

# TCEQ Interoffice Memorandum

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TO: Office of the Chief Clerk  
Texas Commission on Environmental Quality

THRU:  Mariana Delgado, Team Leader  
Water Rights Permitting Team

FROM: Brent Rougeau, Project Manager  
Water Rights Permitting Team

DATE: April 7, 2016

SUBJECT: BP Amoco Chemical Company  
WRPERM 13158  
CN600126775, RN106100779  
Application No. 13158 for a Water Use Permit  
Texas Water Code §11.121, Requiring Mailed and Published Notice  
Texas City Ship Channel, San Jacinto-Brazos Coastal Basin  
Galveston County

The Executive Director received an application from BP Amoco Chemical Company seeking a Water Use Permit pursuant to Texas Water Code §11.121 and Texas Commission on Environmental Quality Rules 30 TAC §§295.1, *et seq.*

The application was received on August 28, 2014. The application was declared administratively complete and filed with the Office of the Chief Clerk on May 20, 2015. The notice of the application was filed with the Chief Clerk, and on August 28, 2015 notice was subsequently mailed to the water right holders in the San Jacinto-Brazos Coastal Basin. One request for a contested case hearing was received.

Because this application was declared administratively complete after September 1, 1999, the rules in Chapter 55, Subchapter G, Sections 55.250 - 55.256 apply. The Chief Clerk shall mail notice to the applicant, executive director, public interest counsel, and timely hearing requestors not later than 35 days prior to the agenda setting. The Applicant, the public interest counsel, and the executive director shall file a response no later than 23 days before agenda, and the hearing requestors shall reply no later than nine days before agenda.

The application is now technically complete and the staff has recommended that the application be granted based on the analysis in the technical review memos.

Below is the caption for this application:

Consideration of the application by BP Amoco Chemical Company (Applicant) for Water Use Permit No. 13158, seeking authorization to divert and use not to exceed 100 acre-feet of water per year from three points on the Texas City Ship Channel, San Jacinto-Brazos Coastal Basin, approximately 8 miles northeasterly of the nearby city of Galveston, at a maximum combined diversion rate of 5.35 cfs (2,400 gpm) for industrial

purposes (hydrostatic testing), with all water not consumed returned to the Texas Ship Channel, in Galveston County. The Commission will consider all timely filed hearing requests and related responses and replies. (Brent Rougeau, Dinniah Tadema)

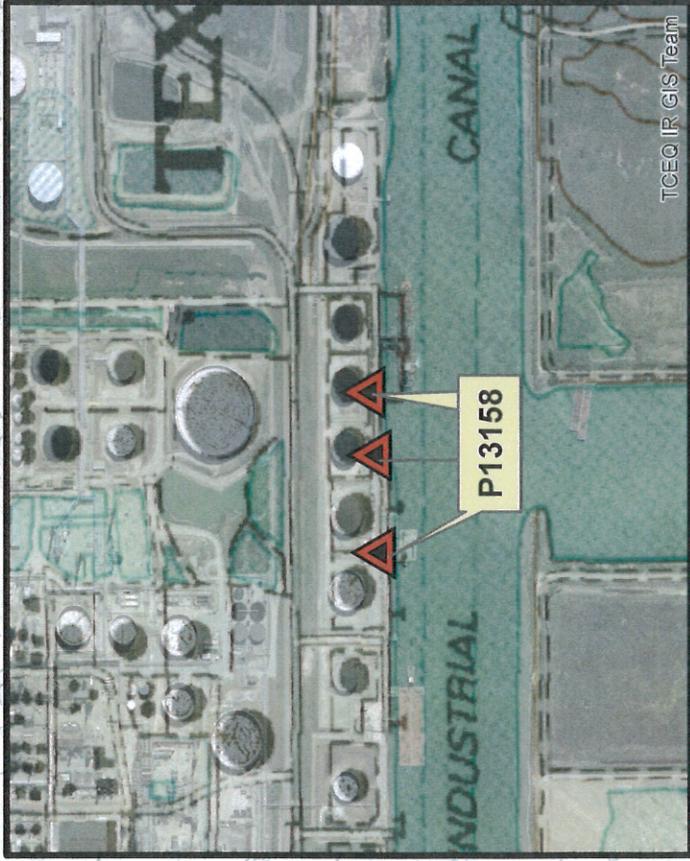


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Brent Rougeau, Project Manager  
Water Rights Permitting Team

