



Department of Environmental Protection

Lawton Chiles
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Virginia B. Wetherell
Secretary

December 7, 1994

Mr. John Bunyak, Chief
Policy, Planning and Permit Review Branch
National Park Service-Air Quality Division
P. O. Box 25287
Denver, CO 80225

Dear Mr. Bunyak:

RE: D-Graphics Division
JSC/CCA, Press #4
Duval County, PSD-FL-218

As stated in the enclosed letter, D-Graphics has withdrawn the above referenced permit application and submitted a new one for a 95 ton per year source. If you have any questions, please contact Charles Logan or at (904)488-1344 or write to me at the above address.

Sincerely,

Patricia G. Adams

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

CHF/pa

Enclosures

cc: Charles Logan



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Secretary

December 7, 1994

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

RE: D-Graphics Division
JSC/CCA, Press No. 4
Duval County, PSD-FL-218

Dear Mr. Collom:

As stated in the enclosed letter, D-Graphics has withdrawn the above referenced permit application and submitted a new one for a 95 ton per year source. If you have any questions, please contact Charles Logan or at (904)488-1344 or write to me at the above address.

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December 7, 1994

Ms. Jewell A. Harper, Chief
Air Enforcement Branch
U.S. EPA, Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30308

Dear Ms. Harper:

RE: D-Graphics Division
JSC/CCA, Press No. 4
Duval County, PSD-FL-218

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Patricia G. Adams

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

CHF/pa

Enclosures

cc: Charles Logan



**JEFFERSON SMURFIT CORPORATION
D-GRAPHICS DIVISION**

3389 POWERS AVENUE
JACKSONVILLE, FL 32207
TELEPHONE: 904/733-4020
FAX: 904/733-4381

November 3, 1994

Mr. Clair Fancy, P.E.
Chief, Bureau of Air Regulations
Division of Air Resources Management
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RE: Withdrawal of Permit Amendments Dated August 9, 1994

Dear Mr. Fancy:

Please be advised that the company withdraws its present application for modification and requests the Department to retain the \$ 7500.00 application fee and apply that fee to a new application. Our intent is to make the new application no later than December 1, 1994.

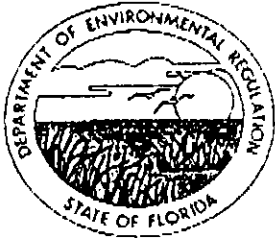
Thank you in advance for your attention to this critical issue. If you have any questions or need further information, please don't hesitate to contact me at 904-733-4020.

Sincerely,

Douglas Turner
Plant Manager

cc: Mr. Chris Kirts, P.E., FDEP, Northeast District
Mr. Steve Pace, P.E., RESD
Mr. James L. Manning, P.E.
Mr. Terry L. Cole, Attorney at Law





Florida Department of Environmental Regulation

Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577

Lawton Chiles, Governor

Carol M. Browner, Secretary

FAX COVER LETTER

TO: Howard Rhodes

FROM: Judy Tatum

FAX NUMBER: 8-904-922-6979

SENDER'S
PHONE NO: 448-4310

NUMBER OF PAGES: 3 PLUS COVER LETTER

SUBJECT: D-graphics Penalty Rationale.



PENALTY COMPUTATION RATIONALEViolation #1 - Circumvention of a pollution control device

Matrix amount- The basic matrix amount of \$8000 was selected on the guidelines from the Florida Air Enforcement Penalty Guidance manual, effective 10/26/92. As a major source with regard to potential for harm, and a major extent of deviation from the requirement, the matrix has a penalty range of \$8000 to \$10,000. Since Jefferson Smurfit voluntarily reported this violation to the Department after they themselves discovered it, we feel that this was an overwhelming gesture of good faith, and should outweigh the lack of good faith evidenced by the deliberate and willful removal of the partitions except during tests and inspections. Therefore, we selected the minimum \$8000 amount of the matrix for the basis of our calculations.

Multiple-day penalties- Referencing the October 27, 1994 report of Terry Cole for JS to Ernie Frey and Alton Yates, on page 3 he states, "From an unknown date, probably as long ago as 1990 and perhaps considerably before then, until September 22, 1994, the plastic strip curtains for Press 5 were hung only during annual emissions compliance tests and during occasions such as scheduled inspections by the City RESD or Florida DEP." Based on their own estimate, we used the total number of hours they reported running Press #5 on page five of the report as follows:

1990 4712.9 hours

1991 4893.8

1992 4968.0

1993 5209.3

1994 3942.0 - (4405.75 reported hours through the middle of October divided by 9.5 months=463.76 hours to be deducted for operating hours after September 22, 1994 when use of the curtains was resumed.)

Total Hours of Operation from 1990-1994 = 23,726 hours
23,726/24 hrs = 988.58 days of operation of Press #5

* We used a lenient 24 hour day for the calculation. If we had used an average actual # of hours per operating day, the number of days of operation for the penalty calculation would probably be considerably higher.

We used a minimum 5% adjustment factor to multiply the number of days by the matrix amount to reach the multi-day penalty amount of \$395,432, prior to adding and subtracting the adjustments.

