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Return Receipt Fee <small>(Endorsement Required)</small>		
Restricted Delivery Fee <small>(Endorsement Required)</small>		

St _____
 St _____
 or _____
 Ci _____
 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, January 2001 See Reverse for Instructions

7001 0320 0001 3692 3081

7001 0320 0001 3692 3081

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ 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. <p>1 Article Addressed to:</p> <div style="border: 1px dashed black; padding: 10px; margin-top: 10px;"> <p>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</p> </div>	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X </p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p style="text-align: right; margin-right: 50px;">5/31/05</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

2 Article Number *(Transfer from service label)* 7001 0320 0001 3692 3081

UNITED STATES POSTAL SERVICE



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RECEIVED

JUN 02 2005


BUREAU OF AIR REGULATION

Dept. of Environmental Protection
Division of Air Resources Mgt.
Bureau of Air Regulation, NSR
2600 Blair Stone Rd., MS 5505
Tallahassee, FL 32399-2400



Florida Department of Environmental Protection

Memorandum

TO: Trina Vielhauer, Bureau of Air Regulation
FROM: Jeff Koerner, Air Permitting North 
DATE: May 20, 2005
SUBJECT: Exemption from Requirement to Obtain an Air Construction Permit
U.S. Sugar Corporation – Clewiston Sugar Mill and Refinery
Replacement of Wet Sand Separator for Boiler 7

Attached for your approval and signature is a letter exempting U.S. Sugar from the requirement to obtain an air construction permit to replace the existing sand separator for existing Boiler 7. The letter exemption includes a summary of my review and two conditions: (1) report the design specifications, and (2) notify BAR and the South District Office after the installation is complete.

I recommend your approval and signature.

Attachments



Department of Environmental Protection

Jeb Bush
Governor

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

Colleen M. Castille
Secretary

May 25, 2005

Certified Mail - Return Receipt Requested

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

Re: Exemption from the Requirement to Obtain an Air Construction Permit
U.S. Sugar Corporation – Clewiston Sugar Mill and Refinery
Replacement of Wet Sand Separator for Boiler 7

Dear Mr. Raiola:

On May 17, 2005, the Department received a request from Don Griffin of U.S. Sugar for authorization to replace the existing wet sand separator installed for Boiler 7. This is an existing boiler at the existing sugar mill and refinery. The existing facility is located at the intersection of W.C. Owens Avenue and State Road 832 in Hendry County, Florida.

Review: Boiler 7 is one of five existing boilers currently in operation at U.S. Sugar's Clewiston sugar mill and refinery. It fires bagasse from the sugarcane milling process as the primary fuel and distillate oil as a restricted startup and supplemental fuel. Bagasse is the residual vegetative material remaining after sugarcane is milled. In addition to providing steam during the sugarcane milling season, Boiler 7 is one of the primary units for meeting the steam demands of the refinery during the off-crop season.

Much of the sugarcane processed at this mill is grown in sandy soils. Sand particles cling to the sugarcane throughout cane processing and are introduced to the boiler when firing bagasse. A wet sand separator is currently installed to remove abrasive sand particles from the boiler exhaust in order to protect the induced draft fan from severe wear. To a lesser extent, the wet sand separator serves as a pre-control particulate matter removal device for the existing electrostatic precipitator.

The existing wet sand separator needs extensive maintenance. During the off-crop season this summer, U.S. proposes to replace the existing wet sand separator with two separate wet sand separators. The parallel arrangement will allow for improved sand removal, particularly when the boiler operates at lower steam loads (turn-down) to meet the refinery demands.

Determination: The project is not expected to impact emissions in any way. The new system will likely improve particulate emissions removal. Pursuant to Rule 62.4.040(1)(b), F.A.C., the Department believes that the project "... does not or will not cause the issuance of air or water contaminants in sufficient quantity, with respect to its character, quality or content, and the circumstances surrounding its location, use and operation, as to contribute significantly to the pollution problems within the State, so that the regulation thereof is not reasonably justified." Therefore, the Department exempts this project from the requirement to obtain an air construction permit subject to the following conditions.

1. Within 45 days of completing the final design, submit to the Bureau of Air Regulation and the Department's South District Office the following design information for each unit: flue gas temperature (° F), flue gas flow rate (acfm and dscfm), flue gas moisture content (% volume), number of spray nozzles in the cyclone, number of spray in the duct, total water flow (gpm), pressure differential across unit (inches of w.c.), and overall dimension (feet).
2. Within 30 days of installing the replacement equipment, notify the Bureau of Air Regulation and the Department's South District Office that installation is complete and note any substantial changes to the design. The replacement shall be complete by October 20, 2005.

This determination may be revoked if the proposed activity is substantially modified or the basis for the exemption is

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CASE-BY-CASE EXEMPTION

determined to be materially incorrect. A copy of this letter shall be maintained on site at the facility. 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 is 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.

