EPA Region 6
Federal Clean Air Act
New Source Review (NSR) Construction Permit
Title V Operating Permit

for

Gulf Gateway Energy Bridge, LLC
The Woodlands, TX

Permit No. R6DPA-GM2

United States Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

AIR POLLUTION CONTROL
TITLE I PERMIT TO CONSTRUCT
TITLE V PERMIT TO OPERATE

Permit Number: R6DPA-GM2
Issue Date: June 29, 2004
Effective Date: July 29, 2004
Modified Date: June 10, 2008

Pursuant to the Deepwater Port Act of 1974, as amended, and in accordance with the provisions of Title I and Title V of the Federal Clean Air Act, and applicable pertinent rules and regulations approved or promulgated under the Clean Air Act,

Gulf Gateway Energy Bridge, L.L.C.

is authorized to construct and operate air emission units and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit.

This source is authorized to construct and operate at the following location: Approximately 116 miles (186.7 kilometers) off the coast of Louisiana in the Gulf of Mexico.

Latitude: 28° 05' 42" N
Longitude: 93° 03' 35" W

Terms not otherwise defined in this permit have the meaning assigned to them in the referenced CAA provisions and EPA and Louisiana regulations. All terms and conditions of the permit are enforceable by EPA and citizens under the Clean Air Act. If all proposed control measures and/or equipment are not installed and properly operated and maintained, this will be considered a violation of the permit. The permit number cited above should be referenced in future correspondence regarding this facility.

Richard E. Greene
Regional Administrator (6RA)
United States Environmental Protection Agency, Region 6

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Abbreviations and Acronyms

CAA	Clean Air Act [42 U.S.C. section 7401 et seq.]
CAM	Compliance Assurance Monitoring
CFR	Code of Federal Regulations
DPA	Deepwater Port Act
EPA	Environmental Protection Agency
gal	gallon
HAP	Hazardous Air Pollutant
hr	hour
Id. No.	Identification Number
kg	kilogram
LAC	Louisiana Administrative Code
LDEQ	Louisiana Department of Environmental Quality
LNG	liquified natural gas
lb	pound
MACT	Maximum Achievable Control Technology
MVAC	Motor Vehicle Air Conditioner
mmBtu	million British Thermal Units
mo	month
NESHAP	National Emission Standards for Hazardous Air Pollutants
NOx	Nitrogen Oxides
NSPS	New Source Performance Standard
NSR	New Source Review
PM	Particulate Matter
PM_{10}	Particulate Matter less than 10 microns in diameter
ppm	parts per million
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
psia	pounds per square inch absolute
SIP	State Implementation Plan
SNAP	Significant New Alternatives Program
SO_2	Sulfur Dioxide
tpy	Tons per Year
VOC	Volatile Organic Compounds

I. Source Identification and Unit-Specific Information

I.A. General Source Information

Parent Company name:	Excelerate Energy, L.L.C.
Parent Company Mailing Address:	Gulf Gateway Energy Bridge, L.L.C. Excelerate Energy L.L.C. 1330 Lake Robbins Drive, Suite 270 The Woodlands, Texas 77380
Plant Name:	Gulf Gateway Energy Bridge, L.L.C.
Plant Mailing Address:	Gulf Gateway Energy Bridge, L.L.C. 1330 Lake Robbins Drive, Suite 270 The Woodlands, Texas 77380
Plant Location:	Latitude: 28° 05' 42" N Longitude: 93° 03' 35" W Located approximately 116 miles (186.7 kilometers) from the Louisiana shoreline in the Gulf of Mexico
Company Contact:	Mr. Robert Bryngelson, Vice-President
Responsible Official:	Mr. Robert Bryngelson Vice-President
SIC Code (4 digit, if available):	4922
Other Clean Air Act Permits:	None. Proposed significant modification of permit.
Description of Process:	The Gulf Gateway Energy Bridge Project will be an offshore liquefied natural gas (LNG) delivery system located approximately 116 miles (186.7 kilometers) from the Louisiana shoreline in the Gulf of Mexico.

I.B. Source Emission Points

Table 1. Source Emission Points

The following table identifies and describes each emission unit associated with the regasification operations.

Table 1

Emission Unit Id. No.	Description	Control Equipment
U-00001	Unit 1 of 2 marine boilers. Each unit is rated at 225 mmBtu/hr when firing natural gas.	None
U-00002	Unit 2 of 2 marine boilers. Each unit is rated at 225 mmBtu/hr when firing natural gas.	None
U-00004	Represents a 4,627 hp diesel generator.	None
U-00007	Represents three fuel oil storage tanks with capacities of 1,532,360 gallons, 264,200 gallons and 264,200 gallons.	Unknown
U-00008	Represents three natural gas fired engines driving generators. One generator is rated at 18 kW and two generators are rated at 40 kW each.	None
U-00009	Represents a gas-fired crane on the platform, rated at 188 hp @ 1800 rpm. Operating no more than 700 hours/year.	None

I.C. Applicable Federal Air Quality Requirements

Table 2. Association of Emissions Units to Applicable Requirements

The following table summarizes the general types of applicable requirements to which this source is subject and associates these requirements with the specific emissions units. More specific information on the association of requirements to units (applicability) is found in sections II and III of this permit. This table only reflects those emissions units subject to the unit-specific requirements. This table is not designed to define the applicability or non-applicability of any permit shield.

Table 2

Applicable Requirement	Emission Unit Identification Numbers					
	U-00001	U-00002	U-00004	U-00007	U-00008	U-00009
NSR/PSD Title I	Title I and Louisiana SIP rules approved under 40 CFR Part 51.	Title I and Louisiana SIP rules approved under 40 CFR Part 51.	Title I and Louisiana SIP rules approved under 40 CFR Part 51.	Title I and Louisiana SIP rules approved under 40 CFR Part 51.	Title I and Louisiana SIP rules approved under 40 CFR Part 51.	Title I and Louisiana SIP rules approved under 40 CFR Part 51.
NSPS 40 CFR part 60, Subpart Db and Kb	40 CFR Part 60.44b, 40 CFR Part 60.13(i), 40 CFR Part 60.49b	40 CFR Part 60.44b, 40 CFR Part 60.13(i), 40 CFR Part 60.49b	N/A	N/A	N/A	N/A
NESHAP Part 61, Subpart	N/A	N/A	N/A	N/A	N/A	N/A
NESHAP / MACT Part 63, Subpart	N/A	N/A	N/A	N/A	N/A	N/A
CAM, Part 64	N/A	N/A	N/A	N/A	N/A	N/A
Title V	Title V and Louisiana rules approved under 40 CFR Subpart 70.6 - Permit Content	Title V and Louisiana rules approved under 40 CFR Subpart 70.6 - Permit Content	Title V and Louisiana rules approved under 40 CFR Subpart 70.6 - Permit Content	Title V and Louisiana rules approved under 40 CFR Subpart 70.6 - Permit Content	Title V and Louisiana rules approved under 40 CFR Subpart 70.6 - Permit Content	Title V and Louisiana rules approved under 40 CFR Subpart 70.6 - Permit Content

II. Requirements for Specific Units - The following emission rates are based on the permittee's projected operation times and the exclusive firing of natural gas in the boilers.

