

Florida Department of Environmental Protection
Office of General Counsel

Memo

To: Jeff Koerner, Trina Vielhauer, and OGC File

From: Ronni Moore, Assistant General Counsel

Date: October 27, 2008 (RM)

Re: Sugar Cane Growers Cooperative of Florida vs. DEP; DEP Permit No. 0990026-014-AC;
OGC No. 08-2259

On August 26, 2008, the Department issued a notice of intent to issue permit number 0990026-014-AC to Sugar Cane Growers Cooperative of Florida (SCGCF). SCGCF filed and was granted two extensions of time to file a petition for administrative hearing on the notice of intent. SCGCF's second extension ended on October 24th. SCGCF did not file a petition or further request for extension of time by October 24th. There being no further matters to consider, the Department's file in this matter is closed.

Gibson, Victoria

From: Koerner, Jeff
Sent: Tuesday, October 28, 2008 11:10 AM
To: Gibson, Victoria
Subject: FW: Sugar Cane Growers - case status
Attachments: Sugar Cane Growers - ORD granting ext - Oct. 24th.pdf; Sugar Cane - memo closing.pdf

FYI ...

Thanks!

Jeff Koerner, BAR - New Source Review Section
Florida Department of Environmental Protection
850/921-9536

From: Moore, Ronni
Sent: Monday, October 27, 2008 3:54 PM
To: Koerner, Jeff
Cc: Vielhauer, Trina; Swango, Katie
Subject: Sugar Cane Growers - case status

Afternoon Jeff,

The Sugar Cane Growers Cooperative of Florida had an extension of time on permit 0990026-014-AC that expired Friday, Oct. 24th. A copy is attached for your convenience. Sugar Cane Growers did not file a subsequent request for extension or file a petition in the matter. I imagine you all resolved everything and the permit is being issued shortly, etc. I just wanted to let you know we are closing the case in OGC. Attached is a closure memo. If you have any questions, please let me know.

Thanks,
Ronni

Ronda L. Moore
Assistant General Counsel
Florida Department of Environmental Protection
3900 Commonwealth Blvd., MS 35
Tallahassee, FL 32399-3000
Phone: 850.245.2193
Fax: 850.245.2302
ronni.moore@dep.state.fl.us



Please consider the environment before printing this email.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

SUGAR CANE GROWERS COOPERATIVE
OF FLORIDA,

Petitioner,

vs.

OGC No. 08-2259
DEP Permit No. 0990026-014-AC

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Respondent.

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

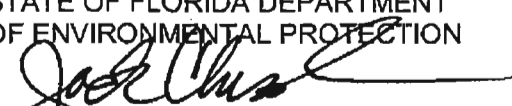
This cause has come before the State of Florida Department of Environmental Protection (Department) upon receipt of a request made by Petitioner, Sugar Cane Growers Cooperative of Florida (Petitioner), to grant a second extension of time to file a petition for administrative hearing to allow time to discuss with the Department several specific permit conditions for its facility in Palm Beach County, Florida. Because the request shows good cause for the extension of time,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is GRANTED. Petitioner shall have until **October 24, 2008**, to file a petition in this matter. Filing shall be complete upon receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 10th day of October, 2008, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850/245-2242 facsimile 850/245-2302

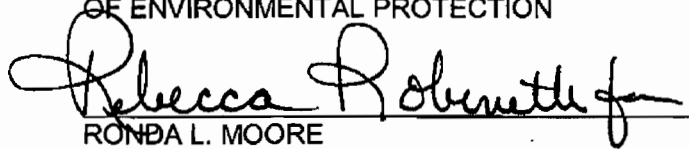
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Granting Second Request for Extension of Time to File Petition for Hearing, was furnished via facsimile ONLY on this 10th day of October, 2008, to:

David A. Buff, P.E.
Golder Associates, Inc.
6241 NW 23rd Street, Suite 500
Gainesville, Florida 32653

facsimile: 352/336-6603

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



RONDA L. MOORE
Assistant General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
phone 850/245-2193
facsimile 850/245-2302
Florida Bar No. 0676411

cc via electronic mail:

Trina Vielhauer, DEP BAR Chief - Trina.Vielhauer@dep.state.fl.us
Jeff Koerner, DEP BAR P.E. - Jeff.Koerner@dep.state.fl.us

Gibson, Victoria

From: Koerner, Jeff
Sent: Thursday, October 09, 2008 1:14 PM
To: Moore, Ronni
Cc: Gibson, Victoria; Arif, Syed; Holladay, Cleve; Swango, Katie
Subject: RE: Second Request for Extension of Time - 0990026-014-AC – Sugar Cane Growers Coop.

