



# Department of Environmental Protection

Lawton Chiles  
Governor

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

Virginia B. Wetherell  
Secretary

May 1, 1996

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Murray T. Brinson  
President of Sugar Processing  
U.S. Sugar Corporation  
Post Office Drawer 1207  
Clewiston, Florida 33440

Dear Mr. Brinson:

RE: Amendment of Permit No. AC 26-24880<sup>9</sup>/~~8~~/PSD-FL-217  
Clewiston Mill Boiler No. 4

In response to Bryan Cave LLP April 5, 1996 letter on resolving the outstanding issues on the carbon monoxide emission limit for boiler No. 4 at your sugar mill in Clewiston, Henry County, Florida, the Department is amending the reference permit as follows:

**FROM:**

Permit Expiration Date - June 1, 1996

**Specific Conditions**

1. Stack sampling facilities for Boiler No. 4 shall be in accordance with the requirements of Rule 62-297.345, F.A.C.
11. During any 24-hour period, not more than 40,800 gallons of No. 6 residual fuel oil shall be burned in boilers 1, 2, 3 and 4 at the plant.
12. During any 3-hour period, not more than 6,300 gallons of No. 6 residual fuel oil shall be burned in boilers 1, 2, 3 and 4 at the plant.
17. Emissions of carbon monoxide and volatile organic compounds shall be maintained at the lowest possible level through the implementation of an Operation and Maintenance plan that is approved by the Department's Bureau of Air Regulation (BAR). The permittee

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shall update and resubmit the Operation and Maintenance plan for Boiler No. 4 with detailed information on minimizing carbon monoxide emissions prior to June 1, 1996. The Department will incorporate the plan into the air operation permit for this facility. Emissions of carbon monoxide (1-hour average) shall be minimized through Good Combustion Practice (GCP) and shall not exceed 6.5 lbs/MMBtu, 5,052 lbs/hr, and 8,818 tons during any calendar year, (based on a 6-hr average of 706.6 MMBtu/hr heat input). During the 1995-1996 sugar cane season, the permittee shall conduct a minimum of three tests for CO on this unit using EPA Method 10 (Rule 62-297.401(10), F.A.C.), while employing GCP as described in the Operation and Maintenance plan. The Department may revise the carbon monoxide emission standard and the permit if the tests show lower carbon monoxide emissions can be achieved by this boiler. Emissions of volatile organic compounds shall not exceed 1.7 lbs/ton of wet bagasse as determined by EPA Method 25 or 25A in conjunction with EPA Method 18. These test methods are described in 40 CFR 60, Appendix A. Compliance tests for VOC will not be required if the visible emissions from Boiler No. 4 are below 20 percent opacity and acceptable emission factors have been established for this pollutant.

21. Compliance tests for all emission standards listed in Specific Conditions Nos. 14, 15, and 17 for Boiler No. 4 shall be conducted once each Federal fiscal year and reported to the Department's South District office within 45 days of completion of the last test run. During the 1995-1996 sugar cane season, the permittee shall make a minimum of three tests for carbon monoxide on Boiler No. 4 using EPA Method 10 (Rule 62-297.401(10), F.A.C.) while employing Good Combustion Practices as described in the Operation and Maintenance plan. The Department shall revise the carbon monoxide emission standard and this permit if the tests show lower carbon monoxide emissions can be achieved by this boiler.

TO:

Permit Expiration Date - August 15, 1996

Specific Conditions

1. Stack sampling facilities for Boiler Nos. 1, 2, 3, and 4 shall be in accordance with the requirements of Rule 62-297.345, F.A.C.

11. During any 24-hour period, not more than 88,800 gallons of No. 6 residual fuel oil shall be burned in boilers 1, 2, 3 and 4 at the plant. Boiler Nos. 1, 2, and 3 shall be equipped with stacks having a minimum height of 165 feet.

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12. During any 3-hour period, not more than 16,200 gallons of No. 6 residual fuel oil shall be burned in boilers 1, 2, 3 and 4 at the plant.