II.A. Emission Rate Limits

Table 3[1]

ID No.	Description	PM10		SO2		NOx		CO		VOC	
		lbs/hr	TPY	lbs/hr	TPY	lbs/hr	TPY	lbs/hr	TPY	lbs/hr	TPY
U-00001	Unit 1 of 2 Dual-fuel fired marine boilers. Each unit is rated at 225 mmBtu/hr when firing natural gas.	1.68	7.34	0.13	0.58	41.88	183.44	18.52	81.1	1.21	5.31
U-00002	Unit 2 of 2 Dual-fuel fired marine boilers. Each unit is rated at 225 mmBtu/hr when firing natural gas.	1.68	7.34	0.13	0.58	41.88	183.44	18.52	81.1	1.21	5.31
U-00004	Represents a 4,627 hp diesel generator.	3.24	14.18	74.86	327.87	111.04	486.34	25.45	111.45	3.26	14.29
U-00007	Represents three fuel oil storage tanks with capacities of 1,532,360 gallons, 264,200 gallons and 264,200 gallons.	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.7	3.11

U-00008[2]	Represents three natural gas fired engines driving generators. One generator is rated at 18 kW and two generators are rated at 40 kW each.[4]	0.012	0.021	0.0002	0.0003	3.45	6.14	8.29	18.15	0.10	0.18
U-00009[3]	Represents a gas-fired crane on the platform, rated at 188 hp @ 1800 rpm, operating no more than 700 hours/year.	0.018	0.0063	0.0011	0.00037	2.45	0.86	16.29	5.7	0.9	0.32
Totals		6.6	28.9	75.12	329.03	200.8	860.3	87.1	297.5	7.4	28.5

1. The annual emission rates are based on 320,760 kWh/year, as reflected in the permit application.
2. Emissions rates for U 00008 for CO are based on test data.
3. NOx and CO emission limits for U 00009 are based on vendor data.
4. Source must monitor and record hours of operation for each generator.

II.B. Work Practice and Operational Requirements

The permittee shall keep records of the maintenance activities performed at the source and make them available for review. Such records should be sufficient to establish the level of maintenance performed and may be maintained at either the field location or at the permittee's nearest regularly manned facility. These records will be maintained for a period of at least five (5) years.

II.C. General Provisions of NSPS [See 40 CFR part 60]

(a) The permittee is subject to the requirements of 40 CFR part 60, Subpart Db Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units, as it applies to the source for such conditions as emission units, emission limits, monitoring conditions, recordkeeping and reporting, and facility wide operating conditions. Applicable and non-applicable conditions are described below.

(i) Standard for Sulfur Dioxide [See 40 CFR part 60.42b] - Does not apply since the facility is required to fire natural gas only.

(ii) Standard for Particulate Matter [See 40 CFR part 60.43b] - Does not apply since the facility is required to fire natural gas only.

(iii) Standard for Nitrogen Oxides [See 40 CFR part 60.44b(a)(1)(ii)] - The permittee is an affected facility. It has a heat input capacity of 225 and 216 million Btu/hour, respectively for both boilers, when firing 100% natural gas. The boilers are high release rate units subject to the nitrogen oxide limit of 0.2 lbs/mmBtu.

(b) The permittee is subject to the requirements of 40 CFR part 60, Subpart A, General Provisions, which includes specific monitoring, notification, recordkeeping, and reporting requirements.

(c) The permittee is not subject to the requirements of 40 CFR part 60 Subpart Kb Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984, because by its terms it does not apply to storage vessels on ships (see 40 CFR 100.b(d)(3)).

II.D. General Requirements for Air Conditioning Appliances [See 40 CFR part 82]

The following requirements apply to any air conditioning appliances at the metering platform associated with the regasification operations of the facility ("appliance" as defined in 40 CFR 82.152) that contain Class I or Class II refrigerants:

(a) The permittee must comply with the applicable standards for recycling and emissions reduction pursuant to 40 CFR part 82, subpart F except as provided for motor vehicle air conditions (MVACs).

(b) Persons opening appliances for maintenance, service, repair, or disposal must comply with the applicable required practices pursuant to 40 CFR 82.156.

(c) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the applicable standards for recycling and recovery equipment pursuant to 40 CFR 82.158.

(d) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.

(e) Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with recordkeeping requirements pursuant to 40 CFR 82.166(i), if applicable. ("MVAC-like appliance" as defined at 40 CFR 82.152)

(f) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to 40 CFR 82.156.

(g) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.

(h) If the permittee manufactures, transforms, destroys, imports, or exports a class I or class II substance, the permittee is subject to all the requirements as specified in 40 CFR part 82, subpart A, Production and Consumption Controls.

(i) If the permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the MVAC, the permittee is subject to all the applicable requirements as specified in 40 CFR part 82, subpart B, Servicing of Motor Vehicle Air Conditioners.

The term "motor vehicle" as used in subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" subpart B, does not include the air-tight sealed refrigeration system used as refrigerated cargo, or system used on passenger buses using HCFC-22 refrigerant.

(j) The permittee is allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant

to 40 CFR part 82, subpart G.

II.E. Best Available Control Technology (BACT)

With the application of BACT, as required by Section 165(a)(4) of the Act, operation of the regasification equipment will meet the applicable PSD requirements. The permittee is required to fire natural gas for regasification purposes.

III. Facility-Wide Permit Conditions

(a) Conditions in this section of the permit apply to all emissions units on each vessel associated with regasification activities located at the facility, including any units not specifically listed in Table 3 of Section II.A. Compliance must be determined, at a minimum, on a 12-month rolling sum basis. This means that each month the emissions of the current month and those of the 11 previous months are summed. The permittee is required to keep records of the emissions for each month as well as the calculation of the 12-month rolling total of emissions for each month.

