



# CITY OF TAMPA

OFFICE OF CITY CLERK

CODE ENFORCEMENT BOARD

April 30, 1990

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

RE: File No. DZ89-12  
Ordinance No. 90-103

Dear Sir:

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

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

Sincerely,

(Mrs.) Frances Henriquez  
City Clerk

FH/gg

Enclosure:

CERTIFIED MAIL

cc: Susan Swift Mihalik, Land Development Coordination

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MAY - 1 1990

Tampa Bay Regional  
Planning Council

mailed 5/1/90  
Not certified

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TBRPC

ORDINANCE NO. 90-103

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 STAR ENTERPRISE FOR THE EXPANSION OF AN EXISTING PETROLEUM STORAGE TANK TERMINAL, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, on February 6, 1989, STAR Enterprise ("STAR") 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, City of Tampa Department of Housing and Development Coordination ("HDC"), City-County Planning Commission, Department of Community Affairs ("DCA"), Department of Environmental Regulation ("DER"), Department of Natural Resources, Department of Transportation, Department of Wildlife & Range Sciences, Division of Historic Preservation, Florida Department of Commerce, Florida Game and Fresh Water Fish Commission, Florida Natural Area Inventory, Hillsborough County Environmental Protection Commission ("HCEPC"), Marine Fisheries Commission, Southwest Florida Water Management District ("SFWMD"), Tampa Bay Regional Planning Council ("TBRPC"), Tampa Port Authority, United States Army Corps of Engineers, United States Department of Agriculture, United States Fish & Wildlife Service, and the West Coast Regional Water Supply pursuant to the provisions of Chapter 380, Florida Statutes (1989), as amended ("Chapter 380"), and Section 43A-302, City of Tampa Code; and

WHEREAS, the ADA proposes the expansion of the petroleum storage facility at the Texaco/STAR terminal facility, which will consist of the construction of an office building, employee parking lot, three additional petroleum storage tanks, two 286-barrel fuel additive tanks, reactivation of the product loading and 20,000 barrels of storage tanking for asphalt cement, and the construction of a five-bay truck loading rack (expandable to six bays) and truck washing facility; the total maximum petroleum storage capacity proposed by this expansion is 325,000 barrels; the existing site is situated on approximately 25.098 acres; and the proposed expansion for the site encompasses 8.99 acres or approximately 35.8 percent of the entire site 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 and is authorized and empowered to consider ADAs for DRI; and

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

WHEREAS, on March 22, 1990, the City Council held a duly noticed public hearing on the ADA and 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 City Council application hearing on the subject DRI; and

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 (this "Order") of the City Council issued in response to the ADA filed by STAR for the expansion of its terminal facility 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 are attached to this Order as Exhibit "A."

Section 2. That the City Council, having received the documents referenced above, 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. The real property, which is the subject of the ADA, is legally described as set forth in attached Exhibit "B," which is incorporated by reference in this Order.
- B. STAR submitted to the City of Tampa an ADA, which is attached to this Order as Exhibit "A," and which is incorporated by reference in this Order to the extent that it is not inconsistent with the terms and conditions of this Order (including, but not limited to, commitments made by STAR as summarized in attached Exhibit A-1, which is incorporated by reference in this Order).
- C. STAR proposes to expand its existing terminal's petroleum storage capacity to approximately 830,000 barrels (which includes the replacement of a 20,000-barrel tank removed in 1979 with a tank of the same capacity) from its present capacity of approximately 485,000 barrels.
- D. Upon the completion of the STAR terminal expansion, CITGO Petroleum Corporation will close its existing petroleum terminal, which includes a three-bay loading rack and approximately 266,000 barrels of petroleum storage.
- E. The proposed DRI will be located at Hookers Point in the City of Tampa.
- F. The proposed DRI is not located in an area of critical state concern as designated by Section 380.05.
- G. The proposed DRI is consistent with the adopted local comprehensive plan and land development regulations.
- H. The proposed DRI is in accordance with the applicable zoning district regulations.
- I. The proposed DRI will not unreasonably interfere with the achievement or the objectives of the adopted state land development plan applicable to the area.
- J. The proposed DRI will not create a material adverse impact on soils, groundwater, vegeta-

tion, air quality, animal life, wastewater management, or solid or hazardous waste management or disposal.

