

APPENDIX V

Final General Conformity Determination

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**Sea Port Oil Terminal
Deepwater Port Project
Final General Conformity Determination**

May 2022

Maritime Administration
U.S. Coast Guard

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Determination

ACRONYMS AND ABBREVIATIONS

Acronym	Definition
Applicant	SPOT Terminals, LLC
bbbl	barrel
CAA	Clean Air Act
CFR	Code of Federal Regulations
DWP	deepwater port
ECHO	Enterprise Crude Houston
HGB	Houston-Galveston-Brazoria
MARAD	Maritime Administration
NAAQS	National Ambient Air Quality Standards
NO _x	nitrogen oxides
PLEM	pipeline end manifold
Project	SPOT Project
SIP	state implementation plan
SPOT	Sea Port Oil Terminal
SPOT Project	Sea Port Oil Terminal Deepwater Port Project
U.S.	United States
USCG	United States Coast Guard
USEPA	United States Environmental Protection Agency
VOC	volatile organic compound

1. INTRODUCTION

In accordance with the National Environmental Policy Act of 1969 and the Clean Air Act (CAA), the United States (U.S.) Department of Transportation, Maritime Administration (MARAD) and the United States Coast Guard (USCG) have prepared this final General Conformity Determination to ensure that the Sea Port Oil Terminal (SPOT) Deepwater Port Project (Project or SPOT Project) conforms with the Texas State Implementation Plan (SIP). This review and determination is triggered by emissions from construction activities proposed by SPOT Terminals, LLC (the Applicant) that would exceed the applicable General Conformity *de minimis* threshold of 50 tons per year of nitrogen oxides (NO_x) or volatile organic compounds (VOCs) set by “Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Several Areas Classified as Moderate for the 2008 Ozone National Ambient Air Quality Standards” (84 Fed. Reg. 44238, August 23, 2019) within the Houston-Galveston-Brazoria (HGB) area. The HGB area includes Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller counties, and extends 9 nautical miles offshore over state water. The attainment deadline for the HGB nonattainment area was July 20, 2021.

Pursuant to Title 40 Code of Federal Regulations (CFR) Parts 93.155 and 156, the draft General Conformity Determination was placed on public notice for 30 days starting October 8, 2021. Responses to comments received on the draft General Conformity Determination are included in Attachment B.

Pursuant to Title 40 CFR Parts 93.155 and 156, notice is being provided that this final General Conformity Determination is available to the public.

The SPOT Project would consist of construction of new onshore facilities and pipeline installation in Harris and Brazoria counties in Texas, as well as construction of offshore components associated with the deepwater port (DWP). For further information on the environmental impacts of the Project, including air quality impacts, see the Final Environmental Impact Statement to be issued on January 31, 2020.¹ Construction and operation of the Project is contingent on MARAD approval (or approval with conditions) of a license.

2. SPOT PROJECT FACILITIES

The Project would consist of both onshore and offshore components. The onshore components of the Project would include:

- Modifications to the existing Enterprise Crude Houston (ECHO) Terminal, located on the southeast side of Houston, Texas just east of Pearland, Texas, including four electric motor-driven mainline crude oil pumps, four electric motor-driven booster crude oil pumps, and one measurement skid to support delivery of crude oil to the proposed Oyster Creek Terminal;
- One 50.1-mile, 36-inch-diameter pipeline from the existing ECHO Terminal to the proposed Oyster Creek Terminal (hereafter referred to as the ECHO to Oyster Creek Pipeline);

¹ The Final Environmental Impact Statement can be viewed at www.regulations.gov under docket number MARAD-2019-0011.

- One pipeline interconnection from the existing Rancho II 36-inch-diameter pipeline to the ECHO to Oyster Creek Pipeline, at the existing Rancho II Junction facility;
- A new Oyster Creek Terminal, including six electric motor-driven mainline crude oil pumps with the capacity to push crude oil to the offshore pipelines at a rate of up to 85,000 barrels (bbl) per hour; four electric motor-driven booster crude oil pumps; seven aboveground storage tanks (each with a capacity of 685,000 bbl [600,000 bbl of working storage]) for a total onshore storage capacity of approximately 4.8 million bbl (4.2 million bbl working storage) of crude oil; metering equipment; two permanent and one portable vapor combustion units; and a firewater system;
- Two collocated 12.2-mile, 36-inch-diameter crude oil pipelines from the Oyster Creek Terminal to the shore crossing where the onshore pipelines meet the offshore pipelines supplying the SPOT DWP (hereafter referred to as the Oyster Creek to Shore Pipelines); and
- Ancillary facilities for the onshore pipelines, including ten mainline valves, of which six would be along the ECHO to Oyster Creek Pipeline and four along the Oyster Creek to Shore Pipelines, pig launchers for the ECHO to Oyster Creek Pipeline, and pig launchers and receivers for the Oyster Creek to Shore Pipelines.

The offshore components of the Project would include:

- Two collocated, bi-directional, 46.9-mile, 36-inch-diameter crude oil offshore pipelines for crude oil delivery;
- One fixed offshore platform with eight piles, four decks, and three vapor combustion units;
- Two single point mooring buoys to concurrently moor two very large crude carriers or other crude oil carriers with capacities between 120,000 and 320,000 deadweight tonnage for loading up to 365 days per year, including floating crude oil and vapor recovery hoses (SPOT 2019a, Application, Vol IIa, Section 1; EIA 2014; Maritime Connector 2019);
- Four pipeline end manifolds (PLEM)—two per single point mooring buoy—to provide the interconnection with pipelines;
- Four 0.66-nautical mile, 30-inch-diameter pipelines (two per PLEM) to deliver crude oil from the platform to the PLEMs;
- Four 0.66-nautical mile, 16-inch-diameter vapor recovery pipelines (two per PLEM) to connect the very large crude carrier or other crude oil carrier to the three vapor combustion units on the platform;
- Three service vessel moorings, located in the southwest corner of Galveston Area lease block 463 and;
- An anchorage area in Galveston Area lease block A-59, which would not contain any infrastructure.

The General Conformity analysis detailed herein outlines whether portions of the Project are applicable to General Conformity. Where General Conformity is applicable, the analysis determines whether construction and operation would conform to the applicable state SIP.

3. GENERAL CONFORMITY REGULATORY BACKGROUND

The U.S. Environmental Protection Agency (USEPA) promulgated the General Conformity Rule on November 30, 1993, to implement the conformity provision of Title I, section 176(c)(1) of the CAA. Section 176(c)(1) states that “any department, agency, or instrumentality of the federal government shall not engage in, support in any way or provide financial assistance for, license or permit, or approve, any activity that does not conform to an approved CAA implementation plan.” The General Conformity Rule is codified in 40 CFR Part 93, Subpart B.

