

**BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**IN THE MATTER OF:**

Buckeye Florida, L.P.  
One Buckeye Drive  
Perry, Florida 32348

NPDES Permit No. FL0000876

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**IN THE OFFICE OF THE  
NORTHEAST DISTRICT**

Administrative Order No. 011-NED

**ADMINISTRATIVE ORDER ESTABLISHING COMPLIANCE SCHEDULE  
PURSUANT TO SECTION 403.088(2)(f), F.S.**

**I. STATUTORY AUTHORITY**

The Department of Environmental Protection (“Department”) administers Florida’s National Pollution Discharge Elimination Program (“NPDES”) permitting and enforcement program under Sections 403.088 and 403.0885, F.S., and Chapters 62-4, 62-302, 62-620, 62-650 and 62-660, F.A.C. The Department has jurisdiction over the matters addressed in this Administrative Order (“Order”). The Department issues this Order under the authority of Section 403.088, F.S.

The Department makes the following findings of fact.

**II. FINDINGS OF FACT**

1. Buckeye Florida, L.P., is a Florida limited partnership. Buckeye Florida (“Buckeye”) is a person under Section 403.031, F.S.

2. Buckeye owns and operates a Dissolving Kraft Pulp Manufacturing mill and an associated industrial wastewater treatment facility located in Taylor County, Florida. Buckeye currently discharges industrial wastewater into the Fenholloway River which are “waters” of the State as defined in Section 403.031(13), F.S.

3. In December 1994, the Department finalized the Fenholloway Use Attainability Analysis (“UAA”), which concluded that the attainment of Class III designated uses and water quality criteria in the Fenholloway River was technologically and economically feasible based on specified treatment and discharge technologies. In December 1994, the Environmental Regulation Commission (“ERC”) voted to repeal the Class V designation of the Fenholloway River, effective December 31, 1997. The Class V designation is for waters with designated navigation, utility and industrial uses. The ERC’s action had the effect of designating the Fenholloway River as a Class III waterbody, effective January 1, 1998. Class III designated uses are recreation and the propagation and maintenance of healthy, well-balanced population of fish and wildlife.

4. In March 1995, the Department and Buckeye entered into the Fenholloway River Agreement to implement the findings of the UAA. The Fenholloway River Agreement established an overall schedule to attain Class III designated uses and water quality criteria in the Fenholloway River, Estuary and Gulf of Mexico. The Fenholloway River Agreement provided a schedule by which Buckeye would obtain the necessary permits and approvals.

5. In May 1995, Buckeye applied to the Department for the renewal of its NPDES Permit No. FL0000876. In August 1997, the Department issued a proposed NPDES permit which would have allowed for the implementation of the UAA findings and the conditions of the Fenholloway River Agreement. Subsequently, the U.S. Environmental Protection Agency (“EPA”) formally objected to the proposed NPDES permit and the permitting process was abated pending resolution of the EPA’s objections. The Department has prepared this Order in part to respond to the EPA’s

objections. Based upon the inability to timely obtain the necessary permit, Buckeye requested that the Department recognize the occurrence of a Force Majeure event, and in April 1997 the Department determined the delays in the project were beyond Buckeye's control.

6. Subsequent to the submittal of the application for renewal of its NPDES permit, Buckeye undertook and completed major in-plant manufacturing process modifications. These modifications eliminated the use of elemental chlorine, substituted the use of 100% chlorine dioxide, and added the use of oxygen and peroxide in the bleaching process. Buckeye has also replaced the brownstock screening and knotter processes for Mill No. 2 and the knotter process for Mill No. 1.<sup>1</sup>

7. Buckeye has also proposed a headwater hydro period enhancement project to allow the freshwater portion of the Fenholloway River to more closely resemble natural/background conditions. The headwater hydro period enhancement project will involve the enhancement of a roughly 7,000-acre wetland site in the San Pedro Bay, headwaters of the Fenholloway River. Buckeye has already received a Florida Environmental Resource Permit as well as an U.S. Army Corps of Engineers nationwide permit 27 verification for the wetland enhancement project.

8. On January 31, 2005, Buckeye amended its application for the renewal of its NPDES Permit. As part of the application for the renewal of the NPDES Permit No. FL0000876, Buckeye has proposed the following improvements:

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<sup>1</sup> These improvements are outlined in "The Fenholloway River Evaluation Initiative Process Technology Workgroup Report" and are consistent with the Best Available Technology (BAT) basis used by the EPA Cluster Rule to establish the effluent limitations promulgated for the Bleached Papergrade Kraft and Soda Subcategory.