- K. TBRPC and the City of Tampa's departments have conducted a comprehensive review of the impact that the proposed DRI will generate.
- L. This Order is consistent with the report and recommendations of TBRPC and satisfies the provisions of Section 380.06(15).

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

- A. These proceedings have been duly conducted in accordance with applicable law and regulations and, based upon the record in these proceedings, STAR is authorized to conduct its development as described in this Order, subject to the conditions, restrictions, and limitations set forth below.
- B. The review by TBRPC, the City of Tampa, and other participating agencies and interested citizens reveals that the terms and conditions of this Order and the ADA adequately address the impacts of the subject DRI in accordance with the requirements of Chapter 380. 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), occurs. A substantial deviation may occur by a material 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 this Order and substantial deviation determinations shall be consistent with Section 380.06(19). STAR 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 subject DRI is a substantial deviation.
- B. Annual Reports. STAR shall submit an annual report on the progress of the subject DRI to DCA, TBRPC, the City of Tampa, and other agencies as may be appropriate on April 1, 1991, and on April 1 of each following year until all terms and conditions of this Order are satisfied. The City shall review the report for compliance with the terms and conditions of this Order and may issue further orders to ensure compliance with the terms and conditions of this Order. STAR shall be notified of any City Council hearing during which the annual 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, for the report year, specifying the agency, purpose, permit number, and type of permit as required by Section 380.06(18), as well as a copy of each permit (including the conditions of the permit).
3. A written certification by STAR that each new tank foundation was designed and constructed in compliance with American Petroleum Institute Standard ("API") 650 and Appendix B of API-650, together with copies of guarantees issued by the installer or manufacturer 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, until such time as construction of the non-vested tank is completed and approved.
4. A summary of the results of the groundwater monitoring conducted during the reporting year and identification of any necessary corrective measures.
5. A statement certifying the specific amount of VOCs emitted from the terminal facility for the previous year and specifying the permitted tons per year of volatile organic compound ("VOC") emissions for the facility for that year.
6. A statement that all persons have been sent copies of the annual report in compliance with Subsections 380.06(15) and (18).
7. A copy of any notice of the adoption of this Order or the subsequent modification of this Order that was recorded by STAR pursuant to Section 380.06(15)(f)(1).
8. A summary comparison of development activity proposed and actually conducted for the reporting year.
9. Undeveloped tracts of land that have been sold to a separate entity or STAR during the reporting year.
10. Identification of, and intended use of, lands adjacent to the original DRI site that STAR has leased, purchased, or optioned during the reporting year.
11. An assessment of compliance by STAR and local governments with conditions of approval contained in this Order and STAR's commitments contained in Exhibit A-1.
12. Any known incremental DRI application for development approval or request for a substantial deviation determination that STAR filed in the reporting year or will file during the next year.
13. An indication of any change in local government jurisdiction for any portion of the terminal facility during the reporting year.

C. Tank Construction/Conversion. STAR shall design, construct, and maintain the non-vested storage tanks and all new piping in accordance with the following standards:

