

12/20/90

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

IN THE MATTER OF)
)
ITT Rayonier Inc.,)
)
Permittee.)
_____)

ORDER MODIFYING PERMIT CONDITIONS

TO: Mr. Stephen D. Olsen
General Manager
ITT Rayonier Inc.
Fernandina Division
Post Office Box 2002
Fernandina Beach, FL 32034-2002

Certified Mail Number: P 274 006 865

Pursuant to the authority in Section 403.061, Florida Statutes (F.S.), and Rule 17-4.080, Florida Administrative Code (F.A.C.), the State of Florida Department of Environmental Regulation ("Department") serves this Order Modifying Permit Conditions on ITT Rayonier Inc. ("Permittee").

FINDINGS OF FACT

1. The Department is the administrative agency of the State of Florida which has the authority to administer and enforce the provisions of Chapter 403, F.S., and rules promulgated thereunder in Title 17, F.A.C.

2. Permittee is a Delaware corporation that is authorized to transact business in the State of Florida.

3. Permittee owns and operates a pulp mill (facility) located in Fernandina Beach, Florida.

4. Modeling results from approved EPA atmosphere dispersion models indicate that emissions of sulfur dioxide from the Permittee's facility cause or contribute to violations of the state ambient air quality standards for sulfur dioxide if the facility is operated at some currently permitted levels.

MODIFICATIONS OF PERMIT CONDITIONS

5. Permit Numbers A045-183504 (No. 1 Power Boiler), A045-183506 (No. 2 Power Boiler) and A045-183507 (No. 3 Power Boiler) are hereby modified, under the authority of Rule 17-4.080, Modification of Permit Conditions, to include the following additional conditions:

a. The two stacks associated with the Number 1, 2, and 3 Power Boilers shall be raised to a height of 50 meters by February 1, 1992, or

b. As an alternative, Permittee shall implement a study within 30 days of receipt of this order that evaluates other methods that will reduce modeled sulfur dioxide levels so that the emissions of sulfur dioxide from its facility do not cause or contribute to violations of state ambient air quality standards. Permittee shall submit this

study with proposed alternative corrective action within 90 days of receipt of this order. Any proposed corrective action approved by the Department in lieu of 5.a. above shall be completed by February 1, 1992.

NOTICE OF RIGHTS

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

7. 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 located; (b) A statement of how and when each petitioner received notice of the Department's action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action; (d) A statement of the material facts disputed by the petitioner, if any; (e) A statement of facts which the petitioner contends warrant reversal or modification of the Department's action; (f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department's action; and (g) A statement of the relief sought, stating precisely the action the petitioner wants the Department to take with respect to the Department's action.

8. If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to

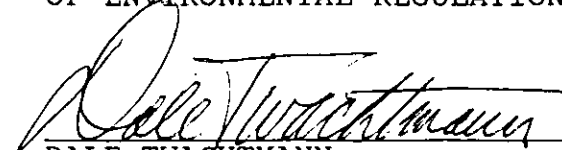
request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

9. This permit modification is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 17-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time this permit modification will not be effective until further Order of the Department.

10. When the Order (permit modification) is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, F.S., by 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 at the above address; 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 the Final Order is filed with the Clerk of the Department.

Executed in Tallahassee, Florida, this 20 day of
December, 1990.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


DALE TWACHTMANN
Secretary

CERTIFICATE OF SERVICE

This is to certify that this ORDER MODIFYING PERMIT
CONDITIONS was mailed by certified mail before the close of
business on December _____, 1990.