

NPDES PERMIT NO. GM000002

FACT SHEET

FOR THE DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
(NPDES) PERMIT TO DISCHARGE TO WATERS OF THE UNITED STATES

APPLICANT

Freeport McMoRan Energy LLC
1615 Poydras Street
New Orleans, LA 70112

ISSUING OFFICE

U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

PREPARED BY

Laurence E. Giglio
Environmental Engineer
NPDES Permits & Technical Branch (6WQ-PP)
Water Quality Protection Division
VOICE: 214-665-6639
FAX: 214-665-2191
EMAIL: giglio.larry@epa.gov

DATE PREPARED

May 31, 2012

PERMIT ACTION

Proposed reissuance of a permit that was issued March 2, 2007, effective on May 1, 2007, and expired April 30, 2012.

RECEIVING WATER – BASIN

Gulf of Mexico – Gulf of Mexico

DOCUMENT ABBREVIATIONS

In the document that follows, various abbreviations are used. They are as follows:

BAT	Best available technology economically achievable
BCT	Best conventional pollutant control technology
BOD	Biochemical oxygen demand (5-day)
BPT	Best practicable control technology currently available
BMP	Best management plan
BPJ	Best professional judgment
° C	Celsius, degrees
CFR	Code of Federal Regulations
cfs	Cubic feet per second
COD	Chemical oxygen demand
COE	United States Corp of Engineers
CWA	Clean Water Act
DMR	Discharge monitoring report
EA	Environmental Assessment
EIS	Environmental Impact Statement
ELG	Effluent limitation guidelines
EFH	Essential fish habitat
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
° F	Fahrenheit, degrees
FCB	Fecal coliform bacteria
GOM	Gulf of Mexico
gpm	Gallons per minute
LNG	Liquefied natural gas
mg/l	Milligrams per liter (part per million)
ug/l	Micrograms per liter (part per billion)
MARAD	United States Maritime Administration
MGD	Million gallons per day
MQL	Minimum quantification level
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanographic and Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
ODC	Ocean Discharge Criteria
O&G	Oil and grease
RP	Reasonable potential
SIC	Standard industrial classification
s.u.	Standard units (for parameter pH)
TDS	Total dissolved solids
TMDL	Total maximum daily load
TOC	Total organic carbon
TRC	Total residual chlorine
TSS	Total suspended solids
USCG	U.S. Coast Guard
USFWS	United States Fish & Wildlife Service
USGS	United States Geological Service
WLA	Wasteload allocation
WET	Whole effluent toxicity
WQMP	Water Quality Management Plan

I. CHANGES FROM THE PREVIOUS PERMIT

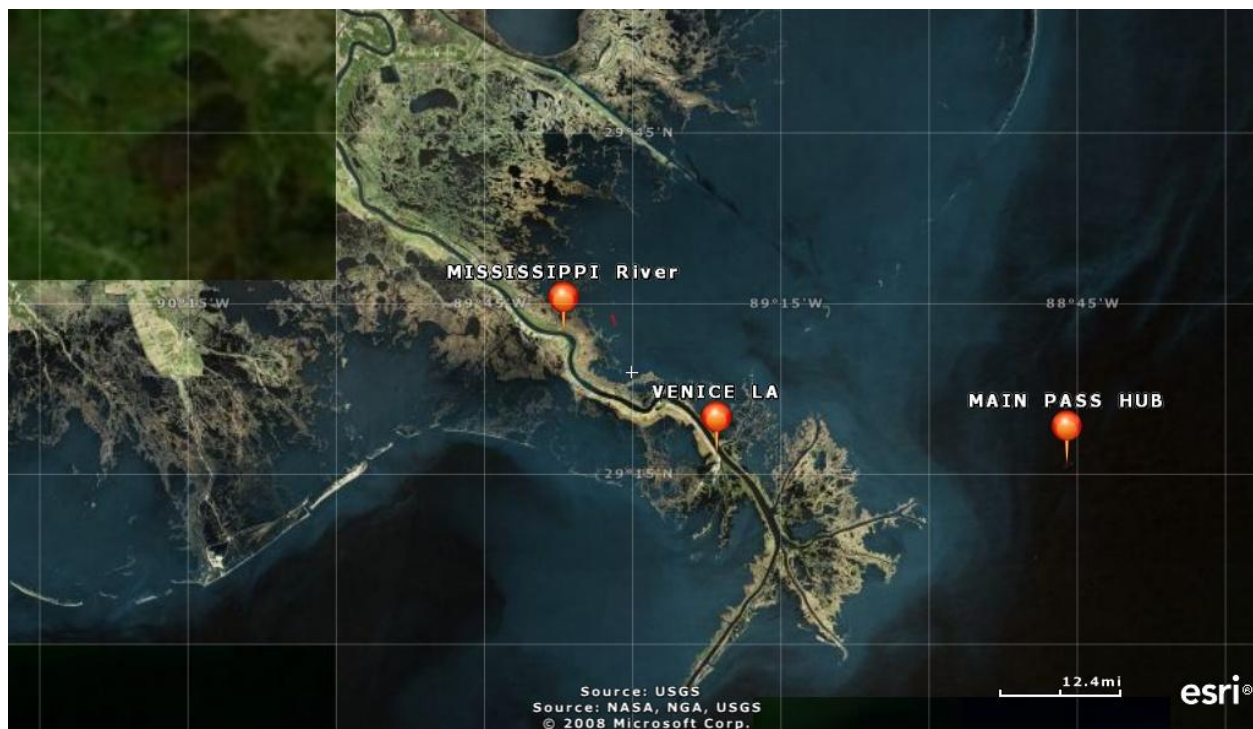
There are significant changes proposed in this draft from the permit that expired April 30, 2012.

