Texas Oil Terminal/Clean Air Act: U.S. Environmental Protection Agency Letter Requesting Air Permit Withdrawal/Hazardous Air Pollutants Emission Reduction

Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

09/08/2022

The United States Environmental Protection Agency ("EPA") in a September 1st letter to Bluewater Texas Terminals, LLC, ("Bluewater") addressed pending Clean Air Act permit applications for the proposed Bluewater Texas Deepwater Port ("DWP").

The DWP would be an offshore oil terminal near Corpus Christi, Texas.

EPA on November 12, 2020, had provided notice of and requested public comment on actions to be undertaken addressing:

- Clean Air Act Prevention of Significant Deterioration ("PSD") preconstruction permit
- Clean Air Act Title V operating permit
- Draft Notice of Maximum Available Control Technology ("MACT") approval

EPA states in its September 1st letter that during the comment period a number of environmental community groups objected to aspects of the proposed air permits. The federal agency further notes in its September 1st letter to Bluewater that the comments received included the request that:

. . . the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Marine Tank Vessel Loading Operations (40 CFR Part 63, Subpart Y) should apply to the proposed project and should be required to reduce Hazardous Air Pollutants emissions by 95 weight-percent.

After receiving such comments, reviewing the regulatory text, and the rulemaking record for the development of Subpart Y, EPA concluded Subpart Y should apply to the proposed DWP project.

As a result, EPA provides Bluewater until September 15th to withdraw and revise its permit applications to include pollution controls that meet the Subpart Y requirements for new major offshore loading terminals. In the event that it does not withdraw the existing air permit applications, EPA states it will proceed with completing a response to comments and issue a final permit decision based upon the current administrative record.

A copy of the September 1st letter can be downloaded here.