NPDES PERMIT NO. TX0127566 FACT SHEET

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

APPLICANT

Freeport LNG Development LP Freeport LNG Terminal Facility 333 Clay Street, Suite 5050 Houston, TX 77002

ISSUING OFFICE

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

PREPARED BY

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DATE PREPARED

April 4, 2008

PERMIT ACTION

Proposed reissuance of the current NPDES permit issued July 11, 2008, with an effective date of August 1, 2008, and an expiration date of July 31, 2013.

RECEIVING WATER – BASIN

Intracoastal Waterway - Brazos River Basin

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
BPT	Best practicable control technology currently available
BMP	Best management plan
BOD	Biochemical oxygen demand (five-day unless noted otherwise)
BPJ	Best professional judgment
CD	Critical dilution
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
ELG	Effluent limitation guidelines
EIS	Environmental Impact Statement
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
FCB	Fecal coliform bacteria
FWS	United States Fish and Wildlife Service
LNG	Liquefied natural gas
mg/l	Milligrams per liter (one part per million)
ug/l	Micrograms per liter (one part per billion)
MGD	Million gallons per day
NPDES	National Pollutant Discharge Elimination System
MQL	Minimum quantification level
O&G	Oil and grease
POTW	Publically owned treatment works
RP	Reasonable potential
SIC	Standard industrial classification
s.u.	Standard units (for parameter pH)
RRC	Texas Railroad Commission
TCEQ	Texas Commission on Environmental Quality
TDS	Total dissolved solids
TMDL	Total maximum daily load
TRC	Total residual chlorine
TSS	Total suspended solids
UAA	Use attainability analysis
UV	Ultraviolet light
USFWS	United States Fish & Wildlife Service
USGS	United States Geological Service
WLA	Wasteload allocation
WET	Whole effluent toxicity

I. CHANGES FROM PREVIOUS PERMIT

The pollutant pH has been made more stringent; 6.5 - 9.0 su, from 6.0 - 9.0 su.

II. DISCHARGE LOCATION

As described in the application, the plant site is located at 1500 Lamar Street, Freeport, Brazoria County, Texas.



PLAT OF FREEPORT LNG

Discharge from the facility for the described activities are at:

Outfall 001:	Latitude 28° 55' 58" North, Longitude 95° 18' 52" West
Outfall 002:	Latitude 28° 56' 05" North, Longitude 95° 18' 56" West,
Outfall 003:	Latitude 28° 55' 54" North, Longitude 95° 18' 48" West,
Outfall 004:	Latitude 28° 55' 46" North, Longitude 95° 18' 58" West,

III. APPLICANT ACTIVITY

Under the SIC Code No. 4922, the applicant operates a commercial natural gas facility receiving LNG (at minus 260° F), and changing its state to natural gas (NG) (at plus 65° F) for delivery into the interstate pipeline system. The LNG is delivered to the terminal as "lean" or dry NG; essentially methane with a small amount of ethane. This draft permit has <u>no</u> hydrostatic discharge components associated with either the site or the pipelines associated with the activity. Those discharges are <u>not</u> authorized by this draft permit.

The facility has been constructed but has not had any discharges from Outfall 001; the Air Vaporization Tower (AVT) sump, relating to importation of LNG. There have been some minor stormwater dischargers from Outfalls 002 thru 004 and was not based on any process activities. The operator is in the planning stage of a major retrofit, converting the site from a LNG import terminal to a LNG export terminal due to recent domestic NG supply increases from shale gas production. The retrofit however is not planned on being completed before the next five year permit cycle, so this permit will continue the existing LNG import activity discharge authorizations.

Previously the project was authorized by the Federal Energy Regulatory Commission (FERC). FERC is authorized to be the lead Federal agency regarding onshore LNG terminals. FERC is responsible for Section 7 of the Endangered Species Act (ESA), the Magnuson-Stevens Fishery Conservation and Management Act (MSA), Section 106 of the National Historic Preservation Act (NHPA) and Section 307 of the Coastal Zone Management Act of 1972 (CZMA).

