

Golder Associates Inc.
6241 NW 23rd Street, Suite 500
Gainesville, FL 32653-1500
Telephone (352) 336-5600
Fax (352) 336-6603

RECEIVED

MAR 19 1999

BUREAU OF
AIR REGULATION



9937515-0100

March 18, 1999

Division of Air Resources Management
Florida Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

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

RE: UNITED STATES SUGAR CORPORATION - CLEWISTON BOILER NO. 4
AC26-248809; PSD-FL-217

0510003-007-AC

Dear Mr. Linero:

United States Sugar Corporation (U. S. Sugar) and Golder Associates has received the Department's letter dated March 12, 1999 regarding Specific Condition No. 4 of the above referenced permit. Specific Condition (S.C.) No. 4 of this permit currently reads as follows:

4. Boiler No. 4 is limited to 160 days (3,840 hr/yr) operation per season.

As we also discussed during our telephone conversations yesterday and today, the wording of this condition remains ambiguous in that operating days per season and hours per year have different meanings and are determined on a different basis. U.S. Sugar has no intention of operating Boiler No. 4 outside of the sugar processing season. However, the sugar processing season could in some seasons could last for more than 160 days. In order to remove the ambiguity of this condition, and make it consistent with the specific conditions of the permit which limit annual emissions in tons per year "during any calendar year", it is requested that Specific Condition No. 4 be reworded as follows:

4. Boiler No. 4 is limited to 160 days operation per calendar year (3,840 hr/yr). Boiler No. 4 shall only be operated during the sugar processing season.

It is believed that this request can be processed as an administrative permit correction. A processing fee of \$250 is enclosed. If you have any questions concerning this request, please call. It is requested that an amendment letter be issued as soon as possible. Your cooperation is greatly appreciated.

Sincerely,

GOLDER ASSOCIATES INC.

David A. Buff

David A. Buff, P.E.
Principal Engineer
Florida P.E. #19011
SEAL

DB/arz

cc: D. Griffin
P. Briggs
L. Gefen

P:\99\9937\9937515a\02\#02-ltr.doc

If IMAGE SAFE logo in light gray tone is not present on back of document - Do not cash.

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GOLDER ASSOCIATES GAINESVILLE
3730 SHAMBLEE TUCKER ROAD
ATLANTA, GA 30341

Mar 18 1999 \$

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PAY
TO THE
ORDER OF

Florida Dept. of Environmental Regulation \$: 250.⁰⁰/₁₀₀
two hundred - fifty & ⁰⁰/₁₀₀ DOLLARS

**FIRST
UNION**

First Union National Bank
Gainesville, Florida
24 Hour Information Service
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FOR Appl. fee 993-7515

Robert C. McLaughlin

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SECURE AMERICAN BANK

GUARDIAN & SAFETY

INTEROFFICE MEMORANDUM

Date: 17-Mar-1999 09:38pm
From: Dave Buff
DBuff@GOLDER.com@PMDf@EPIC66
Dept:
Tel No:

Subject: U.S Sugar Clewiston Boiler #4

I am drafting an amendment letter requesting S.C #4 of the permit be revised to state:

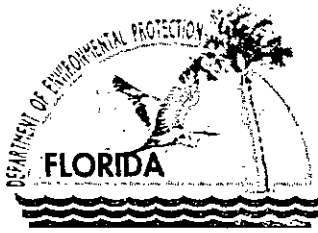
"Boiler No. 4 is limited to 160 days operation per calendar year (3,840 hr/yr). Boiler No. 4 shall only be operated during the sugar processing season".

As we discussed, this change is for clarification purposes only.

However, I would prefer to get a clarification letter from FDEP in lieu of a permit change since this would be faster and simpler, and a public notice would not be required. Timing is critical here.

If a permit amendment is going to be required, I believe that this would qualify as an administrative permit correction (as described under 62-210.360), and therefore would not require a public notice.

I wanted to get your concurrence on this before sending the letter. If a public notice would be required, then timing is a concern. Please let me know your thoughts ASAP. Thanks, Dave



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

March 12, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Murray T. Brinson
Senior Vice-President, Sugar Processing
United States Sugar Corporation
Post Office Box 1207
Clewiston, Florida 33440-1207

Re: Permit No. AC 26-248809 (PSD-FL-217)
Clewiston Facility, Boiler No. 4
David Buff's letter dated February 12, 1999

Dear Mr. Brinson:

We are in receipt of Mr. David Buff's request for interpretation of Specific Condition No. 4 of the above-mentioned permit. This condition reads: *Boiler No. 4 is limited to 160 days (3,840 hr/yr) operation per season.* The Department has reviewed the request and concludes that it actually "says" that the unit may not operate more than 160 days during the season as long as it does not operate more than 3840 hours in a calendar year and that it may operate 3,840 hours per year as long as it does not operate more than 160 days in a sugar season.

