



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

NORTHEAST DISTRICT
8800 BAYMEADOWS WAY WEST, SUITE 100
JACKSONVILLE, FLORIDA 32256

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

Sent by Electronic Mail – Received Receipt Requested

Mr. Thomas Sweetsers, General Manager
Fernandina Beach & Seminole Mills
RockTenn CP, LLC
600 North 8th Street
Fernandina Beach, FL 32034

Re: Exemption from the Requirement to Obtain an Air Construction Permit
Rock Tenn CP, LLC. Jacksonville Mill
Facility ID No. 0310067, Duval County, FL
Temporary Package Boiler Operation – 32.0MMBtu/hr Steam Boiler

Dear Mr. Sweetsers:

On January 15, 2014 you submitted a request for the use of a temporary 32.0 MMBtu/hr natural gas steam package boiler at the Rock Tenn CP, LLC Jacksonville Mill (ID. No. 0310067) located in Duval County at 9469 East Port Road, Jacksonville, Florida. The request states that the purpose of the temporary boiler is to produce steam that would otherwise be generated by Cedar Bay Cogeneration Project (CBCP) facility. .

Determination: Pursuant to Rule 62-4.040(1)(b) of the Florida Administrative Code (F.A.C.) the Department of Environmental Protection, Northeast District determines that the activity will not emit air pollutants"... in sufficient quantity, with respect to its character, quality, or content, and the circumstances surrounding its location, use and operation, as to contribute significantly to the pollution problems within the State, so that the regulation (permitting) thereof is not reasonably justified." The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Rule 62-4.040(1), F.A.C.- Exemptions. Therefore, the project is exempt from the requirement to obtain an air construction permit, subject to the attached conditions of exemption. This determination may be revoked if the proposed activity is substantially modified or the basis for the exemption is determined to be materially incorrect. The temporary boiler may not be kept on site for more than 180 consecutive days from the date the unit is initially brought on site. (40 CFR 60.40 c (i), 40 CFR 60.41c)

The use of the temporary boiler will not trigger the applicability of NSPS 40 CFR Subpart Dc. A copy of this letter shall be maintained at the site of the proposed activity. This permitting decision is made pursuant to Chapter 403, Florida Statutes.

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Permitting Authority: Applications for air permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-212, F.A.C. The Department of Environmental Protection, Northeast District Office, Waste and Air Resource Management Program is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical and mailing address is: 8800 Baymeadows Way West, Suite 100, Jacksonville, FL 32256. The Permitting Authority's telephone number is 904/256-1700.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. . 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. Petitions must be filed within 21 days of receipt of this exemption from air permitting requirements. 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 (in a proceeding initiated by another party) 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 Permitting Authority'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

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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 when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (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 or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the 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 Permitting Authority's final action may be different from the position taken by it in this permitting action. 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.

Mediation: Mediation is not available in this proceeding.

Judicial Review: Any party to this permitting decision (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 Jacksonville, Florida.



Richard S. Rachal III, P.G.
Program Administrator
Waste and Air Resource Management Program

RSR/yke

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CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Final Exemption from Air Permitting was sent by electronic mail, or a link to this document made available electronically on a publicly accessible server, with received receipt requested before the close of business on January 17, 2014 to the persons listed below.

Mr. Thomas Sweetser, General Manager, Rock Tenn CP, LLC (tsweetser@rocktenn.com)
Mr. Theophile Naessens, Environmental Engineer, Rock Tenn CP, LLC (tnaessen@rocktenn.com)
Ms. Michelle Rundlett, Environmental Manager, Rock Tenn CP, LLC (mrundlet@rocktenn.com)
Ms. Lori Tilley Environmental Program Supervisor (TILLEY@coj.net)
Mr. Christopher Kirts P.E. FDEP, Compliance Assurance (Christopher.Kirts@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.


(Clerk)

January 17, 2014
(Date)

CONDITIONS OF EXEMPTION

Based on the electronic information received January 15, 2014, RockTenn CP, LLC., Jacksonville Mill is authorized to temporarily operate a 32.0 MMBtu/hr steam boiler during the annual spring maintenance outage of the Cedar Bay Cogeneration Project (CBCP) facility.

Pursuant to the provisions of Rule 62-210.300(3)(a)34,F.A.C.- Exemptions, the project is exempt from the requirement to obtain an air construction permit. The exemption is subject to the following conditions:

Location

1. The 32.0 MMBtu/hr Steam Package Boiler shall be located at RockTenn CP, LLC. Jacksonville Mill at 9469 East Port Road, Jacksonville, Duval County Florida.

Fuel type

2. The 32.0 MMBtu/hr Steam Package Boiler shall be fired with natural gas only.

Duration

3. The Steam Package Boiler shall only be used during the CBCP facility's annual spring maintenance outage commencing in January 2014 and not to exceed through April 2014. Should the CBCP annual spring maintenance outage exceed the January – April 2014 estimated timeframe, the Jacksonville Mill is authorized to continue operation of the Steam Package Boiler during the CBCP outage, but at no time shall the operation exceed 180 consecutive days. The Steam Package Boiler shall be operated as to comply with the temporary boiler classification pursuant to 40 CFR 60 Subpart Dc, and 40 CFR 63 Subpart DDDDD. .

Method of Operation

4. The steam production at the Jacksonville Mill shall continue to be limited to no more than 450,000 lbs/hr of total steam from the three existing permitted package boilers (EUs 022, 023 and 026), and this Steam Package Boiler.