OUTFALL 001:

The importation terminal uses an Air Vaporization Tower (AVT) system to change the LNG to NG. The system has two closed loops, a water loop and a glycol loop. Each loop contacts each other once. Glycol is used to "warm" the LNG, converting it to NG, and the water loop is used to "warm" the glycol. LNG at minus 260° F flows through a LNG/glycol vaporizer where LNG flows over a tube system that has glycol flowing through at high rates, 86.7 MGD. This process changes state of the LNG to NG. The glycol enters the LNG/glycol vaporizer at ambient air temperature and leaves chilled. The chilled glycol flows to the water/glycol heat exchanger where the glycol is "warmed" by ambient air temperature water. The warmed glycol then circulates back to the LNG/vaporizer, starting the LNG gasification process again. The chilled water leaving the water/glycol heat exchanger flows to the AVT. The AVT uses ambient air to warm the chilled water, with now ambient air warmed water returning to the water/glycol heat exchanger completing that loop. It is at the AVT where the source of the water discharged from the facility occurs. As the warm, moist ambient air contacts the chilled water lines inside the AVT, the drop in temperature generates condensation and this is the discharge from the process area. The condensate water generates a discharge of approximately 0.76 MGD depending on the wet bulb conditions of the ambient air. During times of the day and/or seasons when the wet bulb temperature is lower than 60° F, the glycol is not warmed by the water side, but instead is heated directly by a supplemental heat exchanger burning boil-off gas generated at the storage tanks. There is no water discharged when the supplemental heat exchanger is used, but since it does consume natural gas it's only used when essential. Since being constructed however, declining domestic NG prices have not allowed the facility to import more expensive foreign NG into the country. The operator does not anticipate importation to occur in the short term, but the permit will be continued to facilitate importation if conditions change the basic economics.

OUTFALL 002:

The discharges from this outfall are associated with stormwater from the curbed process area identified as SW Outlet 5 on the site map. The area drained by this outfall is approximately 3 acres. The discharge of stormwater is through a valved sump where visual observations for oil sheen can be conducted prior to release.

Outfall 003:

The discharges from this outfall are associated with stormwater from the AVT area, LNG tank 1 and the process area identified as SW Outlet 7 on the site map. The area drained by this outfall is approximately 14 acres. The discharge from the process area goes through a sump where visual inspections for oil sheen can be conducted prior to discharge by pumping.

Outfall 004:

The discharge from this outfall is stormwater associated with the AVT area, LNG tank 2 and tank 3 and the remainder of the process area. This is identified as SW outlet 8 on the site map. The area drained by this outfall is approximately 17 acres. The discharge from the process area goes through an oil/water/sediment separator prior to going to the Tank 2 area.

IV. RECEIVING STREAM STANDARDS

The general criteria and numerical criteria which make up the stream standards are provided in the Texas Administrative Code (TAC), 30 TAC Sections 307.1 - 307.10, effective August 17, 2000.

The discharge from all four outfalls are to created wetlands, thence to an unnamed ditch, thence to the Intracoastal Waterway (ICW), in the Brazos River Tidal of the Brazos River Basin, Water Body Segment Code No 1201. Uses for Water Body Segment No. 1201 are contact recreation and high aquatic life uses. Communication with the TCEQ, Water Quality Assessment Section (WQAS), has advised that for this facility; discharge into a wide tidal river conditions apply.

V. EFFLUENT CHARACTERISTICS

Since the plants completion, the facility has not imported LNG and has not had any discharges to analyze pollutant data from Outfall 001. There have been some minor discharges of stormwater from Outfalls 002 thru 004, however, none of those were associated with any industrial activity and would not be representative of process area influences on stormwater needing to be evaluated for the industrial activity. The facility will be required to submit in writing to both EPA and the RRC, within 90-days of first discharge from the facility, results of a pollutant scan from the AVT discharges. The permittee shall take a single grab sample of the AVT wastewater from the first discharge, for selected priority toxic pollutants; aluminum, barium, arsenic, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, zinc, cyanide, benzene, trichloroethylene, and vinyl chloride (see Part I. of the permit). This condition was established in the previous permit. The facility shall notify the Permits and TMDLs Branch of the first discharge. The test results shall be submitted to EPA and the Texas Railroad Commission no later than 90-days after the sample date. This permit may be reopened to establish additional effluent limitations or additional monitoring requirements if the test results indicate that the discharges may cause or contribute to an exceedance of applicable State WQS.

