD SOURCE SAMPLING FIELD DATA SHEET

Facility Seminole kraft Co. 0.84 He 1.91 F 54.38 Test Start Time 3:38
 Source #3 Staker Initial DGM 466.468 Stop Time 4:44
 Method # 5 Final DGM 498.324 D_n calculated (in.) _____
 Run # 3 Date 3/26/90 P. in. H2O _____ D_n used (in.) 0.555
 Filter # 3 Bw. (assumed) _____ P_b : Int. 30.36 Stk _____ Final _____
 Operator T Walker Y of Mtr. 1.003 Weather _____
 Meter Box # _____ Heater Box Setting, F _____ Stack Temperature: _____
 Condensate (ml) 312 Probe Heater Setting, F _____ ASTM _____
 Silica Gel (gms) 9.1 Pitot # _____ Probe # _____ STLED _____
 Sampling Leak Rate: Pre-Test 0.01 CFM @ 15 in. Hg Post-Test 0.01 CFM @ 15 in. Hg
 Pitot Tube Leak Rate: Pre-Test OK @ ✓ in. H2O Post-Test OK @ ✓ in. H2O

Pt. #	Clock Time	Dry Gas Mtr. CF	ΔP in. H2O	Dry Gas Temp. F	ΔH in. H2O	Stack Temp. F	Hot Box Temp. F	Last Imp. Temp. F	Vac. in. Hg	Notes
1	0	466.468	0.01	99	0.54	154	262	57	13	
2	8	469.77	0.02	98	1.03	159	256	57	13	
3	16	474.37	0.04	95	2.18	171	246	54	10	
4	24	480.40	0.01	94	0.54	162	247	53	10	
1	32	483.81	0.01	91	0.54	153	245	57	15	
2	40	487.14	0.01	90	0.54	170	240	60	12	
3	48	490.41	0.02	89	1.03	172	260	63	15	
4	56	495.04	0.01	89	0.54	170	259	65	12	
	64	498.324								

54.38

Analyzer: _____
 O₂: _____
 CO₂: _____
 CO: _____

Traverse:
 1 _____ 7 _____
 2 _____ 8 _____
 3 _____ 9 _____
 4 _____ 10 _____
 5 _____ 11 _____
 6 _____ 12 _____
 (inches)

Schematic
 D. _____ (in.)

$$D_n = 0.0374 \left[\frac{(T_s + 460)}{(H \times (T_s + 460))^{0.5} \times FDA} \right]^{1/2}$$

$$F = 1570 \left[\frac{(T_m \times \Delta H @)}{((FDA + 1.6) T_s)} \right] (FDA \times D_n^2)^2$$

BESD SOURCE SAMPLING FIELD DATA SHEET

Facility Seminole Kraft C. 0.84 ΔH 1.91 F 14.46 Test Start Time 11:42
 Source #2 Lime Kiln Initial DGM 540.768 Stop Time 12:44
 Method # 5 Final DGM 579.953 D_n calculated (in.) _____
 Run # 2 Date 3/27/90 P. in. H2O _____ D_n used (in.) 0.374
 Filter # 2 B.w. (assumed) _____ P_b: Int. 30.36 Stk _____ Final _____
 Operator Walker Y of Mtr. 1.003 Weather _____
 Meter Box # _____ Heater Box Setting, F _____ Stack Temperature: _____
 Condensate (ml) 188 Probe Heater Setting, F _____ ASTM _____
 Silica Gel (gms) 9.6 Pitot # _____ Probe # _____ STLED _____
 Sampling Leak Rate: Pre-Test 0.0 CFM @ 15 in. Hg Post-Test 0.0 CFM @ 7 in. Hg
 Pitot Tube Leak Rate: Pre-Test OK @ ✓ in. H2O Post-Test OK @ ✓ in. H2O

Pt. #	Clock Time	Dry Gas Mtr. CF	ΔP in. H2O	Dry Gas Temp. F	ΔH in. H2O	Stack Temp. F	Hot Box Temp. F	Last Imp. Temp. F	Vac. in. Hg	14.46	Notes
1	0	540.768	0.11	74	1.59	42	248	54	35		
2	2.5	542.39	0.11	74	1.59	42					
3	5	544.80	0.12	74	1.74	42	240	51	35		
4	7.5	545.66	0.12	74	1.74	42					
5	10	547.39	0.13	74	1.88	42	241	52	35		
6	12.5	549.13	0.14	74	2.02	42					
7	15	550.96	0.12	74	1.74	42	252	52	37		
8	17.5	552.69	0.12	75	1.74	42					
9	20	554.39	0.11	75	1.59	43	259	53	37		
10	22.5	556.02	0.10	75	1.45	43					
11	25	557.62	0.10	75	1.45	42	266	54	37		
12	27.5	559.16	0.08	75	1.16	42					
1	30	560.55	0.09	75	1.30	42	270	55	37		
2	32.5	562.12	0.08	75	1.16	42					
3	35	563.51	0.08	76	1.16	42	245	55	35		
4	37.5	564.92	0.07	76	1.01	42					
5	40	566.25	0.08	76	1.16	42	263	56	35		
6	42.5	567.64	0.11	75	1.59	42					
7	45	569.27	0.15	75	2.17	42	257	56	37		
8	47.5	571.10	0.15	75	2.17	42					
9	50	573.00	0.14	75	2.02	41	244	57	37		
10	52.5	574.82	0.13	75	1.88	42					
11	55	576.61	0.12	75	1.74	41	267	58	37		
12	57.5	578.32	0.11	74	1.59	41					
60		579.953									

Analyzer: _____
 O₂: _____
 CO₂: _____
 CO: _____

Traverse:
 1 _____ 7 _____
 2 _____ 8 _____
 3 _____ 9 _____
 4 _____ 10 _____
 5 _____ 11 _____
 6 _____ 12 _____
 (inches)

Schematic
 D. _____ (in.)

$$D_n = 0.0374 \left[\frac{(T_m + 460)}{(H \times (T_m + 460))^{1/2}} \times FDA \right]^{1/2}$$

$$F = 1570 \left[\frac{(T_m \times \Delta H)}{(FDA + 1.6)T_m} \right] (FDA \times D_n^2)^2$$

BESD SOURCE SAMPLING FIELD DATA SHEET

Facility Seminole Kraft C. 0.84 AH 1.91 F 14.46 Test Start Time 1:05
 Source #2 Lime Kiln Initial DGM 580.534 Stop Time 2:07
 Method # 5 Final DGM 618.393 D_n calculated (in.) _____
 Run # 3 Date 3/27/90 P. in. H2O _____ D_n used (in.) 0.374
 Filter # 3 B.w. (assumed) _____ P_b: Int. 30.36 Stk _____ Final _____
 Operator Walker Y. of Mtr. 1.003 Weather _____
 Meter Box # _____ Heater Box Setting, F _____ Stack Temperature: _____
 Condensate (ml) 138 Probe Heater Setting, F _____ ASTM _____
 Silica Gel (gms) 9.1 Pitot # _____ Probe # _____ STLED _____
 Sampling Leak Rate: Pre-Test 0.0 CFM @ 15 in. Hg Post-Test 0.0 CFM @ 5 in. Hg
 Pitot Tube Leak Rate: Pre-Test OK @ ✓ in. H2O Post-Test OK @ ✓ in. H2O

Pt. #	Clock Time	Dry Gas Mtr. CF	ΔP in. H2O	Dry Gas Temp. F	ΔH in. H2O	Stack Temp. F	Hot Box Temp. F	Last Imp. Temp. F	Vac. in. Hg	Notes
1	0	580.534	0.08	71	1.16	42	236	54	43	
2	2.5	581.98	0.10	72	1.45	42				
3	5	583.51	0.12	72	1.74	41	262	49	43	
4	7.5	585.21	0.12	72	1.74	42				
5	10	586.86	0.13	72	1.88	41	242	48	43	
6	12.5	588.59	0.13	72	1.88	42				
7	15	590.37	0.12	72	1.74	41	243	49	43	
8	17.5	592.10	0.11	72	1.59	42				
9	20	593.74	0.10	72	1.45	42	240	49	43	
10	22.5	595.29	0.10	72	1.45	42				
11	25	596.84	0.09	72	1.30	41	265	50	43	
12	27.5	598.31	0.07	72	1.01	41				
1	30	599.74	0.07	72	1.01	43	267	51	43	
2	32.5	600.95	0.07	72	1.01	42				
3	35	602.27	0.07	72	1.01	42	242	52	43	
4	37.5	603.58	0.07	72	1.01	42				
5	40	604.90	0.08	73	1.16	42	255	52	43	
6	42.5	606.30	0.10	72	1.45	42				
7	45	607.88	0.14	72	2.02	42	253	52	45	
8	47.5	609.67	0.15	72	2.17	42				
9	50	611.54	0.14	72	2.02	42	260	52	45	
10	52.5	613.37	0.13	72	1.88	41				
11	55	615.15	0.11	72	1.59	41	249	63	45	
12	57.5	616.90	0.11	71	1.59	41				
	60	618.393								

Analyzer: _____
 O₂: _____
 CO₂: _____
 CO: _____

Traverse:
 1 _____ 7 _____
 2 _____ 8 _____
 3 _____ 9 _____
 4 _____ 10 _____
 5 _____ 11 _____
 6 _____ 12 _____
 (inches)

Schematic
 D. _____ (in.)

$$D_n = 0.0374 \left[\frac{(T_s + 460)}{(H \times (T_s + 460))^{0.5} \times FDA} \right]^{1/2}$$

$$F = 1570 \left[\frac{(T_m \times \Delta H)}{(FDA + 1.6) T_s} \right] (FDA \times D_n^2)^2$$

*** BESD Particulate Calculations Check ***

Seminole Kraft Corp. --- 27 March 1998
 #2 Lime Kiln
 Method # 5

Run number		-DH-	-DP-	SQR	DP	Stack Temp	Meter Temp	PS=	
Barometric Pressure	30.36	1	1.77	0.13	0.36	143	72	MD=	30.36 inches of Hg
Total Time	60.00	2	1.64	0.12	0.35	143	72	MG=	28.84000 lbs/lb-mole, dry conditions
# of Traverse Points	24	3	1.77	0.13	0.36	142	71	VMV=	94.40 mg
Diameter of Stack	56.00	4	1.91	0.14	0.37	142	72	DH=	9.83744 cubic feet, stp conditions
Temperature of Stack	142.29	5	2.05	0.15	0.39	143	73	TM=	1.6950 inches of water
Initial Gas Meter	500.494	6	2.05	0.15	0.39	143	73	VM=	533.50 degrees R
Final Gas Meter	540.515	7	1.91	0.14	0.37	143	74	VSTPD=	40.14106 cubic feet, meter conditions
Y of Meter	1.003	8	1.91	0.14	0.37	143	73	VT=	40.47695 cubic feet, stp and dry cond.
Temperature of Meter	73.50	9	1.77	0.13	0.36	142	74	W=	49.51439 cubic feet, stp conditions
Static Pressure	0.000	10	1.77	0.13	0.36	142	74	FDA=	0.18252 moisture fraction of stack gas
Silica Gel Wt. Gain	10.00	11	1.50	0.11	0.33	142	74	FO=ERR	0.81748 dry gas fraction
Condensate	182.0	12	1.23	0.09	0.30	141	74	EA=	fuel type
Pitot Corr. Factor	0.84	13	1.50	0.11	0.33	142	74	MS=	-14583.333 %
Diameter of Nozzle	0.374	14	1.37	0.10	0.32	142	74	GS=	26.86147 lbs/lb-mole, stack conditions
CO2	0.00	15	1.09	0.08	0.28	142	74	VC=	0.92658 referred to air
O2	21.0	16	1.09	0.08	0.28	143	74	SD=	192.00 milliliters
CO	0.0	17	1.37	0.10	0.32	142	74	TS=	0.35087 inches of water
N2	79.0	18	1.50	0.11	0.33	143	74	U=	602.29 degrees R
Pre-filter Weight	0.0071	19	2.20	0.16	0.40	143	74	U=	1299.22514 feet per minute
Filter Weight	0.0073	20	2.05	0.15	0.39	142	74	U=	21.65375 feet per second
		21	2.05	0.15	0.39	142	74	AS=	17.10423 square feet
		22	1.77	0.13	0.36	142	74	QS=	22,222.24 cubic feet per minute, stack cond.
		23	1.77	0.13	0.36	142	74	QD=	10,166.20 cubic feet per minute, dry cond.
		24	1.64	0.12	0.35	142	74	QT=	16,159.63 cubic feet per minute, stp & dry cond.
								PN=	30.48 absolute press. of meter, in. of Hg
								AN=	0.00076 square feet
								ESTP=	0.03599 grains/DSCF
								PISO=	93.60 %
								EM=	4.984 lbs/hr
								PF=	7.10 mg
								F=	87.30 mg
								TF=	94.40 mg

**** BESD Particulate Calculations Check ****

Seminole Kraft Corp. --- 27 March 1998
 #2 Lime Kiln
 Method # 5

					Stack	Meter		
Run number	2	-DH-	-DP-	SQR	DP	Temp	Temp	PS=
Barometric Pressure	30.36	1	1.59	0.11	0.33	142	74	38.36 inches of Hg
Total Time	60.00	2	1.59	0.11	0.33	142	74	MD= 28.84000 lbs/lb-mole, dry conditions
# of Traverse Points	24	3	1.74	0.12	0.35	142	74	MG= 86.20 mg
Diameter of Stack	56.00	4	1.74	0.12	0.35	142	74	VWV= 9.30183 cubic feet, stp conditions
Temperature of Stack	141.96	5	1.88	0.13	0.36	142	74	DH= 1.6100 inches of water
Initial Gas Meter	540.760	6	2.02	0.14	0.37	142	74	TM= 534.79 degrees R
Final Gas Meter	579.953	7	1.74	0.12	0.35	142	74	VM= 39.30256 cubic feet, meter conditions
Y of Meter	1.003	8	1.74	0.12	0.35	142	75	VSTPD= 39.52760 cubic feet, stp and dry cond.
Temperature of Meter	74.79	9	1.59	0.11	0.33	143	75	VT= 48.82863 cubic feet, stp conditions
Static Pressure	0.000	10	1.45	0.10	0.32	143	75	W= 0.19048 moisture fraction of stack gas
Silica Gel Wt. Gain	9.60	11	1.45	0.10	0.32	142	75	FDA= 0.80952 dry gas fraction
Condensate	188.0	12	1.16	0.08	0.28	142	75	FO=ERR fuel type
Pitot Corr. Factor	0.84	13	1.30	0.09	0.30	142	75	EA= -14583.333 %
Diameter of Nozzle	0.374	14	1.16	0.08	0.28	142	75	MS= 26.77516 lbs/lb-mole, stack conditions
CO2	0.00	15	1.16	0.08	0.28	142	76	GS= 0.92360 referred to air
O2	21.0	16	1.01	0.07	0.26	142	76	VC= 197.60 milliliters
CO	0.0	17	1.16	0.08	0.28	142	76	SD= 0.33178 inches of water
N2	79.0	18	1.59	0.11	0.33	142	75	TS= 601.96 degrees R
Pre-filter Weight	0.0009	19	2.17	0.15	0.39	142	75	U= 1230.17491 feet per minute
Filter Weight	0.0853	20	2.17	0.15	0.39	142	75	U= 20.50292 feet per second
		21	2.02	0.14	0.37	141	75	AS= 17.10423 square feet
		22	1.88	0.13	0.36	142	75	QS= 21,041.19 cubic feet per minute, stack cond.
		23	1.74	0.12	0.35	141	75	QD= 17,033.20 cubic feet per minute, dry cond.
		24	1.59	0.11	0.33	141	74	QT= 15,160.16 cubic feet per minute, stp & dry cond.
								PM= 30.48 absolute press. of meter, in. of Hg
								AN= 0.00076 square feet
								ESTP= 0.03365 grains/DSCF
								PISO= 97.43 %
								EM= 4.373 lbs/hr
								PF= 0.90 mg
								F= 85.30 mg
								TF= 86.20 mg

*** RESD Particulate Calculations Check ***

Seminole Kraft Corp. -- 27 March 1990
 #2 Line Kila
 Method # 5

					Stack	Meter		
Run number	3	-DH-	-DP-	SGR	DP	Temp	Temp	PS=
Barometric Pressure	30.36	1	1.16	0.08	0.28	142	71	38.36 inches of Hg
Total Time	68.00	2	1.45	0.10	0.32	142	72	ND= 28.84000 lbs/lb-mole, dry conditions
# of Traverse Points	24	3	1.74	0.12	0.35	141	72	MG= 89.18 mg
Diameter of Stack	56.00	4	1.74	0.12	0.35	142	72	VWV= 6.92400 cubic feet, stp conditions
Temperature of Stack	141.71	5	1.88	0.13	0.36	141	72	DH= 1.5129 inches of water
Initial Gas Meter	580.534	6	1.88	0.13	0.36	142	72	TM= 531.96 degrees R
Final Gas Meter	618.393	7	1.74	0.12	0.35	141	72	VM= 37.97258 cubic feet, meter conditions
Y of Meter	1.003	8	1.59	0.11	0.33	142	72	VSTPD= 38.38442 cubic feet, stp and dry cond.
Temperature of Meter	71.96	9	1.45	0.10	0.32	142	72	VT= 45.38842 cubic feet, stp conditions
Static Pressure	0.000	10	1.45	0.10	0.32	142	72	W= 0.15282 moisture fraction of stack gas
Silica Gel Wt. Gain	9.10	11	1.30	0.09	0.30	141	72	FDA= 0.84718 dry gas fraction
Condensate	138.0	12	1.01	0.07	0.26	141	72	FD=ERR fuel type
Pitot Corr. Factor	0.84	13	1.01	0.07	0.26	143	72	EA= -14583.333 %
Diameter of Nozzle	0.374	14	1.01	0.07	0.26	142	72	MS= 27.18344 lbs/lb-mole, stack conditions
CO2	0.00	15	1.01	0.07	0.26	142	72	GS= 0.93768 referred to air
O2	21.0	16	1.01	0.07	0.26	142	72	VC= 147.10 milliliters
CO	0.0	17	1.16	0.08	0.28	142	73	SD= 0.32104 inches of water
N2	79.0	18	1.45	0.10	0.32	142	72	TS= 681.71 degrees R
Prefilter Weight	0.0001	19	2.02	0.14	0.37	142	72	U= 1181.12633 feet per minute
Filter Weight	0.0072	20	2.17	0.15	0.39	142	72	U= 19.68544 feet per second
		21	2.02	0.14	0.37	142	72	AS= 17.10423 square feet
		22	1.88	0.13	0.36	141	72	QS= 20,202.25 cubic feet per minute, stack cond.
		23	1.88	0.13	0.36	141	72	QD= 17,114.96 cubic feet per minute, dry cond.
		24	1.59	0.11	0.33	141	72	QT= 15,239.26 cubic feet per minute, stp & dry cond.
								PH= 30.47 absolute press. of meter, in. of Hg
								AN= 0.00076 square feet
								ESTP= 0.03582 grains/DSCF
								PISO= 94.12 %
								EN= 4.678 lbs/hr
								PF= 0.10 mg
								F= 89.00 mg
								TF= 89.18 mg

LABORATORY DATA SHEET

Plant Location Semaisle Kraft Test Date 27 March 90
 Source #2 Lime Kilo Lab No. _____

Prefilter	Run (1)	Run (2)	Run (3)
Container No.	<u>523</u>	<u>102</u>	<u>W9</u>
Sample Volume	<u>~90</u>	<u>~75</u>	<u>~65</u>
Final Weight	<u>22.2451</u>	<u>26.9189</u>	<u>21.7278</u>
Tare Weight	<u>22.2375</u>	<u>26.9175</u>	<u>21.7272</u>
Blank Correction	<u>-0.0005</u>	<u>-0.0005</u>	<u>-0.0005</u>
Net Gain (grms)	<u>0.0071</u>	<u>0.0009</u>	<u>0.0001</u>

Filters	1	2	3
Filter No.	<u>1</u>	<u>2</u>	<u>3</u>
Final Weight	<u>0.5043</u>	<u>0.5027</u>	<u>0.5051</u>
Tare Weight	<u>0.4170</u>	<u>0.4174</u>	<u>0.4161</u>
Blank Correction	<u>0.0000</u>	<u>0.0000</u>	<u>0.0000</u>
Net Gain	<u>0.0873</u>	<u>0.0853</u>	<u>0.0890</u>

Actone Blank
 Container No. batch 90-1
 Sample Volume _____
 Final Weight _____
 Tare Weight _____
 Net Gain +0.0005 (room)

Filter Blank
 Filter No. #4
 Final Weight see 27 March
 Tare Weight _____
 Net Gain 0.0000

Silica Gel	1	2	3
Container No.	<u>734.4</u>	<u>785.0</u>	<u>707.3</u>
Final Weight	<u>734.4</u>	<u>775.4</u>	<u>698.2</u>
Tare Weight	<u>724.4</u>	<u>775.4</u>	<u>698.2</u>
Net Gain (grms)	<u>10.0</u>	<u>9.6</u>	<u>9.1</u>

Analyst George Kaufman
 Date 28 March 90

SAMPLE CHAIN OF CUSTODY

Plant Name Seminole Kraft Corp.
Source #3 lime slaker; #2 lime kiln
Date Sampled 3/26+27/90
Type of Sample Particulate Matter
Sampling Time: From 12:33, 3/26/90 To 2:07, 3/27/90

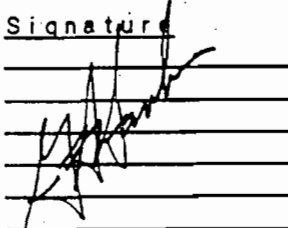
SAMPLE RECOVERY

Container	Description	Date	Time	Location	Signed
<u>(6) Filter holders</u>	<u>Filters, (6) Runs</u>	<u>3/26+27/90</u>	<u>after each run</u>	<u>on site</u>	
<u>(6) Plastic Bottles</u>	<u>Prefilter, Acetone (6) Runs</u>				

INTERMEDIATE HANDLING

Date _____
Time NA
Signature _____

ANALYSIS

Container	Date Received	Date Analyzed	Signature
<u>Filters: 1-6</u>	<u>3/26+27/90</u>	<u>3/28/90</u>	
<u>Prefilters: 1-6</u>	<u>3/26+27/90</u>	<u>3/28/90</u>	

EQUATION FOR CALCULATING PARTICULATE MATTER (PM) EMISSIONS

A. Volume of Water Vapor Collected (VWV).

$$VWV = (0.0471) (Vc)$$

B. Volume of Air Metered to 68°F, 29.92" Hg, dry (VSTPD).

$$VSTPD = (17.64) (y) (V_m) (P_m)/(T_m)$$

C. Moisture Content of Flue Gas (W).

$$W = (100) (VWV)/(VWV + VSTPD) = \% H_2O$$

D. Dry Gas Molecular Weight (MD).

$$MD = 0.44(\%CO_2) + 0.32(\%O_2) + 0.28(\%N + \%CO)$$

E. Stack Gas Molecular Weight (MS)

$$MS = (MD)(FDA) + (18)(W)$$

F. Excess Air (EA).

$$[100(\%O_2 - (0.5(\%CO)))] / [(0.264(\%N)) - (O_2 - (0.5(\%CO)))]$$

G. Stack Gas Velocity (U).

$$U = (85.49) (C_p) (H^{1/2}) [(T_s)/(P_s) (MS)]^{1/2}$$

H. Stack Gas Flowrate.

$$QS \text{ (CuFt/min)} = (60 \text{ sec/min})(U)(AS)$$

$$QT \text{ (CuFt/min, dry, STP)} = (17.64)(QS)(PS)(FDA)/(TS)$$

I. Isokinetic Sampling Rate (PI).

$$PI = (0.0945)(TS)(VSTPD)/(PS)(U)(AN)(\theta)(FDA)$$

J. Particulate Matter Concentration (grains/DSCF), (ESTP).

$$ESTP = (15.43 \text{ grains/gram}) (Wt \text{ Collected})/(VSTPD)$$

K. Emission Rate, pounds per hour (EM).

$$EM = (0.00857) (ESTP) (QT)$$

DERIVATION OF CONSTANTS ON CALCULATION SHEET

Equations:

A. Volume of water vapor collected (VWV).

$$VWV = \frac{(\text{volume collected, grams}) (pw) (R) (Tstd)}{(Pstd) (Mw)}$$

$$= (\text{grams}) (0.02201, pw) (21.85, R) (528, Tstd) / (29.92, Pstd) (18, Mw)$$

$$= (\text{grams}) (0.0471)$$

B. Converting to standard volume (VSTPD).

$$VSTPD = (Vm) \frac{Tstd}{Tm} \frac{Pm}{Pstd} \quad Pm = (Pb + DH/13.6)$$

$$= (Vm) \frac{Pm}{Tm} \frac{528^\circ A}{29.92 \text{ "Hg}} = (Vm) \frac{Pm}{Tm} (17.64)$$

G. Stack gas velocity (u).

$$\text{Pitot tube constant (Cp)} = 85.49 \text{ ft/s} \left[\frac{(\text{lb/lb-mole}) (\text{in. Hg})}{(^\circ R) (\text{in. H}_2\text{O})} \right]^{1/2}$$

H. Same as "B" above

I. Isokinetic sampling rate

$$\%I = \frac{100 T_s Vmstd Pstd}{60 \theta u P_s A_n Tstd (1-Bwo)}$$

$$\%I = \frac{T_s Vmstd}{\theta u P_s A_n (1-Bwo)} \frac{(100) (29.92, \text{ "Hg})}{(60) (528^\circ A)} = 0.0945 \quad [\text{etc.}]$$

K. Factor (0.00857) converts grains to pounds and flow per minute to flow per hour.

$$0.00857 = \frac{1}{(7000 \text{ grains/lb})} (60 \text{ min/hour})$$

* Area of nozzle.

$$A_n = (3.14) \frac{[(\text{diameter, inches})]^2}{4} = (0.0055) (D_n)^2$$

144 inches/sq. ft.

Terms

- R = ideal gas constant, 21.85 (in.Hg) (ft³) / (lb-mole)
- Tstd = standard absolute temperature, 528°K (68°F)
- Pstd = standard absolute pressure, 29.92 in.Hg
- Mw = molecular weight of water, 18.0 lb/lb-mole
- pw = density of water, 0.002201 lb/ml

BESD SOURCE SAMPLING NOMENCLATURE

- Cp: Pitot tube correction factor
He: Pressure drop across orifice meter for 0.75 CFM flow rate at standard conditions
F: Field multiplication factor used to convert stack velocity heads (P), to isokinetic meter orifice differentials (H)
Dn: Diameter of the sampling nozzle, inches
Ps: Pressure of the stack, Inches H₂O
Pb: Barometric pressure, inches Hg
Pm: Absolute pressure of meter, in. Hg
Ds: Diameter of the stack, inches
Ts: Temperature of the stack, degrees F
Tm: Temperature of the meter degrees F
H: Average velocity head, inches H₂O
Vm: Volume of sample collected, actual cubic feet
Y: Dry gas meter correction factor
STP: Standard temperature (68°F) and pressure (29.92 "Hg)
VWV: Conversion of condensate in milliliters to water vapor in cubic feet
VSTPD: Volume sampled, cubic feet
VT: Total water vapor volume and dry gas volume sampled, cubic feet
W: Moisture fraction of stack gas
FDA: Dry gas fraction
MD: Molecular weight of stack gas, lbs/lb-mole (dry conditions)
MS: Molecular weight of stack gas, lbs/lb-mole (stack conditions)
GS: Specific gravity of stack gas, referred to air
EA: Percentage of excess air
VC: Volume of water collected (ml H₂O = gm H₂O)
U: Stack gas velocity, feet per second
QS: Stack gas flow rate, cubic feet per minute (stack conditions)
QD: Stack gas flow rate, cubic feet per minute (dry conditions)
QT: Stack gas flow rate, cubic feet per minute (std. conditions)
PI: Percent isokinetic volume sampled
ESTP: Particulate concentration at std. & dry conditions, grains/scf
EM: Mass emission rate, lbs/hr.

CALIBRATION SHEET

Customer : CITY OF JACKSONVILLE
 Date : 9/7/88

Serial : 2010-80150

CALCULATION DATA FOR RUN :

	1	2	3
1. Barometric Pressure, P(B):	30.12	30.12	30.12
2. Orifice Setting, Delta H :	2.00	0.75	6.00
3. Final Reading (Test) :	175.654	149.710	160.960
4. Initial Reading (Test) :	165.062	144.515	150.446
5. Volume, V(T) Cubic Feet :	10.592	5.195	10.514
6. Temp Initial T(T(I)) F :	72	72	72
7. Temp Final T(T(F)) F :	73	72	73
8. Final Reading (Box) :	47.495	21.672	32.847
9. Initial Reading (Box) :	36:900	16.450	22.400
10. Volume, V(B) Cubic Feet :	10.595	5.222	10.447
11. Temp Initial T(B(I)) F :	74	76	77
12. Temp Final T(B(F)) F :	79	77	83
13. Elapsed Time, Minutes :	14.0	11.0	8.0

Delta H(a) :	1.9436	1.8669	1.9197
Gamma :	1.0023	1.0014	1.0059

1.91
1.0032

Calibration Performed By : _____



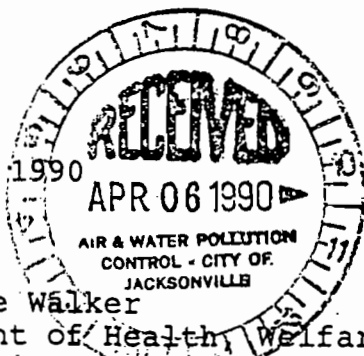
Seminole Kraft Corporation

Jacksonville Mill

9469 Eastport Road
P.O. Box 26998
Jacksonville, Florida 32218-0998

904 751-6400

April 5, 1990



Mr. Wayne Walker
Department of Health, Welfare and
Bio-Environmental Services
421 West Church Street, Suite 412
Jacksonville, FL 32202

Subject: Particulate test scheduled for second quarter 1990 and
process rates for BESD tests week of March 26, 1990.

Dear Mr. Walker:

Attached is a calendar for our scheduled particulate emission test for the second quarter of 1990. Of course, operations at the mill may make changes necessary. We will contact you to make any necessary changes.

The No.3 slaker was tested by BESD on March 26, 1990. The average process rate during your tests was 399,438 pounds of green liquor per hour. This rate was a result of full tankage for both product and raw material and is only 55% of the permitted rate which would explain the very low emission rate you measured.

The No.2 lime kiln was tested by BESD on March 27, 1990. The average process weight during your test was 15.0 tons/hour CaCO_3 (dry) which is 94% of our permitted process rate.

If you have any questions or comments or require additional information, please contact me.

Sincerely,

Michael L. Riddle
Environmental Supervisor

pt

enclosures

cc: John Fowler
L.A. Stanley
Ken Johnson
Hugh McNair
Al DiPatri

TIME	GL T.O. CLARIFIER	GL DREGS VOLUME	GL STORAGE LEVEL	GL CLARIFIER TORQUE	SETTING AND FEED RATE	DREGS		SLAKER							CAUSTICIZERS						W/L				M.W.				LEVELS												
						DREGS WASHER UNDERFLOW SOL %	WATER FLOW TO DREGS WASHER	DREGS WASHER OVERFLOW TA	GL T.O. SLAKER	GL FLOW TO SLAKER	GL TEMP. TO SLAKER	REBURN LIME SCREW SPEED	FRESH LIME SCREW SPEED	SLAKER OUTLET TEMP	SLAKER OUTLET EA	SLAKER OUTLET AA	SLAKER OUTLET TA	SLAKER OUTLET SULFIDITY	SLAKER OUTLET ACTIVITY	LIQUOR FLOW TO CAUSTICIZER	CAUSTICIZER OUT TEMP	CAUSTICIZER OUT EA	CAUSTICIZER OUT AA	CAUSTICIZER OUT TA	CAUSTICIZER OUT SULFIDITY	CAUSTICIZER OUT ACTIVITY	W/L CLARIFIER TORQUE	CLARIFIER OF EA	CLARIFIER OF AA	CLARIFIER OF TA	W/L SULFIDITY	W/L ACTIVITY	CAUSTICIZING EFFICIENCY	W/L MUD FLOW TO MUD WASHER	W/L MUD SOLIDS	M.W. TORQUE	M.W.F TA	M.W.F TA	FLOW MUD TO MUD STORAGE	M.W. MUD SOLIDS	W/L STORAGE LEVEL
7A	11.2		17.5	0	/	90				200	199	5.5	NO	217	6.5	7.5	7.7	27%	77%	40		6.7	7.7	7.7	26%	77%	18	71	81	97	25%	82%	76%	2.8	0			41.8	30.0	27.5	
8A			17.5	0	/	90	7%	110		200	177	5.5	NO	217	6.5	7.5	7.7	27%	77%	30		6.5	7.5	7.7	26%	76%	17	71	81	97	25%	82%	76%	2.8	0			41.8	30.0	27.5	
9A			17.5	0	/	90				200	177	5.5	NO	217	6.5	7.5	7.7	27%	77%	30		6.5	7.5	7.7	26%	76%	17	71	81	97	25%	82%	76%	2.8	0			41.8	30.0	27.5	
10A	9.7		17.5	0	/	90				200	199	5.5	NO	217	6.5	7.5	7.7	27%	77%	40		6.7	7.7	7.7	26%	77%	18	71	81	97	25%	82%	76%	2.8	0			41.8	30.0	27.5	
11A			17.5	0	/	90				200	199	5.5	NO	217	6.5	7.5	7.7	27%	77%	40		6.7	7.7	7.7	26%	77%	18	71	81	97	25%	82%	76%	2.8	0			41.8	30.0	27.5	
12N	9.5		17.5	0	/	90				200	199	5.5	NO	217	6.5	7.5	7.7	27%	77%	40		6.7	7.7	7.7	26%	77%	18	71	81	97	25%	82%	76%	2.8	0			41.8	30.0	27.5	
1P	9.7		17.0	0	/	9.0	7%	110		200	200	5.5	NO	217	6.5	7.5	7.7	27%	77%	40		6.6	7.6	7.7	26%	77%	17	6.9	7.9	7.9	25%	80%	75%	2.9	0	1.3		41.8	30.0	27.5	
2P	9.7		17.0	0	/	9.0				200	200	5.5	NO	217	6.5	7.5	7.7	27%	77%	40		6.6	7.6	7.7	26%	77%	17	6.9	7.9	7.9	25%	80%	75%	2.9	0	1.3		41.8	30.0	27.5	
3P	9.0		17.5	0	/	9.0				220	200	6.2	NO	216	6.5	7.5	7.9	27%	78%	35		6.7	7.7	7.9	26%	78%	12	6.9	7.9	7.9	25%	80%	75%	2.3	1/2			41.8	30.0	27.5	
4P	9.3		17.0	0	/	9.0	8%	110		220	200	6.3	NO	216	6.7	7.7	7.9	27%	78%	37		6.7	7.7	7.9	26%	78%	14	6.9	7.9	7.9	25%	80%	75%	2.2	1/2	1.4		41.8	30.0	27.5	
5P	9.6		17.0	0	/	9.0				220	199	6.4	NO	217	6.8	7.8	7.9	27%	78%	33		6.8	7.8	7.9	26%	78%	15	6.9	7.9	7.9	25%	80%	75%	2.2	1/2			41.8	30.0	27.5	
6P	9.5		17.5	0	/	9.0				220	199	6.4	NO	217	6.8	7.8	7.9	27%	78%	33		6.8	7.8	7.9	26%	78%	16	6.9	7.9	7.9	25%	80%	75%	2.2	1/2			41.8	30.0	27.5	
7P	9.6		17.0	0	/	9.0				220	200	6.4	NO	217	6.8	7.8	7.9	27%	78%	33		6.7	7.7	7.9	26%	78%	16	6.9	7.9	7.9	25%	80%	75%	2.2	1"			41.8	30.0	27.0	
8P	9.6		17.0	0	/	9.0				220	200	6.4	NO	217	6.7	7.7	7.9	27%	78%	36		6.7	7.7	7.9	26%	78%	16	6.9	7.9	7.9	25%	80%	75%	2.3	3/2	1"	1.4	41.8	30.0	27.0	
9P	9.6		17.0	0	/	9.0				220	200	6.4	NO	217	6.9	7.9	7.9	27%	78%	40		6.9	7.9	7.9	25%	80%	13	6.9	7.9	7.9	25%	80%	75%	2.2	1/2			41.8	30.0	27.5	
10P	9.8		17.0	0	/	9.0				220	201	6.4	NO	218	6.9	7.9	7.9	27%	78%	40		6.9	7.9	7.9	25%	80%	16	6.9	7.9	7.9	25%	80%	75%	2.2	1/2			41.8	30.0	27.0	
11P	9.9		16.5	0	/	9.1				220	200	6.0	NO	217	6.8	7.8	7.8	26%	78%	42		7.0	8.0	7.8	25%	82%	18	6.9	7.9	7.9	25%	80%	75%	2.5	3/4			41.8	30.0	27.5	
2M	9.8		17.0	0	/	9.1				220	200	6.0	NO	216	6.6	7.6	7.8	26%	78%	40		7.0	8.0	7.8	25%	82%	20	6.9	7.9	7.9	25%	80%	75%	2.5	4/2	1.4		41.8	30.0	27.0	
1A	9.4		17.5	0	/	9.1	8%	110		220	200	6.0	NO	216	6.6	7.6	7.8	26%	78%	40		6.8	7.8	7.8	26%	80%	21	7.0	8.0	7.9	25%	81%	76%	2.5	0			41.8	30.0	27.5	
2A	9.6		17.0	0	/	9.5				220	200	6.0	NO	216	6.5	7.5	7.8	26%	78%	38		6.8	7.8	7.8	26%	80%	18	7.0	8.0	7.9	25%	81%	76%	2.5	1/2			41.8	30.0	27.0	
3A	9.5		17.0	0	/	9.5				220	200	6.0	NO	216	6.6	7.6	7.8	26%	78%	42		6.8	7.8	7.8	26%	80%	20	7.0	8.0	7.9	25%	81%	76%	2.4	1/2			41.8	30.0	27.5	
4A	9.8		17.0	0	/	9.5				220	200	6.0	NO	216	6.7	7.7	7.8	26%	78%	44		6.8	7.8	7.8	26%	80%	18	7.0	8.0	7.9	25%	81%	76%	2.4	1/2	1.5		41.8	30.0	27.0	
5A	9.7		17.5	0	/	9.5	7%	110		220	200	5.8	NO	216	6.8	7.8	7.8	26%	78%	42		6.9	7.9	7.8	25%	81%	20	7.0	8.0	7.8	25%	82%	77%	2.4	1/2			41.8	30.0	27.5	
6A			17.0	0	/	11.0				220	300	5.6	NO	216	6.7	7.7	7.8	26%	78%	40		6.8	7.8	7.8	26%	80%	20	7.0	8.0	7.8	25%	82%	77%	2.4	1/2			41.8	30.0	27.5	

COMMENTS: Changed 6.6 lines on #1 & 2 at 5:15 L.M.

