



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

SUGAR PROCESSING DEPARTMENT

September 7, 2006

Ron Blackburn, P.E.
Florida Dept. of Environmental Protection
P. O. Box 2549
Ft. Myers, Fl. 33902-2549

RECEIVED

SEP 18 2006

RE: Draft Air Permit No. 0510003-039-AC
U.S. Sugar Corporation, Clewiston Sugar Mill and Refinery
Boilers 1,2, and 4 – Combined Distillate Oil Firing

BUREAU OF AIR REGULATION

Dear Mr. Blackburn:

We are enclosing Affidavit of Publication certifying that the "Public Notice of Intent to Issue Draft Air Permit" was duly published in the legal section of the August 31, 2006 issue of "The Clewiston News" newspaper in Hendry County.

If you have any questions or need further information, please let me know.

Sincerely,

UNITED STATES SUGAR CORPORATION

A handwritten signature in black ink, appearing to read "Neil Smith", written over a horizontal line.

Neil Smith
Vice President / General Manager
Sugar Manufacturing

NS:lp
Enclosure

cc: Peter Briggs

SEP 11 2006
D.E.P. - South District

The Clewiston News

Published Weekly

Clewiston, Florida

AFFIDAVIT OF PUBLICATION

State of Florida
County of Hendry

Before the undersigned authority, personally appeared Jose Zaragoza, who on oath says he is 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 United States Sugar Corporation Public

of notice of intent to issue air permit act#

of Aug 1st 31, 2006

15741910

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 he 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.

SEP 11 2006
D.E.A. South District

Jose Zaragoza
Jose Zaragoza

Sworn to and subscribed before me this 1 day of Sept 2006

[Signature]
Notary Public



Ideybis Gonzalez
Commission #DD341238
Expires: Jul 26, 2008
Bonded Thru
Atlantic Bonding Co., Inc

PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT
Florida Department of Environmental Protection
Draft Air Permit No. 10-100-049-04
United States Sugar Corporation, Clewiston Sugar Mill and Refinery
111 Pines Delton Avenue, Clewiston, Florida 33440
The applicant for this permit is United States Sugar Corporation.
The applicant's authorized representative is Mr. Jose Zaragoza, Editor of the Clewiston News, 111 Pines Delton Avenue, Clewiston, Florida 33440.
The United States Sugar Corporation operates an existing sugar mill and refinery in Clewiston in the Municipality of W.F. Owens Avenue and State Road 822 in Hendry County, Florida.
On July 27, 2006, the Department received a complete application request for construction of the addition of firing restrictions for existing boilers 1, 2, and 4 into a single cap. Specifically, the applicant requests: a revised detail of cap of 6,000,000 pounds during any consecutive 12 months for all three boilers combined; a restriction in the maximum fuel sulfur concentration for Boiler 4 from 0.4% to 0.05% by weight to match the other boilers; and a reduction of the maximum NOx emission rate for Boiler 4 from 0.20 to 0.17 lb/MMBtu, which is equivalent to the modified firing systems for Boilers 1 and 2 and supported by related performance testing. A comparison of existing to future potential emissions does not show that this project, as restricted by the conditions of the draft permit, will not result in a net significant emissions increase. Upon completion of this project, all boilers at this facility will be firing details of with maximum sulfur content of 0.05% by weight.
Applications for air construction permits are subject to review in accordance with the provisions of Chapters 405, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-312 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 issuing 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 #5506, Tallahassee, Florida 32305-2400. The Bureau of Air Regulations phone number is 904/488-0114 and fax number is 904/622-9979.
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 Permit 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 354, Fort Myers, Florida 33902-3391. The South District's telephone number is 239/432-6975.
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, 62-256, and 62-311 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 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-mailed, and all email or facsimile comments must be received by the date 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 notify, if available, another Public Notice. All comments filed will be made available for public inspection.
Petition: 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 (included by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3300 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32305-3000. 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 notification under Section 120.569(3), F.S., must be filed within fourteen (14) days of receipt 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 120.569(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 must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The return of any person to the address 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 governed by the provisions of the Administrative Procedure Act, Chapter 120.56, F.S., and Rule 28-108.205 F.A.C.
Notice of Intent to Issue Air Permit: The Permitting Authority's action is based upon 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 acknowledgment of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of law and when each petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact; (e) If there are none, the petition must so state; (f) A concise statement of the petitioner's proposed action; (g) A statement of the petitioner's reasons for modification of the agency's proposed action; (h) A statement of the petitioner's proposed action; and (i) A statement of the petitioner's proposed action. A petitioner that does not dispute the material facts upon which the Permitting Authority's action is based shall state that on each fact set in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-108.201 F.A.C.
Because the administrative hearing process is designed to inform the agency action the filing of a petition does not preclude the Permitting Authority's final action may be affected. From the petition issued by it in this Public Notice of Intent to Issue Air Permit. Petitions whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to be heard by the Permitting Authority in accordance with the requirements set forth above.