



Lavaca-Navidad River Authority

P.O. Box 429 Edna, Texas 77957

May 4, 2010

Office of the Chief Clerk
MC 1105, TCEQ
PO Box 13087
Austin, TX 78711-3087

OPA

MAY 13 2010

BY pl

IWD
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2010 MAY 13 AM 9:49
CHIEF CLERKS OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

**Re: Formosa Utility Venture, Ltd and Formosa Plastics Corporation, Texas
Permit No. WQ002436000**

The Lavaca-Navidad River Authority (LNRA) wishes to submit the following comments in addition to the comments you have already received from LNRA General Manager regarding Minor Amendment #6: authorization for discharging Lake Texana water directly from the raw water ponds to Cox's Creek (for drought contingency).

Several issues regarding this change in permit are of concern:

- A proposed change in monitoring frequency in the Lavaca Bay from quarterly annually to quarterly tri-annually. I have no problem with Formosa monitoring their Lavaca Bay Outfall 001 less frequently than currently based on 15 years of data indicating no impact on the Bay waters. However, a change to tri-annual scheduling would leave a great gap of time when any problems that might arise would not be recognized. LNRA would much prefer that annual monitoring be maintained, but perhaps cut the frequency from quarterly to twice a year. That would be the same number of monitoring events as the requested change over a 4-year period [year 1 = 4, year 2 = 0, year 3 = 0, year 4 = 4 for a total of 8 events compared to twice each year for 4 years = 8 monitoring events], but the monitoring would be more timely, and any arising problems would be caught much earlier.
- We are also concerned about the request to eliminate sending an annual report to TCEQ on the 16 groundwater wells in the area around the vinyl plant. This request was made by Formosa because the wells are currently monitored quarterly under RCRA (EPA 3008 h order) for pH and Volatile Organic Analysis. Does TCEQ have access to the monitoring data sent to the EPA? Is this additional monitoring or only an additional report? If it is only a matter of a report, then it might be best to double the effort so that TCEQ is assured of access to the data from the wells. If it is actually redundant monitoring for the same parameters, then we could support elimination of a double effort.

We appreciate your consideration of our comments.

Sylvia Balentine
Sylvia Balentine
Director of Environmental Services, LNRA

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Lavaca-Navidad River Authority
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



Lavaca-Navidad River Authority

P.O. Box 429 Edna, Texas 77957

OPA

APR 30 2010

BY DM

April 28, 2010

Texas Commission on Environmental Quality
Office of the Chief Clerk
PO Box 13087 – MC 105
Austin, Texas 78711-3087

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DMT
72457*

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2010 APR 30 AM 10:00
CHIEF CLERKS OFFICE

Re: Comments
Notice of Receipt of Application and Intent to Obtain Water Quality Permit Amendment
Permit No. WQ 0002436000

To Whom It May Concern:

The Lavaca-Navidad River Authority is in receipt of the referenced agency notice and has the following comments:

1. It is LNRA's opinion that, as stated in the referenced notice, the proposed release of fresh water derived from Lake Texana to Cox Creek via the nearest outfalls (for drought contingency) is not the best management practice for the situation that is occurring.
2. It is LNRA's opinion that a better drought contingency strategy is that Formosa Plastics be allowed to divert a portion of its permitted treated process effluent via pipeline to the point of intended use for "drought contingency purposes". This is with the understanding that the treated effluent continue to meet established water quality release criteria.

Formosa Plastics Corporation has been a water customer of the Lavaca-Navidad River Authority since 1980. The company has contracted with LNRA to receive up to 30,800 acre-feet of water annually from Lake Texana. More recently, based on their current demands and projected growth, the company notified LNRA of additional water needs totaling 10,000 acre-feet beginning as early as year 2015.

There is a situation that has created this particular item to appear in the permit amendment as requested by Formosa Plastics. During dry periods, Formosa Plastics is asked by a neighboring industrial facility, Aluminum Company of America or ALCOA, to assist ALCOA by providing water for an operation that requires ALCOA to irrigate large material storage areas. It is my understanding that this is usually accomplished by ALCOA via ALCOA's diversion permit on Cox Creek. It is also my understanding that during extended dry periods, the salinity at ALCOA's diversion point exceeds some predetermined quality threshold.

DM

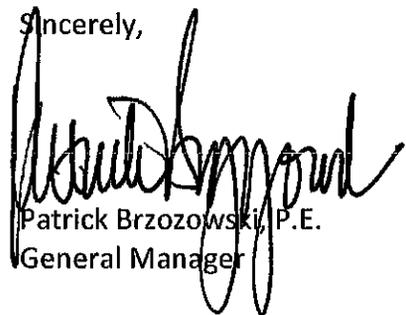
April 28, 2010

Most recently, during the extreme drought conditions experienced in years 07, 08 and 09, Formosa Plastics informally asked LNRA if they could release water from their raw water ponds into Cox Creek to support the aforementioned ALCOA operation. It was at this time that LNRA management strongly suggested that Formosa investigate the reuse of industrial water for this purpose.

Ultimately, it is LNRA's opinion that the request to amend Formosa's permit to allow for the release of fresh water derived from Lake Texana to another surface water body as a drought contingency measure should not be permitted and that the application to amend the permit be altered. Furthermore, LNRA does endorse the use or, the reuse of Formosa Plastic's treated effluent to support the water needs of the other industrial users in the area.

If you have any questions or need additional information, please call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Brzozowski". The signature is written in a cursive, flowing style.

Patrick Brzozowski, P.E.
General Manager

cc: Susan Clewis, Regional Director, TCEQ Region 14
Bill Dugat, Bickerstaff Heath Delgado Acosta LLP



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Texas Commission on Environmental Quality
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Austin, Texas 78711-3087

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RIO GRANDE DISTRICT
28 APR 2010 PM 1



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 APR 30 AM 10:00
CHIEF CLERKS OFFICE