The General Conformity Rule applies to all Federal actions occurring in areas specifically listed as nonattainment or maintenance areas in 40 CFR Part 81, Subpart C, except Federal actions related to transportation plans, programs, and projects developed, funded, or approved under Title 23 U.S.C. or the Federal Transit Act (49 U.S.C. § 1601 et seq).

3.1. GENERAL CONFORMITY REQUIREMENTS

Conformity under Title I, section 176(c)(1) of the CAA, means to conform to the purpose of a SIP to eliminate or reduce the severity and number of violations of the National Ambient Air Quality Standards (NAAQS) and achieving expeditious attainment of such standards. A proposed action or activity cannot:

- Cause or contribute to new violations of any NAAQS in any area;
- Increase the frequency or severity of any existing violation of any NAAQS in the area; or
- Delay timely attainment of any NAAQS, interim emission reductions, or other milestones in the area.

The General Conformity Rule applies to air pollutant emissions (direct and indirect) associated with Federal actions as defined in 40 CFR § 93.152 and ensures that the emissions do not contribute to air quality degradation or prevent the achievement of state and Federal air quality goals. General Conformity, if applicable to the action, refers to the process of evaluating the action to determine and demonstrate that it satisfies the requirements of the approved SIP. The purpose of the General Conformity Rule is to encourage Federal agencies to consult with state and local air quality districts so these regulatory entities are aware of the expected impacts of the Federal action and ensure the action meets the approved SIP.

3.2. GENERAL CONFORMITY PROCESS

The General Conformity process for a proposed action involves two distinct steps: applicability analysis and conformity determination.

1. The applicability analysis is an assessment of whether a proposed action is subject to the General Conformity Rule. If the General Conformity Rule is applicable for a proposed action, then a General Conformity Determination may be required.
2. A General Conformity Determination is an assessment of how a proposed action conforms to the applicable SIP.

An applicability analysis is required for any Federal action that is in a nonattainment or maintenance area and for which associated emissions associated may have the potential to exceed the applicability threshold

specified in 40 CFR § 93.153(b)(1) and (2). If emissions would exceed these thresholds, then a General Conformity Determination is required.

The General Conformity process does not include a review of new sources or existing source modifications that are subject to state or Federal New Source Review permitting. Under the General Conformity Rule, these sources are presumed to comply with the SIP by completing the applicable air permitting process with the jurisdictional agency.

If a General Conformity Determination is required for the proposed action, an evaluation must be performed to determine if the action conforms to the SIP. MARAD and the USCG are the co-lead Federal agencies responsible for processing the DWP license application submitted by the Applicant for the SPOT Project. MARAD’s Federal action will be to approve, disapprove, or approve with conditions a license for the SPOT DWP. As the licensing agency, MARAD is also responsible for making the General Conformity Determination. As required under General Conformity, an applicability analysis was performed for the Project to determine if the total direct and indirect emissions for criteria pollutants in nonattainment or maintenance areas would exceed the rates specified in 40 CFR § 93.153(b)(1) and (2). The results are presented in Section 4.0, General Conformity Applicability, and show that the SPOT Project would exceed the applicability threshold within the HGB 8-Hour Ozone (USEPA 2008) nonattainment area. MARAD’s General Conformity Determination is presented in Section 5.0, General Conformity Analysis.

4. GENERAL CONFORMITY APPLICABILITY

The General Conformity Rule applies only to actions in a nonattainment or maintenance area, and the applicability thresholds apply for those portions of the Project within each area. The General Conformity applicability thresholds are based on the attainment classification for each pollutant. Table 4-1 provides a summary of the applicable nonattainment areas, the pollutants/precursor for which they are listed, and the applicability thresholds for each pollutant/precursor.

Table 4-1: General Conformity Applicability Thresholds

Pollutant	Nonattainment / Maintenance Area	Pollutant or Precursor	Applicability Threshold (tons/year)
Ozone	Houston-Galveston-Brazoria, Texas	VOC and NO _x	50

Source: 84 Federal Register 164 (August 23, 2019)

NO_x = nitrogen oxides; VOC = volatile organic compounds

The SPOT Project’s onshore construction workspace would be within the HGB ozone nonattainment area. Since August 23, 2019 the area has been classified as a serious nonattainment area for ozone because the HGB area missed its 2008 ozone moderate nonattainment area attainment date of July 20, 2018 (as prescribed in 80 Fed. Reg. 12264, March 6, 2015). Additionally, the ozone nonattainment area extends 9 nautical miles offshore over state waters. Therefore, a portion of the offshore pipeline construction workspace would be within the nonattainment area. In addition, onshore operational emissions and a portion of the offshore operational emissions (helicopter and supply vessel trips to/from shore to the DWP) would also be subject to review under the General Conformity Rule.

Ground level ozone, is not emitted directly into the air, but is created by chemical reactions between NO_x and VOCs. Breathing ozone can trigger a variety of health problems including chest pain, coughing, throat irritation, and airway inflammation. It can also reduce lung function and harm lung tissue. Ozone can worsen bronchitis, emphysema, and asthma, leading to a need for increased medical care (USEPA 2019).

NO_x and VOCs are referred to as precursor pollutants, and are regulated to control ozone formation. NO_x, which are a combination of nitric oxide and nitrogen dioxide, react with VOCs in the presence of sunlight. NO_x may also react with water and ammonia in the atmosphere to form nitric acid, which is a significant component of smog and acid rain. VOCs are organic compounds that have a high vapor pressure at ambient temperatures. VOCs are ubiquitous, and include alcohols, solvents, methane, and ammonia, among others.

Table 4-2 presents the construction emissions that would occur within the HGB ozone nonattainment for the SPOT Project for calendar years 2023 to 2025, during which construction would be completed if the Project is licensed and retains the currently proposed schedule[A1].

Direct and indirect construction emissions in the HGB ozone nonattainment area are estimated to exceed the General Conformity threshold of 50 tons per year for NO_x. Emission sources that are subject to the General Conformity Applicability Analysis include the onshore and offshore Project construction emissions that are proposed to occur in 2024.

Table 4-3 presents the estimated annual operational emissions, including helicopter trips and supply vessel transits, that would occur within the HGB ozone nonattainment area that are subject to review under the General Conformity Rule. These emissions would be below the General Conformity threshold.

Table 4-2: Construction Emissions Summary for the SPOT Project (2023 to 2025)

Nonattainment Area	Emissions (tons/year)	
	NO _x	VOC
Onshore Construction - Year 1	35.5	5.9
Offshore Construction – Year 1	0.0	0.0
<i>Total Project Year 1 (2023)</i>	35.5	5.9
Onshore Construction – Year 2	24.0	5.1
Offshore Construction – Year 2	74.8	1.3
<i>Total Project Year 2 (2024)</i>	98.8	6.4
Onshore Construction – Year 3	0.0	0.0
Offshore Construction – Year 3	0.8	<0.1
<i>Total Project Year 3 (2025)</i>	0.8	<0.1

Source: SPOT 2022, Response to Information Request #359.