- A. Outfalls 002 and 004 have been eliminated from the permit.

II. APPLICANT LOCATION and ACTIVITY

A. FACILITY LOCATION

The location of the Main Pass Energy Hub (MPEH) is located in federal waters, Main Pass Block 299, in the GOM approximately 17 miles off the coast of Louisiana. The known uses of the GOM are marine water, propagation of fish and wildlife, shipping and contact recreation.



B. FACILITY DESCRIPTION and OPERATION

This is a reissuance action for a permit that expired April 30, 2012. The previous permit was for a LNG import terminal licensed under MARAD as authorized by the Deepwater Port Act (DPA). Natural gas price decline since the 2007 permit issuance has negatively affected the LNG importation industry. The record of decision to construct and operate the LNG terminal expired on January 2, 2012, and the LNG terminal is no longer part of the permit renewal process. The site continues however as a sulphur and brine production terminal; activities that existed prior to the proposed conversion to a DPA LNG terminal.

C. OUTFALL DESCRIPTIONS

The previous NPDES permit authorized discharges from nine outfalls; 001 thru 009. Outfalls 002 and 004 were specifically established for discharges related to the proposed LNG deepwater port. The LNG structures including those two outfalls have not been built and the draft permit will eliminate them. The discharges from the remaining outfalls; 001, 003, 005 – 009, are described below.

Outfall 001 – This outfall discharges treated water from the oil- water separators at multiple locations around the facility, including the unmanned platforms on MP299 and MP164. Equipment that has the potential to release hydrocarbons are on skids that include drain pans and an open drain system to collect hydrocarbons, stormwater, wash water or other fluids that might collect on the equipment skids. The collected fluids flow to oil-water separators for treatment. The oil/water separator outfalls will discharge at a combined maximum rate of 1.95 MGD and an average of 0.52 MGD. No free oil will be discharge from these outfalls. Monitoring will be performed during conditions when an observation is possible in the vicinity of the discharge and the facility is manned.

Outfall 003 – This outfall discharges treated combined black (sanitary) and gray water (domestic) through approved marine sanitation devices (MSD's). The treated water from the MSD's are chlorinated to a minimum of 1 mg/l before it is discharged to the GOM, except in the event that facilities are continuously manned for thirty or more consecutive days by 9 or fewer persons or intermittently by any number. Outfall 003 will discharge at a combined maximum rate of 0.127 MGD, 0.034 MGD average.

Outfall 005 – This outfall is used to discharge wastewater from development of salt caverns that uses dissolution of the salt dome underlying the lease. Seawater is circulated down the wellbore to dissolve the solid salt and the resulting brine is returned to the surface for discharge or sales. Brine is also returned to the surface for discharge or sales during the dewatering process. Salinity of the brine solution can vary from that of normal seawater (approximately 3%) to near-saturated (approximately 22% to 26%). At times, brine may require treatment to remove entrained sand and solids by use of filters, settling pits, desanders or other processing means to improve the quality of the brine for sale. Discharges from these systems may have increased solids content due to concentrating the sand and solids in the effluent streams as well as wash downs of filters, settling pits and equipment. Effluent from these processes will be discharged at a combined maximum rate of 20.16 MGD.

