



Florida Department of Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

Sent by Electronic Mail – Received Receipt Requested

Carl Ostach, Vice President
Buckeye Terminals, LLC
Five Tek Park
9999 Hamilton Boulevard
Breiningsville, Pennsylvania 18031

Re: Exemption from the Requirement to Obtain an Air Construction Permit
Buckeye Terminals, LLC, Jacksonville Terminal
Project No. 0310180-023-AC
The addition of Butane

Dear Mr. Ostach,

On August 28, 2015, Buckeye Terminals, LLC submitted a request to take liquid butane from tank trucks and blend with conventional gasoline in existing storage tank 7711. The existing Jacksonville Terminal is located in Duval County at 2617 Zoo Parkway in Jacksonville, Florida. Buckeye Terminals, LLC, is requesting a determination if an air pollution construction permit and/or permit modification is required for a proposed project/activity to take liquid butane from tank trucks and blend with conventional gasoline in existing storage tank 7711, just as is currently done in Tank Nos. 7702 and 7709.

Determination: A complete review of this project is summarized in the attached Technical Evaluation. Pursuant to Rule 62.4.040(1)(b) of the Florida Administrative Code (F.A.C.) and for the reasons stated in the Technical Evaluation, the Office of Permitting and Compliance determines that the activity will not emit air pollutants, "... in sufficient quantity, with respect to its character, quality or content, and the circumstances surrounding its location, use and operation, as to contribute significantly to the pollution problems within the State, so that the regulation thereof is not reasonably justified." Therefore, the project is exempt from the requirement to obtain an air construction permit. This determination may be revoked if the proposed activity is substantially modified or the basis for the exemption is determined to be materially incorrect. A copy of this letter shall be maintained at the site of the proposed activity. This permitting decision is made pursuant to Chapter 403, Florida Statutes.

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, F.A.C. The Permitting Authority responsible for making a permit determination for this project is the Northeast District Office. The Permitting Authority's physical address is: 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida 32256. The Permitting Authority's mailing address is: 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida 32256. The Permitting Authority's telephone number is 904)-256-1700.

EXEMPTION FROM AIR CONSTRUCTION PERMITTING

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 agency clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions must be filed within 21 days of receipt of this exemption from air permitting requirements. 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 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 permitting action. 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 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.

EXEMPTION FROM AIR CONSTRUCTION PERMITTING

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 Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 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 must be filed within 30 days after this order is filed with the clerk of the Department.

Executed in Jacksonville Florida



Richard S. Rachal III, P.G.
Program Administrator
Permitting Program

RSR/lm

FILING AND ACKNOWLEDGEMENT & CERTIFICATE OF SERVICE

Filed on this date pursuant to § 120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged. The undersigned hereby certifies that this Construction permit and all copies were sent before the close of business on August 28, 2015 to the listed persons.


Clerk

August 28, 2015
Date

Mr. Carl Ostach, Vice President, Buckeye Terminals, LLC (COstach@buckeye.com)
Nicole Brower, envirospec Engineering, PLLC- nbrower@envirospeceng.com

CONDITIONS OF EXEMPTION

Subject to the following provisions and restrictions, the Buckeye Terminals, LLC is authorized to take liquid butane from tank trucks and blend with conventional gasoline in existing storage tank 7711 in accordance with the following conditions.

1. The proposed project does not trigger a major new source review under chapter 62-210, F.A.C., as the projected emissions increase is 0.0044 TPY (less than 10 lbs/year).
2. Discussion of emissions. Fugitive emissions from the Terminal will increase slightly as a result of the associated piping including valves, flanges, pumps, and fittings. Fugitive VOC emissions will be emitted.

Applicable Air Regulations

3. Exemption from the requirement to obtain an air construction permit does not relieve any emissions unit or activity from complying with any requirement under 40 CFR Part 60, 61, or 63, adopted and incorporated by reference at Rule 62-204.800, F.A.C. and Rule 2.201, JEPB, to which it is subject, even if such requirement is not a unit-specific applicable requirement. [Rule 62-210.300(3), F.A.C., and Rule 2.301, JEPB]
4. Exemption from the requirement to obtain an air construction permit does not relieve the owner or operator of a facility or emissions unit from complying with any applicable requirements, any emission limiting standards or other requirements of the air pollution rules of the Department or any other such requirements under federal, state, or local law. [Rule 62-210.300(3), F.A.C., and Rule 2.301, JEPB]
5. Exemption from the requirement to obtain an air construction permit does not relieve the owner or operator of a facility or emissions unit from complying with the Rule 62-296.320, F.A.C. - General Pollutant Emission Limiting Standards: Subsection 62-296.320(2), F.A.C. -Objectionable Odor Prohibited; Subsection 62-296.320(3), F.A.C.- Industrial, Commercial, and Municipal Open Burning Prohibited; Paragraph 62-296.320(4)(b), F.A.C.- General Visible Emissions Standard; and Paragraph 62-296.320(4)(c), F.A.C.- Unconfined Emissions of Particulate Matter. [Chapter 296, F.A.C., and Rule 2.1101, JEPB]