

File

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

SMURFIT-STONE CONTAINER
ENTERPRISES, INC,

Petitioner,

OGC No. 08-0221
DEP Permit No. 0890003-018-AC

vs.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

_____ /

**ORDER GRANTING REQUEST FOR EXTENSION OF TIME TO FILE PETITION FOR
ADMINISTRATIVE HEARING AND
REQUEST FOR EXTENSION TO PUBLISH PUBLIC NOTICE**

This cause has come before the State of Florida Department of Environmental Protection (Department) upon receipt of a request made by Petitioner, Smurfit-Stone Enterprises, Inc. (Petitioner), to grant an extension of time to file a petition for an administrative hearing and an extension of time to publish public notice to allow time to discuss with the Department several specific permit conditions for its facility in Nassau County, Florida.


IT IS ORDERED:

A. The request for an extension of time to file a petition for an administrative hearing is **GRANTED**. Petitioner shall have until **April 7, 2008**, to file a petition in this matter. Filing shall be complete upon receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. This Order shall have no effect on the rights, obligations, or applicable deadlines of any other parties to this action.

B. The request for extension of time to publish public notice is **GRANTED** through **April 7, 2008**.

DONE AND ORDERED on this 20th day of February 2008, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850/245-2242 facsimile 850/245-2302

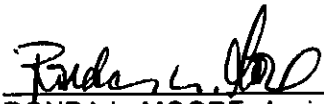
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the forgoing, Order Granting Request for Extension of Time to File Petition for Administrative Hearing and Request for Extension to Publish Public Notice, was furnished facsimile ONLY on this 25th day of February, 2008, to:

Terry Cole
Oertel, Fernandez, Cole & Bryant, P.A.
P. O. Box 1110
Tallahassee, FL 32302-1110

Facsimile: (850) 521-0720

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



RONDA L. MOORE, Assistant General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850/245-2193 facsimile 850/245-2302
Florida Bar No. 0676411

cc via electronic mail:

Trina Vielhauer, Chief-FDEP BAR Trina.Vielhauer@dep.state.fl.us
Jeff Koerner, Prof. Engineer-FDEP BAR Jeff.Koerner@dep.state.fl.us

**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.

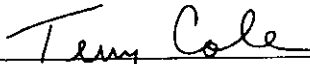
WHEREFORE, Smurfit-Stone respectfully requests that the time within which to file a petition for administrative proceeding and public notice be extended by 90 days. Smurfit-Stone specifically wishes to preserve its right to hearing and should this request for extension of time be denied, requests that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