

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

IN RE: PETITION FOR EMERGENCY ORDER
D-GRAPHICS, an Affiliate of
Jefferson Smurfit Corporation,
3389 Powers Avenue
Jacksonville, Florida

CASE NO.: 94-3395

**DEPARTMENT OF ENVIRONMENTAL PROTECTION'S
EMERGENCY ORDER**

This matter came before me as Secretary of the Department for Environmental Protection upon consideration of a Petition for Emergency Order filed on October 24, 1994, from D-GRAPHICS, an affiliate of Jefferson Smurfit Corporation ("Petitioner") pursuant to Section 120.59, Florida Statutes. Exhibit 1. The findings of fact sufficient to support the issuance of this Emergency Order are set forth below:

1. Petitioner operates a catalytic incinerator with associated capture and transport system for a package rotogravure printing press designated Press No. 5 at its facility located at 3389 Powers Avenue, Jacksonville, Florida. The facility is authorized to operate the press and associated emission control system under Department permit No. AC 16-089528 issued on February 12, 1985.

2. Pursuant to LAER determination, Specific Condition No. 3 of the permit imposes a specific emission limiting standard for the capture and removal of volatile organic compounds ("VOC"). The overall capture and transport system efficiency of the VOC delivered to the substrate must meet or exceed 80%; and the catalytic incinerator must meet or exceed 95%.

3. Specific Condition No. 2 limits the maximum VOC applied to the substrate to 178.55 lbs. per hour. This calculates to an annual VOC emissions limit of no more than 90.5 tons.

4. Specific Condition No. 1 limits operating hours for Press No. 5 to 4,228 hours per year running time. Petitioner has notified the Department that it has exceeded the

operating hour limit established in Specific Condition No. 1 for Press No. 5. Petitioner states that the press has operated for 4,405.75 hours in calendar year 1994.

5. Petitioner has also reported that the source operated for several years without utilization of the curtains that comprise part of the Press No. 5 VOC capture enclosure. Petitioner further stated that the curtains were in the proper position during stack testing and when visitors from the Department were expected. Petitioner has reported its exceedance of the operating hours limit and other violations and voluntarily shut down the press and the facility.

Upon consideration of the facts and circumstances of the reported violations, it is found as follows:

6. A limited authorization to continue to operate for no more than 30 days, subject to strict permitting limits, will not significantly impact ambient air quality.

7. It is reasonably expected that a limited increase in the hours of operation limit for Press No. 5 can be authorized by modification of the permit with additional conditions or restrictions within 30 days of the issuance of this Order.

8. The facility can utilize additional capture systems to improve the efficiency of the transport and destruction of VOCs such that the increase in the hours of operation for Press 5 will not create an additional impact on the ambient air quality.

9. All additional hours of operation authorized by this Order will be applied to Petitioner's calendar year annual total and applied against any increase in the hours of operation for Press No. 5 authorized by permit modification.

10. The Department has the authority to issue an Emergency Order pursuant to Section 120.59, Florida Statutes, when necessary to assure protection of the public health, safety and welfare. This action is necessary to avoid not only closure of this facility and loss of jobs but inability of a number of facilities around the country dependent of D-Graphics as the sole source of supply to obtain labels for their products and thus to continue operation which is an important element of the public

welfare. This action is also necessary to apply stringent conditions of operation to assure that this facility maintains compliance with its permit and other applicable regulations to assure the public health and safety. Therefore,

It is ORDERED:

11. The Petitioner is hereby authorized to operate Press No. 5 for 30 days pursuant to the conditions of this Order. Petitioner must comply with all conditions of the Emergency Order, the conditions of its permit and all applicable standards. If Petitioner fails to meet all requirements of this Order, any permitted condition or applicable standard, this Order shall be terminated. If each condition of this Order is not fulfilled in a timely manner then the Department will not consider any further extensions of this Order. In no event does this Order authorize exceedance of any federal PSD or nonattainment new source review threshold or violation of any federal requirement. This Order shall take effect immediately and automatically expire within 30 days of the date of this Order, unless otherwise extended by the department prior to expiration. Nothing in this Order constitutes waiver of or resolution of any enforcement matters that may be available to the Department or to any federal or local government agency.