1. Construction of tanks or piping shall occur only after issuance of all necessary permits from DER, HCEPC, and the City of Tampa relating to air emissions and tank and piping construction (including the industrial wastewater collection system).
2. Wherever possible, all piping associated with the new tankage and the existing terminal facility shall be reconstructed and placed on racks above the ground.
3. All tank construction shall require that a Registered Professional Engineer sign the plans submitted to the installer/manufacturer and the permitting agencies. Non-vested tanks shall include all new and replacement asphalt, fuel additive, and petroleum storage tanks.
4. During new construction and testing of tanks, a qualified STAR representative with the authority and responsibility to inspect the quality of work shall oversee the project on a regular basis. Written reports thereon shall be maintained by STAR and made available upon request for inspection by the City of Tampa.
5. Each non-vested tank foundation shall be designed and constructed in conformance with API-650 and Appendix B of API-650, which describes recommended practices for foundation construction, as well as API-2015 (Cleaning Storage Tanks) and API-2000 (Venting Atmospheric and Low Pressure Storage Tanks). STAR shall certify in writing that the tank foundations have been constructed in conformance with API-650, and utilize an impervious liner.
6. The installer/manufacturer shall guarantee to STAR 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.
7. Before utilization of the non-vested tanks, STAR shall provide to DER, TBRPC, and the City of Tampa written certification from the installer or manufacturer that these tanks were designed, constructed, and tested in accordance with API-650. This certification shall be provided following completion and testing of each non-vested tank to obtain approval to utilize the tank.
8. Every non-vested tank shall, at minimum, be fitted with an alarm-type overflow warning system. A qualified STAR representative shall oversee all transloading operations, and a visual inspection of the tank shall be required for all topping-off operations.
9. All containment areas, including the expansion tank area, shall be surrounded on all four sides by impervious diking. The containment system for the terminal facility expansion 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 and shall be six-feet high at minimum. The drainage of stormwater from within the diked area shall be controlled in a manner that will prevent pollutants from entering groundwater or surface waters if this runoff is in excess of DER quality standards. All oily wastewater shall be routed into the proposed wastewater collection system, transported off-site as necessary, and treated in approved treatment facilities.

10. A Registered Professional Engineer shall sign and seal the design of all new containment berms and the installer shall certify to the City of Tampa that the berms have been constructed in accordance with the certified plans before operation of any non-vested tanks.
  11. All additional tanks at the STAR terminal facility shall be newly constructed, not relocated tanks.
  12. Conversion of tanks to store product other than that reviewed for the STAR DRI may be subject to a substantial deviation determination. STAR shall provide to the City of Tampa prior written notification of any tank conversion (other than conversion from one grade of gasoline to another, or from one grade of middle distillate to another) and the City of Tampa shall determine whether a substantial deviation determination is required. The tanks shall be converted to storage of other than petroleum products only if allowed by a DER Permit to Operate/Construct Air Pollution Sources, if API-650 standards are met, if the construction and nature of the tank is appropriate for the product to be stored, and if compatible materials will be stored within the particular containment area.
- D. Transmission System. All new pipes carrying petroleum products shall be cathodically protected and wrapped if underground, and painted if above ground. The system shall be hydrostatically tested before operation in accordance with the City of Tampa, API, and ANSI-B 31.4 codes and thereafter shall be inspected for leaks on a regular basis and repaired as necessary.
- E. Testing Procedures.
1. Each newly completed tank bottom shall be tested for leaks by the application of a vacuum to all welds, as detailed in API-650. STAR will consult with the City of Tampa for purposes of determining the source of water and method for filling its tanks, together with the procedure to be followed for the discharge of the water once the test is completed, and obtain approval from the City of Tampa before conducting any hydrostatic tests for the new tanks.
  2. Each non-vested tank shall receive radiographic (x-ray) testing during construction of the tank in accordance with the specifications of the edition of API-650 that 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-cut sheet showing the locations of the x-rays. All defective welds shall be removed, rewelded, and reinspected before the weldment is accepted.

3. Before they are placed in service, all non-vested tanks shall receive hydrostatic testing in accordance with API-650. If restricted by overflow, internal floating roofs, or other freeboard, then, pursuant to an agreement among STAR, the manufacturer, and the City of Tampa, a tank may be filled for testing purposes to a level less than the fullest level it could be filled with product. Before a tank is hydrostatically tested, the foundation elevation readings shall be taken every ten feet of circumference around the tank. Elevation readings shall be taken again at full loading of the hydrostatic test to determine potential settlement problems.
4. All non-vested tanks (including tank floors) shall be taken out of service, inspected for leaks, ultrasonically tested for shell thickness, and cleaned inside and out a minimum of once every ten years.

