PUBLIC NOTICE OF INTENT TO ISSUE TWO AIR PERMITS

Florida Department of Environmental Protection
Air Resource Management, Southwest District Office
Draft Minor Air Construction and Operation Permits
Project Nos. 0810001-016-AO and 0810001-017-AC
TransMontaigne Terminals, LLC, Port Manatee Terminal
Manatee County, Florida

Applicant: The applicant for these projects is TransMontaigne Terminals, LLC. The applicant's authorized representative and mailing address is: Mr. Dudley Tarlton, Vice President-ESOH, TransMontaigne Terminals, LLC, 1670 Broadway, Suite 3100, Denver, CO 80202.

Facility Location: TransMontaigne Terminals, LLC operates the existing Port Manatee Terminal, which is located in Manatee County at 804 North Dock Street in Palmetto, Florida.

Projects: The main purpose of Construction Permit No. 0810001-017-AC is to allow storage of gasoline in Tank No. 407, which was not authorized to store any product having a vapor pressure higher than that of Jet A. NSPS Subpart K requirements that are applicable to Tank No. 407 are added. Other changes include: (1) The description of the control device for the truck loading rack is changed from a flare to a vapor combustion unit (VCU); (2) Tank Nos. 102, 104, 408 and 412 are reclassified from tanks subject to NSPS Subparts Ka or Kb requirements to non-NSPS tanks; and (3) Unnecessary hourly heat input limitations, hourly fuel usage limitations and visible emissions testing requirements for EU Nos. 001, 002, 013 and 014 (Boiler Nos. 1 & 2 and Hot Oil Heater Nos. 4 & 5) are removed.

Operation Permit 0810001-016-AO is to renew the facility's operation permit and incorporate the changes made in Construction Permit 0810001-017-AC.

Permitting Authority: Applications for air construction and operation 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 projects are not exempt from air permitting requirements and air permits are required to perform the proposed work. The Permitting Authority responsible for making a permit determination for these projects is the Department of Environmental Protection's Air Resource Management Section in the Southwest District Office. The Permitting Authority's physical address is: 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926. The Permitting Authority's mailing address is: 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926. The Permitting Authority's telephone number is 813/632-7600.

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 the physical address indicated above for the Permitting Authority. The complete project file includes the Draft Permits, the Technical Evaluation and Preliminary Determination, the application and information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project engineer for additional information at the address and phone number listed above. In addition, electronic copies of these documents are available on the following web site: http://www.dep.state.fl.us/air/emission/apds/default.asp.

Notice of Intent to Issue Two Air Permits: The Permitting Authority gives notice of its intent to issue an air construction permit and an air operation permit to the applicant for the projects described above. The applicant has provided reasonable assurance that operation of proposed equipment will not adversely impact air quality and that the projects 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 the Final Permits in accordance with the conditions of the proposed Draft Permits 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 proposed Draft Permits for a period of 14 days from the date of publication of this Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of the 14-day period. If written comments received result in a significant change to the Draft Permits, the Permitting Authority shall revise the Draft Permits 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 at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S. must be filed within 14 days of publication of this Public Notice or receipt of a written notice, 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 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 (in a proceeding initiated by another party) 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, project or identification numbers, 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 rights will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency action or proposed decision; (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 including an explanation of how the alleged facts relate to the specific rules or statutes; 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 Two Air Permits. 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 for this proceeding.