

In the matter of:)
)
ITT Rayonier Inc.)
)
Petitioner)
_____)

RECEIVED

Dept. of Environmental Reg.
Office of General Counsel

Washington's standard, which has since been rescinded. After carefully reviewing the circumstances in this case, the Department is of the opinion that the LRACT visible emissions standard is inappropriate; therefore, the Department recommends the use of the General Visible Emissions Standard of "less than 20% opacity" required by F.A.C. Rule 17-2.610(2).

2. As justification for the alternate compliance verification procedure, petitioner has provided test results demonstrating plume interferences due to humidity, which inhibits accurate evaluations of the plume opacity. Also, the State of Washington has been utilizing the operation of a Brinks Demister System on a similar SSL Recovery Boiler as verification of compliance in lieu of the applicable visible emissions standard. Petitioner will have a continuous time record monitor of the Brinks Demister System's operational status, programmed to record any bypass of that system, and will notify the Department's Northeast District office in a timely manner of such events.

CONCLUSIONS OF LAW

1. The Department has jurisdiction to consider petitioner's request pursuant to Section 403.061, Florida Statutes, and F.A.C. Rule 17-2.700(3).

2. The Department retains the right to require a quantitative compliance test pursuant to F.A.C. Rule 17-2.700(2)(b) if, after investigation, it is believed that any applicable emissions standard is being violated.

3. Petitioner has demonstrated that the proposed alternate compliance verification method would be adequate to verify the compliance of the unit with the visible emissions standard.

ORDER

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

1. The relief requested by petitioner is granted; and,
2. Specific Condition No. 4 is revised as follows:

No. 4. The permitted maximum allowable emission rate for each pollutant is as follows:

<u>Pollutant</u>	<u>Rule</u>	<u>Emission Rate</u>	
		<u>lbs/hr</u>	<u>TPY</u>
PM ¹ /	17-2.630, F.A.C. ² /	67.5 ³ /	283.5 ⁴ /
SO ₂ ⁵ /	17-2.630, F.A.C. ² /	321.9 ⁶ /	1352.0 ⁴ /
VE ⁷ *	17-2.630, F.A.C.²/	10% opacity	

*Compliance with F.A.C. Rule 17-2.610(2), General Visible Emissions Standard, shall be accomplished and confirmed via operation of the Brinks Demister System. A continuous monitor time record of the Brinks Demister System's

¹ PM - particulate matter.

² 17-2.630 (was 17-2.03), which was the basis for the determination of latest reasonable available control technology based on Washington State Standards for Sulfite Pulp Mills -- WAC 18-38-040 ~~and an opacity standard~~ dated 07-12-76.

³ Basis: rate used in 6/75 model; 27 TADUP; 2.5 lbs PM/TADUP.

⁴ Basis: Hours of operation shall be limited to 8400 H/Y (24 H/D; 7 D/W; 50 W/Y) and shall be recorded.

⁵ SO₂ - sulfur dioxide.

⁶ Basis: rate used in 6/75 model; concentration of SO₂ shall not exceed 300 ppm, dry, as an hourly average in the stack.

⁷ ~~VE---visible-emissions-~~

operational status, programmed to record any bypass of that system, shall be maintained by the permittee, and retained on site for Department inspection pursuant to General Condition No. 7. Source operations with the Brinks Demister System bypassed shall be limited to:

- a) Emergency, not to exceed two (2) hours, after which, if operations have not been restored, shall require discontinuance of fuel sources other than oil, and prompt notification to the Department, followed by a report to the Department of the event and any change in the volume or characteristics of visible emissions experienced during the period of oil-only emergency operation. To the extent feasible, the Department's Northeast District office shall be notified of reportable bypasses by noontime of the business day following a reportable bypass.
- b) Shutdown, not to exceed two (2) hours.
- c) Excess Emissions (see Specific Condition No. 8, hereof).

RIGHT TO APPEAL

Any party to this Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; 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 of Appeal must be filed within 30 days from the date the Notice of Agency Action is filed with the Clerk of the Department.

PETITION FOR ADMINISTRATIVE REVIEW

1. A person whose substantial interests are affected by the Department's decision may petition for an administrative

(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

3. If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Order. Persons whose substantial interests will be affected by any decision of the Department with regard to the applicant have the right to petition to become a party to the proceeding. The petition must conform with the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to F.A.C. Rule 28-5.207.

4. This Order constitutes final agency action unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to F.A.C. Rule 17-103.070. Upon timely filing of a petition or a request for an extension of time this Order will not be effective until further Order of the Department.

proceeding (hearing) in accordance with Section 120.57, 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 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 21 days of receipt of this Order. Petitioner shall mail a copy of the petition to the applicant at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

2. The petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner, the applicant's name and address, and the Department File Number;

(b) A statement of how and when each petitioner received notice of the Department's action or proposed action;

(c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;


(d) A statement of the material facts disputed by petitioner, if any;

(e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;

(f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and,

DONE AND ORDERED this 10 day of May, 1991 in
Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


CAROL M. BROWNER
Secretary
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

(904) 488-4805

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Order has
been mailed, postage prepaid, to Mr. E. M. Shirley, Manager of
Environmental and Community Affairs, ITT Rayonier Inc., Post
Office Box 2002, Fernandina Beach, Florida 32034-2002, this 15th
day of May, 1991.


GARY SMALLRIDGE
Assistant General Counsel

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

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