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Liquefied Natural Gas Export Facility: Oregon Department of Environmental Quality Denial of 401 Water Quality Certification

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The Oregon Department of Environmental Quality (“ODEQ”) issued a May 6th denial of a Clean Water Act Section 401 Water Quality Certification for a proposed liquid natural gas export facility (“Facility”) in Coos Bay, Oregon.

The proposed project would include a 229-mile, 36-inch diameter pipeline.

Section 401 of the Clean Water Act requires an applicant for a federal license or permit to provide a certification that any discharges from the facility will comply with applicable state water quality standards. If not provided, the federal permit or license may not be granted. Further, states can impose certain conditions upon federal permits or licenses as a prerequisite to granting the permit or license.

The previously referenced Facility is called the “Jordan Co-Energy Project.” The Facility was required to obtain a Section 401 water quality certification because it had applied for United States Army Corps of Engineers permits.

ODEQ stated that its decision to deny water quality certification was being made “without prejudice.” This was described as allowing the applicant to reapply for certification and submittal of additional information that could result in a different decision.

ODEQ states that in denying the water quality certification its specific concerns included:

- Expected effects of the construction and operation of the proposed pipeline and associated road and work areas on water temperature in sediments, streams, and wetlands
- The risk of release of drilling material from the construction of the proposed crossing of the Coos Bay estuary

A copy of the May 6th ODEQ letter can be found [here](#).