

# BAKER BOTTS LLP

ONE SHELL PLAZA  
910 LOUISIANA  
HOUSTON, TEXAS  
77002-4995

TEL +1 713.229.1234  
FAX +1 713.229.1522  
BakerBotts.com

ABU DHABI      HOUSTON  
AUSTIN          LONDON  
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DALLAS          PALO ALTO  
DUBAI            RYADH  
HONG KONG      WASHINGTON

March 12, 2013

Scott Janoe  
TEL +1 713-229-1553  
FAX +1 713-229-7953  
scott.janoe@bakerbotts.com

Regional Hearing Clerk (6RC-D)  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

BY HAND DELIVERY

**Re:    Answer to Administrative Complaint**  
**Docket Number: CWA- 06-2013-1736**  
**NPDES Permit Number: TX0124648**

Dear Sir or Madam:

Enclosed is Clean Energy Texas LNG, LLC's Answer to the Administrative Complaint issued by EPA Region 6.

As stated in the Answer, Clean Energy Texas LNG, LLC requests a hearing with the Regional Judicial Officer pursuant to the procedures outlined in 40 C.F.R. Part 22, Subpart I.

Sincerely yours,



Scott Janoe

RC RC	
Location: OFFICE OF	
Sender: BAKER BOTTS LLP	
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UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6

In the Matter of:

Clean Energy Texas LNG, LLC

Respondent

NPDES Permit No. TX0124648

§  
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§  
§

Docket No. CWA-06-2013-1736

Proceeding to Assess a Class II  
Civil Penalty under Section 309(g)  
of the Clean Water Act

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REGIONAL HEARING CLERK  
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ANSWER AND REQUEST FOR HEARING

Clean Energy Texas LNG, LLC ("Clean Energy") files this Answer and Request for Hearing.

RESPONSES TO COMPLAINT

1. Clean Energy admits the allegations in paragraph 1.
2. Clean Energy admits the allegations in paragraph 2.
3. Clean Energy admits the allegations in paragraph 3.
4. Clean Energy admits the allegations in paragraph 4.
5. Paragraph 5 states a legal conclusion for which no answer is required. To the extent that an answer is required, this allegation is denied.
6. Paragraph 6 states a legal conclusion for which no answer is required. To the extent that an answer is required, this allegation is denied.
7. Clean Energy admits the allegations in paragraph 7.
8. Clean Energy admits the allegations in paragraph 8.
9. Clean Energy admits the allegations in paragraph 9.
10. Clean Energy admits that it produced copies of analytical data and tables summarizing the data collected in relation to its NPDES permit. Clean Energy denies all other allegations in paragraph 10.
11. Clean Energy is without sufficient information to admit or deny that Complainant concluded from a file review conducted on July 9, 2012 that Clean Energy had not submitted quarterly DMRs, WET tests, or fecal coliform monitoring data since the effective date of its NPDES permit, as alleged in paragraph 11.

12. Clean Energy admits that it received the Administrative Order referenced in paragraph 12 and that it contained language similar to that listed in the Complaint.
13. Clean Energy admits that, as stated in paragraph 13, Part I.A of its NPDES permit places certain limitations on the quality and quantity of effluent discharged. Clean Energy also admits the effluent characteristics for fecal coliform. Clean Energy denies all other allegations in paragraph 13.
14. Clean Energy admits the allegations in paragraph 14.
15. Paragraph 15 states a legal conclusion for which no answer is required. To the extent that an answer is required, this allegation is denied.
16. Paragraph 16 states a legal conclusion for which no answer is required. To the extent that an answer is required, Clean Energy denies the allegation in paragraph 16 that Clean Energy is liable under Clean Air Act § 309(g)(2)(B) in an amount not to exceed \$16,000 per day for each day during which a violation continues, up to a maximum of \$177,500.
17. Clean Energy is without sufficient information to admit or deny the allegations in paragraph 17.
18. Clean Energy is without sufficient information to admit or deny that Complainant has notified the public of the filing of the Complaint, as alleged in paragraph 18.
19. Paragraph 19 states a legal conclusion for which no answer is required. To the extent that an answer is required, this allegation is denied.
20. Paragraph 20 states a legal conclusion for which no answer is required. To the extent that an answer is required, this allegation is denied.
21. Paragraph 21 states a legal conclusion for which no answer is required. To the extent that an answer is required, this allegation is denied.
22. Paragraph 22 states a legal conclusion for which no answer is required. To the extent that an answer is required, this allegation is denied.
23. Paragraph 23 states a legal conclusion for which no answer is required. To the extent that an answer is required, this allegation is denied.
24. Paragraph 24 states a legal conclusion for which no answer is required. To the extent that an answer is required, this allegation is denied.
25. Paragraph 25 states a legal conclusion for which no answer is required. To the extent that an answer is required, this allegation is denied.
26. Paragraph 26 states a legal conclusion for which no answer is required. To the extent that an answer is required, this allegation is denied.
27. Paragraph 27 states a legal conclusion for which no answer is required. To the extent that an answer is required, this allegation is denied.
28. Paragraph 28 states a legal conclusion for which no answer is required. To the extent that an answer is required, this allegation is denied.

29. Paragraph 29 states a legal conclusion for which no answer is required. To the extent that an answer is required, this allegation is denied.
30. Paragraph 30 states a legal conclusion for which no answer is required. To the extent that an answer is required, this allegation is denied.
31. Paragraph 31 states a legal conclusion for which no answer is required. To the extent that an answer is required, this allegation is denied.
32. Paragraph 32 states a legal conclusion for which no answer is required. To the extent that an answer is required, this allegation is denied.

#### **DEFENSES**

33. Since the effective date of its NPDES permit, Clean Energy has submitted quarterly reports containing relevant monitoring data to Complainant.
34. Under Clean Air Act § 309(g)(2)(B), Complainant may not seek more than \$10,000 per day, as adjusted for inflation, for each day during which a violation continues.

#### **REQUEST FOR HEARING**

35. Pursuant to Part V, paragraphs 27 - 29, Clean Energy hereby requests a hearing to contest the material allegations in the complaint and the appropriateness of the proposed penalty. Clean Energy requests that the hearing be conducted pursuant to the requirements of 40 C.F.R. Chapter 22, Subpart I.

#### **REQUEST FOR INFORMAL SETTLEMENT CONFERENCE**

36. Pursuant to Part VI, paragraphs 30 - 31, Clean Energy requests an informal settlement conference to pursue the possibility of settlement of these matters.

Respectfully submitted,

BAKER BOTTS L.L.P

By: 

J. Scott Janoe

TX Bar No.: 24012897

Baker Botts L.L.P.

One Shell Plaza

910 Louisiana Street

Houston, Texas 77002-4995

Telephone: 713.229.1553

Facsimile: 713.229.7953

[scott.janoe@bakerbotts.com](mailto:scott.janoe@bakerbotts.com)

ATTORNEYS FOR

CLEAN ENERGY TEXAS LNG, LLC

CERTIFICATE OF SERVICE

I certify that on March 12, 2013, I served a true and correct copy of this Answer and Request for Hearing on the following persons by courier or certified mail, return receipt requested, as indicated:

  
J. Scott Jance

Original by Courier to:

Regional Hearing Clerk (6RC-D)  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

Copy by Certified Mail to:

Mr. Russell Murdock (6RC-EW)  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733