



# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

October 12, 2007

*Sent by Electronic Mail - Received Receipt Requested*

Mr. George Q. Langstaff, V.P., Regional Mill Operations  
Smurfit-Stone Container Enterprises, Inc.  
North 8<sup>th</sup> Street  
Fernandina Beach, Florida 32034

Re: Air Permit No. 0890003-019-AC / PSD-FL-062B  
Revises Permit Nos. AC45-35532 and PSD-FL-062  
No. 7 Power Boiler, Fernandina Beach Mill

Dear Mr. Langstaff:

This letter revision modifies existing permit conditions to: clarify that the use of fuel oil is only for startup, shutdown and malfunction in accordance with Title 40, Code of Federal Regulations (CFR), Section 60.11(d); remove the requirement for the oxygen meter to meet Performance Specification 3 in Appendix B of 40 CFR 60; and impose annual tests for particulate matter (PM), sulfur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO) and opacity. Additions are double-underlined and deletions are single strike-through. This letter shall be attached to the original permits.

This permit is issued pursuant to Chapter 403, Florida Statutes (F.S.). Any party to this order has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, 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 must be filed within 30 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.

  
Joseph Kahn, Director  
Division of Air Resource Management

cc: Mr. George Langstaff, Smurfit-Stone Container Enterprises, Inc. ([glangstaf@smurfit.com](mailto:glangstaf@smurfit.com))  
Mr. Bill Crews, Smurfit-Stone Container Enterprises, Inc. ([bcrews@smurfit.com](mailto:bcrews@smurfit.com))  
Mr. Chris Kirts, Northeast District ([Christopher.Kirts@dep.state.fl.us](mailto:Christopher.Kirts@dep.state.fl.us))  
Mr. David Buff, P.E., Golder Associates, Inc. ([dbuff@golder.com](mailto:dbuff@golder.com))  
Mr. James Little, EPA Region 4 ([Little.James@epa.gov](mailto:Little.James@epa.gov))  
Ms. Kathleen Forney, EPA Region 4 ([Forney.Kathleen@epa.gov](mailto:Forney.Kathleen@epa.gov))

Smurfit-Stone Container Enterprises, Inc.  
Final Air Construction Permit  
0890003-019-AC/PSD-FL-062B

## CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF FINAL AIR CONSTRUCTION PERMIT (including the Final permit) was sent electronically (with received receipt requested) before the close of business on 10/15/07 to the persons listed or as otherwise noted:

Mr. George Langstaff, Smurfit-Stone Container Enterprises, Inc. ([glangsta@smurfit.com](mailto:glangsta@smurfit.com))  
Mr. Bill Crews, Smurfit-Stone Container Enterprises, Inc. ([bcrews@smurfit.com](mailto:bcrews@smurfit.com))  
Mr. Chris Kirts, Northeast District ([Christopher.Kirts@dep.state.fl.us](mailto:Christopher.Kirts@dep.state.fl.us))  
Mr. David Buff, P.E., Golder Associates, Inc. ([dbuff@golder.com](mailto:dbuff@golder.com))  
Mr. James Little, EPA Region 4 ([Little.James@epa.gov](mailto:Little.James@epa.gov))  
Ms. Kathleen Forney, EPA Region 4 ([Forney.Kathleen@epa.gov](mailto:Forney.Kathleen@epa.gov))

Clerk Stamp

**FILING AND ACKNOWLEDGMENT FILED**, on this date, pursuant to §120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Mary D. Anthony  
(Clerk)

10/15/07  
(Date)

LETTER REVISION

**REVISIONS TO AIR CONSTRUCTION PERMIT NO. AC45-35532**

**Specific Condition 4 of this permit is hereby revised as follows:**

Before the construction permit expires, the proposed boiler will be sampled for pollutant emissions. Test procedures will be EPA reference methods 1, 2, 3, 4, 5, 6, 7, and 9 as described in 40 CFR 60, Appendix A or other approved methods. Minimum sampling time and volume will be as specified in new source performance standard for this type of source. Stack sampling facilities will include the eyebolts and angle described in the attached figures. During each federal fiscal year (September 1 – October 31), the permittee shall conduct testing in accordance with the above methods to demonstrate compliance with the emissions standards for particulate matter, sulfur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), and opacity. During the NO<sub>x</sub> tests, the permittee shall also conduct reference method 10 tests to determine carbon monoxide (CO) emissions and verify the minimum and maximum set points for the flue gas oxygen meter. Performance tests shall be conducted in accordance with the requirements of Rule 62-297.310, F.A.C., which includes notifications, operating rates during testing, record keeping and reporting requirements. The pollutant emission results shall be reported in terms of the emissions standards.

