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111 Ponce de Leon Ave.
Clewiston, Florida 33440
Telephone 863/902-8121
Fax 863/902-2729
JUL 24 2006

SUGAR MANUFACTURING DEPARTMENT

BUREAU OF AIR REGULATION

July 17, 2006

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

RE: Air Construction Permit No. 0510003-036-AC
Clewiston Sugar Mill and Refinery
Boiler No. 1 & 2 Burner Modifications, Revisions

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 June 29, 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 "Neil F. Smith".

Neil F. Smith
Vice President & General Manager –
Sugar Manufacturing

NS:tkw
Enclosure

cc: Peter Briggs

JUL 19 2006
D.E.P. - South District

The Clewiston News

Published Weekly

RECEIVED

AFFIDAVIT OF PUBLICATION

Clewiston, Florida

State of Florida
County of Hendry

JUL 21 2006

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED JOSE ZARAGOZA, WHO ON OATH SAYS HE IS EDITOR OF CLEWISTON NEWS, A WEEKLY NEWSPAPER PUBLISHED AT CLEWISTON IN HENDRY COUNTY, FLORIDA,

that the attached copy of advertisement being a notice in the matter Public Notice of intent to issue air permit in the court, was published in said newspaper in the issue of June 29, 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 a second-class 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 30 day of June 2006

Notary Public

Florida Department of Environmental Protection
Permit No. 0510003-036-AC
United States Sugar Corporation, Clewiston Sugar Mill and Refinery
Hendry County, Florida

Applicant: The applicant for this project is the United States Sugar Corporation. The applicant's authorized representative is Mr. Neil Smith, VP of Sugar Processing Operations. The applicant's mailing address is the Clewiston Sugar Mill and Refinery, 111 Ponce de Leon Avenue, Clewiston, FL 33440.

Facility Location: The United States Sugar Corporation operates an existing sugarcane mill and refinery in Clewiston at the intersection of W.C. Owens Avenue and State Road 832 in Hendry County, Florida.

Project: In February of 2005, the Department issued air construction Permit No. 0510003-027-AC, which authorized modification of the oil firing systems on Boilers 1 and 2 to accommodate the use of distillate oil instead of No. 6 fuel oil. The original permit authorized the installation of two low-NOx (0.15 lb/MMBtu) burner per boiler with a maximum heat input rate of 104 MMBtu per burner. However, only one burner was installed in each boiler with a maximum heat input rate of 130 MMBtu per burner per burner. In addition, subsequent testing indicated slightly higher (~13%) NOx emissions.

Specific Condition 7 of Permit No. 0510003-027-AC requires, "If the results of the performance test show potential NOx emissions greater than 40 tons per year, the permittee shall submit a PSD permit application or an application to modify the permit to avoid PSD 'preconstruction review'." Accordingly, the applicant requests that the original air construction permit be revised for the following: identify in the permit the design NOx emissions rate of 0.17 lb/MMBtu; and reduce annual distillate oil firing from 7.0 to 6.0 million gallons per year (from 100,000 to 80,000 barrels).

The revised project is not subject to PSD preconstruction review or any new requirements pursuant to state or federal regulations. Bagasse is the primary fuel for these boilers and is used when available. Oil is fired as a startup fuel, a supplemental fuel during start-up operations, and as a back-up fuel during the refinery season should bagasse be unavailable. Distillate oil is a much cleaner burning fuel than No. 6 fuel and actual emissions are expected to decrease.

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 permit requirements and an air permit is required to perform the proposed work. The Florida Department of Environmental Protection's Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Bureau of Air Regulation's physical address is 111 South Magnolia Drive, Suite 1, Tallahassee, Florida 32301 and the mailing address is 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32309-2700. The Bureau of Air Regulation's phone number is 904-486-0111 and its fax number is 904-922-9979.

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 the address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the technical evaluation and Permitting Determination for the application, and the information submitted by the applicant, including all relevant records under Section 03.001, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above. A copy of the complete project file is also available at the Department's South District Office at 2295 Victoria Avenue, Suite 354, Fort Myers, Florida 33907-5381. The South District's telephone number is 239-332-9275.

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 affect air quality and that the project will comply with all applicable provisions of Chapters 62-4, 62-210, 62-212, 62-206 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 120.563 and 120.57, F.S. or unless a public comment received in accordance with this notice results in a different decision or a significant change in circumstances.

Comments: The Permitting Authority will accept written comments concerning the Draft Permit for a period of fourteen (14) days from the date of publication of the Public Notice. Written comments must be post-dated, and all email or facsimile comments must be received by the close of business (5:00 p.m.), on or before the end of this 14-day period by the Permitting Authority at the above address, email or facsimile. For additional information, contact the Permitting Authority at the above address or phone number. Written comments result in a significant change to the Draft Permit if the Permitting Authority will issue a Revised Draft Permit and require, if applicable, a revised Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.563 and 120.57, F.S. The petition must contain the information set forth below and must be filed with the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this Written Notice of Intent to Issue Air Permit. Petitions filed by any persons other than those entitled to written notice under Section 120.563(3), F.S., must be filed within fourteen (14) days of publication of the attached Public Notice or within fourteen (14) days of receipt of this Written Notice of Intent to Issue Air Permit, 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 and date 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 120.563 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 28-105.205, 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 of process 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 the petitioner's reasons for requesting a review of the agency action or proposed action; (d) a statement of all disputed issues of material fact. If there are none, the petitioner 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 relief or remedies the petitioner requests; (g) a statement of the relief sought by the petitioner; (h) a statement of the petitioner's wishes that the agency take with respect to the agency's proposed action. A petition that does not dispute the material facts on which the Permitting Authority's action is based shall state that the petitioner wishes to be heard and shall so state in the same information as set forth above as required by Rule 28-105.205, F.A.C.