A review of the draft permit shows that the condition was drafted as: *Boiler No. 4 is limited to 160 days (3,840 hr/yr) per season (October to May).* This at least makes it clearer that the *intent* is that the unit will be used during the season only. The specific months were deleted as explained in the Final Determination: *The applicant requested that the months boiler No. 4 may operate be deleted from the permit. This request is acceptable. The hours per year operation and the tons per year listed elsewhere in the permit have been retained.* It is understandable that the precise month that the season starts and ends might vary.

Previous correspondence in the files dating back to the mid-1980's makes it clear that the unit is to be operated only during the season. This point is further clarified in the Request for Extension of Time in which to File Petition for an Administrative Hearing dated August 17, 1996 from Bryan Cave LLP: *As this seasonally-operated boiler will not resume operation until mid-October, grant of this extension will have no impact on ambient air quality.*

If you have any questions regarding this matter, please call me at 850/921-9523 or Teresa Heron at 850/921-9529.

Sincerely,

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

D. Griffin, U.S. Sugar
David A. Buff, P.E.
Phil Barbaccia, DEP SD

P 263 585 194

US Postal Service
Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

| | |
|---|----|
| Sent to Mr. Murray T. Brinson/Sugar Processin | |
| Street & Number United States Sugar Corp./P.O.Box 1207 | |
| Post Office, State, & ZIP Code Clewiston, FL 33440-1207 | |
| Postage | \$ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom, Date, & Addressee's Address | |
| TOTAL Postage & Fees | \$ |
| Postmark or Date Boiler # 4 3-12-99 P5D-FI-217 | |

PS Form 3800 April 1995

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Mr. Murray T. Brinson
Sr. Vice-Pres., Sugar Processing
United States Sugar Corp.
P. O. Box 1207
Clewiston, FL 33440-1207

4a. Article Number
P 263-585-194

4b. Service Type

- Registered
- Certified
- Express Mail
- Insured
- Return Receipt for Merchandise
- COD

7. Date of Delivery
3-18-99

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)
X Andrea Salis

Is your RETURN RECEIPT?

Thank you for using Return Receipt Service.

March 12, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Murray T. Brinson
Senior Vice-President, Sugar Processing
United States Sugar Corporation
Post Office Box 1207
Clewiston, Florida 33440-1207

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Sincerely,

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

D. Griffin, U.S. Sugar
David A. Buff, P.E.
Phil Barbaccia, DEP SD

Golder Associates Inc.

6241 NW 23rd Street, Suite 500
Gainesville, FL 32653-1500
Telephone (352) 336-5600
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February 12, 1999

Division of Air Resources Management
Florida Department of Environmental Regulation
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FEB 15 1999

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

RE: UNITED STATES SUGAR CORPORATION
CLEWISTON BOILER NO. 4
AC26-248809; PSD-FL-217

Dear Mr. Linero:

In follow up to our discussion today, this request is being submitted on behalf of United States Sugar Corporation (U. S. Sugar). On August 9, 1995, U. S. Sugar Corporation (U.S. Sugar) was issued a PSD permit in order to adjust the allowable carbon monoxide (CO) emissions. Specific Condition (S.C.) No. 4 of this permit reads as follows:

4. Boiler No. 4 is limited to 160 days (3,840 hr/yr) operation per season.

The wording of this condition is ambiguous in that operating days per season and hours per year have different meanings and are determined on a different basis. The sugar cane processing season typically runs from November through March, so that two calendar years are spanned.

The tons per year (TPY) emission limits set forth in the PSD permit all distinctly specify "during any calendar year" (see attached copy of permit, S.C. 14, 16 and 17). Since the annual emission limits are specified in terms of calendar year, the appropriate interpretation of S.C. 4 is that the 3,840 hr/yr limit is on a calendar year basis. To do otherwise would result in a disconnect between the allowable operating hours and the TPY limits. In addition, all reporting that is currently done to the Florida DEP, i.e., annual air operating reports and annual Title V fee form, is done on a calendar year basis.

In conclusion, the operating hours limitation in S.C. 4 of the PSD permit is interpreted as being on a calendar year basis. We would appreciate a letter confirming this conclusion for our files, in case this question arises in the future.

If you have any questions concerning this information, please call. A reply within 15 days of receipt of this letter is requested. Your cooperation is greatly appreciated.

Sincerely,

GOLDER ASSOCIATES INC.

David A. Buff

David A. Buff, P.E.
Principal Engineer

DB/tla

cc: D. Griffin
P. Briggs
L. Gefen

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cc: J. Heron, BAR