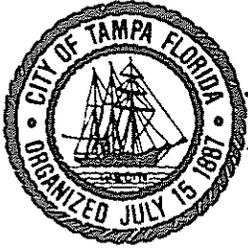


File in Dept. Clerk's file



CITY OF TAMPA

Frances Henriquez, City Clerk

OFFICE OF CITY CLERK

November 23, 1988

Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

Re: File No. DZ87-219
Ordinance No. 88-385

Dear Sirs:

The enclosed document is being transmitted for your information and record keeping process.

If further information is needed, please contact Susan Mihalik, Manager, Land Development Coordination, at 223-8405.

If you have any questions, please contact our office at 223-8396.

Sincerely,

Frances Henriquez / ssm

(Mrs.) Frances Henriquez
City Clerk

FH/ssm

Enclosures

CERTIFIED MAIL

cc: Susan Mihalik, Land Development Coordination

*176
D.O.*

Delivered Mail P-595 658 081

ORDINANCE NO. PP 385

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, ISSUING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY GATX TERMINALS CORPORATION FOR THE EXPANSION OF AN EXISTING PETROLEUM AND CHEMICAL STORAGE TANK TERMINAL, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, on December 10, 1987, GATX Terminals Corporation ("GATX") filed an application for development approval (which together with later filed sufficiency responses, is hereafter referred to as the "ADA") of a Development of Regional Impact ("DRI"), with the City of Tampa, Tampa Bay Regional Planning Council ("TBRPC"), Department of Environmental Regulation ("DER"), Division of Historic Resources, Florida Game and Fresh Water Fish Commission, Southwest Florida Water Management District, Bureau of Biological and Interpretive Services, Florida Department of Commerce, Department of Community Affairs ("DCA"), Marine Fisheries Commission, West Coast Regional Water Supply, Florida Natural Area Inventory, U.S. Army Corps of Engineers, U.S. Department of Agriculture, Hillsborough County Department of Development Coordination, City of Tampa Housing and Development Coordination and the Tampa Port Authority, pursuant to the provisions of Section 380.06, Florida Statutes (1987), as amended ("Chapter 380"), and Section 43A-300, City of Tampa Code; and

WHEREAS, the ADA proposes the expansion of the petroleum storage facility at the GATX terminals which shall consist of the construction of six additional petroleum storage tanks, the conversion of four existing phosphoric acid storage tanks to petroleum products storage tanks and the construction of a four-bay truck loading rack replacing the existing two-bay truck loading rack; the total maximum storage capacity proposed by this expansion is 628,000 barrels; the existing site is situated on approximately 18.73 acres; and the proposed expansion for the site encompasses an additional 3.85 acres on Hookers Point in the City of Tampa, incorporated within Hillsborough County; and

WHEREAS, the City Council is the governing body of the local government having jurisdiction pursuant to Chapter 380 Florida Statutes, is authorized and empowered to consider ADAs for DRI; and

WHEREAS, the public notice requirements of Chapter 380, Florida Statutes and §43A-302, City of Tampa Code have been satisfied; and

WHEREAS, the City Council has on November 3, 1988 held a duly noticed public hearing on the ADA and has heard and considered testimony and documents received thereon; and

WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the application hearing on the subject DRI, before the City Council; and

Certified as true
and correct copy.

WHEREAS, the City Council has reviewed the above-referenced documents, as well as all related testimony and evidence submitted by each party and members of the general public;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA:

Section 1. That this Ordinance shall constitute the Development Order ("Order") of the City Council issued in response to the ADA filed by GATX for the expansion of the GATX Terminal site located on Hookers Point in the City of Tampa. The scope of development to be permitted pursuant to this Order includes the land use, operations, and activities described in the ADA and the supporting documents which by reference are made a part hereof as composite Exhibit "A".

Section 2. That the City Council, having received the above-referenced documents, and having received all related comments, testimony, and evidence submitted by each party and members of the general public, finds that there is substantial competent evidence to support the following findings of fact:

- A. That the real property which is the subject of the ADA is legally described as set forth in Exhibit "B", attached hereto and by reference made a part hereof.
- B. That GATX Terminals Corporation submitted to the City of Tampa an ADA which is attached hereto as a part of the composite Exhibit "A" (including, but not limited to, commitments made by the Developer as set forth in Exhibit A-1, attached hereto) and made a part hereof, to the extent that it is not inconsistent with the terms and conditions of this Order.
- C. That GATX proposes to expand its existing terminal's petroleum storage capacity to 1,253,000 barrels from its present capacity of 625,000 barrels.
- D. That the proposed DRI will be located at Hookers Point in the City of Tampa.
- E. That the proposed development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes (1988 Supp.)
- F. That the proposed development is consistent with the adopted local comprehensive plan and land development regulations.
- G. That the proposed expansion is in accordance with the applicable zoning district regulations.
- H. That the development will not unreasonably interfere with the achievement or the objectives of the adopted state land development plan applicable to the area.
- I. That the facility expansion will not create adverse impact on air quality, groundwater, soils, animal

life, vegetation, waste water management or solid and hazardous waste management and disposal.

