**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**
BOB MARTINEZ CENTER
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT
GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

*Sent by Electronic mail – Received Receipt Requested*

Mr. Dave Weeden, Environmental Program Manager
Buckeye Florida Limited Partnership
One Buckeye Drive
Perry, FL 32348-7702

Re: Alternate Monitoring Request – Use of TRS CEMS
Buckeye Florida Limited Partnership
Facility ID No. 1230001: 13-R-AP

Dear Mr. Weeden:

Pursuant to Rule 62-297.620, Florida Administrative Code (F.A.C.), the Office of Permitting and Compliance received your request seeking a renewal of a 2003 approval to use modern electronic data recording and storage systems for TRS CEMS rather than the older strip chart technology required by Rule 62-296.404, F.A.C. The previous approval expired August 25, 2013. The basis for this request is the Petitioner's assertion that strip chart recording technology is quickly being replaced with more modern electronic recording instruments and it is becoming increasingly difficult to obtain parts and supplies for the existing strip chart recorders.

The previous approval stated the following findings of fact: The petitioner stated that the data collection and storage system "collects and stores continuous data readings, is backed up routinely, has proven reliability of approximately 99.9%, and can instantly produce graphical representations for the data over a selected time period." Further, the petitioner stated that, "There will be no functionality lost by the conversion to an electronic system. In fact, the graphical capabilities are superior to the strip chart technology since multiple parameters can be charted together." The petitioner also stated, "Active data is available directly from the system for a two-year period and inactive data is archived on storage media and available for at least five years."

Rule 62-296.404(5)(b)2.a., F.A.C., states, "The data output of the continuous emission monitoring system may, at the owner's or operator's option, include a numerical format showing individual numerical readings and averages in addition to the required strip chart format with legible ink tracings and calibration information. All data output shall be clearly and properly identified by the operator. All system breakdowns, repairs, and calibration checks, span adjustments and periods of excess emissions shall legibly appear on all data output."

Electronic data collection and storage systems are commonly used with CEMS as the sole means of data collection. For example, CEMS subject to the requirements of 40 CFR Part 75 (acid rain regulations) rely exclusively on electronic systems rather than analog strip chart recorders. Also, the Department has eliminated the use of strip charts in the ambient monitoring network due to maintenance difficulties.

Because it has been demonstrated that your systems have been reliable and accurate for more than 10 years, the Department is approving your request under the same terms as were previously stated, with the exception that there is no expiration date for this approval.

Please call Sheila Schneider at 850/717-9104 if you have any questions regarding this determination.

The Department's proposed agency action shall become final unless a petition for an administrative hearing is timely under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition set forth below. On the filing of a timely petition, this action will not be final and effective until further order of the Department or the petition has been dismissed or withdrawn. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even reversal of the agency action.

A person whose substantial interests are affected by the proposed decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this written notice. Petitions filed by any other person must be filed within 14 days of receipt of this proposed action. A petitioner must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. A petition for administrative hearing must contain the information set forth below and must be filed (received) with the Agency Clerk in the Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000, Agency.Clerk@dep.state.fl.us, before the deadline.

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, any email address, telephone number and any facsimile number of the petitioner; the name, address, any email address, telephone number, and any facsimile 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 each 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, as well as the rules and statutes which entitle the petitioner to relief; (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 permitting authority'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 permitting authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Once this decision becomes final, any party to this order has the right to seek judicial review by the filing of a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399-3000, Agency.Clerk@dep.state.fl.us; 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 thirty days from the date this action is filed with the Agency Clerk.

Mediation is not available in this proceeding.

Any party to this order has the right to seek judicial review of it under Section 120.68, F.S., by the filing of a Notice of Appeal, under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station #35, 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 of Appeal must be filed within thirty days from the date this notice is filed with the Clerk of the permitting authority.

Executed in Tallahassee, Florida.

Syed Arif
2013.08.30
10:22:54 -04'00'

Syed Arif, Environmental Administrator
Office of Permitting and Compliance
Division of Air Resource Management

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this letter of authorization for an alternate sampling procedure was sent by electronic mail with received receipt requested before the close of business on the date indicated below to the following persons.

Richard Rachal, FDEP Northeast District: Richard.Rachal@dep.state.fl.us
Dave Weeden, Environmental Program Manager: dave_weeden@bkitech.com
David McNeal, EPA Region 4: mcneal.dave@epa.gov
Lynn Scearce, DEP OPC: lynn.scearce@dep.state.fl.us

Clerk Stamp

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

Lynn Scearce
2013.08.30 10:36:36 -04'00'