



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

October 17, 2007

Mr. Neil Smith, V.P. and General Manager
Sugar Processing
U.S. Sugar Corporation
111 Ponce de Leon
Clewiston, Florida 33440

Re: Permit No. 0990061-009-AV
U.S. Sugar Corporation, Bryant Mill
Expiration of Title V Permit

Dear Mr. Smith:

On September 28, 2007, you submitted a letter stating that the Bryant Sugar Mill ceased operation on April 14, 2007, will remain permanently shut down and no longer requires a Title V air operation permit. Enclosed are the Notice of Expiration of Title V Air Operation Permit and the Statement of Basis. The permit expiration date is September 28, 2007 based on your submittal. Pursuant to Rule 62-213.440(3)(a)2.b, Florida Administrative Code (F.A.C.), please provide a Statement of Compliance for the portion of operation in the last calendar year through the expiration date. The Statement of Compliance must be received within 60 days of the above expiration date and must be certified by the Responsible Official. In addition, please be aware that the U.S. Sugar Corporation is responsible for Title V fees for that portion of operation in the last calendar year.

If you have any questions, please contact Jeff Koerner at 850/921-9536.

Sincerely,

Trina Vielhauer, Chief
Bureau of Air Regulation

Enclosures

TLV/jfk

NOTICE OF EXPIRATION OF TITLE V AIR OPERATION PERMIT

In the Matter of a Request to
Expire the Title V Air Operation Permit

U.S. Sugar Corporation
111 Ponce de Leon
Clewiston, Florida 33440

Permit No. 0990061-009-AV
Expiration of Title V Permit
Bryant Sugar Mill

Responsible Official:

Mr. Neil Smith, V.P. and General Manager
Sugar Processing

Facility Location: The U.S. Sugar Corporation owns the Bryant Sugar Mill, which is located on Bryant Mill Road off of U.S. Highway 98 in Palm Beach County, Florida.

Written Notice: The Department of Environmental Protection provides written notification that the above referenced Title V air operation permit is expired on September 28, 2007. According to your request received on this date, the Bryant Sugar Mill ceased operation on April 14, 2007, will remain permanently shut down and no longer requires a Title V air operation permit. Shut down was also confirmed by inspection of the Palm Beach County Health Department.

This permitting decision is final and effective on the date filed with the clerk of the Department unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, Florida Statutes (F.S.). The procedures for petitioning for a hearing are set forth below.

Permitting Authority: 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 Statement of Basis, the application, and the additional 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.

Petitions: A person whose substantial interests are affected by the proposed permitting decisions 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 the applicant or any of the parties listed below must be filed within 14 days of receipt of this written notice. 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 receipt of this written notice. 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.

NOTICE OF EXPIRATION OF TITLE V AIR OPERATION PERMIT

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 written notice. 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.

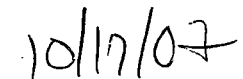
Mediation: Mediation is not available in this proceeding.

Notice of Appeal Rights: Any party to this order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure with the agency clerk in the Office of General Counsel of the Department of Environmental Protection; 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 days from the date this Notice is filed with the clerk of the Department.

Executed in Tallahassee, Florida.



Joseph Kahn, Director
Division of Air Resource Management



Effective Date

NOTICE OF EXPIRATION OF TITLE V AIR OPERATION PERMIT

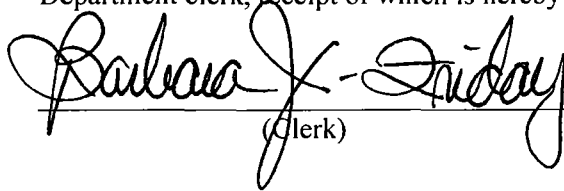
CERTIFICATE OF SERVICE

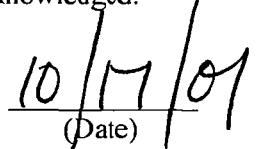
The undersigned duly designated deputy agency clerk hereby certifies that this written notice to expire the Title V air operation permit and the related Statement of Basis were sent by electronic mail with received receipt requested to the persons listed below.

Mr. Neil Smith, U.S. Sugar (nsmith@ussugar.com)
Mr. Peter Briggs, U.S. Sugar (pbriggs@ussugar.com)
Mr. David Buff, Golder Associates (dbuff@golder.com)
Mr. James Stormer, PBCHD (james_stormer@doh.state.fl.us)
Mr. Ajaya Satyal, SD Office (ajaya.satyal@dep.state.fl.us)
Ms. Kathleen Forney, EPA Region 4 (forney.kathleen@epa.gov)
Mr. Dee Morse (dee_morse@nps.gov)

Clerk Stamp

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


(Clerk)


(Date)

STATEMENT OF BASIS

FACILITY DESCRIPTION

The U.S. Sugar Corporation owns the Bryant Sugar Mill, which is located on Bryant Mill Road off of U.S. Highway 98 in Palm Beach County, Florida. The primary sources of air pollution at the existing sugar mill (SIC No. 2061) are five industrial boilers that fire bagasse as the primary fuel. Bagasse is the fibrous residue that remains after sugarcane is milled. The facility includes other miscellaneous unregulated emissions units and activities and is subject to the following primary regulatory classifications:

- The facility is a Title V major source of air pollution in accordance with Chapter 213 of the Florida Administrative Code (F.A.C.).
- The facility is a major stationary source in accordance with Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality.
- This facility is a major source of hazardous air pollutants.