(a) In-plant Manufacturing Process Changes. Buckeye will install a new brownstock washing system for Mill No. 2 that will result in the closure of the washing operations. This closure will eliminate the existing decker seal tank discharge and will lower the washable salt cake carry-over to the bleaching process. Buckeye will also upgrade the existing brownstock washing and screening operations on Mill No. 1. These upgrades will eliminate the decker seal tank discharge and will lower the washable salt cake carry-over to the bleaching process. These improvements are also consistent with the Cluster Rule BAT basis for the Bleached Papergrade Kraft and Soda Subcategory and should result in additional improvements in final effluent flow, biological oxygen demand ("BOD5"), color, sodium, and adsorbable organic halides ("AOX");

(b) Existing Wastewater Treatment System. Following appropriate pilot studies to determine the technical and economic viability of various potential modifications, Buckeye will modify its existing wastewater treatment system. These modifications will consist of converting the existing aerated stabilization basin system to a modified activated sludge wastewater treatment system. These modifications will reduce the level of nutrients and BOD5 currently being discharged. These improvements will also eliminate the potential for the re-suspension and discharge of biosolids from the existing No 2 lagoon; and

(c) Relocation of the Discharge Point and Construction of Pipeline. Buckeye will relocate its existing effluent discharge point from the freshwater portion of the Fenholloway River to an estuarine location approximately 1.7 miles from the mouth of the river. The relocation of the discharge point will necessitate the construction of an approximately 15.3 mile long effluent transmission pipeline. The relocation of the

discharge point will resolve the following water quality issues in the fresh water portion of the River: specific conductance, dissolved oxygen, unionized ammonia, chronic toxicity, and biological integrity. The pipeline project will include a sub-aqueous diffuser discharge. Buckeye has received a Florida Environmental Resource Permit and U.S. Army Corp of Engineers 404 Permit for the construction of the effluent transmission pipeline.

9. The Department has established an Alternative Dissolved Oxygen Criteria (ADOC) for dissolved oxygen (DO) at concentrations other than those required by Rule 62-302.530(31), F.A.C. The ADOC applies to a segment of the Fenholloway River, the Henderson River, and adjacent coastal waters located in Taylor County. (OGC Case 05-1699) .

10. Sections 403.088(2)(e) and (f), F.S., authorize the Department to issue a permit for the discharge of pollutants into the waters of the state, accompanied by an order establishing a schedule for achieving compliance with all permit conditions, if specified criteria have been met. This Order establishes the overall schedule for the construction and implementation of the: In-plant Manufacturing Process Improvements; the Improvements to the Existing Wastewater Treatment System; and the Relocation of the Discharge Point and Construction of an Effluent Transmission Pipeline. These actions shall be taken to bring Buckeye's facility into compliance with the effluent limitations and specific conditions of NPDES Permit No. FL0000876.

11. The Department has determined that these steps are the most environmentally appropriate means of achieving long-term compliance with the Class III designated use and applicable water quality standards in the Fenholloway River. In

consideration of the complex nature of the overall project, this schedule is consistent with Sections 403.151 and 403.088, F.S., which allow the Department to establish a schedule for compliance with a permit or rules of the Department. The Department makes the following findings pursuant to Section 403.088, F.S.:

- a. Buckeye has submitted plans and a reasonable schedule for constructing, installing, or placing into operation, an approved pollution abatement facility or alternative waste disposal system;
- b. Buckeye needs permission to continue to discharge to waters within the state for a period of time necessary to complete research, planning, construction, installation, and operation of an approved and acceptable pollution abatement facility or alternative waste disposal system;
- c. There is no present, reasonable, alternative means of disposing of the waste other than by discharging it into the waters of the state; and
- d. The granting of an operation permit will be in the public interest.

12. Pending the implementation and completion of the actions required by this Order, Buckeye's wastewater effluent may not meet the following water quality based effluent limitations and/or specific conditions of the NPDES Permit No. FL0000876 for the following parameters:

- (i) Carbonaceous Biological Oxygen Demand (lbs/day)
- (ii) Dissolved Oxygen (mg/l)
- (iii) Total Nitrogen (lbs/day as N)
- (iv) Total Phosphorous (lbs/day as P)
- (v) Biological Integrity (Rule 62-302.530(11), F.A.C.)
- (vi) Specific Conductance (umhos/cm)
- (vii) Chronic Toxicity (Rule 62-302.530(21), F.A.C.)

