

UNITED STATES SUGAR CORPORATION

Post Office Box 1207 • Clewiston, Florida 33440-1207
Telephone 941/983-8121

05 L0003/005

August 21, 1997

RECEIVED
AUG 26 1997
BUREAU OF
AIR REGULATION

Mr. Clair H. Fancy, P.E.
Chief, Bureau of Air Regulation
Florida Department of Environmental Protection
2600 Blair Stone Road
Twin Towers Office Building
Tallahassee, Fl. 32399-2400

RE: United States Sugar Corporation, Clewiston Boiler No. 7
Air Permit No. AC26-238006/PSD-FL-208, Hendry County
Request for Additional Time to Conduct Initial Performance Testing

Dear Mr. Fancy:

As you discussed earlier this summer with our legal counsel, Bob Van Voorhees, we are requesting an additional 90 days to performance test Clewiston Boiler No. 7. At the same time, we are asking that you extend the expiration date of the boiler's construction permit to June 1, 1999.

The construction permit for this Boiler No. 7 currently requires us to conduct initial performance testing at the earliest of one of three points in times, depending on progress in commissioning and debugging the boiler. These points in time are: (1) within 60 calendar days after achieving maximum capacity, (2) within 180 days after initial startup, or (3) within 30 days after restartup if the boiler cannot be tested prior to seasonal shutdown. 20 days

Boiler No. 7 was started up in January, 1997. We worked on commissioning and debugging the boiler for about three months before the crop ended in late March. Since then, the boiler has been shutdown. We will be able to resume commissioning and debugging the boiler a few days after we begin harvesting this year's sugarcane crop (around late October or early November) and have produced enough bagasse to run the boiler as designed. While we expect to performance test the boiler as soon as possible after restartup, extra time beyond the 30 days allowed in the construction permit may be necessary. To make sure that we have enough time to properly commission the boiler on bagasse, we are asking for 90 additional operating days to conduct the initial performance tests. Of course, we will notify the South District Office upon restartup, and 30 days before the performance testing to allow witnessing.

March 1998
We are also asking you to extend the expiration date of the boiler's construction permit until June 1, 1999. This will allow enough time for the Department to issue a final Title V operating permit to the Clewiston Mill, ensuring our ability to continue operating Boiler No. 7.

Mr. Clair H. Fancy

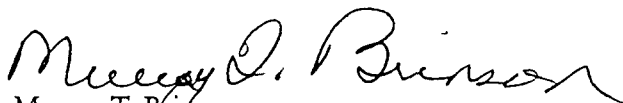
-2-

August 21, 1997

If you have any questions, please contact me or Bob Van Voorhees at (202) 508-6014.

Sincerely,

UNITED STATES SUGAR CORPORATION


Murray T. Brinson
Senior Vice President, Sugar Processing

MTB:jt

cc: A. A. Lincro, DEP
David M. Knowles, P.E., DEP South District
Lisa Gefen, USSC
Peter Briggs, USSC
Donald Griffin, USSC
Robert F. Van Voorhees, Esq., Bryan Cave LLP
David A. Buff, P.E., Golder Associates

PERMITTEE:
U.S. Sugar Corporation

Permit Number: AC26-238006
PSD-FL-208
Expiration Date: September 1, 1996

SPECIFIC CONDITIONS:

10. All stationary fuel-oil burning equipment at the plant shall be equipped with integrating fuel oil flow meters or continuous recorders to measure the amount of fuel oil consumed by the equipment. Fuel oil meter readings on all fuel oil consuming equipment shall be read and logged at least once every three hours, unless fuel oil consumption for the equipment is recorded continuously, and these records shall be kept for at least five years for Department inspection. Each meter shall be calibrated annually by a method approved by the Department.