Yes.

Thanks!

Jeff Koerner, BAR - New Source Review Section
Florida Department of Environmental Protection
850/921-9536

From: Moore, Ronni
Sent: Thursday, October 09, 2008 1:10 PM
To: Koerner, Jeff
Cc: Gibson, Victoria; Arif, Syed; Holladay, Cleve; Swango, Katie
Subject: RE: Second Request for Extension of Time - 0990026-014-AC – Sugar Cane Growers Coop.

Jeff, 2 weeks would be Oct. 24th. Will that work for you?

Ronda L. Moore
Assistant General Counsel



Please consider the environment before printing this email.

From: Gibson, Victoria
Sent: Thursday, October 09, 2008 1:04 PM
To: Moore, Ronni; Swango, Katie
Cc: Koerner, Jeff; Arif, Syed; Holladay, Cleve
Subject: FW: Second Request for Extension of Time - 0990026-014-AC – Sugar Cane Growers Coop.

Hi Ronni,

Jeff will grant 2 weeks on this request but not the 30 days requested.

Thanks.

Vickie

10/9/2008

Victoria Gibson, Administrative Secretary for
Trina Vielhauer, Chief
Bureau of Air Regulation
Division of Air Resource Management
victoria.gibson@dep.state.fl.us
850-921-9504 fax 850-921-9533

From: Gibson, Victoria
Sent: Thursday, October 09, 2008 12:38 PM
To: Arif, Syed; Koerner, Jeff
Subject: FW: Second Request for Extension of Time - 0990026-014-AC – Sugar Cane Growers Coop.

FYI,

Vickie

From: Crandall, Lea
Sent: Thursday, October 09, 2008 12:38 PM
To: Moore, Ronni; Gibson, Victoria; Holladay, Cleve
Subject: Second Request for Extension of Time - 0990026-014-AC – Sugar Cane Growers Coop.

FYI, a Second Request for Extension of Time was filed today re: 0990026-014-AC – Sugar Cane Growers Coop.

Thanks,
Lea

Lea Crandall
Agency Clerk
Office of General Counsel
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212
Fax: (850) 245-2303

FLORIDA DISCOUNT CARD: More than 3,000 retail pharmacies in Florida are now a part of the Florida Discount Drug Card program. See www.FloridaDiscountDrugCard.com for more info or call toll-free, 1-866-341-8894.

OCT 09 2008

OFFICE OF GENERAL COUNSEL

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

PETITION FOR ADDITIONAL TIME IN WHICH TO FILE
A PETITION FOR ADMINISTRATIVE HEARING
UNDER SECTIONS 120.569 and 120.57, FLORIDA STATUTES

Applicant: Sugar Cane Growers Cooperative of Florida

DEP Draft Title V Permit No.: 0990026-014-AC
Intent to Issue and Draft BART Permit

The undersigned has read Sections 120.569 and 120.57, Florida Statutes (F.S.), and fully understands the applicant's rights under those sections.

On or about September 6, 2008, Sugar Cane Growers Cooperative of Florida (SCGCF) received the Written Notice of Intent to Issue Air Permit, the Public Notice of Intent to Issue Air Permit, and the Draft Permit for Best Available Retrofit Technology (BART) project for the Glades Sugar House. SCGCF has not yet published the notice in the local newspaper. SCGCF hereby requests an extension of time in which to file a petition for an administrative hearing on the draft permit.

The applicant has now reviewed the Draft Permit from the Department's Tallahassee office. However, SCGCF needs additional time in which to determine if the facility can be exempted from BART, and therefore avoid being subject to BART control technology. There are also some unresolved BART applicability questions surrounding fossil-fuel boilers of less than 250 MMBtu/hr heat input which are part of the same facility as other boilers of greater than 250 MMBtu/hr. The resolution of this issue will affect potential strategies for becoming exempt from BART based on modeling analysis.