17. Emissions of carbon monoxide and volatile organic compounds shall be maintained at the lowest possible level through the implementation of an Operation and Maintenance plan that is approved by the Department's Bureau of Air Regulation (BAR). The permittee shall update and resubmit the Operation and Maintenance plan for Boiler No. 4 with detailed information on minimizing carbon monoxide emissions prior to **August 15, 1996**. The Department will incorporate the plan into the air operation permit for this facility. Emissions of carbon monoxide (1-hour average) shall be minimized through Good Combustion Practice (GCP) and shall not exceed 6.5 lbs/MMBtu, 5,052 lbs/hr, and 8,818 tons during any calendar year, (based on a 6-hr average of 706.6 MMBtu/hr heat input). Emissions of volatile organic compounds shall not exceed 1.7 lbs/ton of wet bagasse as determined by EPA Method 25 or 25A in conjunction with EPA Method 18. These test methods are described in 40 CFR 60, Appendix A. Compliance tests for VOC will not be required if the visible emissions from Boiler No. 4 are below 20 percent opacity and acceptable emission factors have been established for this pollutant.

21. Compliance tests for all emission standards listed in Specific Conditions Nos. 14, 15, and 17 for Boiler No. 4 shall be conducted once each Federal fiscal year and reported to the Department's South District office within 45 days of completion of the last test run. The Department has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-212 and 62-4, Florida Administrative Code (F.A.C.). The project is not exempt from permitting procedures. The Department has determined that a permit amendment is required for the proposed change.

The Department will issue the permit amendment with the attached conditions unless a petition for an administrative proceeding (hearing) is filed pursuant to the provisions of Section 120.57, F.S.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, F.S. 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 Blvd., Mail Station 35, Tallahassee, Florida 32399-3000. Petitions filed by the permit

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applicant and the parties listed below must be filed within 14 days of receipt of this intent. Petitions filed by other persons must be filed within 14 days of publication of the public notice or within 14 days of their receipt of this intent, whichever first occurs. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S.

The Petition shall contain the following information;

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by Petitioner, if any;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and,
- (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.


If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this intent. Persons whose substantial interests will be affected by any decision of the Department with regard to the application/request have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this intent in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 60Q-2.010, F.A.C.

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As indicated in the Department's letter dated October 26, 1995 burning fuel at a rate that is in excess of the permit limits is not authorized by Rule 62-210.700, F.A.C.

A copy of this letter must be filed with the referenced permit and shall become a condition to that permit.

**STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION**

  
Howard L. Rhodes, Director  
Division of Air Resources  
Management

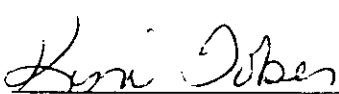
Attachment: Bryan Cave LLP April 5, 1996 letter

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that all copies of this INTENT TO ISSUE PERMIT AMENDMENT all copies were mailed by certified mail before the close of business on 5-3-96 to the listed persons.

Clerk Stamp

**FILING AND ACKNOWLEDGMENT**  
FILED, on this date, pursuant to §120.52(11), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

 5/3/96  
Clerk Date

Copies furnished to:

David Knowles, SD  
Jewell Harper, EPA  
David Buff, KBN

Joe Kahn, SED  
John Bunyak, NPS

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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):

- 1.  Addressee's Address
  - 2.  Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:  
 Murray J. Brunson  
 U.S. Sugar Corp  
 PO Drawer 1207  
 Clewiston, FL 33440

4a. Article Number  
 Z 127 633 204

4b. Service Type  
 Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

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

6. Signature (Agent)  
 [Handwritten Signature]

Thank you for using Return Receipt Service.

Z 127 633 204



**Receipt for Certified Mail**

No Insurance Coverage Provided  
 Do not use for International Mail  
 (See Reverse)

PS Form 3800, March 1993

|                                                               |        |
|---------------------------------------------------------------|--------|
| Sent to<br>Murray Brunson                                     |        |
| Street and no.<br>U.S. Sugar Corp                             |        |
| P.O. Box, State and ZIP Code<br>Clewiston, FL                 |        |
| Postage                                                       | \$     |
| Certified Fee                                                 |        |
| Special Delivery Fee                                          |        |
| Restricted Delivery Fee                                       |        |
| Return Receipt Showing to Whom & Date Delivered               |        |
| Return Receipt Showing to Whom, Date, and Addressee's Address |        |
| TOTAL Postage & Fees                                          | \$     |
| Postmark or Date                                              | 5-3-96 |

# BRYAN CAVE LLP

700 THIRTEENTH STREET, N.W.  
WASHINGTON, D.C. 20005-3960  
(202) 508-6000  
FACSIMILE: (202) 508-6200

ST. LOUIS, MISSOURI  
NEW YORK, NEW YORK  
KANSAS CITY, MISSOURI  
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PHOENIX, ARIZONA  
LOS ANGELES, CALIFORNIA  
SANTA MONICA, CALIFORNIA  
IRVINE, CALIFORNIA

