Message

From: Larsen, Brent [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8F36D5B7B5674C77A9262D3FA8EDD72C-LARSEN, BRENT]
Sent: 5/21/2018 8:04:26 PM
To: Brian Thomas [brian.thomas@pbwllc.com]; Lawrence, Rob [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b22505b64aee401eba1a31e9b50f61d1-Lawrence, Rob]; Okpala, Maria [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=54967b98ecdb46329418372b20ba9872-Okpala, Maria]; Gillespie, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0debd47dbc364b2abc314422100d2790-Gillespie, David]; Jones, Bruced [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9026926c877140cbae1d4c0739729813-Jones, Bruced]; Alvarado, Tina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=127c8af0454f431b9ffdc40c1dd13f87-Arnold, Tina]
CC: Denise-Rogers [Denise-Rogers@texasgulfterminals.com]; Bryan Luper [Bryan.Luper@pbwllc.com]; Chen, Isaac [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=478ef71cac8e4ae09341d33f34969891-Chen, Isaac]
Subject: RE: Texas Gulf Terminals, Inc. - USEPA Region 6 Meeting Action Items

Mr. Thomas:

I checked with our headquarters coordinator for industrial storm water on the status of export terminals. The SIC code covering Petroleum Bulk Stations and Terminals (5171) is not included in the CWA 402(l)(2) exemption for uncontaminated storm water for oil and gas exploration, production, processing, or treatment operations or transmission facilities. This means their construction storm water would also not be exempt from permitting.

Note that the SIC codes covering ports, 4491-Marine Cargo Handling and 4499-Water Transportation Services, not elsewhere classified, are also not within the scope of the exemption for uncontaminated oil and gas storm water.

Sincerely,

Brent Larsen
Chief
Permitting Section (6WQ-PP)
214-665-7523

From: Brian Thomas [mailto:brian.thomas@pbwllc.com]
Sent: Thursday, May 17, 2018 5:23 PM
To: Lawrence, Rob <Lawrence.Rob@epa.gov>; Larsen, Brent <Larsen.Brent@epa.gov>; Okpala, Maria <Okpala.Maria@epa.gov>; Gillespie, David <Gillespie.David@epa.gov>; Jones, Bruced <Jones.Bruced@epa.gov>; Alvarado, Tina <Alvarado.Tina@epa.gov>
Cc: Denise-Rogers <Denise-Rogers@texasgulfterminals.com>; Bryan Luper <Bryan.Luper@pbwllc.com>; Chen, Isaac <Chen.Isaac@epa.gov>
Subject: Texas Gulf Terminals, Inc. - USEPA Region 6 Meeting Action Items

Hello everyone,

On behalf of Texas Gulf Terminals, Inc (TGTI), I'd like to reiterate how appreciative we are for everyone being responsive in coordinating a meeting so quickly, it was very helpful. As requested in the meeting Wednesday, I have attached a PDF copy of the presentation watermarked as "Confidential Business Information", and I want to emphasize TGTI's intent that

both attachments only be shared within the EPA as necessary to support the NPDES applicability determination for the SPM. I also wanted to summarize a list of action items from our meeting:

- *USEPA to Provide input on vessels continuing to act as "a means of transportation" during crude loading at the SPM based on consideration of information provided during the meeting. A draft memo summarizing this determination made on behalf of Texas Gulf Terminals, Inc (TGTI) by PBW is attached for review;*

- *TGTI to Request feedback from USCG on scope of "authority" to issue Certificate of Compliance in this scenario (i.e. VLCCs accessing the SPM);*

- *USEPA to coordinate an internal call with lead agency (MARAD) to formally acknowledge USEPA as cooperating agency to facilitate a formal NPDES determination and other on-going interagency matters; and*

- *Brent to forward regulatory citation or other justification regarding "non-exempt" stormwater permitting status of "export terminals/facilities", as this apparently contradicts the Clean Water Act definition of oil and gas exploration and production as well as USPEPA's list of exempted facility found at https://www.epa.gov/npdes/oil-and-gas-stormwater-permitting#types, which includes transmission facilities (storage tanks and oil water separators, crude oil pipelines, crude oil pump stations).*

Please feel free to respond with additional action items or clarification of these items based on our collective meeting notes, as needed. As discussed, TGTI intends to submit the Deepwater Port Licensing Application in approximately 4-weeks. If possible, TGTI requests a response to the specific NPDES jurisdictional issues related to operation of the SPM by June 1st to allow for timely incorporation of this information and necessary submittals (if needed) into the application.

Thanks again to each of you for your participation in the meeting and we look forward to resolving this NPDES permitting issue.

BRIAN THOMAS, P.E.
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