SCGCF may elect to now become exempt from BART through a modeling analysis. This option will need to be incorporated into the BART permit, assuming the BART permit will need to be issued prior to December 31, 2008. Therefore the draft BART permit may need to be reissued. Issues may need to be discussed and negotiated with the Department. To allow for this process, and protect the right of the applicant to file for an administrative hearing if so desired, this request for additional time is being made. This request is made freely and voluntarily by the applicant, is in its self-interest, and is made without any pressure or coercion by anyone employed by the State of Florida Department of Environmental Protection.

This request for extension of time shall expire on November 10, 2008.

The undersigned is authorized to make this request on behalf of the applicant.

David A. Buff 10/9/08
Signature/Date

David A. Buff, P.E., Principal Engineer, Golder Associates Inc.

Gibson, Victoria

From: Gibson, Victoria
Sent: Thursday, October 09, 2008 12:38 PM
To: Arif, Syed; Koerner, Jeff
Subject: FW: Second Request for Extension of Time - 0990026-014-AC – Sugar Cane Growers Coop.
Attachments: Di4700810091207.PDF

FYI,

Vickie

From: Crandall, Lea
Sent: Thursday, October 09, 2008 12:38 PM
To: Moore, Ronni; Gibson, Victoria; Holladay, Cleve
Subject: Second Request for Extension of Time - 0990026-014-AC – Sugar Cane Growers Coop.

FYI, a Second Request for Extension of Time was filed today re: 0990026-014-AC – Sugar Cane Growers Coop.

Thanks,
Lea

Lea Crandall
Agency Clerk
Office of General Counsel
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212
Fax: (850) 245-2303

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STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

SUGAR CANE GROWERS COOPERATIVE
OF FLORIDA,

Petitioner,

vs.

OGC No. 08-2259
DEP Permit No. 0990026-014-AC

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Respondent.

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

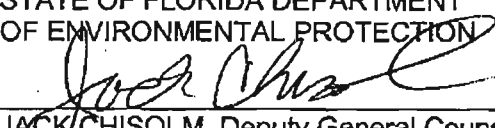
This cause has come before the State of Florida Department of Environmental Protection (Department) upon receipt of a request made by Petitioner, Sugar Cane Growers Cooperative of Florida (Petitioner), to grant an extension of time to file a petition for administrative hearing to allow time to discuss with the Department several specific permit conditions for its facility in Palm Beach County, Florida. Because the request shows good cause for the extension of time,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is GRANTED. Petitioner shall have until **October 10, 2008**, to file a petition in this matter. Filing shall be complete upon receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 15th day of September, 2008, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850/245-2242 facsimile 850/245-2302

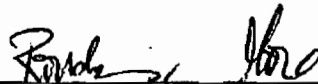
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I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Granting Request for Extension of Time to File Petition for Hearing, was furnished via facsimile ONLY on this 15th day of September, 2008, to:

David A. Buff, P.E.
Golder Associates, Inc.
6241 NW 23rd Street, Suite 500
Gainesville, Florida 32653

facsimile: 352/336-6603

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



RONDA L. MOORE
Assistant General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
phone 850/245-2193
facsimile 850/245-2302
Florida Bar No. 0676411

cc via electronic mail:

Trina Vielhauer, DEP BAR Chief - Trina.Vielhauer@dep.state.fl.us
Jeff Koerner, DEP BAR P.E. - Jeff.Koerner@dep.state.fl.us

Gibson, Victoria

From: Swango, Katie
Sent: Monday, September 15, 2008 4:02 PM
To: Vielhauer, Trina; Koerner, Jeff
Cc: Moore, Ronni; Gibson, Victoria
Subject: Sugar Cane Growers Cooperative of Florida OGC# 08-2259
Attachments: 082259.pdf

Please find attached the PDF version of the Order Granting Extension of Time for the above mentioned Facility. If you have a problem opening or viewing the above attachment please let me know and I will send you a hard copy as soon as possible.

Thanks and have a blessed week! ☺

Katie Marie Swango

Administrative Assistant for

Rebecca Robinette, Ronni Moore, & Pat Comer

FLORIDA DISCOUNT CARD: More than 3,000 retail pharmacies in Florida are now a part of the Florida Discount Drug Card program. See www.FloridaDiscountDrugCard.com for more info or call toll-free, 1-866-341-8894.

