

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

In the Matter of  
Application for Permits by:

Mr. Wayne Barlow  
V.P. and General Manager  
Container Corporation of America  
North 8th Street  
P.O. Box 2000  
Fernandina Beach, Florida 32034

DER File Nos. AC 45-181406  
AC 45-181407

NOTICE OF PERMIT DENIALS

The applicant, Container Corporation of America, North 8th Street, Fernandina Beach, Florida, applied on May 31, 1990, to the Department of Environmental Regulation for permits to construct a new batch digester system (No. 8) and a new brown stock washer system (C-Line) at their existing facility in Nassau County, Florida.

The Department has permitting jurisdiction under Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 17-2 and 17-4. The Department has determined that air construction permits are required for the proposed work.

The Department hereby denies the permits for the following reasons:

1. With the new information submitted late in the permitting process, reasonable assurance has not been provided by the applicant regarding emissions changes (i.e., actuals vs potentials, etc.) and that the State's ambient air quality standards will not be violated.
2. Ambient modeling has predicted violations of the State's 24-hr SO<sub>2</sub> standard (260 ug/m<sup>3</sup>).
3. The modeling also predicts a downwash problem with regard to the mill's No. 5 Power Boiler (apparently correctable).
4. Monitoring site (1200-005-F02), located at the WWTP on 5th Street north of Lime Avenue in Fernandina Beach, has had three 3-hr and two 24-hr SO<sub>2</sub> exceedances of the State's standards within the last 6 months.
5. At a minimum, the following rules support the denial of the above referenced permit applications in this particular situation: F.A.C. Rules 17-2.200, 17-2.300(2), 17-2.500(1), 17-2.520(3), 17-4.030, and 17-4.070.

A person whose substantial interests are affected by the Department's permit denials may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. 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 and the parties listed below must be filed within 14 days of receipt of this notice. 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.

The Petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by Petitioner, if any;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the applications 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 receipt of this notice in the Office in General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

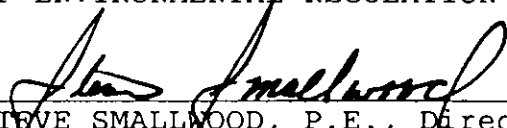
This notice constitutes final agency action unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 17-103.070, F.A.C. Upon timely filing of a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

Any party to this Notice of Permit Denials has the right to seek judicial review 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 with the appropriate District Court of Appeal. Notice of Appeal must be filed within 30 days from the date the Notice of Permit Denials is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

Issued this 13<sup>th</sup> day  
of November, 1990

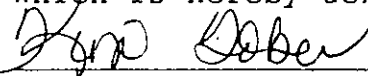
STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL REGULATION

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

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this Notice of Permit Denials and all copies were mailed before the close of business on 11-14-90 to the listed persons.

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

  
Clerk 11-14-90  
Date

Copies furnished to:

- A. Kutyna, NE District
- G. Smallridge, OGC
- D. Buff, P.E., KBN
- B. Williams, JSC
- T. Cole, OHF&C

DEPARTMENT OF ENVIRONMENTAL REGULATION

<b>ROUTING AND TRANSMITTAL SLIP</b>		ACTION NO
		ACTION DUE DATE
1. TO: (NAME, OFFICE, LOCATION)	11-14-90 4:19 fca	Initial
BARRY		Date
2.		Initial
		Date
3.	Initial	
	Date	
4.	Initial	
	Date	

REMARKS:

STEVE CALLED WALT.  
 HE WANTS YOU TO ① SEND  
 A COPY OF THE CCA  
 DENIAL TO FRANK WALPER,

② CALL ANDY KUPNA AND  
 TELL HIM TO TELL ERNE

③ CALL STEVE FACE AND  
 LET HIM KNOW,

④ David Schwartz  
 gave him a copy of 4154  
 discussed w him: 4140-4154

INFORMATION	
<input type="checkbox"/>	Review & Return
<input type="checkbox"/>	Review & File
<input type="checkbox"/>	Initial & Forward
<input type="checkbox"/>	
DISPOSITION	
<input type="checkbox"/>	Review & Respond
<input type="checkbox"/>	Prepare Response
<input type="checkbox"/>	For My Signature
<input type="checkbox"/>	For Your Signature
<input type="checkbox"/>	Let's Discuss
<input type="checkbox"/>	Set Up Meeting
<input type="checkbox"/>	Investigate & Report
<input type="checkbox"/>	Initial & Forward
<input type="checkbox"/>	Distribute
<input type="checkbox"/>	Concurrence
<input type="checkbox"/>	For Processing
<input type="checkbox"/>	Initial & Return

FROM: Jim P.

DATE: 11/14/90  
 PHONE: 45



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 Smallwood  
FROM: Clair Fancy *ctt jancy*  
DATE: November 9, 1990  
SUBJ: Notice of Permit Denials Nos. AC 45-181406  
AC 45-181407  
Container Corporation of America

Attached for your approval and signature is a "Notice of Permit Denials" for construction permit applications for a new batch digester system (No. 8) and a new brown stock washer system (C-Line) at Container Corporation of America's existing mill located in Fernandina Beach, Florida. The Bureau is recommending denial of the permits because of the following reasons:

1. With the new information submitted late in the permitting process, reasonable assurances have not been provided by the applicant regarding emission changes (i.e., actuals vs potentials, etc.) and that the State's ambient air quality standards will not be violated.
2. Modeled emissions have predicted violations of the State's 24-hr SO<sub>2</sub> standard (260 ug/m<sup>3</sup>).
3. The modeling also predicts a downwash problem with regard to the mill's No. 5 Power Boiler (apparently correctable).
4. Monitoring site (1200-005-F02), located at the WWTP on 5th Street north of Lime Avenue in Fernandina Beach, has had three 3-hr and two 24-hr SO<sub>2</sub> exceedances of the State's standards within the last 6 months.
5. At a minimum, the following rules support the denial of the above referenced permit applications in this particular situation: F.A.C. Rules 17-2.200, 17-2.300(2), 17-2.500(1), 17-2.520(3), 17-4.030, and 17-4.070.

Therefore, with both modeled violations and actual monitoring violations occurring, the Bureau, at a minimum, will have to review the existing permits and operations of both ITT Rayonier and CCA, the two main contributors of SO<sub>2</sub> emissions in the area, and resolve the apparently existing SO<sub>2</sub> emissions problem in Fernandina Beach prior to any further permit issuances. Therefore, I recommend your approval and signature.

CF/BM/plm  
Attachment