PUBLIC NOTICE OF INTENT TO ISSUE A FEDERALLY ENFORCEABLE STATE OPERATION PERMIT

BROWARD COUNTY ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT

Pollution Prevention, Remediation and Air Quality Division (PPRAQD)

The Broward County PPRAQD gives notice of its intent to issue a federally enforceable state operation permit (FESOP) to Motiva Enterprises LLC to operate the Motiva Enterprise - East Terminal , which is located at 1200 SE 28th Street, Fort Lauderdale, Florida 33316 The Motiva Enterprise - East Terminal is an existing bulk petroleum products and denatured ethanol terminal.

The PPRAQD will accept written comments concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of "Public Notice of Intent to Issue Air Construction Permit" Written comments should be provided to the Pollution Prevention, Remediation and Air Quality Division – Air Quality Program (PPRAQD), One North University Drive, Suite 203, Plantation, Florida 33324. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the PPRAQD shall revise the proposed permit and require, if applicable, another public notice.

The PPRAQD will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures petitioning for a hearing are set forth below. Mediation is not available for this action. A person whose substantial interests are affected by the PPRAQD's proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida's Statutes. The petition must contain the information set forth below and must be filed with (received by) in the Office of Jeffrey J. Newton, Broward County Attorney at 115 South Andrews Avenue, Suite 423, Fort Lauderdale, Florida 33301-1872. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the PPRAQD for notice of agency action may file a petition within fourteen 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 will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the PPRAQD'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 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 PPRAQD'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.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the PPRAQD's final action may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the PPRAQD on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.