NO_x = nitrogen oxides; VOC = volatile organic compound

Note 1: Total emissions in bold italics indicate exceedances of the *de minimis* threshold.

Note 2: These emissions were calculated using the USEPA’s MOVES 2014b modeling software (USEPA 2014) and the USEPA’s Port Emissions Inventory Guidance: Methodologies for Estimating Port-Related Goods Movement Mobile Source Emissions (USEPA 2020).³

³ Detailed information on calculation methodology for each emission source is available in the SPOT Application, Volume IIa, Appendix N (SPOT 2019a) and the Applicant’s Updated Responses to Information Requests #62, #276, #285, #316, and #331 (SPOT 2020), all of which can be found at www.regulations.gov under docket number MARAD-2019-0011.

Table 4-3: Operation Emissions Summary for the SPOT Project

Nonattainment Area	Emissions (tons/year)	
	NO _x	VOC
Annual Emissions	1.2	0.1

Source: SPOT 2019b, Response to Information Request #276.

NO_x = nitrogen oxides; VOC = volatile organic compound

Based on the emission estimates in Table 4-2, the NO_x emissions for the HGB ozone nonattainment area in 2024 would exceed the General Conformity applicability threshold value of 50 tons per year, as a precursor pollutant to ozone. Because the emissions from the Project in the HGB ozone nonattainment area would exceed the applicability threshold for NO_x, a General Conformity Determination must be completed to assess the conformance of the Project’s emissions to the approved requirements and emission budgets within the Texas SIP for 2018 (TCEQ 2018). These emissions are referred to within this determination as the “General Conformity Project emissions.”

5. GENERAL CONFORMITY ANALYSIS

Under 40 CFR Part 93, Subpart B, a Federal action required to have a conformity determination for a specific pollutant would be determined to conform to the SIP if it meets one of several requirements in 40 CFR § 93.158.

The General Conformity Determination is based on the 8-hour ozone standard and the corresponding attainment date. For the HGB Ozone Nonattainment Area, the most recently approved SIP revision is the 2018 Houston-Galveston-Brazoria (HGB) Redesignation Request and Maintenance Plan for the One-Hour and 1997 Eight-Hour Ozone Standards (TCEQ 2018). These revisions were adopted by the TCEQ on December 12, 2018 and include a request that the HGB area be redesignated to attainment for the revoked one-hour and 1997 eight-hour ozone NAAQS. The revisions also include a maintenance plan that would ensure the area remains in attainment of the revoked one-hour and 1997 eight-hour ozone standards through 2032. EPA’s approval of the redesignation request and maintenance plan for the revoked ozone standards was published in the Federal Register on February 14, 2020. The TCEQ adopted additional revisions to the SIP on March 4, 2020 based on a reclassification from moderate to serious for the 2008 eight-hour ozone NAAQS (TCEQ 2020). This SIP revision has been approved and was made final by the USEPA on May 10, 2021 (86 Fed. Reg. 24717, May 10, 2021).

All of the SPOT Project construction emissions above the General Conformity applicability thresholds are expected to occur in the HGB ozone nonattainment area. The criteria for determining conformity are provided in 40 CFR § 93.158. An action would be determined to conform for a specific pollutant if it meets the requirements of 40 CFR § 93.158(c) and any of the applicable requirements in 40 CFR § 93.158(a)(1) through (5). Section 40 CFR § 93.158(c) requires the total of direct and indirect emissions from the action to be in compliance with all relevant requirements and milestones contained in the applicable SIP. Sections 40 CFR § 93.158(a)(1) through (5) provide a number of pollutant- and state-specific options for demonstrating conformity. The Applicant has indicated that it would demonstrate compliance with the Texas SIP requirements, in accordance with 40 CFR § 93.158(c), as discussed in Section 5.2, Conformity with State Implementation Plan.

MARAD has reviewed the information provided by the Applicant and concludes the Project would comply with the Texas SIP requirements. MARAD submitted its General Conformity Determination to TCEQ and the USEPA, and the TCEQ has concurred with MARAD’s determination (Attachment A).

5.1. CONSISTENCY WITH RELEVANT TEXAS STATE IMPLEMENTATION PLAN REQUIREMENTS AND MITIGATION MEASURES

The NO_x emission control measures and regulations included in the Texas SIP that may potentially apply to the Project are listed in Table 5-1.

Table 5-1: Control Measures in the Texas State Implementation Plan

Emission Control Measures	Type	Potential Direct Applicability to the Project
Emissions Standards for Large Spark Ignition Engines	Federal	Construction equipment and marine vessels less than 175 horsepower
Reformulated Gasoline Program	Federal	Delivery and commuter vehicles
Vehicle Inspection and Maintenance Program	State	Delivery and commuter vehicles
Emissions Reduction Plan	State	Delivery and commuter vehicles, construction equipment
Texas Low Emission Diesel	State	Construction and off-road equipment, diesel fuel reformulation
Transportation Control Measures	State	Delivery and commuter vehicles
Voluntary Mobile Emissions Reduction Program	State	Delivery and commuter vehicles

Source: TCEQ 2019

Several of the measures identified in Table 5-1 would also indirectly affect the emissions from the proposed Project through implementation of new Federal standards for manufacturers (such as reformulated fuel and engines) contained in USEPA’s Tier 4 emission standards and reformulated gasoline program. During construction of the proposed facilities, SPOT would use construction equipment powered by diesel engines, which, depending on equipment type and age, are subject to these Federal programs. Implementation and compliance with these programs would be required of the manufacturers. As such, the Project would meet the requirements of 40 CFR § 93.158(c) for complying with all relevant requirements and milestones contained in the Texas SIP.

5.2. CONFORMITY WITH STATE IMPLEMENTATION PLAN

The construction-related emissions caused by the Project in the HGB ozone nonattainment area are not specifically identified in the SIP; however, the SIP identifies air emission growth allowance for particular activities. Preliminary conversations with Texas Commission on Environmental Quality staff indicate that the construction-related emissions caused by the Project, along with all other construction-related emissions in the area, would not exceed the air emission growth allowance for 2024. Specifically, the emissions from the action that are subject to general conformity requirements, combined with all other emissions in the non-attainment area, would not exceed the excess non-road emission creditable reductions available in the applicable SIP revision after demonstrating reasonable further progress and allocating a safety margin for transportation conformity purposes. The applicable SIP revision for this action is the *Reasonable Further Progress State Implementation Plan Revision for the Houston-*

Galveston-Brazoria 2008 Eight-Hour Ozone Nonattainment Area, adopted December 15, 2016 and approved by the USEPA February 13, 2019 (84 Fed. Reg. 3708).