(b) The amount of natural gas burned in emission units U-00001, U-00002, and U-00008 may not exceed the following:

U-00001 - 220,600 scf/hr;
U-00002 - 220,600 scf/hr;
U-00008 - 1,200 scf/hr

(c) The actual heat input for emission units U-00001, U-00002, and U-00008, may not exceed the following:

U-00001 - 225 mm BTU/hr
U-00002 - 225 mm BTU/hr
U-00008 - 1.32 mm BTU/hr

(d) The amount of diesel burned in emission units U-00004 shall not exceed the following:

U-00004 - 197 gal/hr

(e) The number of hours of operation for each of the generators under U-00008 and U-00009.

III.A. Permit Shield

(a) Nothing in this permit shall alter or affect the following:

(i) The liability of a permittee for any violation of applicable requirements prior to or at the time of permit issuance;

(ii) The ability of the EPA to obtain information under section 114 of the Clean Air Act; or

(iii) The provisions of section 303 of the Clean Air Act (emergency orders), including the authority of the Administrator under that section.

(b) Compliance with conditions of this permit shall be deemed compliance with any applicable requirements specifically identified in the permit as of the date of permit issuance.

III.B. Federal Monitoring and Testing Requirements Under 40 CFR Part 60

(a)

Table 4

Monitoring Requirements					
ID No.	**Description**	**NOx**	**PM10*[2]**	**SO2*[2]**	**VOC**
U-00001*[1]	Unit 1 of 2 marine boilers. Each unit is rated at 225 mmBtu/hr when firing natural gas.	40 CFR Part 60, Subpart Db	40 CFR Part 60, Subpart Db	40 CFR Part 60, Subpart Db	N/A
U-00002*[1]	Unit 2 of 2 marine boilers. Each unit is rated at 225 mmBtu/hr when firing natural gas.	40 CFR Part 60, Subpart Db	40 CFR Part 60, Subpart Db	40 CFR Part 60, Subpart Db	N/A
U-00004	Represents a 4,627 hp diesel generator.	N/A	N/A	N/A	N/A
U-00007	Represents three fuel oil storage tanks with capacities of 1,532,360 gallons, 264,200 gallons and 264,200 gallons.	N/A	N/A	N/A	N/A
U-00008	Represents three natural gas fired engines driving generators. One generator is rated at 18 kW and two generators are rated at 40 kW each.	N/A	N/A	N/A	N/A

U-00009	Represents a gas-fired crane on the platform, rated at 188 hp @ 1800 rpm, operating no more than 700 hours/year.	N/A	N/A	N/A	N/A

* 1 U-00001 and U-00002 are required to comply with EPA pre-approved alternative NOx monitoring requirements under 40 CFR Part 60.13(i).

*2 There are no applicable standards, testing, or monitoring requirements for these units under NSPS subpart Db since they will burn natural gas fuel exclusively.

(b) Monitoring requirements for the following NAAQS pollutants, PM10, SO2, NOx, CO and VOC, shall be as follows. The permittee shall comply with all applicable requirements listed in Tables 2, 3, and 4. Failure to comply with any of the applicable requirements or compliance monitoring devices, activities, or methods listed in Tables 2, 3, and 4 will represent a violation of this permit. Initial start up and related testing/monitoring compliance requirements for NSPS requirements will begin on the third cargo delivery and regasification event conducted at each LNG cargo vessel when docked at the deep water port.

In addition to the test methods identified in 40 CFR Part 60, Subpart Db and found in 40 CFR 60, Appendix A, the EPA has approved ASTM Designation D 6522-00 for use at this facility to use to demonstrate compliance for U-00001, U-00002, and U-00008. Other methods identified in a test protocol that is pre-approved by EPA may also be used to demonstrate compliance.

(i) New Source Performance Standards (40 CFR Part 60, Subpart Db) identify a 30-consecutive day NOx emissions limit of 0.20 lb/MMBtu during actual representative operating conditions. As stated above in paragraph III.B.b, during each vessel's third LNG regasification at the Gulf Gateway deep water port, the event of initial start up of the affected facilities will be officially designated as having occurred. During each vessel's third LNG regasification, at least three one-hour test runs for NOx will be conducted on each boiler during each complete 24-hour operational day of regasification, and compliance with the emissions limits shown in Table 3 (based on 0.186 lb/hr) must be demonstrated. This initial NOx testing during each LNG vessel's third regasification is designated as the initial performance test under 40 CFR Part 60, Subparts A and Db. In subsequent years, NOx performance testing will be conducted at least once per each regasification episode (except during years that the vessel does not regasify at Gulf Gateway). NOx performance testing conducted initially and for each subsequent regasification event shall consist of at least three one-hour runs. The average value of NOx emission rate of the three runs shall be used for determination of compliance with the NOx emission standard.

For vessels that are retrofitted with continuous exhaust analyzers for NOx, compliance monitoring shall be conducted per an EPA approved monitoring, recordkeeping, and reporting plan using installed, calibrated and operational continuous emission monitoring systems (CEMSs) for NOx. The CEMSs shall be approved in accordance with 40 CFR Part 60, Subpart A at Section 60.13 and the applicable Performance Specifications of 40 CFR Part 60, Appendix B. These CEMSs are not subject to the requirements of 40 CFR Part 60, Appendix F. Compliance using manual test methods found in 40 CFR Part 60, Appendix A, or ASTM D6522-00, or other methods identified in a test protocol that is pre-approved by EPA for this facility must be demonstrated if the analyzers are unable to conform to the EPA approved monitoring, recordkeeping, and reporting plan.

(ii) The fuel gas fired in the combustion devices subject to this permit shall meet the definition of "natural gas" specified in 40 CFR Part 60, Subpart Db at Section 60.41b. The permittee shall demonstrate, through conducting a hydrocarbon profile with an EPA approved method, that the natural gas quality burned in the combustion devices subject to this permit meets the natural gas specifications (Methane content or gross calorific value) defined in 40 CFR Part 60, Subpart Da at §60.41Da. The sulfur content of the fuel gas fired in the combustion devices subject to this permit shall not exceed 140 grains per 100 standard cubic feet (noncontinental areas). The sulfur content may be determined using gas chromatograph data, or, in the alternative, it may be determined using the procedures of 40 CFR Part 60, Subpart KKKK at Sections 60.4360, 60.4365, 60.4370, and 60.4415. See pages 38485, 38495. 38496, 38503, and 38504 in the Federal Register for the promulgation of 40 CFR Part 60, Subpart KKKK (71 FR 38482, dated July 6, 2006). The permittee shall choose a method of determining quality of the fuel gas (gas chromatograph method or NSPS Part 60, Subpart KKKK method) and develop a plan for implementing the chosen method. If the gas chromatograph method is chosen, the plan for it must be at least equivalent to the plan that would be developed using the NSPS Part 60, Subpart KKKK method. The fuel gas quality analysis plan shall be submitted to EPA Region 6 for review and approval prior to the fourth regasification event for each LNG vessel docking at the Gulf Gateway deep water port.

