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From: Magee, Melanie
Sent: Fri 2/16/2018 6:23:26 PM
Subject: Meeting Summary for Conference Call on February 12, 2018 Regarding LOOP's Offshore Marine Terminal

Tim and Gordon,

We appreciate the opportunity to continue our discussions related to EPA's issuance of a N/LPDES permit and the Clean Air Act (CAA) jurisdiction of Deepwater Ports in the Western Gulf of Mexico. I understand that you were representing LOOP as their private outside counsel and LOOP representatives were not available for the February 12, 2018 conference call. From EPA Region 6, we had Stacey Dwyer, Taimur Shaikh, Rob Lawrence, Bruce Jones and myself. At the beginning of the call, a discussion was held regarding issues related to obligations from cross-cutting laws such as the Endangered Species Act (ESA) and Magnuson Stevens Fisheries Conservation and Management Act. Resolution of the identified cross-cutting law issues is important for EPA's issuance of a N/LPDES permit, and may be equally as important if Region 6 has to issue a permit under the CAA.

The remainder of the call was dedicated to an overview of EPA's preliminary review of the December 18, 2017 memorandum originally submitted to the USCG and provided to EPA Region 6 on February 5, 2018. The discussion topics generally included the following:

1. Definitions of a Deepwater Port under the Deepwater Port Act of 1974 and an Outer Continental Shelf Source under the Outer Continental Shelf Lands Act (OCSLA);
2. The Deepwater Port Act's citation regarding "New Source" under the Clean Air Act and Clean Water Act;
3. The State of Louisiana's jurisdictional boundary for issuing CAA permits;
4. CAA permitting authority for a source that has been issued a Deepwater Port License 18 miles off the coast of Louisiana;
5. LDEQ's statements regarding CAA permitting requirements for LOOP's Offshore Marine Terminal operations; and
6. Permitting applicability of air emissions generated in handling crude oil from carrier vessels at the offshore marine terminal and EPA's historical applicability

interpretation in the permitting context of "to and fro" and "hoteling" air emissions from carrier vessels that are not directly associated with the activities of the offshore marine terminal.

In support of your positions regarding EPA CAA jurisdiction and potential CAA obligations, you had offered to send EPA the following:

1. A BOEM-issued Outer Continental Shelf (OCS) Lease to support that the Offshore Marine Terminal is an operator of an OCS lease;
2. Technical documentation to support that the Offshore Marine Terminal is actively involved in the exploration and production of oil (as defined by the OCSLA) on the BOEM-issued OCS lease for the Offshore Marine Terminal;
3. An air emissions inventory for the Offshore Marine Terminal operation that includes all sources of air emissions from the current offshore marine terminal and the sources of air emissions from the bi-directional flow modification project.
4. Contact name(s) and information for LOOP company representative(s) and technical contact(s) to participate in a follow-up meeting/conference call regarding potential CAA obligations.

Please let me know if you have any comments regarding the conference call meeting summary or if any corrections need to be addressed. We would appreciate receiving all of the supporting information mentioned in the conference call by Friday, February 23, 2018. If you need additional time to complete the emission inventory, please let me know the earliest time we may expect to receive a copy. After receiving the contact information for LOOP representative(s), EPA will work with LDEQ to arrange a meeting/conference call regarding potential CAA obligations. This meeting/conference call will include you, LOOP representatives, LDEQ and EPA Region 6 air permitting and legal representatives.

As a follow-up to our call, I discussed the air emissions inventory information request with Jeff Robinson (EPA Region 6 Air Permits Section Chief). Based on my discussion with Jeff, we believe EPA needs to review an emission inventory that represents the worst case year, or highest emissions level year, for the Offshore Marine Terminal in the previous 10-years and the information should include the emission inventory supporting information as required in LAC 33.III.919(F)(1)(a)(ii). We would encourage you to review LAC 33.III.919 regarding emissions inventories in preparing the information to provide to EPA. The air emission levels (in Tons Per Year, tpy) included in the emission inventory for the Offshore Marine Terminal (including vessel air emissions generated in handling

crude oil from carrier vessels but excluding “to and fro” and “hoteling” air emissions) should include all National Ambient Air Quality Standards (NAAQS) Pollutants, Hazardous Air Pollutants (HAPs) and Toxic Air Pollutants (TAPs).

We look forward to receiving your responses and continuing to work with LOOP to help fulfill any CAA and CWA responsibilities. Please feel free to call me if you would like to discuss any specific questions you may have regarding what emissions would need to be accounted for in an emissions inventory.

Thank you in advance,

Melanie

Melanie Magee

Environmental Engineer

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