



**UNITED STATES
SUGAR
CORPORATION**

111 Ponce de Leon
Clewiston, Florida 33440

Certified Mail
Return Receipt Request

RECEIVED

OCT 24 2007

October 17, 2007

Mr. Ajaya Satyal
Florida Department of Environmental Protection – South District
2295 Victoria Avenue, Suite 364
P.O. Box 2549
Ft. Myers, FL 33902-2549

BUREAU OF AIR REGULATION

RE: United States Sugar Corporation
Clewiston Sugar Mill and Refinery
Hendry County, Florida

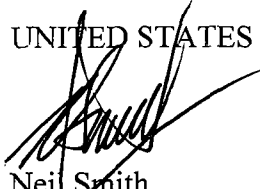
Gentlemen:

We are enclosing the Affidavit of Publication certifying that the "Public Notice of Intent to Issue an Air Permit" was published in the legal section of the October 11, 2007 issue of *The Clewiston News*.

Please advise if there is anything further that we need to provide in this respect.

Sincerely,

UNITED STATES SUGAR CORPORATION


Neil Smith
Vice President and General Manager
Sugar Manufacturing

Enclosure

Cc: Jeffrey Koerner, FDEP
Peter Briggs
Keith Tingberg

RECEIVED - D.E.P.
OCT 22 2007
SOUTH DISTRICT

The Clewiston News

Published Weekly

Clewiston, Florida

AFFIDAVIT OF PUBLICATION

State of Florida
County of Hendry

Before the undersigned authority, personally appeared Judy Kasten, who on oath says she is the Advertising Director of the Clewiston News, a weekly newspaper published at Clewiston in Hendry County, Florida,

that the attached copy of advertisement being a Public Notice

in the matter Notice of Intent

in the 19th Judicial District of the Circuit court, was published in said newspaper in the issue(s)

of 10, 11, 2007

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 she 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.

Judy Kasten
Judy Kasten

Sworn to and subscribed before me this 11th day of October, 2007

Janetta Thiboult
Notary Public



PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Florida Department of Environmental Protection
Division of Air Resource Management, Bureau of Air Regulation

Project No. 0510003-044-AC / Draft Air Permit No. PSD-FL-389
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. Neil Smith, V.P. of Sugar Processing Operations, Clewiston Sugar Mill and Refinery, U.S. Sugar Corporation, 111 Ponce DeLeon Avenue, Clewiston, FL 33440.

Facility Location: The U.S. Sugar Corporation operates an existing sugar mill and refinery, which is located in Hendry County at the intersection of W.C. Owens Avenue and State Road 832 in Clewiston, Florida.

Project: The applicant proposes to add wood chips as a startup fuel and restricted alternate fuel for existing Boiler 7. This unit is currently authorized to fire bagasse from the sugarcane milling process as the primary fuel and distillate oil as a start-up and restricted alternate fuel. Wood chip firing will be restricted to an annual capacity factor of 25% or less. The purpose of the project is to displace distillate oil with wood chips, which is a renewable fuel and carbon dioxide neutral fuel.

Based on the air permit application, the project will result in emissions increases of: 98 tons/year of carbon monoxide; 122 tons/year of nitrogen oxides (NOx); 8 tons/year of particulate matter; 8 tons/year of particulate matter < 10 microns; 1 ton/year of sulfuric acid mist; 5 tons/year of sulfur dioxide; and 9 tons/year of volatile organic compounds. As defined in Rule 62-210.200 of the Florida Administrative Code (F.A.C.), emissions of nitrogen oxides exceed the regulatory significant emissions rate of 40 tons per year. Therefore, the project is subject to preconstruction review for the Prevention of Significant Deterioration (PSD) of Air Quality for these pollutants in accordance with Rule 62-212.400, F.A.C. The unit also becomes subject to the applicable provisions of Subpart D of 40 CFR 60 for wood fired boilers.

For each PSD-significant pollutant, the Department is required to determine the Best Available Control Technology (BACT) and approve the applicant's Air Quality Analysis regarding ambient impacts due to the project. To minimize emissions, the preliminary BACT determination for nitrogen oxides relies on low nitrogen fuels, combustion air staging with over-fire air, less excess air, reduce air preheat, low-NOx burners for oil and good combustion practices. The Department reviewed an air quality impact analysis prepared by the applicant. The analysis shows that maximum predicted NOx impacts from the proposed project are less than the applicable PSD Class I and Class II significant impact levels. Therefore, no further modeling was required. The results provide reasonable assurance that the project will comply with all applicable air quality regulations and will not cause or contribute to a violation of the state and federal ambient air quality and PSD increments.

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, 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 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 4, Tallahassee, Florida 32301 and the mailing address is 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Bureau of Air Regulation's phone 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 and phone number listed above. In addition, electronic copies of these documents are available on the following web site: <http://www.dep.state.fl.us/air/products/aps/default.asp>.

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 the proposed equipment will not adversely impact air quality and that the project will comply with all applicable provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-212.12, 62-296, 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 Draft Permit for a period of 30 days from the date of publication of the Public Notice. Written comments must be post-marked by the close of business (5:00 p.m.), on or before the end of this 30-day period by the Permitting Authority at the above address. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location in the Florida Administrative Weekly and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the Draft Permit, the Permitting Authority will issue a revised Draft Permit and require, if applicable, another 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 120.569 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, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241; Fax: 850/245-2303). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 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 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 (in a proceeding initiated by another party) 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 interests will be affected by the agency determination; (c) A statement of when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact; (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 including an explanation of how the alleged facts relate to the specific rules or statutes; 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 in this proceeding.
241783 CN 10/11/07