[Permit Nos. AC45-35532 and 0890003-019-AC; Rule 62-297.310(7), F.A.C.]

**Specific Condition 7 of this permit is hereby revised as follows:**

Fuel oil may be used for start-ups, shut-down, and ~~stand-by when coal is not available~~ malfunction, but the emissions during these periods must be minimized to the extent practicable pursuant to 40 CFR 60.11(d). The oil will have a maximum sulfur content of 2.5% by weight. The emissions standards of NSPS Subpart D do not apply during startup, shutdown and malfunction.

[Permit Nos. AC45-35532 and 0890003-019-AC; 40 CFR 60.11(d)]

**REVISION TO PERMIT NO. PSD-FL-062**

**The second paragraph of Attachment II (Use of Flue Gas Oxygen Meter as BACT for Combustion Controls) of this permit is hereby revised as follows:**

~~The permittee shall install a continuous oxygen monitor in the flue of the permitted combustion device which meets the requirements of 40 CFR 60, Appendix B, Performance Specification 3.~~ To promote good combustion practices, the permittee shall install, calibrate, operate and maintain an oxygen meter in the flue of the No. 7 Power Boiler to continuously monitor and record the oxygen content of the boiler flue gas. At least daily, the permittee shall calibrate the flue gas oxygen meter. Results of emission determinations shall be correlated to the flue gas oxygen content to define:



Containerboard Mill Division

RECEIVED

FEB 16 2005

**CERTIFIED MAIL**

BUREAU OF AIR REGULATION

February 10, 2005

Florida Dept. of Environmental Protection  
Division of Air Resource Management  
2600 Blair Stone Road  
Mail Station 5500  
Tallahassee, Florida 32399-2500

Mr. Wayne Tutt  
Environmental Resource Management Dept.  
Environmental Quality Division  
117 West Duval Street, Suite 225  
Jacksonville, Florida 32202

Mr. Christopher Kirts  
Florida Dept. of Environmental Protection  
7825 Baymeadows Way, Suite B200  
Jacksonville, Florida 32256-7590

Subject: Smurfit-Stone Container Enterprises, Inc.  
(d/b/a Smurfit-Stone Container Corporation)  
9469 Eastport Road, Jacksonville, FL  
Responsible Official Notification

Gentlemen:

Enclosed please find DEP Form No. 62-213.900(8), Responsible Official Notification Form.

If you have any questions concerning this submittal, please contact Michele Rundlett,  
Environmental Manager, at (904) 714-3252.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. C. Brooks'.

D. C. Brooks  
General Manager

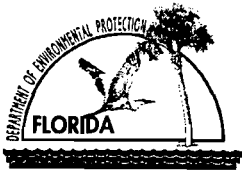
Enclosure

Smurfit-Stone Container Corporation  
Seminole Mill  
9469 Eastport Road  
P.O. Box 26998  
Jacksonville, Florida 32226-6998 phone 904-751-6400 fax 904-714-3276

RECEIVED

FEB 14 2005

DIVISION OF AIR  
RESOURCE MANAGEMENT



# Department of Environmental Protection

## Division of Air Resource Management RESPONSIBLE OFFICIAL NOTIFICATION FORM

**Note: A responsible official is not necessarily a designated representative under the Acid Rain Program. To become a designated representative, submit a certificate of representation to the U.S. Environmental Protection Agency (EPA) in accordance with 40 CFR Part 72.24.**

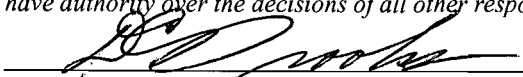
### Identification of Facility

1. Facility Owner/Company Name: Smurfit-Stone Container Enterprises, Inc. (d/b/a Smurfit-Stone Container Corporation)	
2. Site Name: Jacksonville Mill	3. County: Duval
4. Title V Air Operation Permit/Project No. (leave blank for initial Title V applications): 0310067-005-AV	

### Notification Type (Check one or more)

<input type="checkbox"/>	<b>INITIAL:</b>	Notification of responsible officials for an initial Title V application.
<input checked="" type="checkbox"/>	<b>RENEWAL:</b>	Notification of responsible officials for a renewal Title V application.
<input type="checkbox"/>	<b>CHANGE:</b>	Notification of change in responsible official(s). Effective date of change in responsible official(s) _____