D-Graphics Page 2
Penalty Computation Rationale

Adjustments

1. We feel that some consideration ought to be given to the lack of good faith prior to discovery. The circumvention was not due to negligence, but was deliberate, willful, and wanton by the employees and manager of D-Graphics. There is no firm guideline for a percentage for this type of adjustment, but we feel that a 10% total of the multiple day penalty is appropriate, since this action was never known or condoned by JS. This results in an additional penalty of \$39,543.20 added to the total.
2. If we take into account the lack of good faith prior to their discovery of the violation, we must also lend considerable weight to the act of good faith after discovery. After discovery of the violation, JS could have chosen to correct the problem internally. Since no one from any regulatory agency had even seen the violation, the chances were excellent that there would be no repercussions. Instead they chose to launch a full scale investigation and report the results to us. In doing so, we feel that JS was acting in good faith and that we should allow a 20% reduction of the multiple day penalties for this honesty. This resulted in an reduction of \$79,086.40 from the multiple day total.
3. We do not feel that there is a significant history of violation from JS to warrant an adjustment in either direction for the category of "History of Non-Compliance". We also do not feel that adjustments for either economic benefit or ability to pay should be considered.

Violation #2 - Exceed operating hours in the permit

Matrix Amount - D-Graphics has been exceeding their permitted operating hours for the last five years, but RESD admits that there may have been a verbal understanding that allowed this. Since no enforcement has been initiated in the past five years over their reported exceedances, we do not feel that we should enforce this violation for more than what we have so far for the year 1994. This is a minor extent of deviation from a major source, and the good faith matrix amount is \$4600. We would normally charge the standard matrix amount of \$5300, but we feel that the verbal understanding warrants the lower number.

D-Graphics Page 3
Penalty Computation Rationale

Summary

To our knowledge, there has been no tangible environmental damage and no history of an excessive number of complaints with regard to the violations of D-Graphics. We feel that the penalty must be primarily influenced by the fact that it is extremely unlikely that we would have discovered this violation if JS had not volunteered the information.

This penalty is consistent with other penalties we have calculated for similar violations. We also have no objection to giving JS a partial monetary credit towards the construction of a 100% capture enclosure, vs. the 80% capture enclosure they are presently required to maintain by their permit.

JLT:MB:CK



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Tallahassee, Florida 32399-2400

Virginia B. Wetherell
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August 31, 1994

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Doug Turner
Plant Manager
D-Graphics
3389 Powers Avenue
Jacksonville, Florida 32207

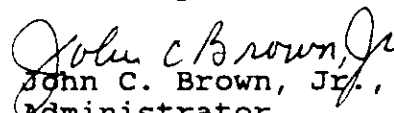
RE: Request for Permit Modification
AC 16-256153 (PSD-FL-218)
D-Graphics, Jacksonville, Florida

Dear Mr. Turner:

Your application, dated August 9, 1994, has been reviewed by the Department. From the information and data provided in your application, your request is subject to the new source review requirements for a modification of a major facility in a nonattainment area. [Rule 62-212.500(2)(d), Florida Administrative Code (F.A.C.)] Since the requested modification would result in a significant net emissions increase of an affected pollutant, volatile organic compounds (VOC), pursuant to Rule 62-212.500(2)(d)4.a and Rule 62-212.500(2)(e)1. and 2., F.A.C., then the requested modification is subject to the provisions of Rule 62-212.500(4), F.A.C. Pursuant to Rule 62-212.500(4)(c), F.A.C., the applicant must provide sufficient creditable emissions offsets in accordance with Rule 62-212.500(5), F.A.C., before the Department can continue review of your modification.

If you have any questions you may contact Bruce Mitchell at (904) 488-1344 or write to me at the above address.

Sincerely,


John C. Brown, Jr., P.E.
Administrator
Air Permitting and Standards

JCB/CSL

cc: J. Cole, NED
R. Roberson, AQD RESD
J. Manning, Consultant

J. Harper, U.S. EPA
J. Bunyak, NPS

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Is your RETURN ADDRESS completed on the reverse side?

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.
3. Article Addressed to: Mr. Doug Turner Plant Manager D-Graphics 3389 Powers Avenue Jacksonville, Florida 32207	4a. Article Number P 872 562 706	
5. Signature (Addressee)		4b. Service Type <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise
6. Signature (Agent) <i>M J Clark</i>		7. Date of Delivery <i>9-7-94</i>
8. Addressee's Address (Only if requested and fee is paid)		8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

PS Form 3871, December 1991 *U.S. GPO: 1992-323-402 **DOMESTIC RETURN RECEIPT**

P 872 562 706



Receipt for Certified Mail
 No Insurance Coverage Provided
 Do not use for International Mail
 (See Reverse)

PS Form 3800, JUNE 1991

Sent to Mr. Doug Turner	
Street and No. 3389 Powers Avenue	
P.O., State and ZIP Code Jacksonville, FL 32207	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date Mailed: 9/1/94 AC 16-256153 (PSD-FL-218)	



Department of Environmental Protection

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2600 Blair Stone Road
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August 19, 1994

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

RE: D-Graphics Division
JSC/CCA, Boiler No. 4
Duval County, PSD-FL-218

Dear Mr. Collom:

The Department has received the above referenced PSD application package. Please review this package and forward your comments to the Department's Bureau of Air Regulation by September 6, 1994. The Bureau's FAX number is (904)922-6979.

If you have any questions, please contact Charles Logan or Cleve Holladay at (904)488-1344 or write to me at the above address.

Sincerely,

for Patricia G. Adams
C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

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