F. Spill Prevention Control and Counter-measure Plan ("SPCC"). STAR shall provide to the United States Environmental Protection Agency (the "EPA") the SPCC Plan provided in the ADA, as required by Chapter I, Title 40, Part 112 - Oil Pollution Prevention, Code of Federal Regulators, and receive from the EPA approval of that plan. The SPCC Plan shall include: basic information on the terminal facility; a schematic of the terminal facility showing roads, tanks, ditches, buildings, other structures, and the direction of flow and distance to the nearest water body; certification by a professional engineer; evaluation of any past spills, their causes, and potential causes of future spills; listing of actual measures to prevent oil from being spilled and reaching United States waters; and a contingency plan including actions to be taken to control and clean up any spill. A copy of the SPCC Plan shall be submitted to TBRPC and the United States Coast Guard (the "Coast Guard") for review and comment. In lieu of the above, STAR may provide to DER, DNR, TBRPC, and the City of Tampa documentation from the Regional Administrator of the EPA confirming that the existing STAR SPCC Plan is satisfactory and that it has been certified by a Registered Professional Engineer. The SPCC Plan shall be periodically updated to reflect the expansion of the terminal facility. The SPCC Plan shall be reviewed with employees on a regular basis in coordination with the Hillsborough County Emergency Management Agency as frequently as, and in the manner, described by DNR.

G. Best Management Practices ("BMP") Plan. STAR shall provide a BMP Plan consistent with the recommendations of the EPA's National Pollutant Discharge Elimination System (NPDES) Best Management Practices Guidance Document, available from EPA or TBRPC upon request. The BMP Plan, and any revisions to the BMP Plan, shall be approved by DER and, at minimum, shall include the following items:

1. risk identification and assessment, including a toxic and hazardous materials inventory;
2. written reporting of BMP incidents (spills, leaks, runoff, and 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. an inspections, records, and tracking system;
6. an employee training program; and
7. a program for monitoring water quality from the existing NPDES outfall points.

STAR shall submit to TBRPC and the Coast Guard for review and comment a copy of the BMP Plan or any revision to that plan.

H. Evacuation Plan. An evacuation plan for the terminal consistent with the Port Preparedness Plan has been submitted in the ADA. STAR shall revise the evacuation plan as necessary to include provisions for securing the terminal, implementing "hurricane heels" for all tanks on the STAR 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. STAR shall submit a copy of the revised evacuation plan to TBRPC and the Coast Guard for review and comment.

I. Floodplains and Disaster Preparedness.

1. All elevations for electrical controls for the loading rack and habitable structures shall be at or above the 100-year base flood elevation.
2. STAR shall cooperate with local and regional authorities having jurisdiction to issue an evacuation order and, if an evacuation order is issued, STAR shall implement the approved evacuation plan to ensure the safe evacuation of employees.
3. Any deed for sale of STAR property or structures at the terminal facility shall contain a hazard disclosure statement generally describing the property's relative probability of damage from hurricane surge.

J. Tank and Transmission Repair Standards. STAR shall ensure that all tank and transmission (pipe) system repairs are conducted in accordance with all applicable industry standards and guidelines.

K. Air Quality.

1. All permit applications relating to air emissions for the terminal facility shall be submitted simultaneously to TBRPC, the City of Tampa, and all affected permitting agencies.

2. The total terminal facility shall not exceed the total tons per year of VOC emissions permitted by DER (chapter 17-2, F.A.C.) and shall comply with EPA requirements (40 C.F.R. 60).
3. Each annual report shall specify the tons per year of VOC emissions actually generated by the terminal facility for the previous year and shall specify the permitted tons per year of VOC emissions for the facility for that year.
4. In the final design, construction, and operation of the facility, STAR shall utilize features and equipment as required by DER, EPA, and HCEPC to minimize hydrocarbon omissions.
5. STAR shall be responsible for complying with all the applicable sections of Title III (Emergency Planning and Community Right-to-Know Act) of the Superfund Amendment and Reauthorization.