- J. That a comprehensive review of the impact generated by the development has been conducted by the City's departments and the TBRPC.
- K. That this Order is consistent with the report and recommendations of the TBRPC and satisfies the provisions of Section 380.06(15), Fla. Stat., (1988 Supp.)

Section 3. That the City Council, having made the above findings of fact, reaches the following conclusions of law:

- A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, GATX is authorized to conduct its development as described herein, subject to the conditions, restrictions and limitations set forth below.
- B. That the review by the City, the TBRPC and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, within the terms and conditions of this Order and the ADA. To the extent that the ADA is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

Section 4. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered that the ADA is hereby approved, subject to the following conditions, restrictions, and limitations:

- A. Substantial Deviations. Further review, pursuant to Chapter 380, shall be required, if a substantial deviation, as defined in Section 380.06(19), Florida Statutes (1988 Supp.) occurs. In addition to the criteria set forth in Section 380.06(19), Fla. Stat. (1988 Supp.), a substantial deviation may occur by failure to comply with the commitments contained in Exhibit "A" (to the extent that such commitments are consistent with this Order), or by activities which are not commenced until after the expiration of the period of effectiveness of this Order. All changes in the Development Order and substantial deviation determination shall be consistent with subsection 380.06(19) F.S. (1988). The Developer shall be given due notice of, and an opportunity to be heard at any hearing to determine whether or not a proposed change to the development is a substantial deviation. A proposed change which, either individually or, if there were previous changes, cumulatively with those changes, is less than 40 percent of any numerical criterion set forth in Section 380.06(19)(b) 1.-16. applicable to the project and does not exceed any other criterion, or which involves an extension of the buildout date by less than three years shall not be a substantial deviation and shall not be subject to a public hearing or substantial deviation determination.

Certified as true
and correct copy.

B. Annual Reports. GATX shall submit an annual report on the progress of the proposed terminal expansion to the City of Tampa, the TBRPC, and the Department of Community Affairs, and other agencies as may be appropriate on July 1, 1989 and on July 1 of each following year until such times as all terms and conditions of this Order are satisfied. The City Council shall review the report for compliance with the terms and conditions of this Order and may issue further orders to insure compliance with the terms and conditions of this Order. GATX shall be notified of any City Council hearing wherein such report is to be reviewed. The annual report shall contain the following information:

1. Changes in the plan of development, or representations contained in the ADA.
2. A list of significant local, state and federal permits which have been obtained, or which are pending, with respect to the report year, by agency, type of permit, permit number and purpose of each as required by subsection 380.06(18) Florida Statutes.
3. Certification that each new tank foundation was designed, constructed and completed in compliance with American Petroleum Institute ("API"), Standard 650 and Appendix B of API-650, together with copies of guarantees issued by the manufacturer or installer that the requirements for welding procedures and welder qualifications contained in Section IX of the American Society of Mechanical Engineers ("ASME") Code have been adhered to for each tank.
4. A certification that all conversion and non-vested tanks (excluding new tanks) have received ultrasonic testing of the tank side walls and bottoms for thickness (unless documentation of previous testing or a commitment for such testing is submitted to the City of Tampa and DER).
5. A calculated total of the volatile organic compound ("VOC") emissions generated from the terminal facility for the previous year.
6. A statement certifying the specific amount of volatile organic compounds ("VOC") emitted from the terminal facility for the previous year.
7. A statement that all persons have been sent copies of the annual report in conformance with subsections 380.065(15) and (18), Fla. Stat. (1988 Supp.)
8. A copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the GATX pursuant to subsection 380.06(15)(f)(1), Fla. Stat. (1987).