### Primary Responsible Official

1. Name and Position Title of Responsible Official: D. C. Brooks, General Manager
2. Responsible Official Mailing Address: Organization/Firm: Smurfit-Stone Container Corporation Street Address: 9469 Eastport Road City: Jacksonville State: Florida Zip Code: 32218
3. Responsible Official Telephone Numbers: Telephone: (904) 714 - 3201 Fax: (904) 714 - 7142
4. Responsible Official Qualification (Check one or more of the following options, as applicable): <input checked="" type="checkbox"/> For a corporation, the president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit under Chapter 62-213, F.A.C. <input type="checkbox"/> For a partnership or sole proprietorship, a general partner or the proprietor, respectively. <input type="checkbox"/> For a municipality, county, state, federal, or other public agency, either a principal executive officer or ranking elected official. <input type="checkbox"/> The designated representative at an Acid Rain source.
5. Responsible Official Statement:  <i>I, the undersigned, am a responsible official, as defined in Rule 62-210.200, F.A.C., of the Title V source addressed in this notification. I hereby certify, based on information and belief formed after reasonable inquiry, that the statements made in this notification are true, accurate and complete. Further, I certify that I have authority over the decisions of all other responsible officials, if any, for purposes of Title V permitting.</i>   Signature _____ Date <u>2-10-05</u>

**RECEIVED**

**Additional Responsible Official**

1. Name and Position Title of Responsible Official:
2. Responsible Official Mailing Address: Organization/Firm: Street Address: City: State: Zip Code:
3. Responsible Official Telephone Numbers: Telephone: ( ) - Fax: ( ) -
4. Responsible Official Qualification <i>(Check one or more of the following options, as applicable)</i> : <input type="checkbox"/> For a corporation, the president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit under Chapter 62-213, F.A.C. <input type="checkbox"/> For a partnership or sole proprietorship, a general partner or the proprietor, respectively. <input type="checkbox"/> For a municipality, county, state, federal, or other public agency, either a principal executive officer or ranking elected official. <input type="checkbox"/> The designated representative at an Acid Rain source.

**Additional Responsible Official**

1. Name and Position Title of Responsible Official:
2. Responsible Official Mailing Address: Organization/Firm: Street Address: City: State: Zip Code:
3. Responsible Official Telephone Numbers: Telephone: ( ) - Fax: ( ) -
4. Responsible Official Qualification <i>(Check one or more of the following options, as applicable)</i> : <input type="checkbox"/> For a corporation, the president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit under Chapter 62-213, F.A.C. <input type="checkbox"/> For a partnership or sole proprietorship, a general partner or the proprietor, respectively. <input type="checkbox"/> For a municipality, county, state, federal, or other public agency, either a principal executive officer or ranking elected official. <input type="checkbox"/> The designated representative at an Acid Rain source.

**RECEIVED**

FEB 14 2005

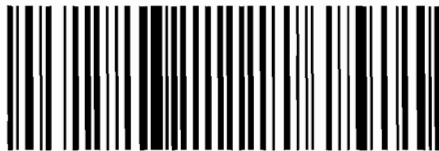
DIVISION OF AIR  
RESOURCE MANAGEMENT



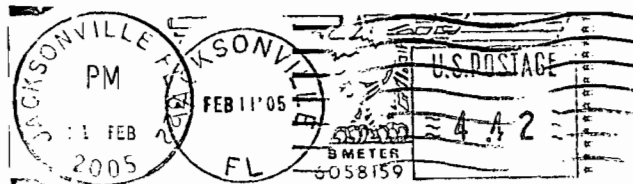
**Smurfit-Stone**

Smurfit-Stone Container Corporation  
9469 Eastport Road  
Jacksonville, Florida 32218-0998

**CERTIFIED MAIL**



7001 0360 0001 0008 6482



Florida DEP  
Division of Air Resource Mgmt.  
2600 Blair Stone Road  
Mail Station 5500  
Tallahassee, Florida 32399-2500

32399+2500



Florida Department of Environmental Protection  
Office of General Counsel

# Memo

**To:** Trina Vielhauer, and OGC File

**From:** Ronni Moore, Assistant General Counsel *AK*

**Date:** November 6, 2007

**Re:** Smurfit-Stone Container Enterprises, Inc. v. DEP; Permit No. 0890003-019-AC;  
OGC No. 07-1340

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On August 10, 2007, the State of Florida Department of Environmental Protection (“Department”) issued an Order Granting Request for Extension of Time to File Petition for Hearing to Petitioner, Smurfit-Stone Container Enterprises, Inc. (“Petitioner”), until October 25, 2007. The Department issued a Notice of Final Air Construction Permit to Petitioner on October 15, 2007. There being no further matters to consider, the Department’s file in this matter is closed.



