

DEP ROUTING AND TRANSMITTAL SLIP

TO: (NAME, OFFICE, LOCATION)

- 1. JEFF KOERNER - ARM
- 2. MAIL STATION #5505

PLEASE PREPARE REPLY FOR:

- SECRETARY'S SIGNATURE
- DIV/DIST DIR SIGNATURE
- MY SIGNATURE
- YOUR SIGNATURE
- DUE DATE: _____

ACTION/DISPOSITION:

- DISCUSS WITH ME
- COMMENTS/ADVISE
- REVIEW AND RETURN
- SET UP MEETING
- FOR YOUR INFORMATION
- HANDLE APPROPRIATELY
- INITIAL AND FORWARD
- SHARE WITH STAFF
- FOR YOUR FILES

COMMENTS:

FROM: MARA NASCA / SD DATE: 1/25/05 PHONE: SC 748-6975



111 Ponce de Leon Ave.
Clewiston, Florida 33440-1207
Telephone 863/983-8121
Fax 863/902-2729

Thursday, January 20, 2005

Florida Department of Environmental Protection
Post Office Box 2549
Fort Myers, Florida 33902-2549

RECEIVED
JAN 28 2005

RE: United States Sugar Corporation, Clewiston
Hendry County, Florida
Boiler #1 and #2 Air Permit – Replace Oil Burner Systems
File No. 0510003-027AC

BUREAU OF AIR REGULATION

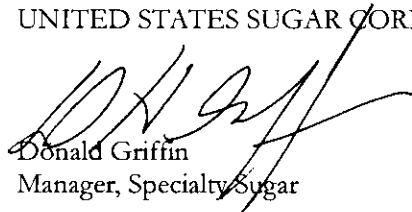
Gentlemen:

We are enclosing Affidavit of Publication certifying that the "Public Notice of Intent to Issue Air Permit" of reference was published in the legal section of the January 20, 2005 issue of *The Clewiston News*.

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

Sincerely,

UNITED STATES SUGAR CORPORATION


Donald Griffin
Manager, Specialty Sugar

DG:jt
Enclosure

cc: Michael Low
Peter Briggs
David Buff

RECEIVED

JAN 24 2005

BUREAU OF AIR REGULATION

PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Florida Department of Environmental Protection
Air Permit No. 0510003-027-AC
United States Sugar Corporation, Clewiston Sugar Mill and Refinery
Hendry County, Florida

Applicant: The applicant for this project is the United States Sugar Corporation. The applicant's authorized representative is Mr. William A. Raio-la, Senior V.P. of Sugar Processing Operations. The applicant's mailing address is the Clewiston Sugar Mill and Refinery, 111 Ponce DeLeon Avenue, Clewiston, FL 33440.

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

Project: The applicant proposes to replace the existing oil burner systems for Boilers 1 and 2 with new low-NOx burners. The boilers currently fire No. 6 fuel oil containing up to 2.5% sulfur by weight as a startup fuel and to supplement bagasse. The new system allows the firing of cleaner distillate oil containing no more than 0.05% sulfur by weight. Bagasse will remain the primary fuel with distillate oil used as a startup fuel and to supplement bagasse. These boilers supply steam to the mill during the sugarcane crop season and serve as backup units during the off-crop season for the refinery.

The existing Clewiston sugar mill/refinery is a major facility in accordance with Rule 62-212.400, F.A.C., the regulatory program for the Prevention of Significant Deterioration (PSD) of Air Quality. The existing facility is located in Hendry County, which is an area that is currently in attainment with the state and federal Ambient Air Quality Standards (AAQS) or otherwise designated as unclassifiable. The project does not result in emissions increases that exceed the PSD significant emission rates specified in Rule 62-212.400, F.A.C. based on the application, past actual emissions, the requested restrictions, and representative emission factors for these units. Therefore, the project is not subject to PSD preconstruction review.

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 proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Florida Department of Environmental Protection's Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Bureau of Air Regulation's physical address is 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301 and the mailing address is 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Bureau of Air Regulation's phone number is 850/488-0114 and fax number is 850/322-6979.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above. A copy of the complete project file is also available at the Department's South District Office at 2295 Victoria Avenue, Suite 364, Fort Myers, Florida 33902-3381. The South District's telephone number is 239/332-6975.

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the Draft Permit for a period of fourteen (14) days from the date of publication of the Public Notice. Written comments must be post-marked, and all email or facsimile comments must be received by the close of business (5:00 p.m.), on or before the end of this 14-day period by the Permitting Authority at the above address, email or facsimile. For additional information, contact the Permitting Authority at the above address or phone number. If written comments result in a significant change to the Draft Permit, the Permitting Authority will issue a Revised Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this Written Notice of Intent to Issue Air Permit. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen (14) days of publication of the attached Public Notice or within fourteen (14) days of receipt of this Written Notice of Intent to Issue Air Permit, 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 fourteen (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 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 Public Notice of Intent to Issue Air Permit. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation: Mediation is not available in this proceeding.

547093 CGS 1/20/05

The Clewiston News

Published Weekly

Clewiston, Florida

AFFIDAVIT OF PUBLICATION

State of Florida

County of Hendry

Before the undersigned authority, personally appeared Mark Young, who on oath says he is the News Editor of the Clewiston News, a weekly newspaper published at Clewiston in Hendry County, Florida, that the attached copy of advertisement being a notice in the matter of United States Sugar Corporation Intent to issue Air permit Ad # 547093 in the _____ court, was published in said newspaper in the issue(s) of January 20, 2005

Affiant further says that the said Clewiston News is a newspaper published at Clewiston, in said Hendry County, continuously published in said Hendry County, Florida, each week, and has been entered as periodicals matter at the post office in Clewiston, in said Hendry County, Florida, for a period of one year next preceding the first publication says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Mark Young

Mark Young

Sworn to and subscribed before me this 20th day of January 2005.

Wanda W. Graham

Wanda W. Graham

Notary Public

