

NPDES PERMIT NO. GM0000002

FACT SHEET

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

APPLICANT

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ISSUING OFFICE

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PREPARED BY

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DATE PREPARED

May 29, 2019

PERMIT ACTION

Proposed permit modification for extending the expiration date of a permit that was issued August 9, 2018, effective on October 1, 2018, and expires December 31, 2019.

RECEIVING WATER – BASIN

Gulf of Mexico – Gulf of Mexico

I. CHANGES FROM THE PREVIOUS PERMIT

The only change in this proposed modification is to extend the expiration from December 31, 2019 to September 30, 2023, which does not result in a permit term of longer than the five year limitation for NPDES permits. Only this change is open for public review and comment as a result of this proposed modification.

II. APPLICANT LOCATION AND ACTIVITY

A. FACILITY LOCATION

The location of the Main Pass Mine 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

This is a permit extension action for a permit that was issued August 9, 2018 and will expire December 31, 2019. The site operated as a sulphur and brine production terminal when EPA reissued the permit in 2012. Because Lease OCS-G 09372, which covered the operations associated with the exploration for and production of sulphur and salt at Main Pass Mine, Main Pass Block 299, expired, a permit renewal was needed for discharges associated with the existing unmanned structures and decommissioning the Main Pass Mine platforms and associated wells and pipelines. EPA reissued a less-than-five-year short period permit in 2018 so that the operator may complete its decommissioning process. The decommissioning activities were expected to be completed by the end of 2019. But, delays in regulatory approval of varied decommissioning activities has moved the potential completion of decommissioning to December 2021.

C. DESCRIPTIONS OF DECOMMISSIONING OPERATIONS

Decommissioning operations will consist of the following:

1. Removal of platform structures
2. Abandonment of the wells
3. Decommissioning of pipelines

This decommissioning work will involve the use of drilling rigs, derrick barges and associated equipment in essentially the same manner as this equipment was used for operations covered by the expiring permit. Discharges from the decommissioning work are included in the permit that is being extended.

III. 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 decommissioning activities were expected to be completed by the end of 2019. But, delays in regulatory approval of varied decommissioning activities has moved the potential completion of decommissioning to December 2021. The current permit will expire December 31, 2019, and a letter requesting for extension of permit expiration date was received April 16, 2019. EPA proposes that the permit be modified for a full 5-year permit term, as permitted by 40 CFR §122.46(a), in the event of additional setbacks of the completion of decommissioning.

IV. PERMIT CONDITIONS

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.

This permit extension action does not result in any change of permit conditions. EPA is not proposing any other changes except the expiration date of the permit.

V. 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 modification contains at least as stringent as the current permit.

VI. PERMIT REOPENER

The permit may be reopened and modified during the life of the permit. Modification of the permit is subject to the provisions of 40 CFR §124.5.

VII. CERTIFICATION

EPA is the certifying authority because the permit authorizes discharges only to Federal waters.

VIII. FINAL DETERMINATION

The public notice describes the procedures for the formulation of final determinations. The public may only make comments on the proposed extension of permit expiration date.

IX. ADMINISTRATIVE RECORD

The following information was used to develop the proposed permit:

A. Correspondence

Letter from Mr. John Seip (Freeport-McMoran Energy) to Mr. Isaac Chen (EPA), via email dated April 16, 2019.

B. 40 CFR /Federal Register Citations

Citations to 40 CFR are as of April 1, 2019.

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