(iii) The permittee shall demonstrate compliance with the Carbon Monoxide (CO) emission limits of this permit, as applicable, by performing stack tests once per regasification episode on Emission Units U-00001, U-00002, and U-00008. For vessels that are retrofitted with continuous exhaust analyzers for CO, compliance monitoring shall be conducted per an EPA approved monitoring, recordkeeping, and reporting plan using installed, calibrated and operational continuous emission monitoring systems (CEMSs) for CO. The CEMSs shall be approved in

accordance with 40 CFR Part 60, Subpart A at Section 60.13 and the applicable Performance Specifications of 40 CFR Part 60, Appendix B. These CEMSs are not subject to the requirements of 40 CFR Part 60, Appendix F. Compliance using manual test methods found in 40 CFR Part 60, Appendix A, or ASTM D6522-00, or other methods identified in a test protocol that is pre-approved by EPA for this facility must be demonstrated if the analyzers are unable to conform to the EPA approved monitoring, recordkeeping, and reporting plan.

(iv) The permittee shall demonstrate compliance with the VOC emission limits of this permit, as applicable, by calculating VOCs using fuel consumption and emission factors identified in the permit application. For U-00001 and U-00002, these emission factors are from Section 4-2 of EPA's AP-42 publication (5.5 lbs/106 scf at 1020 Btu/scf). For U-00008, the emission factor is 0.38 g/hp-hr (the sum of the vendor's emission factor for NMHC and EPA's AP-42 emission factor for HAP).

III.C. Performance Testing Requirements [40 CFR 60.8]

The permittee shall comply with the following performance testing requirements:

(a) Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility, or by the time of the completion of the third delivery of LNG to the Port by a given EBRV, whichever is later, performance tests(s) must be conducted and a written report of the performance testing results furnished to the EPA. For purposes of this permit, "start up" of the facility (including U-00008 and U-00009) is when an EBRV has completed regasification of its second cargo at the facility. "Startup" of the boilers on each EBRV is when the EBRV concludes regasification its second cargo at the facility. In accordance with 40 CFR Subpart 60.45b and 60.46b, the owner or operator must use as reference methods and procedures the test methods in appendix A of Part 60 or ASTM D6522-00, referenced above, or other methods as identified in a test protocol that is approved by EPA for use at this facility. In addition, performance testing must be conducted following any revision or renewal of this permit.

The permittee has also been approved to conduct alternative performance testing. Specifically, the permittee may use a 24-hour basis for initial performance testing which will include a minimum of 3 separate one-hour runs using applicable test methods. This alternative testing is allowed since the vessels will be infrequently used sources in accordance with 40 CFR 60.13(i)(2).

(b) Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in 40 CFR part 60, Subpart Db Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.

(c) Performance tests must be conducted under such conditions to ensure representative performance of the affected facility. The owner or operator must make available to the EPA such records as may be necessary to determine the conditions of the performance tests.

(d) The owner or operator must provide the EPA at least 30 days' prior notice of any performance test, except as specified under other subparts, to afford the EPA the opportunity to have an observer present and/or to attend a pre-test meeting. If there is a delay in the original test date, the facility must provide at least 7 days prior notice of the rescheduled date of the performance test.

(e) The owner or operator shall provide, or cause to be provided, performance testing facilities as follows:

(i) Sampling ports adequate for test methods applicable to this facility.

(ii) Safe sampling platform(s).

(iii) Safe access to sampling platform(s).

(iv) Utilities for sampling and testing equipment.

(v) Unless otherwise specified in the applicable subpart, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For purposes of determining compliance with an applicable standard, the arithmetic mean of the results of the three runs shall apply.

(f) Notification requirements in 40 CFR Part 60.7 shall be followed:

(i) Notification of the date construction of an affected facility is commenced no later than 30 days after such date.

(ii) Notification of the actual date of initial startup of an affected facility, postmarked within 15 days after such date.

(iii) Notification of any physical or operational change to the facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted. This notice shall be postmarked 60 days or as soon as practicable before the change is commenced.

(iv) Notification of the date upon which demonstration of the continuous monitoring system performance commences postmarked not less than 30 days prior to such date.

(v) Notification of the anticipated date for conducting the opacity observations. The notification shall be postmarked not less than 30 days prior to such date.

III.D. Recordkeeping Requirements

The permittee must comply with the following generally applicable recordkeeping requirements:

(a) The permittee must keep records of required monitoring information that include the following:

(i) The date, place, and time of sampling or measurements;

(ii) The date(s) analyses were performed;

(iii) The company or entity that performed the analyses;

(iv) The analytical techniques or methods used;

(v) The results of such analyses; and

(vi) The operating conditions as existing at the time of sampling or measurement.

(b) The permittee must retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.

(c) The permittee must keep records on all repair and maintenance activities performed on all emission units. These records shall identify the relevant emission unit and describe the work performed.

(d) The fuel flow/consumption for each emission unit U-00001, U-00002, U-00004, and U-00008 must be recorded on a monthly basis.

(e) The records of fuel consumption must be maintained for emission units U-00001, U-00002, U-00004, and U-00008.

(f) The permittee must keep records of the serial numbers for each emission unit and submit

that information to EPA as the equipment is purchased. A change in serial numbers should also be reflected in the report submitted to EPA.

