

Gibson, Victoria

From: Walker, Elizabeth (AIR)
Sent: Wednesday, February 06, 2008 2:10 PM
To: Mitchell, Bruce; Koerner, Jeff
Cc: Gibson, Victoria
Subject: FW: Smurfit-Stone Filing for today

Attachments: 1148 Motion for Extension of Time-0890003-018-AC.pdf



1148 Motion for
Extension of T...

I don't know if you need this info, but I noticed that Ms. Frazier had the wrong email addresses for you.

Elizabeth Walker
Bureau of Air Regulation
Division of Air Resource Management (DARM)
(850)921-9505

-----Original Message-----

From: Becki Frazier [mailto:bfrazier@ohfc.com]
Sent: Wednesday, February 06, 2008 2:04 PM
To: Crandall, Lea
Cc: Harvey, Mary; bruce.mitchelle@dep.state.fl.us; jeff.keorner@dep.state.fl.us; Walker, Elizabeth (AIR); Gibson, Victoria; Davis, Rachel G.; Hamilton, Steve; rkittrel@smurfit.com; Buff, Dave
Subject: Smurfit-Stone Filing for today

Good afternoon Lea. Please see the attached Motion for Extension of Time for filing today. Thanks and have a very wonderful (hopefully dry) afternoon.

Becki Frazier
Legal Assistant to
Terry Cole and Scott Foltz
Oertel, Fernandez, Cole & Bryant, P.A.
301 S. Bronough St., Suite 500
P.O. Box 1110 (32302-1110)
Tallahassee, Florida 32301
Phone: (850) 521-0700
Fax: (850) 521-0720
www.ohfc.com
bfrazier@ohfc.com

"Live Simply, Love Generously, Care Deeply, Speak Kindly, Leave The Rest To God"

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Gibson, Victoria

From: Crandall, Lea
Sent: Wednesday, February 06, 2008 3:14 PM
To: Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Mitchell, Bruce
Subject: Request for Extension of Time - 0890003-018-AC - Smurfit-Stone

Attachments: 1148 Motion for Extension of Time-0890003-018-AC.pdf



1148 Motion for
Extension of T...

FYI, a Request for Extension of Time - 0890003-018-AC - Smurfit-Stone.

Thanks,
Lea

Lea Crandall
Agency Clerk
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212 SC: 205-2212
Fax: (850) 245-2303

FLORIDA DISCOUNT CARD: More than 3,000 retail pharmacies in Florida are now a part of the Florida Discount Drug Card program. See www.FloridaDiscountDrugCard.com for more info or call toll-free, 1-866-341-8894.

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**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

SMURFIT-STONE CONTAINER
ENTERPRISES, INC.

Petitioner,
v.

OGC CASE # _____
DRAFT Permit # 0890003-018-AC
Draft Air Construction Permit
Permit #

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Respondent.
_____ /

MOTION FOR EXTENSION OF TIME

SMURFIT-STONE CONTAINER ENTERPRISES, INC., ("Smurfit-Stone"), by and through its undersigned counsel, hereby requests an extension of time in which to file a Petition for Administrative Proceeding on the Draft Air Construction Permit No.: 0890003-018-AC, received by electronic transmission from DEP on February 1, 2008.

Smurfit-Stone also requests an extension of the requirement for public notice to be published until after the department determines whether the draft permit may be amended to reflect the comments that Smurfit-Stone intends to furnish.

The grounds for the motion are as follows:

1. A preliminary review of the draft Construction Permit dealing with BART Exemption Project permits revealed several issues which require further comment and discussion with the department, including the requirement of installation of an SO₂ Continuous Emission Monitoring System (CEMS) within 180 days of permit issuance. Such an installation is a major project which requires more time than allowed for budgeting, planning, scheduling, construction, and testing of such a system.

2. This informal discussion will be more efficient in terms of both department and Smurfit-Stone staff time than resolution through the filing of a Petition for Administrative Hearing.

3. The BART rules require that BART be implemented "as expeditiously as practical," and 6 months is not practical.

4. Two other specific concerns with the proposed permit which require further consultation with the Department are first that Appendix D, Condition 4, requires a continuous flow rate monitor, RATAs, QA procedures, and secondly the Annual Emissions requirements (Condition 15 are all encompassing, requiring emissions during SSM and even emissions when the unit is not operating but emissions are generated).

5. Smurfit-Stone desires to preserve its right to hearing should the requested revisions not be incorporated.

6. This Motion is filed within the time granted by the previous extension and therefore this motion is timely filed.

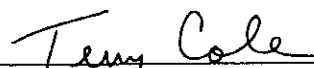
WHEREFORE, Smurfit-Stone respectfully requests that the time within which to file a petition for administrative proceeding and public notice be extended by 90 days. Smurfit-Stone specifically wishes to preserve its right to hearing and should this request for extension of time be denied, requests that this be treated as a Petition for Formal Administrative Proceeding.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing Motion for Extension of Time has been filed with Lea Crandall, Agency Clerk, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399, by electronic transmission this 6th day of February, 2008.

Respectfully submitted,

OERTEL, FERNANDEZ, COLE & BRYANT, P.A.
Post Office Box 1110
Tallahassee, Florida 32302-1110
850-521-0700; Fax: 850-521-0720



Terry Cole
Florida Bar ID No. 133550
Attorneys for Smurfit-Stone

Chronology of Activities

OGC Number: District: County:

Style of Case:

Program Area: Mode:

Lead Attorney: Status:

Forum Name: Forum Case Number:

Permit Appl: Final Order Number:

Date *	Code	Activity Description
02/06/2008	AA	ASSIGNED TO LEAD ATTORNEY JACK J CHISOLM
02/06/2008	ACO	ADMIN. CASE OPENED IN OGC
02/06/2008	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
02/13/2008	AR	RE-ASSIGNED TO LEAD ATTORNEY RONNI L MOORE
02/25/2008		ORDER GRANTING REQUEST FOR EXTENSION UNTIL 04/07/08
04/02/2008		MEMO CLOSING FILE
04/02/2008	CC	CASE CLOSED IN OGC