



# Florida Department of Environmental Protection

Southwest District Office  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

Mr. Dudley Tarlton, Vice President-ESOH  
TransMontaigne Terminals, LLC  
1670 Broadway, Suite 3100  
Denver, CO 80202

Re: Project Nos. 0810001-016-AO and 0810001-017-AC  
Port Manatee Terminal  
Minor Air Construction Permit and Operation Permit  
Project: Construction Permit Modification and Operation Permit Renewal

Dear Mr. Tarlton:

On February 10, 2012, the Department received your application to renew the air operation permit for the Port Manatee Terminal. On April 4, 2012, the Department received your application for a construction permit to allow storage of gasoline in Tank No. 407. The Port Manatee Terminal is located in Manatee County at 804 North Dock Street in Palmetto, Florida. Enclosed are the following documents: the Permitting Memorandum and Technical Evaluation & Preliminary Determination; the Draft Permits; Appendices; the Written Notice of Intent to Issue Two Air Permits; and the Public Notice of Intent to Issue Two Air Permits. The Public Notice of Intent to Issue Two Air Permits is the actual notice that you must publish in the legal advertisement section of a newspaper of general circulation in the area affected by these projects. If you have any questions, please contact the project engineer, Cindy Zhang-Torres, P.E., at (813) 632-7600, ext. 107.

Sincerely,

Robert C. Wong  
District Air Program Administrator  
Southwest District

Enclosures

RCW/cz

## WRITTEN NOTICE OF INTENT TO ISSUE TWO AIR PERMITS

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*In the Matter of an*

*Applications for Air Permits by:*

TransMontaigne Terminals, LLC  
1670 Broadway, Suite 3100  
Denver, CO 80202

*Authorized Representative:*

Mr. Dudley Tarlton, Vice President-ESOH

Project Nos. 0810001-016-AO and  
0810001-017-AC

Minor Air Construction and  
Operation Permits  
Manatee County, Florida

Port Manatee Terminal  
Projects: Construction Permit  
Modification and Operation Permit  
Renewal

**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 applicant submitted permit applications to renew the air operation permit for the Port Manatee Terminal and to allow storage of gasoline in Tank No. 407. Details of the projects are provided in the applications and the enclosed Technical Evaluation and Preliminary Determination.

**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 address indicated above for the Permitting Authority. The complete project file includes the Draft Permits, the Appendices, the Technical Evaluation and Preliminary Determination, the applications, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

**Notice of Intent to Issue Two Permits:** The Permitting Authority gives notice of its intent to issue two air permits to the applicant for the projects described above. The applicant has provided reasonable assurance that operation of the 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

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TransMontaigne Terminals, LLC  
Port Manatee Terminal

Air Permit Nos. 0810001-16-AO and 081001-017-AC  
Construction Permit Modification and Operation Permit Renewal

## WRITTEN NOTICE OF INTENT TO ISSUE TWO AIR PERMITS

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public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

**Public Notice:** Pursuant to Section 403.815, F.S. and Rules 62-110.106 and 62-210.350, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Two Air Permits (Public Notice). The Public Notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected by these projects. The newspaper used must meet the requirements of Sections 50.011 and 50.031, F.S. in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Permitting Authority at above address or phone number. Pursuant to Rule 62-110.106(5) and (9), F.A.C., the applicant shall provide proof of publication to the Permitting Authority at the above address within 7 days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permits pursuant to Rule 62-110.106(11), F.A.C.

**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 the 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 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 Two 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 Two 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, 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

**WRITTEN NOTICE OF INTENT TO ISSUE TWO AIR PERMITS**

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proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of when and how each 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 Written 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 applications 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 in this proceeding.

Executed in Hillsborough County, Florida.

  
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Robert C. Wong  
District Air Program Administrator  
Southwest District

WRITTEN NOTICE OF INTENT TO ISSUE TWO AIR PERMITS

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**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this Written Notice of Intent to Issue Air Permit package (including the Written Notice of Intent to Issue Two Air Permits, the Public Notice of Intent to Issue Two Air Permits, the Permitting Memorandum and Technical Evaluation & Preliminary Determination, the Draft Permits and Appendices) was sent by electronic mail (or a link to these documents made available electronically on a publicly accessible server) with received receipt requested before the close of business on 4/25/2012 to the persons listed below.

Mr. Dudley Tarlton, TransMontaigne Terminals, LLC, [dtarlton@transmontaigne.com](mailto:dtarlton@transmontaigne.com)

Mr. Paul Siler, P.E., TransMontaigne Terminals, LLC, [psiler@transmontaigne.com](mailto:psiler@transmontaigne.com)

Mr. Barry Andrews, P.E., Antea Group, [barry.andrews@anteagroup.com](mailto:barry.andrews@anteagroup.com)

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.

Carol S. Moore

(Clerk)

4/25/2012

(Date)