The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of the those terms is defined in Section 120.542(2), F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of United States Environmental Protection Agency and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

Any person listed below may request to obtain additional information, a copy of the application (except for information entitled to confidential treatment pursuant to Section 403.111, F.S.), all relevant supporting materials, and all other materials available to the EPC that are relevant to the permit decision. Interested persons may contact Diana M. Lee, P.E., at the above address or call (813) 627-2600, for additional information.

Any party to this order has the right to seek judicial review of it under Section 120.68 of the Florida Statues, by filing a notice of appeal under rule 9.110 of the Florida rules of Appellate Procedure with the EPC's Legal Office at 3629 Queen Palm Dr., Tampa, Florida 33619 and 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 thirty days after this order is filed with the clerk of the Department.

Executed in Tampa, Florida

ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY

Richard D. Garrity, Ph.D.
Executive Director

cc: Tom John, P.E. – Tom John, P.E., Inc.

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT ISSUANCE and all copies were mailed before the close of business on 6/6/12 to the listed persons.

FILING AND ACKNOWLEDGEMENT FILED, on this date, pursuant to Section 120.52(7), Florida Statues, with the clerk, receipt of which is hereby acknowledged.

Patricia S. Fors 6/6/12

Clerk Date

COMMISSION
Kevin Beckner
Victor D. Crist
Ken Hagan
Al Higginbotham
Lesley "Les" Miller, Jr.
Sandra L. Murman
Mark Sharpe

ENVIRONMENTAL PROTECTION COMMISSION
HILLSBOROUGH COUNTY

EXECUTIVE DIRECTOR
Richard D. Garrity, Ph.D.

DIVISION DIRECTORS
Legal & Admin. — Richard Tschantz, Esq.
Air Management — Jerry Campbell, P.E.
Waste Management — Hooshang Boostani, P.E.
Water Management — Sam Elrabi, P.E.
Wetlands Management — Scott Emery, Ph.D.

ENVIRONMENTAL PROTECTION COMMISSION OF
HILLSBOROUGH COUNTY, as Delegated by

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF PERMIT

John Keenan
Assistant Terminal Manager
Tampa Marine Terminals, LLC
1650 Hemlock St.
Tampa, Fl 33605

Re: Hillsborough County - AP

Dear Mr. Keenan:

Enclosed is Permit Number 0571418-003-AC to authorize the handling of additional bulk materials and to construct a ship loading operation, issued pursuant to Section 403.087, Florida Statutes.

Any party to this order (permit) has the right to seek judicial review of the permit 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 EPC in the Legal Department at 3629 Queen Palm Drive, Tampa, Florida 33619; 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 this Notice is filed with the clerk of the EPC.

Executed in Tampa, Florida.

Sincerely,

DRAFT

Richard D. Garrity, Ph.D.
Executive Director

RDG/LAW/law

Tampa Marine Terminals, LLC
Tampa, Fl 33605

cc: Florida Department of Environmental Protection – via email
Tom John, P.E. – Tom John, P.E., Inc.

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT ISSUANCE and all copies were mailed before the close of business on _____ to the listed persons.

FILING AND ACKNOWLEDGEMENT FILED, on this date, pursuant to Section 120.52(7), Florida Statues, with the clerk, receipt of which is hereby acknowledged.

DRAFT

_____ _____
Clerk Date

SPECIFIC CONDITIONS:

23. Submit to the Environmental Protection Commission of Hillsborough County each calendar year on or before April 1, completed DEP Form 62-210.900(5), "Annual Operating Report for Air Pollutant Emitting Facility", for the preceding calendar year. [Rule 62-210.370(2), F.A.C.]

24. A minimum of two copies of an air operating permit application shall be submitted to the Environmental Protection Commission of Hillsborough County within 60 days of completion of the compliance test, on the existing emission units, pursuant to Specific Condition No. 12. In addition, submit two copies of an air operating permit application to the Environmental Protection Commission of Hillsborough County within 60 days of completion of the compliance test, on the new emission units, pursuant to Specific Condition No. 13 or at least 60 days prior to the expiration date of this permit, whichever occurs first. The application shall also include a copy of the visible emissions tests and records from the previous six (6) months. [Rules 62-4.050(2) and 62-4.090, F.A.C.]

ENVIRONMENTAL PROTECTION
COMMISSION OF HILLSBOROUGH COUNTY

DRAFT

Richard D. Garrity, Ph.D.
Executive Director