Outfall 006 – Discharges from this outfall are drilling fluid effluent consisting of generic, non oil-based sea water and fresh water mud, cement, solids and additives typical to the drilling industry. Drilling fluid discharges are intermittent in nature and are primarily comprised of small volumes; up to 100 barrels or 4200 gallons, of mud discharged to balance the mud systems, conditioning the mud, cleaning, testing, and occasional bulk mud discharges from multiple outfalls (combined volume of 0.126 MGD average; 0.252 MGD maximum. The intermittent discharges will occur during remedial well work or well servicing on the existing wells, and when drilling servicing or performing remedial well work on future wells.

Outfall 007 – This effluent is a direct result of salt cavern drilling and consists of solids brought up from the associated well drilling activities, wastes from the shale shakers, desanders, drill cuttings with some adhering drilling fluids described in the description of Outfall 006. Intermittent combined discharge will be 0.225 MGD with an average discharge of 0.060 MGD. These discharges will occur during remedial well work or well servicing on the existing wells, and when drilling servicing or performing remedial well work on future wells.

Outfall 008 – This effluent consists of non-contact cooling seawater for drilling rig operations and usage rates can vary widely with rig type and size. The intermittent discharge volumes are estimated to be 3.0 MGD average and 5.0 MGD maximum. These discharges will occur during remedial well work or well servicing on the existing wells, and when drilling servicing or performing remedial well work on future wells.

Outfall 009 – These effluents consist of fresh water, treated or untreated sea water and brine from numerous sources including, but not limited to: plant, rig, and structure wash downs; sea water overflows; water drained for normal plant maintenance; fresh water, sea water and/or brine overflows or drained from storage tanks; sea water, firewater and other pumps and systems testing; pump packing leakage; treated and untreated sea water; pipeline hydrotest and maintenance water; brine, ballast, cooling water and fresh water from other sources; stormwater which is not collected and allowed to runoff (stormwater collected in drip pans is discharged from Outfall 001); domestic water and miscellaneous drips and drains. The intermittent discharge volumes are estimated to be 5.9 MGD average and 10.8 MGD maximum. Monitoring will be performed during conditions when an observation is possible in the vicinity of the discharge and the facility is manned. Locations will change during the life of the project, but the volume and nature of the effluent should not.

Outfall Flow Overview

The following is anticipated flow rates from the various outfalls described above:

<u>Outfall</u>	<u>Discharge</u>	<u>Discharge rate (MGD)</u>	
		<u>Monthly</u>	<u>Maximum</u>
001	Oil/Water separators - intermittent	0.52	1.95
003	Sewage and domestic water - intermittent	1.0	3.8
005	Salt cavern and brine return - intermittent	17	20
006	Drilling fluids - intermittent	3	9
007	Drill cuttings - intermittent	0.06	0.22
008	Rig cooling water - intermittent	3	5
009	Miscellaneous - intermittent	5.9	10.8

III. EFFLUENT CHARACTERISTICS

In the past five-years, only a few discharges have been reported at the facility. Only Outfalls 001, 003 and 009 have had any discharges and these have had less than 2% of anticipated volumes of full production. Because of this, data for the outfalls are not representative of anticipated operations. EPA Permit Application Form 2C submitted in the application package reported results for those outfalls that actually had discharges and estimates for the remainder.