**Gibson, Victoria**

---

**From:** Moore, Ronni  
**Sent:** Tuesday, November 06, 2007 10:27 AM  
**To:** Vielhauer, Trina  
**Cc:** Gibson, Victoria; Koerner, Jeff  
**Subject:** RE: Smurfit-Stone - OGC No. 07-1340

Sorry you all didn't receive that order. The order was issued before I came on board, but I'm trying to make sure that doesn't happen in the future. Things here are still a little hectic with having new admin. staff and me being new as well.

I don't see that we received notice of the withdrawal of intent or of the issued revised intent, but I did see that the website didn't reference the July revision we have here.

I won't write up another closure for this one, but will put this email in the file which explains it all. Glad to know we didn't issue a permit while the extension was out either!

I think an email would be fine. If you all want to add me to the list that's perfectly fine too. Whatever you feel is best.

Thanks!

Ronda L. Moore  
Assistant General Counsel



Please consider the environment before printing this email.

---

**From:** Vielhauer, Trina  
**Sent:** Tuesday, November 06, 2007 10:00 AM  
**To:** Moore, Ronni  
**Cc:** Gibson, Victoria; Koerner, Jeff  
**Subject:** RE: Smurfit-Stone - OGC No. 07-1340

Ok. We found our files.

We did have and know of the extension of time out on this one and we said it was ok to grant it. (However, we never received a copy of the order granting it through 10/25).

We withdrew that initial intent and issued a revised intent on September 10 (which made the initial extension of time moot). We never received an extension of time request on the revised intent so we issued it final October 15.

I am thinking that we somehow did not tell OGC that we withdrew the initial intent and issued a revised intent so you all didn't know there was a new intent out there.

But, phew. We didn't issue something final with an outstanding extension.

What is the best way for us to let you know when we withdraw an intent and reissue? Should we just send you an email? Do you want us to add you to our electronic email list for the project?

---

**From:** Moore, Ronni  
**Sent:** Tuesday, November 06, 2007 9:45 AM  
**To:** Vielhauer, Trina

.11/6/2007

**Cc:** Gibson, Victoria

**Subject:** Smurfit-Stone - OGC No. 07-1340

Hi Trina,

Here's the closure memo for this case. I see now where they can still appeal this permit, but I understand that would then just start a new case.

Have a good day.

Ronni

Ronda L. Moore  
Assistant General Counsel  
Florida Department of Environmental Protection  
3900 Commonwealth Blvd., MS 35  
Tallahassee, FL 32399-3000  
Phone: 850.245.2193; SC 205.2193  
Fax: 850.245.2302



Please consider the environment before printing this email.

**Gibson, Victoria**

---

**From:** Vielhauer, Trina  
**Sent:** Tuesday, November 06, 2007 9:28 AM  
**To:** Gibson, Victoria  
**Cc:** Koerner, Jeff  
**Subject:** strange call

I received a call from Ronni Moore in OGC (our permitting attorney) on 0890003-019-AC for Smurfit Stone. We issued a final AC on this one on October 15. She said there was an extension of time out on it that didn't expire until (I think she said October 25). She's closing out the case with a memo, but it had me scratching my head. Do you recall/have on your list an extension of time on this one? I don't remember seeing one for a Talley permit on Smurfit- I know there are a few for NED, though. Maybe this was the source of confusion with Terry Cole? Maybe we didn't know about an outstanding extension and we issued?

11/6/2007



## Gibson, Victoria

---

**From:** Brown, Lisa L.  
**Sent:** Tuesday, August 21, 2007 1:25 PM  
**To:** Gibson, Victoria  
**Subject:** RE: Draft Order to Grant for CEMEX

That one is printed and awaiting signature, too.

Lisa L. Brown ☺  
Office of General Counsel - Waste~Air Section  
850-245-2276  
[lisa.l.brown@dep.state.fl.us](mailto:lisa.l.brown@dep.state.fl.us)

Legal Assistant to Jack Chisolm, Deputy General Counsel  
Toni Sturtevant, Senior Assistant General Counsel

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

**From:** Gibson, Victoria  
**Sent:** Tuesday, August 21, 2007 1:22 PM  
**To:** Brown, Lisa L.  
**Subject:** RE: Draft Order to Grant for CEMEX

You are welcome.