CREW LEADER		ASST. CREW LEADER	
7-3	Evins	7-3	Flower
3-11	Raulerson	3-11	Thompson
11-7	Huber	11-7	S. Hall

Nelson - Hill
 EVANS & FLOWERS
 PAULSON & THOMPSON
 LIME KILN

2 DATE: 11/27/90

OPERATING REPORT

	TPS	O ₂	TPS/O ₂ Corr.	Mud flow to filter	Mud dens to filter	Oil flow to kiln	Hot water flow to scrubber	Diff. Pres on scrubber	Kiln feed end temp.	Kiln hot end temp.	Kiln exit gas temp.	N.C. Fmsd	Mud to-100	Oil Temp	Steam Oil	Oil Total	Oil
1	1.6	10.2	1.6	210	27%	4.3	940	30.0	425	2550	150	IN		190	94/10	500	192
2	1.7	11.1	1.9	210	27%	4.3	920	30.0	420	2500	147			194	94/10	500	470
3	1.9	10.7	2.1	210	26%	3.7	900	30.0	425	2540	147			196	94/10	500	672
4	2.1	10.6	2.3	210	26%	4.0	900	30.0	435	2575	150			196	94/10	500	961
5	1.4	10.7	1.5	210	27%	4.0	960	29.0	465	2575	138			195	94/10	501	244
6	0	0	0	210	27%	4.0	980	29.5	475	2600	141			194	94/10	501	341
7	1.3	10.9	1.4	210	27%	4.0	940	29.5	450	2600	148	IN		194	94/10	501	705
8	1.5	11.3	1.7	215	28%	4.0	950	30.0	425	2650	147	"		194	94/10	502	067
9	1.3	11.1	1.4	215	29%	4.0	950	30.0	425	2600	147	"		196	94/10	502	218
10	.9	11.3	1.1	215	29%	4.0	950	30.0	425	2550	147	"		196	94/10	502	440
11	0	0	0	215	29%	4.0	950	31.0	420	2550	147	"		196	94/10	502	719
12	1.0	11.2	1.2	215	26%	4.0	950	30.0	420	2450	147	"		196	94/10	502	930
1	1.1	11.2	1.2	215	25%	4.0	950	30.0	425	2600	147	"		198	94/10	503	313
2	1.0	11.4	1.1	215	27%	4.0	950	30.0	425	2600	147	"	10.0	190	94/10	503	471
3	1.0	11.2	1.2	215	27%	4.0	950	30.0	425	2575	147	IN	9.0	190	94/10	503	609
4	1.1	11.6	1.3	215	25%	4.0	1001	31.0	420	2530	145	✓	8.5	192	94/10	503	988
5	1.1	11.6	1.3	215	25%	4.0	960	30.0	420	2450	148	✓	11.0	194	94/10	504	121
6	1.2	11.9	1.4	220	27%	4.0	950	32.0	420	2450	140	✓	10.0	194	94/10	504	386
7	1.1	12.1	1.4	215	26%	3.6	950	32.0	420	2450	140	✓	9.0	196	94/10	504	575
8	1.7	12.4	1.7	220	26%	4.6	950	32.0	410	2475	140	✓	8.5	196	94/10	504	815
9	1.4	11.4	1.6	225	26%	4.0	960	31.0	410	2450	145	✓	8.0	196	94/10	505	048
10	1.7	11.1	1.8	225	20%	4.0	960	32.0	400	2450	145	✓	6.0	200	94/10	505	308
11	0	0	0	225	21%	4.1	990	32.0	400	2410	144	IN		202	94/10	505	526
12	1.3	11.2	1.5	210	19%	4.1	960	31.0	415	2420	144	✓		204	94/10	505	744

Filtrate water out of #2 Dust Hopper at 4:40 AM
 Acid Clean #2 mud Filter 4:55 AM
 #2 Filtrate in dust Hopper 11:05 PM
 #2 Kiln Flame out 12:00 AM - Fire in #2 Kiln 12:05

**** BESD Particulate Calculations Check ****

Seminole Kraft Corp. --- 26 March 1998

#3 Slaker

Method # 5

						Stack	Meter		
Run number		1	-DH-	-DP-	SQR DP	Temp	Temp	PS=	38.36 inches of Hg
Barometric Pressure	38.36	1	0.72	0.01	0.10	151	94	MD=	28.84000 lbs/lb-mole, dry conditions
Total Time	64.00	2	0.72	0.01	0.10	161	95	MG=	11.48 ug
# of Traverse Points	8	3	0.72	0.01	0.10	160	96	VWV=	18.30362 cubic feet, stp conditions
Diameter of Stack	12.00	4	0.72	0.01	0.10	157	97	DH=	8.9000 inches of water
Temperature of Stack	157.38	5	0.72	0.01	0.10	147	98	TM=	556.75 degrees R
Initial Gas Meter	397.431	6	1.44	0.02	0.14	157	98	VM=	33.25647 cubic feet, meter conditions
Final Gas Meter	438.588	7	1.44	0.02	0.14	160	98	VSTPD=	32.07271 cubic feet, stp and dry cond.
Y of Meter	1.003	8	0.72	0.01	0.10	166	98	VT=	42.37633 cubic feet, stp conditions
Temperature of Meter	96.75							W=	0.24315 moisture fraction of stack gas
Static Pressure	0.000							FDA=	0.75685 dry gas fraction
Silica Gel Wt. Gain	8.98							FO=ERR	fuel type
Condensate	210.0							EA=	-14583.333 %
Pitot Corr. Factor	0.84							MS=	26.20430 lbs/lb-mole, stack conditions
Diameter of Nozzle	0.555							GS=	0.90391 referred to air
CO2	0.00							VC=	218.90 milliliters
O2	21.0							SD=	0.11036 inches of water
CO	0.0							TS=	617.38 degrees R
N2	79.0							U=	418.86739 feet per minute
Prefilter Weight	0.0063							U=	6.98112 feet per second
Filter Weight	0.0051							AS=	0.78540 square feet
								QS=	328.98 cubic feet per minute, stack cond.
								QD=	248.99 cubic feet per minute, dry cond.
								QT=	216.07 cubic feet per minute, stp & dry cond.
								PM=	38.43 absolute press. of meter, in. of Hg
								AN=	0.00168 square feet
								ESTP=	0.00548 grains/DSCF
								PISO=	108.42 %
								EM=	0.010 lbs/hr
								PF=	6.38 ug
								F=	5.18 ug
								TF=	11.48 ug

**** BESD Particulate Calculations Check ****

Seminole Kraft Corp. --- 26 March 1998
 #3 Slaker
 Method # 5

						Stack	Meter		
Run number	2	-DH-	-DP-	SQR	DP	Temp	Temp	PS=	30.36 inches of Hg
Barometric Pressure	30.36	1	0.64	0.81	0.18	150	95	MD=	28.84000 lbs/lb-mole, dry conditions
Total Time	64.00	2	0.64	0.81	0.18	164	96	MG=	4.60 mg
# of Traverse Points	8	3	1.28	0.82	0.14	167	98	VWV=	15.10476 cubic feet, stp conditions
Diameter of Stack	12.00	4	0.64	0.81	0.18	167	98	DH=	0.8800 inches of water
Temperature of Stack	162.00	5	0.64	0.81	0.18	159	97	TN=	557.50 degrees R
Initial Gas Meter	432.532	6	1.28	0.82	0.14	161	97	VN=	32.81916 cubic feet, meter conditions
Final Gas Meter	465.253	7	1.28	0.82	0.14	164	99	VSTPD=	31.60686 cubic feet, stp and dry cond.
Y of Meter	1.003	8	0.64	0.81	0.18	164	100	VT=	46.71162 cubic feet, stp conditions
Temperature of Meter	97.50							W=	0.32336 moisture fraction of stack gas
Static Pressure	0.000							FDA=	0.67664 dry gas fraction
Silica Gel Wt. Gain	0.90							FO=ERR	fuel type
Condensate	312.0							EA=	-14583.333 %
Pitot Corr. Factor	0.84							MS=	25.33476 lbs/lb-mole, stack conditions
Diameter of Nozzle	0.555							GS=	0.87391 referred to air
CO2	0.00							VC=	320.90 milliliters
O2	21.0							SD=	0.11553 inches of water
CO	0.0							TS=	622.00 degrees R
N2	79.0							U=	447.64927 feet per minute
Pre-filter Weight	0.0026							U=	7.46082 feet per second
Filter Weight	0.0020							AS=	0.78540 square feet
								QS=	351.58 cubic feet per minute, stack cond.
								QD=	237.89 cubic feet per minute, dry cond.
								QT=	204.91 cubic feet per minute, stp & dry cond.
								PM=	30.42 absolute press. of meter, in. of Hg
								AN=	0.00168 square feet
								ESTP=	0.00225 grains/DSCF
								PISD=	112.67 %
								EM=	0.004 lbs/hr
								PF=	2.60 mg
								F=	2.00 mg
								TF=	4.60 mg

*** BESD Particulate Calculations Check ***

Seminole Kraft Corp. --- 26 March 1998
 #3 Slaker
 Method # 5

Run number	3	-DH-	-DP-	SQR	DP	Stack Temp	Meter Temp	PS=	30.36 inches of Hg
Barometric Pressure	30.36	1	0.54	0.01	0.10	154	99	MD=	28.84000 lbs/lb-mole, dry conditions
Total Time	64.00	2	1.08	0.02	0.14	159	98	MG=	0.30 ug
# of Traverse Points	8	3	2.08	0.04	0.20	171	95	VWV=	15.11418 cubic feet, stp conditions
Diameter of Stack	12.00	4	0.54	0.01	0.10	162	94	DH=	0.8675 inches of water
Temperature of Stack	164.13	5	0.54	0.01	0.10	155	91	TM=	553.13 degrees R
Initial Gas Meter	466.468	6	0.54	0.01	0.10	170	90	VM=	31.95157 cubic feet, meter conditions
Final Gas Meter	498.324	7	1.08	0.02	0.14	172	89	VSTPD=	31.01376 cubic feet, stp and dry cond.
Y of Meter	1.003	8	0.54	0.01	0.10	170	89	VT=	46.12794 cubic feet, stp conditions
Temperature of Meter	93.13							W=	0.32766 moisture fraction of stack gas
Static Pressure	0.000							FDA=	0.67234 dry gas fraction
Silica Gel Wt. Gain	9.10							FO=ERR	fuel type
Condensate	312.0							EA=	-14583.333 %
Pitot Corr. Factor	0.84							MS=	25.28819 lbs/lb-mole, stack conditions
Diameter of Nozzle	0.555							GS=	0.87231 referred to air
CO2	0.00							VC=	321.10 milliliters
O2	21.0							SD=	0.12303 inches of water
CO	0.0							TS=	624.13 degrees R
N2	79.0							U=	477.95531 feet per minute
Prefilter Weight	0.0024							U=	7.96592 feet per second
Filter Weight	0.0059							AS=	0.78540 square feet
								QS=	375.39 cubic feet per minute, stack cond.
								QD=	252.39 cubic feet per minute, dry cond.
								BT=	216.66 cubic feet per minute, stp & dry cond.
								PM=	38.42 absolute press. of meter, in. of Hg
								AN=	0.00168 square feet
								ESTP=	0.00413 grains/DSCF
								PISO=	104.56 %
								EM=	0.008 lbs/hr
								PF=	2.40 ug
								F=	5.90 ug
								TF=	0.30 ug

LABORATORY DATA SHEET

Plant Location Semiok Kraft
 Source #3 Lime Slaker

Test Date 26 March 90
 Lab No. _____

Prefilter	Run (1)	Run (2)	Run (3)
Container No.	<u>51</u>	<u>109</u>	<u>522</u>
Sample Volume	<u>~ 80 ml</u>	<u>65</u>	<u>70</u>
Final Weight	<u>21.7991</u>	<u>26.6453</u>	<u>22.9902</u>
Tare Weight	<u>21.7923</u>	<u>26.6422</u>	<u>22.9873</u>
Blank Correction	<u>- 0.0005</u>	<u>- 0.0005</u>	<u>- 0.0005</u>
Net Gain (grms)	<u>0.0063</u>	<u>0.0026</u>	<u>0.0024</u>

Filters	1	2	3
Filter No.	<u>1</u>	<u>2</u>	<u>3</u>
Final Weight	<u>0.4166</u>	<u>0.4200</u>	<u>0.4170</u>
Tare Weight	<u>0.4115</u>	<u>0.4180</u>	<u>0.4111</u>
Blank Correction	<u>+ 0.0000</u>	<u>0.0000</u>	<u>0.0000</u>
Net Gain	<u>0.0051</u>	<u>0.0020</u>	<u>0.0059</u>

Actone Blank	
Container No.	<u>batch 90-1</u>
Sample Volume	_____
Final Weight	_____
Tare Weight	_____
Net Gain	<u>+ 0.0005</u>

Filter Blank	<u>#4</u>
Filter No.	<u>0.4208</u> <i>JA</i>
Final Weight	<u>0.4208</u>
Tare Weight	<u>0.4208</u>
Net Gain	<u>0.0000</u>

Silica Gel	1	2	3
Container No.	<u>1</u>	<u>2</u>	<u>3</u>
Final Weight	<u>717.9</u>	<u>709.4</u>	<u>761.9</u>
Tare Weight	<u>709.0</u>	<u>700.5</u>	<u>752.8</u>
Net Gain (grms)	<u>8.9</u>	<u>8.9</u>	<u>9.1</u>

Analyst George Taylor
 Date 28 March 90

SUMMARY OF TEST DATA

PLANT: SEMINOLE KRAFT CORP.
SOURCE: #2 LIME KILN

TEST DATE: 3/27/90
RUN NUMBERS: 1 - 3

	#1	#2	#3	AVG
Date	3/27/90	3/27/90	3/27/90	
Start Time	10:19	11:42	1:05	
End Time	11:21	12:44	2:07	
Stack Diameter, inches	56	56	56	
Nozzle Diameter, inches	0.374	0.374	0.374	
Test Time, minutes	60	60	60	
Number of Test Points per Run	24	24	24	
Average Stack Gas Temperature, F	142.3	142.0	141.7	142.0
Stack Gas Moisture Content, %	18.25	19.05	15.28	17.53
Stack Gas Molecular Weight	26.86	26.78	27.18	26.94
Stack Gas, Volume Sampled, CF	40.141	39.303	37.973	39.139
Volume Sampled, SCF @ 68 dgs. F	40.477	39.528	38.384	39.463
Stack Gas Velocity, FPS	21.65	20.50	19.69	20.61
Stack Gas Flowrate, ACFM	22,222	21,041	20,202	21155
Stack Gas Flowrate, DSCFM @ 68 dgs. F	16,160	15,160	15,239	15520
Isokinetic Sampling Rate, %	93.60	97.43	94.12	95.05
Particulate Collected, grams	0.0944	0.0862	0.0891	0.0899
Part. Concentration, grains/SCF	0.0360	0.0337	0.0358	0.0352
Pollutant Mass Rate, lbs/hr	4.98	4.37	4.68	4.68

Field Data and Samples under control of:

Wayne J. Walker

Laboratory Analysis under control of:

George A. Smith

BESD SOURCE SAMPLING FIELD DATA SHEET

Facility Seminole Kraft C_o 0.84 He 1.91 F 13.65 Test Start Time 10:19
 Source #2 Lime Kilo Initial DGM 500.494 Stop Time 11:21
 Method # 5 Final DGM 540.515 D_n calculated (in.) _____
 Run # 1 Date 3/27/90 P. in. H2O _____ D_n used (in.) 0.374
 Filter # 1 Bw. (assumed) _____ P_b: Int. 30.36 Stk _____ Final _____
 Operator Walker Y of Mtr. 1.003 Weather _____
 Meter Box # _____ Heater Box Setting, F _____ Stack Temperature: _____
 Condensate (ml) 182 Probe Heater Setting, F _____ ASTM _____
 Silica Gel (gms) 10.0 Pitot # _____ Probe # _____ STLED _____
 Sampling Leak Rate: Pre-Test 0.01 CFM @ 15 in. Hg Post-Test 0.0 CFM @ 5 in. Hg
 Pitot Tube Leak Rate: Pre-Test OK @ ✓ in. H2O Post-Test OK @ ✓ in. H2O

Pt. #	Clock Time	Dry Gas Mtr. CF	ΔP in. H2O	Dry Gas Temp. F	ΔH in. H2O	Stack Temp. F	Hot Box Temp. F	Last Imp. Temp. F	Vac. in. Hg	13.65 Notes
1	0	500.494	0.13	72	1.77	43	243	53	<2	
2	2.5	502.23	0.12	72	1.64	43				
3	5	503.88	0.13	71	1.77	42	267	51	<2	
4	7.5	505.56	0.14	72	1.91	42				
5	10	507.32	0.15	73	2.05	43	251	50	<3	
6	12.5	509.15	0.15	73	2.05	43				
7	15	511.01	0.14	74	1.91	43	251	51	<3	
8	17.5	512.78	0.14	73	1.91	43				
9	20	514.57	0.13	74	1.77	42	243	53	<3	
10	22.5	516.30	0.13	74	1.77	42				
11	25	518.02	0.11	74	1.50	42	251	53	<3	
12	27.5	519.63	0.09	74	1.23	41				
1	30	521.032	0.11	74	1.50	42	257	54	<3	
2	32.5	522.63	0.10	74	1.37	42				
3	35	524.14	0.08	74	1.09	42	256	54	<3	
4	37.5	525.52	0.08	74	1.09	43				
5	40	526.88	0.10	74	1.37	42	261	54	<3	
6	42.5	528.37	0.11	74	1.50	43				
7	45	529.97	0.16	74	2.20	43	252	54	<5	
8	47.5	531.77	0.15	74	2.05	42				
9	50	533.62	0.15	74	2.05	42	244	55	<5	
10	52.5	535.46	0.13	74	1.77	42				
11	55	537.18	0.13	74	1.77	42	253	56	<5	
12	57.5	538.98	0.12	74	1.64	42				
	60	540.515								

Analyzer: _____
 O₂: _____
 CO₂: _____
 CO: _____

Traverse:
 1 1.25 7 36.0
 2 3.75 8 42.0
 3 6.50 9 46.0
 4 10.0 10 49.5
 5 14.0 11 52.25
 6 20.0 12 54.75
 (inches)

Schematic
0.56 (in.)

$$D_n = 0.0374 \left[\frac{(T_s + 460)}{(H \times (T_s + 460))^{1/4} \times FDA} \right]^{1/2}$$

$$F = 1570 \left[\frac{(T_m \times \Delta H)}{((FDA + 1.6)T_s)} \right] (FDA \times D_n^2)^2$$

Exhibit 24

Final Determination

Seminole Kraft Corporation
Duval County
Jacksonville, Florida

No. 3 Lime Slaker Variance
OGC File No. 90-0701

Department of Environmental Regulation
Division of Air Resources Management
Bureau of Air Regulation

August 8, 1990

Final Determination
Seminole Kraft Corporation
Variance: OGC File No. 90-0701

The Department has reviewed the Petition for Variance, OGC File No. 90-0701, and supplementary material. Public Notice of the Department's Intent to Issue was published in the Florida Times-Union on May 23, 1990, and in the Florida Administrative Weekly on May 25, 1990. The Intent to Issue was available for public inspection at the Department's Northeast District and Bureau of Air Regulation offices and the Duval County's Bio-Environmental Services Division (BESD) office.

A public hearing was held in Jacksonville, Florida, on June 26, 1990. Written comments were received from Messrs. Terry Cole and Thomas G. Tomasello (Oertel, Hoffman, Fernandez & Cole, P.A.), Mr. Bruce P. Miller (Region IV EPA), Mr. Robert S. Pace (BESD), and Mr. Ferrari (Sierra Club) via Mr. Pace, regarding the Intent to Issue. Mr. Pace also submitted Mr. John Brown's Interoffice Memorandum (IM) dated September 8, 1989, as a comment. The Department's response to the comments will follow and will be numbered so as to correspond to the comments in the letters and IM, which will not be restated:

- A. Mr. Terry Cole's letter dated and received May 21, 1990.

Response:

- o The Department acknowledges that the mill might want to retain the services of the No. 3 lime slaker, which affects No. 10 of the findings of fact. However, as stipulated in the Intent to Issue Variance package, the source will have to be in compliance after the variance time period ends.

- B. Mr. Thomas G. Tomasello's letter dated May 30, 1990, and received May 31, 1990.

Response:

- o The Department acknowledges that No. 9 of the findings of fact should have read "Paragraph 6..." and not "Paragraph 7...".

- C. Mr. Bruce P. Miller's comments received via FAX on June 19, 1990, and by letter on June 25, 1990.

Responses:

1. An approved EPA screening model, the ISCST, was performed by Mr. Tom Rogers, who is with the Bureau of Air

Monitoring and Assessment. The results demonstrate that the proposed variance would not adversely affect the maintenance of the ambient air quality standard.

2. Because there is not a consensus on the proposed ASP nor is there an agreement on what would be needed to approve it, the Department does not feel that it should approve an alternative to EPA Method 5, which is a SIP approved reference test method for this process. The Department also feels that the proposed methodology should be subjected to the same level of scrutiny that EPA Method 5 has been through, considering the number of potential sources that could be affected by this precedent.

Based on the current test results, the existing control system cannot meet the more stringent emission limiting standard of 0.03 gr/dscf. The proposed expenditures are only to modify the existing inlet section of the control system so that an EPA Method 5 can be performed in order to establish an actual efficiency, not to meet the grain loading limit, which would require additional expenditures. Also, the Department does not feel that it is appropriate to support an expense that will potentially relax the particulate matter (PM) emission limiting standard to less than the proposed variance level of 1.0 lb/hr, even though the U.S. EPA Region IV and the BESD have indicated that they would not oppose a higher limit if the 98% efficiency is demonstrated.

3.
 - a. Based on the screening model analysis, it has been demonstrated that a PM emission limiting standard of 1.0 lb/hr will not adversely affect the maintenance of the ambient air quality standard.
 - b. The BESD has the charge of operation and maintenance evaluations of sources and their compliance in Duval County. Failure by Seminole Kraft Corporation to properly maintain and operate a source's control system would be a violation of rule and potentially subject to enforcement.
4. Two letters, both dated June 8, 1990, and received on June 11, 1990, from counsels representing the Seminole Kraft Corporation and the BESD, established the agreement that the mill will be in compliance with the applicable regulation by the end of the variance period.

- D. Mr. Robert S. Pace's comments received March 19, 1990, and resubmitted on June 26, 1990.

Responses:

- I. See response No. C.2.
- II. See response No. C.4.
- III. See response No. C.2.

- E. Mr. Ferrari's comments received on June 26, 1990, via Mr. Pace.

Response:

- o See response No. C.1.

- F. Mr. John Brown's IM dated September 8, 1989, and submitted by Mr. Pace on June 26, 1990.

- a) See response No. C.2.

- G. Besides the responses above, the Bureau of Air Regulation recommends that the following additional facts be given some consideration in light of the variance proposed:

1. The No. 3 lime slaker received its construction permit on April 20, 1988, which required the application of RACT (F.A.C. Rule 17-2.650(2)(c)12.) pursuant to F.A.C. Rule 17-2.650(2)(a)2. On May 30, 1988, F.A.C. Rule 17-2.650(2)(a)2. was recinded and the SIP package has been approved. Had a complete application package for the same identical source been submitted after May 30, 1988, it would have been subject to F.A.C. Rule 17-2.610(1), Process Weight, which would have had allowable PM emissions of 20 lbs/hr (87.6 TPY) and potentially subject to new source review (NSR). However, the company could have requested an allowable and federally enforceable PM₁₀ limit of 3.42 lbs/hr (14.99 TPY) and avoided NSR, which is greater than the proposed variance level of 1.0 lb/hr and 4.38 TPY.
2. The existing facility's allowable/permitted emissions of PM are 1824 TPY (1988 APIS) and the actual existing facility's reported PM emissions are 942 TPY (1988 AOR:APIS). A weighted comparison of these numbers with the corresponding proposed variance's allowable limit (4.38 TPY) and the source's actual emissions (test result: 1.36 TPY) results in 0.2% (4.38 vs 1824) and 0.1% (1.36 vs 942), respectively.

3. Pursuant to F.A.C. Rule 17-2.460 and effective May 30, 1988, Duval County was redesignated to an air quality maintenance area. Consequently, the PM emissions from the No. 3 lime slaker were not a part of the data set that was evaluated and used to redesignate the area.

H. Exhibits to be Incorporated:

16. The Department's Intent to Grant Variance package that was placed on public notice and subjected to a public hearing.
17. Mr. Terry Cole's letter dated and received May 21, 1990.
18. June 26, 1990 Public Hearing Agenda.
19. June 26, 1990 Public Hearing Attendee List.
20. Mr. Robert S. Pace's letter dated March 16, 1990, and received June 26, 1990.
21. Mr. John Brown's Interoffice Memorandum dated September 8, 1989, and submitted by Mr. Pace on June 26, 1990.
22. Mr. Ferrari's letter dated June 25, 1990, and submitted by Mr. Pace on June 26, 1990.
23. BESD stack test review for SKC's No. 3 lime slaker submitted by Mr. Pace on June 26, 1990.
24. Final Determination dated August 8, 1990.

Based on the comments and additional findings of fact, the Department has not altered its intent. Therefore, the final action of the Department will be to issue the Variance, OGC File No. 90-0701, as drafted and with the "Exhibits" incorporated.

EXHIBIT II.
SUMMARY OF THE HEARING

SUMMARY OF THE HEARING

A public hearing was held on June 26, 1990, in the A and B Conference Rooms of the Duval County's Bio-Environmental Services Division (BESD) located in Jacksonville, Florida, on June 26, 1990, to discuss the proposed variance. The hearing was convened at 9:00 a.m. A synopsis of the proposed variance was given. Written comments were received from Messrs. Terry Cole and Thomas G. Tomasello (Oertel, Hoffman, Fernandez & Cole, P.A.), Mr. Bruce P. Miller (U.S. EPA, Region IV), Mr. Robert S. Pace (BESD), and Mr. Ferrari (Sierra Club) via Mr. Pace, regarding the Intent to Issue. Mr. Pace also submitted Mr. John Brown's Interoffice Memorandum (IM) dated September 8, 1989, as a comment. The comments will be summarized and the Department's response to the comments will follow:

A. Mr. Terry Cole's letter dated and received May 21, 1990:

1. It was stated that the mill might want to retain the services of the No. 3 lime slaker after the 24-month variance period ends.

Response:

1. The Department acknowledges that the mill might want to retain the services of the No. 3 lime slaker, which affects No. 10 of the findings of fact. However, as stipulated in the Intent to Issue Variance package, the source will have to be in compliance after the variance time period ends.

B. Mr. Thomas G. Tomasello's letter dated May 30, 1990, and received May 31, 1990:

1. In the Intent to Issue, No. 9 of the findings of fact should have read "Paragraph 6..." and not "Paragraph 7...".

Response:

1. The Department acknowledges that No. 9 of the findings of fact should have read "Paragraph 6..." and not "Paragraph 7...".
- C. Mr. Bruce P. Miller's comments received via FAX on June 19, 1990, and by letter on June 25, 1990:
1. A demonstration that the increase from the allowable rate of 0.03 gr/dscf (equivalent mass rate: 0.07 lb/hr) to the proposed variance limit of 1.0 lb/hr would not adversely affect the maintenance of the ambient air quality standard.
 2. Staff at Region IV have reviewed the mill's ASP proposal and have given it tentative approval. Also, Region IV would still approve an allowable emission limit less stringent than the proposed variance limit if the control device efficiency is proven to be at least 98%.
 3. If an ASP is granted, then Region IV would like to have the allowable limit to be no greater than 0.4 lb/hr, since it has already been demonstrated that the outlet concentration was 0.10 gr/dscf (equivalent mass rate: 0.31 lb/hr; 8/16/89 test result). Also, increased outlet concentrations may indicate scaling, which can be attributed to poor maintenance of the control device.

4. There is a concern that a variance extension would have to be granted.

Responses:

1. An approved EPA screening model, the ISCST, was performed by Mr. Tom Rogers, who is with the Bureau of Air Monitoring and Assessment. The results demonstrate that the proposed variance would not adversely affect the maintenance of the ambient air quality standard.
2. Because there is not a consensus on the proposed ASP nor is there an agreement on what would be needed to approve it, the Department does not feel that it should approve an alternative to EPA Method 5, which is a SIP approved reference test method for this process. The Department also feels that the proposed methodology should be subjected to the same level of scrutiny that EPA Method 5 has been through, considering the number of potential sources that could be affected by this precedent.

Based on the current test results, the existing control system cannot meet the more stringent emission limiting standard of 0.03 gr/dscf. The proposed expenditures are only to modify the existing inlet section of the control system so that an EPA Method 5 can be performed in order to establish an actual efficiency, not to meet the grain loading limit, which would require additional expenditures. Also, the Department does not feel that it is appropriate to support an expense that will potentially relax the particulate matter (PM) emission

limiting standard to less than the proposed variance level of 1.0 lb/hr, even though the U.S. EPA Region IV and the BESD have indicated that they would not oppose a higher limit if the 98% efficiency is demonstrated.

3.

a. Based on the screening model analysis, it has been demonstrated that a PM emission limiting standard of 1.0 lb/hr will not adversely affect the maintenance of the ambient air quality standard.

b. The BESD has the charge of operation and maintenance evaluations of sources and their compliance in Duval County. Failure by Seminole Kraft Corporation to properly maintain and operate a source's control system would be a violation of rule and potentially subject to enforcement.

4. Two letters, both dated June 8, 1990, and received on June 11, 1990, from counsels representing the Seminole Kraft Corporation and the BESD, established the agreement that the mill will be in compliance with the applicable regulation by the end of the variance period.

D. Mr. Robert S. Pace's comments received March 19, 1990, and resubmitted on June 26, 1990:

1. He feels the mill has not demonstrated that a monetary hardship exists if the mill has to spend \$35,500 on upgrading the existing control system to demonstrate the actual efficiency.

2. He has a concern that the mill will need a variance extension.

3. He has numerous concerns over the proposed ASP.

Responses:

I. See response No. C.2.

II. See response No. C.4.

III. See response No. C.2.

E. Mr. Ferrari's comments received on June 26, 1990, via Mr. Pace:

1. Based on principle, the Department should not grant a variance because it is a relaxation of the emission limiting standard and allows more air pollution to enter the atmosphere.

Response:

1. See response No. C.1.

F. Mr. John Brown's IM dated September 8, 1989, and submitted by Mr. Pace on June 26, 1990.

1. He opposed the granting of the variance because he did see a monetary hardship and, based on principle, he felt that the mill was aware of the emission limiting standard that they would have to meet and installed a control system that could not do this.

Response:

1. See response No. C.2.

G. Besides the responses above, the Bureau of Air Regulation recommended that the following additional facts be given some consideration in light of the variance proposed:

1. The No. 3 lime slaker received its construction permit on April 20, 1988, which required the application of RACT (F.A.C. Rule 17-2.650(2)(c)12.) pursuant to F.A.C. Rule 17-2.650(2)(a)2. On May 30, 1988, F.A.C. Rule 17-2.650(2)(a)2. was rescinded and the SIP package has been approved. Had a complete application package for the same identical source been submitted after May 30, 1988, it would have been subject to F.A.C. Rule 17-2.610(1), Process Weight, which would have had allowable PM emissions of 20 lbs/hr (87.6 TPY) and potentially subject to new source review (NSR). However, the company could have requested an allowable and federally enforceable PM₁₀ limit of 3.42 lbs/hr (14.99 TPY) and avoided NSR, which is greater than the proposed variance level of 1.0 lb/hr and 4.38 TPY.
2. The existing facility's allowable/permitted emissions of PM are 1824 TPY (1988 APIS) and the actual existing facility's reported PM emissions are 942 TPY (1988 AOR:APIS). A weighted comparison of these numbers with the corresponding proposed variance's allowable limit (4.38 TPY) and the source's actual emissions (test result: 1.36 TPY) results in 0.2% (4.38 vs 1824) and 0.1% (1.36 vs 942), respectively.
3. Pursuant to F.A.C. Rule 17-2.460 and effective May 30, 1988, Duval County was redesignated to an air quality maintenance area. Consequently, the PM emissions from the No. 3 lime slaker were not a part of the data set that was evaluated and used to redesignate the area.

EXHIBIT III.
LEGAL AUTHORITY

LEGAL AUTHORITY

The legal authority under state law to administer all of the provisions of the SIP is included in the attached Chapter 403 F.S., Environmental Control, Part I and Part V., specifically 403.201, F.S.

CHAPTER 403

ENVIRONMENTAL CONTROL

PART I POLLUTION CONTROL (ss. 403.011-403.4153)

PART II ELECTRICAL POWER PLANT SITING (ss. 403.501-403.539)

PART III INTERSTATE ENVIRONMENTAL CONTROL COMPACT (s. 403.60)

PART IV RESOURCE RECOVERY AND MANAGEMENT (ss. 403.702-403.7893)

PART V ENVIRONMENTAL REGULATION (ss. 403.801-403.8171)

PART VI DRINKING WATER (ss. 403.850-403.864)

PART VII MISCELLANEOUS (s. 403.90)

PART VIII PERMITTING OF ACTIVITIES IN WETLANDS (ss. 403.91-403.938)

PART I

POLLUTION CONTROL

		403.0885	Establishment of federally approved state National Pollutant Discharge Elimination System (NPDES) program.
		403.0891	State, regional, and local stormwater management plans and programs.
		403.0893	Stormwater funding; dedicated funds for stormwater management.
		403.0896	Training and assistance for stormwater management system personnel.
		403.091	Inspections.
		403.092	Package sewage treatment facilities; inspection.
		403.101	Classification and reporting; regulation of operators of water purification plants and wastewater treatment plants.
		403.111	Confidential records.
		403.121	Enforcement; procedure; remedies.
		403.131	Injunctive relief, cumulative remedies.
		403.135	Persons who accept wastewater for spray irrigation; civil liability.
		403.141	Civil liability; joint and several liability.
		403.151	Compliance with rules or orders of department.
		403.161	Prohibitions, violation, penalty, intent.
		403.165	Use of pollution awards; pollution recovery fund.
		403.1655	Environmental short-term emergency response program.
		403.1659	Florida Groundwater Protection Task Force.
		403.1815	Construction of water distribution mains and sewage collection laterals; local regulation.
		403.182	Local pollution control programs.
		403.1821	Water pollution control and sewage treatment.
		403.1822	Definitions for ss. 403.1821-403.1832.
		403.1823	Department of Environmental Regulation; rulemaking authority; administration of funds.
		403.1824	State Water Pollution Control Trust Fund.
		403.1825	Grant payments.
		403.1826	Grants, requirements for eligibility.
403.011	Short title.		
403.021	Legislative declaration; public policy.		
403.031	Definitions.		
403.051	Meetings; hearings and procedure.		
403.061	Department; powers and duties.		
403.0615	Water resources restoration and preservation.		
403.062	Pollution control; underground, surface, and coastal waters.		
403.0625	Environmental laboratory certification; water quality tests conducted by a certified laboratory.		
403.063	Ground water quality monitoring.		
403.064	Reuse of reclaimed water.		
403.081	Performance by other state agencies.		
403.085	Sanitary sewage disposal units; advanced and secondary waste treatment; industrial waste, ocean outfall, inland outfall, or disposal well waste treatment.		
403.086	Sewage disposal facilities; advanced and secondary waste treatment.		
403.0861	Scallop processing; discharge standards.		
403.0862	Discharge of waste from state groundwater cleanup operations to publicly owned treatment works.		
403.087	Permits; general issuance; denial; revocation; prohibition; penalty.		
403.0871	Florida Permit Fee Trust Fund.		
403.0875	Citation of rule.		
403.0876	Permits; processing.		
403.0877	Certification by professionals regulated by the Department of Professional Regulation.		
403.088	Water pollution operation permits; temporary permits; conditions.		
403.0881	Sewage or disposal systems or water treatment works; construction permits.		

- 403.1829 Funding of projects; priorities.
- 403.1832 Department to accept federal aid.
- 403.1834 State bonds to finance or refinance facilities; exemption from taxation.
- 403.1835 Wastewater facilities and stormwater management systems revolving loan program.
- 403.1838 Small Community Sewer Construction Assistance Act.
- 403.191 Construction in relation to other law.
- 403.201 Variances.
- 403.221 Pending proceedings.
- 403.231 Department of Legal Affairs to represent the state.
- 403.251 Safety clause.
- 403.261 Provisions specifying jurisdiction repealed.
- 403.265 Peat mining; permitting.
- 403.281 Definitions; weather modification law.
- 403.291 Purpose of weather modification law.
- 403.301 Artificial weather modification operation; license required.
- 403.311 Application for weather modification licensing; fee.
- 403.321 Proof of financial responsibility.
- 403.331 Issuance of license; suspension or revocation; renewal.
- 403.341 Filing and publication of notice of intention to operate; limitation on area and time.
- 403.351 Contents of notice of intention.
- 403.361 Publication of notice of intention.
- 403.371 Proof of publication.
- 403.381 Record and reports of operations.
- 403.391 Emergency licenses.
- 403.401 Suspension or revocation of license.
- 403.411 Penalty.
- 403.412 Environmental Protection Act.
- 403.413 Florida Litter Law.
- 403.4131 "Keep Florida Beautiful, Incorporated"; Clean Florida Commission; placement of signs.
- 403.4132 Litter pickup and removal.
- 403.4135 Litter receptacles.
- 403.414 Pollution control awards program.
- 403.415 Motor vehicle noise.
- 403.4151 Exempt motor vehicles.
- 403.4153 Federal preemption.

403.011 Short title.—This act shall be known and cited as the "Florida Air and Water Pollution Control Act."
History.—s. 2, ch. 67-436.

403.021 Legislative declaration; public policy.—

(1) The pollution of the air and waters of this state constitutes a menace to public health and welfare; creates public nuisances; is harmful to wildlife and fish and other aquatic life; and impairs domestic, agricultural, industrial, recreational, and other beneficial uses of air and water.

(2) It is declared to be the public policy of this state to conserve the waters of the state and to protect, maintain, and improve the quality thereof for public water supplies, for the propagation of wildlife and fish and other aquatic life, and for domestic, agricultural, industrial, recreational, and other beneficial uses and to provide that no wastes be discharged into any waters of the

state without first being given the degree of treatment necessary to protect the beneficial uses of such water.

(3) It is declared to be the public policy of this state and the purpose of this act to achieve and maintain such levels of air quality as will protect human health and safety and, to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and convenience of the people, promote the economic and social development of this state, and facilitate the enjoyment of the natural attractions of this state. In accordance with the public policy established herein, the Legislature further declares that the citizens of this state should be afforded reasonable protection from the dangers inherent in the release of toxic or otherwise hazardous vapors, gases, or highly volatile liquids into the environment.

(4) It is declared that local and regional air and water pollution control programs are to be supported to the extent practicable as essential instruments to provide for a coordinated statewide program of air and water pollution prevention, abatement, and control for the securing and maintenance of appropriate levels of air and water quality.

(5) It is hereby declared that the prevention, abatement, and control of the pollution of the air and waters of this state are affected with a public interest, and the provisions of this act are enacted in the exercise of the police powers of this state for the purpose of protecting the health, peace, safety, and general welfare of the people of this state.

(6) The Legislature finds and declares that control, regulation, and abatement of the activities which are causing or may cause pollution of the air or water resources in the state and which are or may be detrimental to human, animal, aquatic, or plant life, or to property, or unreasonably interfere with the comfortable enjoyment of life or property be increased to ensure conservation of natural resources; to ensure a continued safe environment; to ensure purity of air and water; to ensure domestic water supplies; to ensure protection and preservation of the public health, safety, welfare, and economic well-being; to ensure and provide for recreational and wildlife needs as the population increases and the economy expands; and to ensure a continuing growth of the economy and industrial development.

(7) The Legislature further finds and declares that:

(a) Compliance with this law will require capital outlays of hundreds of millions of dollars for the installation of machinery, equipment, and facilities for the treatment of industrial wastes which are not productive assets and increased operating expenses to owners without any financial return and should be separately classified for assessment purposes.

(b) Industry should be encouraged to install new machinery, equipment, and facilities as technology in environmental matters advances, thereby improving the quality of the air and waters of the state and benefiting the citizens of the state without pecuniary benefit to the owners of industries; and the Legislature should prescribe methods whereby just valuation may be secured to such owners and exemptions from certain excise taxes should be offered with respect to such installations.

(c) Facilities as herein defined should be classified separately from other real and personal property of any manufacturing or processing plant or installation, as such facilities contribute only to general welfare and health and are assets producing no profit return to owners.

(d) In existing manufacturing or processing plants it is more difficult to obtain satisfactory results in treating industrial wastes than in new plants being now planned or constructed and that with respect to existing plants in many instances it will be necessary to demolish and remove substantial portions thereof and replace the same with new and more modern equipment in order to more effectively treat, eliminate, or reduce the objectionable characteristics of any industrial wastes and that such replacements should be classified and assessed differently from replacements made in the ordinary course of business.

(8) The Legislature further finds and declares that the public health, welfare, and safety may be affected by disease-carrying vectors and pests. The department shall assist all governmental units charged with the control of such vectors and pests. Furthermore, in reviewing applications for permits, the department shall consider the total well-being of the public and shall not consider solely the ambient pollution standards when exercising its powers, if there may be danger of a public health hazard.

(9)(a) The Legislature finds and declares that it is essential to preserve and maintain authorized water depth in the existing navigation channels, port harbors, turning basins, and harbor berths of this state in order to provide for the continued safe navigation of deepwater shipping commerce. The department shall recognize that maintenance of authorized channel depths is an ongoing, continuous, beneficial, and necessary activity; and it shall develop a regulatory process which shall enable the ports of this state to conduct such activities in an environmentally sound, expeditious, and efficient manner.

(b) The provisions of paragraph (a) apply only to the port waters, spoil disposal sites, port harbors, navigation channels, turning basins, and harbor berths used for deepwater commercial navigation in the ports of Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, and Pensacola.

(10) It is the policy of the state to ensure that the existing and potential drinking water resources of the state remain free from harmful quantities of contaminants. The department, as the state water quality protection agency, shall compile, correlate, and disseminate available information on any contaminant which endangers or may endanger existing or potential drinking water resources. It shall also coordinate its regulatory program with the regulatory programs of other agencies to assure adequate protection of the drinking water resources of the state.

(11) It is the intent of the Legislature that water quality standards be reasonably established and applied to take into account the variability occurring in nature. The department shall recognize the statistical variability inherent in sampling and testing procedures that are used to express water quality standards. The department

shall also recognize that some deviations from water quality standards occur as the result of natural background conditions. The department shall not consider deviations from water quality standards to be violations when the discharger can demonstrate that the deviations would occur in the absence of any man-induced discharges or alterations to the water body.

History.—s. 3, ch. 67-436; s. 1, ch. 78-98; ss. 1, 5, ch. 81-228; s. 4, ch. 84-79; s. 46, ch. 84-338; s. 11, ch. 85-269; s. 1, ch. 85-277; s. 8, ch. 86-186; s. 3, ch. 86-213.

403.031 Definitions.—In construing this chapter, or rules and regulations adopted pursuant hereto, the following words, phrases, or terms, unless the context otherwise indicates, have the following meanings:

(1) "Contaminant" is any substance which is harmful to plant, animal, or human life.

(2) "Department" is the Department of Environmental Regulation.

(3) "Effluent limitations" means any restriction established by the department on quantities, rates, or concentrations of chemical, physical, biological, or other constituents which are discharged from sources into waters of the state.

(4) "Installation" is any structure, equipment, or facility, or appurtenances thereto, or operation which may emit air or water contaminants in quantities prohibited by rules of the department.

(5) "Person" means the state or any agency or institution thereof or any municipality, political subdivision, public or private corporation, individual, partnership, association, or other entity and includes any officer or governing or managing body of any municipality, political subdivision, or public or private corporation.

(6) "Plant" is any unit operation, complex, area, or multiple of unit operations that produce, process, or cause to be processed any materials, the processing of which can, or may, cause air or water pollution.

(7) "Pollution" is the presence in the outdoor atmosphere or waters of the state of any substances, contaminants, noise, or manmade or man-induced impairment of air or waters or alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation unless authorized by applicable law.

(8) "Sewerage system" means pipelines or conduits, pumping stations, and force mains and all other structures, devices, appurtenances, and facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal.

(9) "Source" is any and all points of origin of the item defined in subsection (1), whether privately or publicly owned or operated.

(10) "Treatment works" and "disposal systems" mean any plant or other works used for the purpose of treating, stabilizing, or holding wastes.

(11) "Wastes" means sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive, or other substances which may pollute or tend to pollute any waters of the state.

(12) "Waters" include, but are not limited to, rivers, lakes, streams, springs, impoundments, and all other waters or bodies of water, including fresh, brackish, saline, tidal, surface, or underground waters. Waters owned entirely by one person other than the state are included only in regard to possible discharge on other property or water. Underground waters include, but are not limited to, all underground waters passing through pores of rock or soils or flowing through in channels, whether manmade or natural. Solely for purposes of this chapter, waters of the state also include the area bounded by the following:

(a) Commence at the intersection of State Road (SRD) 5 (U.S. 1) and the county line dividing Dade and Monroe Counties, said point also being the mean high-water line of Florida Bay, located in section 4, township 60 south, range 39 east of the Tallahassee Meridian for the point of beginning. From said point of beginning, thence run northwesterly along said SRD 5 to an intersection with the north line of section 18, township 58 south, range 39 east; thence run westerly to a point marking the southeast corner of section 12, township 58 south, range 37 east, said point also lying on the east boundary of the Everglades National Park; thence run north along the east boundary of the aforementioned Everglades National Park to a point marking the northeast corner of section 1, township 58 south, range 37 east; thence run west along said park to a point marking the northwest corner of said section 1; thence run northerly along said park to a point marking the northwest corner of section 24, township 57 south, range 37 east; thence run westerly along the south lines of sections 14, 15, and 16 to the southwest corner of section 16; thence leaving the Everglades National Park boundary run northerly along the west line of section 16 to the northwest corner of section 16; thence east along the northerly line of section 16 to a point at the intersection of the east one-half and west one-half of section 9; thence northerly along the line separating the east one-half and the west one-half of sections 9, 4, 33, and 28; thence run easterly along the north line of section 28 to the northeast corner of section 28; thence run northerly along the west line of section 22 to the northwest corner of section 22; thence easterly along the north line of section 22 to a point at the intersection of the east one-half and west one-half of section 15; thence run northerly along said line to the point of intersection with the north line of section 15; thence easterly along the north line of section 15 to the northeast corner of section 15; thence run northerly along the west lines of sections 11 and 2 to the northwest corner of section 2; thence run easterly along the north lines of sections 2 and 1 to the northeast corner of section 1, township 56 south, range 37 east; thence run north along the east line of section 36, township 55 south, range 37 east to the northeast corner of section 36; thence run west along the north line of section 36 to the northwest corner of section 36; thence run north along the west line of section 25 to the northwest corner of section 25; thence run west along the north line of section 26 to the northwest corner of section 26; thence run north along the west line of section 23 to the northwest corner of section 23; thence run easterly along the north line of section 23 to the northeast corner

of section 23; thence run north along the west line of section 13 to the northwest corner of section 13; thence run east along the north line of section 13 to a point of intersection with the west line of the southeast one-quarter of section 12; thence run north along the west line of the southeast one-quarter of section 12 to the northwest corner of the southeast one-quarter of section 12; thence run east along the north line of the southeast one-quarter of section 12 to the point of intersection with the east line of section 12; thence run east along the south line of the northwest one-quarter of section 7 to the southeast corner of the northwest one-quarter of section 7; thence run north along the east line of the northwest one-quarter of section 7 to the point of intersection with the north line of section 7; thence run northerly along the west line of the southeast one-quarter of section 6 to the northwest corner of the southeast one-quarter of section 6; thence run east along the north lines of the southeast one-quarter of section 6 and the southwest one-quarter of section 5 to the northeast corner of the southwest one-quarter of section 5; thence run northerly along the east line of the northwest one-quarter of section 5 to the point of intersection with the north line of section 5; thence run northerly along the line dividing the east one-half and the west one-half of Lot 5 to a point intersecting the north line of Lot 5; thence run east along the north line of Lot 5 to the northeast corner of Lot 5, township 54 $\frac{1}{2}$ south, range 38 east; thence run north along the west line of section 33, township 54 south, range 38 east to a point intersecting the northwest corner of the southwest one-quarter of section 33; thence run easterly along the north line of the southwest one-quarter of section 33 to the northeast corner of the southwest one-quarter of section 33; thence run north along the west line of the northeast one-quarter of section 33 to a point intersecting the north line of section 33; thence run easterly along the north line of section 33 to the northeast corner of section 33; thence run northerly along the west line of section 27 to a point intersecting the northwest corner of the southwest one-quarter of section 27; thence run easterly to the northeast corner of the southwest one-quarter of section 27; thence run northerly along the west line of the northeast one-quarter of section 27 to a point intersecting the north line of section 27; thence run west along the north line of section 27 to the northwest corner of section 27; thence run north along the west lines of sections 22 and 15 to the northwest corner of section 15; thence run easterly along the north lines of sections 15 and 14 to the point of intersection with the L-31N Levee, said intersection located near the southeast corner of section 11, township 54 south, range 38 east; thence run northerly along Levee L-31N crossing SRD 90 (U.S. 41 Tamiami Trail) to an intersection common to Levees L-31N, L-29, and L-30, said intersection located near the southeast corner of section 2, township 54 south, range 38 east; thence run northeasterly, northerly, and northeasterly along Levee L-30 to a point of intersection with the Dade/Broward Levee, said intersection located near the northeast corner of section 17, township 52 south, range 39 east; thence run due east to a point of intersection with SRD 27 (Krome Ave.); thence run northeasterly along SRD 27 to an intersection with SRD 25 (U.S. 27).

said intersection located in section 3, township 52 south, range 39 east; thence run northerly along said SRD 25, entering into Broward County, to an intersection with SRD 84 at Andytown; thence run southeasterly along the aforementioned SRD 84 to an intersection with the southwesterly prolongation of Levee L-35A, said intersection being located in the northeast one-quarter of section 5, township 50 south, range 40 east; thence run northeasterly along Levee L-35A to an intersection of Levee L-36, said intersection located near the southeast corner of section 12, township 49 south, range 40 east; thence run northerly along Levee L-36, entering into Palm Beach County, to an intersection common to said Levees L-36, L-39, and L-40, said intersection located near the west quarter corner of section 19, township 47 south, range 41 east; thence run northeasterly, easterly, and northerly along Levee L-40, said Levee L-40 being the easterly boundary of the Loxahatchee National Wildlife Refuge, to an intersection with SRD 80 (U.S. 441), said intersection located near the southeast corner of section 32, township 43 south, range 40 east; thence run westerly along the aforementioned SRD 80 to a point marking the intersection of said road and the northeasterly prolongation of Levee L-7, said Levee L-7 being the westerly boundary of the Loxahatchee National Wildlife Refuge; thence run southwesterly and southerly along said Levee L-7 to an intersection common to Levees L-7, L-15 (Hillsborough Canal), and L-6; thence run southwesterly along Levee L-6 to an intersection common to Levee L-6, SRD 25 (U.S. 27), and Levee L-5, said intersection being located near the northwest corner of section 27, township 47 south, range 38 east; thence run westerly along the aforementioned Levee L-5 to a point intersecting the east line of range 36 east; thence run northerly along said range line to a point marking the northeast corner of section 1, township 47 south, range 36 east; thence run westerly along the north line of township 47 south, to an intersection with Levee L-23/24 (Miami Canal); thence run northwesterly along the Miami Canal Levee to a point intersecting the north line of section 22, township 46 south, range 35 east; thence run westerly to a point marking the northwest corner of section 21, township 46 south, range 35 east; thence run southerly to the southwest corner of said section 21; thence run westerly to a point marking the northwest corner of section 30, township 46 south, range 35 east, said point also being on the line dividing Palm Beach and Hendry Counties; from said point, thence run southerly along said county line to a point marking the intersection of Broward, Hendry, and Collier Counties; said point also being the northeast corner of section 1, township 49 south, range 34 east; thence run westerly along the line dividing Hendry and Collier Counties and continuing along the prolongation thereof to a point marking the southwest corner of section 36, township 48 south, range 29 east; thence run southerly to a point marking the southwest corner of section 12, township 49 south, range 29 east; thence run westerly to a point marking the southwest corner of section 10, township 49 south, range 29 east; thence run southerly to a point marking the southwest corner of section 15, township 49 south, range 29 east; thence run westerly to a point marking the northwest corner of section 24, town-

ship 49 south, range 28 east, said point lying on the west boundary of the Big Cypress Area of Critical State Concern as described in 'Rule 27F-3, Florida Administrative Code; thence run southerly along said boundary crossing SRD 84 (Alligator Alley) to a point marking the southwest corner of section 24, township 50 south, range 28 east; thence leaving the aforementioned west boundary of the Big Cypress Area of Critical State Concern run easterly to a point marking the northeast corner of section 25, township 50 south, range 28 east; thence run southerly along the east line of range 28 east to a point lying approximately 0.15 miles south of the northeast corner of section 1, township 52 south, range 28 east; thence run southwesterly 2.4 miles more or less to an intersection with SRD 90 (U.S. 41 Tamiami Trail), said intersection lying 1.1 miles more or less west of the east line of range 28 east; thence run northwesterly and westerly along SRD 90 to an intersection with the west line of section 10, township 52 south, range 28 east; thence leaving SRD 90 run southerly to a point marking the southwest corner of section 15, township 52 south, range 28 east; thence run westerly crossing the Faka Union Canal 0.6 miles more or less to a point; thence run southerly and parallel to the Faka Union Canal to a point located on the mean high-water line of Faka Union Bay; thence run southeasterly along the mean high-water line of the various bays, rivers, inlets, and streams to the point of beginning.

