To: Sweeney, Stephen[Sweeney.Stephen@epa.gov]
From: Jones, Bruced
Sent: Wed 12/27/2017 4:19:56 PM
Subject: FW: Louisiana Offshore Oil Port (LOOP) - Oil Bi-Directional Proposal

Steve, is there a separate OGC attorney for the air permit that I should be talking to?

From: Fields, Yvette (MARAD) [mailto:Yvette.Fields@dot.gov]
Sent: Thursday, December 21, 2017 8:07 AM
To: Lawrence, Rob <Lawrence.Rob@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>; Jones, Bruced <Jones.Bruced@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Robinson, Jeffrey <Robinson.Jeffrey@epa.gov>; Magee, Melanie <Magee.Melanie@epa.gov>; Larsen, Brent <Larsen.Brent@epa.gov>; Gillespie, David <Gillespie.David@epa.gov>; Alvarado, Tina <Alvarado.Tina@epa.gov>; Shaikh, Taimur <Shaikh.Taimur@epa.gov>; Okpala, Maria <Okpala.Maria@epa.gov>; Chen, Isaac <Chen.Isaac@epa.gov>
Cc: Threet, Daron (MARAD) <daron.threet@dot.gov>; Morefield, Wade (MARAD) <wade.morefield@dot.gov>; Pucci, Michael (MARAD) <Michael.Pucci@dot.gov>; Shepherd II, Thomas (MARAD) <thomas.shepherd@dot.gov>; Brennan, Bernadette (MARAD) <bernadette.brennan@dot.gov>; Brand, Lauren (MARAD) <lauren.brand@dot.gov>; Gilson, Kristine (MARAD) <kristine.gilson@dot.gov>; Carter, Michael (MARAD) <Michael.Carter@dot.gov>; Curtis.E.Borland@uscg.mil; Bachman, Roddy C CIV <Roddy.C.Bachman@uscg.mil>; McKitrick, Bradley CIV <bradley.k.mckitrick@uscg.mil>; 'Melissa.E.Perera@uscg.mil' <Melissa.E.Perera@uscg.mil>; Vasanth, Pavagada N CIV <Pavagada.N.Vasanth@uscg.mil>; Tone, Kevin P CIV <Kevin.P.Tone@uscg.mil>
Subject: RE: Louisiana Offshore Oil Port (LOOP) - Oil Bi-Directional Proposal

Mr. Lawrence,

Thank you for your prompt response. Given that the holiday season is now upon us, we completely understand if you and your team need additional time to conduct necessary research on the Clean Air Act Permit Authority and jurisdiction matter related to LOOP. We are looking forward to receiving your feedback on the air permitting matter in early January 2018.

With respect to the NPDES permit, it has come to our attention that the EPA point of contact for the renewal of LOOP's NPDES permit is Ms. Stacy Dwyer. Ms. Dwyer may have additional input on the status of the NPDES permit. We are looking forward to receiving your insight on the requirements of NPDES relative to LOOP's operations (including both the current operations and bi-directional proposal), as well as any background and status information you may have regarding LOOP's compliance with NPDES. To assist with your research efforts, we have provided below several web-links to download copies of the original LOOP Final Environmental Impact Statement (FEIS) from the National Technical Reports Library (NTRL). For your

convenience, air quality considerations are discussed on pages 51 and 52 of the Executive Summary, a summary of DOT's consultation with EPA is contained on pages 1-33 and 1-34 of Volume 1 of the FEIS, and descriptions of EPA policy on proposed new emission sources and the project's anticipated impacts on air quality are on pages 3-15 through 3-26 of Volume 2. The web links are as follows:

Executive Summary –

https://ntrl.ntis.gov/NTRL/dashboard/searchResults/titleDetail/PB290186.xhtml

Volume 1 – Description of the Proposed Action and the Affected Environment –https://ntrl.ntis.gov/NTRL/dashboard/searchResults/titleDetail/PB290187.xhtml

Volume 2 – Probable Impacts on the Environment; Reasonable Alternatives; Adverse Impacts –

https://ntrl.ntis.gov/NTRL/dashboard/searchResults/titleDetail/PB290188.xhtml

The NTRL inventory does not include the remaining volumes of the FEIS, which include Volume 3 - Comments by Federal Agencies, State and Local Entities, and the Public; Risk Analysis of Oil Spills; and Volume 4 – Economic Analysis; Safety Zone Analysis; Comment Letters; Public Hearing Report; etc. Therefore, we will send to you under separate cover a link to download our copies of those volumes from the DropSend file transfer service. If you are unable to access the files via DropSend, please let us know and we will make alternative arrangements to deliver Volumes 3 and 4.

Once you have received the DropSend documents, please send me an email confirming receipt of all relevant documents cited above. Please feel free to contact me should you have any questions or concerns. I can be reached by email or at 202-366-0926.