I just need to check and see that you did receive the draft on 0570039-027-AC - TECO - Big Bend Unit 4 that I sent to you on 8/16. I thought this may be one that you are working on besides the CEMEX from today.

Vickie

---

**From:** Brown, Lisa L.  
**Sent:** Tuesday, August 21, 2007 1:17 PM  
**To:** Gibson, Victoria  
**Subject:** RE: Draft Order to Grant for CEMEX

Thanks!!! You are a godsend right now. I am so slammed I don't know my own name (plus we got custody of my 2 stepsons and I'm dealing with kids in school and have absolutely no clue!!!).

This will hopefully be signed tomorrow. And I'll try to get these, and the other 3 over to you then.

Thanks again!!!!

Lisa L. Brown ☺  
Office of General Counsel - Waste~Air Section  
850-245-2276  
[lisa.l.brown@dep.state.fl.us](mailto:lisa.l.brown@dep.state.fl.us)

Legal Assistant to Jack Chisolm, Deputy General Counsel  
Toni Sturtevant, Senior Assistant General Counsel

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

**From:** Gibson, Victoria  
**Sent:** Tuesday, August 21, 2007 12:00 PM  
**To:** Brown, Lisa L.  
**Subject:** Draft Order to Grant for CEMEX

Hi,

Attached is the draft order to grant for CEMEX Cement in Brooksville....0530010-018-AC

<< File: Ord to Grant on CEMEX 18.doc >>

*Vickie*

Victoria Gibson, Administrative Secretary for  
Trina Vielhauer, Chief  
Bureau of Air Regulation  
Department of Air Resource Management  
victoria.gibson@dep.state.fl.us  
850-921-9504 fax 850-921-9533

## Gibson, Victoria

---

**From:** Brown, Lisa L.  
**Sent:** Monday, August 20, 2007 11:38 AM  
**To:** Gibson, Victoria  
**Subject:** RE: Copies of Issued Orders

**Follow Up Flag:** Follow up  
**Flag Status:** Red

As soon as I can, I'll refax. I have absolutely no support staff right now, and I'm completely swamped.

Lisa L. Brown ☺  
Office of General Counsel - Waste~Air Section  
850-245-2276  
[lisa.l.brown@dep.state.fl.us](mailto:lisa.l.brown@dep.state.fl.us)

Legal Assistant to Jack Chisolm, Deputy General Counsel  
Toni Sturtevant, Senior Assistant General Counsel

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

**From:** Gibson, Victoria  
**Sent:** Monday, August 20, 2007 11:37 AM  
**To:** Brown, Lisa L.  
**Subject:** Copies of Issued Orders

Hi,

Could you send me by e-mail copies of these issued orders:

0990005-016-AC Okeelanta and New Hope

0990005-017-AV (same name as above)

0890003-019-AC Smurfit Stone

Thank you.

*Vickie*

Victoria Gibson, Administrative Secretary for  
Trina Vielhauer, Chief  
Bureau of Air Regulation  
Department of Air Resource Management  
[victoria.gibson@dep.state.fl.us](mailto:victoria.gibson@dep.state.fl.us)  
850-921-9504 fax 850-921-9533

---

**From:** Gibson, Victoria  
**Sent:** Thursday, August 16, 2007 11:21 AM

**To:** Brown, Lisa L.  
**Subject:** RE: Status of Orders

Sorry I didn't get any of them.....could you forward them to me by e-mail or another fax

---

**From:** Brown, Lisa L.  
**Sent:** Thursday, August 16, 2007 11:20 AM  
**To:** Gibson, Victoria  
**Subject:** RE: Status of Orders

Done & faxed to you.... I think monday.

Lisa L. Brown ☺  
Office of General Counsel - Waste~Air Section  
850-245-2276  
[lisa.l.brown@dep.state.fl.us](mailto:lisa.l.brown@dep.state.fl.us)

Legal Assistant to Jack Chisolm, Deputy General Counsel  
Toni Sturtevant, Senior Assistant General Counsel

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

**From:** Gibson, Victoria  
**Sent:** Thursday, August 16, 2007 10:50 AM  
**To:** Brown, Lisa L.  
**Subject:** Status of Orders

Good morning.

I wasn't sure if Jack was in the office this week; so I wanted to check on the status of these orders granting extensions of time:

0990005-016-AC Okeelanta and New Hope  
0990005-017-AV (same name as above)  
0890003-019-AC Smurfit Stone

Thank you.