9. A summary comparison of development activity proposed and actually conducted for the reporting year;
 10. Undeveloped tracts of land that have been sold to a separate entity or developer during the reporting year;
 11. Identification of, and intended use of, lands purchased, leased, or optioned by the Developer adjacent to the original DRI site during the reporting year;
 12. An assessment of the development's and local governments' compliance with conditions of approval contained in this Order, and the commitments contained in the ADA;
 13. Any known incremental DRI applications for development approval or request for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;
 14. An indication of a change, if any, in local government jurisdiction for any portion of the development during the reporting year;
- C. Tank Construction/Conversion. GATX shall design, construct and maintain the petroleum storage tanks in accordance with the following standards:
1. Construction or conversion of tanks shall commence after the issuance of a valid written permit from the City of Tampa and DER.
 2. All tank construction and conversion plans shall be signed by a registered professional engineer prior to submission to the manufacturer/installer and the permitting agencies.
 3. A qualified GATX supervisor shall oversee all construction, conversion of the tanks and the testing of non-vested tanks. Written reports thereon shall be maintained and made available for inspection by the City of Tampa, upon request.
 4. Each new tank foundation shall be designed and constructed in conformance with API Standards 650 and Appendix B of API 650. GATX shall certify that the tank foundations have been constructed pursuant to the above-referenced standards.
 5. GATX shall require from the manufacturer/installer a written guarantee that the requirements for welding procedures and welder qualifications contained in Section IX of the ASME Code have been adhered to for each tank.
 6. Prior to the utilization of the new tanks, GATX shall provide the City of Tampa, DER and the TBRPC with a written certification from the manufacturer/installer that the tanks were

<p>Certified as true and correct copy.</p>
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designed, constructed and tested in accordance with API-650. This certification shall be provided following completion and testing of each new tank in order to obtain approval to utilize the tanks.

7. Prior to the operation of the conversion tanks, GATX shall provide the City of Tampa, DER and TBRPC with written certification (or other evidentiary proof) that the tanks have been radiographed in accordance with API 650 Standards, and that the re-welds were completed and inspected where necessary.
 8. All non-vested tanks shall, at minimum, be fitted, with float type overflow warning systems. A qualified GATX supervisor shall oversee all transloading operations and visual inspection of the tank shall be required for all topping off operations.
 9. All additional tanks at the GATX terminal shall be newly constructed and not relocated tanks.
- D. Transmission System. All new pipes carrying petroleum products shall be cathodically protected, wrapped and hydrostatically tested prior to operation in accordance with the City of Tampa, API and ANSI-B 31.4 Codes.
- E. Testing Procedures. All new, converted and non-vested tanks shall be tested as follows:
1. Each newly completed tank shall be tested pursuant to the requirements set out in API 650. Prior to conducting any hydrostatic tests for the new tanks GATX will consult with the City of Tampa for purposes of determining the source of water and method for filling their tanks, together with the procedure to be followed for the discharge of the water once the test is complete.
 2. Each new tank shall receive radiographic (x-ray) testing during construction of the tank in accordance with the specifications of the edition of API-650 which is in effect at the time of the testing. The x-ray film shall be submitted to a radiographic technician, certified at the highest level, for evaluation of the welds and shall be accompanied by a roll-out sheet showing the locations of the x-rays. All defective welds shall be removed, rewelded and reinspected prior to the weldment being accepted.
 3. All conversion and non-vested tanks (excluding the new tanks) shall receive ultrasonic testing of the tank side walls and bottoms for thickness within one (1) year of issuance of the Development Order, unless documentation of previous adequate testing, or a commitment for such testing is provided to the City of Tampa and DER during the same period and is determined to be acceptable by both the City

and DER. All such acceptances by the City of Tampa and DER shall be documented in the Annual Report and shall identify the particular tank by its number.

4. All non-vested tanks shall be taken out of service, ultrasonically checked for shell thickness, inspected for leaks, and cleaned inside and out at a minimum of once every ten (10) years.
5. Prior to being placed in service, all new tanks shall receive hydrostatic testing (filling the tank with water to the fullest level it could be filled with product) in accordance with API-650. Prior to the hydrotest, foundation elevation readings shall be taken at every ten feet of circumference around the tank. Elevation readings shall be taken again at full loading of the hydrotest to determine potential settlement problems.

F. Containment Areas. The containment area shall comply with the following criteria.

The conversion tank area (AREA II) shall be surrounded on all four sides by an impervious dike. The containment systems of all non-vested tanks shall, at minimum, conform to the requirements of the National Fire Protection Association (NFPA) Standard 30 and the tops of the containment berms shall be constructed above the 100-year base flood elevation (11 feet). Intermediate dikes surrounding individual tanks shall be constructed if tank capacity is greater than 10,000 barrels. The drainage of stormwater from within the diked area shall be controlled in a manner that shall prevent pollutants from entering groundwater or surface waters if this runoff is in excess of DER water quality standards. All oily wastewater shall be routed into the proposed wastewater collection system and shall be regularly transported off-site and treated in approved treatment facilities in accordance with federal, state and local laws, ordinances and regulations.

G. Outside Containment Area. The area outside the containment area shall be served by groundwater monitoring wells placed at DER approved locations around the project to be used to assist in detecting hydrocarbon leaks.

H. Berms. The design of all new containment berms shall be signed and sealed by a registered professional engineer. The installer shall certify to the City of Tampa that the berms have been constructed in accordance with the certified plans prior to the operation of the tanks.