Gibson, Victoria

From: Arif, Syed
Sent: Thursday, September 11, 2008 2:30 PM
To: Gibson, Victoria; Swango, Katie
Cc: Moore, Ronni
Subject: RE: Sugar Cane GRowers Cooperative of Florida OGC # 08-2259

Katie,

After discussing with Trina, we can grant them extension until October 10. Let me know if there are any questions.

Syed

From: Gibson, Victoria
Sent: Thursday, September 11, 2008 11:17 AM
To: Swango, Katie
Cc: Arif, Syed
Subject: RE: Sugar Cane GRowers Cooperative of Florida OGC # 08-2259

Hi,

You will need to contact Syed Arif who is acting for Jeff Koerner. I have cc'd him on this e-mail. He will be back in the office this afternoon and should respond to at that time.

Thanks.

Vickie

From: Swango, Katie
Sent: Thursday, September 11, 2008 11:11 AM
To: Gibson, Victoria
Subject: FW: Sugar Cane GRowers Cooperative of Florida OGC # 08-2259

Please see email below.

Can you tell me who the contact person is for this permit so we can find out how long to write the extension for?

Thanks
Katie

From: Moore, Ronni
Sent: Thursday, September 11, 2008 11:04 AM
To: Swango, Katie
Subject: RE: Sugar Cane GRowers Cooperative of Florida OGC # 08-2259

Thanks, I have a very good feeling we will not be granting this but for a short time. It looks as though this is another BART permit and the air program wants these permits final by the end of this month. EPA's pressure. Anyway, would you keep checking to see when the intent comes on-line or call Vickie Gibson to find out if she

9/11/2008

knows who the contact person is for this permit so we can find out how long to write the extension for?

Ronda L. Moore
Assistant General Counsel



Please consider the environment before printing this email.

From: Swango, Katie
Sent: Thursday, September 11, 2008 10:39 AM
To: Moore, Ronni
Subject: Sugar Cane GRowers Cooperative of Florida OGC # 08-2259

Hey,

Lisa gave me this new case and I've made the folder and I will put it in your chair. I did the order granting until the 5th of December because the 6th is a Saturday.

The Signed ISSUE TO PERMIT wasn't online yet so I'm not sure really about who we should cc. I just took a well thought out guess. Anyway- I've attached what I have for the Order. Let me know when you have looked it over so I can make the suggested changes and get it printed for Jack to sign.

Thanks

Katie Marie Swango
Administrative Assistant for
Rebecca Robinette, Ronni Moore, & Pat Comer

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Gibson, Victoria

From: Gibson, Victoria
Sent: Thursday, September 11, 2008 1:51 PM
To: Moore, Ronni; Swango, Katie
Subject: 0990026.014.AC.D_pdf.zip

Follow Up Flag: Follow up
Flag Status: Red

Attachments: 0990026.014.AC.D_pdf.zip



0990026.014.AC.D
_pdf.zip (2 MB...)

Hi,

Attached is the file I have on Sugar Cane Growers Co-op of Florida 0990026-014-AC

Vickie

Victoria Gibson, Administrative Secretary for
Christina Vielhauer, Chief
Bureau of Air Regulation
Division of Air Resource Management
victoria.gibson@dep.state.fl.us
850-921-9504 fax 850-921-9533

Gibson, Victoria

From: Gibson, Victoria
Sent: Thursday, September 11, 2008 11:17 AM
To: Swango, Katie
Cc: Arif, Syed
Subject: RE: Sugar Cane GRowers Cooperative of Florida OGC # 08-2259

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Ronda L. Moore
Assistant General Counsel

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9/11/2008

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Administrative Assistant for
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0990026.014.AC.D
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Hi,

Attached is the file I have on Sugar Cane Growers Co-op of Florida 0990026-014-AC

Vickie

Victoria Gibson, Administrative Secretary for
Trina Vielhauer, Chief
Bureau of Air Regulation
Division of Air Resource Management
victoria.gibson@dep.state.fl.us
850-921-9504 fax 850-921-9533

Gibson, Victoria

From: Gibson, Victoria
Sent: Tuesday, September 09, 2008 3:14 PM
To: Vielhauer, Trina
Subject: FW: Request for Extension of Time rec'd. - 0990026-014-AC - Sugar Cane Growers Cooperative of Florida
Attachments: Di4700809091456.PDF