VI. DRAFT PERMIT RATIONALE AND PROPOSED PERMIT CONDITIONS

The proposed effluent limitations for those pollutants proposed to be limited are based on regulations promulgated at 40 CFR 122.44. The draft permit limits are based on either technology-based effluent limits pursuant to 40 CFR 122.44(a), on BPJ in the absence of guidelines, and/or requirements pursuant to 40 CFR 122.44(d), whichever are more stringent.

A. REASON FOR PERMIT ISSUANCE

It is proposed that the permit be reissued for a 5-year term following regulations promulgated at 40 CFR 122.46(a).

A permit renewal application was received on January 31, 2013, and was deemed administratively complete on February 26, 2013.

B. OPERATION AND REPORTING

The permittee must submit either paper of electronic <u>monthly</u> DMR's <u>quarterly</u>, beginning on the effective date of the permit, lasting through the expiration date of the permit, to report on all limitations and monitoring requirements in the permit.

C. TECHNOLOGY BASED EFFLUENT LIMITATIONS/CONDITIONS

1. <u>Overview</u>

Regulations promulgated at 40 CFR122.44 (a) require technology-based effluent limitations to be placed in NPDES permits based on ELG's where applicable, on BPJ in the absence of guidelines, or on a combination of the two. Currently, there are no published effluent limitations for this type of activity. Limitations will be developed using BPJ.

As noted above, in the absence of promulgated guidelines for the discharges from the onshore LNG import terminal, permit conditions must be established using BPJ procedures. EPA establishes limitations based on the following technology-based controls: Best Practicable Control Technology Currently Available (BPT), Best Conventional Pollutant Control Technology (BCT), and Best Available Technology Economically Achievable (BAT). In summary, these controls are described below.

Best Practicable Control Technology Currently Available (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.

Best Conventional Pollutant Control Technology (BCT) - Technology-based standard for the discharge from existing industrial point sources of conventional pollutants including biochemical oxygen demand (BOD), total suspended solids (TSS), fecal coliform, pH, and oil & grease (O&G).

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Best Available Technology Economically Achievable (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. Outfall 001

The discharge from Outfall 001 is condensate wastewater from the AVT as described in the applicant activity section above. The nature and/or the quantity of pollutants in the discharge are not known at this time. Until the facility commences discharges and samples and obtains pollutant data, there does not appear to be any pollutant of concern except for pH. Appropriate pH technology-based limits from Outfall 001 are within the range 6-9 su, as appropriate BCT technology based on BPJ of the permit writer.

3. Outfalls 002, 003 and 004

Outfall 002 is all the stormwater from the process area of the facility. Outfall 003 is the stormwater from part of the ATV tower and LNG Tank #1 containment area. Outfall 004 is the stormwater from part of the ATV tower and LNG Tanks #'s 2 and 3 containment area. Pollutants of concern for these outfalls are oil and grease (O&G), total organic carbon (TOC), total suspended solids (TSS) and free oil (sheen).

Limitations for O&G, daily maximum 15 mg/l, monthly average 10 mg/l, for the three outfalls are based on American Petroleum Institute (API) Oil and Water Separator Code 421, using Coalescing Separator Design and BPJ of the permit drafter. The pollutant pH shall be limited to the range of 6-9 su for Outfalls 002, 003 and 004; using BCT technology based on 40 CFR Part 419.54 and BPJ. Flow shall be an "estimate" and shall not be subject to the accuracy provisions established at Part III.C.6. Flow may be estimated using best engineering judgment.

Since the amount of LNG should be negligible from these outfalls, but recognizing the potential for it in the discharge, the use of TOC would be a better indicator parameter in place of oil & grease for this pollutant since LNG is very volatile. TOC generally is limited as a site-specific parameter, or if information is lacking, regulations at 40 CFR Part 419, Petroleum Refining Point Source Category, allows a 2.2 to 1 based against BOD. Since the permit does not propose limiting BOD, TOC shall be a "Report" parameter, allowing the permitting authority an opportunity to measure its impact on the water segment for future permitting considerations. Report requirements for TOC are proposed in the permit, using BAT technology based on 40 CFR Part 419.53, Section 308 of the Clean Water Act and BPJ.