5.3. ONGOING COMPLIANCE

If licensed, MARAD would require, as a condition of the license, that the Applicant provide ongoing construction and operations progress reports, which would allow MARAD to track the progress of the activities subject to the General Conformity Determination, as outlined in 40 CFR § 93.157. In the event that the Project schedule is modified and the *de minimis* threshold is exceeded in a calendar year beyond 2024, the General Conformity determination would need to be reevaluated.

6. REFERENCES

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- _____. 2019b. Response to Information Request #276. December 10, 2019.
- _____. 2022. Response to Information Request #359. June 2, 2022.
- TCEQ (Texas Commission on Environmental Quality). 2018. *SIP Revision: Houston-Galveston-Brazoria (HGB) Redesignation Request and Maintenance Plan for the One-Hour and 1997 Eight-Hour Ozone Standards, December 12, 2018*. Accessed December 3, 2019. Available online at: https://www.tceq.texas.gov/assets/public/implementation/air/sip/sipdocs/2018-19_OzoneRedesignations/2018_HGB_1hr-1997Ozone_Redes_archive.pdf.
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- _____. 2020. Port Emissions Inventory Guidance: Methodologies for Estimating Port-Related Goods Movement Mobile Source Emissions. Dated September, 2020. Available online at: <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P10102U0.pdf>.

ATTACHMENT A

TCEQ Concurrence Letter

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 1, 2021

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Commandant (CG-OES-2)
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Maritime Administration (MAR-530)
1200 New Jersey Ave. SE
Room W21-310
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Via Email

Subject: General Conformity Concurrence for the Sea Port Oil Terminal Deepwater Port Project

Dear CDR Greenway and Yvette Fields:

The Texas Commission on Environmental Quality (TCEQ) completed its review of the December 2020 revision to the General Conformity Determination for the Sea Port Oil Terminal Deepwater Port Project received December 21, 2020 as well as the subsequent revisions received February 16, 2021 and February 23, 2021. The TCEQ reviewed the action in accordance with the general conformity requirements established in Title 40 Code of Federal Regulations (CFR) Part 93 Subpart B and concurs with the demonstration submitted by the United States Coast Guard (USCG) and United States Department of Transportation Maritime Administration (MARAD) that the project conforms to the Texas State Implementation Plan (SIP).

The proposed action is located in the Houston-Galveston-Brazoria (HGB) ozone nonattainment area, which is currently classified by the United States Environmental Protection Agency (EPA) as serious for the 2008 eight-hour ozone National Ambient Air Quality Standard (NAAQS) and marginal for the 2015 eight-hour ozone NAAQS. General conformity requirements apply according to the serious classification because that is the more stringent standard. The USCG and MARAD presented data demonstrating that the proposed action, spanning three years, would result in nitrogen oxides (NO_x) emissions that exceed the general conformity *de minimis* threshold of 50 tons per year (tpy) in project year two, with estimated emissions of 101.0 tpy. The proposed action is expected to occur from 2022 through 2024; however, due to a potential 12-month delay (2023 through 2025), conformity must be demonstrated for project year two emissions in 2023 and 2024.

The general conformity demonstration for this action relies on 40 CFR §93.158(a)(5)(i)(a), which requires that the state determine and document that the total direct and indirect emissions from the proposed action will not exceed the emissions budget specified in the applicable SIP revision. The general conformity emissions budget used for this demonstration was allocated from the *Reasonable Further Progress SIP Revision for the HGB 2008 Eight-Hour Ozone Nonattainment Area*, adopted by the TCEQ December 15, 2016 and approved by the EPA February 13, 2019 (84 FR 3708). Based on the general conformity emissions budget allocated from the applicable SIP revision, the TCEQ concurs with the USCG's and MARAD's demonstration.

Thank you for providing the information necessary to evaluate the proposed action. We appreciate any appropriate updates as this project progresses, and we look forward to working with you on upcoming projects in Texas. If you require further assistance on this matter, please contact Jamie Zech of the Air Quality Division at 512-239-3935 or jamie.zech@tceq.texas.gov.

Sincerely,



Donna F. Huff, Deputy Director
Air Quality Division

cc: Guy Donaldson, Branch Chief, EPA Region 6 Air & Radiation Division

ATTACHMENT B

Response to Comments Received on the Draft General Conformity Determination

Substantive Comments on the Draft General Conformity Determination and Responses

Comment Code	Comment Text	Response
GI-67-1	I would suggest the route be moved further SW to minimize disruption in the Surfside Beach residential area - see PDF. This would mitigate impacts to that residential area, and keep the onshoring facilities away from residences in the unlikely event of an incident...The deviation I suggest follows existing ROWs when possible, and avoids existing and likely high-value residential impacts and high-value wetlands.	Thank you for your comment. The proposed reroute is considered in Section 2.5.3 of the FEIS.
DUP1-1	Brazoria County is home to three wildlife refuge areas, which serve as a safe haven for endangered species. Including sea turtles and rare birds. An oil spill from the offshore pipeline, or spills of drilling fluids used during construction, could permanently damage our water systems.	Wildlife and protected species are addressed in FEIS Sections 3.5 and 3.7, and Appendix E. The risk of an oil spill is addressed in Section 4.6 and Appendix H of the FEIS.
DUP1-2	Brazoria County is already OVERBURDENED with pollution from existing facilities. According to the Texas Department of State and Health Services, residents of Brazoria County develop cancer at significantly higher rates than the national average. The most prominent of which include a type of childhood leukemia. The SPOT project could put the lives of Brazoria County residents at risk. Large crude oil terminals and loading operations (the likes of which the SPOT project would create) are known to release harmful chemicals (known as volatile organic compounds). These compounds often lead to respiratory issues and could cause severe damage to our liver, kidney, and central nervous system.	The General Conformity analysis focuses on the potential impacts of project VOC and NOx from construction emissions on the ozone attainment status of the Houston-Galveston-Brazoria area. Cancer cluster studies are addressed in 3.15.4.1. Air quality and cumulative impact analyses are included in Sections 3.12 and 5.3.7.3 of the FEIS.
DUP2-1	Nitrogen dioxide (NOx) and VOCs are ozone precursors. The proposed SPOT Project would emit significant amounts of both. MARAD acknowledges these concerning facts.	The General Conformity analysis has been prepared in cooperation with the USEPA and TCEQ to ensure that the air emissions subject to review under General Conformity conform to the State Implementation Plan (SIP). The TCEQ has provided concurrence that the Project, with mitigation measures outlined in the General Conformity analysis, will conform to the current SIP, which includes measures to bring ozone levels into attainment with National Ambient Air Quality Standards (NAAQS).
DUP2-2	MARAD and SPOT both acknowledge the [Project]...comprises a single oil-export-terminal project that crosses a large swathe of the HGB ozone nonattainment area. Yet this Draft General Conformity determination does not acknowledge that Environmental Protection Agency (EPA) Region 6 and the Texas Commission on Environmental Quality (TCEQ) improperly segmented the proposed facility when they conducted their air permit reviews. Instead of permitting the Project as a single source, EPA Region 6 and TCEQ analyzed the onshore and offshore portions separately. Failure to aggregate the emissions for the full project, circumvents more stringent review and permitting requirements under the Clean Air Act and TCEQ's State Implementation Plan (SIP). For example, had the EPA Region 6 and TCEQ permitted the Project as a single source, SPOT would need more stringent controls and obtain emission offsets. MARAD must not finalize this Draft General Conformity determination nor presume SPOT complies with the SIP. Instead, MARAD must submit a revised air impact analysis that takes into consideration the emission controls and reductions that would apply to the Project as a single source.	The General Conformity analysis focuses on the potential impacts of project VOC and NOx from construction emissions on the ozone attainment status of the Houston-Galveston-Brazoria area. The air emissions analysis prepared in support of the General Conformity analysis was completed based on guidance included in Title 40, Part 93 of the Code of Federal Regulations, and was reviewed by USEPA and TCEQ staff prior to being published by MARAD and USCG. The data accurately represent potential air emissions subject to review under General Conformity. The emissions calculations for the offshore portion of the pipeline construction prepared in support of the General Conformity analysis included offshore construction within state waters (9 nm). Only a very minor portion of the operational emissions associated with the Project are subject to General Conformity review (see Table 4-3 of the General Conformity analysis).