(b) The area bounded by the line described in paragraph (a) generally includes those waters to be known as waters of the state. The landward extent of these waters shall be determined as provided in s. 403.817. Any waters which are outside the general boundary line described in paragraph (a) but which are contiguous thereto by virtue of the presence of a watercourse or as determined pursuant to ²s. 17-4.022, Florida Administrative Code, shall be a part of this water body. Any areas within the line described in paragraph (a) which are not within the jurisdiction of the department as determined pursuant to ²s. 17-4.022, Florida Administrative Code, shall be excluded therefrom. If the Florida Environmental Regulation Commission designates the waters within the boundaries an Outstanding Florida Water, waters outside the boundaries shall not be included as part of such designation unless a hearing is held pursuant to notice in each appropriate county and the boundaries of such lands are specifically considered and described for such designation.

(13) "State water policy" means the comprehensive statewide policy as adopted by the department pursuant to ss. 373.026 and 403.061, setting forth goals, objectives, and guidance for the development and review of programs, rules, and plans relating to water resources.

(14) "Stormwater management program" means the institutional strategy for stormwater management, including urban, agricultural, and other stormwater.

(15) "Stormwater management system" means a system which is designed and constructed or implemented to control discharges which are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use, or reuse water to prevent or reduce flooding, overdrainage, environmental degrada-

tion and water pollution or otherwise affect the quantity and quality of discharges from the system.

(16) "Stormwater utility" means the funding of a stormwater management program by assessing the cost of the program to the beneficiaries based on their relative contribution to its need. It is operated as a typical utility which bills services regularly, similar to water and wastewater services.

(17) "Watershed" means the land area which contributes to the flow of water into a receiving body of water.

History.—s. 4, ch. 67-436; ss. 26, 35, ch. 69-106; s. 1, ch. 71-36; s. 2, ch. 71-137; s. 153, ch. 71-377; s. 1, ch. 73-46; s. 112, ch. 73-333; ss. 1, 2, ch. 74-133; s. 1, ch. 77-174; s. 72, ch. 79-65; s. 13, ch. 84-79; s. 1, ch. 89-143; s. 30, ch. 89-279.

Note.—Chapter 27F-3, Florida Administrative Code, was transferred to ch. 28-25, Florida Administrative Code.

Note.—Section 17-4.022, Florida Administrative Code, was transferred to s. 17-3.022, Florida Administrative Code.

403.051 Meetings; hearings and procedure.—

(1) The department shall cause a transcript of the proceedings at all meetings to be made.

(2)(a) Any department planning, design, construction, modification, or operating standards, criteria, and requirements for treatment works, disposal systems, and sewerage systems for wastes from any source shall be promulgated as a rule or regulation.

(b) The department shall not withhold the issuance of a permit to consider matters not addressed by the permit application or to consider standards, criteria, and requirements not adopted as required by paragraph (a).

History.—s. 6, ch. 67-436; ss. 26, 35, ch. 69-106; s. 1, ch. 70-84; s. 2, ch. 71-137; s. 1, ch. 71-138; s. 154, ch. 71-377; s. 1, ch. 72-223; s. 1, ch. 74-308; s. 14, ch. 78-95; s. 58, ch. 83-218.

403.061. Department; powers and duties.—The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules and regulations adopted and promulgated by it and, for this purpose, to:

(1) Approve and promulgate current and long-range plans developed to provide for air and water quality control and pollution abatement.

(2) Hire only such employees as may be necessary to effectuate the responsibilities of the department.

(3) Utilize the facilities and personnel of other state agencies, including the Department of Health and Rehabilitative Services, and delegate to any such agency any duties and functions as the department may deem necessary to carry out the purposes of this act.

(4) Secure necessary scientific, technical, research, administrative, and operational services by interagency agreement, by contract, or otherwise. All state agencies, upon direction of the department, shall make these services and facilities available.

(5) Accept state appropriations and loans and grants from the Federal Government and from other sources, public or private, which loans and grants shall not be expended for other than the purposes of this act.

(6) Exercise general supervision of the administration and enforcement of the laws, rules, and regulations pertaining to air and water pollution.

(7) Adopt, modify, and repeal rules and regulations to carry out the intent and purposes of this act. Any rule or regulation adopted pursuant to this act shall be consistent with the provisions of federal law, if any, relating to control of emissions from motor vehicles, effluent

limitations, pretreatment requirements, or standards of performance. Rules adopted pursuant to this act shall not require dischargers of waste into waters of the state to improve natural background conditions. Discharges from steam electric generating plants existing or licensed under this chapter on July 1, 1984, shall not be required to be treated to a greater extent than may be necessary to assure that the quality of nonthermal components of discharges from nonrecirculated cooling water systems is as high as the quality of the makeup waters; that the quality of nonthermal components of discharges from recirculated cooling water systems is no lower than is allowed for blowdown from such systems; or that the quality of noncooling system discharges which receive makeup water from a receiving body of water which does not meet applicable department water quality standards is as high as the quality of the receiving body of water. The department may not adopt standards more stringent than federal regulations, except as provided in s. 403.804.

(8) Issue such orders as are necessary to effectuate the control of air and water pollution and enforce the same by all appropriate administrative and judicial proceedings.

(9) Adopt a comprehensive program for the prevention, control, and abatement of pollution of the air and waters of the state, and from time to time review and modify such program as necessary.

(10) Develop a comprehensive program for the prevention, abatement, and control of the pollution of the waters of the state. In order to effect this purpose, a grouping of the waters into classes may be made in accordance with the present and future most beneficial uses. Such classifications may from time to time be altered or modified. However, before any such classification is made, or any modification made thereto, public hearings shall be held by the department.

(11) Establish ambient air quality and water quality standards for the state as a whole or for any part thereof, and also standards for the abatement of excessive and unnecessary noise. The department is authorized to establish reasonable zones of mixing for discharges into waters.

(a) When a receiving body of water fails to meet a water quality standard for pollutants set forth in department rules, a steam-electric generating plant discharge of pollutants that is existing or licensed under this chapter on July 1, 1984, may nevertheless be granted a mixing zone, provided that:

1. The standard would not be met in the water body in the absence of the discharge;

2. The discharge is in compliance with all applicable technology-based effluent limitations;

3. The discharge does not cause a measurable increase in the degree of noncompliance with the standard at the boundary of the mixing zone; and

4. The discharge otherwise complies with the mixing zone provisions specified in department rules.

(b) No mixing zone for point source discharges shall be permitted in Outstanding Florida Waters except for:

1. Sources which have received permits from the department prior to April 1, 1982, or the date of designation, whichever is later;

2. Blowdown from new power plants certified pursuant to the Florida Electrical Power Plant Siting Act; and

3. Discharges of water necessary for water management purposes which have been approved by the governing board of a water management district and, if required by law, by the secretary.

Nothing in this act shall be construed to invalidate any existing department rule relating to mixing zones. The department shall cooperate with the Department of Highway Safety and Motor Vehicles in the development of regulations required by s. 316.272(1).

(12)(a) Cause field studies to be made and samples to be taken out of the air and from the waters of the state periodically and in a logical geographic manner so as to determine the levels of air quality of the air and water quality of the waters of the state.

(b) Determine the source of the pollution whenever a study is made or a sample collected which proves to be below the air or water quality standard set for air or water.

(13) Require persons engaged in operations which may result in pollution to file reports which may contain information relating to locations, size of outlet, height of outlet, rate and period of emission, and composition and concentration of effluent and such other information as the department shall prescribe to be filed relative to pollution.

(14) Establish a permit system whereby a permit may be required for the operation, construction, or expansion of any installation that may be a source of air or water pollution and provide for the issuance and revocation of such permits and for the posting of an appropriate bond to operate.

(a) Notwithstanding any other provision of this chapter, the Department of Environmental Regulation may authorize, by rule, the Department of Transportation to perform any activity requiring a permit from the Department of Environmental Regulation covered by this chapter, upon certification by the Department of Transportation that it will meet all requirements imposed by statute, rule, or standard for environmental control and protection as such statute, rule, or standard applies to a governmental program. To this end, the Department of Environmental Regulation may accept such certification of compliance for programs of the Department of Transportation, may conduct investigations for compliance, and, if a violation is found to exist, may take all necessary enforcement action pertaining thereto, including, but not limited to, the revocation of certification. The authorization shall be by rule of the Department of Environmental Regulation, shall be limited to the maintenance, repair, or replacement of existing structures, and shall be conditioned upon compliance by the Department of Transportation with specific guidelines or requirements which are set forth in the formal acceptance and deemed necessary by the Department of Environmental Regulation to assure future compliance with this chapter and applicable department rules. The failure of the Department of Transportation to comply with any provision of the written acceptance shall constitute grounds for its revocation by the Department of Environmental Regulation.

(b) The provisions of chapter 120 shall be accorded any person when substantial interests will be affected by an activity proposed to be conducted by the Department of Transportation pursuant to its certification and the acceptance of the Department of Environmental Regulation. If a proceeding is conducted pursuant to s. 120.57, the Department of Environmental Regulation may intervene as a party. Should a hearing officer of the Division of Administrative Hearings of the Department of Administration submit a recommended order pursuant to s. 120.57, the Department of Environmental Regulation shall issue a final department order adopting, rejecting, or modifying the recommended order pursuant to such action.

(15) Consult with any person proposing to construct, install, or otherwise acquire a pollution control device or system concerning the efficacy of such device or system, or the pollution problem which may be related to the source, device, or system. Nothing in any such consultation shall be construed to relieve any person from compliance with this act, rules and regulations of the department, or any other provision of law.

(16) Encourage voluntary cooperation by persons and affected groups to achieve the purposes of this act.

(17) Encourage local units of government to handle pollution problems within their respective jurisdictions on a cooperative basis and provide technical and consultative assistance therefor.

(18) Encourage and conduct studies, investigations, and research relating to pollution and its causes, effects, prevention, abatement, and control.

(19) Make a continuing study of the effects of the emission of air contaminants from motor vehicles on the quality of the outdoor atmosphere of this state and the several parts thereof and make recommendations to appropriate public and private bodies with respect thereto.

(20) Collect and disseminate information and conduct educational and training programs relating to pollution.

(21) Advise, consult, cooperate, and enter into agreements with other agencies of the state, the Federal Government, other states, interstate agencies, groups, political subdivisions, and industries affected by the provisions of this act, rules, or policies of the department.

(22) Adopt, modify, and repeal rules governing the specifications, construction, and maintenance of industrial reservoirs, dams, and containers which store or retain industrial wastes of a deleterious nature.

(23) Adopt rules and regulations to ensure that no detergents are sold in Florida after December 31, 1972, which are reasonably found to have a harmful or deleterious effect on human health or on the environment. Any regulations adopted pursuant to this subsection shall apply statewide. Subsequent to the promulgation of such rules and regulations, no county, municipality, or other local political subdivision shall adopt or enforce any local ordinance, special law, or local regulation governing detergents which is less stringent than state law or regulation. Regulations, ordinances, or special acts adopted by a county or municipality governing detergents shall be subject to approval by the department, except that regulations, ordinances, or special acts adopted by any county or municipality with a local pollu-

tion control program approved pursuant to s. 403.182 shall be approved as an element of the local pollution control program.

(24)(a) Establish a permit system to provide for spoil site approval, as may be requested and required by local governmental agencies as defined in s. 403.1822(3), or mosquito control districts as defined in s. 388.011(2), to facilitate these agencies in providing spoil sites for the deposit of spoil from maintenance dredging of navigation channels, port harbors, turning basins, and harbor berths, as part of a federal project, when the agency is acting as sponsor of a contemplated dredge and fill operation involving an established navigation channel, harbor, turning basin, or harbor berth. A spoil site approval granted to the agency shall be granted for a period of 10 to 25 years when such site is not inconsistent with an adopted local governmental comprehensive plan and the requirements of this chapter. The department shall periodically review each permit to determine compliance with the terms and conditions of the permit. Such review shall be conducted at least once every 10 years.

(b) This subsection applies only to those maintenance dredging operations permitted after July 1, 1980, where the United States Army Corps of Engineers is the prime dredge and fill agent and the local governmental agency is acting as sponsor for the operation, and does not require the redesignation of currently approved spoil sites under such previous operations.

(25) Establish and administer a program for the restoration and preservation of bodies of water within the state. The department shall have the power to acquire lands, to cooperate with other applicable state or local agencies to enhance existing public access to such bodies of water, and to adopt all rules necessary to accomplish this purpose.

(26)(a) Develop standards and criteria for waters used for deepwater shipping which standards and criteria consider existing water quality; appropriate mixing zones and other requirements for maintenance dredging in previously constructed deepwater navigation channels, port harbors, turning basins, or harbor berths; and appropriate mixing zones for disposal of spoil material from dredging and, where necessary, develop a separate classification for such waters. Such classification, standards, and criteria shall recognize that the present dedicated use of these waters is for deepwater commercial navigation.

(b) The provisions of paragraph (a) apply only to the port waters, spoil disposal sites, port harbors, navigation channels, turning basins, and harbor berths used for deepwater commercial navigation in the ports of Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, Port Bartow, Florida Power Corporation's Crystal River Canal, Boca Grande, Green Cove Springs, and Pensacola.

(27)(a) Establish rules which provide for a special category of water bodies within the state, to be referred to as "Outstanding Florida Waters," which water bodies shall be worthy of special protection because of their natural attributes. Nothing in this subsection shall affect any existing rule of the department.

(b) Waters within the following aquatic preserves which have not been designated as Outstanding Florida Waters as of June 1, 1986, may be designated as Outstanding Florida Waters only where the Environmental Regulation Commission determines that the natural attributes of such waters are of exceptional recreational or ecological significance pursuant to the procedures established by rules for designating special waters as Outstanding Florida Waters:

1. Guana River Marsh Aquatic Preserve.
2. Big Bend Aquatic Preserve.
3. Terra Ceia Aquatic Preserve.
4. Rookery Bay Aquatic Preserve.
5. Banana River Aquatic Preserve.
6. Wekiva River Aquatic Preserve.
7. Indian River-Malabar to Vero Beach Aquatic Preserve.
8. Loxahatchee River-Lake Worth Creek Aquatic Preserve.

(28) Perform any other act necessary to control and prohibit air and water pollution, and to delegate any of its responsibilities, authority, and powers, other than rulemaking powers, to any state agency now or hereinafter established.

(29) Adopt by rule special criteria to protect Class II shellfish harvesting waters. Rules previously adopted by the department in 's. 17-4.28(8)(a), Florida Administrative Code, are hereby ratified and determined to be a valid exercise of delegated legislative authority and shall remain in effect unless amended by the Environmental Regulation Commission.

(30) Establish requirements by rule that reasonably protect the public health and welfare from electric and magnetic fields associated with existing 230 kV or greater electrical transmission lines, new 230 kV and greater electrical transmission lines for which an application for certification under the Transmission Line Siting Act, ss. 403.52-403.536, is not filed, new or existing electrical transmission or distribution lines with voltage less than 230 kV, and substation facilities. Notwithstanding any other provision in this chapter or any other law of this state or political subdivision thereof, the department shall have exclusive jurisdiction in the regulation of electric and magnetic fields associated with all electrical transmission and distribution lines and substation facilities. However, nothing herein shall be construed as superseding or repealing the provisions of s. 403.523(1) and (14).

(31) Adopt rules necessary to obtain approval from the U.S. Environmental Protection Agency to administer the Federal National Pollution Discharge Elimination System (NPDES) permitting program in Florida under Sections 318, 402, and 405 of the Federal Clean Water Act, Pub. L. No. 92-500, as amended. This authority shall be implemented consistent with the provisions of part II, which shall be applicable to facilities certified thereunder. The department shall establish all rules, standards, and requirements that regulate the discharge of pollutants into waters of the United States as defined by and in a manner consistent with federal regulations; provided, however, that the department may adopt a standard that is stricter or more stringent than one set by the U.S. Environmental Protection Agency if

approved by the Governor and Cabinet in accordance with the procedures of s. 403.804(2).

(32) Coordinate the state's stormwater program.

(33) Adopt by rule a state water policy, which shall provide goals, objectives, and guidance for the development and review of programs, rules, and plans relating to water resources. This state water policy shall be consistent with the state comprehensive plan and may include such department rules as are specifically identified in the policy.

History.—s. 7, ch. 67-436; ss. 19, 26, 35, ch. 69-106; s. 1, ch. 71-35; s. 2, ch. 71-36; s. 3, ch. 72-39; s. 1, ch. 72-53; s. 113, ch. 73-333; s. 3, ch. 74-133; s. 1, ch. 77-21; s. 137, ch. 77-104; s. 268, ch. 77-147; s. 2, ch. 77-369; s. 14, ch. 78-95; s. 2, ch. 78-437; s. 73, ch. 79-65; s. 1, ch. 79-130; s. 96, ch. 79-164; s. 160, ch. 79-400; s. 1, ch. 80-66; ss. 2, 5, ch. 81-228; s. 5, ch. 82-27; s. 1, ch. 82-79; s. 2, ch. 82-80; s. 66, ch. 83-310; s. 5, ch. 84-79; s. 1, ch. 84-338; s. 1, ch. 85-296; s. 5, ch. 85-345; s. 5, ch. 86-173; s. 52, ch. 86-186; s. 22, ch. 88-393; s. 31, ch. 89-279.

Note.—Section 17-4.28(8)(a), Florida Administrative Code, was transferred to s. 17-4.280(8)(a) which was transferred to s. 17-12.150, Florida Administrative Code.

403.0615 Water resources restoration and preservation.—

(1) This section may be cited as the "Water Resources Restoration and Preservation Act."

(2) The Department of Environmental Regulation shall establish a program to assist in the restoration and preservation of bodies of water and to enhance existing public access when deemed necessary for the enhancement of the restoration effort. This program shall be funded from the General Revenue Fund, from funds available from the Pollution Recovery Fund, and from available federal moneys.

(3) The department shall adopt, by rule, criteria for the allocation of restoration and preservation funds. Such criteria shall include, but not be limited to, the following:

- (a) The degree of water quality degradation;
- (b) The degree to which sources of pollution which have contributed to the need for restoration or preservation have been abated;
- (c) The public uses which can be made of the subject waters;
- (d) The ecological value of the subject waters in relation to other waters proposed for restoration and preservation;
- (e) The implementation by local government of regulatory or management programs to prevent further and subsequent degradation of the subject waters; and
- (f) The commitment of local government resources to assist in the proposed restoration and preservation.

(4) There is hereby created the Water Resources Restoration and Preservation Trust Fund for the deposit and disbursement of funds available from the Pollution Recovery Fund and from federal moneys in accordance with the provisions of this act.

(5) The provisions of this act are for the benefit of the public and shall be liberally construed to accomplish the purposes set forth in this act.

History.—ss. 1, 4, 5, ch. 77-369; s. 2, ch. 79-130.

403.062 Pollution control; underground, surface, and coastal waters.—The department and its agents shall have general control and supervision over underground water, lakes, rivers, streams, canals, ditches, and coastal waters under the jurisdiction of the state insofar as their pollution may affect the public health or im-

pair the interest of the public or persons lawfully using them.

History.—s. 2, ch. 29834, 1955; ss. 26, 35, ch. 69-106.
Note.—Former s. 381.43; s. 381.251.

403.0625 Environmental laboratory certification; water quality tests conducted by a certified laboratory.

(1) To assure the acceptable quality, reliability, and validity of testing results, the department and the Department of Health and Rehabilitative Services shall jointly establish criteria for certification of laboratories that perform analyses of environmental water quality samples which are not covered by the provisions in s. 403.863 and that wish to be certified. The Department of Health and Rehabilitative Services shall have the responsibility for the operation and implementation of such laboratory certification. The Department of Health and Rehabilitative Services may charge and collect fees for the certification of such laboratories. The fee schedule shall be based on the number of analytical functions for which certification is sought. Such fees shall be sufficient to meet the costs incurred by the Department of Health and Rehabilitative Services in administering this program in coordination with the Department of Environmental Regulation. All fees collected pursuant to this section shall be deposited in a trust fund to be administered by the Department of Health and Rehabilitative Services and shall be used only for the purposes of this section.

(2) An environmental water quality test to determine the quality of the effluent of a domestic wastewater facility must be conducted by a laboratory certified under this section if such test results are to be submitted to the Department of Environmental Regulation or a local pollution control program pursuant to s. 403.182.

History.—s. 7, ch. 85-269; s. 3, ch. 88-89.

Note.—Section 4, ch. 88-89, provides that "by October 1, 1989, the department shall develop and adopt rules to implement this act."

403.063 Ground water quality monitoring.—

(1) The department, in cooperation with other state and federal agencies, water management districts, and local governments, shall establish a ground water quality monitoring network designed to detect or predict contamination of the ground water resources of the state.

(2) The department may by rule determine the priority of sites to be monitored within such ground water quality monitoring network, based upon the following criteria:

- (a) The degree of danger to the public health caused or potentially caused by contamination.
- (b) The susceptibility of each site to contamination.
- (3) This information shall be made available to state and federal agencies and local governments to facilitate their regulatory and land use planning decisions.
- (4) To the greatest extent practicable, the actual sampling and testing of ground water pursuant to the provisions of this section may be conducted by local and regional agencies.

History.—s. 3, ch. 83-310.

403.064 Reuse of reclaimed water.—

(1) The encouragement and promotion of water conservation, and reuse of reclaimed water, as defined by the department, are state objectives. The Legislature

finds that for those wastewater treatment plants permitted and operated under an approved reuse program by the department, the reclaimed water shall be considered environmentally acceptable and not a threat to public health and safety.

(2) After January 1, 1992, all applicants for permits to construct or operate a domestic wastewater treatment facility in a critical water supply area shall evaluate the costs and benefits of reuse of reclaimed water as part of their application for the permit. The evaluation shall be performed by the applicant, and the applicant's evaluation shall be final.

(3) The requirements of this section for such evaluation shall apply to domestic wastewater treatment facilities located within, serving a population located within, or discharging within critical water supply problem areas.

(4) Local governments may and are encouraged to implement programs for the reuse of reclaimed water. Nothing in this chapter shall be construed to prohibit or preempt such local reuse programs.

(5) A local government that implements a reuse program under this section shall be allowed to allocate the costs in a reasonable manner.

(6) Pursuant to chapter 367, the Florida Public Service Commission shall allow entities which implement reuse projects to recover the full cost of such facilities through their rate structure.

(7) In issuing consumptive use permits, the permitting agency shall take into consideration the local reuse program.

(8) A local government shall require a developer, as a condition for obtaining a development order, to comply with the local reuse program.

History.—s. 7, ch. 89-324.

Note.—The reference to ch. 367 was substituted by the editors for a reference to ch. 366 because reference to ch. 366 which deals with "public utilities" appeared to be erroneous. The contextually consistent reference is ch. 367 which deals with "water and sewer systems."

403.081 Performance by other state agencies.—All state agencies, including the Department of Health and Rehabilitative Services, shall be available to the Department of Environmental Regulation to perform, at its direction, the duties required of the Department of Environmental Regulation under this act.

History.—s. 9, ch. 67-436; ss. 19, 26, 35, ch. 69-106; s. 269, ch. 77-147.

403.085 Sanitary sewage disposal units; advanced and secondary waste treatment; industrial waste, ocean outfall, inland outfall, or disposal well waste treatment.—

(1) Neither the Department of Health and Rehabilitative Services nor any other state agency, county, special district, or municipality shall approve construction of any ocean outfall or disposal well for sanitary sewage disposal which does not provide for secondary waste treatment and, in addition thereto, advanced waste treatment as deemed necessary and ordered by the Department of Environmental Regulation.

(2) Sanitary sewage disposal treatment plants which discharge effluent through ocean outfalls or disposal wells on July 1, 1970, shall provide for secondary waste treatment and, in addition thereto, advanced waste treatment as deemed necessary and ordered by

the Department of [Environmental Regulation] by January 3, 1974. Failure to conform by said date shall be punishable by a fine of \$500 for each 24-hour day or fraction thereof that such failure is allowed to continue thereafter.

(3) Neither the Department of Health and Rehabilitative Services nor any other state agency, county, special district, or municipality shall approve construction of any ocean outfall, inland outfall, or disposal well for the discharge of industrial waste of any kind which does not provide for secondary waste treatment or such other treatment as is deemed necessary and ordered by the Department of Environmental Regulation.

(4) Industrial plants or facilities which discharge industrial waste of any kind through ocean outfalls, inland outfalls, or disposal wells on July 1, 1971, shall provide for secondary waste treatment or such other waste treatment as deemed necessary and ordered by January 1, 1973, by the Department of [Environmental Regulation]. Failure to conform by said date shall be punishable as provided in s. 403.161(2).

History.—ss. 1, 2, ch. 70-82; s. 2, ch. 71-137; s. 1, ch. 71-274; s. 270, ch. 77-147; s. 74, ch. 79-65.

Note.—Bracketed words substituted by the editors for words "Pollution Control" See s. 8, ch. 75-22, which transferred the Department of Pollution Control to the Department of Environmental Regulation.

403.086 Sewage disposal facilities; advanced and secondary waste treatment.—

(1)(a) Neither the Department of Health and Rehabilitative Services nor any other state agency, county, special district, or municipality shall approve construction of any facilities for sanitary sewage disposal which do not provide for secondary waste treatment and, in addition thereto, advanced waste treatment as deemed necessary and ordered by the Department of Environmental Regulation.

(b) No facilities for sanitary sewage disposal constructed after June 14, 1978, shall dispose of any wastes by deep well injection without providing for secondary waste treatment and, in addition thereto, advanced waste treatment deemed necessary by the Department of Environmental Regulation to protect adequately the beneficial use of the receiving waters.

(c) Notwithstanding any other provisions of this chapter or chapter 373, facilities for sanitary sewage disposal may not dispose of any wastes into Old Tampa Bay, Tampa Bay, Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay, or Charlotte Harbor Bay, or into any river, stream, channel, canal, bay, bayou, sound, or other water tributary thereto, without providing advanced waste treatment, as defined in subsection (4), approved by the Department of Environmental Regulation. This paragraph shall not apply to facilities which were permitted by February 1, 1987, and which discharge secondary treated effluent, followed by water hyacinth treatment, to tributaries of tributaries of the named waters; or to facilities permitted to discharge to the nontidally influenced portions of the Peace River.

(2) Any facilities for sanitary sewage disposal existing on July 1, 1971, shall provide for secondary waste treatment by January 1, 1973, and, in addition thereto, advanced waste treatment as deemed necessary and

ordered by the former Department of Pollution Control or its successor, the Department of Environmental Regulation. Failure to conform by said date shall be punishable by a civil penalty of \$500 for each 24-hour day or fraction thereof that such failure is allowed to continue thereafter.

(3) This section shall not be construed to prohibit or regulate septic tanks or other means of individual waste disposal which are otherwise subject to state regulation.

(4) For purposes of this section, the term "advanced waste treatment" means that treatment which will provide a recovered water product that:

(a) Contains not more, on a permitted annual average basis, than the following concentrations:

1. Biochemical Oxygen Demand (CBOD5).....5mg/l
2. Suspended Solids.....5mg/l
3. Total Nitrogen, expressed as N.....3mg/l
4. Total Phosphorus, expressed as P.....1mg/l

(b) Has received high level disinfection, as defined by rule of the Department of Environmental Regulation.

In those waters where the concentrations of phosphorus have been shown not to be a limiting nutrient or a contaminant, the department may waive or alter the compliance levels for phosphorus until there is a demonstration that phosphorus is a limiting nutrient or a contaminant.

(5)(a) Notwithstanding any other provisions of this chapter or chapter 373, when a recovered water product has been established to be in compliance with the standards set forth in subsection (4), that water shall be presumed to be allowable, and its discharge shall be permitted in the waters described in paragraph (c) of subsection (1) at a reasonably accessible point where such discharge results in minimal negative impact. This presumption may be overcome only by a demonstration that one or more of the following would occur:

1. That the discharge of recovered water that meets the standards set forth in subsection (4) will be, by itself, a cause of considerable degradation to an Outstanding Florida Water or to other waters and is not clearly in the public interest.

2. That the recovered water discharge will have a substantial negative impact on an approved shellfish harvesting area or a water used as a public domestic water supply.

3. That the increased volume of fresh water contributed by the recovered water product will seriously alter the natural fresh-salt water balance of the receiving water after reasonable opportunity for mixing.

(b) If one or more of the conditions described in subparagraphs 1.-3. of paragraph (a) has been demonstrated, remedies may include, but are not limited to, the following:

1. Require more stringent effluent limitations;
2. Order the point or method of discharge changed;
3. Limit the duration or volume of the discharge; or
4. Prohibit the discharge only if no other alternative is in the public interest.

(6) As of July 10, 1987, any facility covered in paragraph (c) of subsection (1) shall be permitted to discharge if it meets the standards set forth in subsections (4) and (5). Facilities that do not meet the standards in subsections (4) and (5) as of July 10, 1987, may be per-

mitted to discharge under existing law until October 1, 1990. On and after October 1, 1990, all of the facilities covered in paragraph (c) of subsection (1) shall be required to meet the standards set forth in subsections (4) and (5).

History.—ss. 1, 2, 3, ch. 71-259; s. 2, ch. 71-137; s. 1, ch. 72-58; s. 271, ch. 77-147; s. 1, ch. 78-206; s. 75, ch. 79-65; s. 1, ch. 80-371; s. 1, ch. 81-246; s. 262, ch. 81-259; s. 2, ch. 86-173; s. 1, ch. 87-303.

403.0861 Scallop processing; discharge standards.—

(1) In furtherance of public policy established in s. 403.021, the department shall, not later than July 1, 1987, adopt rules establishing technology-based effluent limitations for waste resulting from the processing of scallops (Family: Pectinidae) which is discharged into waters of the state. The rules shall contain technology-based effluent limitations for biochemical oxygen demand and total suspended solids and for any other contaminant that the department deems appropriate. This section does not prohibit the department from establishing stricter effluent limitations based on the quality of receiving waters.

(2) Upon becoming effective, the rules required by this section shall be applicable to all permits or permit renewals allowing waste resulting from the processing of scallops to be discharged into waters of the state. Such rules shall be administered and enforced by the department in accordance with this chapter.

History.—s. 1, ch. 85-231; s. 9, ch. 86-186.

403.0862 Discharge of waste from state groundwater cleanup operations to publicly owned treatment works.—

(1) Upon agreement between a local governmental agency and the department, treated waste resulting from the department's cleanup or restoration of contaminated groundwater may be discharged to a publicly owned treatment works under the jurisdiction of the local governmental agency.

(2) Upon a demonstration by the local government that it incurred damages and costs, including attorney's fees, as a result of the discharge from the department's cleanup operations, the department shall pay for all actual damages and costs, including, but not limited to, the cost of bringing the facility into compliance with any state or federal requirements.

(3) Should the discharge from the department's cleanup operations exceed agreed upon pretreatment limits, the department shall pay the local government an agreed upon sum for each occasion that the discharge exceeds pretreatment limits without proof of damages as required by subsection (2).

(4) The limitation on damages provided by s. 768.28(5) shall not apply to any obligation or payment which may become due under this section.

History.—s. 10, ch. 86-186.

403.087 Permits; general issuance; denial; revocation; prohibition; penalty.—

(1) No stationary installation which will reasonably be expected to be a source of air or water pollution shall be operated, maintained, constructed, expanded, or modified without an appropriate and currently valid permit issued by the department, unless exempted by de-

partment rule. In no event shall a permit for a water pollution source be valid for more than 5 years. However, upon expiration, a new permit may be issued by the department in accordance with this act and the rules and regulations of the department. The renewal of a permit issued under s. 403.088 for the operation of a sanitary sewage system may be issued for periods of up to 10 years, provided:

(a) The system is not currently operating under a temporary operating permit and does not have any enforcement action pending against it by the Environmental Protection Agency or the department;

(b) The department has reviewed the operation reports required under department rule, which reports include the levels of oxygen, suspended solids and percentage of removal, and phosphorus and acidity/alkalinity present in the discharge, and the department is satisfied that the report is accurate;

(c) The department has conducted, within the 12 months prior to issuance of the 10-year permit, an inspection of the system and verified, in writing to the operator of the system, that the system is not exceeding capacity and is in proper working order; and

(d) The system has met all water quality standards within the last 2 years prior to the issuance of the 10-year permit, except for violations not attributable to the sanitary sewage system or its operator.

The operator of a system operating under a 10-year permit shall report to the department, in writing, within 48 hours, of the existence of any malfunctioning equipment or other conditions which would, if allowed to continue, cause water quality standards to be violated or would violate any other department rule or standard. The report should state any corrective measures that have been taken or a plan for correcting the malfunctioning equipment or other conditions so that the department can determine whether the corrective measures or plan are appropriate.

(2) The department shall adopt, amend, or repeal rules, regulations, and standards for the issuance, denial, and revocation of permits.

(3) The department shall issue permits on such conditions as are necessary to effect the intent and purposes of this section.

(4) The department shall issue permits to construct, operate, maintain, expand, or modify an installation which may reasonably be expected to be a source of pollution only when it determines that the installation is provided or equipped with pollution control facilities that will abate or prevent pollution to the degree that will comply with the standards or rules promulgated by the department, except as provided in s. 403.088, and which will comply with the prohibitions in 140 C.F.R. s. 124.41.

(5)(a) The department may require a processing fee in an amount sufficient to cover the costs of reviewing and acting upon any application for a permit or request for site-specific alternative criteria or for an exemption from water quality criteria and to cover the costs of surveillance and other field services associated with any permit issued pursuant to this chapter. However, when an application is received without the required fee, the

department shall acknowledge receipt of the application and shall immediately return the unprocessed application to the applicant and shall take no further action until the application is received with the appropriate fee. The amount of the fees shall be adopted by rule, subject to the following limitations:

1. The permit fee for any of the following permits shall not exceed \$5,000:

- a. Air pollution, construction permit.
- b. Hazardous waste, construction permit.
- c. Hazardous waste, closure permit.
- d. Solid waste, construction permit.
- e. Industrial waste, construction permit.
- f. Deep injection well, construction permit.

2. The permit fee for a temporary operation permit for an industrial waste source shall not exceed \$4,000.

3. The permit fee for any of the following permits shall not exceed \$3,000:

- a. Domestic waste, temporary operation permit.
- b. Dredge and fill, standard form permit.
- c. Hazardous waste, temporary operation permit.
- d. Hazardous waste, research and development permit.

e. Solid waste, temporary operation permit.

f. Solid waste, operation permit.

g. Solid waste, closure permit.

h. Deep injection well, operation permit.

4. The fee for any of the following permits shall not exceed \$2,000:

a. Air pollution, temporary operation permit.

b. Air pollution, operation permit.

c. Domestic waste, operation permit.

d. Domestic waste, construction permit.

e. Hazardous waste, operation permit.

f. Industrial waste, operation permit.

5. The permit fee for a drinking water facility construction permit shall not exceed \$1,000.

6. The permit fee for any of the following permits shall not exceed \$500:

a. Domestic waste, collection systems.

b. Dredge and fill, short form.

c. Drinking water, distribution system.

d. Other injection wells, construction and operation.

7. The permit fee for any of the following permits shall not exceed \$100:

a. Domestic waste, general permit.

b. Dredge and fill, general permit.

c. Mangrove alteration.

d. Solid waste, general permit.

e. Industrial waste, general permit.

f. Drinking water, general permit.

g. Injection well, general permit.

h. Injection well, abandonment.

i. Stormwater.

8. The fee for a permit issued pursuant to s. 403.816 is \$5,000, and the fee for any modification of such permit requested by the applicant is \$1,000.

(b) Where new or existing multiple air pollution sources located at the same facility are substantially similar in nature, the applicant may submit a single application and permit fee for construction or operation of the sources at that facility. The department may develop by

rule criteria for determining what constitutes substantially similar sources.

(c) The fee schedule shall be adopted by rule based on a sliding scale relating to the size or type of installation which is proposed or operated by the applicant. The fee schedule shall provide for a reduced fee where the applicant seeks to renew an existing permit and there is no significant change in the authorized activity, and may provide for maximum permit fees to be paid during any 5-year period by the owner or operator of a single facility. The amount of each fee shall be reasonably related to the costs of permitting and field services for the particular activity taking into consideration standard cost-accounting principles and economies of scale. If the department requires by rule or by permit condition that a permit be renewed more frequently than once every 5 years, the permit fee shall be prorated based upon the permit fee schedule in effect at the time of permit renewal.

(d) Nothing in this subsection authorizes the construction or expansion of any stationary installation except to the extent specifically authorized by department permit or rule.

(6) A permit issued pursuant to this section shall not become a vested right in the permittee. The department may revoke any permit issued by it if it finds that the permit holder:

(a) Has submitted false or inaccurate information in his application;

(b) Has violated law, department orders, rules, or regulations, or permit conditions;

(c) Has failed to submit operational reports or other information required by department rule or regulation; or

(d) Has refused lawful inspection under s. 403.091.

(7) The department shall not issue a permit to any person for the purpose of engaging in, or attempting to engage in, any activity relating to the extraction of solid minerals not exempt pursuant to chapter 211 within any state or national park or state or national forest when the activity will degrade the ambient quality of the waters of the state or the ambient air within those areas. In the event the Federal Government prohibits the mining or leasing of solid minerals on federal park or forest lands, then, and to the extent of such prohibition, this act shall not apply to those federal lands.

(8) A violation of this section is punishable as provided in this chapter.

History.—s. 1, ch. 71-203; s. 4, ch. 74-133; s. 14, ch. 78-95; s. 14, ch. 82-27; s. 1, ch. 82-54; s. 1, ch. 82-122; s. 59, ch. 83-218; s. 24, ch. 84-338; s. 11, ch. 86-186; s. 2, ch. 87-125; s. 17, ch. 88-393.

Note.—40 C.F.R. s. 124.41 is a definitions section containing no obvious reference to prohibitions.

Note.—Section 20, ch. 88-393, provides that "the Department of Environmental Regulation shall begin rulemaking to implement the provisions of sections 17, 18, and 19 no later than 30 days after [July 6, 1988]."

403.0871 Florida Permit Fee Trust Fund.—There is established within the Department of Environmental Regulation a nonlapsing trust fund to be known as the "Florida Permit Fee Trust Fund." All funds received from applicants for permits pursuant to ss. 403.087(5) and 403.861(7) shall be deposited in the Florida Permit Fee Trust Fund and shall be used by the department with the advice and consent of the Legislature to supplement appropriations and other funds received by the depart-

ment for the administration of its responsibilities under this chapter. In no case shall funds from the Florida Permit Fee Trust Fund be used for salary increases without the approval of the Legislature.

History.—s. 2, ch. 82-122; s. 12, ch. 86-186.

403.0875 Citation of rule.—In addition to any other provisions within this part or any rules promulgated hereunder, the permitting agency shall, when requesting information for a permit application pursuant to this part or such rules promulgated hereunder, cite a specific rule. If a request for information cannot be accompanied by a rule citation, failure to provide such information cannot be grounds to deny a permit.

History.—s. 7, ch. 79-161.

403.0876 Permits; processing.—

(1) Within 30 days after receipt of an application for a permit under this chapter, the department shall review the application and shall request submittal of all additional information the department is permitted by law to require. If the applicant believes any departmental request for additional information is not authorized by law or departmental rule, the applicant may request a hearing pursuant to s. 120.57. Within 30 days after receipt of such additional information, the department shall review it and may request only that information needed to clarify such additional information or to answer new questions raised by or directly related to such additional information. If the applicant believes the request of the department for such additional information is not authorized by law or departmental rule, the department, at the applicant's request, shall proceed to process the permit application.

(2)(a) A permit shall be approved or denied within 90 days after receipt of the original application, the last item of timely requested additional material, or the applicant's written request to begin processing the permit application.

(b) The failure of the department to approve or deny a permit for an underground injection well within the 90-day time period shall not result in the automatic approval or denial of the permit and shall not prevent the inclusion of specific permit conditions which are necessary to ensure compliance with applicable statutes and rules. If the department fails to approve or deny such a permit within the 90-day period, the applicant may petition for a writ of mandamus to compel the department to act consistently with applicable regulatory requirements.