The parameters pH and temperature are not reported below since they were essentially limits and not actual data. The results of the data supplied in the permit application are:

OUTFALL 001		
POLLUTANT	Max mg/l, unless noted	Mass lbs, unless noted
BOD	7	113
COD	20	325
TOC	15	244
TSS	40	650
Flow, MGD	1.95	N/A
O&G	15	243

OUTFALL 003		
POLLUTANT	Max mg/l, unless noted	Mass lbs, unless noted
BOD	45	47
COD	75	80
TOC	35	37
TSS	45	48
Ammonia	5	5
TRC	1	1
FCB	100	N/A
Flow	0.12	N/A

OUTFALL 005		
POLLUTANT	Max mg/l, unless noted	Mass lbs, unless noted
BOD	20	1.7 tons
COD	0	0
TOC	20	1.7 tons
TSS	50,000	4,202 tons
Sulfite	21,500	1,807 tons
Magnesium	10,500	882 tons
TRC	1	168
Flow	20.16	N/A

OUTFALL 006		
POLLUTANT	Max mg/l, unless noted	Mass lbs, unless noted
BOD	2,050	2.2 tons
COD	0	0
TOC	3,420	3.6 tons
TSS	530,000	556.8 tons
Ammonia	0.4	0.8 lbs
Bromide	24	50.4
Fluoride	139	292
O&G	100	210
Sulfate	1,530	1.6 tons
Flow	0.25	N/A

OUTFALL 007		
POLLUTANT	Max mg/l, unless noted	Mass lbs, unless noted
BOD	3,100	2.9 tons
COD	0	0
TOC	6,300	5.9 tons
TSS	950,000	891 tons
Flow	0.23	N/A
Bromide	43	80
Fluoride	100	187
O&G	100	187
Sulfate	1,090	1.02

OUTFALL 008		
POLLUTANT	Max mg/l, unless noted	Mass lbs, unless noted
BOD	20	833
COD	0	0
TOC	20	833
TSS	20	833
Flow	< 0.0001	N/A
TRC	1	47
O&G	15	243

OUTFALL 009		
POLLUTANT	Max mg/l, unless noted	Mass lbs, unless noted
BOD	20	1,081
COD	0	0
TOC	20	1,081
TSS	20	1,81
Flow	10.8	N/A
TRC	1	90

IV. REGULATORY AUTHORITY/PERMIT ACTION

In November 1972, Congress passed the Federal Water Pollution Control Act establishing the NPDES permit program to control water pollution. These amendments established technology-based or end-of-pipe control mechanisms and an interim goal to achieve “water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water,” more commonly known as the “swimmable, fishable” goal. Further amendments in 1977 of the CWA gave EPA the authority to implement pollution control programs such as setting wastewater standards for industry and established the basic structure for regulating pollutants discharges into the waters of the United States. In addition, it made it unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a permit was obtained under its provisions. Regulations governing the EPA administered NPDES permit program are generally found at 40 CFR §122 (program requirements & permit conditions), §124 (procedures for decision making), §125 (technology-based standards) and §136 (analytical procedures). Other parts of 40 CFR provide guidance for specific activities and may be used in this document as required.

The previous permit expired April 30, 2012, and a complete application was received November 3, 2011. The EPA proposes that the permit be reissued for a 5-year term following regulations promulgated at 40 CFR §122.46(a).

V. DRAFT PERMIT RATIONALE AND PROPOSED PERMIT CONDITIONS – TECHNOLOGY BASED LIMITATIONS

A. OVERVIEW of TECHNOLOGY-BASED VERSUS WATER QUALITY STANDARDS-BASED EFFLUENT LIMITATIONS AND CONDITIONS

Regulations contained in 40 CFR §122.44 require that NPDES permit limits are developed that meet the more stringent of either technology-based effluent limitation guidelines, numerical and/or narrative water quality standard-based effluent limits, or the previous permit.

Technology-based effluent limitations are established in the proposed draft permit for no free oil, pH, TRC, TSS, total cadmium, total mercury, suspended particulate phase toxicity and halogenated phenolic compounds. No water quality-based effluent limitations are established in the proposed draft permit.

C. TECHNOLOGY-BASED EFFLUENT LIMITATIONS

1. General Comments

Regulations promulgated at 40 CFR §122.44 (a) require technology-based effluent limitations to be placed in NPDES permits based on ELGs where applicable, on BPJ in the absence of guidelines, or on a combination of the two. In the absence of promulgated guidelines for the discharge, permit conditions may be established using BPJ procedures. EPA establishes limitations based on the following technology-based controls: BPT, BCT, and BAT. These levels of treatment are:

BPT - The first level of technology-based standards generally based on the average of the best existing performance facilities within an industrial category or subcategory.

BCT - Technology-based standard for the discharge from existing industrial point sources of conventional pollutants including BOD, TSS, fecal coliform, pH, and O&G.

