

FILED

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6

21 JUN 14 AM 9:02

REGIONAL HEARING CLERK  
EPA REGION VI

In the Matter of	§	Clean Water Act § 309(a)
	§	
Corpus Christi Liquefaction, LLC	§	ADMINISTRATIVE ORDER
	§	ON CONSENT
	§	
Respondent	§	Docket No. CWA 06-2021-1726

I. AUTHORITY

The following findings of violations are made and Administrative Order on Consent (Order) issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by Section 309(a) of the Clean Water Act (Act), 33 U.S.C. § 1319(a). The Administrator delegated this authority to the Regional Administrator of EPA Region 6, who has further delegated such authority to the Director of the Enforcement and Compliance Assurance Division, EPA Region 6.

II. FINDINGS OF VIOLATIONS

1. Corpus Christi Liquefaction, LLC (Respondent) is a corporation created under the laws of the State of Texas, and as such, Respondent is a "person" as defined by Section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.
2. At all times relevant to the violations alleged herein, Respondent owned, or operated a natural gas liquefaction and export plant facility located in San Patricio County, Texas (facility) and was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2.
3. Respondent acted as a "point source" of a "discharge" of "Pollutants" with its final wastewater discharge to the Quinta Channel of Corpus Christi Bay, which is considered a "water of the United States within the meaning of Section 502 of the Act, 33 U.S.C. § 1362, and 40 C.F.R. § 122.2.

4. Because Respondent owned or operated a facility that acted as a point source of discharge of pollutants to waters of the United States, Respondent and the facility were subject to the Act and the National Pollutant Discharge Elimination System (NPDES) program.

5. Respondent applied for and was issued NPDES Permit Number TX0134002 (permit) effective on September 1, 2020.

6. Part I.A of the permit places certain limitations on the quality and quantity of effluent discharged by the Respondent. The relevant discharge limitations are listed in the enclosed Attachment A, which is incorporated by reference.

7. Respondent discharged and/or directed the discharge of pollutants from the facility to waters of the United States only in compliance with the specific terms and conditions of an NPDES permit under Section 402 of the Act, 33 U.S.C. § 1342.

8. Discharge Monitoring Reports (DMRs) filed by Respondent with EPA in compliance with the permit show discharges of pollutants from the facility that exceed the permitted effluent limitations established in Part I.A of the permit. The discharge of pollutants that exceeded the permit limitations are specified in the enclosed Attachment B which is incorporated by reference.

9. Each violation of the conditions of the permit is a violation of Section 301 of the Act, 33 U.S.C. § 1311.

10. The discharges referenced in paragraph eight (8) were “pollutants” as defined by Section 502(6) of the Act, 33 U.S.C. § 1362(6).

11. Each day of unauthorized discharge was a violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a).

12. Respondent has completed actions to correct violations and comply with all permit

conditions and applicable regulations. On April 30, 2021, Respondent provided to EPA employee Dr. Jack Arias a final report documenting completion of those actions, including facility overview, root cause of exceedances, corrective actions, maps, and photos of the actions taken. Respondent participated in a telephone conference with Dr. Arias on May 10, 2021, to answer any questions of Dr. Arias related to the final report.

13. In entering into this Consent Order, Respondent does not admit or deny any of the Findings of Violation or conclusions of law set out in this Consent Order. The actions undertaken by Respondent referenced in paragraph twelve (12) do not constitute an admission of liability.

### III. CONSENT AGREEMENT

14. EPA and Respondent agree that settlement of this matter will save time and resources and is in the public interest and that issuance of this Order is the most appropriate means of resolving this matter with respect to Respondent's compliance with the NPDES permit conditions and applicable regulations. Respondent concurs in the issuance of this Order and agrees to comply with the Order. Respondent admits the jurisdictional allegations set forth herein.

### IV. COMPLIANCE ORDER

15. Based on the foregoing Findings of Violations and pursuant to the authority of Section 309(a) of the Act, 33 U.S.C. § 1319(a), Section 402 of the Act, 33 U.S.C. § 1342, EPA orders, and Respondent agrees to the following:

- a. Respondent shall take such measures as are necessary to comply with all permit conditions and applicable regulations, including "Effluent Limitations Requirements" upon the effective date of the Order.

## V. GENERAL PROVISIONS

16. Respondent waives any and all claims for relief and otherwise available rights or remedies to judicial or administrative review that Respondent may have with respect to any issue or fact or law set forth in this Order, including, but not limited to, any right of judicial review of this Order on Consent under Sections 701 through 708 of the Administrative Procedure Act, 5 U.S.C. §§ 701-708.

