PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Florida Department of Environmental Protection
Division of Air Resource Management, Bureau of Air Regulation

Draft Air Permit No. 0510003-048-AC / PSD-FL-415
United States Sugar Corporation, Clewiston Sugar Mill and Refinery
Hendry County, Florida

Applicant: The applicant for this project is United States Sugar Corporation. The applicant's authorized representative and mailing address is: Neil Smith, Vice President and General Manager, United States Sugar Corporation, U.S. Sugar Clewiston Facility, 111 Ponce De Leon Avenue, Clewiston, Florida, 33440.

Facility Location: The United States (U.S.) Sugar Corporation operates the existing Clewiston Sugar Mill and Refinery, which is located in Hendry County at the intersection of W.C. Owens Avenue and State Road 832 in Clewiston, Florida.

Project: The applicant requests authorization to install and operate (after-the-fact) five wells, pumps, piping, two degasification systems, three transfer pumps, a 600 gallon day tank and a 17,100 gallon horizontal storage tank for the sulfuric acid feed system. The degasification systems essentially strip hydrogen sulfide (H_2S) to the atmosphere. The equipment was installed in 2008 in accordance with a Department water quality permit. At the time of the initial installation, the applicant was unaware that an air construction permit was required subject to the preconstruction review requirements of Rule 62-212.400, Florida Administrative Code (F.A.C) for the Prevention of Significant Deterioration (PSD) of Air Quality. Subsequently, the applicant determined that potential H_2S emissions are approximately 18 tons per year (TPY), which exceeds the PSD significant emission rate for of 10 TPY.

For each PSD-significant pollutant, the Department is required to determine the Best Available Control Technology (BACT) and evaluate the applicant's Air Quality Analysis regarding ambient impacts due to the project. EPA has not established an acceptable ambient monitoring method or required ambient monitoring networks for H_2S impacts; therefore, an ambient air quality analysis is not required. Based on information provided by the applicant, the addition of a packed tower scrubber to remove H_2S emissions is not cost effective at this time. The Department's preliminary BACT determination for H_2S emissions is 18.0 tons per consecutive 12-months based on monitoring water flow rates to the degasification systems and monitoring the H_2S concentration in the raw well water. If the facility receives valid odor complaints associated with the degasification systems as verified by the Compliance Authority, the draft permit includes a provision to request the permittee to revisit this BACT determination and investigate controls.

Permitting Authority: Applications for air construction 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 proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Florida Department of Environmental Protection's Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Bureau of Air Regulation's physical address is 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301 and the mailing address is 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Bureau of Air Regulation's phone number is 850/717-9000.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above. In addition, electronic copies of these documents are available on the following web site by entering draft permit number: http://www.dep.state.fl.us/air/emission/apds/default.asp.

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. 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

applicable provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the proposed Draft Permit and requests for a public meeting for a period of 30 days from the date of publication of the Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of this 30-day period. In addition, if a public meeting is requested within the 30-day comment period and conducted by the Permitting Authority, any oral and written comments received during the public meeting will also be considered by the Permitting Authority. If timely received comments result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

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. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of this Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. 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, and telephone number of the petitioner; the name, address and telephone 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 when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact; (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 Public Notice of Intent to Issue Air Permit. 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.