11. The fuel oil system for Boiler No. 7 shall be designed, constructed, and operated so that it cannot exceed the fossil fuel feed rate equivalent to or greater than 250 MMBtu/hr heat input (high heating value of the fuel oil, 1-hour average). The permittee shall maintain records of the hourly fuel oil feed rate to the boiler, the percentage of electrical power output distributed to any utility power distribution system, and the amount of electrical power (MW) distributed to any utility power distribution system (40 CFR 60, Subpart Da).

12. Boilers No. 5 and No. 6 may be retained as standby boilers at the Clewiston Mill. Boilers No. 5 and No. 6 may be operated during initial start-up, debugging, and testing of Boiler No. 7. After Boiler No. 7 becomes operational, Boilers No. 5 and No. 6 may be operated only when one or more boilers of equal or greater permitted heat input, and with equal to or greater allowable emissions at the Clewiston Mill are shut down. During operation, Boilers No. 5 and No. 6 must comply with all requirements in their current operating permits. The operation permits for Boilers No. 5 and No. 6 shall be amended to reflect this condition. The permittee shall maintain records of actual operation of all boilers at the Clewiston Mill for at least a five (5) year period.

13. Prior to operation of the emissions unit, the permittee shall submit to the Department an operation and maintenance plan that will allow the permittee to monitor the emissions control equipment efficiency and enable the permittee to return malfunctioning equipment to proper operation as expeditiously as possible.

COMPLIANCE REQUIREMENTS

14. Performance Stack Tests. Within 60 calendar days after achieving the maximum capacity at which this unit will be operated, but no later than 180 days after initial (I) startup and annually (A) thereafter, the permittee shall conduct performance tests for: sulfur dioxide (I and upon permit renewal), sulfuric acid mist (I), particulate matter (I,A), nitrogen oxides (I,A), volatile organic compounds (I,A), and carbon monoxide (I,A) while burning bagasse. The performance tests shall be conducted in accordance with the provisions of 40 CFR 60.45b and 60.46b. If Boiler No. 7 is unable

PERMITTEE:
U.S. Sugar Corporation

Permit Number: AC26-238006
PSD-FL-208
Expiration Date: September 1, 1996

SPECIFIC CONDITIONS:

to conduct the initial performance test due to long term shutdown, the permittee is required to notify the Department within the specified time frames above upon restartup (by telephone: to be followed by confirmation in writing) and also to conduct a performance test as soon as practicable thereafter but not later than 30 days after restartup. Testing of emissions shall be conducted with the emission unit operating at permitted capacity. Permitted capacity is defined as 90-100% of the maximum operating rate allowed by the permit. If it is impracticable to test at permitted capacity, then Boiler No. 7 may be tested at less than 90% of the maximum operating rate allowed by the permit; in this case, subsequent source operation is limited to 110% of the test load until a new test is conducted. Once Boiler No. 7 is so limited, then operation at higher capacities is allowed for no more than fifteen consecutive days for the purposes of additional compliance testing to regain the permitted capacity in the permit. Results of the tests shall be submitted to the Department's South Florida District office within 45 days after testing. The Department's South Florida District office shall be notified 30 days prior to any compliance test to allow witnessing.

The EPA Reference Methods shall be performed in accordance with 40 CFR Part 60 (Standards of Performance for New Stationary Sources), Appendix A, or 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants), Appendix B. No other test method may be used until authorization has been obtained in writing from the Department. An alternate sampling procedure can be requested in accordance with Chapter 62-297, F.A.C. A test protocol shall be submitted for approval to the Department's Bureau of Air Regulation at least 90 days prior to testing.

15. Particulate matter (PM/PM₁₀) emissions from Boiler No. 7 shall not exceed 0.03 lb/million Btu heat input for all fuels. Compliance with the PM and PM₁₀ standards shall be determined by EPA Reference Methods 1, 2, 3 or 3A, 4, 5 or 17, respectively, in accordance with 40 CFR 60, Appendix A. The compliance test results shall be calculated by assuming the thermal efficiency of Boiler No. 7 to be 55%. For information purposes only, the particulate matter emission rates shall also be calculated by utilizing the short-form ASME boiler-efficiency test results (once every five years: required for the initial operation permit and to be on the same schedule as the operation permit).