I. Spill Prevention Control and Counter-measure Plan ("SPCC"). GATX shall submit to the City of Tampa, EPC, DER, EPA, DNR, the U.S. Coast Guard and TBRPC an updated version of its existing SPCC prior to its submission of the first annual report. The revised plan shall include basic information on the facility; a schematic of the facility showing

tanks, buildings, other structures, roads, ditches, direction of flow and distance to the nearest water body; certification by professional engineers; evaluation of any past spills and their causes and potential causes of future spills; listing of actual measures to prevent oil from being spilled and reaching U.S. waters; and a contingency plan including actions to be taken to control and cleanup any spill. The SPCC plan must also conform to the requirements set out in 40 C.F.R. Part 112. The SPCC plan shall be exercised at least once a year in coordination with Hillsborough County Emergency Management Agency as recommended by DCA or as frequently as required by DNR. In lieu of the above, GATX may provide documentation to the aforementioned that the existing GATX terminal SPCC plan is satisfactory and has been certified by a registered professional engineer.

J. Best Management Practices ("BMP") Plan. GATX shall maintain a BMP Plan consistent with the recommendations of the EPA's National Pollutant Discharge Elimination System ("NPDES"), Best Management Practices Guidance Document. The plan shall be submitted to DER for review and comment prior to placing any newly constructed tanks into operation and shall include the following items:

1. Risk identification and assessment, including toxic and hazardous materials inventory;
2. written reporting of BMP incidents (i.e. spills or other improper discharges);
3. assessment of materials compatibility including compatibility of the product stored with the construction material of the tank, compatibility of different storage products upon mixing and compatibility of the tank to the environment;
4. a preventative maintenance program;
5. records of inspections;
6. employee training program; and
7. a program for monitoring water quality from the existing NPDES outfall point.

K. Evacuation Plan. GATX shall prepare an evacuation plan for the terminal consistent with the Tampa Port Authority evacuation plan. The evacuation plan shall include provisions for securing the terminal, implementing hurricane "heels" for all tanks on the GATX Terminal site (partial filling to prevent floating of tanks), providing emergency medical care, delineating what route is to be followed in case evacuation is necessary, and ensuring coordination with disaster preparedness officials. A copy of the evacuation plan shall be made available for inspection upon request.

L. Floodplains/Disaster Preparedness.

1. All elevations for dikes (top of berm), new

tank foundations, loading racks and habitable structures shall be at or above the 100-year base flood elevation (11 feet).

2. Upon issuance of any hurricane evacuation order, the developer shall coordinate the appropriate securing of loading docks and tank farm areas, etc., the closings of all buildings on the site and shall take all necessary measures to ensure the safe evacuation of employees.
 3. The developer shall promote awareness of, and shall cooperate with, local and regional authorities having jurisdiction to issue a hurricane evacuation order.
- M. Tank and Transmission System Repair Standards. GATX shall adopt written in-house tank and transmission (pipe) system repair standards and guidelines.
- N. Dredging. GATX shall not access dredge or maintenance dredge beyond that approved by the Tampa Port Authority 25-year permit to reach navigable waters.
- O. Air Quality. The total GATX volatile organic compound emissions shall not exceed 46.7 tons per year as set forth in GATX Terminal Corporation Permit No. AO 29-101491. Unless otherwise permitted by DER, each annual report shall specify the amount of VOC emissions from the terminal facility for the previous year.
- P. Wildlife. In the event that any species listed in Sections 39-27.03-.05 F.A.C. are observed frequenting the site for nesting, feeding or breeding, proper mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission.
- Q. Cleanup of Spills. In the event of a spill of bulk products, GATX shall cooperate fully in the cleanup efforts and proportionate to its responsibility, shall reimburse spill cleanup costs, costs associated with administration of the cleanup and associated investigation costs.
- R. Waste Water.
1. GATX shall provide assurances that it possesses adequate industrial waste water treatment and disposal capacity for the proposed development, as set forth in the ADA. No industrial waste water generated by this development will be sent to the City of Tampa sanitary sewer system.
- S. Drainage and Water Quality.
1. Prior to the issuance of any construction permits, final drainage plans for any new construction shall be submitted to the City of Tampa and the SWFWMD for review. The project

drainage system shall be designed to meet the following standards:

- (i) Outside the containment and loading areas, the first flush (the first one-half inch) of the storm water run-off generated from the site during the 25-year, 24 hour design storm shall be retained in the vegetated retention areas;
 - (ii) For the area inside the covered loading racks, all waste water petroleum accumulations must be routed to the waste water collection system and regularly transported off-site and treated prior to discharge by a properly permitted waste disposal company;
 - (iii) The existing NPDES permit shall be maintained as necessary.
2. The groundwater monitoring program shall be approved by DER and continued for the life of the facility in accordance with the guidelines set forth in Chapter 17-3 F.A.C. The parameters to be monitored and the frequency of sampling shall be as set forth by DER. In the event GATX violates 17-3 F.A.C., or if parameters being monitored exceed adopted safe limits, GATX shall enter into a consent agreement with DER to implement corrective measures.
 3. In order to protect the water quality in Tampa Bay, there shall be no degradation of water quality by stormwater exiting the site. In the event that GATX violates 17-3 F.A.C. GATX shall enter into a consent agreement with DER to implement corrective measures.