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.

CASE-BY-CASE EXEMPTION

Executed in Tallahassee, Florida.



Trina Vielhauer, Chief
Bureau of Air Regulation

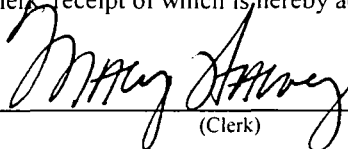
CERTIFICATE OF SERVICE

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 5/26/05 to the persons listed:

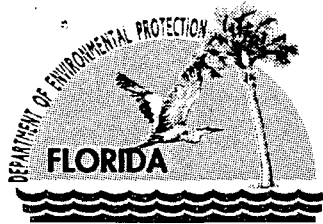
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- Mr. Don Griffin, USSC
- Mr. Peter Briggs, USSC
- Mr. David Buff, Golder Associates Inc.
- Mr. Ron Blackburn, SD Office

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)

5/26/05
(Date)



Department of Environmental Protection

Jeb Bush
Governor

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

Colleen M. Castille
Secretary

May 25, 2005

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Mr. William A. Raiola, V.P. of Sugar Processing Operations
United States Sugar Corporation
111 Ponce DeLeon Avenue
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Replacement of Wet Sand Separator for Boiler 7

Dear Mr. Raiola:

On May 17, 2005, the Department received a request from Don Griffin of U.S. Sugar for authorization to replace the existing wet sand separator installed for Boiler 7. This is an existing boiler at the existing sugar mill and refinery. The existing facility is located at the intersection of W.C. Owens Avenue and State Road 832 in Hendry County, Florida.

Review: Boiler 7 is one of five existing boilers currently in operation at U.S. Sugar's Clewiston sugar mill and refinery. It fires bagasse from the sugarcane milling process as the primary fuel and distillate oil as a restricted startup and supplemental fuel. Bagasse is the residual vegetative material remaining after sugarcane is milled. In addition to providing steam during the sugarcane milling season, Boiler 7 is one of the primary units for meeting the steam demands of the refinery during the off-crop season.

Much of the sugarcane processed at this mill is grown in sandy soils. Sand particles cling to the sugarcane throughout cane processing and are introduced to the boiler when firing bagasse. A wet sand separator is currently installed to remove abrasive sand particles from the boiler exhaust in order to protect the induced draft fan from severe wear. To a lesser extent, the wet sand separator serves as a pre-control particulate matter removal device for the existing electrostatic precipitator.

The existing wet sand separator needs extensive maintenance. During the off-crop season this summer, U.S. proposes to replace the existing wet sand separator with two separate wet sand separators. The parallel arrangement will allow for improved sand removal, particularly when the boiler operates at lower steam loads (turn-down) to meet the refinery demands.

Determination: The project is not expected to impact emissions in any way. The new system will likely improve particulate emissions removal. Pursuant to Rule 62.4.040(1)(b), F.A.C., the Department believes that the project "... does not or will not cause the issuance of air or water contaminants in sufficient quantity, with respect to its character, quality or content, and the circumstances surrounding its location, use and operation, as to contribute significantly to the pollution problems within the State, so that the regulation thereof is not reasonably justified." Therefore, the Department exempts this project from the requirement to obtain an air construction permit subject to the following conditions.

1. Within 45 days of completing the final design, submit to the Bureau of Air Regulation and the Department's South District Office the following design information for each unit: flue gas temperature ($^{\circ}$ F), flue gas flow rate (acfm and dscfm), flue gas moisture content (% volume), number of spray nozzles in the cyclone, number of spray in the duct, total water flow (gpm), pressure differential across unit (inches of w.c.), and overall dimension (feet).
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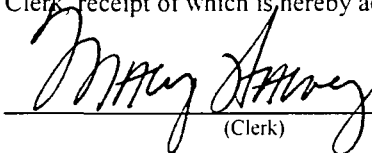
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- Mr. Peter Briggs, USSC
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Clerk Stamp

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(Clerk)

5/26/05

(Date)



Department of Environmental Protection

Jeb Bush
Governor

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

Colleen M. Castille
Secretary

May 25, 2005

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Trina Vielhauer, Chief
Bureau of Air Regulation

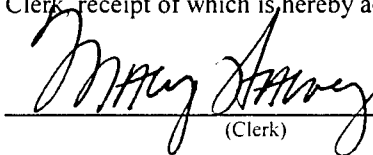
CERTIFICATE OF SERVICE

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 5/26/05 to the persons listed:

- Mr. William A. Raiola, USSC*
- Mr. Don Griffin, USSC
- Mr. Peter Briggs, USSC
- Mr. David Buff, Golder Associates Inc.
- Mr. Ron Blackburn, SD Office

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)

5/26/05
(Date)