FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

NORTHEAST DISTRICT
8800 BAYMEADOWS WAY WEST, SUITE 100
JACKSONVILLE, FLORIDA 32256

RICK SCOTT
GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

Sent by Electronic Mail – Received Receipt Requested

Ken Fenton, President
Apex Oil Company
8235 Forsyth Blvd, Suite 400
Clayton, MO 63105

PERMIT DETERMINATION

Dear Mr. Fenton:

On November 14, 2013, the Department of Environmental Protection (DEP), Northeast District Office received a request from Mr. Bernie Sheil of Center Point Terminal Company for a Permit Determination for Center Point Terminal Company. Currently the facility is performing maintenance and repairs to the existing Internal Floating Roof (IFR) and seals for Tank No. 59. The facility has determined that for a relatively small additional cost, an entirely new Internal Floating Roof (IFR) and seals can be installed. Center Point Terminal Company is requesting a permit determination for this work on Tank No. 59 be treated as maintenance. In accordance with 40 CFR 60.15 "Reconstruction" means the replacement of components of an existing facility to such an extent that:
(1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, and
(2) It is technologically and economically feasible to meet the applicable standards set forth in this part.
(c) "Fixed capital cost" means the capital needed to provide all the depreciable components.

As part of this request, Mr. Sheil has supplied DEP with the fixed capital cost of the replacement and the fixed capital cost that would be required to construct a comparable entirely new facility.

The necessary submittal figures are listed below:

- The fixed capital cost of the IFR replacement is ($37,000).
- The fixed capital cost that would be required to construct a comparable entirely new 10,000 barrel aboveground storage tank is ($402,000).

The information provided states that the fixed capital cost of the replacement is far less than 50% in comparison to the fixed capital cost that would be required to construct a comparable entirely new tank; therefore the project is considered maintenance.

If you have any questions regarding the Department's determination, please contact Leslie Maybin at the Northeast District Office Air Program at (904) 256-1567. A notice of your legal rights is below:

Determination: Pursuant to Florida Administrative Code Rule 62-210.300, the owner or operator of any emissions unit which emits or can reasonably be expected to emit any air pollutant shall obtain an appropriate air permit from the Department prior to the beginning of construction, modification, or initial or continued operation of the emissions unit unless exempted pursuant to Department rule or statute.

Permitting Authority: Applications for air 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 Department of Environmental Protection, Northeast District Office, Waste and Air Resource Management Program is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical and mailing address is: 8800 Baymeadows Way West, Suite 100, Jacksonville, FL 32256-7590. The Permitting Authority's telephone number is 904/256-1700.

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, 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.

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.
Acting Program Administrator
Waste & Air Resource Management

RSR: lm

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Final Permit Determination for Air Permitting 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 December 10, 2013 to the persons listed below.

Mr. Ken Fenton, Apex Oil Company (KFENTON@APEXOIL.COM)
Mr. Bernie Sheil, Center Point Terminal Company (berniegci@sbcglobal.net)

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.

Leslie Maybin
(Clerk)

12/10/2013
(Date)