PROJECT DESCRIPTION

On June 2, 2005, the U.S. Sugar Corporation submitted a combined application to renew the Title V air operation permits for the Bryant Sugar Mill and the Clewiston Sugar Mill and Refinery as a single facility (Project No. 0510003-032-AV). Pursuant to Rule 62-213.420(b)2, F.A.C., the applicant continued to "to operate the source under the authority and provisions of any existing valid permit ... until the conclusion of proceedings associated with its permit application or until the new permit becomes effective". The application has remained incomplete until the present. On September 28, 2007, the Department of Environmental Protection received a letter from U.S. Sugar Corporation stating that the Bryant Sugar Mill ceased operation on April 14, 2007, will remain permanently shut down and no longer requires a Title V air operation permit. Shut down was confirmed by inspection of the Palm Beach County Health Department.

CONCLUSION

With Permit No. 0990061-009-AV, the final action is to expire the Title V air operation permit on September 28, 2007. Pursuant to Rule 62-213.440(3)(a)2.b, Florida Administrative Code (F.A.C.), the U.S. Sugar Corporation must provide a Statement of Compliance for the portion of operation in the last calendar year through the expiration date. The Statement of Compliance must be received within 60 days of the above expiration date and must be certified by the Responsible Official. In addition, the facility is responsible for Title V fees for that portion of operation in the last calendar year. This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and F.A.C. Chapters 62-4, 62-210, 62-214 and 62-213, F.A.C.

Friday, Barbara

From: Forney.Kathleen@epamail.epa.gov
Sent: Monday, October 22, 2007 5:54 PM
To: Friday, Barbara
Subject: Re: U.S. Sugar Corporation, Bryant Mill - Permit No.: 0990061-009-AV

Attachments: 0990061-009-AV - U.S. Sugar Corporation, Bryant Mill Expiration of Title V Permit.pdf



0990061-009-AV -
U.S. Sugar Co...

thanks

Katy R. Forney
Air Permits Section
EPA - Region 4
61 Forsyth St., SW
Atlanta, GA 30024

Phone: 404-562-9130
Fax: 404-562-9019

"Friday,
Barbara"
<Barbara.Friday@
dep.state.fl.us>

10/17/2007 01:30
PM

To
<nsmith@ussugar.com>,
<pbriggs@ussugar.com>,
<dbuff@golder.com>,
<James.Stormer@doh.state.fl.us>,
"SatyaI, Ajaya"
<Ajaya.Satyal@dep.state.fl.us>,
Kathleen Forney/R4/USEPA/US@EPA,
<dee_morse@nps.gov>

cc

"Koerner, Jeff"
<Jeff.Koerner@dep.state.fl.us>
Subject
U.S. Sugar Corporation, Bryant
Mill - Permit No.: 0990061-009-AV

Dear Sir/Madam:

Please send a "reply" message verifying receipt of the attached document(s); this may be done by selecting "Reply" on the menu bar of your e-mail software and then selecting "Send". We must receive verification of receipt and your reply will preclude subsequent e-mail transmissions to verify receipt of the document(s).

The document(s) may require immediate action within a specified time frame. Please open

and review the document(s) as soon as possible.

The document is in Adobe Portable Document Format (pdf). Adobe Acrobat Reader can be downloaded for free at the following internet site:
<http://www.adobe.com/products/acrobat/readstep.html>.

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Thank you,
DEP, Bureau of Air Regulation

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on this link to the DEP Customer Survey. Thank you in advance for completing the survey. (See attached file: 0990061-009-AV - U.S. Sugar Corporation, Bryant Mill Expiration of Title V Permit.pdf)

Friday, Barbara

To: nsmith@ussugar.com; pbriggs@ussugar.com; 'dbuff@golder.com';
'James_Stormer@doh.state.fl.us'; Satyal, Ajaya; Forney.Kathleen@epamail.epa.gov;
'dee_morse@nps.gov'

Cc: Koerner, Jeff

Subject: U.S. Sugar Corporation, Bryant Mill - Permit No.: 0990061-009-AV

Attachments: 0990061-009-AV - U.S. Sugar Corporation, Bryant Mill Expiration of Title V Permit.pdf