- (viii) Transparency (Rule 62-302.530(68), F.A.C.)
- (ix) Total Recoverable Iron (mg/l)
- (x) 2,3,7,8 – tetrachlorodibenzo-p-dioxin (TCDD) (pg/l)
- (xi) Color (lb equivalents / day)
- (xii) Unionized ammonia (mg/l)
- (xiii) Ammonia nitrogen (lbs/day as N)

13. This Order and the associated NPDES Permit No. FL0000876 constitute the Department's authorization to discharge pollutants to waters of the state under the state administered NPDES program. This Order also includes a schedule for project implementation.

### **III. ORDER**

Based on the foregoing findings of fact,

#### **IT IS ORDERED,**

14. Except for the following interim discharge limits, Buckeye shall comply with all other permit conditions and effluent limits of NPDES Permit No. FL0000876.

#### **Part I – Actions**

15. Buckeye shall undertake the following actions to achieve compliance with the effluent limitations and specific conditions of the NPDES Permit No. FL0000876. Pursuant to the requirements of this Order, Buckeye shall implement the following actions in lieu of Part VI.3 of the permit:

- (a) Mill No. 1 - Upgrades to Brownstock Washing and Screening Operations.

Within 30 months of the effective date of this Order, Buckeye shall undertake and complete the proposed upgrades to the Mill No. 1 brownstock washing and screening

operations. The upgraded system will eliminate the decker seal tank discharge and will lower the washable salt cake carry-over to the bleaching process. These improvements will be consistent with the Cluster Rule BAT basis for the Bleached Papergrade Kraft and Soda Subcategory;

(b) Mill No. 2 - Upgrades to Brownstock Washing Operations. Within 9 months of the effective date of this Order, Buckeye shall install a new brownstock washing system for Mill No. 2 that will result in the closure of the washing operations. The new washing system will eliminate the decker seal tank discharge and will lower the washable salt cake carry-over to the bleaching process. This improvement will also be consistent with the Cluster Rule BAT basis for the Bleached Papergrade Kraft and Soda Subcategory;

(c) Modifications to the Existing Wastewater Treatment Facility. Within 21 months of the effective date of this Order, Buckeye shall submit a description of the pilot plant studies necessary to determine the nature and extent of the modifications that will be made to the existing wastewater treatment facility for the Department's review and approval. Within 18 months of Department approval, Buckeye will complete the pilot plant studies. These modifications will include, but are not limited to; converting the existing aerated stabilization basin system to a modified activated sludge wastewater treatment system. Within 3 months of completion of the pilot studies, Buckeye shall submit for the Department's review and approval a description of planned modifications and a construction schedule for the implementation of the modifications. Buckeye shall complete the modifications to the wastewater treatment facility within 36 months of

Department approval of planned modifications and no later than 81 months from the effective date of this Order;

(d) Construction of the Effluent Transmission Pipeline. Within 78 months of the effective date of this Order, Buckeye shall submit a final design for the relocation pipeline, diffuser, and other necessary and related systems for the Department's review and approval. Within 84 months of the effective date of this Order, Buckeye shall commence construction of the effluent relocation pipeline system. Buckeye shall submit for the Department's review and approval a plan and a schedule for the phase-in of effluent discharge from the existing discharge point to the new discharge point.

Within 105 months of the effective date of this Order, Buckeye shall complete construction and place into full operation the effluent transmission pipeline, diffuser, and the other necessary and related systems. No later than 105 months of the effective date of this Order, Buckeye shall cease discharge at D-001 except as otherwise authorized by NPDES Permit FL0000876 or this Order;

(e) Nutrient Limitations and Loading Evaluation. Within 3 months of the effective date of this Order, Buckeye shall submit for the Department's review a description of the ongoing nutrient limitations and loading evaluation. Within 18 months of the effective date of this Order, Buckeye shall complete and submit the results of its on-going nutrient limitations and loading evaluation. The purpose of the nutrient limitations and loading evaluation is to provide the Department with the information necessary to review, modify, or establish an appropriate alternate basis for a nutrient limitation and an alternate Water Quality Based Effluent Limitations ("WQBEL"), to ensure compliance with the nutrient standards, in accordance with Chapter 62-650,