12. An application for an increase in hours of operation for Press No. 5 shall be filled with the Department's Division of Air Resources Management on or before October 25, 1994.

13. A written report of the Company's internal investigation concerning the events leading to the Company's self reporting will be submitted to the Department and to the local government agency no later than Thursday, October 27, 1994.

14. By accepting and agreeing to the entry of this order, with immediate effect, Petitioner voluntarily waives its right to administratively challenge or otherwise appeal such order under Chapter 120, Florida Statutes (1993) or pursuant to Section 120.68, Florida Statutes.

Petitioner recommended in its Petition that the following specific conditions be included in this Emergency Order, accordingly,

It is further ORDERED:

15. Employees shall be instructed, and warnings posted, that all capture and control equipment must remain in place, while the press is running. This must be reemphasized at least once each shift, and a log maintained to document that the instructions were given.

16. Petitioner shall provide its plant manager and press operators at the facility with training to operate the facility in compliance with Department permits and rules. Within ten days from the date of this order, Petitioner shall provide the Department with a plan and schedule for providing such training to its facility managers.

17. An outside environmental consultant acceptable to the agencies will be engaged by the Company to review current practices at the facility by Friday, October 28, 1994. The consultant shall report the results of the review to the Department, City and Company within 10 days of being engaged. The Company will exercise its best efforts to remedy, to the extent practicable, any issues raised by the review within 30 days and will report to the Department and City its progress in addressing issues raised in the review. Any such items will be included in the terms of any Consent Order.

18. Additional VOC capture and control equipment known as "sweeps" will be installed at press and floor level to capture additional VOCs and direct them to the incinerator (any creditable emission reductions or offsets may be reserved). Plans and a time schedule for installation of additional VOC capture and control equipment must be provided to the Department with the Petitioner's application for permit modification and no later than Friday, October 28, 1994.

19. By Friday October 28, 1994, Petitioner shall retain an independent consultant, approved by the Department, to conduct regular daily inspections to insure

that all VOC emission limiting standards or requirements in the permit and this Order are met.

DONE AND ENTERED this 29th day of October, 1994, in Tallahassee, Leon County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Virginia B. Wetherell

VIRGINIA B. WETHERELL, Secretary
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Department of Environmental Protection's Emergency Order has been furnished by hand delivery to Terry Cole; Oertel, Hoffman, Fernandez & Cole, P.A.; 2700 Blair Stone Road, Tallahassee, Florida 32301, this 24th day of October, 1994. I hereby certify that a true and correct copy of the foregoing has been provided by U.S. Mail to the following individuals this 25th day of October, 1994.

-----Greg Radlinski
Assistant General Counsel
1300 City Hall
220 East Bay Street
Jacksonville, FL 32202

Dana Brown
Enforcement BESD
City of Jacksonville
421 West Church Street
Suite 412
Jacksonville, FL 32202

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION


JEFFERSON M. BRASWELL
Asst. General Counsel

2600 Blair Stone Road
Tallahassee, FL 32399-2400
904 488-9730

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN RE: D-Graphics, an Division of OGC CASE NO.
Jefferson Smurfit Corporation,
Petitioner.

PETITION FOR EMERGENCY FINAL ENFORCEMENT ORDER

D-Graphics, an Division of Jefferson Smurfit Corporation (Petitioner), petitions the Department of Environmental Protection for an Emergency Final Enforcement Order to allow operation of Press No. 5 for 30 days. The grounds for the Petition are set out below:

1. Petitioner operates a catalytic incinerator with associated capture and transport system for a package rotogravure printing press designated Press No. 5 at its facility located at 3389 Powers Avenue, Jacksonville, Florida. The facility is authorized to operate the press and associated emission control system under Department Permit No. AC16-089528 issued on February 12, 1985.

2. Pursuant to a LAER determination Specific Condition No. 3 of the permit imposes a specific emission limiting standard for the capture and removal of volatile organic compounds ("VOC"). The overall capture and transport system efficiency of the VOC delivered to the substrate must meet or exceed 80%; and the efficiency of the destruction of VOC delivered to the inlet of the catalytic incinerator must meet or exceed 95%. Specific Condition No. 2 limits the maximum VOC applied to the substrate to 178.55 lbs

per hour. This calculates to an annual VOC emissions limit of no more than 90.5 tons.