(3)(a) The department shall establish a special unit for permit coordination and processing to provide expeditious processing of department permits which the district offices are unable to process expeditiously and to provide accelerated processing of certain permits or renewals for economic and operating stability. The ability of the department to process applications pursuant to this subsection in a more timely manner than allowed by subsections (1) and (2) is dependent upon the timely exchange of information between the applicant and the department and the intervention of outside parties as allowed by law. An applicant may request the processing of its permit application by the special unit if the application is from an area of high unemployment or low per capita income, is from a business or industry that is the

primary employer within an area's labor market, or is in an industry with respect to which the complexities involved in the review of the application require special skills uniquely available in the headquarters office. The department may require the applicant to waive the 90-day time limitation for department issuance or denial of the permit once for a period not to exceed 90 days. The department may require a special fee to cover the direct cost of processing special applications in addition to normal permit fees and costs. The special fee may not exceed \$10,000 per permit required. Applications for renewal permits, but not applications for initial permits, required for facilities pursuant to the Electrical Power Plant Siting Act or the Transmission Line Siting Act may be processed under this subsection. Personnel staffing the special unit shall have lengthy experience in permit processing.

(b) At the applicant's discretion and notwithstanding any other provisions of chapter 120, a permit processed under this subsection is subject to an expedited administrative hearing pursuant to s. 120.57. To request such hearing, the applicant must notify the Division of Administrative Hearings, the department, and all other parties in writing within 15 days after his receipt of notice of assignment of a hearing officer from the division. The division shall conduct a hearing within 45 days after receipt of the request for such expedited hearing.

History.—s. 2, ch. 80-66; s. 25, ch. 84-338; s. 13, ch. 86-186; s. 14, ch. 88-393.

403.0877 Certification by professionals regulated by the Department of Professional Regulation.—

(1) Nothing in this section shall be construed as specific authority for a water management district or the department to require certification by a professional engineer licensed under chapter 471, a professional landscape architect licensed under part II of chapter 481, a professional geologist licensed under chapter 492, or a professional land surveyor licensed under chapter 472, for an activity that is not within the definition or scope of practice of the regulated profession.

(2) If an application for a permit or license to conduct an activity regulated under this chapter, chapter 373, chapter 376, or any permitting program delegated to a water management district by a state agency requires the services of a professional as enumerated in subsection (1), the department or governing board of a water management district may require, by rule, in conjunction with such an application or any submittals required as a condition of granting a permit or license, such certification by the professional as may be necessary to ensure that the proposed activity is designed, constructed, operated, and maintained in accordance with applicable law and rules of the department or district and in conformity with proper and sound design principles, or other such certification by the professional as may be necessary to ensure compliance with applicable law or rules of the department or district. The department or governing board of a water management district may further require as a condition of granting a permit or license, that the professional certify upon completion of the permitted or licensed activity that such activity has, to the best of his knowledge, been completed in substantial conformance with the plans and specifications approved by the department or board.

(3) The cost of such certifications by the professional shall be borne by the permittee.

(4) No permitted or licensed activity which is required to be so certified upon completion of the activity shall be placed into use or operation until the professional's certificate is filed with the department or board.

History.—s. 9, ch. 89-324

403.088 Water pollution operation permits; temporary permits; conditions.—

(1) No person, without written authorization of the department, shall discharge into waters within the state any waste which, by itself or in combination with the wastes of other sources, reduces the quality of the receiving waters below the classification established for them. However, this section shall not be deemed to prohibit the application of pesticides to waters in the state for the control of insects, aquatic weeds, or algae, provided the application is performed pursuant to a program approved by the Department of Health and Rehabilitative Services, in the case of insect control, or the Department of Natural Resources, in the case of aquatic weed or algae control. The Department of Environmental Regulation is directed to enter into interagency agreements to establish the procedures for program approval. Such agreements shall provide for public health, welfare, and safety, as well as environmental factors. Approved programs must provide that only chemicals approved for the particular use by the Federal Environmental Protection Agency or by the Department of Agriculture and Consumer Services may be employed and that they be applied in accordance with registered label instructions, state standards for such application, and the provisions of the Florida Pesticide Law, chapter 487.

(2)(a) Any person intending to discharge wastes into the waters of the state shall make application to the department for an operation permit. Application shall be made on a form prescribed by the department and shall contain such information as the department requires.

(b) If the department finds that the proposed discharge will reduce the quality of the receiving waters below the classification established for them, it shall deny the application and refuse to issue a permit. If the department finds that the proposed discharge will not reduce the quality of the receiving waters below the classification established for them, it may issue an operation permit if it finds that such degradation is necessary or desirable under federal standards and under circumstances which are clearly in the public interest.

(c) A permit shall:

1. Specify the manner, nature, volume, and frequency of the discharge permitted;
2. Require proper operation and maintenance of any pollution abatement facility by qualified personnel in accordance with standards established by the department;
3. Contain such additional conditions, requirements, and restrictions as the department deems necessary to preserve and protect the quality of the receiving waters; and
4. Be valid for the period of time specified therein.

(d) An operation permit may be renewed upon application to the department. No renewal permit shall be is-

sued if the department finds that the proposed discharge will reduce the quality of the receiving waters below the classification established for them.

(3)(a) A person who does not qualify for an operation permit or has been denied an operation permit under paragraph (b) of subsection (2) may apply to the department for a temporary operation permit. Application shall be made on a form prescribed by the department and shall contain such information as the department may require. The department may require such person to submit any additional information reasonably necessary for proper evaluation.

(b) The department shall give notice to people resident in the drainage area of the receiving waters for the proposed discharge concerning the period during which they may present objections to the proposed discharge.

(c) After consideration of the application, any additional information furnished, and all written objections submitted, the department shall grant or deny a temporary operation permit. No temporary permit shall be granted by the department unless it affirmatively finds:

1. The proposed discharge does not qualify for an operation permit;

2. The applicant is constructing, installing, or placing into operation, or has submitted plans and reasonable schedules for constructing, installing or placing into operation, an approved pollution abatement facility or alternate waste disposal system, or that the applicant has a waste for which no feasible and acceptable method of treatment or disposal is known or recognized but is making a bona fide effort through research and other means to discover and implement such a method;

3. The applicant needs permission to pollute the waters within the state for a period of time necessary to complete research, planning, construction, installation, or operation of an approved and acceptable pollution abatement facility or alternate waste disposal system;

4. There is no present, reasonable, alternative means of disposing of the waste other than by discharging it into the waters of the state;

5. The denial of a temporary operation permit would work an extreme hardship upon the applicant;

6. The granting of a temporary operation permit will be in the public interest; or

7. The discharge will not be unreasonably destructive to the quality of the receiving waters.

(d) A temporary operation permit issued shall:

1. Specify the manner, nature, volume, and frequency of the discharge permitted;

2. Require the proper operation and maintenance of any interim or temporary pollution abatement facility or system required by the department as a condition of the permit;

3. Require the permitholder to maintain such monitoring equipment and make and file such records and reports as the department deems necessary to insure compliance with the terms of the permit and to evaluate the effect of the discharge upon the receiving waters;

4. Be valid only for the period of time necessary for the permit holder to place into operation the facility, system, or method contemplated in his application as determined by the department; and

5. Contain other requirements and restrictions which the department deems necessary and desirable to protect the quality of the receiving waters and promote the public interest.

(4)(a) The provisions of this section shall not be construed to repeal or restrict any other provisions of this chapter, but shall be cumulative thereto.

(b) This section shall not be construed to exempt any permittee from the pollution control requirements of any local air and water pollution control rule, regulation, ordinance, or code, or to authorize or allow any violation thereof.

(5) Notwithstanding any act to the contrary, if the discharge from any sewage disposal or treatment plant is permitted pursuant to this chapter and by a local pollution control program, the discharge shall be deemed lawful. Further, any person, firm, corporation, or public body that constructs, reconstructs, extends, or increases the capacity or volume of any sewage disposal or treatment plant pursuant to permits or authorizations under this chapter and through any local pollution control program shall not be subject to an action by the state attorney to restrain, enjoin, or otherwise prevent such construction, reconstruction, extension, or increase.

History.—ss. 2, 3, 5, ch. 71-203; s. 1, ch. 73-360; s. 5, ch. 74-133; s. 2, ch. 76-112; s. 1, ch. 77-174; s. 14, ch. 78-95; s. 2, ch. 78-98; s. 97, ch. 79-164; s. 60, ch. 83-218; s. 14, ch. 86-186.

403.0881 Sewage or disposal systems or water treatment works; construction permits.—The department may issue construction permits for sewage systems, treatment works, or disposal systems based upon review of a preliminary design report, application forms, and other required information, all of which shall be formulated by department rule. Detailed construction plans and specifications shall not be required prior to issuance of a construction permit unless such plans and specifications are required to secure federal funding and the project is expected to receive federal funding. Upon a demonstration that a constructed system operates as designed, the department shall issue a permit for operation of the system.

History.—s. 3, ch. 87-125.

403.0885 Establishment of federally approved state National Pollutant Discharge Elimination System (NPDES) program.—

(1) The Legislature finds and declares that it is in the public interest to promote effective and efficient regulation of the discharge of pollutants into waters of the state and eliminate duplication of permitting programs by the U.S. Environmental Protection Agency under Section 402 of the Clean Water Act, Pub. L. No. 92-500, as amended, 33 U.S.C. s. 1251 et seq., and the department under this chapter. It is further found that state implementation of the federal NPDES program, with sufficient time for legislative revision prior to the implementation of the state NPDES permit program by the department, would promote the orderly establishment of a state administered NPDES program. It is the specific intent of the Legislature that permit fees charged by the department for processing of federally approved NPDES permits be adequate to cover the entire cost to the de-

partment of program management, for reviewing and acting upon any permit application, and to cover the cost of surveillance and other field services of any permits issued pursuant to this section. Further, it is legislative intent, upon a finding by the department determining such additional costs for administering an NPDES program, to set permit fees by legislative act during the 1989 regular legislative session.

(2) To this end, the department shall apply no later than January 1, 1989, to the U.S. Environmental Protection Agency, pursuant to Section 402 of the Federal Clean Water Act, Pub. L. No. 92-500, as amended, for approval to operate an NPDES program. The department shall not process applications or issue or deny NPDES permits under this program until after January 1, 1990.

(3) The department is empowered to establish a state NPDES program in accordance with Section 402 of the Clean Water Act, as amended. The department shall have the power and authority to operate the NPDES permitting program in accordance with Section 402(b) of the Clean Water Act, as amended, and 40 C.F.R. Part 123. The state NPDES permit shall be the sole permit issued by the state under this chapter regulating the discharge of pollutants or wastes into surface waters within the state for discharges covered by the EPA approved state NPDES program. This legislative grant of authority is intended to be sufficient to enable the department to qualify for delegation of the Federal NPDES program to the state and operate such program in accordance with federal law.

(4) An application for an NPDES permit and other approvals from the state relating to the permitted activity shall be granted or denied by the department within the time allowed for permit review under 40 C.F.R. Part 123, subpart C. Other than for stormwater discharge permitting, the decision on issuance or denial of such permit may not be delegated to another agency or governmental authority. The department is specifically exempted from the time limitations provided in ss. 120.60 and 403.0876. However, if the department fails to render a permitting decision within the time allowed by 40 C.F.R. Part 123, subpart C, or a Memorandum of Agreement executed by the department and the U.S. Environmental Protection Agency, whichever is shorter, the applicant may apply for an order from the circuit court requiring the department to render a decision within a specified time.

(5) The department shall respond, in writing, to any written comments on a pending application for a state NPDES permit which the department receives from the Executive Director, or his designee, of the Game and Fresh Water Fish Commission or the Department of Natural Resources, on matters within the commenting agency's jurisdiction. The department's response shall not constitute agency action for purposes of s. 120.57 or other provisions of chapter 120.

History.—s. 23, ch. 88-393.

403.0891 State, regional, and local stormwater management plans and programs.—The department, the water management districts, and local governments shall have the responsibility for the development of mutually compatible stormwater management programs.

(1) The department shall include goals in the state water policy for the proper management of stormwater.

(2) Each water management district to which the state's stormwater management program is delegated shall establish district and, where appropriate, watershed or drainage basin stormwater management goals which are consistent with the goals adopted by the state and with plans adopted pursuant to ss. 373.451-373.4595, the Surface Water Improvement and Management Act.

(3)(a) Each local government required by chapter 163 to submit a comprehensive plan, whose plan is submitted after July 1, 1992, and the others when updated after July 1, 1992, in the development of its stormwater management program described by elements within its comprehensive plan shall consider state water policy, district stormwater management goals, plans approved pursuant to the Surface Water Improvement and Management Act, ss. 373.451-373.4595, and technical assistance information provided by the water management districts pursuant to s. 373.0391.

(b) Local governments are encouraged to consult with the water management districts, the Department of Transportation, and the department before adopting or updating their local government comprehensive plan or public facilities report as required by s. 189.415, whichever is applicable.

(4) The Department of Transportation shall inventory and map primary stormwater management systems constructed, operated, or maintained by the Department of Transportation in each water management district. The inventory shall include available design calculations, conditions, capacity, photographic and drainage maps, and other pertinent information and shall be submitted to the water management district in which the system is located by July 1, 1993. However, completion of both the inventory and the mapping effort shall be by July 1, 1991, for systems which affect designated priority water bodies under ss. 373.451-373.4595, the Surface Water Improvement and Management Act. The Department of Transportation shall submit an annual report of progress on the mapping effort to the Department of Environmental Regulation.

(5) The department, in coordination and cooperation with water management districts and local governments, shall conduct a continuing review of the costs of stormwater management systems and the effect on water quality and quantity, and fish and wildlife values. The department, the water management districts, and local governments shall use the review for planning purposes and to establish priorities for watersheds and stormwater management systems which require better management and treatment of stormwater with emphasis on the costs and benefits of needed improvements to stormwater management systems to better meet needs for flood protection and protection of water quality, and fish and wildlife values.

(6) The results of the review shall be maintained by the department and the water management districts and shall be provided to appropriate local governments or other parties on request. The results also shall be used in the development of the goals developed pursuant to subsections (1) and (2).

History.—s. 15, ch. 86-186; s. 32, ch. 89-279.

403.0893 Stormwater funding; dedicated funds for stormwater management.—In addition to any other funding mechanism legally available to local government to construct, operate, or maintain stormwater systems, a county or municipality may:

(1) Create one or more stormwater utilities and adopt stormwater utility fees sufficient to plan, construct, operate, and maintain stormwater management systems set out in the local program required pursuant to s. 403.0891(3);

(2) Establish and set aside, as a continuing source of revenue, other funds sufficient to plan, construct, operate, and maintain stormwater management systems set out in the local program required pursuant to s. 403.0891(3); or

(3) Create, alone or in cooperation with counties, municipalities, and special districts pursuant to the Interlocal Cooperation Act, s. 163.01, one or more stormwater management system benefit areas. All property owners within said area may be assessed a per acreage fee to fund the planning, construction, operation, maintenance, and administration of a public stormwater management system for the benefited area. Any benefit area containing different land uses which receive substantially different levels of stormwater benefits shall include stormwater management system benefit subareas which shall be assessed different per acreage fees from subarea to subarea based upon a reasonable relationship to benefits received. The fees shall be calculated to generate sufficient funds to plan, construct, operate, and maintain stormwater management systems called for in the local program required pursuant to s. 403.0891(3). For fees assessed pursuant to this section, counties or municipalities may use the non-ad valorem levy, collection, and enforcement method as provided for in chapter 197.

History.—s. 16, ch. 86-186; s. 34, ch. 89-279.

403.0896 Training and assistance for stormwater management system personnel.—The Stormwater Management Assistance Consortium of the State University System, working in cooperation with the community colleges in the state, interested accredited private colleges and universities, the department, the water management districts, and local governments, shall develop training and assistance programs for persons responsible for designing, building, inspecting, or operating and maintaining stormwater management systems.

History.—s. 33, ch. 89-279.

403.091 Inspections.—

(1)(a) Any duly authorized representative of the department may at any reasonable time enter and inspect, for the purpose of ascertaining the state of compliance with the law or rules and regulations of the department, any property, premises, or place, except a building which is used exclusively for a private residence, on or at which:

1. A hazardous waste generator, transporter, or facility or other air or water contaminant source;

2. A discharger, including any nondomestic discharger which introduces any pollutant into a publicly owned treatment works;

3. Any facility, as defined in s. 376.301; or

4. A resource recovery and management facility

is located or is being constructed or installed or where records which are required under this chapter, ss. 376.30-376.319, or department rule are kept.

(b) Any duly authorized representative may at reasonable times have access to and copy any records required under this chapter or ss. 376.30-376.319; inspect any monitoring equipment or method; sample for any pollutants as defined in s. 376.301, effluents, or wastes which the owner or operator of such source may be discharging or which may otherwise be located on or underlying the owner's or operator's property; and obtain any other information necessary to determine compliance with permit conditions or other requirements of this chapter, ss. 376.30-376.319, or department rules.

(c) No person shall refuse reasonable entry or access to any authorized representative of the department who requests entry for purposes of inspection and who presents appropriate credentials; nor shall any person obstruct, hamper, or interfere with any such inspection. The owner or operator of the premises shall receive a report, if requested, setting forth all facts found which relate to compliance status.

(2) An inspection pursuant to subsection (1) may be conducted only after:

(a) Consent for the inspection is received from the owner, operator, or person in charge; or

(b) The appropriate inspection warrant as provided in this section is obtained.

(3)(a) An inspection warrant as authorized by this chapter may be issued by a judge of any county court or circuit court of this state which has jurisdiction of the place or thing to be searched.

(b) Upon proper affidavit being made, an inspection warrant may be issued under the provisions of this chapter or ss. 376.30-376.319:

1. When it appears that the properties to be inspected may be connected with or contain evidence of the violation of any of the provisions of this chapter or ss. 376.30-376.319 or any rule properly promulgated thereunder; or

2. When the inspection sought is an integral part of a larger scheme of systematic routine inspections which are necessary to, and consistent with, the continuing efforts of the department to ensure compliance with the provisions of this chapter or ss. 376.30-376.319 and any rules adopted thereunder.

(c) The judge shall, before issuing the warrant, have the application for the warrant duly sworn to and subscribed by a representative of the department; and he may receive further testimony from witnesses, supporting affidavits, or depositions in writing to support the application. The affidavit and further proof, if had or required, shall set forth the facts tending to establish the grounds specified in paragraph (b) or the reasons for believing that such grounds exist.

(d) Upon examination of the application and proofs submitted and if satisfied that cause exists for the issuing of the inspection warrant, the judge shall thereupon issue a warrant, signed by him with the name of his office, to any department representative, which warrant

will authorize the representative forthwith to inspect the property described in the warrant.

History.—s. 10, ch. 67-436, ss. 26, 35, ch. 69-106, s. 1, ch. 80-302, s. 6, ch. 82-27, s. 26, ch. 84-338, s. 25, ch. 86-159, s. 9, ch. 89-188.

Note.—The words "the reasons" were inserted by the editors.

403.092 Package sewage treatment facilities; inspection.—The Department of Environmental Regulation shall implement a program to conduct regular and continuing inspection of package sewage treatment facilities. To the greatest extent possible consistent with the abilities and the financial resources of local governments, the inspection program shall be delegated to local governments.

History.—s. 4, ch. 83-310.

403.101 Classification and reporting; regulation of operators of water purification plants and wastewater treatment plants.—

(1) The department, by rule, may classify air and water contaminant sources, which sources in its judgment may cause or contribute to air or water pollution, according to levels and types of emissions and other characteristics which relate to air or water pollution, and may require reporting for any such class or classes. Classifications made pursuant to this section may be made for application to the state as a whole or to any designated area of the state, and shall be made with special reference to physical effects on property and effects on health, economic, social, and recreational factors.

(2) Any person operating, or responsible for the operation of, air or water contaminant sources of any class for which the rules of the department require reporting shall make reports containing information as may be required concerning location, size, and height of contaminant outlets, processes employed, fuels used, and the nature and time period or duration of emissions, and such other information as is relevant to air and water pollution and available or reasonably capable of being assembled.

(3) The department is authorized to establish qualifications for, and to examine and certify, water and wastewater treatment plant operators; to issue, deny, revoke, and suspend operator certificates pursuant to its rules and chapter 120; to charge a fee not in excess of \$15 for certification; and to charge a fee not in excess of \$30 for application processing and renewal of certification. In assessing fees authorized by this subsection, the department is directed to adjust the fees as needed within the established limits to ensure that generated revenues from the certification program will equal or exceed the cost of operation. Certificate renewal shall be biennial, effective January 1, 1980. A fee not to exceed \$5 may be charged for the issuance of a duplicate certificate. Such fees shall be nonrefundable. Renewals of certification, issued as requested by the applicant pursuant to this section, shall be exempt from the provisions of s. 120.60(3), if the department provides each applicant with written notice either personally or by mail of the certification or renewal.

(4) No person shall perform the duties of operator of a water or wastewater treatment plant unless he holds a current operator's certificate issued by the department. However, this section shall not apply to public

lodging establishments licensed under chapter 509. No owner of a water or wastewater plant shall employ any person to perform the duties of an operator unless such person possesses a valid certificate at the required level of certification.

(5) All funds collected pursuant to this section shall be deposited in the General Revenue Fund.

(6) The department may promulgate rules and minimum standards to effectuate the provisions of this section and to ensure efficient, hygienic water purification and wastewater treatment operations in this state.

(7) For purposes of this section, "operator" means any person, including the owner, who is principally engaged in, and is in charge of, the actual operation, supervision, and maintenance of a drinking water purification plant or a domestic wastewater treatment plant and includes the person in charge of a shift or period of operation during any part of the day.

History.—s. 11, ch. 67-436, ss. 26, 35, ch. 69-106, s. 18, ch. 77-337, s. 161, ch. 79-400, s. 3, ch. 80-66, s. 2, ch. 81-318, ss. 1, 2, 3, ch. 82-44, s. 17, ch. 86-186.

Note.—Expires October 1, 1992, pursuant to s. 3, ch. 82-44, and is scheduled for review pursuant to s. 11.61 in advance of that date.

403.111 Confidential records.—Any information, other than effluent data, relating to secret processes, methods of manufacture or production which may be required, ascertained, or discovered by inspection or investigation, shall not be disclosed in public hearings and shall be kept confidential by any member, officer, or employee of the department. Provided that nothing herein shall be construed to prevent the use of such records in judicial proceedings in connection with the prosecution of violations of this act, when ordered to be produced by appropriate subpoena or by order of the court. No such subpoena or order of the court shall abridge or alter the rights or remedies of persons affected in the protection of trade secrets or secret processes, in the manner provided by law, and such persons affected may take any and all steps available by law to protect such trade secrets or processes.

History.—s. 12, ch. 67-436, ss. 26, 35, ch. 69-106, s. 6, ch. 74-133.

403.121 Enforcement; procedure; remedies.—The department shall have the following judicial and administrative remedies available to it for violations of this chapter, as specified in s. 403.161(1).

(1) Judicial remedies:

(a) The department may institute a civil action in a court of competent jurisdiction to establish liability and to recover damages for any injury to the air, waters, or property, including animal, plant, and aquatic life, of the state caused by any violation.

(b) The department may institute a civil action in a court of competent jurisdiction to impose and to recover a civil penalty for each violation in an amount of not more than \$10,000 per offense. However, the court may receive evidence in mitigation. Each day during any portion of which such violation occurs constitutes a separate offense.

(c) It shall not be a defense to, or ground for dismissal of, these judicial remedies for damages and civil penalties that the department has failed to exhaust its administrative remedies, has failed to serve a notice of violation, or has failed to hold an administrative hearing prior to the institution of a civil action.

(2) Administrative remedies:

(a) The department may institute an administrative proceeding to establish liability and to recover damages for any injury to the air, waters, or property, including animal, plant, or aquatic life, of the state caused by any violation. The department may order that the violator pay a specified sum as damages to the state. Judgment for the amount of damages determined by the department may be entered in any court having jurisdiction thereof and may be enforced as any other judgment.

(b) If the department has reason to believe a violation has occurred, it may institute an administrative proceeding to order the prevention, abatement, or control of the conditions creating the violation or other appropriate corrective action.

(c) An administrative proceeding shall be instituted by the department's serving of a written notice of violation upon the alleged violator by certified mail. The notice shall specify the provision of the law, rule, regulation, permit, certification, or order of the department alleged to be violated and the facts alleged to constitute a violation thereof. An order for corrective action may be included with the notice. However, no order shall become effective until after service and an administrative hearing, if requested within 20 days after service. Failure to request an administrative hearing within this time period shall constitute a waiver thereof.

(d) Nothing herein shall be construed as preventing any other legal or administrative action in accordance with law.

History.—s. 13, ch. 67-436; ss. 26, 35, ch. 69-106; s. 1, ch. 70-114; s. 1, ch. 70-135; s. 349, ch. 71-136; s. 112, ch. 71-355; s. 1, ch. 72-286; s. 138, ch. 77-104; s. 1, ch. 77-117; s. 14, ch. 78-95; s. 263, ch. 81-259.

403.131 Injunctive relief, cumulative remedies.—

(1) The department may institute a civil action in a court of competent jurisdiction to seek injunctive relief to enforce compliance with this chapter or any rule, regulation, permit certification, or order; to enjoin any violation specified in s. 403.161(1); and to seek injunctive relief to prevent irreparable injury to the air, waters, and property, including animal, plant, and aquatic life, of the state and to protect human health, safety, and welfare caused or threatened by any violation.

(2) All the judicial and administrative remedies in this section and s. 403.121 are independent and cumulative except that the judicial and administrative remedies to recover damages are alternative and mutually exclusive.

History.—s. 14, ch. 67-436; ss. 26, 35, ch. 69-106; s. 1, ch. 70-139; s. 1, ch. 70-439; s. 2, ch. 72-286.

403.135 Persons who accept wastewater for spray irrigation; civil liability.—

(1) Any person who in good faith accepts from any owner or operator of a permitted wastewater treatment or disposal plant any wastewater permitted and intended to be used for disposal through spray irrigation is not liable for any civil damages as a result of the acceptance and disposal of such wastewater through approved spray irrigation practices.

(2) Subsection (1) does not limit or otherwise affect the liability of:

(a) Any person for damages resulting from such person's negligence, gross negligence, or reckless, wanton, or intentional misconduct;

(b) Any person for the improper management and use of the wastewater after its delivery to such person by any permitted wastewater treatment or disposal plant owner or operator; or

(c) The owner or operator of the plant for damages caused as a result of the spray irrigation.

(3) Nothing in this section shall prohibit any governmental entity from taking such action within its jurisdiction as may be necessary to protect the public health, safety, or welfare or the environment.

(4) Terms used in this section have the meaning specified in this chapter and in the rules of the Department of Environmental Regulation under this chapter.

History.—s. 1, ch. 87-207.

403.141 Civil liability; joint and several liability.—

(1) Whoever commits a violation specified in s. 403.161(1) is liable to the state for any damage caused to the air, waters, or property, including animal, plant, or aquatic life, of the state and for reasonable costs and expenses of the state in tracing the source of the discharge, in controlling and abating the source and the pollutants, and in restoring the air, waters, and property, including animal, plant, and aquatic life, of the state to their former condition, and furthermore is subject to the judicial imposition of a civil penalty for each offense in an amount of not more than \$10,000 per offense. However, the court may receive evidence in mitigation. Each day during any portion of which such violation occurs constitutes a separate offense. Nothing herein shall give the department the right to bring an action on behalf of any private person.

(2) Whenever two or more persons pollute the air or waters of the state in violation of this chapter or any rule, regulation, or order of the department so that the damage is indivisible, each violator shall be jointly and severally liable for such damage and for the reasonable cost and expenses of the state incurred in tracing the source of discharge, in controlling and abating the source and the pollutants, and in restoring the air, waters, and property, including the animal, plant, and aquatic life of the state, to their former condition. However, if said damage is divisible and may be attributed to a particular violator or violators, each violator is liable only for that damage attributable to his violation.

(3) In assessing damages for fish killed, the value of the fish is to be determined in accordance with a table of values for individual categories of fish which shall be promulgated by the department. At the time the table is adopted, the department shall utilize tables of values established by the Department of Natural Resources and the Game and Fresh Water Fish Commission. The total number of fish killed may be estimated by standard practices used in estimating fish population.

(4) The damage provisions of this section shall not apply to damage resulting from the application of federally approved or state-approved chemicals to the waters in the state for the control of insects, aquatic weeds, or algae, provided the application of such chemicals is done in accordance with a program approved pursuant

to s. 403.088(1) and provided said application is not done negligently.

History.—s. 15, ch. 67-436; ss. 26, 35, ch. 69-106; s. 1, ch. 70-141; s. 1, ch. 71-204; s. 3, ch. 72-286; s. 7, ch. 74-133; s. 1, ch. 76-112; s. 3, ch. 78-96.

403.151 Compliance with rules or orders of department.—All rules or orders of the department which require action to comply with standards adopted by it, or orders to comply with any provisions of this act, may specify a reasonable time for such compliance.

History.—s. 16, ch. 67-436; ss. 26, 35, ch. 69-106.

403.161 Prohibitions, violation, penalty, intent.—

(1) It shall be a violation of this chapter, and it shall be prohibited for any person:

(a) To cause pollution, except as otherwise provided in this chapter, so as to harm or injure human health or welfare, animal, plant, or aquatic life or property.

(b) To fail to obtain any permit required by this chapter or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the department pursuant to its lawful authority.

(c) To knowingly make any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this chapter, or to falsify, tamper with, or knowingly render inaccurate any monitoring device or method required to be maintained under this chapter or by any permit, rule, regulation, or order issued under this chapter.

(d) For any person who owns or operates a facility to fail to report to the representative of the department, as established by department rule, within one working day of discovery of a release of hazardous substances from the facility if the owner or operator is required to report the release to the United States Environmental Protection Agency in accordance with 42 U.S.C. s. 9603.

(2) Whoever commits a violation specified in subsection (1) is liable to the state for any damage caused and for civil penalties as provided in s. 403.141.

(3) Any person who willfully commits a violation specified in paragraph (1)(a) is guilty of a felony of the third degree punishable as provided in ss. 775.082(3)(d) and 775.083(1)(g) by a fine of not more than \$50,000 or by imprisonment for 5 years, or by both, for each offense. Each day during any portion of which such violation occurs constitutes a separate offense.

(4) Any person who commits a violation specified in paragraph (1)(a) due to reckless indifference or gross careless disregard is guilty of a misdemeanor of the second degree, punishable as provided in ss. 775.082(4)(b) and 775.083(1)(g) by a fine of not more than \$5,000 or by 60 days in jail, or by both, for each offense.

(5) Any person who willfully commits a violation specified in paragraph (1)(b) or paragraph (1)(c) is guilty of a misdemeanor of the first degree punishable as provided in ss. 775.082(4)(a) and 775.083(1)(g) by a fine of not more than \$10,000 or by 6 months in jail, or by both for each offense.

(6) It is the legislative intent that the civil penalties and criminal fines imposed by the court be of such amount as to ensure immediate and continued compliance with this section.

History.—s. 17, ch. 67-436; ss. 26, 35, ch. 69-106; s. 1, ch. 70-356; s. 1, ch. 70-439; s. 4, ch. 72-286; s. 8, ch. 74-133; s. 139, ch. 77-104; s. 1, ch. 77-174; s. 21, ch. 88-393; s. 2, ch. 89-143; s. 8, ch. 89-324.

403.165 Use of pollution awards; pollution recovery fund.—There is hereby created a Pollution Recovery Fund which is to be supervised and used by the department to restore polluted areas of the state, as defined by the department, to the condition they were in before pollution occurred or to otherwise enhance pollution control activities in polluted areas. The fund shall consist of all moneys recovered by the state as a result of actions against any person for violation of any of the provisions of this chapter. The moneys shall be disbursed first to pay all amounts necessary to restore the respective polluted areas which were the subjects of state actions or to otherwise enhance pollution control activities in such areas. Any moneys remaining in the fund shall then be used by the department, as it sees fit, to pay for any work needed to restore areas which required more money than the state was able to obtain by court action or otherwise or to restore other polluted areas. In determining what other areas should be chosen, the department shall give priority to restoring areas that are within the same districts, as defined in s. 373.069, as the areas where the violations occurred.

History.—s. 5, ch. 72-286; s. 18, ch. 86-186; s. 11, ch. 88-393.

403.1655 Environmental short-term emergency response program.—

(1) It is the purpose of this section to provide a mechanism through which the state can immediately respond to short-term emergencies involving a threat to or an actual contamination of surface and ground water. It is the intent of the Legislature that the department provide not only technical assistance when responding to these short-term emergencies, but also financial resources to respond to emergencies which pose an immediate environmental or public health threat.

(2) The department shall be the lead agency for interdepartmental coordination relating to water pollution, toxic substances, and hazardous waste and other environmental and health emergencies not specifically designated within other statutes.

(3) Based upon the nature of the incident, the Water Quality Assurance Trust Fund or the Inland Protection Trust Fund, whichever is appropriate, shall be utilized to enable the department to respond during an emergency to incidents which threaten the environment or public health when otherwise responsible parties do not adequately respond.

(4) The department shall adopt rules for the purposes of this section.

History.—s. 42, ch. 83-310; s. 26, ch. 86-159.

403.1659 Florida Groundwater Protection Task Force.—

(1) The Florida Groundwater Protection Task Force is created within the Department of Environmental Regulation.

(a) The Groundwater Protection Task Force shall consist of the following members:

1. The Secretary of Community Affairs or his designee;

2. The Secretary of Environmental Regulation or his designee;

3. The Secretary of Health and Rehabilitative Services or his designee;

4. The Commissioner of Agriculture or his designee;

5. The Secretary of Transportation or his designee; and

6. Any additional state agency members as determined and appointed by the Governor in order to properly implement the provisions of this act.

(b) The Secretary of Environmental Regulation or a designee shall chair the task force.

(2) The Florida Groundwater Protection Task Force shall:

(a) Coordinate the temporary provision of potable water to every citizen whose drinking water supply has been deemed by the state to be unsafe, until such time as a permanent source of potable water has been made available.

(b) Ensure that public information is provided to all citizens and local governments in any area in which drinking water has been deemed by the state to be unsafe. The task force shall assure:

1. The development and maintenance of a mailing list of each citizen and each local government in an area with contaminated drinking water wells.

2. The preparation and distribution of information to all affected citizens and local governments describing state agency functions in the event of groundwater contamination.

3. The preparation and distribution of a newsletter as needed to all affected citizens and local governments, which newsletter shall contain a listing of upcoming scheduled activities, the answers to frequently submitted questions, and a listing of possible solutions or remedies to water contamination problems.

4. The availability of a toll-free telephone number to allow citizens of the state access to information regarding contaminated water supplies.

(c) Make recommendations to any person or governmental agency regarding groundwater contamination affecting public or private wells.

(d) Ensure that a current inventory of all groundwater contamination research activities by public and private universities in the state; federal, state, and local agencies; and private industry is developed and maintained. This inventory shall include, but is not limited to, a statewide listing of all facilities with groundwater testing capabilities in order to ensure that all citizens have their water tested within a reasonable period of time during a crisis situation.

(e) File, by October 1 annually, a report summarizing the activities of the task force during the past year. The report shall include, but is not limited to, a chronological listing of all groundwater contamination incidents, response strategy used by the state for each incident, actual costs for each incident, and an evaluation and recommendation concerning the needs of the state for the coming year with respect to groundwater contamination problems. A copy of the report shall be sent to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(3) The Florida Groundwater Protection Task Force shall meet as needed, at the call of the chairman, to carry out the provisions of this section.

History.—s. 27, ch. 84-338, s. 2, ch. 85-65.
 *Note.—Repealed effective October 1, 1989.

403.1815 Construction of water distribution mains and sewage collection laterals; local regulation.—Notwithstanding any other provision of this chapter to the contrary, the department may, upon request, allow any county or municipality to regulate independently the construction of water distribution mains and sewage collection laterals of 10 inches or less in size which may be connected to any water system or sewerage system owned by the county or municipality. In considering such request, the department shall determine the administrative and engineering ability of a county or municipality to administer and comply with the requirements of this section. In the event the department allows any county or municipality to regulate independently the construction of such water distribution mains and sewage collection laterals, these types of construction projects shall be exempt from department permit requirements. However, nothing in this section shall relieve a county or a municipality from any requirement to obtain the necessary permits for construction activities in waters of the state or of the United States or from complying with all other provisions of this chapter and rules promulgated thereunder. The exemption provided by this section shall not apply to any lateral connection to any water or sewerage system which the department has deemed to be in substantial noncompliance with applicable laws and standards if the department has so notified the respective county or municipality. Each county or municipality granted such authority shall submit monthly reports to the department of the number of connections and geographical location of such connections made to any sewerage system owned by such county or municipality and shall, not later than July 1 of each year, submit an updated map of any water distribution system and sewage collection system owned by the county or municipality. Such map shall indicate the extensions of such water mains and sewer laterals constructed for the preceding year.

History.—s. 1, ch. 80-394.

403.182 Local pollution control programs.—

(1) Each county and municipality or any combination thereof may establish and administer a local pollution control program if it complies with this act. Local pollution control programs in existence on the effective date of this act shall not be ousted of jurisdiction if such local program complies with this act. All local pollution control programs, whether established before or after the effective date of this act, must:

(a) Be approved by the department as adequate to meet the requirements of this act and any applicable rules and regulations pursuant thereto.

(b) Provide by ordinance, regulation, or local law for requirements compatible with, or stricter or more extensive than those imposed by this act and regulations issued thereunder.

(c) Provide for the enforcement of such requirements by appropriate administrative and judicial process.

(d) Provide for administrative organization, staff, financial and other resources necessary to effectively and efficiently carry out its program.

(2) The department shall have the exclusive authority and power to require and issue permits; provided, however, that the department may delegate its power and authority to local pollution control organizations if the department finds it necessary or desirable to do so.

(3) If the department finds that the location, character or extent of particular concentrations of population, contaminant sources, the geographic, topographic or meteorological considerations, or any combinations thereof, are such as to make impracticable the maintenance of appropriate levels of air and water quality without an areawide pollution control program, the department may determine the boundaries within which such program is necessary and require it as the only acceptable alternative to direct state administration.

(4)(a) If the department has reason to believe that a pollution control program in force pursuant to this section is inadequate to prevent and control pollution in the jurisdiction to which such program relates, or that such program is being administered in a manner inconsistent with the requirements of this act, it shall proceed to determine the matter.

(b) If the department determines that such program is inadequate to prevent and control pollution in the municipality or county or municipalities or counties to which such program relates, or that such program is not accomplishing the purposes of this act, it shall require that necessary corrective measures be taken within a reasonable period of time, not to exceed 90 days.

(c) If the municipality, county, or municipalities or counties fail to take such necessary corrective action within the time required, the department shall administer within such municipality, county, or municipalities or counties all of the regulatory provisions of this act. Such pollution control program shall supersede all municipal or county pollution laws, regulations, ordinances and requirements in the affected jurisdiction.

(d) If the department finds that the control of a particular class of contaminant source because of its complexity or magnitude is beyond the reasonable capability of the local pollution control authorities or may be more efficiently and economically performed at the state level, it may assume and retain jurisdiction over that class of contaminant source. Classifications pursuant to this paragraph may be either on the basis of the nature of the sources involved or on the basis of their relationship to the size of the communities in which they are located.

(5) Any municipality or county in which the department administers its pollution control program pursuant to subsection (4) of this section may with the approval of the department establish or resume a municipal or county pollution control program which meets the requirements of subsection (1) of this section.

(6) Notwithstanding the existence of any local pollution control program, whether created by a county or municipality or a combination thereof or by a special law, the department shall have jurisdiction to enforce the provisions of this chapter and any rules, regulations, or orders issued pursuant to this chapter throughout the state; however, whenever rules, regulations, or orders of

a stricter or more stringent nature have been adopted by a local pollution control program, the department, if it elects to assert its jurisdiction, shall then enforce the stricter rules, regulations, or orders in the jurisdiction where they apply.

(7) It shall be a violation of this chapter to violate, or fail to comply with, a rule, regulation, or order of a stricter or more stringent nature adopted by a local pollution control program, and the same shall be punishable as provided by s. 403.161. If any local program changes any rule, regulation, or order, whether or not of a stricter or more stringent nature, such change shall not apply to any installation or source operating at the time of such change in conformance with a currently valid permit issued by the Department of Environmental Regulation.

(8) Nothing in this act shall prevent any local pollution control program from enforcing its own rules, regulations, or orders. All remedies of the Department of Environmental Regulation under this chapter shall be available, as an alternative to local enforcement provisions, to each local pollution control program to enforce any provision of local law. When the department and a local program institute separate lawsuits against the same party for violation of a state or local pollution law, rule, regulation, or order arising out of the same act, the suits shall be consolidated when possible.

(9) Each local pollution control program shall cooperate with and assist the department in carrying out its powers, duties, and functions.

History.—s. 19, ch. 67-436; ss. 26, 35, ch. 69-106; s. 2, ch. 71-137; ss. 1, 2, ch. 73-256; s. 14, ch. 78-95; s. 76, ch. 79-65; s. 6, ch. 89-143.

403.1821 Water pollution control and sewage treatment.—Sections 403.1821-403.1832 shall be known and cited as the "Florida Water Pollution Control and Sewage Treatment Plant Grant Act."

History.—s. 1, ch. 70-251; s. 47, ch. 83-310.

403.1822 Definitions for ss. 403.1821-403.1832.—As used in ss. 403.1821-403.1832, the term:

(1) "Department" refers to the Department of Environmental Regulation.

(2) "Grants," "grant," "state grants," or "state grant" refers to disbursements from the State Water Pollution Control Trust Fund pursuant to s. 403.1825.

(3) "Local governmental agencies" refers to any municipality, county, district, or authority, or any agency thereof, or a combination of two or more of the foregoing, acting jointly in connection with a project, having jurisdiction over collection, transmission, treatment, or disposal of sewage, industrial wastes, stormwater, or other wastes and includes a district or authority the principal responsibility of which is to provide airport, industrial or research park, or port facilities to the public.

(4) "Project" means all or part of a sewage treatment or disposal facility, or other cost-effective alternative, and may include the construction or reconstruction of existing sewage collection or transmission lines.

History.—s. 2, ch. 70-251; s. 1, ch. 70-439; s. 2, ch. 71-137; s. 113, ch. 71-355; s. 77, ch. 79-65; s. 48, ch. 83-310; s. 1, ch. 87-107; s. 35, ch. 89-279.

403.1823 Department of Environmental Regulation; rulemaking authority; administration of funds.—The department shall:

(1) Promulgate rules and regulations to carry out the purposes of ss. 403.1821-403.1832.

(2) Administer and control all funds appropriated to or received by the department for the purposes of ss. 403.1821-403.1832.

History.—s. 3, ch. 70-251; s. 1, ch. 70-439, s. 49, ch. 83-310.

403.1824 State Water Pollution Control Trust Fund.

A trust fund to be known as the "State Water Pollution Control Trust Fund" is established in the State Treasury to be used for state grants to local governmental agencies for the construction or reconstruction of sewage collection, transmission, treatment, or disposal facilities or cost-effective alternatives. All funds received by the department to carry out the purposes of ss. 403.1821-403.1832 shall be deposited in this fund; however, at least 45 percent of the funds received by the department and deposited in this fund shall be transferred to the Small Community Sewer Construction Assistance Trust Fund. The department may expend up to 2 percent of the State Water Pollution Control Trust Fund to cover the cost of reviewing and acting upon grant applications by a local governmental agency and the cost of surveillance and other field services associated with the application.

History.—s. 4, ch. 70-251; s. 1, ch. 70-439, s. 50, ch. 83-310.

403.1825 Grant payments.—Warrants for the payment of grants to local governmental agencies or increments thereof from the Water Pollution Control Trust Fund shall be issued by the State Comptroller upon certification to him by the department that such payments are due and payable under the department's published rules and regulations.

History.—s. 5, ch. 70-251; s. 1, ch. 70-439.

403.1826 Grants, requirements for eligibility.—

(1) Grants shall be made under ss. 403.1821-403.1832 for projects eligible as provided in rules of the department. Only those projects to be constructed after the effective date of this act are eligible for grants pursuant to this act.

(2) No grant may be made for any project unless such project and the plans and specifications therefor are approved by the department, subject to such requirements as the department imposes. The costs for advanced waste treatment facilities, or portions thereof, required for discharge to surface waters or ground water protection or protection of public health are eligible for funding.

(3) No grant may be made until the local governmental agency has available to it that part of the total cost of the project which is in excess of the applicable grant.

(4) The department shall require local governmental funds in the amount of 45 percent of eligible project costs as determined by rules of the department. The department is authorized to establish a maximum grant for each local governmental agency pursuant to this act.

(5) Grants made under ss. 403.1821-403.1832 shall be paid to the local governmental agency as provided by department rule.

