



Environmental Protection and Growth Management Department
POLLUTION PREVENTION, DIVISION
One North University Drive, Suite 203, Plantation, Florida 33324
954-519-1260 • FAX 954-519-1495

Sent by Electronic Mail – Received Receipt Requested

Tom Cannon, Chief Operating Officer
South Florida Materials Corp. dba Vecenergy
101 Sansbury Way
West Palm Beach, FL 33411

Re: Extension of Air Construction Permit Expiration Date
Vecenergy – Port Everglades
Project No. 0112688-013-AC
Extension of Original Air Permit No. 0112688 -004-AC

Dear Mr. Cannon:

On July 18, 2016, South Florida Materials Corp. dba Vecenergy requested an extension of the expiration date of air construction Permit No. 0112688-010-AC for the Vecenergy – Port Everglades located in Broward County at 1200 S.E. 32nd Street in Dania Beach, Florida. South Florida Materials Corp. dba Vecenergy requests the additional time because the additional truck loading lanes and storage tank No. 213 have not yet been built. Based on the circumstances and information provided, the Pollution Prevention Division (PPD) approves this request.

Permitting Authority: Applications for air construction 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 project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. PPD is the Permitting Authority responsible for making a determination for this project. PPD's physical and mailing address is: One North University Drive, Suite 203, Plantation, Florida 33324. PPD's main telephone number is 954-519-1260.

Determination: The expiration date is hereby extended from September 16, 2016 to September 16, 2018 to provide the necessary time to complete construction. At completion, no additional operation permit is required. This modification is included in permit 0112688-012-AO, which expires March 16, 2021. After project completion, no additional construction is allowed as this permitting action does not authorize any new construction. A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This permitting decision is issued pursuant to Chapter 403, Florida Statutes.

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. Petitions must be filed within 14 days of receipt of this permit extension. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. A petition for administrative hearing must contain the information set forth below and must be filed (received) with the Office of the Broward County Attorney at 115 S. Andrews Avenue, Room: 423, Fort Lauderdale, Florida 33301-1872 (Telephone: 954-357-7600, Fax: 954-357-7641) before the deadline. 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 PPD'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

EXTENSION OF AIR CONSTRUCTION PERMIT EXPIRATION DATE

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; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the PPD'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 PPD'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 PPD's final action may be different from the position taken by it in this written notice. Persons whose substantial interests will be affected by any such final decision of the PPD 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 in this proceeding.

Effective Date: This permitting decision is final and effective on the date filed with the clerk of the Permitting Authority unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this action will not be effective until further order of the Permitting Authority.

Judicial Review: Any party to this permitting decision (order) has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Office of the Broward County Attorney at 115 S. Andrews Avenue, Room: 423, Fort Lauderdale, Florida 33301-1872 (Telephone: 954-357-7600, Fax: 954-357-7641) 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 must be filed within 30 days after this order is filed with the clerk of the PPD.

Executed in Plantation, Florida.

Robert C. Wong
Environmental Program Supervisor
POLLUTION PREVENTION DIVISION

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EXTENSION OF AIR CONSTRUCTION PERMIT EXPIRATION DATE

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Construction Permit Extension was sent by electronic mail, or a link to this document made available electronically on a publicly accessible server, with received receipt requested before the close of business on the date indicated below to the following persons.

Mr. Todd Cannon, Vecenergytodd.cannon@vecenergy.com

Mr. Richard Vogel, Vecenergy, Richard.Vogel@vecenergy.com

Ms. Diane Pupa, Permitting Program Administrator, Florida Department of Environmental Protection/Southeast District, diane.pupa@dep.state.fl.us

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.

Clerk

Date