

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NOTICE OF INTENT TO ISSUE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT,  
ADMINISTRATIVE ORDER AND AN ALTERNATIVE DISSOLVED OXYGEN CRITERIA

The Department of Environmental Protection gives Notice of its Intent to Issue to Buckeye Florida, L.P. (Buckeye) a National Pollution Discharge Elimination System (NPDES) permit (FDEP file number FL000876-001-IW1S), which includes Water Quality Based Effluent Limits (WQBEL), an Administrative Order (File No. 011-NED) and an Alternative Dissolved Oxygen Criteria (ADOC) (OGC No. 05-1699). The Department of Environmental Protection is noticing three separate Agency Actions related to Buckeye's industrial wastewater facility. The facility is located at latitude 30°3'59" N, longitude 83°33'12" W on One Buckeye Drive, Perry, Florida 32348 in Taylor County.

The proposed NPDES permit and Administrative Order would authorize Buckeye to operate a 58 million gallon per day (design) industrial wastewater treatment system serving a dissolved kraft pulp mill. The wastewater treatment system includes a lift station, bar racks, a 320 foot diameter primary clarifier with skimming pond, sludge pumps, 225 acres of sludge storage lagoons with conveyance structures, and a 30 acre aerated lagoon followed by a 120 acre aerated lagoon, with effluent discharge through Outfall D-001, to the Fenholloway River at mile point 24.6 upstream of the River mouth. The proposed NPDES permit and Administrative Order would allow for the construction and operation of modifications to the existing wastewater treatment and effluent disposal system including adequate wastewater holding capacity (potentially a 30 million gallon wastewater holding pond), secondary clarification/filtration system, an effluent pump station, a 15.3 mile wastewater transmission pipeline, an effluent oxygenation system, and an outfall/diffuser structure discharging through Outfall D-002 at mile point 1.7 upstream of the mouth of the Fenholloway River. The proposed NPDES permit and WQBEL establish effluent limits and a compliance schedule for the following parameters: Biochemical Oxygen Demand, Total Suspended Solids, Dissolved Oxygen, Total Nitrogen, and Total Phosphorus.

The proposed Administrative Order incorporates a compliance schedule and authorizes interim effluent limits in two phases. The first phase is of an 81-month duration. During the first phase the permittee will design and construct modifications to the industrial wastewater treatment system. The second phase is of a 24-month duration. The second phase provides for the construction and verification of the 15.3 mile effluent transmission pipeline, effluent oxygenation system, and the outfall/diffuser structure. Effluent will continue to discharge to the freshwater portion of the Fenholloway River at the current point of discharge (D-001) throughout both phases. Following construction and verification of the effluent transmission pipeline and related structures, the permittee will discharge through Outfall D-002 at mile point 1.7 upstream of the mouth of the Fenholloway River. The Administrative Order requires Buckeye to meet final permit effluent limits at Outfall D-002 no later than 105 months from the date of issuance of the Administrative Order.

Buckeye petitioned for Site Specific Alternative Criteria (SSAC). However, the Department has determined that the establishment of an ADOC under rule 62-302.500(2)(f), Florida Administrative Code (F.A.C.), is more appropriate than the establishment of a SSAC under rule 62-302.800, F.A.C. An ADOC was developed for the lower portion of the Fenholloway River and nearby coastal waters. Criteria were developed using water quality data from a nearby reference stream, the Econfina River and its estuary. This river system was selected as a surrogate system due to its similarity with the Fenholloway River with regard to drainage inputs, slope, and geographic location, and because the system is largely unaltered with few anthropogenic influences. The Department's analyses support the conclusion that lower Dissolved Oxygen concentrations in the Lower Fenholloway River system are due to natural conditions. The Dissolved Oxygen water quality criteria are further refined to reflect seasonal differences due to natural conditions. The ADOC represents a change to state surface water quality standards, which will be submitted to the Environmental Protection Agency for formal review and approval.

A copy of the administrative record including the proposed Permit, fact sheet, amended fact sheet, Administrative Order, Final Order granting the ADOC and permit application may be obtained by writing to Vincent A. Seibold, Northeast District Office, 7825 Baymeadows Way, Suite 200B, Jacksonville, FL 32256-7590, by calling 904-807-3301,

by emailing [Vincent.seibold@dep.state.fl.us](mailto:Vincent.seibold@dep.state.fl.us), or by visiting our website at <http://www.dep.state.fl.us/Northeast/Current-Topics/Buckeye.htm>.

The Department will issue the NPDES permit, the Administrative Order, and the ADOC unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, Florida Statutes, within twenty-one days of receipt of notice. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision and associated agency actions may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, Florida Statutes. A person whose substantial interests are affected may petition for an administrative hearing on any one or more of the three separate agency actions; however, the petition must specifically identify the agency action or actions that are being challenged. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under Rule 62-110.106(4), Florida Administrative Code, a person may request enlargement of the time for filing a petition for an administrative hearing. The request must be filed (received by the clerk) in the Office of General Counsel before the end of the time period for filing a petition for an administrative hearing.

Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), Florida Statutes, must be filed within twenty-one days of publication of the notice or within twenty-one days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within twenty-one days of receipt of such notice, regardless of the date of publication.

The 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 or request for enlargement of time within twenty-one days of receipt of notice shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, Florida Statutes. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, Florida Administrative Code.

A petition that disputes the material facts on which the Department's agency actions are based must contain the following information:

- (a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the Department identification number for the agency action(s) being petition (listed above) 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 Department action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

Mediation is not available.

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 have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.