L. Cleanup of Spills.

1. In the event of a spill of bulk product, STAR shall immediately take remedial action in accordance with the SPCC Plan, cooperate fully in cleanup efforts and, proportionate to its responsibility, reimburse spill cleanup costs, costs associated with administration of the cleanup, and associated investigation costs. Notwithstanding the above, the City of Tampa will not be responsible for any portion of these costs.
2. STAR shall have either on site or otherwise available for its use the equipment necessary and standard within the industry for handling first-response spills of oil and other environmentally hazardous materials, along with the capability to employ that equipment on short notice. STAR's participation in a spill prevention cooperative, which operates within the vicinity of the terminal and which provides equipment and manpower sufficient to satisfy the requirements of this paragraph, will satisfy its obligations under this paragraph.

M. Wildlife. In the event that any species listed in Sections 39-27.003-.005, 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.

N. Historical and Archaeological Sites. Should historical or archaeological resources be located during construction, STAR shall notify immediately the Florida Division of Historical Resources and the ultimate disposition of such resources shall be determined in cooperation with the City of Tampa and the Division of Historical Resources before resource-disturbing activities continue.

O. Wastewater.

1. STAR shall provide assurances that it possesses adequate industrial wastewater treatment and disposal capacity for the expanded terminal facility and that it will continue to operate and

maintain its internal industrial wastewater collection system.

2. All non-vested STAR tanks (other than the asphalt tanks), the truck wash area, and the loading areas shall be connected to the industrial wastewater collection system.
3. All industrial wastewater generated on-site shall be handled by permitted companies and permitted means. The first annual report shall indicate how industrial wastewater is being handled for STAR and any change to this method shall be reported in subsequent annual reports.
4. Industrial wastewater from the terminal facility shall not be discharged to the City of Tampa sewer system without the specific written approval of the City of Tampa.
5. If on-site treatment of wastewater and/or hazardous waste becomes feasible, STAR shall submit "A Notice of Proposed Change to a Previously Approved DRI" and, if approved, this Order shall be amended to include appropriate conditions.
6. The City of Tampa shall retain the right to require STAR to hook up to its domestic sewer system, to pay in accordance with the applicable provisions of the City of Tampa Code the customary charges for such hookup, and to contribute to off-site expansion of the sewer system, if necessary to serve the terminal facility, at the time that hookup to the City of Tampa system is reasonably feasible. Use of septic tanks shall be discontinued at that time.

P. Drainage and Water Quality. Before the issuance of any construction permits, STAR shall submit to SWFMD and the City of Tampa for approval final drainage plans for all new construction at the terminal facility. The drainage system for the terminal facility shall be designed, constructed, and maintained to meet the following standards:

- (1) Outside the containment and loading areas, the first flush (the first one inch) of stormwater runoff generated from the site during the 25-year, 24-hour design storm shall be retained in vegetated retention areas.
  - (a) For the areas inside the pump-back area, the truck wash area, and the loading racks, all wastewater and petroleum accumulations must be routed to the wastewater collection system, transported off-site as necessary, and treated by a properly permitted waste disposal company before discharge.
  - (b) The existing NPDES permits shall be maintained and the discharges shall be monitored for the life of the project as frequently as required by DER pursuant to chapter 17.30, F.A.C., and EPA/DER Quality Control Standards.
- (2) The drainage of stormwater from within the diked area shall be controlled in a manner

that will 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, transported off-site as necessary, and treated in approved treatment facilities.

- (3) The currently required groundwater monitoring program shall be continued for the life of the terminal facility. DER and the City of Tampa shall set forth the parameters to be monitored, the monitoring locations, and the frequency of sampling. If STAR violates Chapter 17-3, F.A.C., or if parameters being monitored exceed adopted safe limits, STAR shall enter into a consent agreement with DER to implement corrective measures.
- (4) To protect water quality in Tampa Bay, there shall not be any degradation of water quality by stormwater exiting the site. If STAR violates Chapter 17-3, F.A.C., STAR shall enter into a consent order with DER to implement corrective measures.
- (5) STAR shall comply with all City of Tampa and SWFWMD standards in effect at the time of permitting.