III.E. Reporting Requirements

(a) The permittee must submit to the EPA Regional Office all reports of any required monitoring under this permit every six months following permit issuance. Reports must include: 1. Fuel flow/consumption records showing monthly and yearly average of fuel usage; 2. Repair and maintenance records of the emission units identified in the permit; and 3. An EPA approved method or NSPS Part 60 Subpart KKKK method results for qualification of fuel gas as "natural gas" for each regasification episode. 4. Hours of operation for Units U-00008 and U-00009

Reports must also include repair and maintenance records of the emission units identified in the permit. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with **section IV.F.(a)** of this permit. See Reporting Form "SIXMON" found at: http://www.epa.gov/air/oaqps/permits/p71forms.html]

All instances of deviations from permit requirements must be clearly identified in such reports. "Deviation" means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A deviation can be determined by observation or through review of data obtained from any testing, monitoring, or recordkeeping. For a situation lasting more than 24 hours which constitutes a deviation, each 24 hour period is considered a separate deviation. Included in the meaning of deviation are any of the following:

(i) A situation where emissions exceed an emission limitation or standard;

(ii) A situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met;

(iii) A situation in which observations or data collected demonstrates noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit; or

(iv) A situation in which an exceedance or an excursion, as defined in 40 CFR part 64 occurs.

(v) The permittee must promptly report to the EPA Regional Office deviations from permit requirements, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any corrective actions or

preventive measures taken. "Prompt" is defined as follows:

(A) Any definition of "prompt" or a specific timeframe for reporting deviations provided in an underlying applicable requirement as identified in this permit; or

(B) Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations will be submitted based on the following schedule:

(1) For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in the applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence;

(2) For emissions of any regulated air pollutant, excluding a hazardous air pollutant or a toxic air pollutant, that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours;

(3) For all other deviations from permit requirements, the report must be submitted with the semi-annual monitoring report required in paragraph (a) of this section.

A written notice, certified consistent with **section IV.F.** of this permit, must be submitted within 10 working days of the occurrence. All deviations reported under this section must also be identified in the 6-month report required under paragraph (a) of this section. EPA has developed a form "PDR" for prompt deviation reporting. The form may be found at: http://www.epa.gov/air/oaqps/permits/p71forms.html]

(b) If for any reason the permittee does not comply with, or will not be able to comply with, the emission limitations specified in this permit, the permittee must provide the EPA Region 6 Air Enforcement Section with a written report as specified below.

(i) A written report must be submitted within 7 days of any emission in excess of permit requirements by an amount greater than the Reportable Quantity established for that pollutant in LAC 33.I.Chapter 39.

(ii) A written report must be submitted within 7 days of the initial occurrence of any emission in excess of permit requirements, regardless of the amount, where such emission occurs over a period of seven days or longer.

(iii) A written report must be submitted quarterly to address all emission limitation exceedances not included in paragraphs 1 or 2 above. The schedule for submittal of quarterly reports shall be no later than the dates specified below for any emission limitation exceedances occurring during the corresponding specified calendar quarter:

(A) Report by June 30 to cover January through March
(B) Report by September 30 to cover April through June
(C) Report by December 31 to cover July through September
(D) Report by March 31 to cover October through December

(iv) Each report submitted in accordance with this condition must contain the following information:

(A) Description of noncomplying emission(s);
(B) Cause of noncompliance;
(C) Anticipated time the noncompliance is expected to continue, or if corrected, the duration of the period of noncompliance;
(D) Steps taken by the permittee to reduce and eliminate the noncomplying emissions; and
(E) Steps taken by the permittee to prevent recurrences of the noncomplying emissions.

(c) The permittee shall provide the EPA with a schedule containing dates/times when the vessels carrying LNG will be docking at the terminal to offload the LNG. This information shall be included with the semi-annual report the permittee submits to the EPA reporting any required monitoring under this permit which is to be submitted every six months following the anniversary of permit issuance. Any change to the schedule submitted with the semi-annual report must be provided to the EPA Regional office no later than 20 days before the earlier of the scheduled or actual date of arrival at the terminal.

III.F. Louisiana Administrative Code Title 33, Part III

(a) Chapter 11, Section 1101.B. - (Control of Air Pollution from Smoke). As determined by approvable methods in 40 CFR Appendix A, the emission of smoke from any combustion unit (other than a flare) or from any type of burning in a combustion unit (other than a flare) must be controlled so that the shade or appearance of the emission is not darker than 20% average opacity, except that smoke emitted during the cleaning of a fire box or building of a new fire, soot blowing or lancing, charging of an incinerator, equipment changes, ash removal or rapping of precipitators, which may have an opacity in excess of 20% or not more than one six-minute period in any 60 consecutive minutes. EPA Region

6 has made a decision that Gulf Gateway meets the Louisiana variance criteria found in LAC 33, Part III, Chapter 11, Section 1111.B. The facility has demonstrated that the source of the emissions is in a relatively unpopulated area and it is not technically practicable nor economically reasonable to eliminate the emissions.

(b) Chapter 13, Section 1311.C. - (Emission Limits). The emission of particulate matter must be controlled so that the shade or appearance of the emission is not denser than 20% average opacity; except that emissions may have an average opacity in excess of 20% for not more than one six-minute period in any 60 consecutive minutes. EPA Region 6 has made a decision that Gulf Gateway meets the Louisiana variance criteria found in LAC 33, Part III, Chapter 13, Section 1311.G. The facility has demonstrated that there are reasons of exceptional circumstances in this case where strict conformity with this provision of the regulations would cause undue hardship, would be unreasonable, impractical and not feasible under the circumstances.

(c) Chapter 21, Section 2103.A. - No person shall place, store or hold in any stationary tank, reservoir or other container of more than 250 gallons (950 liters) and up to 40,000 gallons (151,400 liters) nominal capacity any volatile organic compound, having a true vapor pressure of 1.5 psia or greater at storage conditions, unless such tank, reservoir or other container is designed and equipped with a submerged fill pipe or a vapor loss control system or is a pressure tank capable of maintaining working pressures sufficient at all times under normal operating conditions to prevent vapor or gas loss to the atmosphere.

(d) Chapter 21, Section 2103.H. - True vapor pressure shall be determined by ASTM Test Method D323-82 for the measurement of Reid vapor pressure, adjusted for actual storage temperature in accordance with API Publication 2517, Third Edition, 1989.

(e) Chapter 21, Section 2103.I.3. thru 5. - Monitoring/Recordkeeping/Reporting. The owner/operator of any storage facility shall maintain records to verify compliance with or exemption from LAC 33:III.2103. The records shall be maintained for at least two years and will include, but not be limited to, the following:

(i) The date and reason for any maintenance and repair of the applicable control devices and the estimated quantity and duration of volatile organic compound emissions during such activities.

(ii) The results of any testing conducted in accordance with the provisions specified in LAC 33:III.2103.H.