The proposed permit prohibits the discharge of free oil (no visible sheen) from these three outfalls; 002 - 004. The associated process discharges must not cause a film or sheen or discoloration on the surface of the receiving water. This limit was derived from the BCT/BAT effluent limitations guidelines for the offshore oil and gas industry which prohibit free oil (no visible sheen) in discharges as contained in 40 CFR Part 435.14, Oil and Gas Extraction Point Source Category using BPJ. The technology basis for this limitation is segregation of materials and best management practices to control the inadvertent release of hydraulic oils and other lubricating materials. Visual observations of the discharge would be required to determine compliance with this limit. The permit limit shall be zero (0) days, and the

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operator shall count the number of days, when discharging, that the discharge has a visible sheen, and report the monthly total on the discharge monitoring form.

Outfall 004 uses a Stormceptor® (trade name) oil/water/sediment separator, and limitations for TSS at Outfall 004 are established at 45 mg/l daily maximum based on design specifications and the BPJ of the permit drafter.

The permit will not at this time establish mass loading limits from any of the outfalls. The flow rate is dependent on shipment deliveries and the concentration limits will be protective of the environment.

D. WATER QUALITY SCREENING

1. General Comments

The Clean Water Act in Section 301 (b) requires that effluent limitations for point sources include any limitations necessary to meet water quality standards. Federal regulations found at 40 CFR 122.44(d) state that if a discharge poses the reasonable potential to cause an in-stream excursion above a water quality criterion, the permit must contain an effluent limit for that pollutant. If the discharge poses the reasonable potential to cause an in-stream violation of narrative standards, the permit must contain prohibitions to protect that standard. Additionally, the Texas Surface Water Quality Standards (TWQS) found at 30 TAC Chapter 307 states that "surface waters will not be toxic to man from ingestion of water, consumption of aquatic organisms, or contact with the skin, or to terrestrial or aquatic life." The methodology outlined in the "Implementation of the Texas Commission on Environmental Quality Standards via Permitting" (ITWQS) is designed to insure compliance with 30 TAC Chapter 307. Specifically, the methodology is designed to insure that no source will be allowed to discharge any wastewater which: (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical state water quality standard; (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation which threatens human health.

2. <u>Reasonable Potential - Procedures</u>

With no actual discharge to assess for potential toxics, and the nature of the activity, there are no specific toxics to evaluate from Outfall 001. The required priority pollutant scan previously described when discharge does start will be evaluated to measure any potential exceedances of State WQS. Upon receipt of the priority pollutant scan, EPA can reopen the permit and add permit requirements if that analysis shows a reasonable potential to exceed WQS.

For all four outfalls; 001, 002, 003 and 004, narrative protection for aesthetic standards will propose that surface waters shall be maintained so that oil, grease, or related residue will not produce a visible film or globules of grease on the surface or coat the banks or bottoms of the watercourse; or cause toxicity to man, aquatic life, or terrestrial life. The following narrative limitations in the proposed permit represent protection of water quality for all four outfalls:

"The effluent shall contain no visible film of oil or globules of grease on the surface or coat the banks or bottoms of the watercourse."

There were no water treatment chemicals listed in the application, and no authorization for biocides, chlorine and/or halogens or chemicals containing zinc and/or chromium shall be authorized in this permit.

E. TECHNOLOGY BASED VERSUS WATER QUALITY STANDARDS BASED EFFLUENT LIMITATIONS AND CONDITIONS

Following regulations promulgated at 40 CFR122.44(l)(2)(ii), 122.44(d), and 130.32(b)(6), the draft permit limits are based on either technology-based effluent limits pursuant to 40 CFR122.44(a), on the results of or on State Water Quality Standards and requirements pursuant to 40 CFR122.44(d), or on the results of an established and EPA approved TMDL's, whichever are more stringent.

Stream segment specific limits; segment #1201, Brazos River Tidal, has pH criteria of 6.5 to 9.0 su. These are more stringent than the technology-based 6-9 limitations shown above. The draft permit will require the WQS limitations of 6.5 - 9.0 su's for all four outfalls; 001 thru 004. For Outfalls 002, 003 & 004, technology-based limits have been placed in the permit for free oil and O&G. "Report" requirements have been placed in the permit for TOC. For Outfall 004, technology-based limitations for TSS have been proposed. Lastly, all four outfalls have a narrative water quality-based limitation requirement of "no visible film of oil or globules of grease on the surface or coat the banks or bottoms of the watercourse."