BAT - The most appropriate means available on a national basis for controlling the direct discharge of toxic and non-conventional pollutants to navigable waters. BAT effluent limits represent the best existing performance of treatment technologies that are economically achievable within an industrial point source category or subcategory.

2. Effluent Limitation Guidelines

Technology-based effluent limitations are pollutant specific and vary depending on the type of pollutant and facility in question. See 40 CFR §125.3. 40 CFR §122.44 (a) requires inclusion of technology-based ELGs in NPDES permits based on ELGs where applicable, or on BPJ in the

absence of guidelines. In the absence of promulgated guidelines for the discharger's category or subcategory, permit conditions may be established using BPJ procedures.

Several of the activities conducted at the site are typical of offshore gas and oil platform/rig operations and technology-based ELGs established at 40 CFR §435, Subpart A; Offshore Subcategory of the Oil and gas Extraction Point Source Category and will be used to establish limits in the draft permit. In addition, the EPA Region 6 has established limits in the Outer Continental Shelf General Permit for the Western GOM (permit number GMG290000) for discharges from some of these activities not addressed by the ELGs of 40 CFR §435. Limits in the draft permit will be established using BPJ from both of these sources for applicable activities consistent with the scope of each of the two abovementioned ELGs.

In addition, regulations contained in 40 CFR §140; Marine Sanitation Device Standards (MSDs), address discharges from these devices used offshore. Appropriate limits where specified will be applied from this regulation.

3. Outfall ELG's

Outfall 001 contains discharges from oil/water separators from various sources and various locations on the lease block. The ELGs contained in 40 CFR §435 Subpart A have a no free oil discharge prohibition for discharges from oil/water separators that treat deck drainage, drip pans, equipment skids, wash down water, equipment maintenance, oil storage and handling areas and other miscellaneous sources. The previous permit contained a no free oil limit that will be continued in the draft permit.

Outfall 003 discharges sanitary wastewater after treatment in approved MSDs. The ELGs contained in 40 CFR §435 Subpart A, BCT establish TRC to be a minimum 1.0 mg/l and maintained close to that level as practicable for sanitary waste discharges from facilities continuously manned by ten (10) or more persons. In addition, BCT guidelines require no discharge of floating solids for facilities manned continuously by nine (9) or fewer persons or intermittently manned by any number of persons. The previous permit contained these requirements and they will be continued in the draft permit.

Outfall 005 discharges salt cavern and brine return discharges. Seawater is circulated down the well bore and used to dissolve solid salt in the salt dome for cavern development. Part or all of the brine may be sold to other oil and gas companies for use in drilling operations. Remaining brine is discharged after treatment. The previous permit contained no free oil in the discharge and that will be continued in the draft permit.

Outfall 006 discharges drilling fluids. The applicant specified generic, non oil- based sea water and fresh water mud, cement, solids and additives typical to the drilling industry. The discharges are intermittent and would be used for remedial, new well drilling and well abandonment work. 40 CFR §435 Subpart A establishes BAT requirements of no free oil, no discharge of diesel oil, a minimum toxicity limit of 30,000 ppm by volume and limited total cadmium and total mercury in stock barite to 3 mg/kg and 1 mg/kg dry weight respectively. Free oil when limiting for drilling fluids is measured using the static sheen test method. Toxicity is measured with a 96-hour LC50 on the suspended particulate phase using *Mysidopsis bahia*. The previous permit

limited no free oil, toxicity, cadmium and mercury and those limits will be continued in the draft permit. In addition, the previous permit had a rate of discharge limitation of 1000 bbls/hr that ensures adequate dispersion and helps prevent unreasonable degradation of the marine community. The applicant did not request authorization to use synthetic or non-aqueous based drilling fluids and the draft permit will not authorize discharges of such mud systems.

Outfall 007 discharges wastewater from the shale shakers, desanders and drill cuttings that have some drilling fluids adhering to them. The source of contamination in this discharge is drilling mud that adheres to the cuttings and other solids produced during drilling activities. The same limits established for Outfall 006 above will also be established and continued from the previous permit to this outfall.

Outfall 008 discharges rig cooling water which is non-contact cooling water. The limits of no free oil established in the previous permit are continued in the draft for the activities described in the application.

