

Jeb Bush  
Governor

# Department of Environmental Protection

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

Colleen M. Castille  
Secretary

March 11, 2005

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. William A. Raiola, V.P. of Sugar Processing Operations  
United States Sugar Corporation  
Clewiston Sugar Mill and Refinery  
111 Ponce DeLeon Avenue  
Clewiston, FL 33440

Re: Project No. 0510003-028-AC  
United States Sugar Corporation - Clewiston Sugar Mill and Refinery  
Temporary Firing of Wood Chips – Hurricane Related  
Exemption from the Requirement to Obtain an Air Construction Permit

Dear Mr. Raiola:

On December 29, 2004, the Department issued an exemption from the requirement to obtain an air construction permit for the temporary firing of wood chips generated from the 2004 hurricanes. The exemption was restricted to no more than 133,333 tons of wood chips from hurricane-generated wood waste. To date, U.S. Sugar has accumulated approximately 6000 tons of such material.

In a letter dated February 2, 2005, the City Manager of Clewiston requested U.S. Sugar's cooperation in clearing wooded areas near power lines in preparation for the upcoming 2005 hurricane season. In turn, U.S. Sugar Corporation requested the Department's approval for firing the wood chipped from the tree clearing operations under the current exemption for hurricane-generated materials. In addition, U.S. Sugar agrees to: lower the total wood chip material from 133,333 to 60,000 tons; use wood chips to displace bagasse and oil; fire wood chips for energy recovery in support of the sugar mill and refinery (not solely disposal); fire wood chips in the same manner as the current exemption; provide the same fuel quality monitoring; and maintain records of the activity.

**Determination:** The Department approves your request as conditioned by the provisions attached to this letter. Pursuant to Rule 62.4.040(1)(b), F.A.C., the Department exempts this temporary project from the requirement to obtain an air construction permit. This letter of exemption supersedes the previous letter of exemption issued on December 29, 2004. This determination may be revoked if the proposed activity is substantially modified or the basis for the exemption is determined to be materially incorrect. A copy of this letter shall be maintained at the site of the proposed activity. This permitting decision is made pursuant to Chapter 403, Florida Statutes.

**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 Department of Environmental Protection's Bureau of Air Regulation is the Permitting Authority responsible for making a determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida 32301. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

*"More Protection, Less Process"*

*Printed on recycled paper.*

**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. Petitions filed by the applicant or any of the parties listed below must be filed within twenty-one (21) days of receipt of this Written Notice of Exemption. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within twenty-one (21) days of publication of a Public Notice or within twenty-one (21) days of receipt of this Written Notice of Exemption, 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 twenty-one (21) 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 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 how and when each petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition 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 rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; 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 of Exemption. 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.

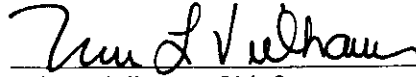
**Mediation:** Mediation is not available in this proceeding.

**Effective Date:** This permitting decision 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 pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this action will not be effective until further order of the Department.

**Appeal:** Any party to this permitting decision (order) has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, 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 must be filed within thirty (30) days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.



Trina Vielhauer, Chief  
Bureau of Air Regulation

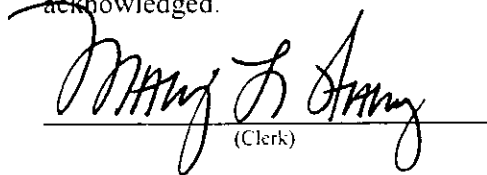
**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this order was sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on 3/11/05 to the persons listed:

- Mr. William A. Raiola, U.S. Sugar\*
- Mr. Peter Briggs, U.S. Sugar
- Mr. Don Griffin, U.S. Sugar
- Mr. David Buff, Golder Associates Inc.
- Mr. Ron Blackburn, SD Office
- Mr. Jim Little, EPA Region 4

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)

3/11/05  
(Date)

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

Mr. William A. Raiola, V.P. of Sugar  
Processing Operations  
Clewiston Sugar Mill and Refinery  
United States Sugar Corporation  
111 Ponce DeLeon Avenue  
Clewiston, Florida 33440

**2. Article Number**

(Transfer from service label)

7000 1670 0013 3109 9397

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

**A. Signature**

X

*William A. Raiola*

- Agent
- Addressee

**B. Received by (Printed Name)**

**C. Date of Delivery**

3/16/05

**D. Is delivery address different from item 1?**

Yes

If YES, enter delivery address below:

No

**3. Service Type**

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

**4. Restricted Delivery? (Extra Fee)**

Yes

**U.S. Postal Service  
CERTIFIED MAIL RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

7000 1670 0013 3109 9397

Postage

\$

Certified Fee

Return Receipt Fee  
(Endorsement Required)

Restricted Delivery Fee  
(Endorsement Required)

Postmark  
here

Mr. William A. Raiola, V.P. of Sugar  
Processing Operations  
Clewiston Sugar Mill and Refinery  
United States Sugar Corporation  
111 Ponce DeLeon Avenue  
Clewiston, Florida 33440

PS Form 3800, May 2000

See Reverse for Instructions

Subject to the following provisions and restrictions, the U.S. Sugar Corporation (U.S. Sugar) is authorized to temporarily fire wood chips generated hurricane-related activities in the existing sugar mill boilers.

1. Wood chips shall only be fired to displace bagasse and fuel oil for energy recovery in support of the sugar mill operations.
2. Wood chips shall consist of clean dry wood and vegetative materials generated from the 2004 hurricanes in Florida or from tree clearing activities conducted in preparation for the 2005 hurricane season.
3. U.S. Sugar shall work with suppliers to ensure that the wood chips are substantially free of plastics, rubber, glass, painted wood, chemically treated wood, and non-combustible materials. U.S. Sugar shall require its suppliers to implement procedures to remove these unwanted materials and to produce wood chips consisting of clean dry wood and vegetative materials. Such procedures would include, but are not limited to, the use of heavy equipment, magnetic separation, mechanical screening, visual inspection, manual sorting, etc. The firing of any household garbage, hazardous wastes, or toxic materials is prohibited. A list of suppliers and contact information shall be maintained on site.
4. U.S. Sugar shall take the necessary precautions to ensure that wood chips delivered to the facility contain only incidental amounts of plastics, rubber, glass, painted wood, chemically treated wood, and other non-combustible materials. U.S. Sugar shall not knowingly accept or burn these unwanted materials. An adequate staff shall be properly trained as "Fuel Handlers" to visually inspect deliveries of wood chips in the truck receiving area. Wood chip loads that contain any amounts of household garbage, hazardous wastes, or toxic materials shall be immediately rejected. Wood chip loads that contain substantial amounts of plastics, rubber, glass, painted wood, chemically treated wood, and other non-combustible materials shall also be rejected.
5. Each week, at least three grab samples of wood chips delivered to the facility shall be taken. Each grab sample shall be taken prior to mixing with bagasse, be approximately one pound, and be stored in sealable plastic bags. At the end of each two week period, the six grab samples shall be combined to form a "composite sample", which shall be produced by mixing the individual grab samples into a homogeneous mixture and then cutting out a single representative sample. In accordance with Methods 3050/6010 (EPA Method SW-846) the composite sample shall be analyzed for copper, chromium, and arsenic and reported as ppmw, dry. In addition, the samples shall be analyzed for the fuel heating value (modified ASTM D3286; Btu/lb, dry), and moisture content (modified ASTM D3173; percent by weight). Results of each analysis shall be available within 10 calendar days of making the composite sample. The remaining portion of the homogenous mixture shall be retained on site for use as a control sample to the verify lab test results, if necessary.

If analysis of a composite sample indicates concentrations in excess of 62.8 ppmw (dry) for copper, 83.3 ppmw (dry) for chromium, or 70.7 ppmw (dry) for arsenic, U.S. Sugar shall take the following actions within 3 working days of receiving the results:

- Provide results to the Bureau of Air Regulation and the Air Resource Section of the South District Office.
- Produce two additional "composite samples" from the remainder of the two-week sample and send to a lab for analysis.
- Review the material screening and segregation procedures with the suppliers.


Results of each analysis shall be available within 10 calendar days of making the additional composite samples. If one of the additional composite samples also indicates concentrations of

copper, chromium, or arsenic exceeding the levels specified above, U.S. Sugar shall discontinue firing wood chips and begin an investigation to evaluate the source of contamination. If the source and cause can be identified and corrected, U.S. Sugar may submit to the Department's Bureau of Air Regulation a corrective action plan and request the resumption of wood chip firing. U.S. Sugar may resume firing wood chips only with written approval from the Department.