Finally, please note that I have copied a few of my key MARAD representatives, and representatives of the U.S. Coast Guard for their awareness.

Regards,

Yvette M. Fields

Director, Office of Deepwater Ports and Offshore Activities

U.S. Department of Transportation

Maritime Administration

1200 New Jersey Avenue, SE, W21-310

Washington, DC 20590

(202) 366-0926 (Office)

(202) 366-5123 (Fax)

From: Lawrence, Rob [mailto:Lawrence.Rob@epa.gov]
Sent: Tuesday, December 19, 2017 9:40 AM
To: Fields, Yvette (MARAD) <Yvette.Fields@dot.gov>
Cc: Smith, Suzanne <Smith.Suzanne@epa.gov>; Jones, Bruced <Jones.Bruced@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Robinson, Jeffrey <Robinson.Jeffrey@epa.gov>; Magee, Melanie <Magee.Melanie@epa.gov>; Larsen, Brent <Larsen.Brent@epa.gov>; Gillespie, David <Gillespie.David@epa.gov>; Alvarado, Tina <Alvarado.Tina@epa.gov>; Shaikh, Taimur <Shaikh.Taimur@epa.gov>; Okpala, Maria <Okpala.Maria@epa.gov>; Chen, Isaac <Chen.Isaac@epa.gov>
Subject: RE: Louisiana Offshore Oil Port (LOOP) - Oil Bi-Directional Proposal

Yvette – I agree with you summation of the conference call and the lack of forthcoming information from LOOP to resolve the concerns raised by all parties. I have asked our regional counsel's office to review the LOOP outside counsel's view that EPA is not the air permitting authority for the terminal under the Deepwater Port Act. Unfortunately, the EPA lawyers who worked on the original interpretation of the Deepwater Port Act, the Outer Continental Shelf Lands Act and section 328 of the Clean Air act back in 2003/2004 have either retired or moved to other regional offices. So we are having to brief up new attorneys on the background and precedents. With the holidays and "use or lose" annual leave requests having been granted, it is doubtful if we will get an opinion until after January 8. I will be overseas for most of the December 25 – January 5 period.

I think that we can provide information about the status of the NPDES permit shortly.

Rob Lawrence

Region 6

Policy Advisor - Energy Issues

214.665.6580

From: Fields, Yvette (MARAD) [mailto:Yvette.Fields@dot.gov]
Sent: Monday, December 18, 2017 3:17 PM
To: Borland, Curtis <Curtis.E.Borland@uscg.mil>; Morefield, Wade (MARAD) <wade.morefield@dot.gov>; terri.thomas@boem.gov; t.j.broussard@bsee.gov; Jarvis Abbott <Jarvis.Abbott@bsee.gov>; Lawrence, Rob <Lawrence.Rob@epa.gov>; Robinson, Jeffrey <Robinson.Jeffrey@epa.gov>; michael.tucker@noaa.gov; Giordano, Alfred (PHMSA) <alfred.giordano@dot.gov>; Massimi, Elizabeth L CDR <Elizabeth.L.Massimi@uscg.mil>; Youde, Steven M LCDR <Steven.M.Youde@uscg.mil>; Bachman, Roddy C CIV <Roddy.C.Bachman@uscg.mil>; McKitrick, Bradley CIV <Bradley.K.McKitrick@uscg.mil>; Perez, Jose A CDR <Jose.A.Perez3@uscg.mil>; Perera, Melissa E CIV <Melissa.E.Perera@uscg.mil>; Tone, Kevin P CIV <Kevin.P.Tone@uscg.mil>; Threet, Daron (MARAD) <daron.threet@dot.gov>; Vasanth, Pavagada N CIV <Pavagada.N.Vasanth@uscg.mil>; Pucci, Michael (MARAD) <Michael.Pucci@dot.gov>; Shepherd II, Thomas (MARAD) <thomas.shepherd@dot.gov>; Gilson, Kristine (MARAD) <kristine.gilson@dot.gov>; Brand, Lauren (MARAD) <lauren.brand@dot.gov>; Carter, Michael (MARAD) <Michael.Carter@dot.gov>; Brennan, Bernadette (MARAD) <bernadette.brennan@dot.gov>
Subject: RE: Louisiana Offshore Oil Port (LOOP) - Oil Bi-Directional Proposal

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PRE-DECISIONAL; DO NOT RELEASE UNDER FOIA

Dear Agency Representatives,

This is a follow-up to the interagency call on December 7, 2017, regarding the pending

LOOP Oil Bi-Directional proposal.