Comment Code	Comment Text	Response
DUP-3-1	The world is facing an ever worsening climate crisis with one climate related disaster after another. We need to start phasing out the fossil fuel infrastructure we currently have, not building more.	Thank you for your comment. The General Conformity Determination is limited to an analysis of NAAQs. The climate change assessment is included in Section 5.3.7.3 of the FEIS.
DUP-3-2	The Gulf Coast is one of the most fossil fuel impacted areas in the world. The last thing the region and its inhabitants need is another gigantic fossil fuel project that will lead to even worse air quality and increase the risk of still more fossil fuel	The General Conformity analysis focuses on the potential impacts of project VOC and NOx from construction emissions on the ozone attainment status of the Houston-Galveston-Brazoria area. This comment is addressed by the air quality analysis included in Section 3.12 of the FEIS.
DUP-4-1	The people in Texas deserve clean water, land and air and this project will make it impossible for that.	The General Conformity analysis focuses on the potential impacts of project VOC and NOx from construction emissions on the ozone attainment status of the Houston-Galveston-Brazoria area. This comment is better addressed by the water quality, air quality, and land use analyses included throughout Chapter 3 of the FEIS.
GI-14-1	Leave the filthy fossil fuel in the ground so people can work at jobs that actually benefit real people and our country! There are so many viable alternatives to fossil fuels that it is completely irresponsible and reckless to continue with projects like this one.	Thank you for your comment. The General Conformity Determination is limited to an analysis of NAAQs. The proposed project does not include extraction.
GI-15-1	Thousands of Gulf communities are already suffering unduly because of human-made climate change, and adding yet another air- and noise-polluting monstrosity would only increase their burden.	Thank you for your comment. The General Conformity Determination is limited to an analysis of NAAQs. Air quality and noise assessments are included in Sections 3.12 and 3.13 of the FEIS.
GI-15-2	There should be an automatic NO on projects such as this, which indisputably violate all air quality standards.	Thank you for your comment. The General Conformity Determination is limited to an analysis of NAAQs. The air quality assessment is included in Section 3.12 of the FEIS. The air emissions analysis prepared in support of the General Conformity analysis was completed based on guidance included in Title 40, Part 93 of the Code of Federal Regulations, and was reviewed by USEPA and TCEQ staff prior to being published by MARAD and USCG. The data accurately represent potential air emissions subject to <u>review under General Conformity</u> .
GI-20-1	No need to worry about the damage that oil and its pipelines cause, when the planet is dead and we have all choked to death there will be no need to worry, so you carry on taking the money and enjoying yourselves.	Thank you for your comment. The General Conformity Determination is limited to an analysis of NAAQs.
GI-26-1	As long as the money's good, the approval will be there!	Thank you for your comment. The General Conformity Determination is limited to an analysis of NAAQs.
GI-26-2	We can't afford another leak in the Gulf of Mexico. Soon we'll have a useless dead zone [in the Gulf of Mexico], the oil companies will pack up their money and we'll be left with another taxpayer cleanup.	Thank you for your comment. The General Conformity Determination is limited to an analysis of NAAQs.
GI-30-1	WHY NOT JUST KILL ALL MARINE LIFE/BIRDS ETC... NOW! AND POISON THE RESIDENTS WHO DEPEND ON FISHING IN THE GULF!!!	Thank you for your comment. The General Conformity Determination is limited to an analysis of NAAQs.
GI-31-1	There is [out] of control global warming largely from oil.	Thank you for your comment. The General Conformity Determination is limited to an analysis of NAAQs.
GI-36-1	It is incredible that in a time when new renewable energy plants and be build from the ground up and still produce power cheaper than operating an existing fossil fuel plant.	Thank you for your comment. The General Conformity Determination is limited to an analysis of NAAQs.