6. If necessary, a wood hogger may be used to reduce the wood chip size.
7. Fugitive particulate matter shall be controlled by confinement and/or water spray as necessary.
8. Wood chips shall not be fired solely for the purpose of disposal. Wood chips shall not be fired beyond the amount of heat input needed to support the existing sugar mill operations.
9. Wood chips shall be blended with bagasse to form a mixture of approximately 25% wood chips and 75% bagasse (by volume).
10. The bagasse/wood chip mixture may be fired alone or in combination with additional bagasse or fuel oil. The bagasse/wood chip mixture may be fired as a startup fuel or for normal boiler operations.
11. No more than 60,000 tons of wood chips shall be fired (equivalent to 270,000 MMBtu) during the 2004/2005 crop milling and refining season.
12. All air pollution control equipment shall be used to the maximum extent possible.
13. U.S. Sugar shall comply with all current permit conditions. When firing wood chips, the boilers shall comply with all requirements applicable to firing bagasse. If a boiler is unable to comply with a permit condition as a result of firing wood chips, the firing of wood chips shall be discontinued or the boiler shall be shut down.
14. Boilers that are required to be tested for CO, PM, SO<sub>2</sub>, or VOC emissions during the 2004/2005 crop season may be tested while firing some of the bagasse/wood chip mixture. Boilers that are required to be tested for NO<sub>x</sub> emissions during the 2004/2005 crop season shall be tested while firing some of the bagasse/wood chip mixture. The amount of wood chips shall be recorded and noted on the test reports. *{Note: Test results while firing the bagasse/wood chip mixture may be necessary to support a request for the permanent firing of wood chips.}*
15. Within 30 days of the end of the 2004/2005 crop milling and refining season, U.S. Sugar shall submit a report to the Bureau of Air Regulation with the following information: tons of wood chips delivered; tons of wood chips fired; heat input from firing wood chips; tons of bagasse fired; gallons of fuel oil fired; tons of wood chips remaining; tons of bagasse remaining; heat input rate from each fuel (MMBtu); the fate of remaining wood chips and bagasse; and a summary of emissions rates for each boiler tested.
16. This authorization expires on October 1, 2005.

# Florida Department of Environmental Protection

## Memorandum

TO: Trina Vielhauer, Bureau of Air Regulation  
THRU: Al Linero, Air Permitting South  
FROM: Jeff Koerner, Air Permitting South   
DATE: March 11, 2005  
SUBJECT: Exemption from Requirement to Obtain an Air Construction Permit, Revised  
U.S. Sugar Corporation, Clewiston Sugar Mill and Refinery  
Temporary Authorization to Fire Wood Chips – Hurricane Related  
Project No. 0510003-028-AC

In December of 2004, we issued an exemption to U.S. Sugar that provides temporary authorization to fire wood chips generated from the 2004 Florida hurricanes. The existing facility currently operates five sugar mill boilers that fire bagasse, which is also carbonaceous fuel. Boiler 8 is currently under construction and is expected to startup in late January. On a heat input basis, wood chips will displace an equivalent amount of bagasse as the primary fuel and No. 6 fuel oil as a startup and supplemental fuel. To date, U.S. Sugar has accumulated approximately 6000 tons of such material.

In a letter dated February 2, 2005, the City Manager of Clewiston requested U.S. Sugar's cooperation in clearing wooded areas near power lines in preparation for the upcoming 2005 hurricane season. In turn, U.S. Sugar Corporation requested the Department's approval for firing wood chipped from the tree clearing operations under the current exemption for hurricane-generated materials. In addition, U.S. Sugar agrees to: reduce the total wood chip material from 133,333 to 60,000 tons; use wood chips to displace bagasse and oil; fire wood chips for energy recovery in support of the sugar mill and refinery (not solely disposal); fire wood chips in the same manner as the current exemption; provide the same fuel quality monitoring; and maintain records of the activity. Based on available information, the request will not result in significant emissions increases because wood will be used to displace bagasse and fuel oil. See the attached worksheet.

Attached for your approval and signature is a letter revising the current exemption to also include the firing of wood chips generated from tree clearing activities conducted in preparation for the 2005 hurricane season and reduce total wood chip firing from 133,333 to 60,000 tons.

I recommend your approval and signature.