Q. Water Supply.

1. 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 of Tampa at the standard charges for water service. In accordance with the applicable provisions of the City of Tampa Code, STAR, its successors or assigns, shall assume connection fees, installation charges, and, if applicable, grants-in-aid-of construction for off-site improvements to the water system necessitated by the subject DRI when assessed by the City of Tampa as project plans become final, all in accordance with established City of Tampa policies and regulations. STAR is responsible for all on-site internal water systems.
2. STAR shall maintain the water supply systems within the terminal facility and shall be responsible for maintenance and operation of any on-site wells.
3. Water-saving devices shall be required in the subject DRI as mandated by the Florida Water Conservation Act (Section 553.14).
4. Operation of the subject DRI shall conform to and further the rules and guidelines enacted by SWFWMD for the Northern Tampa Bay Water Use Caution Area.

R. Solid Waste/Hazardous Waste.

1. The terminal facility's total daily generation of solid waste will be accepted by the City of Tampa or as otherwise directed by the City of

Tampa. Solid waste shall not be permanently stored or disposed of on-site.

2. STAR shall comply with all state and federal hazardous waste regulations relating to the storage, transportation, and disposal of hazardous wastes, including the submittal of reports to DER, HCEPC, TBRPC, and the City of Tampa on the handling of all hazardous waste generated on-site.
  3. STAR shall maintain documentation of appropriate disposal of all hazardous waste (including sludge and tank cleaning) and shall provide access to copies of such documentation within 48 hours of request as required by the Resource Conservation and Recovery Act and Chapter 17-30, F.A.C. Documentation may be in the following forms: a hazardous waste manifest; a bill of lading from a bonded hazardous waste transporter indicating shipment to a licensed hazardous waste facility; or a confirmation of receipt of material from a recycler, a waste exchange operation, or other permitted hazardous waste management facility.
- S. Energy. All new construction at the terminal facility shall comply with City of Tampa codes for energy-efficient design methods and equipment.
- T. Fire. STAR shall provide an on-site water supply (including a 142,800 gallon water tank) and a fire pump with capacity sufficient to assure adequate fire protection for the truck loading facilities. To assure that an adequate water supply exists to provide the necessary flow in the event of a fire, STAR shall arrange for the City of Tampa Fire Department to inspect the present site and review the plans covering the new facilities. STAR shall submit confirmation to DCA, TBRPC, and the City of Tampa that the tank farm is in compliance with NFPA-11, NFPA-16, NFPA-30, API-2001, API-2003, and API-2021 before operating the STAR expansion. STAR shall also continue conducting fire drills in accordance with the terminal facility's Fire Control Plan every six months for the life of the facility.
- U. Transportation. Following build-out, at a time of full operation of the terminal facility, STAR shall monitor traffic to determine if it is contributing ten percent or more to the level of service ("LOS") of the adjacent regional roadways during peak hour capacity. The result of the monitoring shall be included in the first annual report filed after build-out. Notwithstanding the above, STAR shall pay the transportation impact fees as specified in the City of Tampa Transportation Impact Fee Ordinance.
- V. Pavement Deterioration Due to Construction Impacts. Where construction impacts cause pavement deterioration in excess of the normal rate, STAR shall assume a fair portion of the required rehabilitation costs. The Pavement Management Section of the Transportation Division of the City of Tampa shall define initial roadway conditions before the start of construction and shall evaluate construction impacts within a reasonable time after completion of construction. The City of Tampa shall promptly provide to STAR written summaries of these conditions and impacts. The pavement condition indices, which these evaluations

will determine, shall form the basis for determining STAR's proportionate share of the street rehabilitation costs. Disputes shall be submitted to an impartial panel (selected by STAR and CITGO Petroleum Corporation and approved by the City of Tampa) for resolution.