Comment Code	Comment Text	Response
GI-36-2	This trans-shipment port will cause fuel prices to be raised on Americans, inflict considerable pollution in the communities and heap nearly all benefits on oil corporations and their shareholders while denying that same benefit to the residents forced to endure its ongoing contamination of the community.	Thank you for your comment. The General Conformity Determination is limited to an analysis of NAAQs.
GI-37-1	We also already have enough oil leaks from pipelines in the Gulf area - it's not a question of "if" a pipeline will leak but of "when & how much". Add that to the atmospheric pollution & land/water contamination generated by these projects (which are really one) in an already over-polluted area, and there's no way that the end can justify the means. The cost to our people & planet are too great.	The General Conformity Determination is limited to an analysis of NAAQs. The risk of an oil spill is addressed in Section 4.6 and Appendix H of the FEIS. Operational emissions associated with the Project are included in Section 3.12 of the FEIS.
GI-40-1	Don't let [Enterprise] get around the regulations by manipulating data.	The air emissions analysis prepared in support of the General Conformity analysis was completed based on guidance included in Title 40, Part 93 of the Code of Federal Regulations, and was reviewed by USEPA and TCEQ staff prior to being published by MARAD and USCG. The data accurately represent potential air emissions subject to review under General Conformity.
GI-4-1	Also, Biden just made milestone national and international commitments for addressing climate change; meeting them will require that we reduce production and export of fossil fuels and thus additional infrastructure will not be needed and is not now justifiable.	Thank you for your comment. The General Conformity Determination is limited to an analysis of NAAQs. The climate change assessment is included in Section 5.3.7.3 of the FEIS. Section 3.12.6 has been updated to address the consistency of the Project with recent federal and other GHG emission reduction goals.
GI-41-1	When hydro fracking oil started ramping up we were told this was to provide for domestic security and that the risks to the environment were necessary part of providing for our own country's needs. Now it is revealed that this oil is to be shipped overseas. The USA should not be polluting its environment so that a few people only can benefit by the sale and trade. This is all an unnecessary risk to the environment and is against our own laws like the clean air and clean water act. We should not trade away our children's resources, neither should we leave them a legacy of pollution.	Thank you for your comment. The General Conformity Determination is limited to an analysis of NAAQs. The purpose and need for the project is addressed in Section 1.3 of the FEIS. A determination of whether construction and operation of the proposed deepwater port will be in the national interest will be made by the Maritime Administrator in developing the Record of Decision for the Project. Water resources are addressed in Section 3.3 and air quality is addressed in Section 3.12.
GI-44-1	There exists no cost-benefit calculus by which another oil export terminal along the Gulf Coast could be found a net benefit to either the national interest, or to the health and welfare of individual Americans.	Thank you for your comment. The General Conformity Determination is limited to an analysis of NAAQs. The purpose and need for the project is addressed in Section 1.3 of the FEIS. A determination of whether construction and operation of the proposed deepwater port will be in the national interest will be made by the Maritime Administrator in developing the Record of Decision for the Project.
GI-44-2	The human communities near the proposed terminal site have already been treated as a sacrifice zone, commanded to forfeit their bodies for the convenience of oil companies to use their atmosphere as a dumping ground for volatile hydrocarbons. The environmental justice ramifications of another major refinery are horrifying.	Thank you for your comment. The General Conformity Determination is limited to an analysis of NAAQs. As presented in EIS Section 3.12, the air emissions from the Project would not cause or contribute to a violation of the National Ambient Air Quality Standards, which are protective of human health and the environment. Environmental and social impacts are addressed in EIS Sections 3.3 through 3.14 and 5.3. Section 3.15.4 addresses the effect of the Project on environmental justice populations and cumulative effects on environmental justice communities are addressed in Section 5.3.10. In addition, the emissions from the Oyster Creek Terminal would be below State Property Line Standards for SO2 and H2S, and below Health Effect Review levels for benzene. The proposal does not include constructing or operating a refinery.

Comment Code	Comment Text	Response
GI-44-3	The proportional increase in the risk of oil spills into the Gulf of Mexico also suggests that, while most Americans regarded the Deepwater Horizon disasters as an intolerable failure, the oil companies and 'Enterprise Project Partners' regard it as a mere cost of doing business.	Thank you for your comment. The General Conformity Determination is limited to an analysis of NAAQs. The risk of an oil spill is addressed in Section 4.6 and Appendix H of the FEIS.
GI-44-4	Moreover, expansion of crude oil export is explicitly offensive to humanity's existential need to discontinue the use of fossil fuels and stabilize Earth's climate. The mathematics of our atmosphere's composition are clear and incontrovertible in showing that most remaining oil must remain in the ground, regardless of the crypto-fascist pablum from the previous Administration about 'energy dominance.'	Thank you for your comment. Climate change impacts of the Project are included in EIS Section 3.12.6 and 5.3.7.3. Section 3.12.2.1 has been updated to include additional and more recent global climate change information. The proposed project does not include extraction.
GI-45-1	We must think of how our children and generations of theirs after them will cope with a natural world possibly devoid of many of the creatures and habitats that we hold dear...We will be reviled by future generations if we do not put limits on the unrestrained exploitation of this world we all share. I am quite frankly sick of watching future generations and our natural heritage being betrayed solely for the sake of greed and/or convenience.	Thank you for your comment. The General Conformity Determination is limited to an analysis of NAAQs.
GI-48-1	The Sea Port Oil Terminal would emit air pollution responsible for climate change, ozone pollution, and harmful volatile organic compounds. These pollutants would increase already high pollution levels in local communities and contribute to global greenhouse gas emissions.	The General Conformity analysis focuses on the potential impacts of project VOC and NOx from construction emissions on the ozone attainment status of the Houston-Galveston-Brazoria area. Only a very minor portion of the operational emissions associated with the Project are subject to General Conformity review (see Table 4-3 of the General Conformity analysis). Air quality and climate change analyses are included in Sections 3.12 and 5.3.7.3 of the FEIS.
GI-5-1	Recently there was oil contamination in California because of a break in a sea floor pipeline. Putting another oil production facility into the Gulf of Mexico off the coast of Brazoria County, Texas will... increase the likelihood of future highly expensive needs to repair oil leaks and other climate harmful occurrences in the Gulf.	The General Conformity Determination is limited to an analysis of NAAQs. The risk of an oil spill is addressed in EIS Section 4.6 and Appendix H.
GI-52-1	This [project]...remains a vexing problem primarily due to corporations' ability to curry favor with elected officials. The corrupting influence of money in our political system is undermining our democratic traditions... The moneyed interests will turn any reform to their benefit, often at the expense of the nation as a whole.	Thank you for your comment. The General Conformity Determination is limited to an analysis of NAAQs.
GI-5-2	[The oil production facility] will provide another opportunity to reduce the air quality of our planet... [and] it will cause new air quality violations and delay fewer emissions.	Thank you for your comment. The General Conformity Determination is limited to an analysis of NAAQs. The air quality section emissions analysis prepared in support of the General Conformity analysis was completed based on guidance included in Title 40, Part 93 of the Code of Federal Regulations, and was reviewed by USEPA and TCEQ staff prior to being published by MARAD and USCG. The data accurately represent potential air emissions subject to review under General Conformity.
GI-56-1	It seems to me that once again profits are being put ahead of our environment and ecology. We, meaning responsible people, know that fossil fuels are going away. And we have to wonder why these sorts of projects are even being considered anymore?The American people spoke out last November. They decided to elect Biden over Trump. They demanded our Nation now deal with climate change AND all of our environmental and ecology issues. So why are we even thinking about adding to our problems?????	Thank you for your comment. The General Conformity Determination is limited to an analysis of NAAQs. The environmental effects of the Project are addressed throughout Chapter 3 of the EIS. The climate change assessment is included in Section 5.3.7.3 of the EIS.