16. Unconfined Particulate Matter emissions during land clearing and site preparation shall be minimized using wetting operations or other soil treatment techniques appropriate for controlling unconfined particulate matter emissions including, but not limited to, grass seedings and mulching of disturbed areas. Any open burning of land clearing debris on this site shall be performed in compliance with Department regulations.

**EPA/FLORIDA PERFORMANCE PARTNERSHIP AGREEMENT
AIR WORKGROUP - WORKPLAN**

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Non-substantial Procedural Violations identified by the workgroup:

Reporting	Submission of required data five (5) days or less late that demonstrates compliance.
Annual Operating Report	Submission of AOR thirty (30) days or less late that demonstrates compliance.
Recordkeeping	Recordkeeping in line with requirements but not enough details; compliance status can be determined and source is in compliance.
Testing	Failure to conduct required test within five (5) days after due date.
Initial NSPS/PSD Test Requirement Upon Reaching Full Production	Failure to meet the initial sixty (60) day test window for good reason such as inadequate design, seasonal production, or malfunction.
Initial NSPS/PSD Test Requirement After Start-Up	Failure to meet the initial one hundred and eighty (180) day test window for good reason such as inadequate design, seasonal production, or malfunction.
Production Rate Exceedances Based On Annual Standard and Monthly Process Rates, Applies To Title V Sources Only	Exceedance of monthly process rate by less than five percent (5%), but annual standard maintained, and the only exceedance is in one (1) month of a consecutive twelve (12) month period, where process rate is used to determine compliance and adequate proof is available that actual emissions were less than allowables.
40CFR60.7 Notifications	Submission of required data late five (5) days or less that demonstrates compliance.
Asbestos NESHAP	First-time demolition, no notice submitted and no asbestos containing material present prior to the demolition.

Lead: Preparation by EPA, Florida DEP and Local Programs

EPA/FLORIDA PERFORMANCE PARTNERSHIP AGREEMENT AIR WORKGROUP - WORKPLAN

page 3

On an annual basis the state and its approved local programs would identify the specific sources to be inspected and decide which category would apply to each of them (that is, whether a source is being selected for inspections on at least an annual basis or on a less frequent basis).

This Compliance Assurance Plan will be integrated into the 105 grant workplans and Title V program requirements and will be subject to EPA review and approval. Latitude to incorporate special initiative efforts based upon EPA regional or Headquarters guidance will be maintained. The election of continuing to inspect 100% of all major sources by the state and/or local programs remains optional.

Lead: Joint agency preparation by EPA, Florida DEP, and Local Programs. To be accomplished by simultaneous submittal as part of the 1998 Air Workplan.

SIGNIFICANT VIOLATOR - NON-SUBSTANTIAL PROCEDURAL VIOLATIONS - IDENTIFICATION/REPORTING

Issue: To define what categories of substantial procedural requirements are federally reportable.

Action Item: Re-examine existing guidance to determine flexibility in identifying or categorizing "substantial procedural" violations. Develop a comprehensive list of all possible procedural violations that are not "substantial procedural" requirements and will not require reporting to EPA.

Discussion: Based upon a preliminary review of the traditional types of procedural violations that have been reported to EPA to identify significant violators, an initial list of non-substantial (insignificant) procedural violations have been developed. When these types of insignificant procedural violations are documented independent of other existing significant violations, they would not result in a source being classified as a significant violator. Therefore, in this particular type of situation the violation would not have to be reported to EPA, and EPA would not be monitoring the state's adherence to the EPA's Timely and Appropriate guidance in addressing these violations.

The state and its approved local programs maintain the option to enforce against non-substantial procedural violations. If, however, the source has a significant violation elsewhere, the source must be designated as a significant violator in AFS.