F. WHOLE EFFLUENT TOXICITY LIMITATIONS

There are no chemical specific limitations in the draft permit; however the activity does have a potential to cause synergistic effects which the biomonitoring program was established to assess. Since the activity could be potentially harmful to the environment, the draft permit will include a single biomonitoring requirement for Outfall 001. The discharge of Outfall 001 is into a constructed wetland with hydrologic connection to the ICW. The potential discharge impacts would be to the aquatic species of the wetland. The permit will propose a 48-Hour WET test using freshwater species at 100% NOEC. The draft permit proposes the following test:

EFFLUENT CHARACTERISTIC	DISCHARGE MONITORING	
	<u>30-DAY AVG MINIMUM</u>	48-Hr. MINIMUM
Whole Effluent Toxicity Testing		
(48 Hr. Static Renewal) 1/		
Daphnia pulex	REPORT	REPORT
Pimephales promelas	REPORT	REPORT
EFFLUENT CHARACTERISTIC	MONITORING REQUIREME	<u>NTS</u>
	FREQUENCY	TYPE
Whole Effluent Toxicity Testing		
(48 Hr. Static Renewal) 1/		
Daphnia pulex	Once/Term	Grab
Pimephales promelas	Once/Term	Grab

FOOTNOTES

1/ Monitoring and reporting requirements begin on the effective date of this permit. See Part II, Whole Effluent Toxicity Testing Requirements for additional WET monitoring and reporting conditions.

G. FINAL EFFLUENT LIMITATIONS

See the draft permit for limitations.

H. MONITORING FREQUENCY

Regulations require permits to establish 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). The monitoring frequencies are based on BPJ, taking into account the nature of the facility.

1. Outfall 001

For Outfall 001, monitoring for flow and pH shall be monitored and reported daily. Flow shall be measured by a recording meter. Sample type for pH shall be by grab.

2. Outfalls 002, 003 & 004

Due to the intermittent nature of stormwater runoff discharges, instantaneous grab sampling requirements when discharging are established in the permit. The first flush of the stormwater runoff discharge has the potential to contain the greatest amount of contamination. For Outfalls 002, 003 & 004, the permit shall require a grab sample collection of the first flush taken during the first 30-minutes of stormwater runoff, when discharging. Flow shall be an "estimate" and shall not be subject to the accuracy provisions established at Part III.C.6. Flow estimate may be determined using sound engineering practices at a frequency of once per day when discharging. Free oil; no visible sheen, shall be made daily during daylight hours when discharging, by visual observations of the receiving waters in the vicinity of the discharges from the three outfalls. O&G, pH and TOC shall be sampled and monitored once per week, within the first 30-minutes of discharge by grab sample, when discharging.

VII. 303(d) LIST

This section discusses the potential impact on the State listed 303(d) impaired waterbodies by the proposed discharge. This discussion is in addition to the water quality screening process. Based on ambient data and effluent data available to the agency, if the discharge would have a reasonable potential to cause or contribute to a violation of water quality standards, water quality-based effluent limitations would be established in the permit as discussed in the previous sub-section: Water Quality Screening.

The receiving stream, the ICW, Water Body Segment No. 1201, is not on the State's currently approved 303(d) list. If at a later time the segment is determined to be impaired, and/or a TMDL is

done, or a TMDL is completed, the standard reopener clause will allow additional limitations to be placed in the permit.

VIII. ENDANGERED SPECIES CONSIDERATIONS

As part of FERC's EIS, the FWS and the National Oceanic and Atmospheric Administration (NOAA) had consultations on aspects relative to the construction of the pipeline, LNG site and the ship traffic associated with the project. Previously it was reported that this NPDES permit does not address the pipeline hydrostatic discharges. The consultations that the FWS and NOAA have had with FERC, addressed the concerns that the construction will have on endangered and threatened species.

