



Florida Department of Environmental Protection

Central District Office
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

NOTICE OF PERMIT

ELECTRONIC MAIL

jcd@vitool.com

Seaport Canaveral, LLC
1100 Louisiana, Ste. 5500
Houston, TX 77002

Attention: James C. Dyer, IV, Project Manager

Brevard County - AP
Bulk Petroleum Terminal


Dear Mr. Dyer:

Enclosed is Permit Number 0090219-001-AC to construct the above referenced source issued pursuant to Section(s) 403.087, Florida Statutes.

Any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date the Final Order is filed with the Clerk of the Department.

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


James N. Bradner, P.E.
Program Administrator
Air Resources Management

Date: 2/29/2008

FILED on this date, pursuant to §120.52(11),
Florida Statutes, with the designated Department
Clerk, receipt of which is hereby acknowledged.

Dina Jones
Clerk

Feb. 29, 2008
Date

az

JNB/azt

Copies furnished to: Larry G. Stuart, P.E. (larrystuart@cfl.rr.com)

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT and all copies were mailed
before the close of business on Feb. 29, 2008 to the listed persons,
by D. Jones.



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Central District
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Permittee:

Seaport Canaveral, LLC
1100 Louisiana, Ste. 5500
Houston, TX 77002

Attention: James C. Dyer, IV,
Project Manager

Permit Number: 0090219-001-AC
Expiration Date: January 30, 2013
County: Brevard
Latitude/Longitude:
28° 24' 39"N/80° 36 45"W
UTM: 17.538.1 KmE; 3143.4 KmN
Project: Bulk Petroleum Terminal

This permit is issued under the provisions of Chapter(s) 403, Florida Statutes, and Florida Administrative Code Rule(s) 62-210. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the department and made a part hereof and specifically described as follows:

The permittee may construct 23 fuel storage tanks, two loading racks, two thermal oxidizers, and more than one fuel oil heater at the bulk petroleum terminal facility. From the application site plan:

Tanks 1-8 contain gasoline, are Internal Floating Roof (IFR) with a nominal capacity of 150,000 barrels (bbls) each.

Tanks 9, 10, and 11 contain gasoline blends, are Internal Floating Roof with a nominal capacity of 60,000 barrels each.

Tank 12 contains ethanol, is Internal Floating Roof, with a nominal capacity of 100,000 barrels.

Tanks 13, 14, 17, and 18 contain diesel fuel, are Internal Floating Roof with a nominal capacity of 150,000 barrels each.

Tanks 15 and 19 contain jet fuel, are Internal Floating Roof with a nominal capacity of 150,000 barrels each.

Tanks 16 and 20 contain fuel oil, are fixed roof with a nominal capacity of 150,000 barrels each, and are equipped with heating coils.

Tanks 21, 22, and 23 contain marine diesel, are fixed cone roof with a nominal capacity of 50,000 barrels each.

The applicant has described the emission units and their applicable regulations:

EU001- Gasoline Loading Rack with vapors controlled by a thermal oxidizer,
subject to 40CFR60 Subpart XX

EU002- Marine Loading Rack with vapors controlled by a thermal oxidizer,
subject to 40CFR63 Subpart Y

EU003- Internal Floating Roof Tanks with vapor pressure greater than 1.5 psia,
subject to 40CFR60 Subpart Kb

EU004- Internal Floating Roof tanks with vapor pressure less than 1.5 psia

EU005- Fixed Roof Tanks

EU006- Oil Heaters using natural gas or diesel oil
subject to 40 CFR60 Subpart Dc and 62-296.406(1) F.A.C.

The applicant had identified the following regulations:

The facility is not Title V because calculated emissions are
less than 100 tons per year of volatile organic compounds (VOC),
less than 25 tons per year of hazardous air pollutants (HAP), and
less than 10 tons per year of any individual HAP.

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, Florida Statutes (F.S.) The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup and auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
 - (a) Have access to and copy any records that must be kept under conditions of this permit;
 - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
 - (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
 - (a) A description of and cause of noncompliance; and
 - (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

GENERAL CONDITIONS:

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Section 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
11. This permit is transferable only upon Department approval in accordance with Rule 62-4.120 and Rule 62-730.300, Florida Administrative Code (F.A.C.), as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes:
 - () Determination of Best Available Control Technology (BACT)
 - () Determination of Prevention of Significant Deterioration (PSD)
 - () Certification of compliance with State Water Quality Standards (Section 401, PL 92-500)
 - (X) Compliance with New Source Performance Standards
14. The permittee shall comply with the following:
 - (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring information) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
 - (c) Records of monitoring information shall include:
 1. The date, exact place, and time of sampling or measurements;
 2. The person responsible for performing the sampling or measurements;
 3. The dates analyses were performed;
 4. The person responsible for performing the analyses;
 5. The analytical techniques or methods used;
 6. The results of such analyses.
15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

OPERATING CONDITIONS

1. Each unit is allowed to operate a maximum of 8760 hours per consecutive twelve months. [Construction permit application received April 2, 2007]

2. The maximum throughput rates are:

- gasoline loading rack 766.5 million gallons gasoline per consecutive 12 months
- gasoline loading rack 306.6 million gallons diesel per consecutive 12 months
- gasoline loading rack 229.9 million gallons jet fuel per consecutive 12 months
- marine loading rack 459.9 million gallons gasoline per consecutive 12 months.
- marine loading rack 230.0 million gallons No. 6 fuel oil
- marine loading rack 76.7 million gallons marine diesel oil

[Construction permit application received April 2, 2007]

3. The petroleum storage tanks are permitted as follows:

<u>Tank #</u>	<u>Worse Case Product</u>	<u>Each Shell Capacity (bbl)</u>	<u>Roof Type</u>	<u>NSPS</u>
1-8	Gasoline	150,000	IFR	Kb
9,10,11	Gasoline Blend	60,000	IFR	Kb
12	Ethanol	100,000	IFR	Kb
13,14,17,18	Diesel	150,000	IFR	Kb
15,19	Jet Fuel	150,000	IFR	Kb
16,20	Fuel Oil	150,000	FR	
21,22,23	Marine Diesel	50,000	FR	

[Construction permit application received April 2, 2007]

4. No person shall circumvent any pollution control device or allow the emissions of air pollutants without the applicable air pollution control device operating properly. [Rule 62-210.650, F.A.C.]