LONDON, ENGLAND  
FRANKFURT AM MAIN, GERMANY  
RIYADH, SAUDI ARABIA  
KUWAIT CITY, KUWAIT  
DUBAI, UNITED ARAB EMIRATES  
HONG KONG  
AFFILIATED OFFICE IN BEIJING

ROBERT F. VAN VOORHEES  
DIRECT DIAL NUMBER  
(202) 508-6014

April 5, 1996

**RECEIVED**

APR 08 1996  
BUREAU OF  
AIR REGULATION

BY FEDERAL EXPRESS

Mr. A. A. Linero, P.E.  
Administrator  
New Source Review Section  
Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, Florida 33440

Re: DEP File No. AC26-248809/PSD-FL-217  
PSD Construction Permit Modification  
Clewiston Boiler No. 4  
United States Sugar Corporation

Dear Mr. Linero:

This letter addresses all outstanding issues pertaining to the proposed PSD permit modification for U.S. Sugar Corporation's Clewiston Boiler No. 4 and provides information necessary for the Department to issue the final permit modification.

As requested by the Department in its letter of October 26, 1995, U.S. Sugar conducted an SO<sub>2</sub> impact assessment to determine the optimum quantity of No. 6 fuel oil that could be burned at the Clewiston Mill without causing or contributing to a violation of the 3-hour and 24-hour ambient air quality standards. As a result of the impact assessment prepared by KBN Engineering and Applied Sciences, Inc. (copy enclosed), U.S. Sugar proposes to increase the facility-wide No. 6 fuel oil burning rates at the Clewiston Mill to 16,200 gallons for any 3-hour period and 88,800 gallons for any 24-hour period. We also request that the Department modify the operation permits for Clewiston Boilers Nos. 1, 2, and 3 to make clear that these increased fuel oil burning rates apply facility-wide.

We understand that the final BACT CO emissions limit of 6.5 lbs/MMBtu will not be subject to revision based on future testing, as currently required by specific conditions 17 and 21. In a telephone conversation with Peter Oppenheimer on November 6, 1995, Jefferson W. Braswell of the Department's Office of General Counsel stated that the Department had accepted 6.5 lbs/MMBtu as

BRYAN CAVE LLP

Mr. A. A. Linero  
April 6, 1996  
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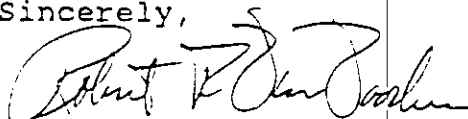
a final BACT CO limit. We request that specific conditions 17 and 21 be modified accordingly as stated in attachment A to KBN's letter of October 19, 1995 (copy enclosed).

Although the Department stated in its letter of October 26, 1995 that the fuel burning rate is a separate issue from excess emissions, we retain our view that Rule 62-200.710, F.A.C. applies to the fuel consumption limit contained in specific condition 12.

Two further housekeeping matters: First, U.S. Sugar has decided to increase the stack heights for Boiler Nos. 1, 2, and 3 to 165 feet, 15 feet higher than the minimum height required by specific condition 4 of the construction permit for Clewiston Boiler No. 7. As a result, stack heights of 165 feet were used for the modeling analysis in the SO<sub>2</sub> impact assessment. Second, the construction permit modification for Boiler No. 4 expires on June 1, 1996. To avoid issuance of a non-Title V operation permit during the period between June 1, 1996 and the Title V permit application deadline of June 15, 1996, we request that the expiration date of the construction permit modification be extended to August 15, 1996 in accordance with DEP's Memorandum of May 24, 1995 entitled "Guidance for Extending the Expiration Date of Construction Permits for Title V Sources" (DARM-PER/V-06).

We trust you agree that this letter resolves all outstanding issues, and we look forward to the expeditious issuance of a final PSD construction permit modification for Clewiston Boiler No. 4. If you have any questions or need additional information, please do not hesitate to call me.

Sincerely,



Robert F. Van Voorhees

Enclosures

cc: Jeff Braswell, DEP OGC (w/o enclosure)  
David Knowles, DEP South District  
Lisa Gefen, U.S. Sugar (w/o enclosure)  
Peter Briggs, U.S. Sugar (w/o enclosure)  
Don Griffin, U.S. Sugar  
David Buff, KBN (w/o enclosure)

131576.01

CC: EPA  
NPS