



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 6  
1201 ELM STREET, SUITE 500  
DALLAS, TEXAS 75270

September 1, 2022

Mr. B.R. Sutaria, Vice President  
Bluewater Texas Terminals, LLC  
2331 City West Boulevard  
Houston, Texas 77042

RE: Clean Air Act (CAA) Permits for the Bluewater Texas Terminal (BWTX) Deepwater Port (DWP) Facility,  
located in the Gulf of Mexico.

Dear Mr. Sutaria:

On November 12, 2020, the U.S. Environmental Protection Agency provided notice of, and requested public comment on, the proposed actions relating to the Clean Air Act (CAA) draft Notice of MACT Approval (NOMA), Prevention of Significant Deterioration (PSD) preconstruction permit and title V operating permit for the proposed Bluewater Texas Deepwater Port (DWP). The EPA proposed to issue the NOMA under Section 112(g) of the CAA, the PSD permit in accordance with the PSD regulations governing EPA-issued permits under 40 CFR § 52.21, and the title V permit in accordance with the title V regulations governing EPA-issued permits under 40 CFR Part 71. During the 30-day public comment period, multiple comment letters were posted to the BWTX DWP public permit docket. The comment letters are available for viewing through the online docket at [www.regulations.gov](http://www.regulations.gov) under docket identification number: EPA-R06-OAR-2020-0510.

During the comment period, including the requested virtual public hearing sessions that were conducted during that time, the EPA received substantive public comments on the proposed PSD and title V permits, including comments 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 reviewing the comments received, the regulatory text and the rulemaking record for the development of Subpart Y, the EPA believes that Subpart Y should apply to the proposed DWP project.

At this time, we are providing BWTX the opportunity to withdraw and revise its permit applications to include pollution controls that meet the Subpart Y requirements for new major offshore loading terminals. The EPA requests that BWTX notify this office of its intent to withdraw the existing 112(g) and permit applications no later than **September 15, 2022**.

If BWTX prefers not to withdraw the existing applications, the EPA will proceed with completing a response to comments and will issue a final permit decision based upon the current administrative record. If you have any questions, please contact our Air Permits Section Chief, Cynthia Kaleri at (214) 665-6772, or the permit writer for this project, Aimee Wilson at (214) 665-7596.

Sincerely,

David F. Garcia, P.E.  
Director  
Air and Radiation Division