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UNITED STATES SUGAR CORPORATION

Post Office Box 1207 • Clewiston, Florida 33440-1207
Telephone 941/983-8121

September 8, 1997

Mr. A. A. Linero, P.E.
Administrator - New Source Review Section
Bureau of Air Regulation
Florida Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Fl. 32399-2400

RE: Air Permit AC26-238006/PSD-FL-208
AIRS I.D. No. 0510003-003-AC - USSC Boiler No. 7

0510003-003-AC

Dear Mr. Linero:

We are enclosing processing fee for \$250.00 as per request outlined in your September 4, 1997 letter.

Sincerely,



Murray T. Brinson
Senior Vice President, Sugar Processing

MTB:jt
Enclosures

cc: David M. Knowles, P.E., DEP South District
Donald Griffin, USSC
Peter Briggs, USSC
Robert Van Voorhees, Bryan Cave LLP

RECEIVED
SEP 10 1997
BUREAU OF
AIR REGULATION



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

September 4, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. Murray T. Brinson
Senior Vice President, Sugar Processing
U. S. Sugar Corporation
Post Office Box 1207
Clewiston, Florida 33440-1207

RE: Request for Revision of Air Permit AC26-238006/PSD-FL-208
AIRS I.D. No. 0510003-003-AC - Clewiston Boiler No. 7

Dear Mr. ~~Roesler~~:

The Bureau of Air Regulation received your August 21 request for a revision to the above referenced permit. Before we can begin processing your request, we will need a processing fee of \$250 pursuant to Rule 62-4.050(4)(r)5, F.A.C. If you have any questions, please call Teresa Heron at (904)488-1344.

Sincerely,

A. A. Linero, P.E.
Administrator
New Source Review Section
Bureau of Air Regulation

AAL/kt

cc: T. Heron, BAR



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

October 31, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Murray T. Brinson
Senior Vice-President, Sugar Processing
United States Sugar Corporation
Post Office Box 1207
Clewiston, Florida 33440-1207

Re: DEP File No.: 0510003-005-AC
Permit No. AC 26-238006 (PSD-FL-208)
Clewiston Facility, Boiler No. 7

Dear Mr. Brinson:

The Department has reviewed your request to extend the current construction permit and to allow additional time to conduct performance tests on Boiler No. 7 at the Clewiston facility. The expiration date of the above mentioned permit is hereby extended from March 31, 1998 to June 1, 1999 and amended as follows:

SPECIFIC CONDITION No. 14. Performance Stack Tests

Within 60 mill operating days after achieving the maximum capacity at which this unit will be operated but no later than 180 mill operating days after initial (I) startup and annually (A) thereafter, the permittee shall conduct performance tests for: sulfur dioxide (I and upon permit renewal), sulfuric acid mist (I), particulate matter (I, A), nitrogen oxides (I, A), volatile organic compounds (I, A), and carbon monoxide (I, A) while burning bagasse. The performance tests shall be conducted in accordance with the provisions of 40 CFR 60.45b and 60.46b. ~~If Boiler No. 7 is unable to conduct the initial performance test due to long term shutdown, the permittee is required to notify the Department within the specified time frames above upon restart up (by telephone: to be followed by confirmation in writing) and also to conduct a performance test as soon as practicable thereafter but not later than 30 days after restart up.~~ Testing of emissions shall be conducted with the emission unit operating at permitted capacity. Permitted capacity is defined at 90-100% of the maximum operating rate allowed by the permit. If it is impracticable to test at permitted capacity, then Boiler 7 may be tested at less than 90% of the maximum operating rate allowed by the permit; in this case, subsequent source operation is limited to 110% of the test load until a new test is conducted. Once Boiler No. 7 is so limited, then operation at higher capacities is allowed for no more than fifteen consecutive days for the purposes of additional compliance testing to regain the permitted capacity in the permit. Results of the tests shall be submitted to the Department's South Florida District office within 45 days after testing. The Department's South Florida District office shall be notified 30 days prior to any compliance test to allow witnessing.