Comment Code	Comment Text	Response
GI-57-1	We know it is the mining, transport, and burning of fossil fuels that are driving climate change and violent new weather patterns, which are doing billions of dollars of damage on this beautiful small planet. The time for fossil fuel development is OVER! Our government at all levels must cease to subsidize and permit these toxic projects that damage our health and pollute our air and water.	Thank you for your comment. The General Conformity Determination is limited to an analysis of NAAQs.
GI-60-1	Once the Air, Land and Sea are further contaminated, there is ...no way to "undo" the damage. Let's keep our planet Clean and Safe --- there is already enough to clean-up.	Thank you for your comment. The General Conformity Determination is limited to an analysis of NAAQs.
GI-67-2	I fear the encroachment of a new industrial facility [in Surfside] could be used to justify additional such growth in the future.	Thank you for your comment. The General Conformity Determination is limited to an analysis of NAAQs.
GI-70-1	we continue to tear up are wetlands but yet they are so posed to be preserved.	The General Conformity Determination is limited to an analysis of NAAQs. The wetland analysis is included in Section 3.3.5 of the FEIS.
GI-70-2	when the accident does happen in the future whose can be responsible for this. I will personally have a lawsuit file if any spills occur, damaging are wetlands or environment or ecosystem and my property value.	Thank you for your comment. The General Conformity Determination is limited to an analysis of NAAQs. The risk of an oil spill is addressed in Section 4.6 and Appendix H of the FEIS.
GI-72-1	The project would move a massive 85,000 barrels of oil an hour or 2 million a day to load onto Very Large Crude Carriers, the largest ships on earth. Another disaster in the gulf coast is NOT ACCEPTABLE!	Thank you for your comment. The General Conformity Determination is limited to an analysis of NAAQs. The risk of an oil spill is addressed in Section 4.6 and Appendix H of the FEIS.
GI-72-2	The Sea Port Oil Terminal would emit air pollution responsible for climate change, zone pollution, and harmful volatile organic compounds. These pollutants would increase already high pollution levels in local communities and contribute to global greenhouse gas emissions.	The General Conformity analysis focuses on the potential impacts of project VOC and NOx from construction emissions on the ozone attainment status of the Houston-Galveston-Brazoria area. Only a very minor portion of the operational emissions associated with the Project are subject to General Conformity review (see Table 4-3 of the General Conformity analysis). Air quality and climate change analyses are included in Sections 3.12 and 5.3.7.3 the FEIS.
GI-73-1	When the bill comes due to pay the injured parties for the damage done by climate change, these companies that did the most to cause it won't be around anymore. They won't be able to help out the jurisdictions that gave them the permits and the determinations that they needed when they were flush with cash. Like the asbestos companies before them, the managers and big investors and most of the cash will have departed, leaving a shell company to wave their hands and plead poverty and bankruptcy. It's ironic that these companies are probably planning to spend a lot of money preparing this project for sea-level rise. When their own capital is at risk, they aren't going to feign ignorance as to what's going on--they aren't stupid, just uncaring. But billions of people living at sea-level around the world don't have those kinds of resources at hand to protect their own dwellings and investments that they depend on for their livelihood.	Thank you for your comment. The General Conformity Determination is limited to an analysis of NAAQs.
GI-8-1	At this point in our climate challenge, we should not consider any projects that present any possibility of creating any increase in harmful emissions. Our environment must not be subjected to further attacks on it. Skirting legal assessment and evaluation requirements will only send us further down our already very dangerous path.	The General Conformity Determination is limited to an analysis of NAAQs. Project impacts on air quality and climate change are included in Sections 3.12 and 5.3.7.3 of the FEIS. The air emissions analysis prepared in support of the General Conformity analysis was completed based on guidance included in Title 40, Part 93 of the Code of Federal Regulations, and was reviewed by USEPA and TCEQ staff prior to being published by MARAD and USCG. The data accurately represent potential air emissions subject to review under General Conformity.

Comment Code	Comment Text	Response
GI-9-1	Please do not ok this project because we don't need more water and air pollution, let alone destroying the enviroment for animals.	Thank you for your comment. The General Conformity Determination is limited to an analysis of NAAQs. Impacts on air quality, water quality, and wildlife impact are addressed in Sections 3.12, 3.3, 3.5, 3.6, and 3.7 of the FEIS.
GN-1-1	The most recent nonattainment deadline for the HGB Nonattainment Area of July 20, 2021 was not met. Thus, ozone pollution in the area will continue to be an ongoing concern for Brazoria County and the area impacted by the proposed Project.	Section 4 of the General Conformity analysis (Appendix V) details the current attainment status of the Houston-Galveston-Brazoria ozone nonattainment area.
GN-1-2	THE ADDITIONAL PROPOSED EMISSIONS OF NOX, A HARMFUL OZONE PRE-CURSOR, RAISES CONCERNS (Health Impacts of NOx on Local Populations) ABOUT THIS PROJECT IN COASTAL TEXAS. Breathing air with a high concentration of NO2 can irritate airways in the human respiratory system. Such exposures over short periods can aggravate respiratory diseases, particularly asthma, leading to respiratory symptoms (such as coughing, wheezing or difficulty breathing), hospital admissions and visits to emergency rooms. Longer exposures to elevated concentrations of NO2 may contribute to the development of asthma and potentially increase susceptibility to respiratory infections. People with asthma, as well as children and the elderly are generally at greater risk for the health effects of NO2. NO2 along with other NOx reacts with other chemicals in the air to form both particulate matter and ozone. Both of these are also harmful when inhaled due to effects on the respiratory system.	The General Conformity analysis (Appendix V) has been prepared in cooperation with the USEPA and TCEQ to ensure that the air emissions subject to review under General Conformity conform to the State Implementation Plan (SIP). The TCEQ has provided concurrence that the Project, with mitigation measures outlined in the General Conformity analysis, will conform to the current SIP, which includes measures to bring ozone levels into attainment with National Ambient Air Quality Standards (NAAQS). Analysis of the NAAQS are provided in Section 3.12.
GN-1-3	THE ADDITIONAL PROPOSED EMISSIONS OF NOX, A HARMFUL OZONE PRE-CURSOR, RAISES (Specific Acid Rain) CONCERNS ABOUT THIS PROJECT IN COASTAL TEXAS... Acid rain harms sensitive ecosystems such as lakes and forests...The ecological effects of acid rain are most clearly seen in aquatic environments, such as streams, lakes, and marshes where it can be harmful to fish and other wildlife. As it flows through the soil, acidic rainwater can leach aluminum from soil clay particles and then flow into streams and lakes. The more acid that is introduced to the ecosystem, the more aluminum is released. Some types of plants and animals are able to tolerate acidic waters and moderate amounts of aluminum. Others, however, are acid-sensitive and will be lost as the pH declines. Generally, the young of most species are more sensitive to environmental conditions than adults. At pH 5, most fish eggs cannot hatch. At lower pH levels, some adult fish die. Some acidic lakes have no fish. Even if a species of fish or animal can tolerate moderately acidic water, the animals or plants it eats might not. For example, frogs have a critical pH around 4, but the mayflies they eat are more sensitive and may not survive pH below 5.5. It's not just the acidity of acid rain that can cause problems. Acid rain also contains nitrogen, and this can have an impact on some ecosystems. For example, nitrogen pollution in our coastal waters is partially responsible for declining fish and shellfish populations in some areas. In addition to agriculture and wastewater, much of the nitrogen produced by human activity that reaches coastal waters comes from the atmosphere.	Thank you for your comment. The General Conformity analysis (Appendix V) focuses on the potential impacts of project VOC and NOx from construction emissions on the ozone attainment status of the Houston-Galveston-Brazoria area.

