Florida Department of Environmental Protection

South District
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Fort Myers, Florida 33902-2549
SouthDistrict@dep.state.fl.us

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Interim Secretary

(Sent by Electronic Mail – Return Receipt Requested)

Neil Smith, Senior Vice President, Sugar Manufacturing
United States Sugar Corporation
111 Ponce De Leon Ave.
Clewiston, Florida 33440

Re: Title V Air Operation Permit Renewal
Proposed Permit No. 0510003-059-AV
U.S. Sugar Clewiston Facility

Dear Mr. Smith:

One copy of the proposed permit determination for the renewal of the Title V air operation permit for the U.S. Sugar Clewiston Facility, located at W.C. Owens Avenue and S.R. 832, Clewiston, Hendry County, is enclosed. This letter is only a courtesy to inform you that the draft permit has become a proposed permit.

An electronic version of this determination has been posted on the Division of Air Resource Management's world wide web site for the United States Environmental Protection Agency (USEPA) Region 4 office's review. The web site address is: http://www.dep.state.fl.us/air/emission/apds/default.asp

Pursuant to Section 403.0872(6), Florida Statutes, if no objection to the proposed Title V air operation permit is made by the USEPA within 45 days, the proposed permit will become a final permit no later than 55 days after the date on which the proposed permit was mailed (posted) to USEPA. If USEPA has an objection to the proposed permit, the final permit will not be issued until the permitting authority receives written notice that the objection is resolved or withdrawn.

If you should have any questions, please contact Carter B. Endsley, P.E. at (239) 344-5637 or by email carter.endsley@dep.state.fl.us.

Executed in Fort Myers, Florida.

Jon M. Iglehart
Director of
District Management

JMI/CBE/se

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that either this Proposed Determination (including the Statement of Basis and the Proposed Permit), or a link to these documents is available electronically on a publicly accessible server, was sent by electronic mail with received receipt requested to the persons listed below:

Mr. Neil Smith, (nsmith@ussugar.com)
Mr. Philip D. Cobb,P.E. (pcobb@golder.com)
Mr. Keith Tingberg, (ktingberg@ussugar.com)
Mr. Carter B. Endsley, P.E. (Carter.Endsley@DEP.STATE.FL.US)
Ms. Kathleen Forney, EPA Region 4 (forney.kathleen@epa.gov)
Ms. Heather Ceron, US EPA Region 4 (ceron.heather@epa.gov)
Ms. Ana Oquendo, US EPA (Oquendo.ana@epa.gov)
Ms. Barbara Friday, DEP OPC (barbara.friday@dep.state.fl.us)
Ms. Lynn Scearce, DEP OPC (lynn.scearce@dep.state.fl.us)
Andrew R. Missel, Earthjustice (amissel@earthjustice.org)
David Read (david.read@dep.state.fl.us)
Gary Maier (gary.maier@dep.state.fl.us)
Megan Mills (megan.mills@dep.state.fl.us)

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.

August 7, 2015

I. PUBLIC NOTICE

An Intent To Issue Air Permit issued to U.S. Sugar Corporation for the U.S. Sugar Clewiston Facility located at W.C. Owens Ave. and S.R. 832, Hendry County, Florida. It was clerked on June 2, 2015.

The Public Notice Of Intent To Issue Air Permit was published in the Clewiston News, (newspaper) on June 11, 2015. The draft Title V air operation permit was available for public inspection at the permitting authority's South District office at 2295 Victoria Avenue, Suite 364, Fort Myers, Florida. Proof of publication of the Public Notice of Intent To Issue Air Permit was received on June 20, 2015.

II. PUBLIC COMMENTS

Comments were received from Earthjustice on behalf of the Sierra Club on July 10, 2015. The comments are summarized below along with the Department's response.

The full Sierra Club comments can be found at the following link:

http://depedms.dep.state.fl.us:80/Oculus/servlet/shell?command=getEntity&[guid=75.77903.1]&[profile=Permitting_Authorization

The conclusion of the Sierra Club comments is as follows: "U.S. Sugar's application for a renewal of its Title V permit – as well as the permit itself – needs to include the HAP emissions from its pre-harvest burning operations, because U.S. Sugar's sugarcane fields, together with its mill and refinery operations, constitute a single "facility" under Title V for HAP purposes. Furthermore, any renewal of U.S. Sugar's permit should be conditioned upon the phasing out of its pre-harvest cane burning practices over the next five years."

Department's Response: There is no requirement to include HAP emissions in the Title V permit for the broadcast burning of sugarcane fields. A key reason for this is that such activity is not a source category regulated under 42 U.S.C. §7412(c). Therefore, no change to the permit will be made. Note that this activity is subject to oversight by the Florida Forest Service.[1]

Based upon the limited comments received and single request for a public meeting, the Department determines that there is not sufficient interest and it will not hold a public meeting. However, the Department is willing to discuss this issue with representatives from the Sierra Club at their convenience.

CONCLUSION

The permitting authority will issue the proposed Title V Air Operation Permit No. 0510003-059-AV as drafted to be reviewed by the USEPA.

[1] See Rules, 5I-2.004(1), 5I-2.006(1) and 5I-2.006(2), F.A.C.