

UNITED STATES SUGAR CORPORATION

Post Office Box 1207 • Clewiston, Florida 33440-1207
Telephone 941/983-8121

*off
PN
April 6*

March 25, 1999

RECEIVED

MAR 29 1999

BUREAU OF
AIR REGULATION

CERTIFIED MAIL NO. Z 726 637 266

Florida Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RE: United States Sugar Corporation, Clewiston Facility, Boiler No. 4
DEP File No. 0510003-007 AC (PSD-FL-217B)
Hours of Operation

Attention: A. A. Linero, P.E.
Administrator, New Source Review Section

Gentlemen:

We are enclosing the Affidavit of Publication certifying that the "Public Notice of Intent to Issue Air Construction Permit Modification" was duly published in the legal section of the March 24, 1999 issue of the Clewiston News.

Sincerely,

UNITED STATES SUGAR CORPORATION


Donald Griffin
Project Manager, Specialty Sugar

MTB:jt
Enclosure

cc: David Knowles, P.E., South Florida District, FDEP
David Buff, Golder Associates
Murray T. Brinson, USSC
W. A. Raiola, USSC
Lisa Gefen, USSC
Peter Briggs, USSC

The Clewiston News

Published Weekly Clewiston, Florida

AFFIDAVIT OF PUBLICATION

State of Florida

County of Hendry

Before the undersigned authority, personally appeared Kerry R. Faunce, who on oath says he is the Publisher of the Clewiston News, a weekly newspaper published at Clewiston in Hendry County, Florida, that the attached copy of advertisement, being a notice

in the matter of intent

_____ in the

_____ court, was published in

said newspaper in the issues of _____

March 24, 1999

Affiant further says that the said Clewiston News is a newspaper published at Clewiston, in said Hendry County, continuously published in said Hendry County, Florida, each week, and has been entered as a second class mail matter at the post office in Clewiston, in said Hendry County, Florida, for a period of one year next preceding the first publication says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

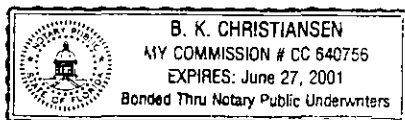
Kerry R. Faunce

Sworn to and subscribed before me this 25th day

of March, A.D. 19 99.

BkChristiansen

Notary Public



PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION
STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP File No. AC26-248809 (PSD-FL-217)
U.S. Sugar Corporation Clewiston Facility
Hendry County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification to U.S. Sugar Corporation, for the No. 4 Boiler at its Clewiston Facility in Hendry County, Florida. A Best Available Control Technology (BACT) determination was not required pursuant to Rule 62-212.400, F.A.C. The applicant's name and address are: U.S. Sugar Corporation, Post Office Box 1207, Clewiston, Florida 33440-1207.

U.S. Sugar Corporation requested a clarification of a condition in its existing construction permit that limits usage of the No. 4 Boiler to 160 days per season and 3840 hours per year. The Company requests that this conditions be interpreted to allow operation for 3840 hours per calendar year, consistent with other conditions in its permit. The Department agrees as long as the unit operates only during the recognized sugar season (which staddles two calendar years) as indicated in all relevant applications, permits, and reports to date. It is possible, as a result of this change, that the unit might actually operate less in a calendar year if there is an early end to one season and a late start to the next season. The results is that in the long run the two methods are probably equivalent.

The Department has determined that the change will not result in actual emissions increases and will not cause or contribute to a violation of ambient air quality standards.

The Department will issue the FINAL permit modification with the attached conditions unless a response received in accordance with following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of fourteen (14) days from the date of publication of "Public Notice of Intent to Issue Air Construction Permit Modification." Written comments should be provided to the Department Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL., 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Section 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below. Mediation is not available in this proceeding.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under Section 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of the notice of intent. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3) of the Florida statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen (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 will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

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 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 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 demand for relief.

A petition that does not dispute the material facts upon which the Department'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.

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 on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above. A complete project file 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:

Dept. of Environmental Protection
Bureau of Air Regulation
111 S. Magnolia Drive, Suite 4
Tallahassee, Florida, 32301
Telephone: (850) 488-0114
Fax: (850) 922-6979
Palm Beach Co. Health Department
901 Evernia Street
Post Office Box 29
West Palm Beach, Florida 33401
Telephone: (561) 355-3070
Fax: (813) 464-4420
Dept. of Environmental Protection
South District Office
2295 Victoria Avenue, Suite 364
Fort Myers, Florida 33902-2549
Telephone: (941) 332-6969

The complete project file includes the application, technical evaluation, Draft Permit Modification, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Resource Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call (850) 488-0114, for additional information.

CN 99-143
March 24, 1999