

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the matter of:)	Permit No.: 0570293-022-AC
)	
Master Packaging)	
)	
Petitioner)	File No.: 11-E-AP

ORDER ON REQUEST
FOR
ALTERNATE PROCEDURES AND REQUIREMENTS

Pursuant to Rule 62-297.620, Florida Administrative Code (F.A.C.), Southern Environmental Sciences, Inc., has submitted for approval an alternate testing procedure request for Press 5A and Press 2 on behalf of Master Packaging (Petitioner) from requirements in the Air Construction Permit. The Petitioner requested approval to use a one hour capture efficiency test run in lieu of the three hour sampling run required by EPA Method 204B and 204E for each of the three runs per press using the building as an enclosure.

Having considered Petitioner's written request and all supporting documentation, the following Findings of Fact, Conclusions of Law, and Order are entered:

FINDINGS OF FACT

1. Master Packaging initially submitted an Alternate Sampling Procedure request on March 4, 2011 for capture efficiency testing required in the Air Construction Permit No. 0570293-021-AC. The original request was denied by the Department in a letter dated April 14, 2011. The denial letter suggested that a shorter sampling time can be approved if Master Packaging submits another Alternative Sampling Procedure (ASP) request.

2. Therefore, on April 26, 2011, Petitioner requested an Alternate Sampling Procedure from Specific Condition No. A. 13, 2) i).

- (i) Capture efficiency tests which use a total temporary enclosure of building enclosure with one of the liquid/gas or gas/gas methods identified in Rules 297.450(2)(a) through (d), F.A.C., shall consist of at least three sampling runs. Each run shall cover at least one complete production cycle, but shall be at least 3 hours long. The sampling time for each run need not exceed 8 hours, even if the production cycle has not been completed.

Due to limitations on the amount of work available to be performed and the time necessary to complete the analysis Southern Environmental Sciences Inc. requested an one hour verses three hour sample run time be granted in lieu of three test runs consisting of three hours each as described in Rules 297.450(2)(a) through (d) F.A.C.

3. Master packaging's request for an alternative sampling procedure and protocol approval for capture efficiency testing included two of the three presses at the printing facility. Press 5A and Press 2's captured emissions will be determined by sampling the outlet duct on the roof using Method 25A and performing simultaneous flow rate measurements in accordance with EPA Method 2 as described in EPA Method 204B – Volatile Organic Compounds Emissions in Captured Stream. Uncaptured emissions will be determined by sampling at a centrally located point in the wall fans. Flow rates will be determined for each run using anemometers or similar devices at locations described in EPA Method 204E – Volatile Organic Compounds Emissions in Uncaptured Stream from Building Enclosure. Sampling will be conducted for a period of one hour for each of three sampling runs per press.

CONCLUSIONS OF LAW

1. The Department has jurisdiction to consider Petitioner's request pursuant to Section 403.061, Florida Statutes (F.S.), and Rule 62-297.620, F.A.C.

2. Petitioner has provided sufficient justification that three test runs consisting of a one hour sample time per run on Press 5A and Press 2 will provide adequate emissions data for the capture efficiency calculations.

ORDER

Having considered Petitioner's written request and supporting documentation, it is hereby ordered that:

1. Press 5A and Press 2 capture efficiency tests which use a total temporary enclosure or building enclosure with the gas/gas method identified in Rules 297.450(2)(a) through (d), F.A.C., will consist of three sample runs with each run lasting a minimum of one hour.

2. This Order shall not abrogate the Petitioner's obligation to comply with any periodic monitoring requirements established pursuant to the provisions of the Federal Clean Air Act (42 USC 1857, et seq) as amended in 1990.

3. The Petitioner shall incorporate this order into the permit at the next opening for revision or renewal.

4. If an application to incorporate this order into the permit at the next opening for revision or renewal is not made, this order shall expire on May 17, 2016.

5. When incorporated into the permit, this order shall remain in effect until the underlying rule requirement for this order is modified or changed. At that time the Petitioner shall submit a new request, if required, in accordance with Rule 62-297.620, F.A.C., "**Exceptions and Approval of Alternate Procedures and Requirements**", to the Bureau of Air Monitoring and Mobile Sources.

PETITION FOR ADMINISTRATIVE REVIEW

The Department's Proposed Agency Action will become final upon expiration of the petition period described below unless a timely petition for an Administrative Hearing is filed pursuant to Sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Proposed Agency Action may petition for an Administrative Proceeding (hearing) under Sections 120.569 and 120.57 of the 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 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within 21 days of receipt of this Notice of Intent. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3) of the Florida Statutes must be filed within 21 days of publication of the Public Notice or within 21 days of receipt of this notice, whichever occurs first. Under Section 120.60(3), however, any person who asked the Department for Notice of Agency Action may file a petition within 21 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 will be only at the approval of the presiding officer upon the filing of a Motion in Compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department'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 interests will be affected by the agency determination;
- (c) A statement of how and when petitioner received notice of the agency action or proposed action;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (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; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action 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 Department'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

Because the Administrative Hearing process is designed to formulate Final Agency Action, the filing of a petition means that 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 such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.

NOTICE OF APPEAL RIGHTS

Any party to this order has the right to seek judicial review of it under Section 120.68 of the Florida Statutes, 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.

DONE AND ORDERED this _____ day of _____, 2011 in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

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Clerk Stamp

FILING AND ACKNOWLEDGMENT

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

(Clerk)

(Date)