17. Respondent acknowledges the jurisdiction of EPA to issue the Section 309(a)(3) Administrative Order on Consent.

18. Issuance of this Order shall not be deemed an election by EPA to forego any administrative or judicial, civil or criminal action to seek penalties, fines or any other relief appropriate under the Act for other violations that become known to EPA.

19. If EPA issues an administrative complaint or a civil judicial action is initiated by the U.S. Department of Justice, Respondent may be subject to a monetary penalty. The failure to comply with this Order or the Act can result in civil penalties of up to \$55,800 per day of violation. If a criminal action is initiated by the U.S. Department of Justice, Respondent may be subject to a fine and/or imprisonment and may also become ineligible for certain government contracts, grants, or loans under Section 508 of the Act, 33 U.S.C. § 1368.

20. Compliance with the terms and conditions of this Order does not relieve Respondent of the obligation to comply with any applicable federal, state or local law or regulation.

21. The effective date of this Consent Order is the date of the later of the two signatures below and shall not exceed a term of one year and shall not be renewable.

22. Each undersigned representative of the parties to this agreement certifies that he or

she is fully authorized by the party represented to enter into the terms and conditions of this agreement and to execute and legally bind that party to it.

In recognition and acceptance of the foregoing:



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Ari A. Aziz  
Vice President and General Manager  
Corpus Christi Liquefaction, LLC



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Date



Digitally signed by CHERYL SEAGER  
DN: c=US, o=U.S. Government, ou=Environmental  
Protection Agency, cn=CHERYL SEAGER,  
6.9.2342.19206300.100.1.1-68001003651793  
Date: 2021.06.11 09:29:10 -0500

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Cheryl T. Seager, Director  
Enforcement and  
Compliance Assurance Division

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June 11, 2021

Date



CERTIFICATE OF SERVICE

I hereby certify that on the 14<sup>th</sup> day of June, 2021, the original of the foregoing Administrative Order on Consent was hand delivered to the Regional Hearing Clerk, U.S. EPA, Region 6 (6RCD), 1201 Elm Street, Suite 500, Dallas, Texas 75270, and that a true and correct copy was placed in the United States Mail, by certified mail, return receipt requested, addressed to the following:

Copy hand-delivered:

Rusty Herbert  
Office of Regional Counsel (6RCEW)  
U.S. EPA Region 6  
1201 Elm Street, Suite 500  
Dallas, Texas 75270

Jackie Allen  
Certified by

June 14, 2021

**Attachment A**  
**NPDES Permit No.: TX0134002**

**PART I – REQUIREMENTS FOR NPDES PERMITS**

**SECTION A. LIMITATIONS AND MONITORING REQUIREMENTS**

1. Internal Outfall 101 – Sanitary Treatment Plant – 0.019 MGD Average Flow

During the period beginning on the effective date of the permit and lasting through the expiration date, the permittee is authorized to discharge treated wastewater from the Sanitary Treatment Plant (internal Outfall 101) into Outfall 001, thence to La Quinta Channel of Corpus Christi Bay, Water Body Segment Code No. 2481 of the of the Bays and Estuaries. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
		Standard Units			
POLLUTANT	STORET CODE	MINIMUM	MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
pH	00400	6.0	9.0	Twice/month (*1)	Grab

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
		lbs/day, unless noted		mg/l, unless noted			
POLLUTANT	STORET CODE	MON AVG	DAY MAX	MON AVG	DAY MAX	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow	50050	Report MGD	Report MGD	N/A	N/A	Continuous	Flow Meter
BOD5	00310	9.01	13.51	30	45	Twice/month (*1)	Grab
TSS	00530	9.01	13.51	30	45	Twice/month (*1)	Grab
Enterococci, CFU/100 mL	61211	N/A	N/A	35	130	Twice/month (*1)	Grab

Footnote:

\*1 For any monitoring period, samples shall be taken at least seven (7) days from the first sample of the previous monitoring period.