(iii) Records of the type(s) of VOC stored and the average monthly true vapor pressure of the stored liquid for any storage vessel with an external floating roof that is exempt from the requirements for a secondary seal and is used to store VOCs with

a true vapor pressure greater than 1.0 psia.

III.G. Facility Location Requirements

Gulf Gateway Energy Bridge must maintain a 500 meter (radial distance) exclusionary zone around the mooring buoy and must control the boundary of this zone consistent with the requirements established by the U.S. Coast Guard for a Safety Zone around the facility.

IV. Administrative Requirements

IV.A. Annual Fee Payment [Section 502 (b)(3)(C) of the CAA]

(a) The permittee shall pay an annual permit fee in accordance with the procedures outlined below.

(b) The permittee shall pay the annual permit fee each year. The fee shall be received no later than July 20 of each year.

(c) The fee payment shall be in United States currency and shall be paid by money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the order of EPA.

(d) The permittee shall send fee payment and a completed fee filing form to:

US Environmental Protection Agency
FOIA and Miscellaneous Payments
Cincinnati Finance Center
PO Box 979078
St. Louis, MO 63197-9000

(e) The permittee shall send an updated fee calculation worksheet form and a photocopy of each fee payment check (or other confirmation of actual fee paid) submitted annually by the same deadline as required for fee payment to the address listed in Section 5.5. of this permit. [Note that an annual emissions report, required at the same time as the fee calculation worksheet, has been incorporated into the fee calculation worksheet form as a convenience.]

(f) Basis for calculating annual fee:

Multiply the total tons of "actual emissions" of all "regulated pollutants" emitted from the source by the emissions fee (in dollars/ton) in effect at the time of calculation.

"Actual emissions" shall mean: the actual rate of emissions in tons per year of any regulated pollutant (for fee calculation) emitted from the source (specifically from metering platform emissions, and vessel emissions to the extent they are attributable to regasification activities) over the preceding calendar year. Calculate actual emissions by using each emissions unit's actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year.

"Regulated pollutants" shall mean: (I) a volatile organic compound; (II) each pollutant regulated under section 7411 or 7412 of the CAA; and (III) each pollutant for which a national primary ambient air quality standard has been promulgated (except for carbon monoxide). Do not include any amount of regulated pollutant emitted from the source in excess of 4,000 tons per year of that regulated pollutant.

The fee (in dollars/ton) in effect at the time of this permit's date of modification is $42.43. The fee of $42.43, above, shall increase each calendar year, by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of such year exceeds the Consumer Price Index for the calendar year 1989. The Consumer Price Index for any calendar year is the average of the Consumer Price Index for all-urban consumers published by the Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year, and revision of the Consumer Price Index which is most consistent with the Consumer Price Index for calendar year 1989 shall be used.

For convenience, the permittee may obtain the revised-for-inflation fee (in dollars/ton) from EPA at the address listed in provision IV.F of this permit.

(g) The insignificant quantities of actual emissions not required to be listed or calculated in a permit application shall be excluded from the calculation of fees. These include mobile sources (but not U-00001 and U-00002 if regasification / transfer mode), air-conditioning units used for human comfort, ventilating units used for human comfort, heating units used for human comfort, noncommercial food preparation, consumer use of office equipment and products, janitorial services and consumer use of janitorial products and internal combustion engines used for landscaping purposes. In addition, some insignificant activities are exempted because of size or production rate. These emission levels include emission criteria for regulated air pollutants, excluding hazardous air pollutants (HAP) shall not exceed 2 tons per year. Exemptions for emission criteria for HAP require that any HAPs from any single emissions unit shall not exceed 1000 lbs per year or the de minimis level established under 112(g) of the Clean Air Act, whichever is less.

(h) Fee calculation worksheets shall be certified as to truth, accuracy, and completeness by a

responsible official.

(i) The permittee shall retain fee calculation worksheets and other emissions-related data used to determine fee payment for five years following submittal of fee payment. Emission-related data include, for example, emissions-related forms provided by EPA and used by the permittee for fee calculation purposes, emissions-related spreadsheets, and emissions-related data, such as records of emissions monitoring data and related support information required to be kept.

(j) Failure of the permittee to pay fees in a timely manner shall subject the permittee to assessment of penalties and interest in accordance with section 502(b)(3)(C)(ii) of the CAA.

(k) The EPA will not act on applications for permit renewal or modification if the permittee fails to pay all fees, interest, and penalties owed in full.

(l) When notified by EPA of underpayment of fees, the permittee shall remit full payment within 30 days of receipt of notification.

(m) If the permittee thinks that the EPA-assessed fee is in error and wishes to challenge the fee, the permittee shall provide a written explanation of the alleged error to EPA along with full payment of the assessed fee.

IV.B. Annual Emissions Inventory

The permittee shall submit an annual emissions report of its actual emissions for both criteria pollutants and regulated HAPs for this facility for the preceding calendar year for fee assessment purposes. The annual emissions report shall be certified by a responsible official and shall be submitted each year to EPA on October 1st.

The annual emissions report shall be submitted to EPA at the address listed in provision **IV.F** of this permit.

IV.C. Compliance Requirements

(a) The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Air Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

(b) It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the

conditions of this permit.

(c) For the purpose of submitting compliance certifications in accordance with **Section IV.D.** of this permit, or establishing whether or not a person has violated or is in violation of any requirement of this permit, nothing shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

(d) Issuance of this permit does not relieve the owner or operator of the responsibility to comply fully with applicable provisions of the Louisiana SIP and any other requirements under local, State or Federal law.

IV.D. Compliance Certifications

The permittee shall submit to EPA a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices, fuel usage and heat input, annually on the anniversary of the date of facility start up. The compliance certification shall be certified as to truth, accuracy, and completeness by a responsible official.

(a) The certification shall include the following:

(i) Identification of each permit term or condition that is the basis of the certification.

(ii) Identification of the method(s) or other means used for determining the compliance status with each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. If necessary, the owner or operator also shall identify any other material information, e.g., operating hours records, that must be included in the certification, which prohibits knowingly making a false certification or omitting material information.

(iii) The compliance status of each term and condition of the permit for the period covered by the certification based on the method or means designated above. The certification shall identify each deviation and take it into account in the compliance certification.

(iv) Any other requirements sufficient to assure or determine compliance.

IV.E. Duty to Provide and Supplement Information

(a) The permittee shall furnish to EPA, within a reasonable time, any information that EPA

may request in writing to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to the EPA copies of records that are required to be kept pursuant to the terms of the permit, including information claimed to be confidential. Information claimed to be confidential must be accompanied by a claim of confidentiality according to the provisions of 40 CFR part 2, subpart B.