(6) A grant may not be made unless the local governmental agency assures the department of the proper and efficient operation and maintenance of the project

after construction. Revenue sufficient to ensure that the facility will be self-supporting shall be generated from sources which include, but are not limited to, service charges and connection fees. The revenue generated shall provide for financing future sanitary sewerage capital improvements. The grantee shall accumulate, during the design life of the grant-funded project, moneys in an amount equivalent to the grant amount adjusted for inflationary cost increases.

(7) No grant may be made unless the local governmental agency has filed properly executed forms and applications prescribed by the department.

(8) Any local governmental agency receiving assistance under ss. 403.1821-403.1832 shall keep such records as the department prescribes, including records which fully disclose the amount and disposition by the recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with such assistance given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit. The department and the Auditor General or any of their duly authorized representatives shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of the recipient that are pertinent to grants received under ss. 403.1821-403.1832. Upon project completion, the local governmental agency shall submit to the department a separate audit, by an independent certified public accountant, of the grant expenditures.

(9) Any project satisfactorily planned and designed in accordance with the requirements of the United States Environmental Protection Agency is eligible for funding under this act.

History.—s. 6, ch. 70-251; s. 1, ch. 70-439, s. 51, ch. 83-310; s. 28, ch. 84-338; s. 52, ch. 85-81; s. 36, ch. 89-279.

403.1829 Funding of projects; priorities.—Eligible projects shall be funded according to priorities established by department rule. Such priorities shall be established according to the extent each project is intended to remove, mitigate, or prevent adverse effects on surface or ground water quality and public health. Advanced waste treatment facilities or portions thereof which are required for discharge to surface waters or ground water protection or protection of public health, which are required by the department, and which are determined to be ineligible for federal funding are eligible for supplemental state funding under this act.

History.—s. 9, ch. 70-251; s. 1, ch. 70-439; s. 52, ch. 83-310.

403.1832 Department to accept federal aid.—The department is designated as the administrative agency of the state to apply for and accept any funds or other aid and to cooperate and enter into contracts and agreements with the Federal Government relating to the planning, design, construction, operation, maintenance, and enforcement activities of the program to provide clean water and pollution abatement of the waters of the state or to any other related purpose which the Congress of the United States has authorized or may authorize. The department is authorized in the name of the state to make such applications, sign such documents, give such assurances, and do such other things as are nec-

essary to obtain such aid from or cooperate with the United States Government or any agency thereof. The department may consent to enter into contracts and agreements and cooperate with any other state agency, local governmental agency, person, or other state when it is necessary to carry out the provisions of ss. 403.1821-403.1832.

History.—s. 12, ch. 70-251; s. 1, ch. 70-439; s. 53, ch. 83-310.

403.1834 State bonds to finance or refinance facilities; exemption from taxation.—

(1) The issuance of state bonds to finance or refinance the construction of water supply and distribution facilities, stormwater control and treatment facilities, and air and water pollution control and abatement and solid waste disposal facilities, payable primarily from the pledged revenues provided for by s. 14, Art. VII of the State Constitution or from such pledged revenues and the full faith and credit of any county, municipality, district, authority, or any agency thereof; and pledging the full faith and credit of the state as additional security, is authorized, subject and pursuant to the provisions of s. 14, Art. VII of the State Constitution, the provisions of the State Bond Act, ss. 215.57-215.83, as amended, and the provisions of this section.

(2) The State Board of Administration is designated as the state fiscal agency to make the determinations required by s. 14, Art. VII of the State Constitution in connection with the issuance of such bonds.

(3) The amount of the state bonds to be issued shall be determined by the Division of Bond Finance of the Department of General Services. However, the total principal amount issued shall not exceed \$300 million in any state fiscal year. This limitation does not apply to bonds issued to refinance outstanding bonds that were issued pursuant to this section in a previous fiscal year.

(4) The facilities to be financed or refinanced with the proceeds of such state bonds shall be determined and approved by the Department of Environmental Regulation and may be constructed, acquired, maintained, and operated by any county, municipality, district, or authority, or any agency thereof, or by the department.

(5) The Department of Environmental Regulation and the Division of Bond Finance of the Department of General Services are hereby authorized to enter into lease-purchase agreements between such departments or to enter into lease-purchase agreements or loan agreements between either of such departments and any county, municipality, district, or authority, or any agency thereof, for such periods and under such other terms and conditions as may be mutually agreed upon by the parties thereto in order to carry out the purposes of s. 14, Art. VII of the State Constitution and this section.

(6) The Department of Environmental Regulation shall have power to fix, establish, and collect fees, rentals, or other charges for the use or benefit of said facilities or may delegate such power to any county, municipality, district, authority, or any agency thereof under such terms and conditions and for such periods as may be mutually agreed upon.

(7) It is found and declared that said facilities will constitute a public governmental purpose necessary for

the health and welfare of all the inhabitants of the state, and none of said facilities or said state bonds or the interest thereon shall ever be subject to taxation by the state or any political subdivision or agency thereof. However, a leasehold interest in property of the state or the facilities thereon may not be exempted from ad valorem taxation when a nongovernmental lessee uses such property for the operation of a multipurpose hazardous waste treatment facility. The exemption granted by this subsection shall not be applicable to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

(8) As used in this section, "water supply and distribution facilities" means a waterworks system as defined in s. 159.02(9) which is constructed, owned, or operated by a county, municipality, water management district created by chapter 373, or regional water supply authority created pursuant to chapter 373, or a water facility of an authority created by chapter 76-441, Laws of Florida, as amended by chapter 80-546, Laws of Florida.

History.—ss. 1, 2, 3, 4, 5, 6, 7, ch. 70-270; s. 1, ch. 70-439; s. 2, ch. 71-137; s. 4, ch. 73-256; s. 14, ch. 73-327; s. 78, ch. 79-65; s. 1, ch. 81-21; s. 61, ch. 83-212; s. 19, ch. 86-186; s. 1, ch. 87-203; s. 82, ch. 88-130.

403.1835 Wastewater facilities and stormwater management systems revolving loan program.—

(1) The purpose of this section is to assist in implementing the legislative declaration of public policy as contained in s. 403.021 by establishing a loan program to accelerate construction of wastewater facilities and stormwater management systems by local governmental agencies and to assist local governmental agencies in implementing stormwater management programs and to develop and implement estuary conservation and management plans.

(2) For the purposes of this section, the following terms, unless the context otherwise indicates, shall have the meanings ascribed to them in this subsection:

(a) "Local governmental agencies" means local governmental agencies as defined in s. 403.1822(3).

(b) "Wastewater facilities" means all facilities necessary, including land, for the collection, treatment, or disposal of domestic wastewater.

(c) "Bonds" means state bonds, certificates, or other obligations of indebtedness issued by the Division of Bond Finance of the Department of General Services pursuant to this section and the State Bond Act.

(3) The department is authorized to make loans to local governmental agencies to assist said agencies in the planning, designing, and construction of wastewater facilities and stormwater management systems and in the acquisition of land necessary for such construction. The department is also authorized to make loans to local governmental agencies for the implementation of stormwater management programs under s. 319 of the Federal Water Pollution Control Act and for development and implementation of estuary conservation and management plans under s. 320 of the Federal Water Pollution Control Act, as amended. The department is authorized to use the funds to provide loan guarantees, to purchase loan insurance, and to refinance local debt through the issue of new loans for projects approved by the department. Local governmental agencies are authorized to borrow funds made available pursuant to this section

and may pledge any revenue available to them to repay any funds borrowed.

(4) The term of loans made pursuant to this section shall not exceed 30 years. The interest rate on loans shall be no greater than that paid on the last bonds sold pursuant to s. 14, Art. VII, State Constitution.

(5)(a) The department is authorized to make rules necessary to carry out the purpose of this section, including rules to administer the state revolving fund authorized pursuant to the Federal Water Pollution Control Act, as amended.

(b) The department shall prepare an annual report detailing the amount loaned, interest earned, and loans outstanding at the end of each fiscal year.

(6) Prior to approval of a loan, the local government shall:

(a) Provide a repayment schedule.

(b) Submit plans and specifications for wastewater facilities or stormwater management systems.

(c) Provide assurance that records will be kept using accepted government accounting standards and that the department, the Auditor General, or their agents will have access to all records pertaining to the loan.

(d) Provide assurance that the facility will be properly operated and maintained.

(e) Document that the revenues generated will be sufficient to ensure that the facilities will be self-supporting.

(f) Provide assurance that annual financial audit reports, and a separate project audit prepared by an independent certified public accountant upon project completion, will be submitted to the department.

(7) Eligible projects shall be given priority according to the extent each project is intended to remove, mitigate, or prevent adverse effects on surface or ground water quality and public health.

(8) In the event a local governmental agency becomes delinquent on its loan, the department shall so certify to the Comptroller who shall forward the amount delinquent to the department from any unobligated funds due to the local governmental agency under any revenue sharing or tax sharing fund established by the state, except as otherwise provided by the State Constitution. Certification of delinquency shall not limit the department from pursuing other remedies available for default on a loan. The department may impose a penalty for delinquent loan payments in the amount of 6 percent of the amount due in addition to charging the cost to handle and process the debt. Penalty interest shall accrue on any amount due and payable beginning on the 30th day following the date upon which payment is due.

(9) A trust fund with revolving loan provisions to be known as the "Wastewater Treatment and Stormwater Management Revolving Loan Fund" is hereby established in the State Treasury to be used as a revolving fund by the department to carry out the purpose of this section. Any funds therein which are not needed on an immediate basis for loans may be invested pursuant to s. 215.49. The cost of administering the program shall, to the extent possible, be paid from federal funds and, when federal funds become no longer available, from reasonable service fees that may be imposed upon loans. Grants awarded by the Federal Government to

fund revolving loans for local governmental agencies' wastewater facilities and stormwater management systems shall be deposited in the fund. All funds available in the fund are hereby designated to carry out the purpose of this section. The principal and interest of all loans repaid and investment earnings shall be deposited into this fund.

(10) Funds available in, or to become available in, the Wastewater Treatment and Stormwater Management Revolving Loan Fund and loan repayments to the department from local governmental agencies may be used to pay debt service on, or fund debt service reserve funds, rebate obligations, or other amounts with respect to bonds issued for purposes of the Wastewater Treatment and Stormwater Management Facilities Revolving Loan Program. Such bonds are hereby authorized to be issued pursuant to the provisions of s. 14, Art. VII of the State Constitution and s. 403.1834. All bonds issued pursuant to this section shall be issued by the Division of Bond Finance pursuant to the State Bond Act. Such bonds shall be secured by a debt service reserve which shall be funded at a level which is equal to the maximum annual debt service or the maximum sinking fund requirement where there are no annual payments of principal and interest, but shall not exceed the maximum amount allowed pursuant to the Internal Revenue Code of 1986, as amended. In lieu of such debt service reserve, the Division of Bond Finance may obtain a letter of credit, insurance policy, or other credit enhancement facility at the required level.

History.—s. 1, ch. 72-723; s. 79, ch. 79-65; s. 20, ch. 86-186; s. 37, ch. 89-279.

403.1838 Small Community Sewer Construction Assistance Act.—

(1) This section may be cited as the "Small Community Sewer Construction Assistance Act."

(2)(a) There is established within the Department of Environmental Regulation the Small Community Sewer Construction Assistance Trust Fund.

(b) The funds shall be used by the department to assist small communities with their needs for adequate sewer facilities. The term "small community" means an incorporated municipality with a population of 35,000 or less, according to the latest decennial census.

(3) The department may provide grants to small communities. Grants shall be made from the Small Community Sewer Construction Assistance Trust Fund in accordance with rules adopted by the Environmental Regulation Commission. The department may grant up to \$3 million to any small community.

(4) The Environmental Regulation Commission shall:

(a) Require a 45-percent nonstate match, except that, for a grant of less than \$50,000, the commission may waive all or a part of the matching requirement:

1. Where water quality standards have been exceeded by an amount that constitutes an immediate health hazard; or

2. In a community where the gross per capita income is below the state average, as determined by the United States Department of Commerce, and where sewer systems have failed to meet department standards.

(b) Require appropriate user charges and connection fees sufficient to ensure the long-term operation and maintenance of the facility to be constructed under any grant.

(c) Require compliance with all water quality standards.

(d) Establish a system to determine eligibility and relative priority for applications for grants by small communities.

(e) Require applications for grants to be submitted on appropriate forms with appropriate supporting documentation, require construction to be in accordance with plans approved by the department, and require record-keeping.

(5) Any project satisfactorily planned and designed in accordance with the requirements of the United States Environmental Protection Agency is eligible for funding under this act.

(6) A grant may not be made unless the local governmental agency assures the department of the proper and efficient operation and maintenance of the project after construction. Revenue sufficient to ensure that the facility will be self-supporting shall be generated from sources which include, but are not limited to, service charges and connection fees. The revenue generated shall provide for financing future sanitary sewerage capital improvements. The grantee shall accumulate, during the design life of the grant-funded project, moneys in an amount equivalent to the grant amount adjusted for inflationary cost increases.

(7) Any local government agency which receives assistance under this section shall keep such records as the department prescribes, including records which fully disclose the amount and disposition by the recipient of the proceeds of such assistance, the total cost of the project, the amount of that portion of the project supplied by other sources, and such other records as will facilitate effective audit. The department and the Auditor General or any of their duly authorized representatives shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of the recipient that are pertinent to grants received under this section. Upon project completion, the local government agency shall submit to the department a separate audit, by an independent certified public accountant, of the grant expenditures.

History.—s. 55, ch. 83-310; s. 29, ch. 84-338; s. 53, ch. 85-81; s. 38, ch. 89-279.

403.191 Construction in relation to other law.—

(1) It is the purpose of this act to provide additional and cumulative remedies to prevent, abate, and control the pollution of the air and waters of the state. Nothing contained herein shall be construed to abridge or alter rights of action or remedies in equity under the common law or statutory law, criminal or civil, nor shall any provisions of this act, or any act done by virtue thereof, be construed as estopping the state or any municipality, or person affected by air or water pollution, in the exercise of their rights in equity or under the common law or statutory law to suppress nuisances or to abate pollution.

(2) No civil or criminal remedy for any wrongful action which is a violation of any rule or regulation of the department shall be excluded or impaired by the provisions of this chapter.

(3) This act shall limit and restrict the application of chapter 24952, 1947, Laws of Florida, to any person operating any industrial plant that has located in the State of Florida in reliance thereon and exercised rights and powers granted thereby on and before the effective date of this act; provided such person shall henceforth in the exercise of such rights and powers install and use treatment works or control measures generally equivalent to those installed and used by other similar industrial plants pursuant to the requirements of the department.

History.—s. 20, ch. 67-436; ss. 26, 35, ch. 69-106.

403.201 Variances.—

(1) Upon application, the department in its discretion may grant a variance from the provisions of this act or the rules and regulations adopted pursuant hereto. Variances and renewals thereof may be granted for any one of the following reasons:

(a) There is no practicable means known or available for the adequate control of the pollution involved.

(b) Compliance with the particular requirement or requirements from which a variance is sought will necessitate the taking of measures which, because of their extent or cost, must be spread over a considerable period of time. A variance granted for this reason shall prescribe a timetable for the taking of the measures required.

(c) To relieve or prevent hardship of a kind other than those provided for in paragraphs (a) and (b). Variances and renewals thereof granted under authority of this paragraph shall each be limited to a period of 24 months, except that variances granted pursuant to part II may extend for the life of the permit or certification.

(2) No variance shall be granted from any provision or requirement concerning hazardous waste management which would result in the provision or requirement being less stringent than a comparable federal provision or requirement, except as provided in s. 403.7221.

(3) The department shall publish notice, or shall require a petitioner for a variance to publish notice, in the Florida Administrative Weekly and in a newspaper of general circulation in the area affected, of proposed agency action; and the department shall afford interested persons an opportunity for a hearing on each application for a variance. If no request for hearing is filed with the department within 14 days of published notice, the department may proceed to final agency action without a hearing.

(4) The department may require by rule a processing fee for and may prescribe such time limits and other conditions to the granting of a variance as it deems appropriate.

History.—s. 21, ch. 67-436; ss. 26, 35, ch. 69-106; s. 1, ch. 74-170; s. 14, ch. 78-95; s. 7, ch. 82-27; s. 21, ch. 86-186.

403.221 Pending proceedings.—No legal proceedings shall be abated because of any transfers made in this section, but the appropriate party exercising like authority or performing like duties or functions shall be substituted in said proceedings.

History.—s. 23, ch. 67-436.

403.231 Department of Legal Affairs to represent the state.—The Department of Legal Affairs shall represent the state and its agencies as legal adviser in carrying out the provisions of this act.

History.—s. 24, ch. 67-436, ss. 11, 35, ch. 69-106.

403.251 Safety clause.—The Legislature hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health and safety.

History.—s. 27, ch. 67-436.

403.261 Provisions specifying jurisdiction repealed.—All rulemaking jurisdiction over air and water pollution matters held by other agencies within the state on September 1, 1967, is hereby repealed including, but without limitation, such jurisdiction held by the Florida State Board of Health, the Game and Fresh Water Fish Commission, the State Board of Conservation and the several water management districts within the state.

History.—s. 1, ch. 67-436.

403.265 Peat mining; permitting.—

(1) Definitions.—As used in this section, the term:

(a) "Agricultural use of peat" means the use of peat as a soil medium, additive, enhancer, or fertilizer.

(b) "Peat" means a dark brown or black residuum produced by the partial decomposition and disintegration of mosses, sedges, trees, and other plants that grow in marshes and other wet places.

(c) "Peat mining activity" means the extraction of peat or peat soils for sale or consumption or the disturbance of vegetation or soils in anticipation of the extraction of peat or peat soils for sale or consumption. For the purposes of this part, the term "peat mining activity" does not include the removal of peat or peat soils for construction activities or the removal of overburden for other mining activities.

(d) "Peat soil" means soil which contains at least 75 percent dry weight of peat material. Such soil is rich in humus and gives an acid reaction.

(2) Each department permit which authorizes the mining of peat or peat soils or any mining activity associated with the anticipation of the extraction of peat or peat soils for sale or consumption shall require the permittee to institute and complete a reclamation program for the area mined, which program must include the following factors:

(a) Control of the physical and chemical quality of the water draining from the mining area;

(b) Soil stabilization, including contouring and vegetation;

(c) Elimination of health and safety hazards;

(d) Conservation and preservation of remaining natural resources; and

(e) A time schedule for the completion of the program and the various phases thereof.

(3) The department may adopt rules which are consistent with the powers and duties listed in s. 403.912 to govern the mining of peat, including stricter permitting and enforcement provisions for the mining for sale or consumption of peat or peat soils within or contiguous to the areas which have been designated as Outstanding Florida Waters or which were under consid-

eration by the Environmental Regulation Commission for such designation on April 1, 1984.

(4) The mining of peat or peat soils of less than 5 acres per year, and all peat mining activities for the agricultural use of peat, are exempt from the provisions of this section.

(5) Nothing in this section limits the permitting authority of the department to regulate peat mining pursuant to other provisions of this chapter.

History.—s. 2, ch. 84-79.

403.281 Definitions; weather modification law.—As used in this chapter relating to weather modification:

(1) "Department" means the Department of Environmental Regulation.

(2) "Person" includes any public or private corporation.

History.—s. 1, ch. 57-128; ss. 26, 35, ch. 69-106; s. 2, ch. 71-137; s. 156, ch. 71-377; s. 80, ch. 79-65.

Note.—Former s. 373.261.

403.291 Purpose of weather modification law.—

The purpose of this law is to promote the public safety and welfare by providing for the licensing, regulation and control of interference by artificial means with the natural precipitation of rain, snow, hail, moisture or water in any form contained in the atmosphere.

History.—s. 2, ch. 57-128.

Note.—Former s. 373.271.

403.301 Artificial weather modification operation; license required.—No person without securing a license from the department, shall cause or attempt to cause by artificial means condensation or precipitation of rain, snow, hail, moisture or water in any form contained in the atmosphere, or shall prevent or attempt to prevent by artificial means the natural condensation or precipitation of rain, snow, hail, moisture or water in any form contained in the atmosphere.

History.—s. 3, ch. 57-128; ss. 26, 35, ch. 69-106.

Note.—Former s. 373.281.

403.311 Application for weather modification licensing; fee.—

(1) Any person desiring to do or perform any of the acts specified in s. 403.301 may file with the department an application for a license on a form to be supplied by the department for such purpose setting forth all of the following:

(a) The name and post-office address of the applicant.

(b) The education, experience, and qualifications of the applicant, or if the applicant is not an individual, the education, experience, and qualifications of the persons who will be in control and in charge of the operation of the applicant.

(c) The name and post-office address of the person on whose behalf the weather modification operation is to be conducted if other than the applicant.

(d) The nature and object of the weather modification operation which the applicant proposes to conduct, including a general description of such operation.

(e) The method and type of equipment and the type and composition of materials that the applicant proposes to use.

(f) Such other pertinent information as the department may require.

(2) Each application shall be accompanied by a filing fee in the sum of \$1,000 and proof of financial responsibility as required by s. 403.321.

History.—s. 4, ch. 57-128; ss. 26, 35, ch. 69-106; s. 18, ch. 88-393.

Note.—Section 20, ch. 88-393, provides that "the Department of Environmental Regulation shall begin rulemaking to implement the provisions of sections 17, 18, and 19 no later than 30 days after [July 6, 1988]."

Note.—Former s. 373.291.

403.321 Proof of financial responsibility.—

(1) No license shall be issued to any person until he has filed with the department proof of ability to respond in damages for liability on account of accidents arising out of the weather modification operations to be conducted by him in the amount of \$10,000 because of bodily injury to or death of one person resulting from any one incident, and subject to said limit for one person, in the amount of \$100,000 because of bodily injury to or death of two or more persons resulting from any one incident, and in the amount of \$100,000 because of injury to or destruction of property of others resulting from any one incident.

(2) Proof of financial responsibility may be given by filing with the department a certificate of insurance or a bond in the required amount.

History.—s. 5, ch. 57-128; ss. 26, 35, ch. 69-106.

Note.—Former s. 373.301.

403.331 Issuance of license; suspension or revocation; renewal.—

(1) The department shall issue a license to each applicant who:

(a) By education, skill and experience appears to be qualified to undertake the weather modification operation proposed in his application.

(b) Files proof of his financial responsibility as required by s. 403.321.

(c) Pays filing fee required in s. 403.311.

(2) Each such license shall entitle the licensee to conduct the operation described in the application for the calendar year for which the license is issued unless the license is sooner revoked or suspended. The conducting of any weather modification operation or the use of any equipment or materials other than those described in the application shall be cause for revocation or suspension of the license.

(3) The license may be renewed annually by payment of a filing fee in the sum of \$50.

History.—s. 6, ch. 57-128; ss. 26, 35, ch. 69-106.

Note.—Former s. 373.311.

403.341 Filing and publication of notice of intention to operate; limitation on area and time.—Prior to undertaking any operation authorized by the license, the licensee shall file with the department and cause to be published a notice of intention. The licensee shall then confine his activities substantially within the time and area limits set forth in the notice of intention.

History.—s. 7, ch. 57-128; ss. 26, 35, ch. 69-106.

Note.—Former s. 373.321.

403.351 Contents of notice of intention.—The notice of intention shall set forth all of the following:

(1) The name and post-office address of the licensee.

(2) The name and post-office address of the persons on whose behalf the weather modification operation is to be conducted if other than the licensee.

(3) The nature and object of the weather modification operation which licensee proposes to conduct, including a general description of such operation.

(4) The method and type of equipment and the type and composition of the materials the licensee proposes to use.

(5) The area in which and the approximate time during which the operation will be conducted.

(6) The area which will be affected by the operation as nearly as the same may be determined in advance.

History.—s. 8, ch. 57-128.

Note.—Former s. 373.331.

403.361 Publication of notice of intention.—The licensee shall cause the notice of intention to be published at least once a week for 2 consecutive weeks in a newspaper having general circulation and published within any county wherein the operation is to be conducted and in which the affected area is located, or if the operation is to be conducted in more than one county or if the affected area is located in more than one county or is located in a county other than the one in which the operation is to be conducted, then such notice shall be published in like manner in a newspaper having a general circulation and published within each of such counties. In case there is no newspaper published within the appropriate county, publication shall be made in a newspaper having a general circulation within the county.

History.—s. 9, ch. 57-128.

Note.—Former s. 373.341.

403.371 Proof of publication.—Proof of publication shall be filed by the licensee with the department 15 days from the date of the last publication of notice. Proof of publication shall be by copy of the notice as published, attached to and made a part of the affidavit of the publisher or foreman of the newspaper publishing the notice.

History.—s. 10, ch. 57-128; ss. 26, 35, ch. 69-106.

Note.—Former s. 373.351.

403.381 Record and reports of operations.—

(1) Each licensee shall keep and maintain a record of all operations conducted by him pursuant to his license showing the method employed, the type and composition of materials used, the times and places of operation, the name and post office address of each person participating or assisting in the operation other than licensee and such other information as may be required by the department and shall report the same to the department at such times as it may require.

(2) The records of the department and the reports of all licensees shall be available for public examination.

History.—s. 11, ch. 57-128; ss. 26, 35, ch. 69-106.

Note.—Former s. 373.361.

403.391 Emergency licenses.—Notwithstanding any provisions of this act to the contrary, the department may grant a license permitting a weather modification operation without compliance by the licensee with the provisions of ss. 403.351-403.371, and without publication of notice of intention as required by s. 403.341 if the

operation appears to the department to be necessary or desirable in aid of the extinguishment of fire, dispersal of fog, or other emergency.

History.—s. 12, ch. 57-128, ss. 26, 35, ch. 69-106.
Note.—Former s. 373.371.

403.401 Suspension or revocation of license.—Any license may be revoked or suspended if the department finds that the licensee has failed or refused to comply with any of the provisions of this act.

History.—s. 13, ch. 57-128; s. 21, ch. 63-512; ss. 26, 35, ch. 69-106; s. 14, ch. 78-95.
Note.—Former s. 373.381.

403.411 Penalty.—Any person conducting a weather modification operation without first having procured a license, or who shall make a false statement in his application for license, or who shall fail to file any report or reports as required by this act, or who shall conduct any weather modification operation after revocation or suspension of his license, or who shall violate any other provision of this act, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; and, if a corporation, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.083. Each such violation shall be a separate offense.

History.—s. 14, ch. 57-128; s. 351, ch. 71-136.
Note.—Former s. 373.391.

403.412 Environmental Protection Act.—

(1) This section shall be known and may be cited as the "Environmental Protection Act of 1971."

(2)(a) The Department of Legal Affairs, any political subdivision or municipality of the state, or a citizen of the state may maintain an action for injunctive relief against:

1. Any governmental agency or authority charged by law with the duty of enforcing laws, rules, and regulations for the protection of the air, water, and other natural resources of the state to compel such governmental authority to enforce such laws, rules, and regulations;

2. Any person, natural or corporate, or governmental agency or authority to enjoin such persons, agencies, or authorities from violating any laws, rules, or regulations for the protection of the air, water, and other natural resources of the state.

(b) In any suit under paragraph (a), the Department of Legal Affairs may intervene to represent the interests of the state.

(c) As a condition precedent to the institution of an action pursuant to paragraph (a), the complaining party shall first file with the governmental agencies or authorities charged by law with the duty of regulating or prohibiting the act or conduct complained of a verified complaint setting forth the facts upon which the complaint is based and the manner in which the complaining party is affected. Upon receipt of a complaint, the governmental agency or authority shall forthwith transmit, by registered or certified mail, a copy of such complaint to those parties charged with violating the laws, rules, and regulations for the protection of the air, water, and other natural resources of the state. The agency receiving such complaint shall have 30 days after the receipt thereof within which to take appropriate action. If such action is not taken within the time prescribed, the complaining

party may institute the judicial proceedings authorized in paragraph (a). However, failure to comply with this subsection shall not bar an action for a temporary restraining order to prevent immediate and irreparable harm from the conduct or activity complained of.

(d) In any action instituted pursuant to paragraph (a), the court, in the interest of justice, may add as party defendant any governmental agency or authority charged with the duty of enforcing the applicable laws, rules, and regulations for the protection of the air, water, and other natural resources of the state.

(e) No action pursuant to this section may be maintained if the person (natural or corporate) or governmental agency or authority charged with pollution, impairment, or destruction of the air, water, or other natural resources of the state is acting or conducting operations pursuant to currently valid permit or certificate covering such operations, issued by the appropriate governmental authorities or agencies, and is complying with the requirements of said permits or certificates.

(f) In any action instituted pursuant to this section, other than an action involving a state NPDES permit authorized under s. 403.0885, the prevailing party or parties shall be entitled to costs and attorney's fees. Any award of attorney's fees in an action involving such a state NPDES permit shall be discretionary with the court. If the court has reasonable ground to doubt the solvency of the plaintiff or the plaintiff's ability to pay any cost or judgment which might be rendered against him in an action brought under this section, the court may order the plaintiff to post a good and sufficient surety bond or cash.

(3) The court may grant injunctive relief and impose conditions on the defendant which are consistent with and in accordance with law and any rules or regulations adopted by any state or local governmental agency which is charged to protect the air, water, and other natural resources of the state from pollution, impairment, or destruction.

(4) The doctrines of res judicata and collateral estoppel shall apply. The court shall make such orders as necessary to avoid multiplicity of actions.

(5) In any administrative, licensing, or other proceedings authorized by law for the protection of the air, water, or other natural resources of the state from pollution, impairment, or destruction, the Department of Legal Affairs, a political subdivision or municipality of the state, or a citizen of the state shall have standing to intervene as a party on the filing of a verified pleading asserting that the activity, conduct, or product to be licensed or permitted has or will have the effect of impairing, polluting, or otherwise injuring the air, water, or other natural resources of the state.

(6) Venue of any causes brought under this law shall lie in the county or counties wherein the cause of action is alleged to have occurred.

History.—ss. 1, 2, 3, 4, 5, 6, ch. 71-343; s. 24, ch. 86-393.

403.413 Florida Litter Law.—

(1) **SHORT TITLE.**—This section may be cited as the "Florida Litter Law."

(2) **DEFINITIONS.**—As used in this section:

(a) "Litter" means any garbage; rubbish; trash; re-

fuse; can; bottle; box; container; paper; tobacco product; tire; appliance; mechanical equipment or part; building or construction material; tool; machinery; wood; motor vehicle or motor vehicle part; vessel; aircraft; farm machinery or equipment; sludge from a waste treatment facility; water supply treatment plant, or air pollution control facility; or substance in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

(b) "Person" means any individual, firm, sole proprietorship, partnership, corporation, or unincorporated association.

(c) "Law enforcement officer" means any officer of the Florida Highway Patrol, a county sheriff's department, a municipal law enforcement department, a law enforcement department of any other political subdivision, the Department of Natural Resources, or the Game and Fresh Water Fish Commission. In addition, and solely for the purposes of this section, "law enforcement officer" means any employee of a county or municipal park or recreation department designated by the department head as a litter enforcement officer.

(d) "Aircraft" means a motor vehicle or other vehicle that is used or designed to fly but does not include a parachute or any other device used primarily as safety equipment.

(e) "Commercial purpose" means for the purpose of economic gain.

(f) "Commercial vehicle" means a vehicle that is owned or used by a business, corporation, association, partnership, or sole proprietorship or any other entity conducting business for a commercial purpose.

(g) "Dump" means to dump, throw, discard, place, deposit, or dispose of.

(h) "Motor vehicle" means an automobile, motorcycle, truck, trailer, semitrailer, truck tractor, or semitrailer combination or any other vehicle that is powered by a motor.

(i) "Vessel" means a boat, barge, or airboat or any other vehicle used for transportation on water.

(3) RESPONSIBILITY OF LOCAL GOVERNING BODY OF A COUNTY OR MUNICIPALITY.—The local governing body of a county or a municipality shall determine the training and qualifications of any employee of the county or municipality or any employee of the county or municipal park or recreation department designated to enforce the provisions of this section if the designated employee is not a regular law enforcement officer.

(4) DUMPING LITTER PROHIBITED.—Unless otherwise authorized by law or permit, it is unlawful for any person to dump litter in any manner or amount:

(a) In or on any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, or any other public lands, except in containers or areas lawfully provided therefor. When any litter is thrown or discarded from a motor vehicle, the operator or owner of the motor vehicle, or both, shall be deemed in violation of this section;

(b) In or on any freshwater lake, river, canal, or stream or tidal or coastal water of the state, including canals. When any litter is thrown or discarded from a boat, the operator or owner of the boat, or both, shall be deemed in violation of this section; or

(c) In or on any private property, unless prior consent of the owner has been given and unless such litter will not cause a public nuisance or be in violation of any other state or local law, rule, or regulation.

(5) PENALTIES; ENFORCEMENT.—

(a) Any person who dumps litter in violation of subsection (4) in an amount not exceeding 15 pounds in weight or 27 cubic feet in volume and not for commercial purposes is guilty of a noncriminal infraction, punishable by a civil penalty of \$50. In addition, the court may require the violator to pick up litter or perform other labor commensurate with the offense committed.

(b) Any person who dumps litter in violation of subsection (4) in an amount exceeding 15 pounds in weight or 27 cubic feet in volume, but not exceeding 500 pounds in weight or 100 cubic feet in volume and not for commercial purposes is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition, the court shall require the violator to pick up litter or perform other community service commensurate with the offense committed. Further, if the violation involves the use of a motor vehicle, upon a finding of guilt, whether or not adjudication is withheld or whether imposition of sentence is withheld, deferred, or suspended, the court shall forward a record of the finding to the Department of Highway Safety and Motor Vehicles, which shall record a penalty of three points on the violator's driver's license pursuant to the point system established by s. 322.27.

(c) Any person who dumps litter in violation of subsection (4) in an amount exceeding 500 pounds in weight or 100 cubic feet in volume or in any quantity for commercial purposes, or dumps litter which is a hazardous waste as defined in s. 403.703, is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. In addition, the court may order the violator to:

1. Remove or render harmless the litter that he dumped in violation of this section;

2. Repair or restore property damaged by, or pay damages for any damage arising out of, his dumping litter in violation of this section; or

3. Perform public service relating to the removal of litter dumped in violation of this section or to the restoration of an area polluted by litter dumped in violation of this section.

(d) A court may enjoin a violation of this section.

(e) A motor vehicle, vessel, aircraft, container, crane, winch, or machine used to dump litter that exceeds 500 pounds in weight or 100 cubic feet in volume is declared contraband and is subject to forfeiture in the same manner as provided in ss. 932.703 and 932.704.

(f) If a person sustains damages arising out of a violation of this section that is punishable as a felony, a court, in a civil action for such damages, shall order the person to pay the injured party threefold the actual damages or \$200, whichever amount is greater. In addition, the court shall order the person to pay the injured party's court costs and attorney's fees. A final judgment rendered in a criminal proceeding against a defendant under this section estops the defendant from asserting any issue in a subsequent civil action under this paragraph which he would be estopped from asserting if such judg-

ment were rendered in the civil action unless the criminal judgment was based upon a plea of no contest or nolo contendere.

(g) For the purposes of this section, if a person dumps litter from a commercial vehicle, that person is presumed to have dumped the litter for commercial purposes.

(h) In the criminal trial of a person charged with violating this section, the state does not have the burden of proving that the person did not have the right or authority to dump the litter or that litter dumped on private property causes a public nuisance. The defendant has the burden of proving that he had authority to dump the litter and that the litter dumped does not cause a public nuisance.

(i) It shall be the duty of all law enforcement officers to enforce the provisions of this section.

(6) ENFORCEMENT BY CERTAIN COUNTY OR MUNICIPAL EMPLOYEES.—Employees of counties or municipalities whose duty it is to ensure code compliance or to enforce codes and ordinances may be designated by the governing body of the county or the municipality to enforce the provisions of this section. Designation of such employees shall not provide the employees with the authority to bear arms or to make arrests.

(7) ENFORCEMENT OF OTHER REGULATIONS.—This section does not limit the authority of any state or local agency to enforce other laws, rules, or ordinances relating to litter or solid waste management.

History.—ss. 1, 2, 3, 4, 4A, ch. 71-239; s. 1, ch. 75-266; s. 1, ch. 77-82; s. 1, ch. 78-202; s. 7, ch. 80-362; s. 1, ch. 82-63; s. 1, ch. 88-79; s. 56, ch. 88-130; s. 12, ch. 89-175; s. 14, ch. 89-268.

Note.—Section 775.084 was amended by s. 6, ch. 88-131, deleting all reference to misdemeanors.

403.4131 "Keep Florida Beautiful, Incorporated"; Clean Florida Commission; placement of signs.—

(1) It is the intent of the Legislature that a coordinated effort of interested state and local agencies of government and other public and private organizations and interests be developed to plan for and implement a solution to the litter problems in this state and that the state provide financial assistance for the establishment of a nonprofit organization with the name of "Keep Florida Beautiful, Incorporated" which shall be registered, incorporated, and operated in compliance with chapter 617. This nonprofit organization shall operate as the grassroots arm of the state's effort and shall serve as an umbrella organization for volunteer-based community programs dedicated to a cleaner environment through sustained litter prevention. The membership of the board of directors of this nonprofit organization may include representatives of the following organizations: the Florida League of Cities, the Florida Association of Counties, the Florida Chapter of the National Solid Waste Management Association, the Florida Audubon Society, the Florida Nature Conservancy, the Florida Chapter of the Sierra Club, the Associated Industries of Florida, the Florida Soft Drink Association, the Florida Petroleum Council, the Florida Retail Grocers Association, the Florida Retail Federation, the Pulp and Paper Association, the Florida Automobile Dealers Association, the Beer Industries of Florida, the Florida Beer Wholesalers Association, and the Distilled Spirits Wholesalers.

(2) As used in this section:

(a) "Department" means the Department of Transportation.

(b) "Litter" means any garbage, rubbish, trash, refuse, can, bottle, container, paper, lighted or unlighted cigarette or cigar, or flaming or glowing material.

(c) "Littering" means the act of throwing, discarding, placing, depositing, or otherwise disposing of litter improperly along public highways, on public or private lands, or in public waters.

(3) There is created within the Department of Transportation the Clean Florida Commission, which shall be responsible for coordinating a statewide litter prevention program involving state agencies, local governments, local organizations, and individuals. The Clean Florida Commission shall consist of the following members or their designees:

(a) The Secretary of Environmental Regulation, who shall be the chairman.

(b) The Secretary of Transportation.

(c) The Executive Director of the Department of Natural Resources.

(d) The Commissioner of Education.

(e) The Secretary of Commerce.

These members shall serve as ex officio members of the commission and shall be considered as the base members of the commission. Additional members from interested state agencies, local governments, and state and local organizations may serve on the commission by unanimous consent of the commission's base members.

(4) The commission shall have the following powers and duties:

(a) To appoint an executive director, who may employ such other administrative staff and clerical staff as are necessary to carry out the purpose of litter prevention in this state as identified in this section. Such employment by the commission may be pursuant to contract with a public or private entity.

(b) To establish an "adopt-a-highway" program to allow local organizations to be identified with specific highway cleanup and beautification projects.

(c) To contract for the development of a highly visible antilitter campaign which shall at a minimum:

1. Identify groups that habitually litter.
2. Design appropriate advertising to promote proper disposal of litter by groups that habitually litter.
3. Foster public awareness of the litter problem in this state and the litter prevention program.
4. Develop educational programs and materials to promote proper disposal of litter.
5. Use talent, equipment or expertise donated from the private sector for producing multimedia materials.

(d) To make and execute contracts necessary to the exercise of its powers, including interagency agreements.

(e) To engage in the planning of a litter prevention program.

(f) To conduct, direct, encourage, coordinate, and organize a continuous program of public education relating to litter prevention.

(g) To review, upon request, all plans and activities pertinent to reducing litter and littering and to coordi-

nate these activities with the various levels of government as well as other local organizations.

(h) To coordinate with state and local organizations to market programs promoting litter prevention and to facilitate the exchange of such programs between local organizations through annual conferences.

(i) To make available to elementary and secondary schools and other public forums educational programs and materials to promote proper disposal of litter.

(j) To develop and implement statewide incentive programs designed to motivate individual citizens, local organizations, local governments, and other groups interested in participating in litter prevention program activities.

(k) To provide grants to local governments and non-profit organizations to be used to implement litter prevention programs through education and broad-based citizen involvement at the community level. Except as specifically appropriated, such grants may provide up to one-half of the first year costs to initiate and operate such programs, or \$25,000, whichever is less. Such grants shall be awarded on a priority basis with applicants requesting funding for the establishment of local litter prevention systems receiving first priority.

(l) To monitor the effectiveness of the litter prevention program on an annual basis and to prepare an annual report of operations that includes the results of such monitoring. The annual report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than February 1 of each year, beginning on February 1, 1990.

(5) The department shall place signs discouraging litter at all off-ramps of the interstate highway system in the state. The department shall place other highway signs as necessary to discourage littering through use of the antilitter program developed by the commission.

History.—s. 55, ch. 88-130; s. 1, ch. 89-37; s. 2, ch. 89-296.

Note.—Repealed effective October 1, 1998, by s. 2, ch. 89-296, and scheduled for review pursuant to s. 11.611.

403.4132 Litter pickup and removal.—The Florida Youth Conservation Corps and local governments are encouraged to initiate programs to supplement the existing litter removal program for public places and highway systems operated by the Department of Transportation. To the extent that funds are available from the department for litter pickup and removal programs beyond those annually available to the Department of Corrections, priority shall be given to contracting for supplemental litter removal programs that use youth employment programs.

History.—s. 58, ch. 88-130.

403.4135 Litter receptacles.—

(1) DEFINITIONS.—As used in this section "litter" and "vessel" have the same meanings as provided in s. 403.413.

(2) RECEPTACLES REQUIRED.—All ports, terminal facilities, boatyards, marinas, and other commercial facilities which house vessels and from which vessels disembark shall provide or ensure the availability of litter receptacles of sufficient size and capacity to accommodate the litter and other waste materials generated on board the vessels using its facilities, except for large

quantities of spoiled or damaged cargos not usually discharged by a ship. The Department of Environmental Regulation may enforce violations of this section pursuant to ss. 403.121 and 403.131.

History.—s. 13, ch. 89-175.

403.414 Pollution control awards program.—

(1) There is hereby created a pollution control awards program to be administered by the Department of Commerce.

(2) Awards under the pollution control awards program may be granted to agencies, municipalities, counties, or other governmental units and private organizations, institutions, industries, communication media, and residents of the state for efforts in preventing or cleaning up pollution as provided by rules and regulations promulgated by the Department of Commerce. Special awards may be granted to those agencies, municipalities, counties, or other governmental units and private organizations, institutions, industries, communication media, and residents of the state who have made an outstanding effort to prevent or clean up pollution as provided by rules and regulations promulgated by the Department of Commerce. All awards and special awards must be approved by the Department of Commerce, but the Department of Environmental Regulation shall have the power to veto any award which, in the opinion of the Department of Environmental Regulation, would be so controversial as to be unadvisable.

(3) Awards or special awards may be presented in the following categories:

- (a) Water pollution.
- (b) Air pollution.
- (c) Noise pollution.

(d) Communication media on pollution problems.

(4) Any agency, municipality, county, or other governmental unit or private organization, institution, industry, communication medium, or resident of the state may submit to the Department of Commerce at any time the name of any agency, municipality, county, or other governmental unit or private organization, institution, industry, communication medium, or resident of the state for consideration for an award or special award. Prior to consideration by the Department of Commerce, nominees shall be required to submit to the department such additional information as the department may require, including, but not limited to, a list of all plant operations and subsidiaries in Florida. The Department of Commerce shall consider such nominations at least twice a year.

(5) The Department of Commerce shall adopt reasonable rules and regulations to carry out the intent and purposes of this act in accordance with chapter 120.

History.—ss. 1, 2, 3, 4, 5, 6, ch. 74-60; s. 81, ch. 79-65; s. 264, ch. 81-259.

403.415 Motor vehicle noise.—

(1) SHORT TITLE.—This act shall be known and may be cited as the "Florida Motor Vehicle Noise Prevention and Control Act of 1974."

(2)(a) LEGISLATIVE INTENT.—The intent of the Legislature is to implement the state constitutional mandate of s. 7, Art. II of the State Constitution to improve the quality of life in the state by limiting the noise of new mo-

for vehicles sold in the state and the noise of motor vehicles used on the highways of the state.