Comment Code	Comment Text	Response
GN-1-4	<p>THE ADDITIONAL PROPOSED EMISSIONS OF NOX, A HARMFUL OZONE PRE-CURSOR, RAISES (Specific Nutrient Pollution) CONCERNS ABOUT THIS PROJECT IN COASTAL TEXAS. NOx in the atmosphere contributes to nutrient pollution in coastal waters. Nutrient pollution affects all types of water bodies – our lakes and rivers, our coasts and bays, our sources of clean water – and our air... The impacts of excess nutrients are found in all types of water bodies. Pollutants often enter upstream waters like creeks and streams and then flow into larger water bodies like lakes, rivers and bays. Excess nitrogen and phosphorus can also travel thousands of miles to coastal areas where the effects of the pollution are felt in the form of massive dead zones, such as those in the Gulf of Mexico and Chesapeake Bay. More than 100,000 miles of rivers and streams, close to 2.5 million acres of lakes, reservoirs and ponds, and more than 800 square miles of bays and estuaries in the United States have poor water quality because of nitrogen and phosphorus pollution. Additionally, nutrients can soak into ground water, which provides drinking water to millions of Americans, and urban areas across the country have hazy skies and air quality problems related to airborne nitrogen pollution. Nutrient pollution significantly impacts our nation's coastlines. About two-thirds of the nation's coastal areas and more than one-third of the nation's estuaries showed impairment from nutrient pollution, according to a 2009 EPA report. Nitrogen and phosphorus pollution in rivers, lakes and streams flows downstream and ultimately enters bays and coastal waters. These coastal ecosystems are often a key part of the local economy and nutrient pollution has a negative impact on commercial fishing, recreation, property values, tourism and related businesses. Bays and estuaries are more vulnerable to the effects of nutrient pollution because they are often shallow, narrow or confined, which limits the opportunity for water to circulate oxygen to the plants and animals.</p>	<p>The General Conformity analysis focuses on the potential impacts of project VOC and NOx from construction emissions on the ozone attainment status of the Houston-Galveston-Brazoria area. This comment is also addressed in the air quality and water resources impact analyses included in Sections 3.12 and 3.3 of the FEIS.</p>

Comment Code	Comment Text	Response
GN-1-5	<p>OFFSHORE IMPACTS OF THE PROJECT SHOULD BE CONSIDERED TO THE EXTENT THE FEDERAL AGENCIES ARE ABLE TO INCLUDE THEM. (Citizens For Clean Air and Clean Water) raises concerns whether the emissions were modeled and included in the estimates of NOx for construction of the two collated, bi-directional subsea pipelines specified for first 10.359 miles of subsea pipeline offshore (the "Included Offshore Actions") known to be in this area have been fully included in making the general conformity determination: ? Emissions from the survey vessel associated with the pre-lay survey for pipeline installation (SPOT SDEIS at 3:347); ? Emissions from sea-going vessels utilized for pipeline installation, including the pipelay vessel and two anchor handling tug (AHT) vessels (SPOT SDEIS at 3:347); ? Emissions related to transportation of workers to-and-from sea-going vessels utilized for construction of Included Offshore Actions; ? Emissions from support vessels related to sea-going vehicles utilized for pipeline installation, including four support tugs and a supply boat (SPOT SDEIS at 3:347); ? Emissions related to transportation of workers to-and-from support vessels utilized for construction of Included Offshore Actions; ? Emissions related to pipeline trenching from the trenching barge (SPOT SDEIS at 3:347); and ? Emissions related from support vessels related to pipeline trenching, including two AHT vessels and a supply boat (SPOT SDEIS at 3:347). Given that these actions to construct a portion of the offshore pipeline construction are taking place within the HGB Nonattainment Area, CFCACW wants to ensure that all potential offshore NOx emissions during the construction phase were included in the estimates and modeling done for the Project.</p>	<p>The emission calculations for the offshore portion of pipeline construction prepared in support of the General Conformity analysis (Appendix V) included the categories of emissions listed in the comment. SPOT's response to Information Request 331 dated February 2021 also provided some of this information, which was included into Section 3.12 of the EIS and Table 4-2 in Section 4 of the Draft General Conformity Determination.</p>
GN-1-6	<p>THE FEDERAL AGENCIES SHOULD REQUIRE ALL MITIGATION RECOMMENDED BY THE TCEQ. The MARAD docket reflects that TCEQ has found that the project conforms to the Texas SIP but suggested several pollution prevention measures that should be required as mitigation for this Project...CFCACW agrees that all of these recommendations by TCEQ should be adopted for this Project.</p>	<p>Section 5.1 of Appendix V has been updated to address this comment.</p>
GN-1-7	<p>Because the Federal Agencies are relying on statements by the TCEQ that the construction emissions caused by the Project along with all other emissions in the area will not exceed the budget for those emissions in the SIP, it is important that the construction emissions from this Project with respect to NOx are tracked throughout the Project to ensure that these statements remain correct. To the extent that the actual construction emissions for the Project exceed the projections for the Project stated in the General Conformity Determination, the Federal Agencies should require the TCEQ to review the Project to ensure that the statements relied on by the Federal Agencies in making this determination are accurate and will not exceed the budget for the emissions in the SIP.</p>	<p>Thank you for your comment. The air emissions analysis prepared in support of the General Conformity analysis was reviewed by USEPA and TCEQ staff prior to being published by MARAD and USCG. As noted in Attachment A, the TCEQ has stated that the air emissions associated with the Project that are subject General Conformity review would comply with the current SIP. MARAD is not able to direct the activities of the TCEQ in implementing the SIP.</p>

Comment Code	Comment Text	Response
GN-1-8	<p>If this Project is approved and a license is issued to SPOT by MARAD, TCEQ should act to update the SIP to incorporate the specific emissions from this Project, if feasible, in any related air permits issued for this Project and its next update of the SIP for the HGB Nonattainment Area to ensure that these emissions are expressly included and documented by the state in the overall budget for air emissions in this region. 40 C.F.R. §93.157. CFCACW emphasizes this ongoing duty to track and update Project NOx emissions to ensure that the underlying assumptions for the Project's proposed emissions were accurate.</p>	<p>Thank you for your comment. The air emissions analysis prepared in support of the General Conformity analysis was reviewed by USEPA and TCEQ staff prior to being published by MARAD and USCG. As noted in Attachment A, the TCEQ has stated that the air emissions associated with the Project that are subject General Conformity review would comply with the current SIP. MARAD is not able to direct the activities of the TCEQ in implementing the SIP.</p>

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