



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

Office of the Regional Administrator

October 7, 2022

Rear Admiral Ann C. Phillips, US Navy (Ret)
Administrator
Maritime Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: SPOT Deepwater Port License Application, Docket Number MARAD-2019-0011

Dear Rear Admiral Phillips:

I am writing on behalf of the U.S. Environmental Protection Agency (EPA) to provide recommendations regarding the application for the Deepwater Port (DWP) license submitted by SPOT Terminal Services, LLC which proposes to construct, own, and operate a crude oil export terminal. The SPOT deepwater port license application describes a proposed project that would be located approximately 27.2 to 30.8 nautical miles off the coast of Brazoria County, Texas, in the Gulf of Mexico, in water depth of approximately 115 feet.

EPA recommends approval of the DWP license for SPOT pursuant to its authority under the Clean Air Act (CAA), the Clean Water Act (CWA), and the Marine Protection, Research and Sanctuaries Act. EPA also would like to recommend that more emphasis is needed to ensure that environmental justice and climate change considerations are included in the project for the protection of overburdened communities.

EPA has been continuously engaged with the National Environmental Policy Act (NEPA) process and provided comments to the Final Environmental Impact Statement (FEIS) on September 7, 2022, in a separate letter. In our comments, we recommended mitigation measures that would prevent, to the extent practicable, the collocation of deepwater port projects to avoid additive and synergistic disproportionate adverse impacts to minority, low-income populations/communities, which are already overburdened with existing hazardous pollutant facilities and pipelines. In addition, we recommended public outreach for the project in the vicinity of the impacted communities and specific information as to how the pipelines and terminals will impact those populations within two miles of project components including disclosing projected impacts to health and safety, air quality, recreation, and noise.

Over the past week, I have received correspondence from concerned citizens regarding the SPOT project. Their concerns highlight the importance of engaging the community, providing clarification on the project, and using a whole of government approach to focus on disproportionately-impacted communities.

In executing President Biden's Executive Orders 12898, 13985 and 14008, EPA Administrator Michael Regan has emphasized that EPA is to maximize our existing authorities and pull every lever to achieve tangible progress on equity, environmental justice and civil rights while providing immediate relief to communities on the ground where we can. Historically, facilities have been sited, have expanded, and have added to the pollution burden in already vulnerable communities without due consideration of whether, either intentionally or in effect, the decisions allowing such outcomes are discriminatory under civil rights law or unfair under environmental justice policies. To that end, we commit to continued review of the CAA and CWA permits considering our shared environmental justice goals and ask that you and your staff continue to strive towards that same consideration.

I want to work closely with you to advance our shared equity and environmental justice goals. Please contact me or David Garcia, Director, Air and Radiation Division, at (214) 665-7593, should you want to meet to discuss our recommendations or if you have any questions.

Sincerely,



Helena Wooden-Aguilar
Deputy Regional Administrator
Region 6

cc. Yvette Fields, MARAD
Daron Threet, MARAD