F.A.C., in conjunction with any applicable Total Maximum Daily Load (“TMDL”) for the Lower Fenholloway River and the Gulf near shore area. The Department shall take action on the alternative WQBEL within 6 months of Buckeye’s submittal of the results of its nutrient limitation and loading evaluation;

(f) Plan of Study for Transparency. Within 3 months of the effective date of this Order, Buckeye shall develop and submit for the Department’s approval a Plan of Study (POS) and schedule for Transparency in the Lower Fenholloway River and the Gulf near shore area. The POS shall be designed and implemented to demonstrate that Buckeye’s discharge meets the surface water quality criteria in Rule 62-302.530(68), F.A.C. Upon completion, Buckeye shall submit the results of the POS to the Department.

If the results fail to demonstrate that the discharge meets the surface water quality criteria in Rule 62-302.530(68), F.A.C., Buckeye shall evaluate treatment options to achieve this criterion. Buckeye shall petition the Department for an appropriate moderating provision(s) or other available relief as provided for under Chapters 120 or 403, Florida Statutes, and the rules promulgated thereunder. Any petition for a moderating provision shall include an evaluation of all potential treatment options and the feasibility of each. Any such petition shall be submitted within 36 months of the effective date of this Order;

(g) Plan of Study for Iron. Within 3 months of the effective date of this Order, Buckeye shall develop and submit for the Department’s approval a Plan of Study (POS) and schedule in the Lower Fenholloway River and the Gulf near shore area. The POS shall be designed and implemented to demonstrate that Buckeye’s discharge meets the

surface water quality criteria in Rule 62-302.530(39), F.A.C. Upon completion, Buckeye shall submit the results of the POS to the Department.

If the results fail to demonstrate that the discharge meets the surface water quality criteria in Rule 62-302.530(39), F.A.C., Buckeye shall evaluate treatment options to achieve this criteria. Buckeye shall petition the Department for an appropriate moderating provision(s) or other available relief as provided for under Chapters 120 or 403, Florida Statutes, and the rules promulgated thereunder. Any petition for a moderating provision shall include an evaluation of all potential treatment options and the feasibility of each. Any such petition shall be submitted within 36 months of the effective date of this Order;

(h) Plan of Study for the Oxygen Injection System - Within 3 months of the completion of the pilot plant studies described in paragraph 14(c) above, Buckeye may develop and submit for the Department's approval a Plan of Study (POS) and schedule for monitoring and maintaining the DO levels in the effluent discharged at the pipeline diffuser demonstrating compliance with the ADOC. The POS shall be designed and implemented to demonstrate whether Buckeye's effluent will meet the permit limit for DO at the pipeline diffuser without the need for oxygen injection. Buckeye may also develop a surrogate effluent monitoring limit to be applied prior to the pipeline that will ensure compliance with the permit limit. Additionally, the POS may evaluate whether a DO mixing zone is available pursuant to Rule 62-4.244, F.A.C.. Upon completion, Buckeye shall submit the results of the POS to the Department.

If Buckeye does not submit the POS or the results of the POS fail to demonstrate that the effluent discharge meets the permit limit without oxygen injection, Buckeye shall

within 89 months of the effective date of this Order, submit a final design for the oxygen injection for the Department's review and approval. Within 93 months of the effective date of this Order, Buckeye shall commence construction of the oxygen injection system in conjunction with the planned effluent relocation pipeline system. Within 105 months of the effective date of this Order, Buckeye shall complete construction and place into full operation the oxygen injection system.

Buckeye may petition the Department for an appropriate moderating provision(s) or other available relief as provided for under Chapters 120 or 403, Florida Statutes, and the rules promulgated thereunder. Any petition for a moderating provision shall include an evaluation of all potential treatment options and the feasibility of each. Any such petition shall be submitted within 78 months of the effective date of this Order;

(i) Agency Action on Petition for Moderating Provision or Other Available Relief. The Department shall take agency action with respect to any petition for a moderating provision or other available relief as provided by Chapters 120 or 403, Florida Statutes, and the rules promulgated thereunder. Buckeye shall comply with the terms of this Order pending final agency action on the petition for moderating provision or other available relief; and

(j) Response Action Requirements for the Plans of Study. Within 60 days of receipt of the POS or subsequent submittals of additional information, the Department shall request submittal of any additional information needed to review the POS. If the Department requests additional information concerning the POS, Buckeye shall submit the requested information within 45 days of receipt of written notice.