- W. Dredging. STAR shall not access dredge or increase maintenance dredging beyond that approved by the Tampa Port Authority 25-year permit to reach navigable waters. STAR shall submit simultaneously to TBRPC and the appropriate permitting agencies any dredge and fill permit application relating to the subject DRI and that application shall be subject to a substantial deviation determination and amendment of this Order.
- X. Employment Practices. STAR shall observe non-discriminatory employment practices in connection with the construction and operation of the expanded terminal facility.

Section 5. Definitions. That unless the context indicates otherwise, the definitions contained in Chapter 380 shall control the interpretation and construction of any terms of this Order. All section references contained in this Order shall refer to Florida Statutes (1989) unless otherwise indicated.

Section 6. Commencement of Development. That development of the subject DRI shall commence by December 31, 1990, unless the City of Tampa extends the time period for commencement.

Section 7. Expiration of Order. That this Order shall remain in effect for a period of ten years from the date it becomes final and the appeal period has ended. If approved, any development activity for which plans have been submitted to the City of Tampa for its review and approval before the expiration date of this Order may be completed. The City Council may extend this Order on the finding of excusable delay.

Section 8. Down-zoning/Intensity Reduction. That the City of Tampa may not down-zone or reduce the intensity or unit density permitted by this Order for ten years from the date upon which this Order becomes final and the appeal period has ended, unless the City of Tampa can demonstrate that:

- A. Substantial changes in the conditions underlying the approval of this Order have occurred; or
- B. This Order was based upon substantially inaccurate information provided by STAR; or
- C. The changes clearly established by the City of Tampa 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 purposes of this Order, the term "down-zone" shall refer only to changes in zoning or development regulations that decrease the development rights approved by this Order, and nothing in this paragraph shall be constructed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to STAR pursuant to 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 of Tampa to down-zone or alter density or intensity of the subject DRI, but is included in this Order to comply with Section 380.06(15)(c)(3).

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

Section 10. Compliance with Law. That except to the extent that the requirements set forth in this Order that are more stringent than the requirements otherwise provided by applicable law, all development undertaken pursuant to this Order shall be in accordance with applicable state laws, local codes, and ordinances in effect at the time of permitting.

Section 11. Responsibility for Monitoring. That the Director of HDC will be responsible for ensuring 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 of Tampa's permitting and inspection process, STAR shall submit a notarized affidavit regarding compliance with Order conditions and that affidavit shall be included as part of the annual report required by Section 380.06(18).

Section 12. Reference to Governmental Agencies. That any reference in this Order 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 the City Clerk shall forward certified copies of this Order to DCA, STAR, and TBRPC within five (5) days of the effective date of this Order.

Section 14. Future Development Fees. That STAR shall pay TBRPC in accordance with the DRI fee schedule within 15 days of billing for any future activities of TBRPC with regard to the subject DRI, including but not limited to monitoring or enforcement actions.

Section 15. Compliance with Development Order. That in the event STAR violates any of the conditions of this Order or otherwise fails to act in compliance with this Order, the effectiveness of this Order shall be stayed as to all of the DRI property and all further development permits, approvals, and services for the development shall be withheld.

Section 16. 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 17. Recordation of Notice of Adoption. That STAR 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 18. Effective Date. That this Order shall take effect immediately upon becoming a law, and that, for the convenience of the public, a copy shall be posted on the bulletin board in the hall of the first floor of the City Hall in the City of Tampa, Florida.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
TAMPA, FLORIDA, ON APR 26 1990

ATTEST:

Frances Henrigan

CITY CLERK

Lee Duncan  
CHAIRMAN, CITY COUNCIL

APPROVED by me on APR 27 1990

Sandra W. Gandy  
MAYOR

Prepared and Approved By:

Paul F. R.  
CITY ATTORNEY

40590.1  
12-2.59

## DRI #193 - STAR ENTERPRISE

## DEVELOPER COMMITMENTS

The following are developer commitments set forth in the Application for Development Approval 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

