

Published Weekly

Clewiston, Florida

AFFIDAVIT OF PUBLICATION

State of Florida  
County of Hendry

Before the undersigned authority, personally appeared Jose Zaragoza, who on oath says he is Editor 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 U.S. Bank Corporation Office of Fidant to issue  
in the Circuit Court court, was published in said newspaper in the issue(s)  
of June 25, 2006

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 periodicals 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.

Jose Zaragoza  
Sworn to and subscribed before me this 7 day of June, 2006  
Ideybis Gonzalez  
Notary Public



Ideybis Gonzalez  
License No. 00041238  
Expires Jul 26, 2008  
Bonded Thru  
Atlantic Bonding Co., Inc.

**PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT**

Florida Department of Environmental Protection  
Draft Air Permit No. 0516003-035  
U.S. Sugar Corporation - Clewiston Sugar Mill and Refinery  
Hendry County, Florida

**Applicant:** The applicant for this project is the U.S. Sugar Corporation. The applicant's authorized representative and mailing address is: Mr. William A. Raoia, Vice President of Sugar Processing Operations, U.S. Sugar Corporation, Clewiston Sugar Mill and Refinery, 111 Ponce DeLeon Avenue, Clewiston, Florida 33440.

**Facility Location:** U.S. Sugar Corporation operates an existing sugar mill and refinery, which is located in Hendry County at 111 Ponce DeLeon Avenue in Clewiston, Florida.

**Project:** The applicant proposes to install a new dry cyclone collector to operate in parallel with the two existing wet cyclone collectors. The cyclones act as pre-control devices for the I.D. fan and electrostatic precipitator (ESP). The purpose of the project is to reduce the exhaust flow through the two existing wet cyclone collectors and prevent carryover of water into the ESP control system. The project is expected to improve performance of the particulate matter control system for Boiler 8.

**Permitting Authority:** Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

**Project File:** A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

**Notice of Intent to Issue Air Permit:** The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-236, and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

**Comments:** The Permitting Authority will accept written comments concerning the proposed Draft Permit for a period of fourteen (14) days from the date of publication of this Public Notice. Written comments must be provided to the Permitting Authority at the above address. Any written comments filed will be made available for public inspection. If written comments received result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice.

**Petitions:** A person whose substantial interests are affected by the proposed permitting 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 with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station #33, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S. must be filed within fourteen (14) days of publication of this Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority 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, F.A.C.

A petition that disputes the material facts on which the Permitting Authority'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 rights will be affected by the agency determination; (c) A statement of how and when the 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 state; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (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 the 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 Permitting Authority's final action may be different from the position taken by it in this Public Notice of Intent to Issue Air Permit. 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.

**Mediation:** Mediation is not available for this proceeding  
136577 CN 5/25/06

**DEP ROUTING AND TRANSMITTAL SLIP**

TO: (NAME, OFFICE, LOCATION)

1. JEFF KOERNER - DARM

2. MAIL STATION 5500

PLEASE PREPARE REPLY FOR:

SECRETARY'S SIGNATURE

DIV/DIST DIR SIGNATURE

MY SIGNATURE

YOUR SIGNATURE

DUE DATE: \_\_\_\_\_

ACTION/DISPOSITION:

DISCUSS WITH ME

COMMENTS/ADVISE

REVIEW AND RETURN

SET UP MEETING

FOR YOUR INFORMATION

HANDLE APPROPRIATELY

INITIAL AND FORWARD

SHARE WITH STAFF

FOR YOUR FILES

COMMENTS:

U. S. SUGAR CORPORATION  
CLEWISTON MILL  
0510003-035-AC

**RECEIVED**

JUN 14 2006

BUREAU OF AIR REGULATION

FROM: Ronald Blackburn/South District Date: 06/12/06 Phone: SC 748-6975

## Blackburn, Ron

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**From:** Blackburn, Ron  
**Sent:** Monday, June 12, 2006 12:47 PM  
**To:** 'dgriffin@ussugar.com'  
**Cc:** Koerner, Jeff; 'pbriggs@ussugar.com'  
**Subject:** US Sugar Clewiston Mill 0510003-035 AC

Don:

Thanks again for meeting with us last week.

Received your notice of publication verification today for the referenced (published May 25, 2006). Will forward it to Jeff (thanks for your help Jeff). Found it interesting that the first permit in our data system was in August 1996. Since then 37 permitting actions have taken place - in ten years - and all you guys do is make sugar?

Take care.

Ron

Ron Blackburn

District Air Program Administrator  
Department of Environmental Protection  
South District Air Resources Management  
Ft. Myers, FL. (239) 332-6975



111 Ponce de Leon Ave.  
Clewiston, Florida 33440  
Telephone 863/902-8121  
Fax 863/902-2729

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**SUGAR PROCESSING DEPARTMENT**

June 8, 2006

Ron Blackburn, P.E.  
Florida Dept. of Environmental Protection  
P. O. Box 2549  
Ft. Myers, Fl. 33902-2549

RE: Air Permit No. 0510003-035-AC  
Clewiston Sugar Mill and Refinery  
Dry Cyclone dust collector

Dear Mr. Blackburn:

We are enclosing Affidavit of Publication certifying that the "Public Notice of Intent to Issue Air Permit" was duly published in the legal section of the May 25, 2006 issue of "The Clewiston News" newspaper in Hendry County.

If you have any questions or need further information, please let me know.

Sincerely,

UNITED STATES SUGAR CORPORATION

A handwritten signature in black ink, appearing to read "D. Griffin", is written over the typed name and title.

Donald Griffin  
Specialty Sugar Manager

DG:tkw  
Enclosure

cc: Neil Smith  
Peter Briggs

JUN 12 2006