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Thank you,

DEP, Bureau of Air Regulation

10/17/2007

Friday, Barbara

From: System Administrator
To: Satyal, Ajaya
Sent: Wednesday, October 17, 2007 1:31 PM
Subject: Delivered:U.S. Sugar Corporation, Bryant Mill - Permit No.: 0990061-009-AV

Your message

To: 'nsmith@ussugar.com'; 'pbriggs@ussugar.com'; 'dbuff@golder.com'; 'James_Stormer@doh.state.fl.us'; Satyal, Ajaya;
'Forney.Kathleen@epamail.epa.gov'; 'dee_morse@nps.gov'
Cc: Koerner, Jeff
Subject: U.S. Sugar Corporation, Bryant Mill - Permit No.: 0990061-009-AV
Sent: 10/17/2007 1:31 PM

was delivered to the following recipient(s):

Satyal, Ajaya on 10/17/2007 1:31 PM

Friday, Barbara

From: System Administrator
To: Koerner, Jeff
Sent: Wednesday, October 17, 2007 1:31 PM
Subject: Delivered:U.S. Sugar Corporation, Bryant Mill - Permit No.: 0990061-009-AV

Your message

To: 'nsmith@ussugar.com'; 'pbriggs@ussugar.com'; 'dbuff@golder.com'; 'James_Stormer@doh.state.fl.us'; Satyal, Ajaya;
'Forney.Kathleen@epamail.epa.gov'; 'dee_morse@nps.gov'
Cc: Koerner, Jeff
Subject: U.S. Sugar Corporation, Bryant Mill - Permit No.: 0990061-009-AV
Sent: 10/17/2007 1:31 PM

was delivered to the following recipient(s):

Koerner, Jeff on 10/17/2007 1:31 PM

Friday, Barbara

From: Exchange Administrator
Sent: Wednesday, October 17, 2007 1:31 PM
To: Friday, Barbara
Subject: Delivery Status Notification (Relay)

Attachments: ATT241837.txt; U.S. Sugar Corporation, Bryant Mill - Permit No.: 0990061-009-AV



ATT241837.txt
(296 B)

U.S. Sugar
Corporation, Bryant..

This is an automatically generated Delivery Status Notification.

Your message has been successfully relayed to the following recipients, but the requested delivery status notifications may not be generated by the destination.

James_Stormer@doh.state.fl.us

Friday, Barbara

From: Exchange Administrator
Sent: Wednesday, October 17, 2007 1:31 PM
To: Friday, Barbara
Subject: Delivery Status Notification (Relay)

Attachments: ATT241855.txt; U.S. Sugar Corporation, Bryant Mill - Permit No.: 0990061-009-AV



ATT241855.txt
(284 B)



U.S. Sugar
Corporation, Bryant..

This is an automatically generated Delivery Status Notification.

Your message has been successfully relayed to the following recipients, but the requested delivery status notifications may not be generated by the destination.

dee_morse@nps.gov

Friday, Barbara

From: Mail Delivery System [MAILER-DAEMON@sophos.golder.com]
Sent: Wednesday, October 17, 2007 1:31 PM
To: Friday, Barbara
Subject: Successful Mail Delivery Report

Attachments: Delivery report; Message Headers



Delivery report.txt
(454 B)



Message
Headers.txt (2 KB)

This is the mail system at host sophos.golder.com.

Your message was successfully delivered to the destination(s) listed below. If the message was delivered to mailbox you will receive no further notifications. Otherwise you may still receive notifications of mail delivery errors from other systems.

The mail system

<dbuff@golder.com>: delivery via 127.0.0.1[127.0.0.1]:10025: 250 OK, sent
471646C1_15325_33_4

Friday, Barbara

From: Satyal, Ajaya
To: Friday, Barbara
Sent: Wednesday, October 17, 2007 1:34 PM
Subject: Read: U.S. Sugar Corporation, Bryant Mill - Permit No.: 0990061-009-AV

Your message

To: 'nsmith@ussugar.com'; 'pbriggs@ussugar.com'; 'dbuff@golder.com'; 'James_Stormer@doh.state.fl.us'; Satyal, Ajaya;
'Forney.Kathleen@epamail.epa.gov'; 'dee_morse@nps.gov'
Cc: Koerner, Jeff
Subject: U.S. Sugar Corporation, Bryant Mill - Permit No.: 0990061-009-AV
Sent: 10/17/2007 1:31 PM

was read on 10/17/2007 1:34 PM.

Friday, Barbara

From: Satyal, Ajaya
Sent: Wednesday, October 17, 2007 1:35 PM
To: Friday, Barbara
Subject: RE: U.S. Sugar Corporation, Bryant Mill - Permit No.: 0990061-009-AV

Received Bryant Mill 009 AV document.

