



# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

December 30, 2009

*Electronically Sent – Received Receipt Requested*

Mr. Neil Smith, V.P. and General Manager  
Sugar Processing Operations  
U.S. Sugar Corporation  
111 Ponce de Leon Avenue  
Clewiston, FL 33440

Re: Project No. 0510003-047-AC  
Clewiston Sugar Mill and Refinery  
Letter of Authorization for Boiler 8  
Alternative Method for Determining the Flue Gas Moisture Content from Boiler 8

Dear Mr. Smith:

You submitted a request for authorization of an alternative method for determining the flue gas moisture content from Boiler 8. Based on a review of then available data, the Department approves the use of the following estimates of the flue gas moisture content as an alternative to the current continuous monitoring methods and will revise Condition 18.d as follows:

*1-Hour Averages (CO and NOx).* 1-hour block averages shall begin at the top of each hour. Each 1-hour average shall be computed using at least one data point in each fifteen-minute quadrant of an hour, where the unit combusted fuel during that quadrant of an hour. Notwithstanding this requirement, a 1-hour average shall be computed from at least two data points separated by a minimum of 15 minutes. If less than two such data points are available, the 1-hour average is not valid. The permittee shall use all valid measurements or data points collected during an hour to calculate the 1-hour averages. The CEMS shall be designed and operated to sample, analyze, and record data evenly spaced over the hour. If the CEMS measures concentration on a wet basis, the permittee shall use at least one of the following methods:

- 1) †The CEMS shall include provisions to determine the moisture content of the exhaust gas and an algorithm to enable correction of the monitoring results to a dry basis (0% moisture);, or
- 2) As authorized in the letter of authorization for Project No. 0510003-047-AC, the permittee may estimate the flue gas moisture content as 26.0% for the crop season (high load operation) and 22.7% for the off-crop season (low-load operation). In addition to annual emissions compliance tests conducted at capacity, the permittee shall conduct three tests runs (30 minutes per test run) to determine the flue gas moisture content (EPA Method 4) at low-load operation (less than 50% of permitted capacity) during each federal fiscal year. Whenever new data for the flue gas moisture content becomes available, the permittee shall adjust these estimates for use in determining emissions rates and report the new moisture content estimates to the Compliance Authority.

## Letter of Authorization

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Alternatively, the owner or operator may develop through manual stack test measurements a curve of moisture contents in the exhaust gas versus load for each allowable fuel, and use these typical values in an algorithm to enable correction of the monitoring results to a dry basis (0% moisture). Final results shall be recorded in terms of "lb/MMBtu".

Nothing in this action waves any federal requirements of the applicable New Source Performance Standards (NSPS) for this unit.

The Department will consider the above-noted action final unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, of the Florida Statutes (F.S.). Mediation under Section 120.573, F.S., will not be available for this proposed 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. The petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, MS #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this 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. 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, 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 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.

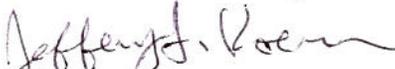
Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of 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.

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.

**Letter of Authorization**

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Executed in Tallahassee, Florida.

  
Trina L. Vielhauer, Chief  
Bureau of Air Regulation

FOR

TLV/jfk

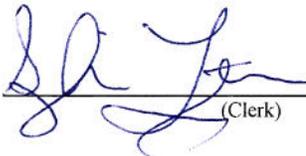
**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this authorization was sent by electronic mail (or a link to this document was made available electronically on a publicly accessible server) with received receipt requested before the close of business on 12/30/09 to the persons listed below.

- Mr. Neil Smith, U.S. Sugar (nsmith@ussugar.com)
- Mr. Keith Tingberg, U.S. Sugar (ktingberg@ussugar.com)
- Mr. David Buff, Golder Associates (dbuff@golder.com)
- Mr. Ajaya Satyal, SD Office (ajaya.satyal@dep.state.fl.us)
- Ms. Kathleen Forney (forney.kathleen@epa.gov)
- Ms. Heather Abrams, EPA Region 4 (abrams.heather@epa.gov)
- Ms. Ana M. Oquendo, EPA Region 4 (oquendo.ana@epa.gov)
- Ms. Vickie Gibson, DEP BAR Reading File (victoria.gibson@dep.state.fl.us)

Clerk Stamp

**FILED AND ACKNOWLEDGMENT FILED**, on this date, pursuant to §120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

  
\_\_\_\_\_  
(Clerk)

12/30/09  
(Date)