*Vickie*

Victoria Gibson, Administrative Secretary for  
Trina Vielhauer, Chief  
Bureau of Air Regulation  
Department of Air Resource Management  
[victoria.gibson@dep.state.fl.us](mailto:victoria.gibson@dep.state.fl.us)  
850-921-9504 fax 850-921-9533



STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

SMURFIT-STONE CONTAINER ENTERPRISES, INC.  
Fernandina Beach Mill

Petitioner,

v.

DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,

Respondent.

OGC #07-1340

DEP Permit 0890003-019-AC

**ORDER GRANTING REQUEST FOR EXTENSION  
OF TIME TO FILE PETITION FOR HEARING**

This cause has come before the Florida Department of Environmental Protection upon receipt of a request made by Petitioner Smurfit – Stone Container Enterprises, Inc., to grant an extension of time to file a petition for an administrative hearing to allow time to provide certain information to the FDEP on several specific permit conditions for its facility in Nassau County, Florida. Because the request shows good cause for the extension of time,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until **October 25, 2007**, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this \_\_\_\_\_ day of August, 2007, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

JACK CHISOLM, Deputy General Counsel  
3900 Commonwealth Boulevard. M.S. 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 foregoing has been furnished via  
\_\_ U. S. Mail \_\_ facsimile \_\_ **only**, this \_\_\_\_ day of August, 2007, to:

Terry Cole  
Oertel, Fernandez, Cole &  
Bryant, P.A.  
Post Office Box 1110  
Tallahassee, FL 32302

facsimile: 850-521-0720

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

---

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

with a courtesy copy to:

Trina L. Vielhauer  
Chief  
Bureau of Air Regulation

facsimile: 850-921-9533

## Gibson, Victoria

---

**From:** Gibson, Victoria  
**Sent:** Monday, August 06, 2007 1:04 PM  
**To:** Brown, Lisa L.  
**Subject:** As you Requested -- Draft Order to Grant for Smurfit - Stone

**Importance:** High

**Attachments:** Ord to Grant on Smurfit-Stone.doc

Hi,

Attached is the draft order to grant for 0890003-019-AC.



Ord to Grant on  
Smurfit-Stone....

*Vickie*

Victoria Gibson, Administrative Secretary for  
Trina Vielhauer, Chief  
Bureau of Air Regulation  
Department of Air Resource Management  
victoria.gibson@dep.state.fl.us  
850-921-9504 fax 850-921-9533

**Gibson, Victoria**

---

**From:** Brown, Lisa L.  
**Sent:** Monday, August 06, 2007 12:42 PM  
**To:** Gibson, Victoria  
**Subject:** RE: Smurfit-Stone Container Entrprises - Fernandina Beach Mill 0890003-019-AC OGC # 07-1340

Yes, please.

Lisa L. Brown ☺  
Office of General Counsel - Waste~Air Section  
850-245-2276  
[lisa.l.brown@dep.state.fl.us](mailto:lisa.l.brown@dep.state.fl.us)

Legal Assistant to Jack Chisolm, Deputy General Counsel  
Toni Sturtevant, Senior Assistant General Counsel

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

**From:** Gibson, Victoria  
**Sent:** Monday, August 06, 2007 12:35 PM  
**To:** Brown, Lisa L.  
**Subject:** RE: Smurfit-Stone Container Entrprises - Fernandina Beach Mill 0890003-019-AC OGC # 07-1340

Wow!!! That is not going to be easy.....let me send you this draft....should I put in Jack's signature in both spots on the order?

---

**From:** Brown, Lisa L.  
**Sent:** Monday, August 06, 2007 12:33 PM  
**To:** Gibson, Victoria  
**Subject:** RE: Smurfit-Stone Container Entrprises - Fernandina Beach Mill 0890003-019-AC OGC # 07-1340

Sure, if you have time.. otherwise I'll knock it out soon.

[FYI - I'm down both secretaries so until I am able to slog thru the applications and hire an OPS secretary, I'm IT for everybody in the section.]

Lisa L. Brown ☺  
Office of General Counsel - Waste~Air Section  
850-245-2276  
[lisa.l.brown@dep.state.fl.us](mailto:lisa.l.brown@dep.state.fl.us)

Legal Assistant to Jack Chisolm, Deputy General Counsel  
Toni Sturtevant, Senior Assistant General Counsel

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

**From:** Gibson, Victoria

**Sent:** Monday, August 06, 2007 12:31 PM

**To:** Brown, Lisa L.

**Subject:** RE: Smurfit-Stone Container Entrprises - Fernandina Beach Mill 0890003-019-AC OGC # 07-1340

Hi,

Sorry to hear about the colds....so hard to get rid of sometimes.....do you want me to do the draft and send it to you on this one?

