



Jan Dilley

From: Jan Dilley <Janyce.dilley@frontier.com>
Sent: Thursday, May 16, 2019 4:12 PM
To: Coos City Planning (hhearley@log.org)
Subject: 187-18-000153-PLNG-01
Attachments: IMG_20190516_DEQ 050619.pdf

Dear Commissioners,

In my April 25th submission, I included DSL's letter of April 10, 2019 denying the permit on the basis of incompleteness and ignoring the public comment.

Herein, I attach DEQ's May 6, 2019 letter of denial of the subject permit. Can also be found at this link:
<https://www.oregon.gov/newsroom/pages/NewsDetail.aspx?newsid=3273>

Further summary of this application can be found at:
<https://www.oregon.gov/deq/Programs/Pages/Jordan-C>.

You will find that Jordan Cove ^{has} not complied with DEQ's request as far back as September 2019.

I hope this will aid you in your decision and will deliver hard copies of the attachment to your office.

Respectfully submitted,

Jan Dilley
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DEQ issues a decision on Jordan Cove's application for 401 Water Quality Certification

May 06, 2019

Statewide, OR—Today the Oregon Department of Environmental Quality issued a decision on Jordan Cove's application for a Section 401 Water Quality Certification. The certification is required for the U.S. Army Corps of Engineers to issue permits for the project.

DEQ's decision is to deny the requested certification at this time. However, DEQ's action is being made "without prejudice." This means that the applicant may reapply for the certification, and submit additional information that could result in a different decision.

If Jordan Cove resubmits an application along with information addressing DEQ's concerns, DEQ will work to keep the timing of its review in line with the overall federal schedule for the project, but this will depend on the applicant submitting the requested information in a timely manner.

DEQ had expected to make its decision on certification in September of this year. However, DEQ has accelerated the schedule and is making a decision now in order to ensure that we do not unintentionally waive Oregon's authority to review the water quality impacts of the proposed project. The U.S. Army Corps of Engineers initially instructed DEQ to complete its review by May 7, 2019. However, in fall 2018 the U.S. Army Corps of Engineers extended that date to Sept. 24, 2019 following the applicant's withdrawal and resubmittal of its application. Recent federal court and agency decisions have raised significant questions about whether this extension was valid. As a result, DEQ is making a decision by the date initially provided by the Corps – May 7, 2019.

DEQ is denying the requested water quality certification at this time because there is insufficient information to demonstrate compliance with water quality standards, and because the available information shows that some standards are more likely than not to be violated. Through further analysis, and possibly through project changes and mitigation, the applicant may be able to show the standards for certification will be met, but the current record does not allow DEQ to reach that conclusion today.

DEQ's specific concerns, among others, include:

- Expected effects of the construction and operation of the proposed pipeline and associated road and work areas on water temperature and sediment in streams and wetlands
- The risk of release of drilling materials from the construction of the proposed

crossing of the Coos Bay estuary

DEQ requested additional information from Jordan Cove in September 2018, December 2018 and March 2019 relevant to the project's effect on water quality. Jordan Cove has provided some, but not all, of the information requested.

The proposed project calls for a liquefied natural gas export facility in Coos Bay and would include a 229-mile, 36-inch diameter pipeline from Malin in Klamath County to the facility in Coos Bay. Under Section 401 of the Clean Water Act, DEQ has the authority to certify whether federally permitted activities that may result in a discharge to state waters comply with applicable water quality standards.

Visit <https://www.oregon.gov/deq/wq/wqpermits/Pages/Sect...> (<https://www.oregon.gov/deq/wq/wqpermits/Pages/Section-401.aspx>) to learn more about the 401 Water Quality Certification.

Visit <https://www.oregon.gov/deq/Programs/Pages/Jordan-C...> (<https://www.oregon.gov/deq/Programs/Pages/Jordan-Cove.aspx>) to view the denial letter, evaluation report and other information on Jordan Cove. Other documents, including previous information requests and Jordan Cove's responses are also available on this webpage.

Contacts: Katherine Benenati, DEQ, 541-600-6119,
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(<mailto:benenati.katherine@deq.state.or.us?subject=RE:%20>)

Attachments

Categories:

Environment & Energy