



# Department of Environmental Protection

Jeb Bush  
Governor

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

Colleen M. Castille  
Secretary

September 1, 2006

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Neil Smith, Vice President of Sugar Processing Operations  
U.S. Sugar Corporation  
Clewiston Sugar Mill and Refinery  
111 Ponce DeLeon Avenue  
Clewiston, Florida 33440

Re: Project No. 0510003-040-AC ✓  
U.S. Sugar Corporation - Clewiston Sugar Mill and Refinery  
Approval of Request to Cease Continuous Monitoring the Cyclone Pressure Drop on Boiler 8

Dear Mr. Smith:

In a letter to EPA Region 4 dated May 17<sup>th</sup>, 2006, U.S. Sugar Corporation requested approval to cease continuous monitoring the pressure drop across the pair of wet cyclones on Boiler 8. The wet cyclones are used to remove sand from the flue gas to prevent erosion of downstream equipment such as the induced draft (ID) fan and electrostatic precipitator (ESP). Although water removes some particulate matter from the flue gas, its main function is to wash the cyclones free of collected dust. The primary removal mechanism is cyclonic flow and changes in flue gas direction. NESHAP Subpart DDDDD requires continuous monitoring of the pressure drop and flow rate for scrubbers that control particulate matter. Installed as "pre-controls" before the ESP, the wet cyclones are static devices with no moving parts. The plant has no direct control over the cyclone pressure drop, which is a function of the exhaust flow rate and unit load on the boiler. Continuously monitoring and recording this parameter is burdensome and provides limited useful information with regard to ensuring compliance with the particulate matter standard.

As a related issue, the Department recently issued an air construction permit authorizing the installation of a third cyclone as a pre-control device for Boiler 8. The additional cyclone is "dry" and will lower velocities across the existing wet cyclones to prevent water carryover into the existing ESP. The Department understands that U.S. Sugar plans to conduct additional particulate matter testing with no water to the existing wet cyclones to demonstrate compliance as "dry" cyclones. Depending on test results, U.S. Sugar may submit a subsequent request to cease continuous monitoring of the water flow rate to the wet cyclones.

**Determination:** In July of 2006, the Department contacted EPA Region 4 regarding the status of this request. Subsequent conversations indicate that EPA Region 4 considers this request to be a "minor change" to the NESHAP Subpart DDDDD monitoring provisions, which are handled by the states. Based on the information provided, the Department agrees with U.S. Sugar's position and authorizes U.S. Sugar to cease continuous monitoring of the pressure drop across the wet cyclones on Boiler 8. Please be advised that Permit No. PSD-FL-333B requires the following monitoring for these wet cyclones, "At least once each 8-hour work shift, the flow rate and pressure drop shall be observed and recorded in a written log." This permitting determination is issued pursuant to Chapter 403, Florida Statutes.

**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,

*"More Protection, Less Process"*

*Printed on recycled paper.*

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. 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.

This determination 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.

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

**Appeals:** Any party to this 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.

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

Executed in Tallahassee, Florida.



Trina Vielhauer, Chief  
Bureau of Air Regulation

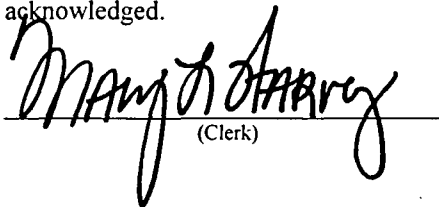
**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this determination was sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on 9/1/06 to the persons listed below.

Mr. Neil Smith, U.S. Sugar\*  
Mr. Don Griffin, U.S. Sugar  
Mr. Peter Briggs, U.S. Sugar  
Mr. David Buff, Golder Associates Inc.  
Mr. Ron Blackburn, SD Office  
Mr. Joydeb Majumder, EPA Region 4

Clerk Stamp

**FILING AND ACKNOWLEDGMENT FILED**, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency clerk, receipt of which is hereby acknowledged.

  
\_\_\_\_\_  
(Clerk)

9/1/06  
(Date)