

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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AIR REGULATION

U.S. SUGAR CORPORATION,
CLEWISTON MILL BOILER NO. 4,
DEP File No. AC26-248809 (PSD-FL-217),

Petitioner,

vs.

OGC CASE NO. 95-2012

FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

**ORDER GRANTING REQUEST FOR THIRD EXTENSION
OF TIME TO FILE PETITION FOR HEARING**

This cause has come before the Florida Department of Environmental Protection (Department) on receipt of a request made by Petitioner U.S. SUGAR CORPORATION to grant an extension of time to file a petition for an administrative hearing on Permit No. AC26-248809 (PSD-FL-217). See Exhibit 1.

Counsel for Petitioner has discussed this request with counsel for the Respondent State of Florida Department of Environmental Protection, which has no objection to it. Therefore,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until April 12, 1996, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 21st day of January, 1996 in
Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


KENNETH J. PLANTE
General Counsel

Douglas Building
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000
Telephone: (904) 488-9314


CERTIFICATE OF SERVICE

I CERTIFY that a true copy of the foregoing was mailed to:

Peter H. Oppenheimer, Esquire
BRYAN CAVE
700 Thirteenth Street, N.W.
Suite 700
Washington, D.C. 20005-3960

on this 25th day of January, 1996.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


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Florida Bar No. 800996

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STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

U.S. SUGAR CORPORATION
CLEWISTON MILL BOILER NO. 4,
DEP File No. AC 26-248809 (PSD-FL-217)
Hendry County

Petitioner,

vs.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

REQUEST FOR THIRD EXTENSION
OF TIME TO FILE PETITION FOR HEARING

On August 11, 1995, U.S. Sugar Corporation (U.S. Sugar) received by certified mail the Department of Environmental Protection's "NOTICE OF PERMIT" for Clewiston Mill Boiler No. 4, DEP File No. AC 26-248809.

On August 17, 1995, U.S. Sugar filed, and the Department subsequently granted, a request for an extension of time to and including October 13, 1995 in which to file a petition for administrative hearing.

On October 10, 1995, U.S. Sugar filed, and the Department subsequently granted, a request for an extension of time to an including January 12, 1996 in which to file a petition for administrative hearing.

Counsel for the Petitioner is writing to request a third extension of time to and including Friday, April 12, 1996

in which to file a petition for administrative proceeding regarding the construction permit modification. This request is made pursuant to Rule 62-103.070, F.A.C. As good cause for granting the requested extension of time for filing, U.S. Sugar would show the following:

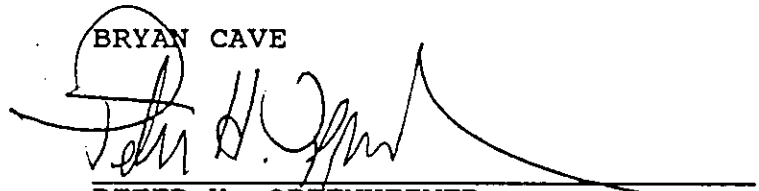
1. U.S. Sugar has been working with the Department to resolve its concerns regarding the CO testing requirement for the 1995-1996 sugar cane season imposed by specific conditions 17 and 21, and to reach an understanding that the limit of 6.5 lbs of CO/MMBtu will not be subject to adjustment. Although an understanding has been reached on this point, it has not yet been formalized.
2. The Department has agreed to increase the fuel oil consumption limit contained in specific condition 12 based on a modeling assessment conducted by KBN Engineering and Applied Sciences, Inc. Although the necessary modeling has been completed, KBN has not yet submitted its report to the Department. As soon as this is done, U.S. Sugar and the Department can agree upon an appropriate fuel oil consumption limit.
3. This extension will terminate as soon as these issues are resolved to the mutual satisfaction of the Department and U.S. Sugar.
4. This request is filed as a protective measure to avoid waiver of U.S. Sugar's rights to challenge or request an administrative hearing on any provision of the

proposed permit. Grant of this request will allow the parties the opportunity to discuss and resolve these issues so that the Department can then issue a final amended construction permit modification that achieves a mutually acceptable resolution of U.S. Sugar's concerns without the need for initiation of formal administrative proceedings.

We advised the Department's assistant general counsel, Jefferson M. Braswell, Esq., of this request on January 1, 1996. Accordingly, Counsel for the Petitioner respectfully requests that an extension of time be granted for the filing of a petition for administrative proceedings in regard of the Department's "NOTICE OF PERMIT" for Clewiston Mill Boiler No. 4, DEP File No. AC 26-248809, to and including Friday, April 12, 1996.

If the requested extension of time is not granted for any reason, then this pleading shall constitute a petition filed pursuant to Rule 62-103.155, F.A.C. for an administrative hearing on specific permit conditions numbers 12, 17 and 21 of the construction permit modification for Clewiston Mill Boiler No. 4.

BRYAN CAVE



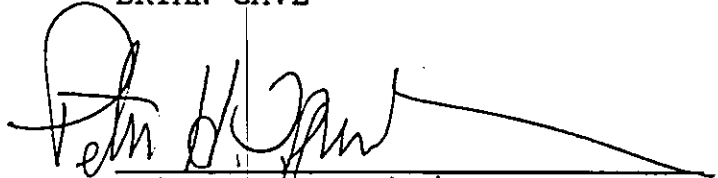
PETER H. OPPENHEIMER
COUNSEL FOR U.S. SUGAR CORPORATION

700 13th Street, N.W., Suite 700
Washington, D.C. 20005-3960
Telephone: (202) 508-6067

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Federal Express overnight delivery to Jefferson M. Braswell, Esquire, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, on this 3 day of January, 1996.

BRYAN CAVE



Peter H. Oppenheimer, Esq.