3. Specific Condition No. 1 limits operating hours for Press No. 5 to 4,228 hours per year running time. Petitioner has voluntarily notified the Department that it may have exceeded the operating hour limit established in Specific Condition No. 1 for Press No. 5.

4. Press No. 5 was voluntarily shut down, thus stopping active-operation of the facility, on October 18, 1994. The press has operated for 4,405.75 hours in calendar year 1994. Two other presses, No. 2 and No. 4 have been permitted by the Department to operate at 8,760 and 6,566 hours respectively. Press No. 2 has been removed from the facility and has not operated in 1994. Press No. 4 has not operated during 1994. Thus, the facility as a whole is far under the hours of operation authorized by individual permits.

5. Petitioner has voluntarily reported its exceedance of the operating hours limit and possible other permit violations, i.e., operating the presses without a portion of the VOC capture and collection system in place, although utilizing them during testing and other occasions.

The Department may issue such an Emergency Order based upon the following facts and circumstances:

6. A limited authorization to continue to operate for no more than 30 days, subject to strict permitting limits, will not significantly impact ambient air quality.

7. It is reasonably expected that a requested increase in the hours of operation limit for Press No. 5 may be issued by modification of the permit with additional conditions or restrictions within 30 days. An application for such an increase in hours will be filed on October 25, 1994.

8. This action is necessary to avoid not only closure of this facility and loss of jobs but inability of a number of facilities around the country dependent on D-Graphics as the sole source of supply to obtain labels for their products and thus to continue operation.

9. The Department has the authority to issue an Emergency Order pursuant to Section 120.59, F.S., when necessary to assure protection of the public health, safety and welfare. Maintaining jobs at the facility, as well as at a number of facilities across the country, which are dependent on this facility as a sole-source supplier of labels or products which are essential to transportation, is an important element of the public welfare.

10. The following additional conditions are suggested as being appropriate to assure immediate and continued compliance:

A. Employees shall be instructed, and warnings posted, that all capture and control equipment must remain in place, while the press is running. This must be reemphasized at least once each shift, and a log maintained to document that the instructions were given.

B. Petitioner shall provide its plant manager and press operators at the facility with training to operate the facility in

compliance with Department permits and rules. Within ten days from the date of this order, Petitioner shall provide the Department with a plan and schedule for providing such training.

C. Additional VOC capture and control equipment known as "sweeps" will be installed at press and floor level to capture additional VOCs and direct them to the incinerator (any creditable emission reductions or offsets may be reserved).

D. Within ten days from the date of this order, Petitioner shall retain an independent consultant, approved by the Department, to conduct regular inspections as requested by the Department to insure that all VOC emission limiting standards or requirements in the permit are met.

E. An outside environmental consultant acceptable to the agencies will be engaged by the Company to review current practices at the facility. The consultant shall report the results of the review to the Department, City and Company. The Company will exercise its best efforts to remedy, to the extent practicable, any issues raised by the review within 30 days and will report to the Department and City its progress in addressing issues raised in the review. Any such items will be included in the terms of any Consent Order.

F. A written report of the Company's internal investigation concerning the events leading to the Company's self reporting will be submitted to the Agency no later than Friday, October 28, 1994.

REQUEST FOR RELIEF

Based upon the above and the additional steps suggested by Petitioner, an Emergency Order is requested allowing an increase in the hours of operation so as to allow operation of Press No. 5 for 30 days from the effective date of the Order.

I HEREBY CERTIFY that the original and one copy of the foregoing have been furnished by hand delivery to Kathy Carter, Agency Clerk, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400, and copies to Jefferson Braswell, Esq., Senior Attorney, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400, ^{and by U.S. Mail of af to} Dana Brown, Enforcement, RESD, City of Jacksonville, 421 West Church Street, Suite 412, Jacksonville, Florida, 32202, and Greg Radlinski, Assistant General Counsel, 1300 City Hall, 220 East Bay Street, Jacksonville, Florida, 32202, this 24 day of October, 1994.

Respectfully submitted,

Terry Cole
TERRY COLE
Florida Bar Number: 133550
OERTEL, HOFFMAN, FERNANDEZ &
COLE, P.A.
2700 Blair Stone Road
Tallahassee, Florida 32301
904/877-0099

Attorneys for Petitioner