T. Water Supply. The total daily water requirements from the commencement of construction through the build-out of the project as referenced in the ADA will be supplied by the City at the standard charges for water service.

Connection fees, installation charges, and if applicable, grants-in-aid-of construction for off-site improvements to the water system necessitated by this development shall be assumed by the developer, its successors or assigns, when assessed by the City as project plans become final, all in accordance with established City policies and regulations. The Developer is responsible for all on site internal water systems.

U. Solid Waste/Hazardous Waste. The total daily generation of solid waste will be accepted by City of Tampa or as otherwise directed by the City. No solid waste shall be permanently stored or disposed of on site. GATX shall comply with all federal and state hazardous waste regulations relating the storage, transportation and disposal of hazardous wastes. All sludge removed from the tanks shall be disposed of at an authorized facility permitted to

accept such material.

- V. Energy. GATX will provide assurance that adequate electrical service is available. GATX will also observe energy conservation measures wherever feasible.
- W. Emergency Medical Service. GATX shall provide assurance of adequate emergency medical service.
- X. Fire. GATX shall comply with all State of Florida and City of Tampa fire codes. In order to adequately assure that adequate fire protection equipment is available, GATX shall arrange for an inspection by the City of Tampa's Fire Department for purposes of verifying via site inspection the availability of adequate on-site supply of fire fighting apparatus and foam and water supplies appropriate for the magnitude and nature of the development. GATX shall submit confirmation to the City of Tampa, DCA, TBRPC that the tank farm is in compliance with NFPA-11, NFPA-16 and NFPA-30 prior to the operation of the terminal expansion. GATX shall also continue conducting fire drills every six (6) months for the life of the facility.
- Y. Transportation. In order to adequately mitigate the project's impacts on the surrounding roads, GATX shall conduct traffic monitoring, upon project buildout, on those roads to determine if they are contributing 10% or more to the level of service ("LOS") during peak hour capacity. Notwithstanding the above, the Developer shall pay the transportation impact fees as specified in City of Tampa Transportation Impact Fee Ordinance.
- Z. Pavement Deterioration Due to Construction Impacts. Where construction impacts cause pavement deterioration in excess of the normal rate, GATX agrees to assume a fair portion of the required rehabilitation costs. The pavement management section of the transportation division shall perform evaluations of street conditions prior to, during and upon completion of construction. The pavement condition indices, determined by these evaluations shall form the basis for determining GATX's proportionate share of the street rehabilitation costs.

Section 5. Definitions. That the definitions contained in Chapter 380 shall control the interpretation and construction of any terms of this Order, unless the context indicates otherwise.

Section 6. Commencement of Development. That Development of the Project shall commence by January 1, 1990, unless the time period for commencement is extended by the City.

Section 7. Expiration of Development Order. That this Order shall remain in effect for a period of ten (10) years from the date upon which this Order becomes final and the appeal period has ended. Any development activity wherein plans have been submitted to the City for its review and approval prior to the expiration date of this Order, may be completed, if approved. This Order may be extended by

City Council on the finding of excusable delay.

Section 8. Downzoning/Intensity Reduction.
Prior to eight (8) years from the date upon which this Order becomes final and the appeal period has ended, the City may not down-zone or reduce the intensity or unit density permitted by this Order, unless the City can demonstrate that:

- A. substantial changes in the conditions underlying the approval of the Order have occurred; or
- B. the Order was based upon substantially inaccurate information provided by the Developer; or
- C. the change is clearly established by the City to be essential to the public health, safety, or welfare.

Any down-zoning or reduction of intensity shall be effected only through the usual and customary procedures required by statute and/or ordinance for changes in local land development regulations.

For the purposes of this Order, the term "down-zone" shall refer only to changes in zoning or development regulations which decrease the development rights approved by this Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this Order. The inclusion of this Section 8 is not to be construed as evidencing any present foreseeable intent on the part of the City to down-zone or alter the density or intensity of the development, but is included herein to comply with Section 380.06(15)(c)3, Fla. Stat. (1988 Supp.).

Section 9. Effect of Development Order on Successors and Assigns. That this Order shall be binding upon GATX, its assigns, or successors-in-interest.