*Vickie*

Victoria Gibson, Administrative Secretary for  
Trina Vielhauer, Chief  
Bureau of Air Regulation  
Department of Air Resource Management  
victoria.gibson@dep.state.fl.us  
850-921-9504 fax 850-921-9533

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**From:** Brown, Lisa L.

**Sent:** Saturday, August 04, 2007 3:34 PM

**To:** Gibson, Victoria

**Subject:** RE: Smurfit-Stone Container Entrprises - Fernandina Beach Mill 0890003-019-AC OGC # 07-1340

I've been out of the office... the baby & I have had colds.

If this is the one that just came in, I talked to the guy handling the permit, and we intend to grant. I just have to do the order. Should go out early next week (once I'm back in the office).

Lisa

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

**From:** Gibson, Victoria

**Sent:** Thu 8/2/2007 2:18 PM

**To:** Brown, Lisa L.

**Cc:**

**Subject:** Smurfit-Stone Container Entrprises - Fernandina Beach Mill 0890003-019-AC OGC # 07-1340

Hi,

Since Jack is still listed as attorney for this case; I wanted to check in with you and see if the order to grant was in the signature cycle or not.

8/6/2007

Thanks.

*Vickie*

Victoria Gibson, Administrative Secretary for  
Trina Vielhauer, Chief  
Bureau of Air Regulation  
Department of Air Resource Management  
victoria.gibson@dep.state.fl.us  
850-921-9504 fax 850-921-9533

## Gibson, Victoria

---

**From:** Comer, Patricia  
**Sent:** Friday, July 27, 2007 11:58 AM  
**To:** Gibson, Victoria  
**Subject:** RE: Smurfit-Stone filings for today

Vickie

Valerie and I will do the order today on the Smurfit case that's already mine (the one asking for a second extension)but I don't have the other case yet and may not get it since I'm changing jobs. I agreed to hold on to my existing cases, so anything that's already mine is still mine. But I'm probably not going to be picking up any more permitting cases. Since Valerie will be gone too you might wind up doing the other order over there (sorry).  
Pat

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

**From:** Gibson, Victoria  
**Sent:** Friday, July 27, 2007 9:34 AM  
**To:** Comer, Patricia; Miskelley, Valerie  
**Cc:** Koerner, Jeff  
**Subject:** FW: Smurfit-Stone filings for today  
**Importance:** High

Good morning and happy Friday!!!

Jeff has no objections to granting the request for an extension of time on 0890003-019-AC. So with Rita's e-mail to you earlier this morning....both of these can be granted.

Have a great weekend.

Vickie

Victoria Gibson, Administrative Secretary for  
Trina Vielhauer, Chief  
Bureau of Air Regulation  
Department of Air Resource Management  
victoria.gibson@dep.state.fl.us  
850-921-9504 fax 850-921-9533

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

**From:** Crandall, Lea  
**Sent:** Thursday, July 26, 2007 2:14 PM  
**To:** Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Comer, Patricia; Mitchell, Bruce; AlNahdy, Khalid  
**Subject:** FW: Smurfit-Stone filings for today

New Request for Extension of Time re: 0890003-019-AC

Second Request for Extension of Time re: 0890003-013-AC

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

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

From: Becki Frazier [mailto:bfrazier@ohfc.com]  
Sent: Thursday, July 26, 2007 11:24 AM  
To: Crandall, Lea  
Cc: Crews, Bill; Davis, Rachel G.; Terry Cole  
Subject: Smurfit-Stone filings for today.

Good morning Lea. Please see the attached motions for filing today. One is an extension of time and the other is a Second motion for extension of time. Thanks so much and have a great day.

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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**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

SMURFIT-STONE CONTAINER  
ENTERPRISES, INC.

Petitioner,  
v.

OGC CASE #  
DRAFT Permit # 0890003-019-AC  
Revision to Air Construction Permit  
Permit #AC45-35532 and PSD-FL-062  
No. 7 Power Boiler, Fernandina Beach Mill

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,

Respondent.

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**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 Revision to Permit No.: 0890003-019-AC, received by electronic transmission from DEP on July 17, 2007.

