PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMITS

Environmental Protection Commission of Hillsborough County
REVISED DRAFT/PROPOSED Permit Nos. 0570197-021-AC/0570197-020-AV
Motiva Enterprises LLC, Tampa, FL
Hillsborough County, Florida

Applicant: The applicant for this project is Motiva Enterprises LLC. The applicant's responsible official and mailing address are: Les Millman, Motiva Enterprises LLC, P.O. Box 21108, Fort Lauderdale, FL 33335.

Facility Location: The applicant operates a bulk petroleum receiving and distribution facility, which is located in Hillsborough County at 6500 West Commerce Street, Tampa, Florida.

Project: The applicant applied on October 26, 2010 to the Environmental Protection Commission of Hillsborough County (EPC) for concurrent processing of a construction permit and a Title V renewal permit. DRAFT Permit Nos. 0570197-013-AV and 0570197-021-AC were issued on July 14, 2011; however, the applicant provided comments on the DRAFT permits that resulted in the need to issue REVISED DRAFT/PROPOSED permits to address the changes. The existing facility consists of multiple large storage tanks used to receive and store petroleum products from ships or trucks. Products from the tanks are loaded into trucks at the 3-bay loading rack for distribution off-site. Volatile organic compound emissions from the storage and handling of petroleum products are controlled through the use of internal and external floating roofs, bottom filling of vessels, a vapor combustion unit, and a vapor recovery unit. The construction permit authorizes changes to the existing Title V permit relating to rule applicability, testing requirements and the revising of potential emissions based on updated information regarding tank specifications. The Title V permit renews the current Title V Permit (Permit No. 0570197-013-AV) for the above referenced facility and incorporates Construction Permit Nos. 0570197-018-AC, 0570197-019-AC, and 0570197-021-AC.

Permitting Authority: Applications for construction and Title V air operation permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, 62-213 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and a Title V air operation permit is required to operate the facility. The EPC is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical and mailing address is: 3629 Queen Palm Drive, Tampa, Florida 33619. The Permitting Authority's telephone number is 813/627-2600 (Fax: 813/627-2660).

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 address indicated above for the Permitting Authority. The complete project file includes the DRAFT permits, the REVISED DRAFT/PROPOSED permits, the statement of basis, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the REVISED DRAFT/PROPOSED permits by visiting the following website: http://www.dep.state.fl.us/air/emission/apds/default.asp and entering the permit numbers shown above. Interested persons may contact Diana M. Lee, P.E. for additional information at the address or phone number listed above.

Notice of Intent to Issue Permit: The Permitting Authority gives notice of its intent to issue a REVISED DRAFT air construction permit and a REVISED DRAFT/PROPOSED Title V air operation permit renewal to the applicant for the project described above. The applicant has provided reasonable assurance that continued operation of the existing equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C. The Permitting Authority will issue an air construction permit and a FINAL Title V operation permit, in accordance with the conditions of the REVISED DRAFT/PROPOSED permits unless a response received in accordance with the following procedures results in a different decision or a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the REVISED DRAFT air construction permit for a period of 14 days from the date of publication of the Public Notice. Written

comments must be received by the close of business (5:00 p.m.), on or before the end of this 14-day period by the Permitting Authority at the above address. The Permitting Authority will accept written comments concerning the REVISED DRAFT/PROPOSED Title V air operation permit for a period of 30 days from the date of publication of the Public Notice. Written comments must be received by the close of business (5:00 p.m.), on or before the end of this 30-day period by the Permitting Authority at the above address. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location in the Florida Administrative Weekly (FAW). If a public meeting is requested within the respective 14-day or 30-day comment periods and conducted by the Permitting Authority, any oral and written comments received during the public meeting will also be considered by the Permitting Authority. If timely received written comments or comments received at a public meeting result in a significant change to the REVISED DRAFT permits, the Permitting Authority shall issue additional REVISED DRAFT/PROPOSED permits and require, if applicable, another Public Notice. All comments filed will be made available for public inspection. For additional information, contact the Permitting Authority at the above address or phone number.

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 Legal Department of the EPC at 3629 Queen Palm Dr., Tampa, Florida 33619, Phone 813-627-2600, Fax 813-627-2602. Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this Written Notice of Intent to Issue Air Permits. 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 the attached Public Notice or within 14 days of receipt of this Written Notice of Intent to Issue Air Permits, 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 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 rights will be affected by the EPC determination; (c) A statement of when and how the petitioner received notice of the EPC action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the EPC's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the EPC'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 EPC to take with respect to the EPC'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 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.

EPA Review: EPA has agreed to treat the DRAFT/PROPOSED Title V air operation permit as a PROPOSED Title V air operation permit and to perform its 45-day review provided by the law and regulations concurrently with the public comment period, provided that the applicant also transmits an electronic copy of the required proof of publication directly to EPA at the following email address: oquendo.ana@epamail.epa.gov. Although EPA's 45-day review period will be performed concurrently with the public comment period, the deadline for submitting a citizen petition to object to the EPA Administrator will be determined as if EPA's 45-day review period is performed after the public comment period has ended. The final Title V air operation permit will be issued after the conclusion of the 45-day EPA review period so long as no adverse comments are received that result in a different decision or significant change of terms or conditions. The status regarding EPA's 45–day review of this project and the deadline for submitting a citizen petition can be found at the following website address: http://www.epa.gov/region4/air/permits/Florida.htm.

Objections: Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 days of the expiration of the Administrator's 45-day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to the issuance of any Title V air operation permit. Any petition shall be based only on objections to the Permit that were raised with reasonable specificity during the 30-day public comment period provided in the Public Notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460. For more information regarding EPA review and objections, visit EPA's Region 4 web site at http://www.epa.gov/region4/air/permits/Florida.htm.