Section 10. Compliance with Local Land Development Regulations. All development undertaken pursuant to this Order shall be in accordance with all applicable state laws, local codes and ordinances in effect at the time of permitting, except as otherwise specifically provided herein.

Section 11. Responsibility for Monitoring. The Director of HDC is responsible for insuring compliance with this Order. Monitoring shall be accomplished by review of the Annual Report, Building Permits, Certificates of Occupancy, Plats, if applicable, and by on-site observations.

For any condition which cannot be reasonably monitored as part of the City's permitting and inspection process, the developer shall submit a notarized Order conditions and said affidavit shall be included as part of the annual report required by Section 380.06(18), F.S.

Section 12. Reference to Governmental Agencies. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as

successor-in-interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Order.

Section 13. Directions to Clerk. That this City Clerk is hereby directed to send certified copies of this Order, within five (5) days of the effective date of this Ordinance, to GATX, the Florida Department of Community Affairs and the TBRPC.

Section 14. Compliance with Development Order. In the event GATX Terminal violates any of the conditions of the Development Order or otherwise fails to act in compliance with the Development Order, the effectiveness of this Development Order shall be stayed on all of the DRI property and all further development permits, approvals and services for the development shall be withheld.

Section 15. Rendering of Development Order. That this Order shall be deemed rendered upon transmittal of copies of this Order to the recipients specified in Chapter 380.

Section 16. Recordation of Notice of Adoption. That GATX shall record a notice of adoption of this Order as required pursuant to Chapter 380 and shall furnish the City Clerk a copy of the recorded notice.

Section 17. Effective Date. That this Ordinance shall take effect immediately upon becoming a law, and a copy hereof shall be posted on the bulletin board in the hall of the first floor of the City Hall in the City of Tampa, Florida, for the convenience of the public.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON NOV 17 1988

Tom Vann

CHAIRMAN, CITY COUNCIL

ATTEST:

Frances Henriquez
CITY CLERK

APPROVED by me on NOV 23 1988

Samuel B. Freeman
MAYOR

Prepared and Approved By:

Jim K. Ginn
CITY ATTORNEY

State of Florida)
County of Hillsborough)

This is to certify that the foregoing is a true and correct copy of Ordinance #88-385 on file in my office.

Witness my hand and official seal this 23rd day of Nov, 19 88

FRANCES HENRIQUEZ, CITY CLERK

By: *Debra Calabrese*
Deputy City Clerk

CITY CLERK.

EXHIBIT A-1

DRI #176

GATX TERMINAL EXPANSION

DEVELOPER COMMITMENTS

The following are developer commitments set forth in the Application for Development Approval (ADA) and Sufficiency Responses which shall be honored by the developer, except as they may be superceded by specific terms of the Development Order.

General Project Description

1. "To accommodate the proposed expansion, a four-bay truck rack will be built on-site, replacing the existing two-bay truck rack." (ADA, 12-1)
2. "The expansion is scheduled to take place over a single 15-year phase beginning in the spring of 1988." (ADA, 12-1)
3. "Construction plans call for the truck rack and six new tanks to be built (with subsequent roadway installation and improvements) when market demand dictates, which is estimated to be within the 15 year phase." (SR, 1-1)
4. "The remaining four phosphoric acid tanks will undergo conversion within the 15 year phase." (SR, 1-1)
5. "A four-bay truck rack will accompany the six new storage tanks and will also service all other existing petroleum tanks at GATX." (ADA, 12-3)
6. "GATX operates a warehousing and storage facility for public bulk products including diesel fuel, gasoline, jet fuel, and spray oil. The new tanks will be used for petroleum product storage." (ADA, 40-1)
7. "GATX Terminals Corporation leases storage tank space to a variety of companies and assumes all responsibilities for their maintenance." (ADA, 40-1)
8. "Proposed tanks will be newly constructed on-site." (SR, 1-4)
9. "All new IFR tanks will be equipped with automatic overfill protection." (SR, 1-5)
10. "No existing or proposed tank will have multiple compartments." (SR, 1-4)
11. "GATX personnel will cooperate and coordinate with all designated state and federal authorities in the event of a spill." (SR, 1-10)

12. "In compliance with API 650, all new tanks will be 100 percent filled with water for hydrostatic testing. Welds specified by API 650 will be x-rayed." (SR, 1-13)
13. "All on site tanks have been tested and inspected in accordance with API 650." (SR, 1-6)
14. "There are no solid, liquid, or gas products which could potentially be produced by mingling of any of the products stored on site." (SR, 1-27)

