



Fernandina Beach Containerboard Mill  
North 8th Street  
PO Box 2000  
Fernandina Beach, FL 32035  
(904) 261-5551  
(904) 277-5888 fax

**CERTIFIED MAIL**

7005 1820 0006 6649 4868

March 10, 2008

RECEIVED

MAR 17 2008

BUREAU OF AIR REGULATION

Bruce Mitchell  
Air Permit Engineer  
Florida Department of Environmental Protection  
Division of Air Resource Management  
2600 Blair Road, MS#5505  
Tallahassee, Florida 32399-2400

**RE: Proof of Publication for Draft Permit No.: 0890003-018-AC**

Enclosed with this letter is the Fernandina Beach News Leader newspaper affidavit for the Public Notice of Intent to Issue a Construction Permit. As required by Rule 62-110.106(5), F.A.C, the public notice for the above referenced draft permits were published in the Fernandina Beach News Leader on March 5, 2008.

Please contact me at (904) 277-7718 or by Email at [rgdavis@smurfit.com](mailto:rgdavis@smurfit.com) if you need any additional information.

Sincerely,

Rachel G. Davis  
Environmental Manager

Enclosure

Cc: Steve Hamilton, SSCC

**PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT**  
 Florida Department of Environmental Protection  
 Division of Air Resource Management, Bureau of Air Regulation  
 Draft Air Construction Permit No. 0890003-018-AC  
 Smurfit-Stone Container Enterprises, Inc. - Fernandina Beach Mill  
 Nassau County, Florida  
 Applicant: The applicant for this project is Smurfit-Stone Container Enterprises, Inc. The applicant's authorized representative and mailing address is: Mr. George Q. Langstaff, VP - Regional Mill Operations, Smurfit-Stone Container Enterprises, Inc., Fernandina Beach Mill, North 8th Street, Fernandina Beach, Florida 32034.

Facility and Location: The applicant, Smurfit-Stone Container Enterprises, Inc., operates the existing Fernandina Beach Mill, which is located in Nassau County at North 8th Street in Fernandina Beach, Florida. This facility is a Kraft pulp and paper mill that consists of major activities areas such as wood yard, pulp mill, recycle plant, chemical recovery, powerhouse, paperboard mill, and a corrugated containers plant.

Project: On February 2, 2007, Smurfit-Stone Container Enterprises, Inc. submitted an application to satisfy the requirements of Best Available Retrofit Technology (BART) in Rule 62-296.540, Florida Administrative Code (F.A.C.), for the existing Fernandina Beach Mill. On December 21, 2007, the Department received a BART exemption request along with the modeling to support the exemption. The applicant proposes a new sulfur dioxide emissions standard for the No. 5 Power Boiler of 550.0 pounds per hour, 24-hour rolling average, with compliance demonstrated by a continuous emissions monitoring system. An air quality modeling analysis of the BART-eligible units indicates a maximum visibility impairment of 0.495 decilews to the nearest Class I area (Okefenokee National Wildlife Refuge). This is less than the regulatory threshold of 0.5 decilews, which exempts the facility from BART review.

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-4, 62-210 and 62-212, F.A.C. The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by

the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above. In addition, electronic copies of these documents are available on the following web site:

<http://www.dep.state.fl.us/air/eprocuds/apcs/default.asp>  
 Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the proposed Draft Permit for a period of 14 days from the date of publication of the Public Notice. Written comments must be postmarked by the Permitting Authority by close of business (5:00 p.m.) on or before the end of this 14-day period. If written comments received result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk, in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S. must be filed within 14 days of publication of this Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only, at the approval of the presiding officer upon the filing

of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial rights will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact; if there are none, the petition must so state; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Public Notice of Intent to Issue Air Permit. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation: Mediation is not available for this proceeding.  
 If 03-05-2008  
 6458

FLORIDA'S OLDEST WEEKLY NEWSPAPER  
**NEWS LEADER**

Published Weekly  
 511 Ash Street/P.O. Box 766 (904) 261-3696  
 Fernandina Beach, Nassau County, Florida 32034

**STATE OF FLORIDA  
 COUNTY OF NASSAU:**

Before the undersigned authority personally appeared **Michael B. Hankins** who on oath says that he is the Advertising Director of The Fernandina Beach *News-Leader*, a weekly newspaper published at Fernandina Beach in Nassau County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of

**PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT  
 Florida Department of Environmental Protection  
 Smurfit-Stone Container Enterprises, Inc.**

was published in said newspaper in the issues of **03-05-2008** ref. No. 6458

Affiant further says that the said Fernandina Beach *News-Leader* is a newspaper published at Fernandina Beach, in said Nassau County, Florida, and that the said newspaper has heretofore been continuously published in said Nassau County, Florida, each week and has been entered as second class mail matter at the post office in Fernandina Beach in said Nassau County, Florida, for a period of one year next preceding 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 the said newspaper.

*Michael B. Hankins*

Sworn to and subscribed before me this 5th day of March, A.D. 2008.

*Robert O. Fiege*  
 Robert O. Fiege, Notary Public  
 Personally Known

RECEIVED  
 MAR 17 2008

BUREAU OF AIR REGULATION

**ROBERT O. FIEGE**  
 MY COMMISSION # DD317112  
 EXPIRES: May 31, 2008  
 1-800-3-NOTARY Ft. Notary Discount Assoc. Co.