(b) It is also the intent of the Legislature to recognize the proposed United States Environmental Protection Act Noise Commission Standards Regulations for medium and heavy-duty trucks as being the most comprehensive available and in the best interest of Florida's citizenry and, further, that such regulation shall preempt all state standards not identical to such regulation.

(3) DEFINITIONS.—The following words and phrases when used in this section shall have the meanings respectively assigned to them in this subsection, except where the context otherwise requires:

(a) "dB A" means the composite abbreviation for A-weighted sound level, and the unit of sound level, the decibel.

(b) "Gross combination weight rating" or "GCWR" means the value specified by the manufacturer as the loaded weight of a combination vehicle.

(c) "Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the loaded weight of a single vehicle.

(d) "Motor vehicle" means any vehicle which is self-propelled and any vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(e) "Motorcycle" means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor or a moped.

(f) "Moped" means any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground, and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters.

(g) "Sound level" means the A-weighted sound pressure level measured with fast response using an instrument complying with the specification for sound level meters of the American National Standards Institute, Inc., or its successor bodies, except that only A-weighting and fast dynamic response need be provided.

(h) "Vehicle" means any device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(i) "Department" means the Department of Environmental Regulation.

(4) NEW VEHICLE NOISE LIMITS.—No person shall sell, offer for sale, or lease a new motor vehicle that produces a maximum sound level exceeding the following limits at a distance of 50 feet from the center of the lane of travel under test procedures established under subsection (5):

(a) For motorcycles:

Date of manufacture	Sound level limit
From January 1, 1973, to December 31, 1974.....	86 dB A
On or after January 1, 1975.....	83 dB A

(b) For any motor vehicle with a GVWR over 10,000 pounds, for any school bus, and for any multipurpose passenger vehicle, which is defined as a motor vehicle with motive power designed to carry 10 persons or less and constructed either on a truck chassis or with special features for occasional off-road operation:

Date of manufacture	Sound level limit
From January 1, 1973, to December 31, 1976.....	86 dB A
On or after January 1, 1977.....	83 dB A

(5) TEST PROCEDURES.—The test procedures for determining compliance with this section shall be established by regulation of the Department of Environmental Regulation and in cooperation with the Department of Highway Safety and Motor Vehicles in substantial conformance with applicable standards and recommended practices established by the Society of Automotive Engineers, Inc., or its successor bodies, and the American National Standards Institute, Inc., or its successor bodies, for the measurement of motor vehicle sound levels. Regulations establishing these test procedures shall be promulgated no later than December 1, 1974.

(6) CERTIFICATION.—The manufacturer, distributor, importer, or designated agent thereof shall file a written certificate with the department stating that the specific makes and models of motor vehicles described thereon comply with the provisions of this section. No new motor vehicle shall be sold, offered for sale, or leased unless such certificate has been filed.

(7) NOTIFICATION OF CERTIFICATION.—The department shall notify the Department of Highway Safety and Motor Vehicles of all makes and models of motor vehicles for which valid certificates of compliance with the provisions of this section are filed.

(8) REPLACEMENT EQUIPMENT.—

(a) No person shall sell or offer for sale for use as a part of the equipment of a motor vehicle any exhaust muffler, intake muffler, or other noise abatement device which, when installed, will permit the vehicle to be operated in a manner that the emitted sound level of the vehicle is increased above that emitted by the vehicle as originally manufactured and determined by the test procedures for new motor vehicle sound levels established under this section.

(b) The manufacturer, distributor, or importer, or designated agent thereof, shall file a written certificate with the department that his products sold within this state comply with the requirements of this section for their intended applications.

(9) OPERATING VEHICLE NOISE MEASUREMENTS.—The department shall establish, with the cooperation of the Department of Highway Safety and Motor Vehicles, measurement procedures for determining compliance of operating vehicles with the noise limits of s. 316.293(2). The department shall advise the Depart-

ment of Highway Safety and Motor Vehicles on technical aspects of motor vehicle noise enforcement regulations, assist in the training of enforcement officers, and administer a sound-level meter loan program for local enforcement agencies.

(10) ENACTMENT OF LOCAL ORDINANCES LIMITED.—The provisions of this section shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein, and no local authority shall enact or enforce any ordinance on a matter covered by this section unless expressly authorized. However, this subsection shall not prevent any local authority from enacting an ordinance when such enactment is necessary to vest jurisdiction of violation of this section in the local court.

History.—ss. 1, 2, 3, ch. 74-110; ss. 1, 2, ch. 75-59; s. 1, ch. 76-289; s. 1, ch. 76-280; s. 82, ch. 79-65; s. 98, ch. 79-164; s. 1, ch. 80-338; s. 1, ch. 82-49; s. 22, ch. 87-161.

403.4151 Exempt motor vehicles.—The provisions of this act shall not apply to any motor vehicle which is not required to be licensed under the provisions of chapter 320.

History.—s. 7, ch. 74-110.

403.4153 Federal preemption.—On and after the date of promulgation of noise emission standards by the administrator of the United States Environmental Protection Agency for a class of new motor vehicles as described in paragraphs 403.415(4)(a), (b), or (c), the state sound level limits in effect at that time for that class of vehicles shall be maintained until the federal standards become effective.

History.—s. 2, ch. 76-289.

Note.—Paragraph (4)(c) of s. 403.415 was repealed by s. 22, ch. 87-161. Note, however, that generally a specific cross-reference is unaffected by subsequent amendments to or repeal of the statute. See Preface.

PART II

ELECTRICAL POWER PLANT SITING

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403.501 Short title.—Sections 403.501-403.517 shall be known and may be cited as the "Florida Electrical Power Plant Siting Act."

History.—s. 1, ch. 73-33; s. 1, ch. 76-76.

403.502 Legislative intent.—The Legislature finds that the present and predicted growth in electric power demands in this state requires the development of a procedure for the selection and utilization of sites for electrical generating facilities and the identification of a state position with respect to each proposed site. The Legislature recognizes that the selection of sites and the routing of associated transmission lines will have a significant impact upon the welfare of the population, the location and growth of industry, and the use of the natural resources of the state. The Legislature finds that the efficiency of the permit application and review process at both the state and local level would be improved with the implementation of a process whereby a permit application would be centrally coordinated and all permit decisions could be reviewed on the basis of standards and recommendations of the deciding agencies. It is the policy of this state that, while recognizing the pressing need for increased power generation facilities, the state shall ensure through available and reasonable methods that the location and operation of electrical power plants will produce minimal adverse effects on human health, the environment, the ecology of the land and its wildlife, and the ecology of state waters and their aquatic life. It is the intent to seek courses of action that will fully balance the increasing demands for electrical power plant location

(c) For violation of the provisions of ss. 403.78-403.7893 or rules or orders issued thereunder.

(2) Any certification may be modified by the board upon request of the department or the applicant whenever the applicant proposes, after certification, to significantly expand the size of the facility or to significantly alter the type of hazardous waste management activity conducted at the facility. The department may modify a certification without board action if the department and the applicant stipulate to the modification.

History.—s. 4, ch. 89-285.

403.7892 Enforcement of compliance.—Failure to obtain a certification, or to comply with the conditions thereof, or to comply with this part constitutes a violation of, and shall be enforceable pursuant to, this chapter.

History.—s. 4, ch. 89-285.

403.7893 Superseded laws, regulations, and certification power.—

(1) If any provision of ss. 403.78-403.7893 is in conflict with any other provision, limitation, or restriction which is now in effect under any law of this state or any ordinance of a local government, political subdivision, or municipality, or any rule or regulation adopted thereunder, ss. 403.78-403.7893 shall control.

(2) The state hereby preempts the certification of statewide multipurpose hazardous waste treatment, storage, and disposal facilities sited pursuant to ss. 403.78-403.7893.

(3) The board and the department shall have the power to adopt reasonable procedural rules to carry out their duties under ss. 403.78-403.7893 and to give effect to the legislative intent that ss. 403.78-403.7893 provide an efficient, expedited, centrally coordinated, one-stop permitting process.

(4) Nothing in ss. 403.78-403.7893 prohibits a local government from assessing reasonable impact fees, special assessments, service charges, or user fees with respect to the proposed project, provided that those fees are specifically set forth in the certification.

(5) Sections 403.78-403.7893 do not preempt the department's authority under s. 403.726.

History.—s. 4, ch. 89-285.

PART V

ENVIRONMENTAL REGULATION

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403.801 Short title.—Chapter 75-22, Laws of Florida, shall be known and may be cited as the "Florida Environmental Reorganization Act of 1975."

History.—s. 1, ch. 75-22.

403.802 Declaration of policy.—Reasserting the policies of the Governmental Reorganization Act of 1969 and the Florida Environmental Reorganization Act of 1975 which recognize that structural reorganization should be a continuing process, and recognizing that many years have passed since the passage of those acts, it is the intent of the Legislature to promote more efficient, effective, and economical operation of certain environmental agencies by transferring decisionmaking authority to environmental district centers and delegating to the water management districts permitting functions related to water quality. Further, it is the intent of this act to promote proper administration of Florida's landmark environmental laws.

History.—s. 2, ch. 75-22; s. 61, ch. 83-310.

403.803 Definitions.—When used in this act, the term, phrase, or word:

(1) "Branch office" means a geographical area, the boundaries of which may be established as a part of a district.

(2) "Canal" is a manmade trench, the bottom of which is normally covered by water with the upper edges of its sides normally above water.

(3) "Channel" is a trench, the bottom of which is normally covered entirely by water, with the upper edges of its sides normally below water.

(4) "Commission" means the Environmental Regulation Commission.

(5) "Department" means the Department of Environmental Regulation.

(6) "District" or "environmental district" means one of the geographical areas, the boundaries of which are established pursuant to this act.

(7) "Drainage ditch" or "irrigation ditch" is a man-made trench dug for the purpose of draining water from the land or for transporting water for use on the land and is not built for navigational purposes.

(8) "Environmental district center" means the facilities and personnel which are centralized in each district for the purposes of carrying out the provisions of this act.

(9) "Headquarters" means the physical location of the offices of the secretary and the division directors of the department.

(10) "Insect control impoundment dikes" means artificial structures, including earthen berms, constructed and used to impound waters for the purpose of insect control.

(11) "Manager" means the head of an environmental district or branch office who shall supervise all environmental functions of the department within such environmental district or branch office.

(12) "Secretary" means the secretary of the Department of Environmental Regulation.

(13) "Standard" means any rule of the Department of Environmental Regulation relating to air and water quality, noise, solid-waste management, and electric and magnetic fields associated with electrical transmission and distribution lines and substation facilities. The term "standard" does not include rules of the department which relate exclusively to the internal management of the department, the procedural processing of applications, the administration of rulemaking or adjudicatory proceedings, the publication of notices, the conduct of hearings, or other procedural matters.

(14) "Swale" means a manmade trench which:

(a) Has a top width-to-depth ratio of the cross-section equal to or greater than 6:1, or side slopes equal to or greater than 3 feet horizontal to 1 foot vertical;

(b) Contains contiguous areas of standing or flowing water only following a rainfall event;

(c) Is planted with or has stabilized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake; and

(d) Is designed to take into account the soil erodibility, soil percolation, slope, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.

History.—s. 3, ch. 75-22, s. 62, ch. 83-310; s. 40, ch. 84-338; s. 9, ch. 86-173; s. 56, ch. 86-186.

403.804 Environmental Regulation Commission; powers and duties.—

(1) The commission shall exercise the exclusive standard-setting authority of the department, except as provided in subsection (2) and ss. 120.54(9) and 373.114. The commission may adopt procedural rules governing the conduct of its meetings and hearings.

(2) The department shall have a study conducted of the economic and environmental impact which sets forth the benefits and costs to the public of any proposed standard that would be stricter or more stringent than one which has been set by federal agencies pursuant to federal law or regulation. Such study as is provided for in this subsection shall be submitted to the commission, which shall initially adopt the standard. Final action shall be by the Governor and Cabinet, who shall accept, reject, modify, or remand for further proceedings the standard within 60 days from the submission. Such review shall be appellate in nature. Hearings shall be in accordance with the provisions of chapter 120.

(3) The commission shall establish priorities and have final state approval on applications for, and disbursements of, federal and state grants for the construc-

tion of wastewater or water treatment works. In establishing priorities for state grants under this act, an application shall not receive a lower priority solely because the proposed project includes reserve capacity for which the incremental costs will be paid by the applicant in accordance with s. 403.1826(6).

History.—s. 6, ch. 75-22, ss. 4, 5, ch. 80-66; s. 54, ch. 83-310; s. 41, ch. 84-338; s. 1, ch. 88-343.

403.805 Secretary; powers and duties.—The secretary shall have the powers and duties of heads of departments set forth in chapter 20, including the power to adopt rules under chapter 253, chapter 373, chapter 376, and this chapter, except that the Environmental Regulation Commission shall exercise the exclusive standard-setting authority of the department pursuant to s. 403.804. The secretary shall employ legal counsel to represent the department in matters affecting the department. Except for appeals on permits specifically assigned by this act to the Governor and Cabinet, and unless otherwise prohibited by law, the secretary may delegate the authority assigned to the department by this act to the assistant secretary, division directors, and district and branch office managers and to the water management districts.

History.—s. 6, ch. 75-22; s. 6, ch. 80-66; s. 2, ch. 80-394; s. 63, ch. 83-310; s. 3, ch. 87-337; s. 10, ch. 87-374; s. 13, ch. 88-393.

403.8055 Department adoption of federal standards.—Notwithstanding ss. 120.54 and 403.804, the secretary is empowered to adopt rules substantively identical to regulations adopted in the Federal Register by the United States Environmental Protection Agency pursuant to federal law, in accordance with the following procedures:

(1) The secretary shall publish notice of intent to adopt a rule pursuant to this section in the Florida Administrative Weekly at least 21 days prior to filing the rule with the Department of State. The secretary shall mail a copy of the notice of intent to adopt a rule to the Administrative Procedures Committee at least 21 days prior to the date of filing with the Department of State. Prior to filing the rule with the Department of State, the secretary shall consider any written comments received within 21 days after the date of publication of the notice of intent to adopt a rule. The rule shall be adopted upon filing with the Department of State. Substantive changes from the rules as noticed shall require republishing of notice as required in this section.

(2) Any rule adopted pursuant to this section shall become effective upon the date designated in the rule by the secretary; however, no such rule shall become effective earlier than the effective date of the substantively identical United States Environmental Protection Agency regulation.

(3) The secretary shall stay any terms or conditions of a permit implementing department rules adopted pursuant to this section if the substantively identical provisions of a United States Environmental Protection Agency regulation have been stayed under federal judicial review. A stay issued pursuant to this subsection shall terminate upon completion of federal judicial review.

(4) Any domestic for-profit or nonprofit corporation or association formed, in whole or in part:

- (a) To promote conservation or natural beauty;
- (b) To protect the environment, personal health, or other biological values;
- (c) To preserve historical sites;
- (d) To promote consumer interests;
- (e) To represent labor, commercial, or industrial groups; or
- (f) To promote orderly development;

and any other substantially affected person may, within 14 days after the date of publication of the notice of intent to adopt a rule, file an objection to rulemaking with the Environmental Regulation Commission. The objection shall specify the portions of the proposed rule to which the person objects and the reasons for the objection. The secretary shall not have the authority under this section to adopt those portions of a proposed rule specified in such objection. Objections which are frivolous shall not be considered sufficient to prohibit the secretary from adopting rules under this section.

(5) Whenever all or part of any rule proposed for adoption by the department is substantively identical to a regulation adopted in the Federal Register by the United States Environmental Protection Agency pursuant to federal law, such rule shall be written in a manner so that the rule specifically references such regulation whenever possible.

History.—s. 7, ch. 80-66; s. 11, ch. 82-27; s. 38, ch. 88-130.

403.809 Environmental districts; establishment; managers; functions.—

(1) The secretary shall establish environmental districts. The boundaries of the environmental districts shall coincide with the boundaries of the water management districts, and a water management district may be divided into more than one environmental district. The secretary has the authority to adjust the environmental district boundaries upon a determination that exceptional circumstances require such adjustment in order to more properly serve the needs of the public or the environment. The secretary may establish branch offices for the purpose of making services more accessible to the citizens of each district. In the Suwannee River Water Management District, a branch office may serve as the environmental district center. By July 1, 1984, the department shall collocate part of its permitting operations with each of the central offices of the water management districts, and the water management districts shall collocate part of their permitting operations with each of the district offices of the department.

(2) There shall be a manager for each environmental district who shall be appointed by, and serve at the pleasure of, the secretary. The district manager shall maintain his office in the environmental district center, which shall be collocated with an office of a water management district. Each branch office shall have a branch office manager. The water management districts are encouraged to collocate part of their permitting operations with the branch offices of the department to the maximum extent practicable.

(3)(a) Field services and inspections required in support of the decisions of the department relating to the issuance of permits, licenses, certificates, or exemp-

tions shall be accomplished at the environmental district center level to the maximum extent practicable, except where otherwise delegated by the secretary.

(b) The processing of all applications for permits, licenses, certificates, and exemptions shall be accomplished at the district center or the branch office, except for those applications specifically assigned elsewhere in the department pursuant to s. 403.805 or to the water management districts under s. 403.812 and those applications assigned by interagency agreement as provided in this act. However, the secretary, as head of the department, may not delegate to district or subdistrict managers, water management districts, or any unit of local government the authority to act on the following types of permit applications:

1. Certification of national pollutant discharge elimination system permits pursuant to Pub. L. No. 92-500, s. 401.
 2. Construction of major air pollution sources.
 3. Certifications under the Florida Electrical Power Plant Siting Act or the Transmission Line Siting Act.
- History.*—ss. 4, 6, ch. 75-22; s. 67, ch. 83-310; s. 42, ch. 84-338; s. 15, ch. 88-393.

403.812 Dredge and fill permitting in stormwater management systems.—The department shall not require dredge and fill permits for stormwater management systems where such systems are located landward of the point of connection to waters of the state and are designed, constructed, operated, and maintained for stormwater treatment, flood attenuation, or irrigation. The waters within such systems, unless designed, constructed, operated, and maintained for in-water recreational uses, such as swimming and boating, shall not be considered waters of the state; however, if the system provides other incidental uses and is accessible to the public, then the department may require reasonable assurance that water quality within the system will not adversely impact public health, fish and wildlife in adjacent waters, or adjacent waters. The department shall not require dredge and fill permits for structures designed solely to connect stormwater management systems to waters of the state provided that the connection of such system to waters of the state is regulated pursuant to chapter 373. The department shall initiate rulemaking to implement the provisions of this section.

History.—s. 6, ch. 75-22; s. 68, ch. 83-310; s. 6, ch. 84-79; s. 3, ch. 85-154; s. 39, ch. 89-279.

403.813 Permits issued at district centers; exceptions.—

(1) The secretary shall adopt procedural rules providing for a short-form application for, and issuance at the district centers of, permits for:

(a) Projects which affect less than 10 acres of jurisdictional area and are within the landward extent of waters of the state that are directly impacted by dredging or filling, including other areas severed from or connected to waters of the state as a result of dredge and fill activities.

(b) Docking facilities of less than 10 wet slips, which facilities do not provide commercial or marine supplies or services.

(c) New seawalls or similar structures which do not exceed 500 linear feet of shoreline.

(d) The installation of subaqueous transmission and distribution lines laid on, or embedded in, the bottoms of waters of the state carrying water, electricity, communication cables, oil, and gas, except as exempted by paragraph (2)(m) or paragraph (2)(n).

(e) Other similar projects that are limited in scope as specified by rule.

(2) No permit under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, Laws of Florida, 1949, shall be required for activities associated with the following types of projects; however, nothing in this subsection relieves an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or any water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(a) The installation of overhead transmission lines, with support structures which are not constructed in waters of the state and which do not create a navigational hazard.

(b) The installation and repair of mooring pilings and dolphins associated with private docking facilities and the installation of private docks, any of which docks:

1. Has 500 square feet or less of over-water surface area for a dock which is located in an area designated as Outstanding Florida Waters or 1,000 square feet or less of over-water surface area for a dock which is located in an area which is not designated as Outstanding Florida Waters;

2. Is constructed on or held in place by pilings or is a floating dock which is constructed so as not to involve filling or dredging other than that necessary to install the pilings;

3. Shall not substantially impede the flow of water or create a navigational hazard;

4. Is used for recreational, noncommercial activities associated with the mooring or storage of boats and boat paraphernalia; and

5. Is the sole dock constructed pursuant to this exemption as measured along the shoreline for a distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

Nothing in this paragraph shall prohibit the department from taking appropriate enforcement action pursuant to this chapter to abate or prohibit any activity otherwise exempt from permitting pursuant to this paragraph if the department can demonstrate that the exempted activity has caused water pollution in violation of this chapter.

(c) The installation and maintenance to design specifications of boat ramps on artificial bodies of water where navigational access to the proposed ramp exists or the installation of boat ramps open to the public in any waters of the state where navigational access to the proposed ramp exists and where the construction of the proposed ramp will be less than 30 feet wide and will involve the removal of less than 25 cubic yards of material from the waters of the state, and the maintenance to de-

sign specifications of such ramps; however, the material to be removed shall be placed upon a self-contained upland site so as to prevent the escape of the spoil material into the waters of the state.

(d) The replacement or repair of existing docks, except that no fill material is to be used and provided that the replacement or repaired dock is in the same location and of the same configuration and dimensions as the dock being replaced or repaired.

(e) The restoration of seawalls at their previous locations or upland of, or within 1 foot waterward of, their previous locations. However, this shall not affect the permitting requirements of chapter 161, and department rules shall clearly indicate that this exception does not constitute an exception from the permitting requirements of chapter 161.

(f) The performance of maintenance dredging of existing manmade canals, channels, and intake and discharge structures where the spoil material is to be removed and deposited on a self-contained, upland spoil site which will prevent the escape of the spoil material into the waters of the state, provided that no more dredging is to be performed than is necessary to restore the canals, channels, and intake and discharge structures to original design specifications and provided that control devices are utilized to prevent turbidity and prevent toxic or deleterious substances from discharging into adjacent waters during maintenance dredging. This exemption applies to all canals constructed prior to April 3, 1970, and to those canals constructed on or after April 3, 1970, pursuant to all necessary state permits. This exemption does not apply to the removal of a natural or manmade barrier separating a canal or canal system from adjacent waters. When no previous permit has been issued by the Board of Trustees of the Internal Improvement Trust Fund or the United States Army Corps of Engineers for construction or maintenance dredging of the existing manmade canal or intake or discharge structure, such maintenance dredging shall be limited to a depth of no more than 5 feet below mean low water. The Board of Trustees of the Internal Improvement Trust Fund may fix and recover from the permittee an amount equal to the difference between the fair market value and the actual cost of the maintenance dredging for material removed during such maintenance dredging. However, no charge shall be exacted by the state for material removed during such maintenance dredging by a public port authority. The removing party may subsequently sell such material; however, proceeds from such sale that exceed the costs of maintenance dredging shall be remitted to the state and deposited in the Internal Improvement Trust Fund.

(g) The maintenance of existing insect control structures, dikes, and irrigation and drainage ditches, provided that spoil material is deposited on a self-contained, upland spoil site which will prevent the escape of the spoil material into waters of the state. In the case of insect control structures, if the cost of using a self-contained upland spoil site is so excessive, as determined by the Department of Health and Rehabilitative Services, pursuant to s. 403.088(1), that it will inhibit proposed insect control, then existing spoil sites or dikes may be used, upon notification to the department. In the

case of insect control where upland spoil sites are not used pursuant to this exemption, turbidity control devices shall be used to confine the spoil material discharge to that area previously disturbed when the receiving body of water is used as a potable water supply, is designated as shellfish harvesting waters, or functions as a habitat for commercially or recreationally important shellfish or finfish. In all cases, no more dredging is to be performed than is necessary to restore the dike or irrigation or drainage ditch to its original design specifications.

(h) The repair or replacement of existing functional pipes or culverts the purpose of which is the discharge or conveyance of stormwater. In all cases, the invert elevation, the diameter, and the length of the culvert shall not be changed. However, the material used for the culvert may be different from the original.

(i) The construction of private docks and seawalls in artificially created waterways where such construction will not violate existing water quality standards, impede navigation, or affect flood control.

(j) The construction and maintenance of swales.

(k) The installation of aids to navigation and buoys associated with such aids, provided the devices are marked pursuant to s. 327.40.

(l) The replacement or repair of existing open-trestle foot bridges and vehicular bridges that are 100 feet or less in length and two lanes or less in width, provided that no more dredging or filling of submerged lands is performed other than that which is necessary to replace or repair pilings and that the structure to be replaced or repaired is the same length, the same configuration, and in the same location as the original bridge. No debris from the original bridge shall be allowed to remain in the waters of the state.

(m) The installation of subaqueous transmission and distribution lines laid on, or embedded in, the bottoms of waters in the state, except in Class I and Class II waters and aquatic preserves, provided no dredging or filling is necessary.

(n) The replacement or repair of subaqueous transmission and distribution lines laid on, or embedded in, the bottoms of waters of the state.

(o) The construction of private seawalls in waters of the state where such construction is between and adjoins at both ends existing seawalls, follows a continuous and uniform seawall construction line with the existing seawalls, is no more than 150 feet in length, and does not violate existing water quality standards, impede navigation, or affect flood control. However, this shall not affect the permitting requirements of chapter 161, and department rules shall clearly indicate that this exception does not constitute an exception from the permitting requirements of chapter 161.

(p) The restoration of existing insect control impoundment dikes which are less than 100 feet in length. Such impoundments shall be connected to tidally influenced waters for 6 months each year beginning September 1 and ending February 28 if feasible or operated in accordance with an impoundment management plan approved by the department. A dike restoration may involve no more dredging than is necessary to restore the dike to its original design specifications. For the pur-

poses of this paragraph, restoration does not include maintenance of impoundment dikes of operating insect control impoundments.

(q) The construction, operation, or maintenance of stormwater management facilities which are designed to serve single family residential projects, including duplexes, triplexes, and quadruplexes, if they are less than 10 acres total land and have less than 2 acres of impervious surface and if the facilities:

1. Comply with all regulations or ordinances applicable to stormwater management and adopted by a city or county;

2. Are not part of a larger common plan of development or sale; and

3. Discharge into a stormwater discharge facility exempted or permitted by the department under this chapter which has sufficient capacity and treatment capability as specified in this chapter and is owned, maintained, or operated by a city, county, special district with drainage responsibility, or water management district; however, this exemption does not authorize discharge to a facility without the facility owner's prior written consent.

(3) The provisions of subsection (2) are superseded by general permits established pursuant to ss. 373.118 and 403.814 which include the same activities. Until such time as general permits are established, or should general permits be suspended or repealed, the exemptions under subsection (2) shall remain or shall be reestablished in full force and effect.

History.—s. 7, ch. 75-22; s. 143, ch. 77-104; s. 4, ch. 78-98; s. 1, ch. 78-146; s. 86, ch. 79-65; s. 1, ch. 80-44; s. 8, ch. 80-66; s. 3, ch. 82-80; s. 6, ch. 82-185; s. 65, ch. 83-218; s. 69, ch. 83-310; s. 43, ch. 84-338; s. 39, ch. 85-55; s. 12, ch. 85-138; s. 44, ch. 86-186; ss. 1, 3, ch. 89-324.

403.8135 Citation of rule.—In addition to any other provisions within this part or any rules promulgated hereunder, the permitting agency shall, when requesting information for a permit application pursuant to this part or such rules promulgated hereunder, cite a specific rule. If a request for information cannot be accompanied by a rule citation, failure to provide such information cannot be grounds to deny a permit.

History.—s. 9, ch. 79-161.

403.814 General permits; delegation.—

(1) The secretary is authorized to adopt rules establishing and providing for a program of general permits under chapters 253 and 403 for projects, or categories of projects, which have, either singly or cumulatively, a minimal adverse environmental effect. Such rules shall specify design or performance criteria which, if applied, would result in compliance with appropriate standards adopted by the commission. Except as provided for in subsection (3); any person complying with the requirements of a general permit may use the permit 30 days after giving notice to the department without any agency action by the department.

(2) After giving public notice and, upon the request of any person, holding a public hearing in the area affected, the department may issue a general permit in the Biscayne Bay Aquatic Preserve for the placement of rip-rap waterway of vertical seawalls or as replacement for vertical seawalls, for the purpose of enhancing the water

quality and fish and wildlife habitats of the Biscayne Bay area. No other general permits shall be issued within the preserve. Nothing herein shall be construed to abrogate the rights of any person under the provisions of chapter 120. In addition to the public notice required by this subsection, public notice shall be provided by United States mail to any person who requests, in writing, to have his name placed on a mailing list by the department. Notice of activities allowed pursuant to such general permit shall also be mailed, at least monthly, to all persons on the list.

(3) The department may publish or by rule require the applicant to publish, or the applicant may elect to publish, in a newspaper of general circulation in the area affected, notice of application for a general permit. If published, such public notice of application shall be published within 14 days after the applicant notifies the department; and, within 21 days after publication of notice, any person whose substantial interests are affected may request a hearing in accordance with s. 120.57. The failure to request a hearing within 21 days after publication of notice constitutes a waiver of any right to a hearing under s. 120.57. If notice is published, no person shall begin work pursuant to a general permit until after the time for requesting a hearing has passed or until after a hearing is held and a decision is rendered.

(4) The department is authorized to delegate any of its general permit authority to the district offices of the department or to water management districts.

(5) Notwithstanding the procedures set forth in subsections (1) and (3), the department may specify by rule alternative notice procedures for certain activities which are of a routine and repetitive nature and which are an integral part of agricultural activities or silvicultural activities or are activities of another state agency.

History.—s. 9, ch. 80-66; s. 12, ch. 82-27; s. 7, ch. 84-79; s. 60, ch. 86-186; s. 2, ch. 86-295.

403.815 Public notice; waiver of hearings.—The department may publish or by rule require the applicant to publish, or the applicant may elect to publish, in a newspaper of general circulation in the area affected, notice of application for a permit submitted under this chapter or chapter 253. The notice of application shall be published within 14 days after the application is filed with the department. Notwithstanding any provision of s. 120.60, the department may publish or by rule require the applicant to publish, or the applicant may elect to publish, in a newspaper of general circulation in the area affected, notice of proposed agency action on any permit application submitted under this chapter or chapter 253. The department shall require the applicant for a permit to construct or expand a solid waste facility to publish such notice. The notice of proposed agency action shall be published at least 14 days prior to final agency action. The 90-day time period specified in s. 120.60(2) shall be tolled by the request of the department for publication of notice of proposed agency action and shall resume 14 days after receipt by the department of proof of publication. However, if a petition is filed for a proceeding pursuant to s. 120.57, the time periods and tolling provisions of s. 120.60 shall apply. The cost of publication of notice under this section shall be paid

by the applicant. The secretary may, by rule, specify the format and size of such notice. Within 14 days after publication of notice of proposed agency action, any person whose substantial interests are affected may request a hearing in accordance with s. 120.57. The failure to request a hearing within 14 days after publication of notice of proposed agency action constitutes a waiver of any right to a hearing on the application under s. 120.57.

History.—s. 10, ch. 80-66; s. 13, ch. 82-27; s. 44, ch. 84-338; s. 48, ch. 87-225.

403.816 Permits for maintenance dredging of deepwater ports and beach restoration projects.—

(1) The department shall establish a permit system under this chapter and chapter 253 which provides for the performance, for up to 25 years from the issuance of the original permit, of maintenance dredging of permitted navigation channels, port harbors, turning basins, harbor berths, and beach restoration projects approved pursuant to chapter 161. However, permits issued for dredging river channels which are not a part of a deepwater port shall be valid for no more than five years. No charge shall be exacted by the state for material removed during such maintenance dredging by a public port authority.

(2) The provisions of s. 253.77 do not apply to a permit for maintenance dredging and spoil site approval when there is no change in the size or location of the spoil disposal site and when the applicant provides documentation to the department that the appropriate lease, easement, or consent of use for the project site issued pursuant to chapter 253 is recorded in the county where the project is located.

(3) The provisions of this section relating to ports apply only to the port waters, spoil disposal sites, port harbors, navigation channels, turning basins, and harbor berths used for deepwater commercial navigation in the ports of Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, Port Bartow, Florida Power Corporation's Crystal River Canal, Boca Grande, Green Cove Springs, and Pensacola.

History.—ss. 3, 5, ch. 81-228; s. 8, ch. 84-79; s. 2, ch. 85-295; s. 13, ch. 86-138; s. 20, ch. 89-175; s. 4, ch. 89-324.

403.8163 Sites for disposal of spoil from maintenance dredge operations; selection.—Lands created by spoil or used as dredge spoil sites must be given priority consideration as sites for disposal of spoil in maintenance dredge operations, except when the Division of Beaches and Shores of the Department of Natural Resources determines that the spoil, or some substantial portion thereof, may be placed as compatible sediment into the littoral system of an adjacent sandy beach or coastal barrier dune system for the preservation and protection of such beach or dune system.

History.—s. 48, ch. 84-338; s. 14, ch. 86-138.

403.817 Legislative intent; determination of the natural landward extent of waters for regulatory purposes.—

(1) It is recognized that the levels of the waters of the state naturally rise and fall, depending upon tides and other hydrological, meteorological, and geological circumstances and features. The natural rise and fall of

the waters is essential to good water quality, but often makes it difficult to determine the natural landward extent of the waters. Therefore, it is the intent of the Legislature that the Department of Environmental Regulation establish a method of making such determinations, based upon ecological factors which represent these fluctuations in water levels.

(2) In order to accomplish the legislative intent expressed in subsection (1), the department is authorized to establish by rule, pursuant to chapter 120, the method for determining the landward extent of the waters of the state for regulatory purposes. Such extent shall be defined by species of plants or soils which are characteristic of those areas subject to regular and periodic inundation by the waters of the state. The application of plant indicators to any areas shall be by dominant species. However, no landowner shall suffer any property loss or gain because of vegetation changes due to mosquito control activities conducted upon his property, provided these activities are or have been undertaken as part of a governmental mosquito control program. To the extent that certain lands have come within department jurisdiction pursuant to this section or chapter 253 solely due to insect control activities, these lands shall not be subject to permitting requirements for the discharge of dredge or fill material.

(3) Amendments adopted after April 5, 1977, to the rules of the department adopted before April 5, 1977, relating to dredging and filling and which involve additions or deletions of the vegetation or soil indexes or the addition or deletion of exemptions shall be submitted in bill form to the Speaker of the House of Representatives and to the President of the Senate for their consideration and referral to the appropriate committees. Such rule amendments shall become effective only upon approval by act of the Legislature. However, whenever the Legislature amends any exemption relating to dredging and filling, the department may amend its rules to make them consistent with changes made by the Legislature.

(4) To the extent that any plant or soil indicators are enacted into law by the Legislature for the purpose of defining the landward extent of the waters of the state for regulatory purposes, the plant or soil indicators adopted by the department regarding areas covered by legislation shall be consistent with said legislation.

(5) The landward extent of waters as determined by the rules authorized by this section shall be for regulatory purposes only and shall have no significance with respect to sovereign ownership.

History.—ss. 1, 2, ch. 77-170; s. 5, ch. 78-98; s. 5, ch. 85-269; s. 2, ch. 85-334.

403.8171 Ratification of 1Rule 17-4.022, Florida Administrative Code, with additions and deletions to the vegetation and soil indexes and with limitations on the determination of landward extent of waters.—Pursuant to s. 403.817, the Legislature ratifies the rule adopted on January 25, 1984, by the Environmental Regulation Commission with the following changes:

(1)(a) In 1Rule 17-4.022(2), Florida Administrative Code, the following shall be removed: *Blechnum serrulatum*; *Carex leptalea*; *Carex stipata*; *Carya aquatica*; *Conocarpus erectus*; *Crataegus viridis*; *Cymodocea filiformis*; *Cyperus odoratus*; *Dichromena* spp.; *Dryopteris lu-*

doviciana; *Gleditsia aquatica*; *Gratiola ramosa*; *Halodule beaudettei*; *Hypericum fasciculatum*; *Illicium floridanum*; *Liriodendron tulipifera* in all counties south of Taylor, Lafayette, Suwannee, Columbia, Baker, and Duval; *Lycopus rubellus*; *Myrica inodora*; *Osmunda* spp.; *Panicum repens*; *Panicum virgatum*; *Pluchea* spp.; *Polygala cymosa*; *Populus deltoides*; *Rhexia*, all species except *R. alifanus*, *R. lutea*, *R. mariana*, *R. petiolata*, and *R. virginica*; *Sabatia bartramii*; *Sarracenia* spp.; *Schizachyrium rhizomatum*; *Sesuvium maritimum*; *Sesuvium portulacastrum*; *Spartina* spp.; *Thalassia testudinum*; and *Woodwardia* spp.

(b) In 1Rule 17-4.022(2), Florida Administrative Code, the following shall be added: *Muhlenbergia capillaris*; *Muhlenbergia schreberi*; *Osmunda regalis*; *Rhexia parviflora*; *Rhexia salicifolia*; and *Spartina*, all species except *S. bakerii*.

(2)(a) In 1Rule 17-4.022(3), Florida Administrative Code, the following shall be removed: *Acer* spp.; *Baccharis halimifolia*; *Carya glabra* in all counties west of Dixie, Gilchrist, and Columbia; *Cliftonia monophylla*; *Cyrilla racemiflora*; *Liriodendron tulipifera* in all counties north and west of and including Taylor, Lafayette, Suwannee, Columbia, Baker, and Duval; *Melaleuca quinquenervia*; *Muhlenbergia* spp.; *Rhexia alifanus*; *Rhexia lutea*; *Rhexia mariana*; *Rhexia petiolata*; *Rhexia virginica*; *Sabal palmetto*; *Schinus terebinthifolius*; and *Ulmus* spp.

(b) In 1Rule 17-4.022(3), Florida Administrative Code, the following shall be added: *Acer rubrum*; *Acer saccharinum*; *Acer negundo*; *Blechnum serrulatum*; *Carex leptalea*; *Carex stipata*; *Carya aquatica*; *Conocarpus erectus*; *Crataegus viridis*; *Cyperus odoratus*; *Dichromena* spp.; *Dryopteris ludoviciana*; *Gleditsia aquatica*; *Gratiola ramosa*; *Hypericum fasciculatum*; *Illicium floridanum*; *Liriodendron tulipifera*; *Lycopus rubellus*; *Myrica inodora*; *Osmunda cinnamomea*; *Panicum repens*; *Panicum virgatum*; *Pluchea* spp.; *Polygala cymosa*; *Populus deltoides*; *Rhexia*, all species except *R. parviflora* and *R. salicifolia*; *Sabatia bartramii*; *Sarracenia* spp.; *Schizachyrium rhizomatum*; *Sesuvium maritimum*; *Sesuvium portulacastrum*; *Spartina bakerii*; *Ulmus*, all species except *U. rubra*; and *Woodwardia* spp.

(3) In 1Rule 17-4.022(1)(d), Florida Administrative Code, the following sentences shall be added: "If both parties agree to use more than one stratum, the following methods for a combination of strata shall be used in a manner to ensure that sufficient representative data will be generated. The methods described in subparagraphs (c)1., 2., and 3. shall be used for the appropriate strata. The percentages obtained shall be added and the sum divided by the number of strata examined. The number generated by this procedure shall be substituted for areal extent in paragraph (a) or paragraph (b) above. When a combination of strata is used, the following shall be added to 1Rule 17-4.022(2), Florida Administrative Code: *Blechnum serrulatum*, *Carex leptalea*, *Carex stipata*, *Crataegus viridis*, *Osmunda* spp., *Pluchea* spp., and *Woodwardia* spp. Concurrently the following shall be added to 1Rule 17-4.022(3), Florida Administrative Code: *Axonopus furcatus*, *Flaveria* spp., *Metopium toxiferum*, *Myrica cerifera*, *Sabal minor*, and *Symplocos tinctoria*."

(4) *Cliftonia monophylla*, *Cyrilla racemiflora*, *Melaleuca quinquenervia*, *Sabal palmetto*, and *Schinus terebinthifolius* shall not be considered submerged, transitional, or upland species. In areas vegetated by any of these five species, the department shall determine the landward extent of waters using the remaining plant species or other indicators of regular and periodic inundation as provided in 'Rule 17-4.022(1), Florida Administrative Code.

(5) In all areas of the state, the landward extent of waters shall be demarcated by 'Rule 17-4.022, Florida Administrative Code; however, in no case shall the landward extent of such waters extend above the elevation of the 1-in-10-year recurring flood event or the area of land with standing or flowing water for more than 30 consecutive days per year calculated on an average annual basis, whichever is more landward. The extent of the flood line shall be developed by appropriate engineering techniques, and a description of the surveyed line shall be prepared and certified by a professional land surveyor registered in this state. The burden for determining the surveyed flood line shall be with the party wishing to use this alternative. Notwithstanding the above, for waters which are saline or brackish, or for rivers the major sources of flow of which are from springs, the landward extent of waters shall be demarcated solely by 'Rule 17-4.022, Florida Administrative Code. The provisions of this subsection shall not operate to reduce the landward extent of the jurisdiction of the department as such jurisdiction existed prior to January 24, 1984.

History.—s. 9, ch. 84-79.

*Note.—Rule 17-4.022, Florida Administrative Code, was transferred to Rule 17-3.022, Florida Administrative Code.

PART VI

DRINKING WATER

- 403.850 Short title.
- 403.851 Declaration of policy; intent.
- 403.852 Definitions.
- 403.853 Drinking water standards.
- 403.8535 Citation of rule.
- 403.854 Variances, exemptions, and waivers.
- 403.855 Imminent hazards.
- 403.856 Plan for emergency provision of water.
- 403.857 Notification of users and regulatory agencies.
- 403.858 Inspections.
- 403.859 Prohibited acts.
- 403.860 Penalties and remedies.
- 403.861 Department; powers and duties.
- 403.862 Department of Health and Rehabilitative Services; public water supply duties and responsibilities; coordinated budget requests with Department of Environmental Regulation.
- 403.863 State public water supply laboratory certification program.
- 403.8635 State drinking water sample laboratory certification program.
- 403.864 Public water supply accounting program.

403.850 Short title.—This act may be cited as the "Florida Safe Drinking Water Act."

History.—s. 1, ch. 77-337.

403.851 Declaration of policy; intent.—It is the policy of the state that the citizens of Florida shall be assured of the availability of safe drinking water. Recognizing that this policy encompasses both environmental and public health aspects, it is the intent of the Legislature to provide a water supply program operated jointly by the Department of Environmental Regulation, in a lead-agency role of primary responsibility for the program, and by the Department of Health and Rehabilitative Services and its units, including county health departments, in a supportive role with specific duties and responsibilities of its own. Without any relinquishment of Florida's sovereign powers and responsibilities to provide for the public health, public safety, and public welfare of the people of Florida, the Legislature intends:

(1) To give effect to Pub. L. No. 93-523 promulgated under the commerce clause of the United States Constitution, to the extent that interstate commerce is directly affected.

(2) To encourage cooperation between federal, state, and local agencies, not only in their enforcement role, but also in their service and assistance roles to city and county elected bodies.

(3) To provide for safe drinking water at all times throughout the state, with due regard for economic factors and efficiency in government.

History.—s. 2, ch. 77-337; s. 162, ch. 79-400.

403.852 Definitions.—As used in ss. 403.850-403.864:

(1) "Department" means the Department of Environmental Regulation, which is charged with the primary responsibility for the administration and implementation of the Florida Safe Drinking Water Act.

(2) "Public water system" means a community or noncommunity system for the provision to the public of piped water for human consumption, provided that such system has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. The term includes:

(a) Any collection, treatment, storage, and distribution facility or facilities under control of the operator of such system and used primarily in connection with such system.

(b) Any collection or pretreatment storage facility or facilities not under control of the operator of such system but used primarily in connection with such system.

(3) "Community water system" means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

(4) "Noncommunity water system" means a public water system for provision to the public of piped water for human consumption, which serves at least 25 individuals daily at least 60 days out of the year, but which is not a community water system; except that a water system for a wilderness educational camp is a noncommunity water system.