Attachments

**ATTACHMENT A**  
**Project No. 0510003-028-AC**  
**U.S. Sugar Corporation - Clewiston Sugar Mill and Refinery**  
**Temporary Authorization to Fire Wood Chips - Hurricane Related**

**Fuel Information**

- 9.0 = MMBtu/ton, wood heating value (wet)
- 7.2 = MMBtu/ton, bagasse heating value (wet)
- 0.142 = MMBtu/gallon No. 6 oil
- 270,000 = MMBtu/year from wood chips (~ 25% of the 2003 annual heat input from bagasse)
- 30,000 = tons of wood chips/year (equivalent)
- 37,500 = tons bagasse/year (equivalent)
- 1,901,408 = gallons of fuel oil/year (equivalent)

**Short Term Emissions Rates**

Boiler	lb/MMBtu	CO, lb/MMBtu			NOx, lb/MMBtu			PM, lb/MMBtu			SO <sub>2</sub> , lb/MMBtu			VOC, lb/MMBtu		
		Bag.	Wood	Oil	Bag.	Wood	Oil	Bag.	Wood	Oil	Bag.	Wood	Oil	Bag.	Wood	Oil
1	496.0	5.671	0.600	0.035	0.106	0.220	0.331	0.178	0.178	0.087	0.011	0.025	1.769	0.250	0.013	0.002
2	447.0	9.080	0.600	0.035	0.117	0.220	0.331	0.190	0.190	0.087	0.011	0.025	1.769	0.250	0.013	0.002
3	265.0	8.279	0.600	0.035	0.188	0.220	0.331	0.162	0.162	0.087	0.011	0.025	1.769	0.250	0.013	0.002
4	600.0	1.625	0.600	0.035	0.114	0.220	0.331	0.113	0.113	0.087	0.011	0.025	1.769	0.250	0.013	0.002
7	738.0	0.412	0.600	0.035	0.203	0.220	0.331	0.017	0.017	0.087	0.014	0.025	0.055	0.022	0.013	0.002
8	936.0	0.380	0.600	0.035	0.140	0.140	0.331	0.026	0.026	0.087	0.060	0.025	0.055	0.050	0.013	0.002
Average	---	4.241	0.600	0.035	0.145	0.207	0.331	0.114	0.114	0.087	0.020	0.025	1.198	0.179	0.013	0.002

Total 3,482.0

Note: Emissions factors are based on: bagasse (tested rates); wood (AP-42, Section 1.6); fuel oil (AP-42, Section 1.3). Particulate matter emissions from wood firing were conservatively assumed to be the same as for bagasse firing with control by wet scrubber.

**Annual Emission Rates**

Boiler	MMBtu/yr	CO, TPY			NOx, TPY			PM, TPY			SO <sub>2</sub> , TPY			VOC, TPY		
		Bag.	Wood	Oil	Bag.	Wood	Oil	Bag.	Wood	Oil	Bag.	Wood	Oil	Bag.	Wood	Oil
1	38,461	109.1	<b>11.5</b>	0.7	2.0	<b>4.2</b>	6.4	3.4	<b>3.4</b>	1.7	0.2	<b>0.5</b>	34.0	4.8	<b>0.2</b>	0.0
2	34,661	157.4	<b>10.4</b>	0.6	2.0	<b>3.8</b>	5.7	3.3	<b>3.3</b>	1.5	0.2	<b>0.4</b>	30.7	4.3	<b>0.2</b>	0.0
3	20,549	85.1	<b>6.2</b>	0.4	1.9	<b>2.3</b>	3.4	1.7	<b>1.7</b>	0.9	0.1	<b>0.3</b>	18.2	2.6	<b>0.1</b>	0.0
4	46,525	37.8	<b>14.0</b>	0.8	2.7	<b>5.1</b>	7.7	2.6	<b>2.6</b>	2.0	0.3	<b>0.6</b>	41.2	5.8	<b>0.3</b>	0.0
7	57,226	11.8	<b>17.2</b>	1.0	5.8	<b>6.3</b>	9.5	0.5	<b>0.5</b>	2.5	0.4	<b>0.7</b>	1.6	0.6	<b>0.4</b>	0.1
8	72,579	13.8	<b>21.8</b>	1.3	5.1	<b>5.1</b>	12.0	0.9	<b>0.9</b>	3.2	2.2	<b>0.9</b>	2.0	1.8	<b>0.5</b>	0.1
Total	270,000	414.9	<b>81.0</b>	4.7	19.5	<b>26.8</b>	44.7	12.4	<b>12.4</b>	11.7	3.3	<b>3.4</b>	127.6	20.0	<b>1.8</b>	0.3

Note: The heat input to each boiler is conservatively estimated by prorating the total heat input (270,000 MMBtu/hour) by the permitted capacity of each boiler. The annual heat input rate to the facility for the last two years averaged 8,774,911 MMBtu per year. The request to fire 270,000 MMBtu is equivalent to firing 30,000 tons of wood chips, which is less than 5% of the average annual heat input rate over the last two years.