

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the matter of:	)	Permit No.: 0890004-018-AC
	)	
Rayonier Performance Fibers, LLC	)	
P. O. Box 2002	)	
Fernandina Beach, Florida 32035-2002	)	
	)	
Petitioner.	)	File No.: 07-B-AP

ORDER ON REQUEST  
FOR  
ALTERNATE PROCEDURES AND REQUIREMENTS

Pursuant to Rule 62-297.620, Florida Administrative Code (F.A.C.), and Title 40 of the Code of Federal Regulations Part 60, Section 60.13 (40 CFR 60.13), Rayonier Performance Fibers LLC (Petitioner), located in Nassau County, has petitioned for approval of an alternate monitoring plan for the No. 6 Power Boiler at its facility. Petitioner requested approval of an alternative location for the continuous opacity monitoring system (COMS) due to the inability to meet the siting requirements prescribed by federal regulations.

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. The No. 6 Power Boiler at Petitioner's Fernandina Beach Dissolving Sulfite Pulp Mill is subject to 40 CFR Part 60, Subpart Db, which requires the installation and operation of a COMS.
2. On November 16, 2006, the Department of Environmental Protection (Department) received Petitioner's request for approval of an alternate monitoring plan for the COMS for the No. 6 Power Boiler. The No. 6 Power Boiler was relocated at the Rayonier site for use as a fluidized bed boiler burning primarily biomass.
3. The COMS' sampling location proposed by Petitioner would be two duct diameters from a flow disturbance instead of the four diameters specified by the Performance Specification 1, the federal regulation which prescribes the installation and operation requirements for COMS. This is due to the size of the electrostatic precipitator (ESP), which decreased the distance between the control device and the induced-draft fan. Increasing the distance between the ESP and the induced-draft fan is not possible because of the location of the existing bark handling system on one end of the gas train and the river bank at the other end.
4. In its request, Petitioner asserted, "the COMS for the boiler will meet all requirements of the federal regulation Part 60 Appendix B except the location of the sampling."

5. In its request, Petitioner described a second possible location for the COMS. This location would be following the ESP and prior to stack discharge. Although this location meets the siting criteria of Performance Specification 1, a wet scrubber located at the base of the stack would result in moisture interferences in the COMS.

6. On January 8, 2007, the Department received from Petitioner a velocity profile of the requested COMS location which indicates a uniform velocity profile at this location. Based on this data, Petitioner has requested approval to install the COMS at the midpoint of the duct.

### CONCLUSIONS OF LAW

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

2. Petitioner has provided reasonable justification that the proposed alternative sampling location for the COMS is an acceptable alternative to the siting criteria prescribed by Performance Specification 1.

### ORDER

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

1. Petitioner shall install the COMS at a point located between the ESP and stack induced-draft fan of the No. 6 Power Boiler. The monitoring location will be a minimum of two duct diameters from a flow disturbance.

2. Petitioner shall meet all other applicable requirements of Performance Specification 1.

### 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 Department's Proposed Agency Action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. 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 applicant or any of the parties listed below must be filed within twenty-one days of receipt of this written notice. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within twenty-one days of publication of the public notice or within twenty-one days of receipt of this notice, whichever occurs first. Under Section

120.60(3), F.S., however, any person who asked the Department for Notice of Agency Action may file a petition within twenty-one 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, F.A.C.

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, including an explanation of how the alleged facts relate to the specific rules of statutes; 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, F.A.C.

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, 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's 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 thirty days after this order is filed with the Clerk of the Department.

DONE AND ORDERED this 12<sup>th</sup> day of March, 2007, in Tallahassee, Florida.

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Joseph Kahn, Director  
Division of Air Resource Management  
Mail Station 5500  
Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400  
(850) 488-0114

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.

Martha Y. Wise  
(Clerk)

3-12-07  
(Date)