16. Reporting requirements: No later than 14 calendar days following each date identified above, Buckeye shall submit either a report of progress or, in the case of specific actions being required by an identified date, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the status of progress toward meeting the next scheduled requirement.

Buckeye shall provide the Department with quarterly reports documenting the progress toward compliance with the time frames specified above, beginning no more than 90 days from the effective date of this Order. Compliance reports or other information required by this Order shall be sent to the Industrial Wastewater Section, DEP Northeast District, 7825 Baymeadows Way, Suite B200, Jacksonville, FL 32256.

### **Part II: Interim and Final Discharge Limits**

17. Pending implementation, completion and verification of the actions required by this Order, the industrial wastewater effluent from the Buckeye's facility will not meet all water quality standards or specific conditions of NPDES Permit No. FL0000876, as specified in Part I.A.1.

### **Surface Water Discharges D-001 – Interim Limits**

18. Commencing on the effective date of this Order and continuing for a period of 81 months, any discharge of wastewater from Outfall D-001 shall comply with the monitoring requirements and limits specified in Table 1 below, in lieu of Part I.A.1. of NPDES Permit No. FL0000876.

Table 1 – Interim Limits D-001						
D-001	Discharge Limitations			Monitoring Requirements		
Parameters (units)	Monthly Avg.	Daily Max.	Other – specify	Frequency	Sample Type	Sample Point
Flow (mgd)	Report	Report	NA	Continuous	Recorder	EFF-1
BOD5 (lbs/day)	13,200	19,800	NA	3/week	24 hour composite	EFF-1
Total Suspended Solids (lbs/day)	25,000	50,000	NA	3/week	24 hour composite	EFF-1
pH (standard units)	NA	8.5	6.0 Daily Min.	Daily	Grab	EFF-1
Dissolved Oxygen (mg/l)	NA	NA	5.0 Daily Minimum	3/week	Grab	EFF-1
Unionized Ammonia (mg/l)	NA	Report	NA	1/week	Grab	EFF-1
Total Nitrogen (lbs/day as N)	Report	Report	NA	1/week	24 hour composite	EFF-1
Ammonia Nitrogen (lbs/day as N)	Report	Report	NA	1/week	Grab	EFF-1
Total Phosphorus (lbs/day as P)	Report	Report	NA	1/week	24 hour composite	EFF-1
Temperature (°C)	NA	Report	NA	3/week	Grab	EFF-1
Specific Conductance (µmhos/cm)	NA	4,000	NA	1/month	Grab	EFF-1
Color (lb equivalents/day)	Report	Report	438,350 Annual Average	3/week	Calculated	EFF-1
Color (pt-co)	Report	Report		3/week	24 hour composite	EFF-1
Oil & Grease (mg/l)	NA	5.0	NA	1/month	Grab	EFF-1
2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD) (pg/l)	NA	Report	NA	1/quarter	3, 24-hour flow proportioned composite	EFF-1
2,4,6 -trichlorophenol (ug/l)	NA	NA	6.5 Annual Average	1/month	Grab	EFF-1
Total Recoverable Iron (mg/l)	NA	Report	NA	1/quarter	Grab	EFF-1
Coliform, Total (#/100ml)	1000 Mo. Geo. Mean	2400	NA	Monthly/ Quarterly See Note a.	Grab	EFF-1
Whole Effluent Chronic Toxicity	Report See NPDES Permit Condition I.A.4.			Semi-Annual	24-hr Composite	EFF-1

a. Total Coliform and Enterococci shall be monitored monthly. After 12 consecutive months of data showing compliance, the Permittee shall reduce monitoring frequency to quarterly.

19. The above-referenced interim limits for D-001 are established to allow Buckeye sufficient time to undertake and complete the actions required under Paragraphs 14 (a), (b) and (c) of this Order.

**Surface Water Discharges D-001 & D-002 – Interim Limits**

20. Beginning 81 months after the effective date of this Order and continuing for a period of 24 months, any discharge of wastewater from Outfall D-001 and D-002, shall comply with the monitoring requirements and limits specified in Table 2, below in lieu of Part I.A.1. and 2. of the permit. These interim limits will allow the time necessary to complete construction and verification of the effluent transmission pipeline and effectively transition from Outfall D-001 to Outfall D-002.