1. The expansion will be completed in one (Developer Clarification: five-year) phase anticipated to begin upon issuance of the Development Order. The construction schedule may be modified to compensate for unforeseen conditions (SR2\*, p.17).
2. The applicant commits to the following project plans:
  - A. Construction of one five-bay loading rack (expandable to six bays) (SR2, p.18).
  - B. Construction (Developer Clarification: within five years) of nine new or replacement tanks; two internal floating roof gasoline tanks, and one fixed roof avjet tank, four fixed roof paving grade asphalt cement tanks, and two additive storage tanks (SR2, p.18).
  - C. Replacement of one 20,000 barrel paving grade asphalt cement tank, removed in 1979 with a like-sized fixed roof tank (SR2, p.18).
  - D. Installation of a vapor combustor system for removal of hydrocarbon emissions from the truck loading operation (SR2, p.18).
  - E. Erection of a new two-story, nominal 4,800-square-foot office building (SR2, p.18).
  - F. Construction of a truck wash facility located on a curbed concrete slab draining to wastewater collection system (SR, p.18).
  - G. Wherever possible above-ground steel piping will be utilized (SR2, p.18).
  - H. Parking for twenty-five cars and seven transport trucks will be provided (SR2, p.18).
  - I. Expansion to the tank overfill protection system will include the new tanks and two existing distillate tanks (6814 and 7518). All active tankage will utilize over-fill protection (SR2, p.18).

3. The terminal will utilize two full size vapor combustors for emission control. Truck tankers will be bottom loaded and operate in a vapor balanced mode (ADA, p.40-6).
4. Planting and seeding of exposed areas will be accomplished at the earliest possible time following final grading (ADA, p.14-3).

#### Water Quality

In the event of a spill, STAR Enterprise personnel will conduct cleanup activities. (SR2, p.19)

#### PUBLIC FACILITIES

##### Wastewater Management

1. Water which has contacted product will be transferred either to a wastewater holding tank or to a new oil water separator. Discharge from the terminal will occur only through NPDES point 001 and will be under the control of the terminal supervisor. Point 001 will be utilized in emergencies to prevent pond overflow (SR2, p.19) (Developer Clarification: NPDES Point 002 can be used as required).
2. There will be no interconnection between the wastewater system and the septic tank (ADA, p.21-5).

##### Drainage

1. All new impervious construction will comply with the stormwater management regulation set forth in Chapters 40D-4 and 17-25, F.A.C. Stormwater run off from non-contact areas will flow directly into the existing lined detention basin (SR2, p.19).
2. All inflow and outflow structures will be designed to prevent erosion, scour and washouts (SR2, p.19).
3. The stormwater detention areas are capable of containing the runoff from a 25-year, 24-hour storm event (SR2, p.19).
4. The STAR Enterprise joint venture will be responsible for the maintenance of the on-site water distribution system and all drainage systems and structures (SR2, p.19).

##### Fire

1. A three-percent aqueous film-forming foam fire protection system with thermistor heat detector for the truck loading rack and overhead injection for the three new storage tanks will be installed (SR2, p.18).

LEGAL DESCRIPTION OF THE STAR TERMINAL SITE

A portion of Section 19, Township 29 South, Range 19 East, Hillsborough County, Florida, being further described as follows:

Begin at the intersection of the North boundary line of Government Lot Number 1 of said Section 19, and the West right-of-way line of 19th Street; thence run South  $01^{\circ}30'00''$  West, 1125.76 feet along said West right-of-way line; thence North  $01^{\circ}24'49''$  East, 776.50 feet; thence South  $89^{\circ}49'05''$  East, 249.08 feet; thence North  $01^{\circ}25'58''$  East, 350.11 feet; thence South  $89^{\circ}42'39''$  East, 799.91 feet along said North boundary line to the POINT OF BEGINNING. Containing 25.098 acres more or less.