Florida Department of
Environmental Protection
Northwest District
160 Governmental Center
Pensacola, Florida 32502-5794

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard
Jr.
Secretary

April 18, 2012

By Electronic Mail, Received Receipt Requested
jmattinglyjr@gcachouston.com

Mr. Joe Mattingly, Jr.
General Manager
Halcorp, Incorporated
11 Greenway Plaza, Suite 2950
Houston, Texas 77046

Dear Mr. Mattingly:

This letter is regarding recently issued permit 0330060-010-AO for the Halcorp, Inc., Pensacola Asphalt Terminal facility located in Escambia County. The permit contains reporting requirements that apply to two hot oil heaters that burn fuel oil. Based on your January 3, 2012 e-mail, piping and storage for fuel oil have been removed and only natural gas can be used. As a result, specific conditions B.9 and B.10 of the permit, containing fuel oil reporting requirements for the two hot oil heaters are no longer applicable.

This letter modifies permit 0330060-010-AO by removing Specific Conditions B.9 and B.10. These changes are effective immediately. All other specific conditions of the permit remain in effect. This letter shall be attached to and made a part of permit 0330060-010-AO.

If you have any questions, please contact Angelia Jackson at 850/595-0598 or e-mail angelia.jackson@dep.state.fl.us.

Sincerely,

/s/

Rick Bradburn
Air Program Administrator

RB/aj/c

Enclosure
c: Tim Nowling, Halcorp: tnowling@halcorpflorida.net
Tony Martinez, Halcorp: am5850@gmail.com

NOTICE OF RIGHTS

Persons whose substantial interests are affected by this agency action have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the Department's Northwest District Office, 160 W. Government Street, Suite 308, Pensacola, Florida 32502-5740. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The name, address and telephone number of each petitioner; the county in which the subject matter or activity is located;

(b) A statement of how and when each petitioner received notice of the agency action;

(c) A statement of how each petitioner's substantial interests are affected by the agency action;

(d) A statement of the material facts disputed by petitioner, if any;

(e) A statement of facts which petitioner contends warrant reversal or modification of the agency action;

(f) A statement of which rules or statutes petitioner contends require reversal or modification of the agency action;

(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the agency action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject agency action have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.