A person whose substantial interests are affected by this permit amendment 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 (received) in the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, telephone: 850/488-9730, fax: 850/487-4938. Petitions must be filed within fourteen days of receipt of this permit amendment. A petitioner must 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 28-5.207 of the Florida Administrative Code. Mediation is not available for this action.

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

A petition must contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the 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 the facts that the petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the action or proposed action.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this permit amendment. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542 F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this permit amendment.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number of the petitioner; (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any; (c) Each rule or portion of a rule from which a variance or waiver is requested; (d) The citation to the statute underlying (implemented by) the rule identified in (c) above; (e) The type of action requested; (f) The specific facts that would justify a variance or waiver for the petitioner; (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2) F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

This permit amendment is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 62-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time this permit amendment will not be effective until further order of the Department.

When the Order (Permit Amendment) is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Legal Office; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of appeal must be filed within 30 (thirty) days from the date this Notice is filed with the Clerk of the Department.

A copy of this letter shall be filed with the referenced permit and shall become part of the permit.

Sincerely,



Howard L. Rhodes, Director
Division of Air Resources
Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this PERMIT AMENDMENT was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 10-31-97 to the person(s) listed:

- Mr. Murray T. Brinson, U.S. Sugar*
- Mr. David A. Buff, P.E.
- Mr. David Knowles, SD
- Mr. Brian Beals, EPA
- Mr. John Bunyak, NPS
- Mr. Robert Van Voorhees, Bryan Cave LLP

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Kevin Joben
(clerk)

10-31-97
(Date)



Florida Gas Transmission Company

201 Rue Iberville, Suite 200, Lafayette, LA 70508

March 11, 2004

RECEIVED

MAR 12 2004

Al Linero
Bureau of Air Regulation
Florida Department of Environmental Protection
Twin Towers Office Bldg.
2600 Blairstone
Tallahassee, FL 32399-2400

BUREAU OF AIR REGULATION

Reference: Florida Gas Transmission Company, Brooker Compressor Station 16
Facility No. 0070012

Dear Mr. Linero:

Subject: Exemption Request for a Gas Generator Replacement Under 62-4.040

Florida Gas Transmission Company (FGT) received an Exemption from the Requirement to Obtain an Air Construction Permit from your office on October 31, 2003. The gas generator was replaced with a "like for like" spare (Number 2133) while the original gas generator (Number 2118) was being repaired. The original gas generator (Number 2118) was repaired and put back into service on February 22, 2004. Today March 11, 2004, FGT had to shut the turbine down because of metal shavings discovered in the unit. FGT believes the metal shavings are coming from a bearing failure, which will require the gas generator to be replaced. FGT has portable analyzer data on the turbine while gas generator Numbers 2133 and 2118 were installed, confirming no specific emission limit was violated. The following are the test results from the portable analyzer testing:

- Gas Generator 2133 - NO_x = 11.42 ppm, CO = 5.30 ppm
- Gas Generator 2118 - NO_x = 15.05 ppm, CO = 6.56 ppm

Florida Gas Transmission Company is requesting that the Florida Department of Environmental Protection (FDEP) allows the installation of a gas generator replacement at the above referenced facility per Rule 62-4.040. The throughput loss from this turbine is 150 MMscf/day, which adversely effects the efficiency and reliability of FGT's natural gas pipeline in delivering energy resources to consumers, commercial facilities and electric generating plants.

The replacement gas generator (Number 2285) is of the same make and model and no source specific emission limits will be violated. In addition, the replacement unit will be tested to confirm that no specific emission limit is violated.

If you have any questions or need additional information, please call me at (850) 350-5042.

Sincerely,

Richard Craig
Vice President Southeast Operations

CC: Tallahassee Files
Station 16
Envision Env. 1.2.20