Reports and Recordkeeping

5. The Jacksonville Mill shall notify the Department (Compliance Authority: 8800 Baymeadows Way West, Suite100, Jacksonville Fl. 32256 Email: Christopher.Kirts@dep.state.fl.us) by e-mail (within three days) of the dates that the Steam Package Boiler begins operation and completes operation at the site.

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6. The Jacksonville Mill shall maintain the following records:

Steam Package Boiler:

- a. Manufacturer name and date of manufacture
- b. Model No.
- c. Quantity of natural gas combusted while located at the site
- d. Estimate of the quantity of the following pollutants generated while located at the site:
 - i. Carbon Monoxide
 - ii. Oxides of Nitrogen
 - iii. Volatile Organic Compounds
 - iv. Particulate Matter (PM) and PM₁₀
- e. The total number of days of operation at the site.

Steam Package Boiler and Existing Permitted Package Boilers (EUs 022, 023 and 026):

- Total steam production on an hourly basis.
7. The above records, receipts, and certifications shall be submitted to the Department (Compliance Authority: 8800 Baymeadows Way West, Suite100, Jacksonville FL 32256. Email: Christopher.Kirts@dep.state.fl.us) by e-mail within one month following completion of use of the steam package boiler.

Applicable Air Regulations

8. Exemption from the requirement to obtain an air permit does not relieve any emissions unit or activity from complying with any requirement under 40 CFR Part 60, 61, or 63, adopted and incorporated by reference at Rule 62-204.800, F.A.C., to which it is subject, even if such requirement is not a unit-specific applicable requirement. [Rule 62-210.300(3), F.A.C.]
9. NSPS, 40 CFR 60 Subpart Dc Applicability: The affected facility to which this subpart applies is each steam generating unit for which construction, modification, or reconstruction is commenced after June 9, 1989 and that has a maximum design heat input capacity of 29 megawatts (MW) (100 million British thermal units per hour (MMBtu/h)) or less, but greater than or equal to 2.9 MW (10 MMBtu/h).

The Steam Package Boiler is not subject to this subpart as the unit is authorized to only to operate onsite as a temporary boiler.

Temporary boiler means a steam generating unit that combusts natural gas or distillate oil with a potential SO₂ emissions rate no greater than 26 ng/J (0.060 lb/MMBtu), and the unit is designed to, and is capable of, being carried or moved from one location to another by means of, for example, wheels, skids, carrying handles, dollies, trailers, or platforms. A steam generating unit is not a temporary boiler if any one of the following conditions exists:

- (1) The equipment is attached to a foundation.

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- (2) The steam generating unit or a replacement remains at a location for more than 180 consecutive days. Any temporary boiler that replaces a temporary boiler at a location and performs the same or similar function will be included in calculating the consecutive time period.
- (3) The equipment is located at a seasonal facility and operates during the full annual operating period of the seasonal facility, remains at the facility for at least 2 years, and operates at that facility for at least 3 months each year.
- (4) The equipment is moved from one location to another in an attempt to circumvent the residence time requirements of this definition.

[40 CFR 40.40c(a), 40 CFR 60.40c(i), 40 CFR 60.41c]

10. NESHAP, 40 CFR 63, Subpart DDDDD Applicability: The affected facility to which this subpart applies is each industrial, commercial, or institutional boiler or process heater as defined in § 63.7575 that is located at, or is part of, a major source of HAP, except as specified in § 63.7491. For purposes of this subpart, a major source of HAP is as defined in § 63.2, except that for oil and natural gas production facilities, a major source of HAP is as defined in § 63.761 (subpart HH of this part, National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities).

The Steam Package Boiler is not subject to this subpart as the unit is authorized to only to operate onsite as a temporary boiler.

Temporary boiler means any gaseous or liquid fuel boiler that is designed to, and is capable of, being carried or moved from one location to another by means of, for example, wheels, skids, carrying handles, dollies, trailers, or platforms. A boiler is not a temporary boiler if any one of the following conditions exists:

- (1) The equipment is attached to a foundation.
- (2) The boiler or a replacement remains at a location for more than 12 consecutive months. Any temporary boiler that replaces a temporary boiler at a location and performs the same or similar function will be included in calculating the consecutive time period.
- (3) The equipment is located at a seasonal facility and operates during the full annual operating period of the seasonal facility, remains at the facility for at least 2 years, and operates at that facility for at least 3 months each year.
- (4) The equipment is moved from one location to another in an attempt to circumvent the residence time requirements of this definition.

[40 CFR 63 Subpart DDDDD – 3/21/11 Amendments, 40 CFR 63.7485, 40 CFR 63.7491(j), 40 CFR 63.7575]

11. Exemption from the requirement to obtain an air permit does not relieve the owner or operator of a facility or emissions unit from complying with any applicable requirements, any emission

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limiting standards or other requirements of the air pollution rules of the Department or any other such requirements under federal, state, or local law. [Rule 62-210.300(3), F.A.C.]

12. Exemption from the requirement to obtain an air construction permit does not relieve the owner or operator of a facility or emissions unit from complying with the Rule 62-296.320, F.A.C. - General Pollutant Emission Limiting Standards: Subsection 62-296.320(2), F.A.C. Objectionable Odor Prohibited; Subsection 62-296.320(3), F.A.C.- Industrial, Commercial, and Municipal Open Burning Prohibited; Paragraph 62-296.320(4)(b), F.A.C.- General Visible Emissions Standard; and Paragraph 62-296.320(4)(c), F.A.C.-Unconfined Emissions of Particulate Matter.

[Chapter 296, F.A.C.]