Outfall 009 discharges fresh water, sea water, brine, and domestic (grey) water. The sources are from numerous sites and the previous permit established no free oil which will be continued in the draft permit. In addition, the applicant has requested that domestic wastewater be authorized for this outfall. In order to provide appropriate limitations, the draft permit will add no floating solids and no foam in the discharge consistent with domestic ELG's established in 40 CFR §435 Subpart A; BCT and BAT.

4. Other Requirements

For all permitted outfalls, the proposed permit requires no discharge of halogenated phenols based on CWA §403 (c), no discharge of rubbish, trash and other refuse based on International Convention for the Prevention of Pollution from Ships (MARPOL), no discharge in areas of biological concern based on CWA §403(c) and the minimization of discharge of surfactants, dispersants and detergents based on CWA §403(c).

In addition, the applicant is required to use phosphate free and non-toxic soaps and detergents for any purpose if they will be discharged into waters subject to this permit. These detergents must be free from toxic or bioaccumulative compounds and not lead to extreme shifts in receiving water pH. "Non-toxic" soaps, cleaners, and detergents means these materials which do not exhibit potentially harmful characteristics as defined by the Consumer Product Safety Commission regulations found at 16 CFR Chapter II, Subchapter C, Part 1500. "Phosphate Free" soaps, cleaners, and detergents means these materials which contain, by weight, 0.5% or less of phosphates or derivatives of phosphates.

Further, minimization on the use of any detergents or emulsifiers for activities that do not comply with safety requirements of the Occupational Safety and Health Administration and the Bureau of Ocean Energy Management are required. These restrictions apply to tank cleaning and other operations which do not directly involve the safety of workers. The restriction is imposed since detergents disperse and emulsify oil, thereby increasing toxicity and making detection of a discharge of oil more difficult. Waste water associated with tank and pit cleaning operations shall be classified as the former contents of the tank or pit; for example, wash water

generated from cleaning drilling fluid pits would be subject to the same discharge limitation as the drilling fluid formerly contained in those pits.

The discharge of garbage including maintenance waste is prohibited. Comminuted food waste, (able to pass through a screen mesh no larger than 25 mm, approx. 1 inch) may be discharged when 12 nautical miles or more from land.

Language for floating solids compliance and reporting purposes as noted in 40 CFR §435 Subpart A for floating solids contained requires that an observation must be made daily when the platform is manned for floating solids. The observation must be made during daylight in the vicinity of sanitary waste outfalls at a time during discharge.

VI. WATER QUALITY BASED LIMITATIONS

A. GENERAL COMMENTS

Pursuant to CWA §301(b)(1)(C), NPDES permits must contain water quality based limitations if technology-based limits are insufficient to maintain or achieve applicable federal or state water quality requirements. In this permit action, Ocean Discharge Criteria at 40 CFR §125, Subpart M imposes such requirements.

B. IMPLEMENTATION

The permit contains technology-based effluent limitations reflecting the best controls available. Where these technology-based permit limits do not protect water quality or the designated uses, additional water quality-based effluent limitations and/or conditions are included in the NPDES permits. EPA narrative and numerical water quality standards are used in conjunction with other available toxicity information to determine the adequacy of technology-based permit limits and the need for additional water quality-based controls.

C. OCEAN DISCHARGE CRITERIA

When issuing permits for discharges into waters of the territorial sea, contiguous zone, or oceans, CWA §403 requires EPA to consider guidelines for determining potential degradation of the marine environment. These Ocean Discharge Criteria (40 CFR §125, Subpart M) are intended to "prevent unreasonable degradation of the marine environment and to authorize imposition of effluent limitations, including a prohibition of discharge, if necessary, to ensure this goal. To make the determination of unreasonable degradation of the marine environment, the director shall determine whether a discharge will cause unreasonable degradation of the marine environment based on consideration of: (1) The potential for bioaccumulation or persistence of the pollutants to be discharged; (2) The potential transport of such pollutants by biological, physical or chemical processes; (3) The composition and vulnerability of the biological communities which may be exposed to such pollutants, including the presence of unique species or communities of species, the presence of species identified as endangered or threatened pursuant to the Endangered Species Act, or the presence of those species critical to the structure or function of the ecosystem, such as those important for the food chain; (4) The importance of the receiving water area to the surrounding biological community, including the presence of

spawning sites, nursery/forage areas, migratory pathways, or areas necessary for other functions or critical stages in the life cycle of an organism; (5) The existence of special aquatic sites including, but not limited to marine sanctuaries and refuges, parks, national and historic monuments, national seashores, wilderness areas and coral reefs; (6) The potential impacts on human health through direct and indirect pathways; (7) Existing or potential recreational and commercial fishing, including fin fishing and shell fishing; (8) Any applicable requirements of an approved Coastal Zone Management plan; (9) Such other factors relating to the effects of the discharge as may be appropriate, and (10) Marine water quality criteria developed pursuant to section 304(a)(1).