(b) The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. In addition, a permittee shall provide additional information as necessary to address any requirements that become applicable after the date a complete application is filed, but prior to release of a draft permit.

IV.F. Submissions

Any document required to be submitted by this permit shall be certified by a responsible official as to truth, accuracy, and completeness. Such certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. All documents required to be submitted, including records, reports, test data, monitoring data, emissions-related data, notifications, and compliance certifications, shall be submitted to:

United States Environmental Protection Agency
Air Enforcement Section, (6EN-A)
1445 Ross Avenue
Dallas, TX 75202-2733

while the fee calculation worksheets (including the annual emissions worksheet and report) and applications for renewals and permit modifications shall be submitted to:

United States Environmental Protection Agency
Air Permits Section, (6PD-R)
1445 Ross Avenue
Dallas, TX 75202-2733

EPA has developed a reporting form, "CTAC," for certifying truth, accuracy and completeness. The form may be found on EPA's website at: http://www.epa.gov/air/oaqps/permits/p71forms.html and is also attached to the permit document.

IV.G. Severability Clause

The provisions of this permit are severable, and in the event of any challenge to any portion of this permit, or if any portion is held invalid, the remaining permit conditions shall remain valid and in force.

IV.H. Permit Actions

This permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

IV.I. Administrative Permit Amendments

The permittee may request the use of administrative permit amendment procedures for a permit revision that:

(a) Corrects typographical errors;

(b) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;

(c) Requires more frequent monitoring or reporting by the permittee;

(d) Allows for a change in ownership or operational control of a source where the EPA determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the EPA;

(e) Incorporates any other type of change which EPA has determined to be similar to those listed above. [Note to permittee: If subparagraphs (a) through (d) above do not apply, please contact EPA for a determination of similarity prior to submitting your request for an administrative permit amendment under this provision].

IV.J. Minor Permit Modifications

(a) The permittee may request the use of minor permit modification procedures only for those modifications that:

(i) Do not violate any applicable requirement;

(ii) Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;

(iii) Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;

(iv) Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

(A) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of title I; and

(B) An alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the Clean Air Act;

(v) Are not modifications under any provision of title I of the Clean Air Act; and

(vi) Are not required to be processed as a significant modification.

(b) Notwithstanding the list of changes ineligible for minor permit modification procedures in **paragraph (a)** above, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by EPA.

(c) An application requesting the use of minor permit modification procedures shall meet the requirements including the following:

(i) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

(ii) The source's suggested draft permit;

(iii) Certification by a responsible official that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and

(iv) Completed forms for the permitting authority to use to notify affected States.

(d) The source may make the change proposed in its minor permit modification application

immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions, the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

(e) The permit shield may not extend to minor permit modifications.

IV.K. Significant Permit Modifications

(a) The permittee must request the use of significant permit modification procedures for those modifications that:

(i) Do not qualify as minor permit modifications or as administrative amendments;

(ii) Are significant changes in existing monitoring permit terms or conditions; or

(iii) Are relaxations of reporting or recordkeeping permit terms or conditions.

(b) Nothing herein shall be construed to preclude the permittee from making changes that would render existing permit compliance terms and conditions irrelevant.

(c) Permittees must meet all requirements for applications, public participation, and review by affected states and tribes for significant permit modifications. For the application to be determined complete, the permittee must supply all information that is required for permit issuance and renewal, but only that information that is related to the proposed change.

IV.L. Reopening for Cause

(a) The permit may be reopened and revised prior to expiration under any of the following circumstances:

(i) Additional applicable requirements under the Act become applicable to a major source with a remaining permit term of 3 or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended;

(ii) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the EPA, excess emissions offset plans shall be deemed to be incorporated into the permit;

(iii) EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or

(iv) EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

IV.M. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

IV.N. Inspection and Entry

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow EPA or an authorized representative to perform the following:

(a) Enter upon the permittee's premises where a source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and

(d) As authorized by the Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(e) The permittee shall provide the EPA with a schedule containing dates/times when the vessels carrying LNG will be docking at the terminal to offload the LNG. This information shall be included with the semi-annual report the permittee submits to the EPA reporting any required monitoring under this permit which is to be submitted every six months following the anniversary of permit issuance. Any change to the schedule submitted with the semi-annual report must be provided to the EPA Regional office no

later than 30 days before the earlier of the scheduled or actual date of arrival at the terminal.

IV.O. Emergency Provisions

(a) In addition to any emergency or upset provision contained in any applicable requirement, the permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the permittee shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An emergency occurred and that the permittee can identify the cause(s) of the emergency;

(ii) The permitted facility was at the time being properly operated;

(iii) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and

(iv) The permittee submitted notice of the emergency to EPA within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. This notice fulfills the requirements of **Section II.F.(b)** of this permit, concerning prompt notification of deviations.

(b) In any enforcement proceeding, the permittee attempting to establish the occurrence of an emergency has the burden of proof.

(c) An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

IV.P. Transfer of Ownership or Operation

In the event of any change in ownership of the facility described in this permit, the permittee and the succeeding owner shall notify the EPA at the submission address found in Section IV.F., within ninety (90) days after the event, to amend this permit.

A change in ownership or operational control of this facility may be treated as an administrative permit amendment if the EPA determines no other change in this permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to EPA.

IV.Q. Off Permit Changes

The permittee is allowed to make certain changes without a permit revision, provided that the following requirements are met:

(a) Each change is addressed or not prohibited by this permit;

(b) Each change shall comply with all applicable requirements and may not violate any existing permit term or condition;

(c) Changes under this provision may not include changes or activities subject to any requirement under Title IV or that are modifications under any provision of Title I of the CAA;

(d) The permittee shall provide contemporaneous written notice to EPA of each change, except for changes that qualify as insignificant activities. The written notice must describe each change, the date of the change, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change;

(e) The permit shield does not apply to changes made under this provision;

(f) The permittee must keep a record describing all changes that result in emissions of any regulated air pollutant subject to any applicable requirement not otherwise regulated under this permit, and the emissions resulting from those changes.

IV.R. Permit Expiration and Renewal

(a) This permit shall expire upon five years from the date of issuance of this permit.

(b) Expiration of this permit terminates the permittee's right to operate unless a timely and complete permit renewal application has been submitted at least six months (180 days), but not more than 18 months, prior to the expiration of this permit.