(5) "Person" means an individual, public or private corporation, company, association, partnership, municipi-

EXHIBIT IV.
EPA'S WRITTEN COMMENTS ON THE DRAFT VARIANCE



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

JUN 19 1990

4APT/APB

Mr. Steve Smallwood, P.E., Director
Air Resources Management Division
Florida Department of Environmental Regulation
Twin Towers Office Building
2500 Blair Stone Road
Tallahassee, Florida 32399-2400

Dear Mr. Smallwood:

We have reviewed the petition for a variance for the No. 3 lime slaker at Seminole Kraft Corporation's Jacksonville, Florida, facility. Our comments are as follows:

- 1) The proposed variance would relax the emission limit from the allowable rate of 0.03 gr/dscf (equivalent to a mass rate of 0.07 lb/hr) to 1 lb/hr. However, the proposal does not contain any demonstration that such an increase would not adversely affect the maintenance of the ambient air quality standard. In order to approve the relaxed limit, such a demonstration must be made.
- 2) The State of Florida proposes to grant a variance to Rule 17-2.650(2)(c)12 for particulate emissions from Miscellaneous Manufacturing Process Operations. The emission limit for a source subject to this rule is 0.03 gr/dscf and an opacity not greater than 5%. The emission limit may be exceeded providing a pollution control device or system for control of particulate matter which has an actual particulate matter collection efficiency of at least 98% is utilized. The State had previously proposed that the source be granted an alternative test method based on the inability to do the inlet portion of the Method 5 test on the scrubber as required by Rule 17-2.700(1)(b)3. The source has submitted an alternate method based on a mass balance which demonstrates a collection efficiency of 99.8%. In a February 23, 1990, letter from Roger O. Pfaff to Clair H. Fancy, our enforcement branch indicated that the alternative test procedure using a mass balance is sound but that a more detailed test procedure should be requested from the source. A copy of that letter is enclosed for your convenience. Should this mass balance method be proven to be an adequate alternative the source would be in compliance with 17-2.650(2)(c)12 and thus no variance would be necessary.

However, the granting of an alternative test procedure should not be based on the source's claim that the cost of upgrading the existing system so that testing at the inlet duct can be performed would cause a hardship. There has been no demonstration that an expenditure of \$35,500 would cause a hardship for the source. Rather, the need for the alternative should be based on the manufacturer's reservations regarding the performance of the scrubber if the modification is made.

- 3) Since the source has indicated that it can comply with the applicable regulation through demonstration that the collection device operates with an efficiency of at least 98%, it is unnecessary to grant an alternative emission limit. However, if an alternative emission limit is granted the following should be considered:
 - a) The allowable emission rate of 0.03 gr/dscf is equivalent to a mass rate of 0.07 lb/hr and the most recent test (8/16/89) performed on the slaker showed an outlet concentration of 0.10 gr/dscf which is equivalent to 0.31 lb/hr. It does not appear to be appropriate to grant an emission limit three times the level at which the source has demonstrated it can comply. We recommend that any alternative emission limit be no greater than 0.4 lb/hr.
 - b) Furthermore, the test results of the August 16, 1989, test are approximately three times the results of the test performed in July 1988, which indicates the possibility that the scrubber is not being properly operated and maintained. Scrubbers on lime slakers are prone to scaling and if scale is not removed periodically, then poor scrubber performance and increased particulate emissions can occur. Our concern regarding the operation and maintenance of the scrubber was previously expressed in the February 23, 1990, letter. No increase in emission limit should be granted if the increase is necessitated by the improper operation and maintenance of a facility or pollution control device.
- 4) If the variance were to be granted as a result of the hearing scheduled on June 26, 1990, the 24 month time period for a variance would expire prior to the projected date of November 12, 1992, for permanent shutdown of the slaker. Therefore, it should be noted that it would be necessary to process a renewal to the variance for the time period between expiration of this variance and the shutdown date.

In conclusion, the variance is not approvable in its present form. We recommend that the source be granted the alternate test procedure providing a more detailed test procedure is submitted. If you have any questions, please do not hesitate to call Kay Prince of my staff at (404) 347-2864.

Sincerely,

Douglas Reiley

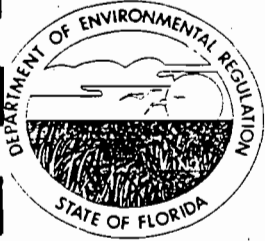
Bruce P. Miller, Chief
Air Programs Branch
Air, Pesticides & Toxics
Management Division

Enclosure

cc: Clair H. Fancy
James L. Manning

EXHIBIT V.
PUBLIC INFORMATION PACKAGE

A. Letter of Prior Notification to EPA



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

May 22, 1990

Mr. Bruce Miller, Chief
Air Programs Branch
U.S. EPA, Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30365

Dear Mr. Miller:

Re: Petition for Variance (OGC File No. 90-0701)
Seminole Kraft Corporation

The Department of Environmental Regulation will hold a public hearing regarding a Petition for Variance for Seminole Kraft Corporation, located in Jacksonville, Duval County, Florida. The hearing will be held in the City of Jacksonville's Bio-Environmental Services Division conference rooms A & B, 421 West Church Street, Jacksonville, Florida, on June 26, 1990, at 9:00 a.m. A copy of the Public Notice and five copies of the Intent to Grant Variance are enclosed. These documents are being submitted pursuant to 40 CFR 51 as the 30-day notification to the Administrator, through the Regional Office, of the hearing on this proposed revision to Florida's State Air Implementation Plan.

If you have any questions on this matter, please call me at (904)488-1344.

Sincerely,

C. H. Fancy, P.E.
Chief

Bureau of Air Regulation

CHF/BM/plm

Enclosures

c: W. Starnes
B. Congdon
R. Weber
B. Mitchell
C. Shaver, NPS

B. Memo Transmitting Proposal
For Public Display in AQCR



State of Florida
DEPARTMENT OF ENVIRONMENTAL REGULATION

For Routing To Other Than The Addressee	
To: _____	Location: _____
To: _____	Location: _____
To: _____	Location: _____
From: _____	Date: _____

Interoffice Memorandum

TO: Andy Kutyna
FROM: Clair Fancy *Clair Fancy*
DATE: May 22, 1990
SUBJ: Petition of Variance (OGC File No. 90-0701)
Seminole Kraft Corporation

The Department of Environmental Regulation will hold a public hearing regarding a Petition for Variance for Seminole Kraft Corporation, located in Jacksonville, Florida. The hearing will be held in the City of Jacksonville's Bio-Environmental Services Division conference rooms A & B, 421 West Church Street, Jacksonville, Florida, on June 26, 1990, at 9:00 a.m. Copies of the Public Notice and the Intent to Grant Variance are enclosed.

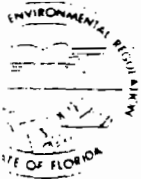
Pursuant to the requirements of 40 CFR 51, please maintain this document available for public inspection until the date of the hearing.

If you have any questions or comments on the proposal, please call Bruce Mitchell at SunCom 278-1344.

CF/plm

Enclosures

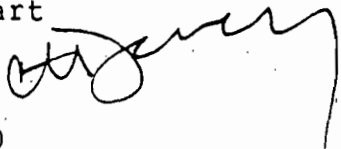
c: W. Starnes
B. Congdon
R. Weber
B. Mitchell
R. Roberson, BESD



State of Florida
DEPARTMENT OF ENVIRONMENTAL REGULATION

For Routing To Other Than The Addressee	
To _____	Location _____
To _____	Location _____
To _____	Location _____
From _____	Date _____

Interoffice Memorandum

TO: Ed Middleswart
FROM: Clair Fancy 
DATE: May 22, 1990
SUBJ: Petition of Variance (OGC File No. 90-0701),
Seminole Kraft Corporation

The Department of Environmental Regulation will hold a public hearing regarding a Petition for Variance for Seminole Kraft Corporation, located in Jacksonville, Florida. The hearing will be held in the City of Jacksonville's Bio-Environmental Services Division conference rooms A & B, 421 West Church Street, Jacksonville, Florida, on June 26, 1990, at 9:00 a.m. Copies of the Public Notice and the Intent to Grant Variance are enclosed.

Pursuant to the requirements of 40 CFR 51, please maintain this document available for public inspection until the date of the hearing.

If you have any questions or comments on the proposal, please call Bruce Mitchell at SurCom 278-1344.

CF/plm

Enclosures

- c: W. Starnes
- B. Congdon
- R. Weber
- B. Mitchell
- R. Roberson, BESD



State of Florida
DEPARTMENT OF ENVIRONMENTAL REGULATION

For Routing To Other Than The Addressee	
To _____	Location _____
To _____	Location _____
To _____	Location _____
From: _____	Date _____

Interoffice Memorandum

TO: Steve Pace
FROM: Clair Fancy *CF*
DATE: May 22, 1990
SUBJ: Petition of Variance (OGC File No. 90-0701)
Seminole Kraft Corporation

The Department of Environmental Regulation will hold a public hearing regarding a Petition for Variance for Seminole Kraft Corporation, located in Jacksonville, Florida. The hearing will be held in the City of Jacksonville's Bio-Environmental Services Division conference rooms A & B, 421 West Church Street, Jacksonville, Florida, on June 26, 1990, at 9:00 a.m. Copies of the Public Notice and the Intent to Grant Variance are enclosed.

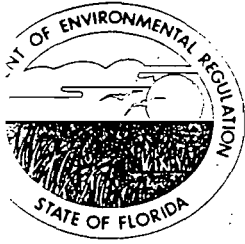
Pursuant to the requirements of 40 CFR 51, please maintain this document available for public inspection until the date of the hearing.

If you have any questions or comments on the proposal, please call Bruce Mitchell at SunCom 278-1344.

CF/plm

Enclosures

c: W. Starnes
B. Congdon
R. Weber
B. Mitchell
R. Roberson, BESD



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

May 22, 1990

Mr. Robert H. Collum, Chief
Air Protection Branch
Environmental Protection Division
Georgia Department of Natural Resources
270 Washington Street, S.W.
Atlanta, Georgia 30334

Dear Mr. Collum:

Enclosed for your information is a notice of public hearing regarding a Petition for Variance for Seminole Kraft Corporation, located in Jacksonville, Florida. The variance, if granted, would require a revision to the State Implementation Plan pursuant to 40 CFR 51. The hearing will be held at 9:00 a.m., on June 26, 1990, at the City of Jacksonville's Bio-Environmental Services Division conference rooms A & B, 421 West Church Street, Jacksonville, Duval County, Florida.

A copy of the Intent to Grant Variance is also enclosed for your review. If you have any questions, please call Bruce Mitchell at (904)488-1344.

Sincerely,

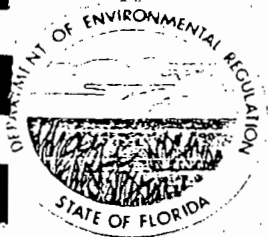
C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CHF/plm

Enclosures

c: W. Starnes
B. Congdon
R. Weber
B. Mitchell

C. Newspaper Advertisement



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

May 16, 1990

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. L. A. Stanley
General Manager
Seminole Kraft Corporation
9469 Eastport Road
Jacksonville, Florida 32218-0998

Dear Mr. Stanley:

Re: Public Notice for Petition for Variance
OGC File No. 90-0701

The Department needs you to publish the enclosed Public Notice in the local paper of general circulation. The notice must be placed in the paper no later than the week of May 21-25, 1990. A certified copy of the Public Notice is to be sent to the Department's Bureau of Air Regulation.

If there are any questions, please call Bruce Mitchell at (904)488-1344.

Sincerely,

Barry D. Arthur
for C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CHF/plm

Enclosure

c: W. Starnes
B. Congdon, OGC
R. Weber
B. Mitchell
R. Roberson, BESD
A. Kutyna, NE Dist.
E. Middleswart, NW Dist.

NOTICE OF PROPOSED AGENCY ACTION

The Department of Environmental Regulation gives notice of its receipt of a petition and of its intent to issue a variance, (OGC File No. 90-0701) with conditions, pursuant to Section 403.201, Florida Statutes (F.S.), to Seminole Kraft Corporation, Jacksonville, Florida. The variance will allow SKC's No. 3 lime slaker relief from the pollutant emission limiting standards contained in Rule 17-2.650(2)(c)12, Florida Administrative Code (F.A.C.).

The petition for variance 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 Regulation, Northeast District Office, 3426 Bills Road, Jacksonville, Florida 32207; Department of Environmental Regulation, Bureau of Air Regulation Office, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and, Duval County Department of Health, Welfare & Bio-Environmental Services, Bio-Environmental Services Division, 421 West Church Street, Jacksonville, Florida 32202.

Any person who is substantially affected by the Department's proposed permitting decision may request a hearing in accordance with Section 120.57, F.S., and Chapters 17-1 and 28-5, F.A.C. The request for hearing must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within fourteen (14) days of publication of this notice. Failure to file a request for

hearing within this time period shall constitute a waiver of any right such person may have to request a hearing under Section 120.57, F.S.

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 proposed agency action. Persons whose substantial interests will be affected by any decision of the Department have the right to intervene in the proceeding. A petition for intervention must be filed pursuant to Model Rule 28-5.207, F.A.C., at least five (5) days before the final hearing and be filed with the Hearing Officer if one has been assigned at the Division of Administrative Hearings, Department of Administration, 2009 Apalachee Parkway, Tallahassee, Florida 32301. If no Hearing Officer has been assigned, the petition is to be filed with the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such person has to an administrative determination (hearing) under Section 120.57, F.S.

If granted, the variance would require a revision to the State Implementation Plan pursuant to 40 CFR Part 51. A hearing will be held on June 26, 1990 at the City of Jacksonville's Bio-Environmental Services Division conference rooms A & B, 421 West Church Street, Jacksonville, Florida at 9:00 a.m. to hear public comment on the revision.

D. Certification of Publication

S

Seminole Kraft Corporation

Jacksonville Mill

9459 Eastport Road
P.O. Box 26098
RECEIVED

Jacksonville, Florida 32218-0998

JUN 04 1990

DER-BAQM^{904 751-6400}

May 31, 1990

Mr. Clair Fancy, P.E.
Fla. Dept. of Environmental Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400

RE: Public notice of intent to grant variance on No.3 lime slaker

Dear Mr. Fancy:

Enclosed is the certified notice of publication for the intent to grant variance. If you have any questions about this please contact me.

Sincerely,

L.A. Stanley by D.P.Z.

L.A. Stanley
General Manager

ah

enclosure.

cc: Mike Riddle
Curt Barton
Tom Tomasello, Oertel and Hoffman

L. Stanley
T. Barton
T. Tomasello
J. Oertel
H. Hoffman



FLORIDA PUBLISHING COMPANY
Publisher
JACKSONVILLE, DUVAL COUNTY, FLORIDA

STATE OF FLORIDA }
COUNTY OF DUVAL }

Before the undersigned authority personally appeared _____

Patricia D. Cothorn who on oath says that he is

Legal Advertising Assistant of The Florida Times-Union,

a daily newspaper published at Jacksonville in Duval County, Florida; that the
attached copy of advertisement, being a Legal Notice

in the matter of Notice of Proposed Agency Action

in the _____ Court,

was published in THE FLORIDA TIMES-UNION in the issues of _____

May 21, 22, 23, 1990

Affiant further says that the said The Florida Times-Union is a newspaper published at Jacksonville, in said Duval County, Florida, and that the said newspaper has heretofore been continuously published in said Duval County, Florida, The Florida Times-Union each day, has been entered as second class mail matter at the postoffice in Jacksonville, in said Duval County, Florida, for a period of one year next preceeding the first publication of the attached copy of advertisement; and affiant further says that he 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 said newspaper.

Sworn to and subscribed before me
this 25th day of

May 1990

Mary A. Walsh Patricia D. Cothorn

Notary Public,
State of Florida at Large.

My Commission Expires

Notary Public, State of Florida
DA 444
My Commission Expires Feb. 7, 1994
Bonded Thru Troy Fain - Insurance Inc.

NOTICE OF PROPOSED AGENCY ACTION
The Department of Environmental Regulation gives notice of its receipt of a petition and of its intent to issue a variance, (OGC File No. 90-0701) with conditions, pursuant to Section 403.201, Florida Statutes (F.S.), to Seminole Kraft Corporation, Jacksonville, Florida. The variance will allow SKC's No. 3 lime slaker relief from the pollutant emission limiting standards contained in Rule 17-2.450(2)(c)12, Florida Administrative Code (F.A.C.).
The petition for variance 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 Regulation, Northeast District Office, 3426 Billis Road, Jacksonville, Florida 32207; Department of Environmental Regulation, Bureau of Air Regulation Office, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and Duval County Department of Health, Welfare & Bio-Environmental Services, Bio-Environmental Services Division, 421 West Church Street, Jacksonville, Florida 32202.
Any person who is substantially affected by the Department's proposed permitting decision may request a hearing in accordance with Section 120.57, F.S., and Chapters 17-1 and 28-5, F.A.C. The request for hearing must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within fourteen (14) days of publication of this notice. Failure to file a request for hearing within this time period shall constitute a waiver of any right such person may have to request a hearing under Section 120.57, F.S.
If a petition is filed, the administration hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the proposed agency action. Persons whose substantial interests will be affected by any decision of the Department have the right to intervene in the proceeding. A petition for intervention must be filed pursuant to Model Rule 28-5.207, F.A.C., at least five (5) days before the final hearing and be filed with the Hearing Officer if one has been assigned at the Division of Administrative Hearings, Department of Administration, 2009 Apalachee Parkway, Tallahassee, Florida 32301. If no Hearing Officer has been assigned, the petition is to be filed with the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such person has to an administrative determination (hearing) under Section 120.57, F.S.
If granted, the variance would require a revision to the State Implementation Plan pursuant to 40 CFR Part 51. A hearing will be held on June 24, 1990 at the City of Jacksonville's Bio-Environmental Services Division conference rooms A & B, 421 West Church Street, Jacksonville, Florida at 9:00 a.m. to hear public comment on the revision.

E. Florida Administrative Weekly Notice

NOTICE OF PROPOSED AGENCY ACTION

The Department of Environmental Regulation gives notice of its receipt of a petition and of its intent to issue a variance, (OGC File No. 90-0701) with conditions, pursuant to Section 403.201, Florida Statutes (F.S.), to Seminole Kraft Corporation, Jacksonville, Florida. The variance will allow SKC's No. 3 lime slaker relief from the pollutant emission limiting standards contained in Rule 17-2.650(2)(c)12, Florida Administrative Code (F.A.C.).

The petition for variance 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 Regulation, Northeast District Office, 3000 Hills Road, Jacksonville, Florida 32207; Department of Environmental Regulation, Bureau of Air Regulation Office, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and, Duval County Department of Health, Welfare & Bio-Environmental Services, Bio-Environmental Services Division, 421 West Church Street, Jacksonville, Florida 32202.

Any person who is substantially affected by the Department's proposed permitting decision may request a hearing in accordance with Section 120.57, F.S., and Chapters 17-1 and 28-5, F.A.C. The request for hearing must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within fourteen (14) days of publication of this notice. Failure to file a request for

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DEPARTMENT OF STATE
TALLAHASSEE FLORIDA

hearing within this time period shall constitute a waiver of any right such person may have to request a hearing under Section 120.57, F.S.

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 proposed agency action. Persons whose substantial interests will be affected by any decision of the Department have the right to intervene in the proceeding. A petition for intervention must be filed pursuant to Model Rule 28-5.207, F.A.C., at least five (5) days before the final hearing and be filed with the Hearing Officer if one has been assigned at the Division of Administrative Hearings, Department of Administration, 2009 Apalachee Parkway, Tallahassee, Florida 32301. If no Hearing Officer has been assigned, the petition is to be filed with the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such person has to an administrative determination (hearing) under Section 120.57, F.S.

If granted, the variance would require a revision to the State Implementation Plan pursuant to 40 CFR Part 51. A hearing will be held on June 26, 1990 at the City of Jacksonville's Bio-Environmental Services Division conference rooms A & B, 421 West Church Street, Jacksonville, Florida at 9:00 a.m. to hear public comment on the revision.

F. Package for Public Inspection



State of Florida
DEPARTMENT OF ENVIRONMENTAL REGULATION

For Routing To Other Than The Addressee	
To: _____	Location: _____
To: _____	Location: _____
To: _____	Location: _____
From: _____	Date: _____

Interoffice Memorandum

TO: Andy Kutyna
FROM: Clair Fancy *Clair Fancy*
DATE: May 22, 1990
SUBJ: Petition of Variance (OGC File No. 90-0701)
Seminole Kraft Corporation

The Department of Environmental Regulation will hold a public hearing regarding a Petition for Variance for Seminole Kraft Corporation, located in Jacksonville, Florida. The hearing will be held in the City of Jacksonville's Bio-Environmental Services Division conference rooms A & B, 421 West Church Street, Jacksonville, Florida, on June 26, 1990, at 9:00 a.m. Copies of the Public Notice and the Intent to Grant Variance are enclosed.

Pursuant to the requirements of 40 CFR 51, please maintain this document available for public inspection until the date of the hearing.

If you have any questions or comments on the proposal, please call Bruce Mitchell at SunCom 278-1344.

CF/plm

Enclosures

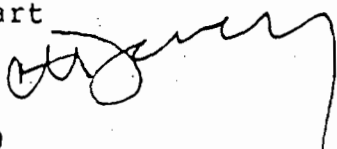
c: W. Starnes
B. Congdon
R. Weber
B. Mitchell
R. Roberson, BESD



State of Florida
DEPARTMENT OF ENVIRONMENTAL REGULATION

For Routing To Other Than The Addressee	
To _____	LOCATION _____
To _____	LOCATION _____
To _____	LOCATION _____
From _____	Date _____

Interoffice Memorandum

TO: Ed Middleswart
FROM: Clair Fancy 
DATE: May 22, 1990
SUBJ: Petition of Variance (OGC File No. 90-0701,
Seminole Kraft Corporation

The Department of Environmental Regulation will hold a public hearing regarding a Petition for Variance for Seminole Kraft Corporation, located in Jacksonville, Florida. The hearing will be held in the City of Jacksonville's Bio-Environmental Services Division conference rooms A & B, 421 West Church Street, Jacksonville, Florida, on June 26, 1990, at 9:00 a.m. Copies of the Public Notice and the Intent to Grant Variance are enclosed.

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If you have any questions or comments on the proposal, please call Bruce Mitchell at SurCom 278-1344.

CM/plm

Enclosures

c: W. Starnes
B. Congdon
R. Weber
B. Mitchell
R. Roberson, BESD



State of Florida
DEPARTMENT OF ENVIRONMENTAL REGULATION

For Routing To Other Than The Addressee	
To _____	Location _____
To _____	Location _____
To _____	Location _____
From _____	Date _____

Interoffice Memorandum

TO: Steve Pace

FROM: Clair Fancy *[Signature]*

DATE: May 22, 1990

SUBJ: Petition of Variance (OGC File No. 90-0701)
Seminole Kraft Corporation

The Department of Environmental Regulation will hold a public hearing regarding a Petition for Variance for Seminole Kraft Corporation, located in Jacksonville, Florida. The hearing will be held in the City of Jacksonville's Bio-Environmental Services Division conference rooms A & B, 421 West Church Street, Jacksonville, Florida, on June 26, 1990, at 9:00 a.m. Copies of the Public Notice and the Intent to Grant Variance are enclosed.

Pursuant to the requirements of 40 CFR 51, please maintain this document available for public inspection until the date of the hearing.

If you have any questions or comments on the proposal, please call Bruce Mitchell at SunCom 278-1344.

CF/plm

Enclosures

- c: W. Starnes
- B. Congdon
- R. Weber
- B. Mitchell
- R. Roberson, BESD

NOTICE OF PROPOSED AGENCY ACTION

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The petition for variance 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 Regulation, Northeast District Office, 3426 Bills Road, Jacksonville, Florida 32207; Department of Environmental Regulation, Bureau of Air Regulation Office, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and, Duval County Department of Health, Welfare & Bio-Environmental Services, Bio-Environmental Services Division, 421 West Church Street, Jacksonville, Florida 32202.

Any person who is substantially affected by the Department's proposed permitting decision may request a hearing in accordance with Section 120.57, F.S., and Chapters 17-1 and 28-5, F.A.C. The request for hearing must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within fourteen (14) days of publication of this notice. Failure to file a request for

hearing within this time period shall constitute a waiver of any right such person may have to request a hearing under Section 120.57, F.S.

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 proposed agency action. Persons whose substantial interests will be affected by any decision of the Department have the right to intervene in the proceeding. A petition for intervention must be filed pursuant to Model Rule 28-5.207, F.A.C., at least five (5) days before the final hearing and be filed with the Hearing Officer if one has been assigned at the Division of Administrative Hearings, Department of Administration, 2009 Apalachee Parkway, Tallahassee, Florida 32301. If no Hearing Officer has been assigned, the petition is to be filed with the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such person has to an administrative determination (hearing) under Section 120.57, F.S.

If granted, the variance would require a revision to the State Implementation Plan pursuant to 40 CFR Part 51. A hearing will be held on June 26, 1990 at the City of Jacksonville's Bio-Environmental Services Division conference rooms A & B, 421 West Church Street, Jacksonville, Florida at 9:00 a.m. to hear public comment on the revision.

Intent to Grant Variance

Mr. L. A. Stanley
General Manager
Seminole Kraft Corporation
9469 Eastport Road
Jacksonville, Florida 32218-0998

Dear Mr. Stanley:

Seminole Kraft Corporation
Petition for Variance
OGC File No. 90-0701
Duval County

On February 22, 1990, the Department of Environmental Regulation ("Department") received the above referenced Petition for Variance pursuant to Rule 17-2.650(2)(c)12, Florida Administrative Code (F.A.C.), Rule 17-103.100, F.A.C., and Section 403.201, Florida Statutes (F.S.). Seminole Kraft Corporation ("SKC") requested a variance to seek relief from the particulate matter ("PM") emission limiting standard of 0.03 gr/dscf for its No. 3 lime slaker at SKC's existing facility.

The Department has reviewed the Petition for Variance and hereby gives notice of its intent to issue SKC a variance based on the following findings:

- 1) Rule 17-2.650(2)(c)12, F.A.C., requires that an actual efficiency be demonstrated in order to be allowed relief from the PM emission limiting standard contained in that rule.
- 2) An efficiency is a ratio of at least two data points (i.e., inlet duct and outlet duct).
- 3) Rule 17-2.700(1)(b)3., Table 1, F.A.C., requires that the PM compliance tests be performed using EPA Reference Method 5.

- 4) The configuration of the as-built scrubber system associated with the No. 3 lime slaker does not allow for PM testing at the inlet duct using EPA Reference Method 5, which includes the requirements of EPA Reference Methods 1, 2, 3 and 4. Specifically, there are no adequate duct diameters between the source and the scrubber system to comply with EPA Reference Method 1.
- 5) The cost of upgrading the existing system so that testing at the inlet duct can be performed is estimated to be \$35,500. (Exhibit 1)
- 6) To date, compliance tests show that the outlet concentration (0.10 gr/dscf, tested 8/16/89) exceeds the allowable PM emission limiting rate of 0.03 gr/dscf (equivalent mass rates: 0.31 lb/hr vs. 0.07 lb/hr, respectively).
- 7) On February 15, 1990, DOAH Case No. 89-5133 and OGC Case No. 89-0022 were resolved with the signing of the "Stipulation of Settlement." (Exhibit 2) Specifically, paragraph 3 of the stipulation required that SKC apply for a variance from Rule 17-2.650(2)(c)12., F.A.C., pursuant to Rule 17-103.100, F.A.C.
- 8) On February 22, 1990, SKC applied for a variance pursuant to Section 403.201, F.S., and Rule 17-103.100, F.A.C. (Exhibit 3) Following a review of the application package, it was deemed complete.
- 9) Paragraph 7 of the "Stipulation of Settlement" establishes allowable PM emission limits of 1.0 lb/hr and 4.38 TPY. It also establishes an allowable visible emission limiting standard of "not greater than 5% opacity" (\leq 5% opacity).

- 10) SKC sent a letter dated February 16, 1990, to Mr. C. H. Fancy, stating that the mill would be going to a 100% recycled fiber by November 12, 1992, in accordance with Rule 17-2.960(1)(d)2.b.ii., F.A.C. This change of operation would eliminate the use of the No. 3 lime slaker.
- 11) Under Section 403.201(1)(c), F.S., a variance and renewals thereof shall each be limited to a period of 24 months.

The Department hereby gives notice of its intent to issue a variance (OGC File No. 90-0701) to Seminole Kraft Corporation for the No. 3 lime slaker, subject to the following conditions:

- 1) The appropriate conditions of the construction permit (AC 16-144791) and the operating permit (AO 16-155275) shall be amended to reflect:
 - a) The No. 3 lime slaker's maximum allowable PM emissions shall not exceed 1.0 lbs/hr, 4.38 TPY. Annual compliance tests shall be conducted using EPA Reference Method 5 in accordance with 40 CFR 60, Appendix A, and Rule 17-2.700, Table 1, F.A.C.
 - b) The No. 3 lime slaker's maximum visible emissions shall not exceed 5% opacity (\leq 5% opacity). Annual compliance tests shall be conducted using EPA Reference Method 9 in accordance with 40 CFR 60, Appendix A, and Rule 17-2.700, Table 1, F.A.C.
- 2) This variance shall be issued for a 24 month time period calculated from the date this variance is executed.
- 3) The Department shall be periodically updated (i.e., every 6 months) on the status of the conversion to 100% recycled

fiber, and shall be notified in writing of the date of any source shut-down, along with the affected Departmental permit(s).

4) The following attachments are incorporated:

1. Mr. C. H. Fancy's letters dated March 7, 1990. (Exhibit 4)
2. Mr. Robert S. Pace's letter dated March 16, 1990, and received March 19, 1990. (Exhibit 5)

Any administrative relief approved by the Department must also be approved by the Regional Administrator of Region IV, United States Environmental Protection Agency (EPA). The Department will coordinate with the Atlanta office of the U.S. EPA in this regard to the maximum extent possible.

Pursuant to Rules 17-103.100 and 17-103.150, F.A.C., the petitioner shall publish at his expense one time only the attached legal notice in a newspaper of general circulation in the area affected by the proposed project. Proof of publication shall be in the form of an affidavit of publication submitted to the Bureau of Air Regulation, Department of Environmental Regulation. The Department will place the public notice in the Florida Administrative Weekly.

This Intent to Issue shall be placed before the Secretary for final action, unless an appropriate petition for a hearing pursuant to the provision of Section 120.57, F.S., is filed within fourteen (14) days of publication of the public notice (copy attached) required pursuant to Rule 17-103.150, F.A.C. Should anyone wish to dispute a material fact or object to a condition of this proposed intent, a petition for a formal

hearing shall be filed in accordance with the provisions of Section 120.57(1), F.S. The petition must comply with the requirements of Rules 17-103.155 and 28-5.201, F.A.C., and be filed pursuant to Rule 17-103.155(1), F.A.C., in the Office of General Counsel of the Department of Environmental Regulation at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Failure to file a petition within fourteen (14) days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to Section 120.57, F.S.

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.

In the event a formal hearing is conducted pursuant to Section 120.57(1), F.S., all parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination of witnesses and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to any order of the hearing officer's recommended order, and to be represented by counsel. If an informal hearing is requested, pursuant to Section 120.57(2), F.S., the agency, in accordance with its rules of procedure, will provide affected persons or parties or their counsel an opportunity at a convenient time and place, to present to the agency or hearing officer, written or oral evidence in opposition to the agency's action or refusal to act, or a written statement challenging the grounds upon which the agency has chosen to justify its action or inaction.

The administrative hearing process is designed to formulate agency action. Accordingly, if a petition is filed, the Department's final action may be different from the proposed agency action. Therefore, persons who may not wish to file a petition, may wish to intervene in the proceeding. A petition for intervention must be filed pursuant to Model Rule 28-5.207, F.A.C., at least five (5) days before the final hearing and be filed with the hearing officer, if one has been assigned, at the Division of Administrative Hearings, 2009 Apalachee Parkway,

Tallahassee, Florida 32301. If no hearing officer has been assigned, the petition is to be filed with the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S.

If the Department does not receive a petition for hearing within the time allowed by this letter and does receive proof of public notice from the petitioner, a final order will be issued.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

Dale Twachtmann
Secretary
2600 Blair Stone Road
Twin Towers Office Building
Tallahassee, Florida
32399-2400

Copies furnished to:

S. Smallwood, DER
C. Fancy, DER
B. Congdon, Esq., DER
C. Shaver, NPS
A. Kutyna, DER
E. Middleswart, DER
R. Roberson, BESD

Exhibit 1

Modifications to Slaker/Scrubber

12/04/89

	Labor	Material	Equipment	Total
I. Demolition				
A. Piping	\$3,000			\$3,000
1. Cut and Remove 10' of 12" exhaust stack				
2. Remove 10" drain line at Scrubber				
B. Scrubber	\$1,000			\$1,000
1. Remove				
II. Installation				
A. Piping	\$6,000	\$5,000		\$11,000
1. Raise and weld 12" exhaust stack from Scrubber				
2. Fabricate and install 10' of 36" stainless steel line from Scrubber to Slaker				
3. Fabricate and install 10' of 10" drain line from Scrubber				
4. Fabricate and install new water header				
B. 15" Fan (Industrial Air Inc)	\$2,000	\$500	\$3,500	\$6,000
1. Duct miser				
a. Model No. 041f015NQ				
C. Scrubber	\$2,000	\$1,500		\$3,500
1. Structural supports and ladders	\$3,000	\$3,000		\$6,000
III. Electrical	\$3,000	\$2,000		\$5,000
Total	\$20,000	\$12,000	\$3,500	\$35,500

Exhibit 2

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

FEB 15 1990

Dept. of Environmental Reg.
Office of General Counsel

SEMINOLE KRAFT CORPORATION,)
)
 Petitioner,)
)
 vs.)
)
 STATE OF FLORIDA, DEPARTMENT)
 OF ENVIRONMENTAL REGULATION)
)
 Respondent.)
 _____)

DOAH Case No. 89-5133
OGC Case No. 89-0022

STIPULATION OF SETTLEMENT

Petitioner, Seminole Kraft Corporation, and Respondent, the State of Florida Department of Environmental Regulation, by and through their undersigned attorneys, hereby stipulate and agree as follows:

1. On February 8, 1990, Petitioner's Attorney filed a Notice of Dismissal concerning Paragraph 4(c) of it's Petition for Formal Administrative Proceedings. Petitioner agrees not to raise the issues encompassed in Paragraph 4(c) again in this proceeding.

2. The Department's regulations require the use of EPA Method 5, 40 CFR 60, Appendix A (July 1, 1988 version) or an alternative procedure approved by the Department pursuant to Rule 17-2.700(3), F.A.C., to make the actual efficiency demonstration required by Rule 17-2.650(2)(c)12, F.A.C.

3. Petitioner shall file a petition for variance, pursuant to Rule 17-103.100, F.A.C., within ten days of the date of this Stipulation. The petition for variance shall request a variance from Rule 17-2.650(2)(c)12, F.A.C.

4. The final hearing presently set for February 23, 1990, should be rescheduled to a date during the middle of the month of August, 1990, to allow the Department to determine the merits of the petition for variance referred to in paragraph 3 above and the merits of a pending Request for Alternative Procedure.

5. If the Department grants the request for alternative procedure and that determination becomes final, the Department shall amend Construction Permit No. AC16-144791 and then issue Operating Permit No. AO16-155275, substantially in the form of the draft permit which is the subject of the instant proceeding. Provided, however, Specific Condition 5 of the construction permit and Specific Condition 10 of the operation permit shall be amended as follows:

10a. Absent a 98% collection efficiency demonstration for particulate matter using EPA Method 5, 40 CFR 60, Appendix A (July 1, 1988 version) or an alternative methodology approved pursuant to Rule 17-2.700(3), F.A.C., particulate matter shall not exceed 0.03 gr/dscf (0.07 lb/hr; 0.32 TPY). Compliance shall be demonstrated using EPA Method 5, 40 CFR 60, Appendix A (July 1, 1988 version) or an alternative methodology approved pursuant to Rule 17-2.700(3), F.A.C. Visible emissions shall not exceed 5% opacity (no visible emissions) and compliance shall be demonstrated using EPA Method 9, 40 CFR-60, Appendix A (July 1, 1988 version).

10b. The maximum allowable emissions, after demonstrating an actual particulate matter collection efficiency of 98%, by EPA Method 5, 40 CFR 60, Appendix A (July 1, 1988 version) or an alternative methodology approved pursuant to Rule 17-2.700(3), F.A.C., shall be as follows:

<u>Pt. No.</u>	<u>Pollutant</u>	<u>lbs/hr</u>	<u>T/yr</u>	<u>Other</u>	<u>Opacity</u>
21	PM VE	1.0	4.38		≤ 5%

6. If the Department grants the request for a variance and that determination becomes final, the Department shall amend Construction Permit No. AC16-144791 and then issue Operating

Permit No. A016-155275, substantially in the form of the draft permit which is the subject of this proceeding. However, Specific Condition 5 of the construction permit and Specific Condition 10 of the operating permit shall be amended to read as follows:

<u>Pt. No.</u>	<u>Pollutant</u>	<u>lbs/hr</u>	<u>T/yr</u>	<u>Other</u>	<u>Opacity</u>
21	PM	1.0	4.38		
	VE				≤ 5%

7. Petitioner may continue to operate under construction permit AC16-144791 until the operating permit becomes final and the Department agrees not to bring any enforcement action against the Petitioner provided that the Petitioner complies with the emission limitations set forth in the construction permit.

8. In the event that the requested variance or requested alternative procedure is not granted and Petitioner files a Petition for Administrative Proceeding thereon, any such petitions should be consolidated with the instant case and heard at the final hearing to be set in August.

9. In the event that either the Variance or the Request for Alternative Procedure is granted by the Department, Petitioner shall dismiss the petition pending in this case and any pending petitions on the variance or the Request for Alternative Procedure.

DATED this 15th day of February, 1990.

Thomas G. Tomasello
THOMAS G. TOMASELLO, Esquire

W. H. Congdon
WILLIAM H. CONGDON
Assistant General Counsel

OERTEL, HOFFMAN,
FERNANDEZ & COLE, P.A.
ATTORNEYS AT LAW
Post Office Box 6507
Tallahassee, Florida 32314-6507

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to Mr. Terry Cole, Esquire, Oertel, Hoffman, Fernandez & Cole, P.A., Attorneys at Law, Post Office Box 6507, Tallahassee, Florida 32314-6507 by Hand Delivery, this 15th day of February, 1990.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

W. H. Congdon
WILLIAM H. CONGDON
Assistant General Counsel

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400
Telephone: (904)488-9730

cc: Steve Pace - BESO
Ren Reberock - BESO
Andy Kutyna
CHF/JP/ST

2-18-90 RGV

Exhibit 3

OERTEL, HOFFMAN, FERNANDEZ & COLE, P. A.

ATTORNEYS AT LAW

M. CHRISTOPHER BRYANT
R. L. CALEEN, JR.
C. ANTHONY CLEVELAND
TERRY COLE
MARTHA J. EDENFIELD
SEGUNDO J. FERNANDEZ
KENNETH F. HOFFMAN
KENNETH G. OERTEL
HAROLD F. X. PURNELL
PATRICIA A. RENOVITCH
SCOTT SHIRLEY
THOMAS G. TOMASELLO
W. DAVID WATKINS

SUITE C

2700 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32301

MAILING ADDRESS:

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TALLAHASSEE, FLORIDA 32314-6507

TELEPHONE (904) 877-0099
FACSIMILE (904) 877-0981

JOHN H. MILLICAN
ENVIRONMENTAL CONSULTANT
(NOT A MEMBER OF THE FLORIDA BAR)

J. P. SUBRAMANI, Ph.D., P.E.
ENVIRONMENTAL CONSULTANT
(NOT A MEMBER OF THE FLORIDA BAR)

February 22, 1990

Mr. Dale Twachtmann
Secretary
Department of Environmental
Regulation
2600 Blair Stone Road
Tallahassee, Florida 32301

RECEIVED

FEB 22 1990

DER-BAQM

Re: Variance Request: Lime Slaker No. 3

Dear Secretary Twachtmann:

Seminole Kraft Corporation, pursuant to Section 403.201 Florida Statutes, and Rule 17-103.100, Florida Administrative Code, files this application for a variance.

BACKGROUND

This application for a variance involves Seminole Kraft Corporation's No. 3 Lime Slaker at 9459 Eastport Road, Jacksonville, Florida. Seminole Kraft Corporation's address is Post Office Box 26998, Jacksonville, Florida. Lime Slaker No. 3 is subject to the emission limitations set out in Rule 17-2.650(2)(c)12, Florida Administrative Code, which prohibits emissions of particulate matter in excess of 0.03 gr/dscf, but allows this limitation to be exceeded if the pollution control device or system used "has an actual particulate matter collection efficiency of at least 98%."

Seminole Kraft Corporation installed Lime Slaker No. 3 including a Goslin 36" positive draft 304L stainless steel scrubber for particulate emissions control pursuant to DER Construction Permit No. AC16-144791. Lime Slaker No. 3 replaced Lime Slakers No. 1 and 2 which had particulate matter emissions of 140 TPY. The construction permit for Lime Slaker No. 3, however, only authorized particulate matter emissions of up to 3.2 lbs/hr. and 7.0 TPY. Such emissions exceed the 0.03 gr/dscf, but were based on Seminole Kraft Corporation using a pollution control device with a collection efficiency of at least 98%. The construction permit is attached as Attachment A.

However, the draft DER operation permit established maximum allowable emission limits for particulate matter of 0.22 lbs/hr. and < 1.0 TPY. See Attachment B. Seminole Kraft Corporation filed a petition for a formal administrative hearing challenging the more restrictive limitations in the operation permit. However, Seminole Kraft Corporation has actively negotiated with DER since issuance of the draft operation permit to resolve the emission limits without a formal administrative hearing. If this variance request is granted, the need for an administrative hearing is eliminated. This variance request seeks relief from the DER requirement that compliance with the 98% removal efficiency must be demonstrated with EPA Method 5.

VARIANCE REQUEST

This variance request addresses each subparagraph of Rule 17-103.100(1)(a) through (g) as follows:

Subparagraph (a)

The statute or rule from which a variance is sought.

Response

Rule 17-2.650(2)(c)12, Florida Administrative Code. Seminole Kraft Corporation is seeking a variance from DER's requirement that the particulate matter collection efficiency set forth in Rule 17-2.650(2)(c)(12), Florida Administrative Code, be demonstrated by EPA Method 5.

Subparagraph (b)

The facts which show that a variance should be granted because of one of the reasons set forth in Section 403.201, Florida Statutes.

Response

Since the particulate emissions from Seminole Kraft Corporation's Lime Slaker No. 3 exceed 0.03 gr/dscf, Seminole Kraft Corporation must demonstrate that the Goslin 36" scrubber it has installed on Lime Slaker No. 3 pursuant to DER Construction Permit No. AC 16-144791, has an actual particulate matter collection efficiency of at least 98%. See Rule 17-2.650(2)(c)12.b., Florida Administrative Code.

Mr. Dale Twachtmann
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Because of the manner in which the Goslin 36" scrubber was installed and its operation characteristics, Seminole Kraft Corporation is unable to show that the scrubber has an actual particulate matter collection efficiency of at least 98 percent using EPA Method No. 5. Specifically, Seminole Kraft Corporation is unable to locate the sampling port on the lime slaker side of the scrubber at least 2 stack diameters from any constriction or other flow disturbance as called for in Rule 17-2.700(4)(c)1.c., Florida Administrative Code.

On December 15, 1989, Seminole Kraft Corporation submitted a request to DER for approval of an alternative source emission test procedure or methodology for its Lime Slaker No. 3 pursuant to Rule 17-2.700(3), Florida Administrative Code. That request is incorporated by reference into this variance request and is attached as Attachment C. In the December 15, 1989 request, Seminole Kraft Corporation indicated that the cost of attempting to comply with EPA method 5 for the sampling port on the lime slaker side of the control equipment would be substantial, i.e., approximately \$35,500. Such an expenditure is unnecessary because, as Seminole Kraft Corporation demonstrated in its December 15, 1989 request, the actual scrubber efficiency exceeds 98%. This demonstration was based on a mass balance methodology developed and implemented by Seminole Kraft Corporation.

Furthermore, the manufacturer of the Goslin 36" scrubber is not certain that if the current installation of the scrubber were modified to accommodate EPA Method 5, the scrubber would perform satisfactorily. See Attachment C. Thus, the \$35,500 expenditure might not serve any useful purpose.

Moreover, modifying the pollution control equipment merely to comply with the technical requirements of EPA Method 5 will not reduce the emissions from Lime Slaker No. 3. Put another way, Seminole Kraft Corporation is not seeking relief from an emission limit or standard; instead it is seeking a variance from the method of demonstrating compliance with an emission limit. In any case, Seminole Kraft Corporation submits that the control technology it has installed is achieving an actual particulate matter collection efficiency of at least 98%.