FYI,

BART

Vickie

From: Gibson, Victoria
Sent: Tuesday, September 09, 2008 3:12 PM
To: Koerner, Jeff; Arif, Syed
Subject: FW: Request for Extension of Time rec'd. - 0990026-014-AC - Sugar Cane Growers Cooperative of Florida

FYI,

Vickie

From: Crandall, Lea
Sent: Tuesday, September 09, 2008 3:11 PM
To: Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Holladay, Cleve
Subject: Request for Extension of Time rec'd. - 0990026-014-AC - Sugar Cane Growers Cooperative of Florida

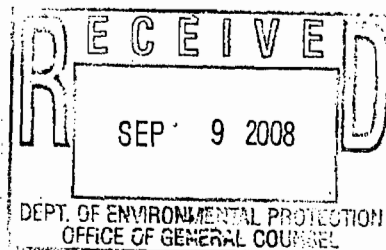
FYI, a Request for Extension of Time was received today re: 0990026-014-AC - Sugar Cane Growers Cooperative of Florida.

Thanks,
Lea

Lea Crandall
Agency Clerk
Office of General Counsel
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212
Fax: (850) 245-2303

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9/9/2008



STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

PETITION FOR ADDITIONAL TIME IN WHICH TO FILE
 A PETITION FOR ADMINISTRATIVE HEARING
 UNDER SECTIONS 120.569 and 120.57, FLORIDA STATUTES

Applicant: Sugar Cane Growers Cooperative of Florida

DEP Draft Title V Permit No.: 0990026-014-AC
 Intent to Issue and Draft BART Permit

The undersigned has read Sections 120.569 and 120.57, Florida Statutes (F.S.), and fully understands the applicant's rights under those sections.

On or about September 6, 2008, Sugar Cane Growers Cooperative of Florida (SCGCF) received the Written Notice of Intent to Issue Air Permit, the Public Notice of Intent to Issue Air Permit, and the Draft Permit for Best Available Retrofit Technology (BART) project for the Glades Sugar House. SCGCF has not yet published the notice in the local newspaper. SCGCF hereby requests an extension of time in which to file a petition for an administrative hearing on the draft permit.

The applicant has now received the Draft Permit from the Department's Tallahassee office, but needs additional time in which to review the specific and general permit conditions. The Draft Permit specifies the Department's proposed BART emission limits. SCGCF needs additional time to conduct a thorough review of the Draft Permit, Appendices and the accompanying Technical Evaluation and Preliminary Determination Statement, and to evaluate its options for meeting BART or becoming exempt from BART. Based on this review, it is anticipated that comments will be submitted concerning the draft permit. As an alternative, SCGCF may elect to now become exempt from BART through a modeling analysis. Issues may need to be discussed and negotiated with the Department. To allow for this process, and protect the right of the applicant to file for an administrative hearing if so desired, this request for additional time is being made. This request is made freely and voluntarily by the applicant, is in its self-interest, and is made without any pressure or coercion by anyone employed by the State of Florida Department of Environmental Protection.

This request for extension of time shall expire on December 6, 2008.

The undersigned is authorized to make this request on behalf of the applicant.

David A. Buff 9/9/08
 Signature/Date

David A. Buff, P.E., Principal Engineer, Golder Associates Inc.

Chronology of Activities

OGC Number District County

Style of Case

Program Area Mode

Lead Attorney Status

Forum Name Forum Case Number

Permit Appl Final Order Number

Date *	Code	Activity Description
09/09/2008	AA	ASSIGNED TO LEAD ATTORNEY JACK J CHISOLM
09/09/2008	ACO	ADMIN. CASE OPENED IN OGC
09/09/2008	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
09/11/2008	AR	RE-ASSIGNED TO LEAD ATTORNEY RONNI L MOORE
09/15/2008		ORDER GRANTING SENT OUT
10/09/2008	REX2	RECEIVED SECOND REQUEST FOR EXTENSION OF TIME
10/10/2008	EXP1	FIRST EXTENSION EXPIRES TODAY
10/10/2008		SENT OUT ORDER GRANTING SECOND EXTENSION UNTIL 10/24/08
10/27/2008		MEMO CLOSING FILE SENT OUT
10/29/2008	CC	CASE CLOSED IN OGC