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 permits revealed several potential issues which require further comment and discussion with the department, including DAILY calibration of the boiler O2 monitor, which is not required under department rules. This has been preliminarily discussed with the department and a justification provided as to why the condition is not necessary or required. DEP has not yet had an opportunity to review the justification.

2. Time is required to develop and provide comments on these permits to the department. 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. Smurfit-Stone desires to preserve its right to hearing should the requested revisions not be incorporated.

4. This Motion is filed within fourteen days of receipt Notice of Intent to Issue and receipt of the draft permit; 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 26<sup>th</sup> day of July 25, 2007.

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

## Gibson, Victoria

---

**From:** Crandall, Lea  
**Sent:** Thursday, July 26, 2007 2:14 PM  
**To:** Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Comer, Patricia; Mitchell, Bruce; AlNahdy, Khalid  
**Subject:** FW: Smurfit-Stone filings for today  
**Attachments:** 1148 Second Motion for Extension of Time-0890003-013-AC.pdf; 1148 Motion for Extension of Time-0890003-019-AC.pdf



1148 Second Motion for Extensi...



1148 Motion for Extension of T...

New Request for Extension of Time re: 0890003-019-AC

Second Request for Extension of Time re: 0890003-013-AC

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

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

From: Becki Frazier [mailto:bfrazier@ohfc.com]  
Sent: Thursday, July 26, 2007 11:24 AM  
To: Crandall, Lea  
Cc: Crews, Bill; Davis, Rachel G.; Terry Cole  
Subject: Smurfit-Stone filings for today

Good morning Lea. Please see the attached motions for filing today.  
One is an extension of time and the other is a Second motion for extension of time.  
Thanks so much and have a great day.

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  
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Chronology of Activities

OGC Number **07** **1340** **45** **AC** District **NORTHEAST** County **NASSAU**  
 Style of Case **SMURFIT-STONE CONTAINER ENTERPRISES, INC. VS. DEP**  
 Program Area **AIR CONSTRUCT** Mode **ADMINISTRATIVE**  
 Lead Attorney **RONNI** **L** **MOORE** Status **OPEN**  
 Forum Name \_\_\_\_\_ Forum Case Number \_\_\_\_\_  
 Permit Appl **0890003-019-AC** Final Order Number \_\_\_\_\_

Date	Code	Activity Description
07/26/2007	AA	ASSIGNED TO LEAD ATTORNEY JACK J CHISOLM
07/26/2007	ACO	ADMIN. CASE OPENED IN OGC
07/26/2007	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
08/10/2007		ORDER GRANTING REQUEST FOR EOT UNTIL 10/25/07
10/22/2007		
10/22/2007	AR	RE-ASSIGNED TO LEAD ATTORNEY RONNI L MOORE

Friday, Barbara

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**From:** Harvey, Mary  
**Sent:** Tuesday, May 15, 2007 9:40 AM  
**To:** Adams, Patty  
**Subject:** FW: BART Application #0890003-018-AC

---

**From:** Crews, Bill [<mailto:BCREWS@SMURFIT.COM>]  
**Sent:** Monday, May 14, 2007 4:00 PM  
**To:** undisclosed-recipients  
**Subject:** Read: BART Application #0890003-018-AC

Your message

To: [BCREWS@SMURFIT.COM](mailto:BCREWS@SMURFIT.COM)  
Subject:

was read on 5/14/2007 4:00 PM.



Smurfit-Stone  
Container Corporation  
Panama City Mill  
1 Everitt Ave.  
Panama City, FL 32401  
850-785-4311  
850-763-8530 fax

February 21, 2007

Mr. Jeff Koerner  
Division of Air Resources  
2600 Blair Stone Rd  
MS 5505  
Tallahassee, FL, 32399

Re: Petcoke Application

Dear Mr. Koerner

Enclosed are seven copies of an "Application for Air Construction Permit and PSD Report", as well as a check for \$7,500 to cover the application processing fee.

The project consists of installing the equipment required to burn Petcoke in the lime kiln (EU 004, Title V Permit No. 0050009-025-AV). As a result, this project will reduce our consumption of fuel oil. The capital for this project has been approved, and we would like to start construction in the early summer of this year. If there are any issues with the permit application, please let me know as soon as possible.

If you need to contact me, my phone number is (850) 785-4311 x470, my e-mail address is [TLCLEMENTS@Smurfit.com](mailto:TLCLEMENTS@Smurfit.com)

Sincerely

A handwritten signature in black ink, appearing to read "TLClements".

Tom Clements  
Environmental Mgr.  
Smurfit-Stone Container Corporation  
Panama City Mill