ENVIRONMENTAL AND NATURAL RESOURCES

Air Quality

1. "In order to mitigate the increase in emissions resulting from the additional petroleum storage tanks, the concept of emissions offset has been employed." (ADA, 13-2)
2. "GATX will submit to DER/EPC air permit applications for the construction of the additional storage tanks and the truck loading rack. An air pollutant permit will also be submitted when the phosphoric acid tanks are converted to petroleum storage." (ADA, 13-2)
3. "In compliance with New Source Performance Standards established in the Clean Air Act (PL 95-95) and F.A.C. 17-2, a pollution control device will be installed on the truck loading rack. Either a vapor recovery unit such as activated carbon, or a combustor flare will be installed to control emissions." (ADA, 13-2)
4. "The proposed six new tanks will be internal floating roof or cone roof tanks." (ADA, 13-2)
5. If the converted phosphoric acid tanks are to be used for gasoline storage, they will be converted to IFR tanks. (ADA, 13-2)
6. "All GATX EFR tanks governed by New Source Performance Standards (NSPS) are in compliance with NSPS." (SR, 1-15)
7. "In order for GATX to be permitted for additional emissions in a non-attainment area they will be governed by rigid construction and review requirements of EPA (40 CFR 60) and FDER (Chapter 17-2, F.A.C.). (SR, 1-16)

Soils

1. "The storage tanks will be field erected and placed on pads above the 100-year flood elevation." (SR, 1-2)
2. "The existing excavated ponds will be removed with the installation of a new wastewater collection system." (ADA, 14-2)

3. "The earthen berms will be constructed and stabilized in such a manner as to prevent washouts and other erosion problems resulting from stormwater runoff." (ADA, 14-2)
4. "During construction, fugitive dust emissions will be controlled by watering exposed soil areas." (SR, 1-16)
5. "Standard erosion control measures such as the placement of hay bales, mulching, wetting and sodding will be utilized as appropriate." (SR, 1-17)
6. "If soils were contaminated they would be immediately removed and treated appropriately." (SR, 1-17)
8. "During site preparation soils are segregated and the more stable materials are used for dike walls." (SR, 1-17)

Water Quality/Drainage

1. "Excess stormwater collected within the bermed containment areas will be monitored for quality prior to discharge pursuant to existing permit conditions." (ADA, 15-6)
2. "The most significant measure taken to mitigate potentially adverse water quality impacts will be the construction and operation of the wastewater recovery system for the entire bulk storage facility." (ADA, 15-6)
3. "In addition to the wastewater recovery system, all new impervious construction will comply with the stormwater management regulations set forth in Chapters 40-D(4) and 17-25, F.A.C. Stormwater runoff from the proposed access road and new truck rack will be detained on-site in grassy swales and appropriately treated prior to any discharge." (ADA, 15-6)
4. A surface runoff and groundwater monitoring program has been developed in association with the proposed wastewater recovery system. "The monitoring program is to include five wastewater and runoff sampling points and eight groundwater monitoring wells. The specific parameters of the monitoring program will be determined and approved by FDER as part of the temporary operating permit for the wastewater recovery system. It is anticipated that monitoring parameters will vary between sampling points to correspond with the variable products handled (e.g. phosphoric acid, petroleum, etc.)" (ADA, 15-6)
5. "All wastewater will be routed to the closed collection system. Stormwater runoff from impervious surfaces will be routed to a detention pond with an outfall to Port Authority maintained drainage ditches per F.A.C. 17-25 . . . If it should become necessary to use the NPDES permitted outfall, the discharge would be monitored." (SR, 1-18)

6. "With the completion of the new wastewater collection system, there will be no point source discharges of pollutants. Stormwater discharges from new impervious surfaces will be treated in accordance with the requirements of Chapter 17-25, F.A.C." (SR, 1-9)

Floodplains

1. "All existing tanks have been constructed above the 100-year flood elevation. The proposed new tanks will likewise be constructed on a pad above the base flood elevation of 11 feet." (ADA, 17-1) (Developer clarification - Not all tanks have been constructed above the 100-year flood zone.)
2. "Spill containment at dockside includes a concrete containment area surrounding dock hoses and a containment boom which can contain a spill in the channel." (SR, 1-20)
3. "Existing dikes are constructed to the height required to contain the contents of the largest tank, and conform to the spacing requirements of NPFA 30." (SR, 1-20)
4. "Containment areas for tanks 120-1, 55-2, 70-1 and 70-2 are elevated above the 100-year flood elevation." (SR, 1-20)

PUBLIC FACILITIES

Wastewater

1. "This wastewater will be collected in an internal gravity driven system and drawn off for appropriate off-site treatment." (ADA, 21-1)
2. "Wastewater will be released by an operator from the petroleum storage tank and inspected by the operator to ensure only wastewater and not the petroleum product is discharged to the collection system. (ADA, 21-2)
3. "The wastewater will be pumped to another storage tank where it will be held until it can be transported to an appropriate facility for treatment and disposal." (ADA, 21-2)
4. "Stormwater runoff from the proposed truck loading rack will be included in the new collection system." (ADA, 21-2) (Developer correction - Substitute the words "wastewater spills" for the words "stormwater runoff".)
5. "The existing permitted point source will eventually be used only as an emergency or backup discharge point. There will be no new wastewater outfalls." (SR, 1-18)
6. HOWCO (or similar agent) will dispose of all wastewater from the collection system. (SR, 1-19)
7. The new wastewater collection system will serve the tanks in the diked areas but not stormwater in the containment area itself. (SR, 1-23)

