FINAL DETERMINATION

PERMITTEE

Breitburn Florida, LLC
P.O. Box 3236
Immokalee, Florida 34143

PERMITTING AUTHORITY

Florida Department of Environmental Protection
Air Resource Section
South District Office
2295 Victoria Avenue, Suite 364
Fort Myers, Florida 33902-2549

PROJECT

Air Permit No. 0210090-008-AC
Minor Source Air Construction Permit
North Bear Island

Crude Oil Storage Tank

NOTICE AND PUBLICATION

The Department distributed a draft minor source air construction permit package on January 14, 2011. The applicant published the Public Notice in the Naples Daily News on January 28, 2011. The Department received the proof of publication on February 16, 2011. No requests for administrative hearings or requests for extensions of time to file a petition for administrative hearing were received.

COMMENTS

Applicant

On February 11, 2011, the Department received comments from the applicant. The following summarizes the comments and the Department's response.

1. *Comment*: Cover letter UTM coordinates are 469.76 km East and 2,904.39 km North and not UTM coordinates of 470.07 km East and 2,904.23 km North

   Response: The Department has corrected the UTM coordinates.

2. *Comment*: Condition 3 on page 6 of 6 shows maximum crude oil throughput rates of 500 bbl/day and 200,750 bbl/yr (based on a 12-month rolling average). Current permit (Specific Condition No. 2) shows 550 bbl/day and 200,750 bbl/yr (i.e., does not indicate a 12-month rolling average). A correction of the Condition No. 3 language to agree with the currently approved throughput rates is requested.

   Response: The Department has corrected the throughput rate to indicate 550 bbl/day. The Department will not change the bbl/yr maximum throughput rate compliance time frame. Permits must be issued with practicably and federally enforceable limits. Bbl/yr are not practicable and federally enforceable. A 12- month rolling average is the longest averaging period recognized to be practicable and federally enforceable.

CONCLUSION

The final action is to issue the permit with the minor changes, corrections and clarifications as described above.