<b>Table 2 – Interim Limits D-001/D-002</b>						
<b>D-001/D-002</b>	<b>Discharge Limitations</b>			<b>Monitoring Requirements</b>		
<b>Parameters (units)</b>	<b>Monthly Avg.</b>	<b>Daily Max.</b>	<b>Other – specify</b>	<b>Frequency</b>	<b>Sample Type</b>	<b>Sample Point</b>
Flow (mgd)	Report	Report	NA	Continuous	Recorder	EFF-1
Total Suspended Solids (lbs/day)	25,000	50,000	NA	3/week	24 hour composite	EFF-1
pH (SU)	NA	8.5	6.5 (D-002) 6.0 (D-001)  Daily Minimum	Daily	Grab	EFF-1
Carbonaceous Biochemical Oxygen Demand-5 (lb/day)	4,020	6,330	NA	3/week	24 hour composite	EFF-1
Oxygen, Dissolved (DO) (mg/l)	NA	NA	5.0 Daily Minimum	3/week	Grab	EFF-1
Phosphorus, Total (as P) (lbs/day)	Report	NA	365 Annual Average See note a.	Monthly	24 hour composite	EFF-1

Table 2 – Interim Limits D-001/D-002						
D-001/D-002	Discharge Limitations			Monitoring Requirements		
Parameters (units)	Monthly Avg.	Daily Max.	Other – specify	Frequency	Sample Type	Sample Point
Nitrogen, Total (lbs/day)	Report	NA	1095 Annual Average See note a.	Monthly	24 hour composite	EFF-1
Ammonia Nitrogen (lbs/day)	410	NA	NA	Monthly	Grab	EFF-1
Temperature (°C)	NA	Report	NA	3/week	Grab	EFF-1
Specific Conductance (µmhos/cm)	NA	4,000 (D-001)	NA	1/month	Grab	EFF-1
Color (lb equivalents/day)	NA	NA	401,821 Annual Average	3/week	Calculated	EFF-1
Color (pt-co)	NA	Report	Report Annual Average	3/week	24 hour composite	EFF-1
Oil & Grease (mg/l)	NA	5.0	NA	1/month	Grab	EFF-1
2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD) (pg/l)	NA	0.014	NA	1/quarter	3, 24-hour flow proportioned composite	EFF-1
2,4,6 -trichlorophenol (ug/l)	NA	NA	6.5 Annual Average	1/month	Grab	EFF-1
Iron, Total Recoverable (mg/l)	NA	1.0 (D-001) 0.6 (D-002) See note a.	NA	Quarterly	Grab	EFF-1
Coliform, Total (#/100ml)	1000 Mo. Geo. Mean	2400	NA	Monthly Quarterly See Note b.	Grab	EFF-1
Enterococci (#/100ml)	35 Mo. Geo. Mean	276	NA	Monthly Quarterly See Note b.	Grab	EFF-1
Turbidity (NTU)	NA	Report	NA	3/week	Grab	EFF-1
Whole Effluent Chronic Toxicity	Report (D-001) NOEC >=25% (D-002) See NPDES Permit Conditions I.A.4. and I.A.8.					EFF-1
Biological Integrity	Report			See NPDES Permit Condition I.A.10.		

<b>Table 2 – Interim Limits D-001/D-002</b>						
<b>D-001/D-002</b>	<b>Discharge Limitations</b>			<b>Monitoring Requirements</b>		
<b>Parameters (units)</b>	<b>Monthly Avg.</b>	<b>Daily Max.</b>	<b>Other – specify</b>	<b>Frequency</b>	<b>Sample Type</b>	<b>Sample Point</b>
a. The Order will be revised to incorporate appropriate alternative WQBELs in accordance with paragraph 29.						
b. Total Coliform and Enterococci shall be monitored monthly. After 12 consecutive months of data showing compliance, the Permittee shall reduce monitoring frequency to quarterly.						

21. The above-referenced interim limits for Outfalls D-001 and D-002 are established to allow Buckeye sufficient time to undertake and complete the actions required under Paragraphs 14(d) of this Order.