(c) If the permittee submits a timely and complete permit application for renewal, but the permitting authority has failed to issue or deny the renewal permit, then the permit shall not expire until the renewal permit has been issued or denied and any permit shield

granted may extend beyond the original permit term until renewal. Operation may continue under the conditions of this permit during the period of review of the application for renewal.

(d) The permittee's failure to have a permit, where timely and complete application for renewal was submitted, is not a violation of this part until EPA takes final action on the permit renewal application. This protection shall cease to apply if, subsequent to the completeness determination, the permittee fails to submit any additional information identified as being needed to process the application by the deadline specified in writing by EPA.

(e) Renewal of this permit is subject to the same procedural requirements that apply to initial permit issuance, including those for public participation and affected State and tribal review.

(f) The application for renewal shall include the current permit number, description of permit revisions and off-permit changes that occurred during the permit term, any applicable requirements that were promulgated and not incorporated into the permit during the permit term, and other information required by the application form.

IV.S. Compliance Schedule and Progress Reports

(a) At the date of issuance of this permit, the buoy fabrication, meter platform design and fabrication, and pipe purchases has not been completed. The permittee has indicated in the permit application that fabrication of the buoy will take approximately 12 months, and the subsequent construction and installation of the remaining components of the Gulf Gateway Energy Bridge Gas Delivery System will take approximately 6 months. Within this period, Energy Bridge will conduct tests to ensure the system is in safe operational condition. By November 2004, Energy Bridge expects the system to be operational and ready to receive its first delivery of natural gas.

(i) This permit shall become invalid, for the sources not constructed, if:

(A) Construction is not commenced, or binding agreements or contractual obligations to undertake a program of construction of the project are not entered into, within two (2) years after issuance of this permit, or;

(B) If construction is discontinued for a period of two (2) years or more.

The EPA may extend this time period upon a satisfactory showing that an extension is justified.

This provision does not apply to the time period between construction of the approved phases of a phased construction project. However, each phase must commence construction within two (2) years of its projected and approved commencement.

(ii) The permittee will notify EPA within 90 days that construction of the facility has begun.

(iii) The permittee shall complete construction within a reasonable time frame.

(iv) The permittee shall notify the EPA within ten (10) calendar days from the date that construction is certified as complete and the estimated start-up of operation. Within 180 days after operations commence, the permittee shall notify EPA that it is in compliance with all applicable permit requirements.

(b) For applicable requirements with which the source will be in compliance upon operation start-up, the source will comply with such requirements. For applicable requirements that will become effective during the permit term, the source shall meet such requirements on a timely basis.

(c) The permittee shall submit progress reports consistent with this schedule of compliance at least once every 6 months from the date of facility start-up. Such progress reports shall be certified and contain the following:

(i) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones, or compliance were achieved; and

(ii) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

V. Additional Requirements to be Implemented in Future Activities Under the Permit

V.A. Other Environmental Laws

In the Deepwater Port licensing process for the Gulf Gateway Energy Bridge Facility, the Coast Guard and Maritime Administration (MARAD) assumed lead agency responsibilities for consulting with other Federal and State agencies under various Federal laws protecting the environment, natural resources, and cultural resources, generally integrating those consultations with its National Environmental Policy Act review of the project in accordance with 40 C.F.R. § 1502.25. The project-wide scope of those consultations was broad enough to include consideration of effects that might be attributed to EPA's permit action and EPA is thus relying on them for compliance with the federal laws at issue. None of the consultations identified

significant issues related to air quality. Additional details follow regarding the consultations under the Endangered Species Act (ESA) and Magnuson-Stevens Fisheries Conservation Act:

Endangered Species Act. The project's potential effects on air quality and threatened/ endangered species are evaluated in the Final Environmental Assessment (EA) issued by the Coast Guard and MARAD in November 2003. Sections 2.0, 3.2.4, and 4.2.3 of the EA serve as the biological assessment of the project. The Coast Guard/MARAD Endangered Species Act consultations with the National Marine Fisheries Service (NMFS) and U.S. Fish & Wildlife Service (FWS) are documented in Appendix C to the EA. In the project area, NMFS is generally responsible for consultations involving most aquatic species, e.g., sea turtles and cetaceans, and FWS for consultations involving avian species and the West Indian Manatee. On November 5, 2003, NMFS issued a letter stating that the proposed port is "not likely to adversely affect species or critical habitat protected by the ESA under NOAA Fisheries [NMFS] purview" as described in the September 2003 Draft EA. On June 13, 2003, FWS issued a letter concluding their informal consultation process and finding that no further consultation was necessary. These communications completed the Coast Guard's consultation responsibilities under section 7 of the ESA.

Magnuson-Stevens Fisheries Conservation and Management Act. The project's potential effects on essential fish habitat and marine fisheries species were well documented in the EA, as was their consultation with NMFS under the Magnuson-Stevens Fisheries Conservation Act. The USCG and MARAD initiated informal consultation with NMFS on June 26, 2003. As part of the consultation process, Sections 2.0, 3.2.5, 4.2.4, and 5.1.2 of the EA serve as an essential fish habitat assessment for the proposed action. NMFS provided EFH conservation recommendations with their comments to the Draft EA in a letter dated October 15, 2003. Appendix D to the EA contains this letter and related consultation correspondence. The primary concern identified by NMFS was entrainment of fish eggs and larvae (ichthyoplankton) by warming water intakes. NMFS recommended measures to minimize such entrainment, e.g., relocating the intake structure to the lower half of the water column and reducing intake velocity. The Gulf Gateway Energy Bridge Deepwater Port License issued by MARAD (effective date May 24, 2004) requires implementation of several of those measures. It also requires monitoring to measure levels of entrainment mortality to marine fisheries species.

Appendix A.1.

Federally Listed Threatened and/or Endangered Species Off the Coast of Louisiana

SPECIES	GROUP	STATUS
Bald Eagle	Bird	Threatened
West Indian Manatee	Mammal	Endangered
Piping Plover	Bird	Threatened
Brown Pelican	Bird	Endangered
Gulf Sturgeon	Fish	Threatened
Green Sea Turtle	Reptile	Threatened
Hawksbill Sea Turtle	Reptile	Endangered
Kemp's Ridley Sea Turtle	Reptile	Endangered
Leatherback Sea Turtle	Reptile	Endangered
Loggerhead Sea Turtle	Reptile	Threatened