**Attachment A**  
**NPDES Permit No.: TX0134002**

3b. Outfalls 002 – Inlet Air Chillers\*9, Hydrostatic test/flush water, Fire hydrant flush water, Fin fan wash water, Amine system flush water- 6 MGD Average Flow

During the period beginning on the effective date of the permit and lasting through the expiration date, the permittee is authorized to discharge treated discharge of Inlet Air Chillers (via internal Outfall 201, 202, & 203), Hydrostatic test/flush water, Fire Hydrant flush water, Fin fan wash water, Amine system flush water from Outfall 002, thence to La Quinta Channel of Corpus Christi Bay, Water Body Segment Code No. 2481 of the of the Bays and Estuaries. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
		Standard Units			
POLLUTANT	STORET CODE	MINIMUM	MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
pH	00400	6.5	9.0	Daily (*1)	Grab

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
		lbs/day, unless noted		mg/l, unless noted			
POLLUTANT	STORET CODE	MON AVG	DAY MAX	MON AVG	DAY MAX	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow	50050	Report MGD (*2)	Report MGD (*2)	N/A	N/A	Daily (*1)	Estimate (*3)
Oil & Grease	00556	Report	Report	N/A	15	Daily (*1)	Grab
Total Residual Chlorine	50060	N/A	N/A	N/A	0.019	Daily (*1, *6)	Grab
Total Suspended Solids	00530	Report	Report	30	45	Daily (*1)	Grab
Total BTEX *4 *5	30383	N/A	N/A	N/A	100 µg/L	Daily (*1)	Grab
Total Organic Carbon (TOC) *5	00680	N/A	N/A	N/A	50	Daily (*1)	Grab



**Attachment A**  
**NPDES Permit No.: TX0134002**

EFFLUENT CHARACTERISTICS	DISCHARGE MONITORING	MONITORING REQUIREMENTS	
WHOLE EFFLUENT TOXICITY TESTING/LIMIT (48-Hour Acute Static Renewal/NOEC) *7, *8)	VALUE	MEASUREMENT FREQUENCY	SAMPLE TYPE
Mysidopsis bahia	80%	Once/Quarter (*1)	24-Hr Composite
Menidia beryllina	Report	Once/Quarter (*1)	24-Hr Composite

Footnotes:

- \*1 When discharging.
- \*2 The discharge flow rate shall be controlled to prevent the erosion of soils, to minimize the disturbance and re-suspension of bottom sediments and to avoid adverse impact to any wetlands or other materials and the consequent addition of suspended solids to the discharge. Contact with unvegetated or disturbed ground surfaces shall be avoided.
- \*3 "Estimate" flow measurements shall not be subject to the accuracy provisions established at Part III.C.6. Flow may be estimated using best engineering judgment.
- \*4 BTEX shall be measured as the sum of benzene, toluene, ethylbenzene, and total xylene (including ortho-, meta-, and para-xylene) as quantified by EPA methods 601, 602, 624, or 1624.
- \*5 TOC and BTEX limits shall apply only to discharges of hydrostatic test/flush water from existing pipelines and tanks that have been in-service.
- \*6 TRC requirements shall only apply when potable water is used and/or chlorine is added.
- \*7 Compliance with the limit, monitoring, and reporting requirements begin on the effective date of this permit. See Part I, Section B, Schedule of Compliance regarding the period for compliance with whole effluent toxicity (WET) limits. See Part II, Whole Effluent Toxicity Testing Requirements for additional WET monitoring and reporting conditions.
- \*8 WET requirements only apply when hydrostatic wastewater is being discharged from Outfall 002. The limit applies to Outfall 002. A flow weighted composite of outfalls 002-007 is allowed. If a flow weighted composite of outfalls 002-007 is collected, the limit applies to the composite sample.
- \*9 For Inlet air chillers, flow, pH, oil & grease, and TSS should be monitored twice a month.

**Attachment B (Exceedances of Effluent Limitations)**

**NPDES TX0134002**

**Corpus Christi Liquefaction, LLC**

Monitoring Period End Date	Outfall	Parameter Desc	Monitoring	Unit	Limit Value	DMR Value Qualifier Code	DMR Value	Reported Number of Excursions
04/30/2018	002	Chlorine, total residual	DAILY MX	mg/L	.019	=	.95	10
06/30/2018	002	Chlorine, total residual	DAILY MX	mg/L	.019	=	.08	4
06/30/2018	002	Solids, total suspended	DAILY MX	mg/L	45.	=	384.	1
06/30/2018	002	Solids, total suspended	MO AVG	mg/L	30.	=	45.14	1
06/30/2020	002	pH	MINIMUM	SU	6.5	=	6.42	1
07/31/2020	002	Solids, total suspended	DAILY MX	mg/L	45.	=	56.	1
10/31/2020	002	Carbon, tot organic [TOC]	DAILY MX	mg/L	50.	=	55.4	1
10/31/2020	101	Enterococci	DAILY MX	CFU/10	130.	>	2419.6	2
10/31/2020	101	Enterococci	MO AVG	CFU/10	35.	=	1210.3	2