Previously, limitations of no free oil were established as technology-based limitations and they are also established for Ocean Discharge Criteria as required by CWA §403(c).

The proposed permit contains limitations no less stringent than previous permits. Discharges proposed to be authorized by this reissued permit will not cause unreasonable degradation of the marine environment. The proposed permit contains a reopener clause that the permit may be modified or revoked at any time if on the basis of any new data the permitting authority determines that continued dischargers may cause unreasonable degradation of the marine environment.

D. CROSS-CUTTING ENVIRONMENTAL REQUIREMENTS

This NPDES permit action is subject to the environmental review and consultation requirements of various federal laws, the Marine Mammal Protection Act, 33 U.S.C. §1401, *et seq*, the Endangered Species Act, 16 U.S.C. §1531, *et seq*, the Magnuson-Stevens Fishery Management and Conservation Act, 16 U.S.C. §1801, *et seq*, and the National Historic Preservation Act, 16 U.S.C. §470, *et seq*. The USCG was the lead agency for the previous NPDES permit and it concluded the requirements for all of the cross-cutting issues. The proposed NPDES has less environmental impacts than the previous permit as the LNG facility was never built and discharges associated with that activity are not authorized in the draft permit. The draft permit will not impose any less stringent permit conditions than the previous permit and the action of this draft permit will not change the environmental baseline that would negatively change any determination made during the previous NEPA consultation. Based on the above the EPA concludes that the reissuance of the draft permit will have no effect on endangered species or their habitat.

E. MONITORING FREQUENCY FOR LIMITED PARAMETERS

NPDES permits must include monitoring requirements to yield data representative of the monitored activity, 40 CFR §122.48(b), and to assure compliance with permit limitations, 40 CFR §122.44(i)(1). For all the outfalls, monitoring frequency and type shall be the same as the previous permit. The draft permit requires the applicant to monitor the facility's discharge on a regular basis; and report the results quarterly. The monitoring results will be available to the public.

VII. ANTIBACKSLIDING

The proposed permit is consistent with the requirements to meet antibacksliding provisions of the Clean Water Act, Section 402(o) and 40 CFR §122.44(l)(i)(A), which state in part that interim or final effluent limitations must be as stringent as those in the previous permit, unless material and substantial alterations or additions to the permitted facility occurred after permit issuance which justify the application of a less stringent effluent limitation. The draft permit is at least as stringent as the previous permit and the draft permit eliminates two outfalls; 002 and 004 that were contained in the previous permit.

VIII. PERMIT REOPENER

The permit may be reopened and modified during the life of the permit if relevant portions of water quality requirements are revised or remanded. In addition, the permit may be reopened and modified during the life of the permit if relevant procedures implementing such water quality requirements are revised or promulgated. Modification of the permit is subject to the provisions of 40 CFR §124.5.

IX. CERTIFICATION

EPA is the certifying authority because the permit authorizes discharges only to Federal waters. The draft permit will be provided to other resource agencies, including NOAA, NMFS, the USCG, and the State of Louisiana Department of Natural Resources, for review, however.

X. FINAL DETERMINATION

The public notice describes the procedures for the formulation of final determinations.

XI. ADMINISTRATIVE RECORD

The following information was used to develop the proposed permit:

A. APPLICATION(s)

EPA Application Forms 1 and 2C received November 3, 2011.

B. CWA/40 CFR /FEDERAL REGISTER CITATIONS and FEDERAL CRITERIA

CWA §§'s 301, 304, 316, 402, 403, and 502

Citations to 40 CFR are as of May 24, 2012.

Sections 122, 124, 125, 136, 401, and 435

Quality Criteria for Water 1986, <http://www.epa.gov/waterscience/criteria/library/goldbook.pdf>