The only other alternative would be for Seminole Kraft Corporation to remove the Goslin 36" scrubber and install new pollution control equipment. Such an alternative would be significantly more costly than modifying the installation of the Goslin 36" scrubber.

Finally, as noted below, Seminole Kraft Corporation plans to shut down Lime Slaker No. 3 by November 12, 1992.

Mr. Dale Twachtmann
February 22, 1990
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In view of the above, Seminole Kraft Corporation is entitled to a variance under Section 403.201(1)(c), Florida Statutes, because granting such a variance would relieve or prevent a hardship, specifically the unnecessary expenditure of a substantial amount of money to demonstrate compliance using EPA Method 5 with an emission limitation that Seminole Kraft Corporation has already demonstrated it is meeting, and because the imposition of EPA Method 5 will not reduce emissions from Lime Slaker No. 3.

Subparagraph (c)

The period of time for which the variance is sought, including the reasons and facts in support of the time period.

Response

Seminole Kraft Corporation plans to convert to 100% recycled fiber operation by November 12, 1992 to comply with DER's TRS rule. Accordingly, Lime Slaker No. 3 will be shut down no later than November 12, 1992.

Seminole Kraft Corporation restates the justification set forth above in response to subparagraph (b). Specifically, if the variance is granted, such approval will not increase the emissions from the lime slaker. Moreover, the test methodology used by Seminole Kraft Corporation demonstrates that emissions from the lime slaker comply with the removal efficiency established in DER rules.

Subparagraph (d)

The requirements which the Petitioner can meet, including the date or time when the requirements will be met.

Response

Seminole Kraft Corporation is meeting the requirement that its scrubber has an actual collection efficiency of at least 98%, and thus is complying with the emission limitations of DER's rules. However, based on how its pollution control equipment has been installed, Seminole Kraft Corporation cannot place a sampling port between the lime slaker and the scrubber in compliance with Rule 17-2.700(4)(c)1.c., Florida Administrative Code. Seminole Kraft Corporation can, however, demonstrate compliance through the mass balance test methodology it proposed in its December 15, 1989 request for approval of an alternative test methodology.

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February 22, 1990
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Subparagraph (e)

The steps or measures the Petitioner is taking to meet the requirements from which the variance is sought.

Response

Seminole Kraft Corporation can and has demonstrated compliance with the 98% efficiency requirement by utilizing a mass balance test methodology. See Attachment C.

Subparagraph (f) and (g)

The social, economic and environmental impacts on the applicant, residents of the area and of the state if the variance is granted or denied.

Response

This variance request will not have any social or environmental impact on the residents of the area or the state because approval of the variance will not increase air emissions from Lime Slaker No. 3. Moreover, granting the variance does not mean that Seminole Kraft Corporation will be operating Lime Slaker No. 3 in excess of the particulate matter limitations set forth in DER's rules. Indeed, according to its mass balance test methodology, Seminole Kraft Corporation is meeting or exceeding the required removal efficiency for particulate matter.

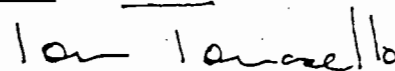
On the other hand, if this variance request is not granted, it will have a significant economic impact on Seminole Kraft Corporation due to the approximate \$35,500 it would have to spend to make modifications to the installation of the scrubber in order to provide for a test port between the slaker and the scrubber in accordance with EPA Method 5. The costs of compliance would be substantially greater were Seminole Kraft Corporation required to install new pollution control equipment. Furthermore, the changes that would have to be made to accommodate EPA Method 5 may impede the performance of the scrubber with the unwanted effect of increasing the emissions of particulate matter from the existing scrubber.

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Conclusion

In view of the above, Seminole Kraft Corporation submits that it is entitled to a variance under Section 403.201, Florida Statutes, and Rule 17-103.100, Florida Administrative Code.

Respectfully submitted,



Thomas G. Tomasello
Attorney for Seminole Kraft
Corporation

TGT/dg/1003

Attachment

xc: Mr. Larry Stanley
Mr. Mike Riddle
Mr. Curt Barton
Mr. Steve Smallwood
Mr. William H. Congdon

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

TWIN TOWERS OFFICE BUILDING
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32395-2400



BOB MARTINEZ
GOVERNOR

DALE TWACHTMANN
SECRETARY

PERMITTEE:
Seminole Kraft Corporation
P. O. Box 26998
Jacksonville, FL 32210

Permit Number: AC 16-144791
Expiration Date: December 1, 1988
County: Duval
Latitude/Longitude: 30° 25' 15"N
81° 36' 00"W
Project: Lime Slaker with
a Scrubber

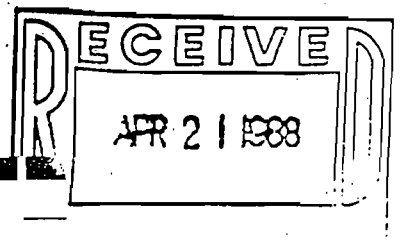
This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule(s) 17-2 and 17-4. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

For the construction of a lime slaker with a scrubber. This unit will be located at the Seminole Kraft Corporation facility in Jacksonville, Duval County, Florida. The UTM coordinates of this site are Zone 17, 441.75 East and 3365.60 North.

Construction will be in accordance with the permit application, plans, documents, and reference materials submitted unless otherwise stated in the General and Specific Conditions.

Attachments

1. Application to Construct Air Pollution Sources, DER Form 17-1.122(16) dated February 2, 1988.



ATTACHMENT A

-233-

PERMITTEE:
Seminole Kraft Corp.

Permit Number: AC 16-144791
Expiration Date: December 1, 1988

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the permittee and enforceable pursuant to the authority of Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is hereby placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of the "Permit Conditions" by the permittee, its agents, employees, servants or representatives.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit does not constitute a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.

4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgement of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life or property and penalties therefore caused by the construction or operation of this permitted source, nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

PERMITTEE:
Seminole Kraft Corp.

Permit Number: AC 16-144791
Expiration Date: December 1, 1988

GENERAL CONDITIONS:

6. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:

- a. Having access to and copying any records that must be kept under the conditions of the permit;
- b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and
- c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately notify and provide the Department with the following information:

- a. a description of and cause of non-compliance; and
- b. the period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

PERMITTEE:
Seminole Kraft Corp.

Permit Number: AC 16-144791
Expiration Date: December 1, 1988

GENERAL CONDITIONS:

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the Department, may be used by the Department as evidence in any enforcement case arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.73 and 403.111, Florida Statutes.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

11. This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 17-4.12 and 17-30.30, as applicable. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department.

12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction or operation.

13. This permit also constitutes:

- () Determination of Best Available Control Technology (BACT)
- () Determination of Prevention of Significant Deterioration (PSD)
- () Compliance with New Source Performance Standards

14. The permittee shall comply with the following monitoring and record keeping requirements:

- a. Upon request, the permittee shall furnish all records and plans required under Department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the Department, during the course of any unresolved enforcement action.

PERMITTEE:
Seminole Kraft Corp.

Permit Number: AC 16-144791
Expiration Date: December 1, 1988

GENERAL CONDITIONS:

- b. The permittee shall retain at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rule.
- c. Records of monitoring information shall include:
- the date, exact place, and time of sampling or measurements;
 - the person responsible for performing the sampling or measurements;
 - the date(s) analyses were performed;
 - the person responsible for performing the analyses;
 - the analytical techniques or methods used; and
 - the results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be submitted or corrected promptly.

SPECIFIC CONDITIONS:

1. This source shall be allowed to operate continuously (8760 hours/year).

PERMITTEE:
Seminole Kraft Corp.

Permit Number: AC 16-144791
Expiration Date: December 1, 1988

SPECIFIC CONDITIONS:

2. In accordance with FAC Rule 17-2.610(3), Unconfined Emissions of PM, reasonable precautions to control emissions of unconfined PM may include, but shall not be limited to the following:

- a) Reduced speeds for vehicular traffic.
- b) Use of liquid resinous adhesives or other liquid dust suppressants or wetting agents.
- c) Use of paving or other asphaltic materials.
- d) Removal of particulate matter from paved roads and/or other paved areas by vacuum cleaning or otherwise by wetting prior to sweeping.
- e) Covering of trucks, trailers, front end loaders, and other vehicles or containers to prevent spillage of particulate matter during transport.
- f) Use of mulch, hydroseeding, grassing and/or other vegetative ground cover on barren areas to prevent or reduce windblown particulate matter.
- g) Use of hoods, fans, filters, and similar equipment to contain, capture, and vent particulate matter.
- h) Enclosure or covering of conveyor systems.

3. In accordance with FAC Rule 17-2.620(2), no person shall cause, suffer, allow, or permit the discharge of air pollutants which cause or contribute to an objectionable odor.

4. In accordance with FAC Rule 17-2.240, Circumvention, no person shall circumvent any air pollution control device or allow the emissions or air pollutants without the applicable pollution control device operating properly.

PERMITTEE:
Seminole Kraft Corp.

Permit Number: AC 16-144791
Expiration Date: December 1, 1988

SPECIFIC CONDITIONS:

5. A scrubber system shall be installed to control pollutant emissions from the lime slaker. Particulate matter (PM) emissions shall not exceed 3.2 lb/hr and 7 TPY. Visible emissions shall be limited to no more than the average opacity level achieved during the initial compliance test, which establishes compliance with the standard, plus 5% opacity. Compliance tests for PM shall be demonstrated using EPA Methods 1, 2, 3, 5, and 9, in accordance with 40 CFR 60, Appendix A, and FAC Rule 17-2.700. The test facilities for the lime slaker shall comply with all applicable provisions of FAC Rule 17-2.700(4)(c). Sampling ports shall be located pursuant to FAC Rule 17-2.700(4)(c)1.c.i. Compliance tests shall be demonstrated while operating at 90-100% of the maximum permitted rate. The Duval County Bio-Environmental Services Division (BESD) office shall be notified 15 days prior to testing.

6. Visible emissions and particulate emissions tests shall run concurrently.

7. A pressure meter shall be installed on the scrubber system for the lime slaker to measure the scrubbing liquid supply pressure. The pressure sensor or tap shall be located close to the scrubber liquid discharge point. The monitoring device is to be certified by the manufacturer to be accurate within \pm 15 percent of design scrubbing liquid supply pressure.

8. The lime slaker is subject to the provisions of FAC Rule 17-2.250, Excess Emissions.

9. The construction shall reasonably conform to the plans and schedule submitted in the application. If the applicant is unable to complete construction on schedule, he must notify the Department in writing 60 days prior to the expiration of the construction permit and submit a new schedule and request for an extension of the construction permit (FAC Rule 17-4.09).

To obtain a permit to operate, the applicant must demonstrate compliance with the conditions of the construction permit and submit a complete application for an operating permit, including the application fee, along with test results and Certificate of Completion, to the Duval County Department of Health, Welfare & Bio-Environmental Services (BESD) office 90 days prior to the expiration date of the construction permit. The permittee may continue to operate in compliance with all terms of the construction permit until its expiration date. Operation beyond the construction permit expiration date requires a valid permit to operate (FAC Rules 17-4.22 and 17-4.23).

PERMITTEE:
Seminole Kraft Corp.

Permit Number: AC 16-144791
Expiration Date: December 1, 1988

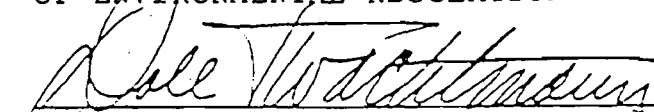
SPECIFIC CONDITIONS:

If the construction permit expires prior to the applicant requesting an extension or filing an application for a permit to operate, then all activities at the project must cease and the applicant must apply for a new permit to construct which can take up to 90 days to process a complete application (FAC Rule 17-4.10).

10. Upon obtaining a permit to operate, the permittee will be required to submit annual reports on the actual operation and emissions of this source. Annual reports shall be sent to Duval County Bio-Environmental Services Division (BESD).

Issued this 20 day of April,
1988

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


Dale Twachtmann, Secretary



Florida Department of Environmental Regulation

Northeast District • 3426 Billis Road • Jacksonville, Florida 32207 • 904-796-4200

Bob Martinez, Governor

Dale Twachtman, Secretary

John Shearer, Assistant Secretary
Ernest Fries, Deputy Assistant Secretary

Permittee:

Seminole Kraft Corporation
Post Office Box 26998
Jacksonville, Florida 32218

I.D. Number:

31-16-0067-21

Permit/Certification Number:

AO16-155275

Date of Issue:

December 20, 1988

Expiration Date:

November 30, 1993

County:

Duval

Latitude/Longitude:

30:25:15/81:36:00

UTM:

E-7441.75 N-3365.60

Project:

No. 3 Lime Slaker

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rules 17-2 and 17-4. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the department and made a part hereof and specifically described as follows:

For the operation of a lime slaker with a scrubber

Particulate Matter (PM) emissions shall be controlled as follows:

Source

No. 3 Lime Slaker

Control Equipment

Goslin Birmingham No. 36 Posidraft Slake Scrubber

Emission source(s) shall be as follows:

Point

21

Source

No. 3 Lime Slaker

Located at 9469 Eastport Road, Jacksonville, Florida 32218

Supporting documents shall be as follows:

- (1) Permit Application dated August 31, 1988
- (2) Construction Permit AC16-144791
- (3) Bio-Environmental Services Division's letter dated September 14, 1988
- (4) Seminole Kraft Corporation's letter received September 22, 1988

Permittee:

Seminole Aircraft Corporation

I.D. Number:

Permit/Certification Number:

Date of Issue:

Expiration Date:

31-16-0067-31

AO16-155275

September 26, 1962

November 30, 1963

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the permittee and enforceable pursuant to the authority of Sections 403.403.727, or 403.859 through 403.861, Florida Statutes. The permittee is hereby placed on notice that the department will review this permit periodically and may initiate enforcement action for any violation of "Permit Conditions" by the permittee, its agents, employees, servants, or representatives.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, conditions of this permit may constitute grounds for revocation and enforcement action by the department.
3. As provided in Subsections 403.097(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit does not constitute a waiver of or approval of any other department permit which may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgement of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, air, land, or aquatic life, or property and penalties therefore caused by the construction or operation of the permitted source, nor does it allow the permittee to cause pollution in contravention of Florida State and department rules, unless specifically authorized by an order from the department.
6. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by department rules. This provision includes the operation of back-up or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of this permit and when required by department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized department personnel, upon presentation of credentials or other documents as may be required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:
 - a. Having access to and copying any records that must be kept under the conditions of the permit;
 - b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and
 - c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or department rules.

Reasonable time may depend on the nature of the concern being investigated.
8. If, for any reason, the permittee does not comply with, or will be unable to comply with, any condition or limitation specified in this permit, the permittee shall immediately notify and provide the department with the following information:
 - a. A description of and cause of non-compliance; and
 - b. the period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the department for penalties or revocation of this permit.

Permittee:

Seminole Kraft Corporation

I.D. Number:

Permit/Certification Number:

Date of Issue:

Expiration Date:

31-16-0067-21

AO16-155275

December 29, 1988

November 30, 1990

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the department, may be used by the department as evidence in any enforcement case arising under the Florida Statutes or department rules, except where such use is proscribed by Sections 403.73 and 403.111, Florida Statutes.
10. The permittee agrees to comply with changes in department rules and Florida Statutes after a reasonable time for compliance, provided however, the permittee does not waive any other rights granted by Florida Statutes or department rules.
11. This permit is transferable only upon department approval in accordance with Florida Administrative Code Rule 17-4.12 and 17-30.30, as applicable. The permittee shall be liable for any non-compliance of the permittee activity until the transfer is approved by the department.
12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction or operation.
13. This permit also constitutes:
- () Determination of Best Available Control Technology (BACT)
 - () Determination of Prevention of Significant Deterioration (PSD)
 - () Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500)
 - () Compliance with New Source Performance Standards
14. The permittee shall comply with the following monitoring and record keeping requirements:
- a. Upon request, the permittee shall furnish all records and plans required under department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the department, during the course of any unresolved enforcement action.
 - b. The permittee shall retain at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation), copies of all reports required by this permit and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report, or application unless otherwise specified by department rule.
 - c. Records of monitoring information shall include:
 - the date, exact place, and time of sampling or measurements;
 - the person responsible for performing the sampling or measurements;
 - the date(s) analyses were performed;
 - the person responsible for performing the analyses;
 - the analytical techniques or methods used; and
 - the results of such analyses
15. When requested by the department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the department, such facts or information shall be submitted or corrected promptly.

Permittee:	I.D. Number:	31-16-0067-21
Seminole Kraft Corporation	Permit/Certification Number:	AO16-155275
	Date of Issue:	December 20, 1988
	Expiration Date:	November 30, 1993

SPECIFIC CONDITIONS:

1. Permittee shall notify the Bio-Environmental Services Division (BESD) fifteen (15) days prior to source testing in accordance with Rule 17-2.700(2)(a)5., Florida Administrative Code (FAC), and Rule 2.501, Jacksonville Environmental Protection Board (JEPB).
2. Copies of the test report(s) shall be submitted to BESD within forty-five (45) days of completion of testing in accordance with Rule 17-2.700(7)(b), FAC, and Rule 2.501, JEPB.
3. Testing of emissions shall be accomplished at a minimum of 90% of the permitted capacity. If testing is performed at a rate less than 90% of the permitted capacity, operation shall be limited to a maximum of 110% of the tested capacity until such time as an acceptable test is performed at a minimum of 90% of the permitted capacity. When operation is restricted to a lower capacity because of testing at such a level, BESD, upon advanced notification, will allow operation at higher capacities if such operation is for demonstrating compliance at a higher capacity.
4. Any revision(s) to a permit (and application) shall be submitted and approved prior to implementing.
5. Control equipment shall be provided with a method of access that is safe and readily accessible.
6. Stack sampling facilities shall be required and shall comply with the requirements of Rule 17-2.700(4), FAC, and Rule 2.207, JEPB.
7. Permittee shall submit an annual operation report to BESD for this source on the form supplied for each calendar year on or before March 1 in accordance with Rule 17-4.140, FAC.
8. The following pollutant(s) shall be tested at intervals indicated from the date of July 31, 1988:

<u>Pt. No.</u>	<u>Pollutant</u>	<u>Interval</u>	<u>Test Method</u>
21	Particulate Matter (PM)	12 Months	EPA Reference Method (RM) 5
	Visible Emissions (VE)	12 Months	EPA RM 9
9. The applicable emission limiting rules shall be as follows:

<u>Pt. No.</u>	<u>Pollutant</u>	<u>¹FAC</u>	<u>²JEPB</u>	<u>Other</u>
21	PM	17-2.650(2)(b)3.	2.207	
	VE	17-4.070(3)		
	Objectionable Odors (OO)	17-2.620(2)	2.205	
10. The maximum allowable emissions shall be as follows:

<u>Pt. No.</u>	<u>Pollutant</u>	<u>lbs/hr</u>	<u>T/yr</u>	<u>Other</u>	<u>Opacity</u>
21	PM	0.22	<1.0		
	VE				5%
	OO			None Allowed	
11. Visible emissions and particulate emissions tests shall run concurrently.
12. A pressure meter shall be installed on the scrubber system for the lime slaker to measure the scrubbing liquid supply pressure. The pressure sensor or tap shall be located close to the scrubber liquid discharge point. The monitoring device is to be certified by the manufacturer to be accurate within ± 15 percent of design scrubbing liquid supply pressure.

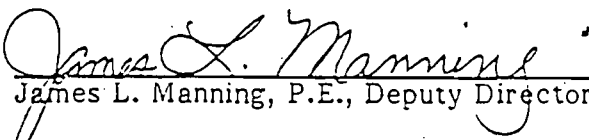
Permittee:
Seminole Kraft Corporation

L.D. Number:
Permit/Certification Number:
Date of Issue:
Expiration Date:

31-16-0067-21
AO16-155275
December 20, 1988
November 30, 1993

13. The maximum process input rate shall be limited to 725,000 lbs/hr of green liquor (@15% solids) and 32,000 lbs/hr of lime (dry).
14. Operation shall be limited to 8760 hours per year.
15. An Operation and Maintenance Plan shall be attached to and shall be part of this permit in accordance with Rule 17-2.650(2)(g), Florida Administrative Code. All activities shall be performed as scheduled and recorded data made available to BESD upon request. Records shall be maintained on file for a minimum period of two (2) years.
16. Unconfined particulate matter emissions from yard operations, open stockpiling of materials and/or materials handling operations shall be controlled by using the following reasonable precautions in accordance with Rule 17-2.610(3), Florida Administrative Code FAC, and Rule 2.204(d), JEPB:
 - Reduced speeds for vehicular traffic.
 - Use of liquid resinous adhesives or other liquid dust suppressants or wetting agents.
 - Use of paving or other asphaltic materials.
 - Removal of particulate matter from paved roads and/or other paved areas by vacuum cleaning or otherwise by wetting prior to sweeping.
 - Covering of trucks, trailers, front end loaders, and other vehicles or containers to prevent spillage of particulate matter during transport.
 - Use of mulch, hydroseeding, grassing, and/or other vegetative ground cover on barren areas to prevent or reduce particulate matter from being windblown.
 - Use of hoods, fans, filters, and similar equipment to contain, capture, and vent particulate matter.
 - Enclosure or covering of conveyor systems.
17. The permittee shall apply for a renewal operation permit sixty (60) days prior to the expiration date of this permit in accordance with Rule 17-4.090, FAC. Failure to submit a renewal application sixty (60) days prior to the expiration date shall result in the assessment of a penalty in accordance with Section 360.701(a)19., Ordinance Code.

City of Jacksonville
Department of Health, Welfare, and
Bio-Environmental Services


James L. Manning, P.E., Deputy Director

Issued this 20 day of December, 1988

State of Florida
Department of Environmental Regulation


Ernest E. Frey, Deputy Assistant Secretary

¹Florida Administrative Code

²Jacksonville Environmental Protection Board

ATTACHMENT I

Proposed operation and maintenance plan for No. 3
Slaker Scrubber, required by RACT portion 17-2.630.

1. OPERATION

- a. Caustic operator will record scrubber feed water pressure once per hour.
- b. Caustic operator will record green liquor feed rate once per hour.
- c. Caustic operator will record feed green liquor temperature once per shift.
- d. Caustic operator will record slaker temperature once per hour.
- e. Caustic operator will record slaker type of lime used and relative amount once per hour.
eg - 1/2 fresh lime 1/2 reburned lime

2. MAINTENANCE

- a. The No. 3 Slaker will routinely have 1 maintenance outage per year with the rest of the mill. Other maintenance will be scheduled as needed. All maintenance records will be kept by the maintenance department.

OERTEL, HOFFMAN, FERNANDEZ & COLE, P.A.

ATTORNEYS AT LAW

M. CHRISTOPHER BRYANT
 R. L. CALEEN, JR.
 C. ANTHONY CLEVELAND
 TERRY COLE
 MARTHA J. EDENFIELD
 SEGUNDO J. FERNANDEZ
 KENNETH F. HOFFMAN
 KENNETH G. OERTEL
 HAROLD F. X. PURNELL
 PATRICIA A. RENOVITCH
 SCOTT SHIRLEY
 THOMAS G. TOMASELLO
 W. DAVID WATKINS

SUITE C

2700 BLAIR STONE ROAD
 TALLAHASSEE, FLORIDA 32301

MAILING ADDRESS:

POST OFFICE BOX 6507
 TALLAHASSEE, FLORIDA 32314-6507

TELEPHONE (904) 877-0099
 FACSIMILE (904) 877-0981

JOHN H. MULLIGAN
 ENVIRONMENTAL CONSULTANT
 NOT A MEMBER OF THE FLORIDA BAR

J. P. SUBRAMAN, P.E.
 ENVIRONMENTAL CONSULTANT
 NOT A MEMBER OF THE FLORIDA BAR

December 15, 1989

Mr. Clair Fancy, P.E.
 Chief, Bureau of Air Regulation
 Florida Department of Environmental Regulation
 2600 Blair Stone Road
 Tallahassee, Florida 32399-2400

Re: Seminole Kraft Corporation;
 Number 3 Lime Slaker Compliance Issues;
 AO16-155275 (AC16-144791)

Dear Mr. Fancy:

This letter with attachments is to comply with the Department's earlier request for additional information regarding the Number 3 Lime Slaker. More specifically, we have attached the following:

1. Evaluation of mass balance approach to determine scrubber efficiency.
2. Letter from Goslin-Birmingham which indicates that testing the stack with and without the scrubber water is not a valid test of the scrubber's efficiency.
3. Estimate of cost to modify the Number 3 Slaker to allow EPA RM5 Inlet to scrubber emission testing.

We believe this information should provide the Department with the necessary justification to allow the use of the mass balance approach to demonstrate the efficiency of the wet scrubber on our Number 3 Lime Slaker. Further, we believe that the previous mass balance test which demonstrated a wet scrubber efficiency greater than 98% allows the Department to issue an operating permit for our Number 3 Slaker based on 17-2.650(2)(c)12 allowing a source to exceed 0.03 gr/dscf if the control device has a collection efficiency of 98% or greater. As indicated in our previous letter to you of November 13, 1989,

Mr. Clair Fancy, P.E.
December 15, 1989
Page 2

although we believe the mass balance testing justified an emission limit equal to that in the construction permit (3.2 lbs/hour), we would be willing to accept an emission limit for the Number 3 Lime Slaker of 1.0 lb/hour.

Please let us know if you have any questions.

Sincerely,



J. P. Subramani

JPS:slw

cc: Larry A. Stanley
Curt Barton
Mike Riddle
Tom Tomasello

EVALUATION OF MASS BALANCE APPROACH
TO DETERMINE SCRUBBER EFFICIENCY

Introduction

In 1988, Seminole Kraft Corporation replaced its existing No. 3 lime slaker with a new unit with an attached wet scrubber. The scrubber is a Goslin 36" positive draft unit which is constructed as an integral part of the lime slaker. There are approximately 30 or 40 scrubbers of this type typically used in the pulp and paper industry. The configuration of the lime slaker and the scrubber directly mounted on it does not allow for testing of the scrubber inlet using EPA Reference Method 5. Therefore, an alternate sampling procedure is needed to demonstrate the efficiency of the wet scrubber. On August 16, 1989, Seminole Kraft Corporation conducted tests utilizing the mass balance methodology to determine the scrubber inlet loading. A report summarizing the results of this alternate sampling procedure was submitted to DER on August 30, 1989.

Description of the Scrubber Operation

The lime slaking process is an exothermic reaction. Temperature in the slaking bowl is usually between 215°F and 220°F. The slaking process is a continuous operation and the steam evolved is at the equilibrium conditions encountered in the slaking bowl. The scrubber which is mounted on to the slaking bowl with a 35" flange is in close proximity to the rising steam. As steam enters the scrubber, the water sprays condense the steam thus creating the necessary draft to pull additional steam into the scrubber from the

slaking compartment. After the first series of sprays, the flow of gas enters at a right angle into a second scrubber compartment where another set of sprays cool the gas stream which reduces the temperature further and creates the necessary draft for the exhaust gases to exit approximately at a velocity of 10 feet per second or greater. The scrubber water drains to the mill sewer system.

On December 1, 1989, I made an on-site inspection of the scrubber in question and closely observed its operation along with the slaking process which was under normal operating conditions. There were no fugitive emissions from the slaking compartment or from the scrubber. (If there were, it would be readily seen by the naked eye because of the escaping steam plume). It was obvious that the mass balance methodology would yield valid results on a scrubber system such as the one used in the lime slaker at Seminole Kraft Corporation.

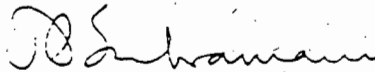
Scrubber Inlet Loading Determination

The water flow to the slaker was measured using a portable doppler flow meter. A 500 ml sample of the scrubber inlet water was collected at the beginning of the test and another sample collected at the end of the test. Eight samples, each 500 ml, of the scrubber outlet (drain) were collected at one hour intervals during the test cycle. A subsample of 75 ml was transferred from each sample into a beaker, evaporated to dryness and the mass loadings were averaged for inlet and outlet of the scrubber. The difference between these averages produced the net mass loading of particulates carried to the mill sewer.

A stack test using EPA Reference Method 5 was conducted to determine the stack particulate emission, and the scrubber efficiency was determined using the balance analysis.

Conclusion

The mass balance methodology utilized by Seminole Kraft Corporation to determine the scrubber inlet loading produced valid results. The calculations employed to determine the particulate loading of the scrubber yielded a conservative estimate. These calculations did not account for the condensed steam in the scrubber which is also discharged to the drain. Accounting for the condensed steam would produce a higher mass loading of the scrubber drain (see attached calculations).



Dec. 15, 1989

J. P. Subramani, Ph.D., P.E.
Environmental Consultant
Oertel, Hoffman, Fernandez & Cole, P.A.
2700 Blair Stone Road, Suite C
Tallahassee, Florida 32301

Florida Registration No. 12777

JPS:gg

Attachment

Average flow to scrubber = 110 gal/min
 = 918 lbs/min
 Scrubber inlet temperature = 90°F (assumed)
 Scrubber outlet temperature = 195°F
 Slaker bowl temperature = 220°F
 Enthalpy of saturated water @ 220°F = 188.23 BTU/lb
 Amount of steam condensed = X lbs/min

Net heat gain by scrubber water = (918) (195-90) = 96,390 BTU/min

Amount of steam condensed = $\frac{96,390}{188.23}$ lbs/min

= 512 lbs/min
 = 61 gals/min*

Scrubber outlet flow = 110 + 61 or
 = 171 gals/min

Average scrubber drain mass loading = 0.1537 gms/75 ml
 (Freshwater to Scrubber) = $\frac{(0.1537) (171) (3.785) (1000)}{(75) (453.6)}$ = 2.924 $\frac{\text{lbs}}{\text{min}}$
 = 175.44 lbs/hour

Average scrubber inlet mass loading = 0.0277 gms/75 ml
 = $\frac{(0.0277) (110) (3.785) (1000)}{(75) (453.6)}$ = 0.339 $\frac{\text{lbs}}{\text{min}}$
 = 20.34 lbs/hour

Net mass loading to the drain = 155.10 lbs/hour

Emission = $\frac{\text{stack emission}}{\text{stack emission} + \text{drain loss}}$

= $\frac{0.31}{0.31 + 155.10}$

Scrubber Efficiency = 0.2 percent
 = 99.8 percent

*Weight of water vapor emitted through the stack was estimated at less than 1 gal/min



GOSLIN-BIRMINGHAM

A Division of Green Bay Packaging, Inc.

3401 8th Avenue North
Birmingham, Alabama 35222

November 21, 1989

Seminole Kraft
Post Office Box 26998
Jacksonville, FL 32218

Please reply to
Post Office Box 398
Birmingham, Alabama 35201

Telephone 205/324-7511
Telex 59-625

ATTENTION: Mr. Mike Riddle

REFERENCE: Goslin Slaker Scrubber

Gentlemen:

We are writing in response to your questions regarding modification of the Slaker Scrubber arrangement to facilitate testing. You asked about placing a 10' x 36" pipe between the slaker and scrubber.

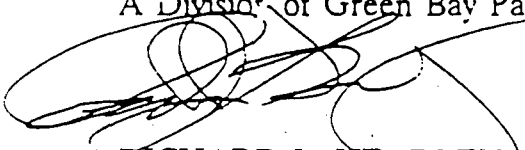
There are approximately 30 or 40 scrubbers of this type in service in similar application. To our knowledge, all are mounted directly on the slaker. We have no data to support the impact of such an installation. The draft created by the scrubber serves only to direct the steam toward the scrubber and is quite small. Any additional restrictions or limitations can only impede the performance. The wet lime particles are sticky and will quickly build up on the walls of the pipe. You cannot wash this with water because it will dilute the contents of the slaker. Washing with green liquor will likely exacerbate the problem.

With the long stack you have installed, you do have some chimney effect. However, most of the draft is created by the condensing of the steam with the cool water showers. The gas flow will be significantly reduced by cutting off the shower flow. Testing the stack with and without shower water is not a valid test of the performance of the scrubber.

I hope we have sufficiently responded to your questions. Please call if you need further information.

Very truly yours,

GOSLIN-BIRMINGHAM
A Division of Green Bay Packaging, Inc.



RICHARD L. HEADLEY
Sales Engineer

RLH:bel

Modifications to No.3 Slaker to Allow EPA RM5 Inlet to Scrubber Emission Testing

Purpose

Florida DER has indicated a desire to determine the particulate removal efficiency of the scrubber on the No.3 Lime Slaker. Unfortunately, when Florida DER approved the installation of the No.3 Lime Slaker and attached wet scrubber, they did not indicate a RM5 test of the inlet to the scrubber would be required and, therefore, did not object to the fact the wet scrubber was directly coupled to the scrubber bowl, hence precluding testing the scrubber inlet using EPA RM5. This document outlines the modifications which would be required to allow testing the scrubber inlet using EPA RM5.

Scope and Cost Estimates

The proposed modifications and associated costs are shown on Attachment A. A drawing showing the proposed modifications is also attached. As can be noted, the scope includes demolition of some existing materials, reinstallation of the scrubber, associated piping, structural supports, electrical equipment and because the scrubber will no longer draft naturally, a new induced draft fan.

Modification Assumptions

1. EPA RM5 for determination of particulate matter emission require duct configurations that allow for proper measurement of gas flow. These required parameters are ≥ 2 duct diameters upstream from sample ports and ≥ 0.5 duct diameters downstream of sample ports free of obstructions to flow.

Inlet duct diameter is 36"

$2 \times 36" = 72"$

$0.5 \times 36" = 90" = 7'6"$

Say 10' for better access

2. The scrubber must be removed from the slaker. A corresponding 10' section of exhaust stack must be removed. A new/modified fresh water supply header must be run. A 10' extension must be added to the scrubber drain line.

3. The scrubber will not support its own weight at the new height, so structural steel must be added to the slaker to support the scrubber and provide safe access to the inlet.
4. The scrubber manufacturer (Goslin-Birmingham) has reservations about proper operation of the scrubber at the remotely mounted position (see attachment B), so we have added on induced draft fan to maintain the draft generated at the close coupled position.
5. The cost estimates are based on a general contractor performing the work on a five day scheduled outage of the slaker at the standard labor charge rates. Reduction in the downtime of the slaker would increase labor costs.
6. If this work had to be performed outside a scheduled outage, an additional cost for lost production would have to be added.

Reservations

These modifications to the Goslin-Birmingham posidraft scrubber would allow an attempt to run EPA RM5 on the inlet to the scrubber. However, we would like to reiterate the reservations on the likely success of the testing we expressed in our November 13, 1989 letter to you. We still feel that conditions in the inlet duct of the scrubber (stack temperature > 200°F and saturated with moisture > 80%) would preclude the successful testing of the particulate emissions by EPA RM5. Accordingly, we still feel a mass balance approach is the only way to analyze the scrubbers inlet loading and efficiency.

Summary

The modifications to the No.3 Lime Slaker required to allow using EPA RM5 to measure the wet scrubber inlet particulate loading are substantial. The scrubber must be relocated to a point 10' above the slaker, new ductwork and plumbing must be installed and an induced draft fan must be purchased and installed to insure proper draft through the wet scrubber. The total installed cost for the project is estimated to be \$35,500.

Modifications to Slaker/Scrubber

12/04/89

	Labor	Material	Equipment	Total
I. Demolition				
A. Piping	\$3,000			\$3,000
1. Cut and Remove 10' of 12" exhaust stack				
2. Remove 10" drain line at Scrubber				
B. Scrubber	\$1,000			\$1,000
1. Remove				
II. Installation				
A. Piping	\$6,000	\$5,000		\$11,000
1. Raise and weld 12" exhaust stack from Scrubber				
2. Fabricate and install 10' of 36" stainless steel line from Scrubber to Slaker				
3. Fabricate and install 10' of 10" drain line from Scrubber				
4. Fabricate and install new water header				
B. 15" Fan (Industrial Air Inc.)	\$2,000	\$500	\$3,500	\$6,000
1. Duct miser				
a. Model No. 041f015NQ				
C. Scrubber	\$2,000	\$1,500		\$3,500
1. Structural supports and ladders	\$3,000	\$3,000		\$6,000
III. Electrical	\$3,000	\$2,000		\$5,000
	<hr/>			
Total	\$20,000	\$12,000	\$3,500	\$35,500

-256-



GOSLIN-BIRMINGHAM

A Division of Green Bay Packaging, Inc.

November 21, 1989

Seminole Kraft
Post Office Box 26998
Jacksonville, FL 32218

3401 6th Avenue North
Birmingham, Alabama 35202

Please reply to
Post Office Box 398
Birmingham, Alabama 35201

Telephone 205/224-7511
Telex 59-825

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I hope we have sufficiently responded to your questions. Please call if you need further information.

Very truly yours,

GOSLIN-BIRMINGHAM
A Division of Green Bay Packaging, Inc.

RICHARD L. HEADLEY
Sales Engineer

RLH:bel

Exhibit 4



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

March 7, 1990

Mr. Steve Pace
Duval County Department of Health,
Welfare & Bio-Environmental Services
421 W. Church Street, Suite 412
Jacksonville, Florida 32202

Dear Mr. Pace

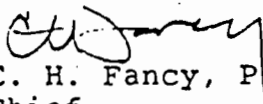
Re: Variance Request for Seminole Kraft Corporation
No. 3 Lime Slaker

The enclosed information is being forwarded to you for completeness review.

The stipulation points out that the variance should request relief from Rule 17-2.650(2)(c)12, F.A.C. The variance application received actually deals with Rule 17-2.700, Table 700-1, F.A.C. The Department intends to treat the variance application pursuant to stipulation No. 3 of the "Stipulation of Settlement" as a request seeking relief from the grain loading limitation in the rule ($0.03 \text{ gr/dscf} = 0.07 \text{ lb/hr}$ vs. 1.0 lb/hr).

If you have any questions and/or comments, please call Bruce Mitchell at (904)488-1344 or write to me at the above address. All comments, written or oral, should be received by March 21, 1990.

Sincerely,


C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CHF/BM/t



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

March 7, 1990

Mr. R. H. Collom, Jr.
Chief, Air Protection Branch
Environmental Protection Division
Georgia Department of Natural Resources
270 Washington Street, SW
Atlanta, Georgia 30334

Dear Mr. Collom:

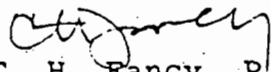
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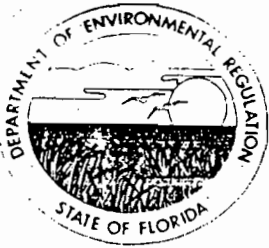
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Florida Department of Environmental Regulation

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

Bob Martinez, Governor

Dale Twachtman, Secretary

John Shearer, Assistant Secretary

March 7, 1990

Mr. Wayne Aronson, Chief
Air Programs
U.S. EPA, Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30365

Dear Mr. Aronson:


Re: Variance Request for Seminole Kraft Corporation
No. 3 Lime Slaker

The enclosed information is being forwarded to you for completeness review.

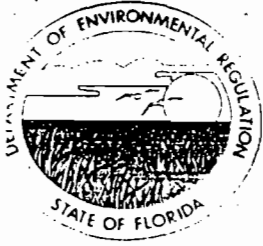
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C. H. Fancy, P.E.
Chief
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CHF/BM/t



Florida Department of Environmental Regulation

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

Bob Martinez, Governor

Dale Twachtman, Secretary

John Shearer, Assistant Secretary

March 7, 1990

Mrs. Chris Shaver
Chief, Permit Review and Technical
Support Branch
National Park Service
Air Quality Division
P. O. Box 25287
Denver, Colorado 80255

Dear Mrs. Shaver:

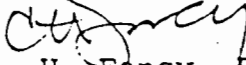
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Sincerely,


C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CHF/BM/t



Florida Department of Environmental Regulation

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

Bob Martinez, Governor

Dale Twachtman, Secretary

John Shearer, Assistant Secretary

March 7, 1990

Mr. Andy Kutyna
Northeast District
3426 Bills Road
Jacksonville, Florida 32207

Dear Mr. Kutyna:

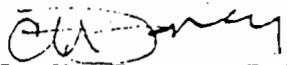
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Sincerely,


C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CHF/BM/t

Exhibit 5

DEPARTMENT OF HEALTH, WELFARE
& BIO-ENVIRONMENTAL SERVICES
Bio-Environmental Services



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March 16, 1990

Mr. Clair Fancy, P.E., Chief
Bureau of Air Regulations
Florida Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400

**RE: SEMINOLE KRAFT CORPORATION
VARIANCE REQUEST -
NUMBER 3 LIME SLAKER**

Dear Mr. Fancy:

Bio-Environmental Services Division (BESD) appreciates being forwarded the technical package relating to Seminole Kraft Corporation, Stipulation of Settlement, and associated documentation related to the variance petition. BESD strongly opposes the action of a variance for the subject source, as the applicant has failed to meet the legal requirements and provide technical support to justify such action.

The following describes BESD's specific objections or questions relating to the staff opposition to this variance.

- I. Seminole Kraft Corporation has failed to demonstrate that a hardship exists, as required under Section 403.201 (c), Florida Statutes (FS). The applicant states that the cost of modification will approach \$35,000, and provides no further data to support that a \$35,000 cost would be a hardship on this corporation. Even with the statement that the source will be shut down by November 12, 1992, there is no fiscal data supplied to suggest a hardship exists.

The applicant installed a new lime slaker, i.e., number three, at what cost, and it now only has a life span of thirty-two months. What is the ratio of these expenses and compared to the overall profits of the corporation can a hardship be established? Unless further data is forthcoming, the requirements of the FS do not appear to be fulfilled.

Please note that the applicant's attorney statement that the expense of doing a proper test (i.e., incurring the \$35,000 expense) is "unnecessary", is not reflected in the criteria for a variance as outlined in the FS.



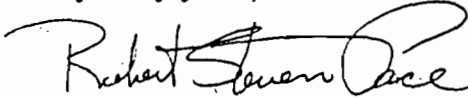
- II. The applicant is obviously seeking a variance for a period of time (August 1990 to November 1992) that exceeds the limits allowed by the FS. Section 403.201 (1)(c), FS, allows a variance for only twenty-four months. The ongoing actions by the applicant in fact give the applicant a variance from this point in time, which truly exceeds the twenty-four months allowed by the FS. Some form of penalty should be extracted for this period of time, possibly via a Consent Order.
- III. The applicant's use of a "mass balance" to demonstrate compliance seems to raise more questions than it answers. Specifically -
- a. The calculations use the enthalpy for a saturated liquid of 188 BTU/lb, when it would appear that the enthalpy for a saturated vapor (1153 BTU/lb) would be more appropriate. As the author of the calculations noted, and the stack test of August 16, 1989 noted this is a saturated gas stream. Hence, by definition it would appear that the enthalpy for a saturated vapor should have been used. BESD requests the Department to review this aspect of the calculation.
 - b. The "mass balance" calculations notes that only a sub-sample of 75 ml was analyzed, rather than the entire 500 ml sample. Why? Also were the samples allowed to sit, resulting in settling. Hence, was the 75 ml sub-sample truly representative? Who did the analysis? Did they have a QA/QC program? Was the balance used to do the work certified? We do not even know if the water samples were collected on the same day as the stack test from the data supplied by Seminole Kraft Corporation.
 - c. The applicant used a doppler meter to measure the in-flow of water, and we have no idea as to the accuracy of this measurement. Why didn't the applicant measure the discharge flow at the same time? What was the duration of the measurement and was the number used in the calculations an average number?
 - d. In the example calculations provided with the variance petition, it is noted that part of the formula uses a factor of "3.875 lb/gallon" which probably should be "3.785 liters/gallon". Likewise, abbreviations for units aren't consistent throughout the formula.
 - e. The applicant attempts to use this "mass balance" to preclude a stack test (inlet and outlet), as the applicant cannot meet the distance requirements for obstructions to the gas stream. Has the applicant or DER considered increasing the number of test points on the inlet side, which is allowed by the reference method.

Obviously BESD has major concerns relative to this variance request. Hence, until the applicant, or DER, can provide explanation to the above questions, BESD cannot approve of this action.

Mr. Clair Fancy
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Please advise if you have any questions regarding the above comments.

Very truly yours,



Robert S. Pace, P.E.
Assistant Division Chief

RSP/ns

cc: Mr. Dan Richardson, OGC
Mr. Jerry Woosley, BESD
Mr. Ron Roberson, BESD
Mr. Andy Kutyna, P.E., DER, Jax

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B. Mitchell
CHF/JKP/ET