REGULATIONS

5. The facility subject to 40 CFR Part 60, Subpart A, General Provisions. See attached **Appendix Subpart-A**.

[Rule 62-204.800(8)(d), F.A.C. and 40 CFR Part 60, Subpart A]

6. The gasoline loading rack and thermal oxidizer are subject to the applicable requirements of 40 CFR Part 60, Subpart XX, for Bulk Gasoline Terminals. See attached **Appendix Subpart-XX**.

[Rule 62-204.800(8)(b)53., F.A.C. and 40 CFR Part 60, Subpart XX]

7. Tanks 1-15, and 17-19 are subject to the applicable requirements of 40 CFR Part 60, Subpart Kb, for Volatile Organic Liquid Storage Vessels. See attached **Appendix Subpart-Kb**. [Rule 62-204.800(8)(b)16., F.A.C. and 40 CFR Part 60, Subpart Kb]

8. The oil heaters are subject to the applicable requirements of 40 CFR Part 60, Subpart Dc, for Small Industrial-Commercial-Institutional Steam Generating Units. See attached **Appendix Subpart Dc**. [Rule 62-204.800(8)(b)4., F.A.C. and 40 CFR Part 60, Subpart Dc]

9. The marine loading rack and thermal oxidizer are subject to the applicable requirements of 40 CFR Part 63, Subpart Y, for Marine Tank Vessels Loading Operations. See attached **Appendix Subpart-Y**. [40 CFR Part 63, Subpart Y]

EMISSION LIMITS

10. Emissions from the thermal oxidizer due to the loading of liquid product into gasoline tank trucks shall not exceed 35 milligrams of total organic compounds per liter of gasoline loaded.

[Rule 62-204.800(8)(b)53., F.A.C.]

11. The facility wide combined volatile organic compound (VOC) emission rate is limited to less than 100.0 tons per twelve consecutive months, combined HAP emissions are limited to less than 25.0 tons per consecutive twelve months, and any individual HAP emission is limited to less than 10.0 tons per consecutive twelve months. These limits are accepted by the applicant to make the facility a synthetic minor. [Construction permit application received April 2, 2007]

COMPLIANCE

12. In order to demonstrate compliance with condition no. 2 and 11, the permittee shall maintain records at the facility for a period of at least 5 years from the date the data is recorded. The records at a minimum shall contain the following:

Monthly

- a) month
- b) consecutive 12 month total of petroleum type and throughput rates
- c) petroleum type and tank capacity
- d) consecutive 12 month total of VOC, combined HAPs and individual HAP emissions

[Rules 62-4.070(3), and 62-213.440(1)(b)2., F.A.C.]

13. Supporting documentation, such as Material Safety Data Sheets, purchase orders, etc., shall be kept which includes sufficient information to determine compliance. The documents shall be kept at the facility for at least 5 years and made available to the Department. Daily logs shall be completed within 7 business days and the monthly logs shall be completed by the end of the following month.

[Rules 62-4.070(3), and 62-213.440(1)(b)2.b., F.A.C.]

14. Each emission unit shall demonstrate compliance with its emission limit and performance standards **within 180 days after placed in operation.**

[Rule 62-297.310(4), F.A.C.]

15. Determination of Process Variables. (a) Required Equipment. The owner or operator of an emissions unit for which compliance tests are required shall install, operate, and maintain equipment or instruments necessary to determine process variables, such as process weight input or heat input, when such data are needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards. (b) Accuracy of Equipment. Equipment or instruments used to directly or indirectly determine process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value.

[Rule 62-297.310(5), F.A.C.]

16. At least 15 days prior to the date on which each formal compliance test is due to begin, the permittee shall provide written notification of the test to the air compliance section of this office. The notification must include the following information: the date, time and location of each test; the name and telephone number of the facility's contact person who will be responsible for coordinating the test; and the name, company and telephone number of the person conducting the test. [Rule 62-297.310(7)(a)9, F.A.C.]

17. Testing of emissions shall be conducted with the emissions unit operation at permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the minimum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test load until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. [Rule 62-297.310(2)&(2)(b), F.A.C.]

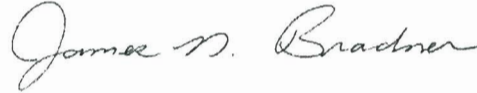
18. Reports of the required test report shall be filed with the air compliance section of this office as soon as practical but no later than 45 days after the last test is completed. [Rule 62-297.310(8), F.A.C.]

19. A DEP Form No. 62-210.900(5), "Annual Operating Report for Air Pollutant emitting Facility" including the Emissions Report, Shall be completed for each calendar year on or before March 1 of the following year and submitted to the air compliance section of this office. [Rule 62-210.370(3), F.A.C.]

OPERATE PERMIT APPLICATION

20. A air operating permit is required for this facility. To obtain the permit, the permittee must demonstrate compliance with the conditions of the construction permit and submit the application, along with compliance test results, records, and Application for Air Permit to the Department's Central District Office [Rule 62-4.220, F.A.C.]. The application shall be submitted no later than 180 days after commencing operation.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



James N. Bradner, P.E.
Program Administrator
Air Resources Management

Issued: February 29, 2008