Drainage

1. "The proposed drainage system will be designed to collect and treat stormwater from the proposed expansion of the entrance road and four-bay truck rack pavement only." (ADA, 22-1)
2. "The proposed new storage tanks will be surrounded by earthen berms constructed to the height required to provide containment per NFPA 30." (SR, 1-3)
3. "The proposed detention areas will be designed to contain the runoff for new impervious surface from a 25-year, 24-hour storm event for post-development conditions while limiting peak discharge rates to the 25-year event under existing conditions." (SR,1-3)
4. This pond will also be designed to treat the first half inch of runoff from the respective tributary area." (ADA, 22-1)
5. "All inflow and outflow structures will be designed to prevent erosion, scour and washouts." (ADA, 22-1)
6. "Detention ponds will be fully sodded and a maintenance berm will be provided around the detention area." (ADA, 22-1)
7. "An outfall control structure will be designed to control the rate of outflow and impound specified volumes of stormwater for treatment and storage to meet the requirements of Chapter 40-D(4) and 17-25, F.A.C." (ADA, 22-1)
8. Discharge in the form of overflow from detention ponds will be directed into the adjacent port drainage ditch. (ADA, 22-2)
9. "All on-site drainage systems, structures, and detention areas will be maintained by GATX." (ADA, 22-3)

Water Supply

1. "No water wells exist on, or are planned for, the project." (ADA, 23-1)
2. "The developer will maintain the on-site internal water distribution system." (SR, 1-25)

Solid Waste

1. "On-site disposal will not be provided." (ADA, 24-1)

Fire

1. "The truck loading rack will have a self-contained foam system, as outlined in NFPA 16." (SR, 1-30)

2. "Additional hydrants shall be added to provide adequate access to hydrants within acceptable distances. Hydrant locations will be reviewed by the fire department at the time the construction plans are submitted." (SR, 1-30)
3. "Fire protection systems shall conform with NFPA 11 requirements." (SR, 1-30)
4. Plans for foam fire protection delivery systems for the GATX Terminal will be reviewed by the fire department prior to construction. (SR, 1-30)
5. "Foam lines will be added and fire mains extended with the proposed expansion." (SR, 2-4)
6. "All GATX staff members are familiarized with the Fire Plan, emergency phone numbers are posted in highly visible areas, and in-house procedures reviewed on a continuous basis." (ADA, 30-1)
7. "As part of the GATX Fire Plan, fire drills are conducted every six months." (ADA, 2-10)

ADA - Application for Development Approval

SR - Sufficiency Response

Certified as true
and correct copy.

EXHIBIT B

Proposed Expansion, Tract 2, 5 and 7

Commencing at a P.O.B. which lies 7,099.75 feet South and 2,220.41 feet West of the NE Corner of Section 30, Township 29 South, Range 19 East, Hillsborough County, Florida; Run thence North $49^{\circ}35'44''$ West a distance of 306.63 feet, thence South $40^{\circ}24'16''$ West a distance of 455.14 feet, thence South $49^{\circ}35'44''$ East a distance of 306.63 feet, thence North $40^{\circ}24'16''$ East a distance of 455.14" to the P.O.B., comprising 138,153 Square Feet.

Commencing at the northeast corner of Section 30, Township 29 South, Range 19 East, Hillsborough County, Florida, run South a distance of 7,860.37 feet; then West a distance of 1,693.89 feet; to the P.O.B., then North $64^{\circ}21'13''$ East a distance of 239.90 feet; thence North $25^{\circ}38'47''$ West a distance of 270.00 feet; thence South $64^{\circ}21'13''$ West a distance of 239.90 feet; thence South $25^{\circ}38'47''$ East a distance of 270.00 feet to the P.O.B.

Commencing at a P.O.B. which lies 7,600.23 feet South, and 1,381.00 feet West of the NE corner of Section 30, Township 29 South, Range 19 East, Hillsborough County, Florida. Running thence North $87^{\circ}43'13''$ East a distance of 430.29 feet; thence South $25^{\circ}38'47''$ East a distance of 652.34 feet; thence South $64^{\circ}21'13''$ West a distance of 395.00 feet; thence North $25^{\circ}38'47''$ West a distance of 823.00 feet to the P.O.B.

Certified as true
and correct copy.