According to the most recent U.S. Fish & Wildlife Service, (USFWS), listing currently available at the EPA, Region 6, eight species of concern are listed in Brazoria County as Endangered or Threatened. The lone threatened species is the loggerhead sea turtle (Caretta caretta). The endangered species are the brown pelican (Pelecanus occidentalis), green sea turtle (Chelonia mydas), hawksbill sea turtle (Eretmochelys imbricata), Kemp's ridley sea turtle (Lepidochelys kempii), piping Plover (Charadrius melodus), whooping crane (Grus americana), and the leatherback sea turtle (Dermochelys coriacea). In addition, six federally-protected species of whales may be found in the Gulf of Mexico. They are the Blue whale (*Balaenoptera musculus*), Finback whale (*Balaenoptera physalus*), Humpback whale (*Megaptera novaeangliae*), Right whale (*Eubalaena glacialis*), Sei whale (*Balaenoptera borealis*) and the Sperm whale (*Physeter macrocephalus*).

In accordance with requirements under section 7(a)(2) of the Endangered Species Act, EPA has reviewed this permit for its effect on listed threatened and endangered species and designated critical habitat. After review, EPA has determined that the reissuance of this permit will have "no effect" on listed threatened and endangered species nor will adversely modify designated critical habitat. EPA makes this determination based on the following:

- 1. No additions have been made to the USFWS list of threatened and endangered species and critical habitat designation in the area of the discharge since prior issuance of the permit.
- 2. EPA has received no additional information since the previous permit issuance which would lead to revision of its determinations.
- 3. The draft permit is consistent with the States WQS and does not increase pollutant loadings.
- 4. EPA determines that Items 1, thru 3 result in no change to the environmental baseline established by the previous permit, therefore, EPA concludes that reissuance of this permit will have "no effect" on listed species and designated critical habitat.

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The standard reopener clause in the permit will allow EPA to reopen the permit and impose additional limitations if it is determined that changes in species or knowledge of the discharge would require different permit conditions.

IX. ANTIDEGRADATION

The TCEQ - TWQS, Antidegradation, Title 30, Part 1, Chapter 307, Rule §307.5 sets forth the requirements to protect designated uses through implementation of the TWQS. The limitations and monitoring requirements set forth in the proposed permit are developed from the TWQS and are protective of those designated uses. Furthermore, the policy sets forth the intent to protect the existing quality of those waters, whose quality exceeds their designated use. The permit requirements are protective of the assimilative capacity of the receiving waters, which is protective of the designated uses of that water.

X. 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 proposed permit has maintained the concentration limits contained in the previous permit and has made more restrictive the limits for pH. The change represent permit requirements that are consistent with the TWQS and with WQMP.

XI. HISTORICAL and ARCHEOLOGICAL PRESERVATION CONSIDERATIONS

The issuance of the permit should have no impact on historical and/or archeological sites since there is no planned additional construction requested. The plant was constructed with a different NPDES permit, TX0127484, and that permit addressed the issues of historical and/or archeological protection during the time when possible disturbances would have been expected.

XII. CERTIFICATION

The permit is in the process of certification by the RRC following regulations promulgated at 40 CFR 124.53. A draft permit and draft public notice will be sent to the District Engineer, Corps of Engineers; to the Regional Director of the U.S. Fish and Wildlife Service and to the National Marine Fisheries Service prior to the publication of that notice.

XIII. FINAL DETERMINATION

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

XIV. ADMINISTRATIVE RECORD

The following information was used to develop the proposed permit:

A. APPLICATION(S)

EPA Application received January 31, 2013.

B. 40 CFR CITATIONS

Citations to 40 CFR are as of March 15, 2013. Sections 122, 124, 125, 133, 136

C. MISCELLANEOUS REFERENCES

EPA Region 6 "Policy for Post Third Round NPDES Permitting" and "Post Third Round NPDES Permit Implementation Strategy," October 1, 1992.

National Toxics Rule 57 FR 60848, December 22, 1992.

Quality Criteria for Water (1986), EPA 440/5-86-001, May 1, 1986.

Texas Surface Water Quality Standards, 30 TAC Sections 307, (21 TexReg 9765, August 17, 2000).

"Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fourth Edition," EPA/600/4-90/027F.

"Implementation of the Texas Commission on Environmental Quality Standards via Permitting," Texas Commission on Environmental Quality, January 2003.

D. LETTERS/MEMORANDA/RECORDS of COMMUNICATION, ETC.

E-mail's from Michael Johns, Freeport LNG Development LP, to Larry Giglio, EPA, March 18, 2013, providing additional permit information.