During the call, several agency representatives raised significant concerns regarding:

1. The sufficiency of the Environmental Assessment submitted with LOOP's proposal to U.S. Coast Guard in November 2017;
2. The incomplete listing of Federal and State permits required for the current operation of the LOOP facility;
3. LOOP's assertion that it is not required to obtain a permit for air emissions from its marine terminal under Title V of the Clean Air Act and that LOOP's operations at its offshore facility are regulated under the Department of Interior's Outer Continental Shelf air quality program;
4. The ongoing dispute over environmental monitoring requirements at outfalls regulated pursuant to LOOP's NPDES permit;
5. LOOP's lack of notice of the proposed oil export operational changes to the regulatory agencies under LOOP's current permits;
6. PHMSA's outstanding requests for information to LOOP pertaining to pipeline modification and surge protection necessary for the Oil Export proposal; and
7. Obligations regarding any threatened or endangered species and/or marine mammals in the area of LOOP's facility.

Please be advised that the Maritime Administration is conducting due diligence to ensure that LOOP maintains full compliance with the provisions of its deepwater port license for the operation of its facility. As such, MARAD hereby requests written confirmation from each of your agencies on the status of all Federal permits your respective agencies require for onshore and offshore operations of LOOP's deepwater port facility, and any obligations under the Endangered Species Act or Marine Mammal Protection Act in regard to LOOP's current operations and its pending Oil Bi-Directional proposal.

We ask that your responses include the relevant authorizing law(s) for which your agency maintains jurisdiction, the dates of permit issuance and expiration, and the status of any related pending permitting actions. For this purpose, attached is a chart for you to complete and return to MARAD for review.

We would greatly appreciate your prompt responses by December 29, 2017.

Should you have any questions or concerns regarding this request, please feel free to contact Ms. Yvette Fields, Director, Office of Deepwater Ports and Port Conveyance at 202-366-0926 or by email at Yvette.fields@dot.gov.

Regards,

Yvette M. Fields

Director, Office of Deepwater Ports and Port Conveyance

U.S. Department of Transportation

Maritime Administration

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(202) 366-0926 (Office)

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PRIVILEGED AND CONFIDENTIAL

PRE-DECISIONAL; DO NOT RELEASE UNDER FOIA

-----Original Appointment-----
From: Borland, Curtis [mailto:Curtis.E.Borland@uscg.mil]
Sent: Tuesday, November 28, 2017 1:33 PM
To: Borland, Curtis; Fields, Yvette (MARAD); Morefield, Wade (MARAD); terri.thomas@boem.gov; t.j.broussard@bsee.gov; Jarvis Abbott; 'Lawrence, Rob'; robinson.jeffrey@epa.gov; michael.tucker@noaa.gov; Giordano, Alfred (PHMSA); Massimi, Elizabeth L CDR; Youde, Steven M LCDR; Bachman, Roddy C CIV; McKitrick, Bradley CIV; Perez, Jose A CDR; Perera, Melissa E CIV; Tone, Kevin P CIV; Vasanth, Pavagada N CIV; Pucci, Michael (MARAD); Shepherd II, Thomas (MARAD); Gilson, Kristine (MARAD)
Cc: Brennan, Bernadette (MARAD)

Subject: Louisiana Offshore Oil Port (LOOP) - Oil Export Proposal
When: Thursday, December 07, 2017 2:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Teleconference

When: Thursday, December 07, 2017 2:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Teleconference

Note: The GMT offset above does not reflect daylight saving time adjustments.

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Good afternoon All,

Recently, I asked LOOP to provide supplemental information on their main oil line conversion Environmental Impact Assessment. Attached is LOOP's response (with attachments). While I encourage all to review before our call on Thursday, I am particularly interested in EPA's and BSEE/BOEM's view regarding LOOP's conclusion that "EPA has no jurisdiction over the [offshore] terminal or operations which take place there." (See Air Emissions Regulatory Authority Determination.pdf, Page 1 – Summary of Conclusions).

Good afternoon All,

After some sorting out of schedules, it appears we have critical mass to hold a teleconference on the subject issue. Date: Thursday, December 7; Time: 1400 – 1500 Eastern/1300 – 1400 Central.

Attached is my original email with a brief list of agenda items and two attachments: 1) LOOP's Environmental Impact Analysis of the conversion of its main oil line to bi-directional flow, and 2) A LOOP prepared project description. Both documents should be considered to contain business confidential information and not be sent to other parties outside of your Agency. Determinations of releasability will be made by the Coast Guard in consultation with LOOP. Please feel free to forward this invitation to others in your Agency who may have an interest.

Call-in information: (202) 475-4000

Passcode: 56155997#

I will energize the circuit five minutes before the start time.

All the best,

Curtis Borland

Attorney/Advisor

U.S. Coast Guard Headquarters

Office of Operating & Environmental Standards – Maritime International Law

(202) 372-1444