Ajaya Satyal, District Air Program Administrator
Florida Department of Environmental Protection, South District
2295 Victoria Ave, Ste. 364
Fort Myers, Florida 33902
Phone Number (239) 332-6975

From: Friday, Barbara
Sent: Wednesday, October 17, 2007 1:31 PM
To: 'nsmith@ussugar.com'; 'pbriggs@ussugar.com'; 'dbuff@golder.com'; 'James_Stormer@doh.state.fl.us'; Satyal, Ajaya; 'Forney.Kathleen@epamail.epa.gov'; 'dee_morse@nps.gov'
Cc: Koerner, Jeff
Subject: U.S. Sugar Corporation, Bryant Mill - Permit No.: 0990061-009-AV

Dear Sir/Madam:

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Thank you,

DEP, Bureau of Air Regulation

10/17/2007

Friday, Barbara

From: James_Stormer@doh.state.fl.us
To: Friday, Barbara
Sent: Wednesday, October 17, 2007 1:34 PM
Subject: Read: U.S. Sugar Corporation, Bryant Mill - Permit No.: 0990061-009-AV

Your message

To: James_Stormer@doh.state.fl.us
Subject:

was read on 10/17/2007 1:34 PM.

Friday, Barbara

From: Buff, Dave [DBuff@GOLDER.com]
To: undisclosed-recipients
Sent: Wednesday, October 17, 2007 1:53 PM
Subject: Read: U.S. Sugar Corporation, Bryant Mill - Permit No.: 0990061-009-AV

Your message

To: DBuff@GOLDER.com
Subject:

was read on 10/17/2007 1:53 PM.

Friday, Barbara

From: Mail Delivery System [MAILER-DAEMON@mseive01.rtp.epa.gov]
Sent: Wednesday, October 17, 2007 1:31 PM
To: Friday, Barbara
Subject: Successful Mail Delivery Report

Attachments: Delivery report; Message Headers



Delivery report.txt
(489 B)



Message
Headers.txt (2 KB)

This is the mail system at host mseive01.rtp.epa.gov.

Your message was successfully delivered to the destination(s) listed below. If the message was delivered to mailbox you will receive no further notifications. Otherwise you may still receive notifications of mail delivery errors from other systems.

The mail system

<Forney.Kathleen@epamail.epa.gov>: delivery via 127.0.0.1[127.0.0.1]:10025: 250
OK, sent 471646C1_11349_5252_1

Friday, Barbara

From: Neil Smith [nsmith@ussugar.com]
Sent: Wednesday, October 17, 2007 1:58 PM
To: Friday, Barbara
Subject: RE: U.S. Sugar Corporation, Bryant Mill - Permit No.: 0990061-009-AV

From: Friday, Barbara [mailto:Barbara.Friday@dep.state.fl.us]
Sent: Wednesday, October 17, 2007 1:31 PM
To: Neil Smith; Peter Briggs; dbuff@golder.com; James_Stormer@doh.state.fl.us; Satyal, Ajaya; Forney.Kathleen@epamail.epa.gov; dee_morse@nps.gov
Cc: Koerner, Jeff
Subject: U.S. Sugar Corporation, Bryant Mill - Permit No.: 0990061-009-AV

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10/18/2007

Friday, Barbara

From: Lisa Pickron [lpickron@ussugar.com]
To: Friday, Barbara
Sent: Wednesday, October 17, 2007 2:08 PM
Subject: Read: U.S. Sugar Corporation, Bryant Mill - Permit No.: 0990061-009-AV

Your message

To: lpickron@ussugar.com
Subject:

was read on 10/17/2007 2:08 PM.

Friday, Barbara

From: Dee_Morse@nps.gov
Sent: Thursday, October 18, 2007 11:12 AM
To: Friday, Barbara
Subject: U.S. Sugar Corporation, Bryant Mill - Permit No.: 0990061-009-AV

Return Receipt

Your U.S. Sugar Corporation, Bryant Mill - Permit No.:
document: 0990061-009-AV

was Dee Morse/DENVER/NPS
received
by:

at: 10/18/2007 09:11:55 AM

Friday, Barbara

From: Peter Briggs [pbriggs@ussugar.com]
Sent: Friday, October 19, 2007 8:01 AM
To: Friday, Barbara
Subject: RE: U.S. Sugar Corporation, Bryant Mill - Permit No.: 0990061-009-AV

From: Friday, Barbara [mailto:Barbara.Friday@dep.state.fl.us]
Sent: Wednesday, October 17, 2007 1:31 PM
To: Neil Smith; Peter Briggs; dbuff@golder.com; James_Stormer@doh.state.fl.us; Satyal, Ajaya; Forney.Kathleen@epamail.epa.gov; dee_morse@nps.gov
Cc: Koerner, Jeff
Subject: U.S. Sugar Corporation, Bryant Mill - Permit No.: 0990061-009-AV

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