**Surface Water Discharges D-002**

22. Beginning 105 months after the effective date of this Order, any discharge of wastewater from Outfall D-002, shall comply with all final Permit limits or any applicable moderating provision. For the water quality parameters identified in Paragraphs 14(e) through (i), the interim limits identified in Table 2 shall apply pending final agency action on any WQBEL Technical Report, petition for moderating provision or other available relief. Due to the longer response time for the biological community, an additional period of 12 months shall be allowed for demonstration of compliance with the biological integrity water quality criterion if justified by the annual monitoring results.

**Part III: Miscellaneous**

23. Administrative Proceeding - With regard to any agency action taken by the Department with respect to implementing the requirements of this Order, Buckeye may file a petition for formal or informal administrative proceeding, pursuant to Sections 120.569 and 120.57, F.S., and Chapters 62-110 and 28-106, F.A.C., if it disagrees with or otherwise disputes the Department's agency action. The petition must conform to the

requirement of Rule 62-110.106, F.A.C., and must be received by the Department's Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, within twenty-one (21) days after receipt of written notice from the Department of any determination that Buckeye wishes to challenge. The failure to file a petition within this time period shall constitute a waiver by Buckeye of its right to request an administrative proceeding under section 120.569 and 120.57, F.S.

24. Force Majeure: If an event occurs that causes delay or the reasonable likelihood of delay in the achievement of the requirements of this Order, Buckeye shall have the burden of proving that the delay was or will be caused by circumstances beyond its reasonable control that could not have been overcome by due diligence. Upon occurrence of such an event or upon such an event becoming likely Buckeye shall within 7 days, notify the Department orally and as soon thereafter as possible in writing of the anticipated length and cause of the delay, the measures taken or to be taken to prevent or minimize the delay, and the timetable by which Buckeye intends to implement these measures. If Buckeye demonstrates that the delay or anticipated delay has been or will be caused by circumstances beyond its reasonable control, the time for performance hereunder shall be extended for a period equal to the delay resulting from such circumstances.

25. Notice of Rights - Buckeye shall publish the following notice in a newspaper of regular circulation in Taylor County, Florida. The notice shall be published one time only within 15 days after the effective date of the Order. Buckeye shall provide the Department with a copy of the notice within 14 days of publication.

**STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**NOTICE OF ADMINISTRATIVE ORDER**

The Department of Environmental Protection gives notice of agency action of entering into a Administrative Order with Buckeye Florida, L.P. pursuant to Section 120.57(4), F.S. The Administrative Order amends the previous draft permit proposed for this facility and will lead to the achievement of Class III water quality standards in the Fenholloway River. The Facility is located at State Road 30 near Perry, Taylor County, Florida at Latitude: 30° 30' 59" North, Longitude: 83° 33' 12" West. The Administrative Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Northeast District, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256.

Persons whose substantial interests are affected by this Administrative Order have a right to petition for an administrative hearing on the Administrative Order. The Petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S.

The petition shall contain the following information: (a) The name, address, and telephone number of each petitioner; the Department's identification number for the Administrative Order and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Administrative Order; (c) A statement of how each petitioner's substantial interests are affected by the Administrative Order; (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 Administrative Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Administrative Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Administrative Order.

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 Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Administrative Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 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 Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, F.S., is not available.

26. Buckeye shall allow all authorized representatives of the Department access to the property and facility at reasonable times for the purpose of determining compliance with the terms of this Order and the Department's rules and statutes.

27. This Order shall be effective through the time periods specified in paragraph 14 through 22.

28. This Order may be modified for good cause as described in Rule 62-620.325, F.A.C.

29. This Order does not operate as a permit under section 403.088, F.S.

30. Buckeye's failure to comply with the requirements of this Order shall constitute a violation of this Order and NPDES Permit No. FL0000876, and may subject Buckeye to penalties as provided in Section 403.161, F.S.

31. This Order is a final order of the Department pursuant to Section 120.52(7), F.S., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, F.S. Upon the timely filing of a petition this Order will not be effective until further order of the Department.

DONE AND ORDERED on this \_\_\_\_\_ day of \_\_\_\_\_ 2005 in Jacksonville, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

**DRAFT**

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William C. Green  
Acting District Director  
7825 Baymeadows Way, Suite B200  
Jacksonville, Florida 32256

FILED AND ACKNOWLEDGED on this date, under section 120.52(11) of the F.S., with the designated Department Clerk, receipt of which is acknowledged.

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