Enclosures

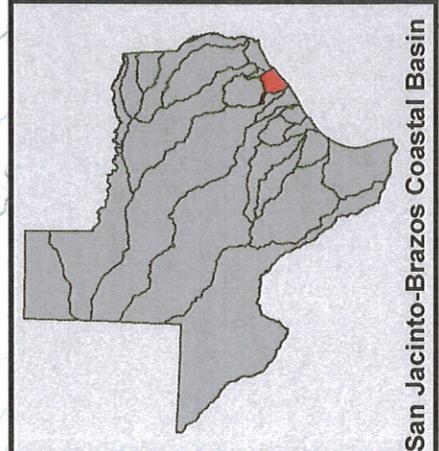
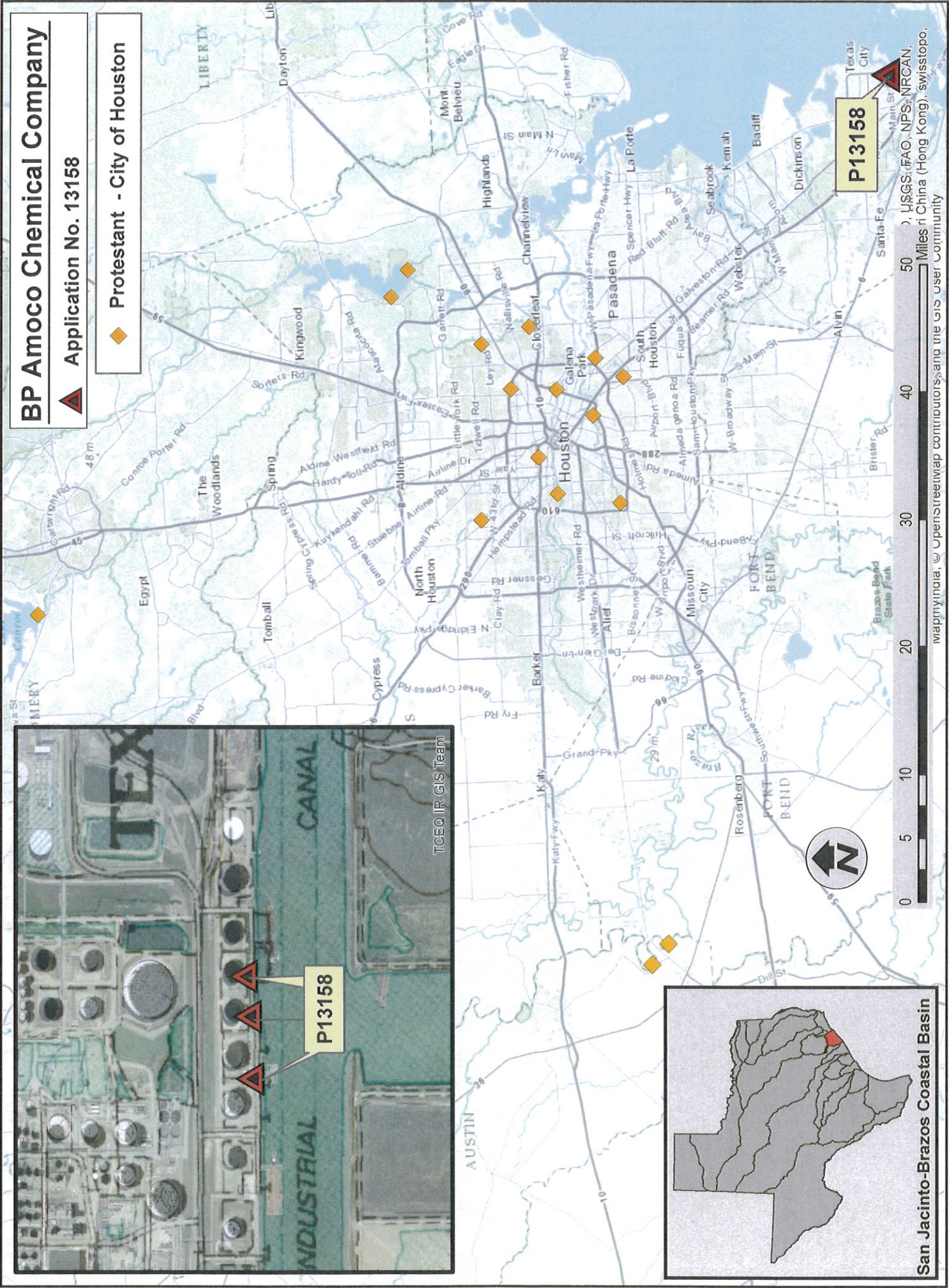
cc: Kim Wilson, TCEQ  
Kelly Mills, TCEQ  
Kathy Alexander, TCEQ  
Lori Hamilton, TCEQ  
Leslie Patterson, TCEQ  
Charlie Moehlenbrock, TCEQ  
Ross Henderson, TCEQ  
Dinniah Tadema, TCEQ  
Iliana Delgado, TCEQ  
Jade Rutledge, TCEQ  
Shiyan Jiang, TCEQ



**BP Amoco Chemical Company**

**Application No. 13158**

**Protestant - City of Houston**



San Jacinto-Brazos Coastal Basin

USGS, FAO, NPS, NRCAN,  
Miles ri China (Hong Kong), swisstopo,  
wmapyriaia, © Openstreetmap contributors,ang the 60s User Community

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF WATER RIGHTS APPLICATION FOR A WATER USE PERMIT

APPLICATION NO. 13158

BP Amoco Chemical Company seeks a Water Use Permit to divert and use not to exceed 100 acre-feet of water per year from three points on Texas City Ship Channel, San Jacinto – Brazos Coastal Basin for industrial purposes (hydrostatic testing) in Galveston County. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** BP Amoco Chemical Company, PO Box 1688, Texas City, TX 77592, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Water Use Permit pursuant to Texas Water Code (TWC) §11.121, and Texas Commission on Environmental Quality Rules Title 30 Texas Administrative Code (TAC) §295.151 & 152. Notice is being published and mailed to the water rights holders of record in the San Jacinto – Brazos Coastal Basin pursuant to Title 30 TAC §295.151.

BP Amoco Chemical Company seeks authorization to divert and use not to exceed 100 acre-feet of water per year from three points on the Texas City Ship Channel, San Jacinto – Brazos Coastal Basin at a maximum combined diversion rate of 5.35 cfs (2,400 gpm) for industrial purposes (hydrostatic testing) in Galveston County.

Applicant indicates that all water not consumed will be returned to the Texas City Ship Channel.

Diversion Point No. 1 is located on the Texas City Ship Channel approximately 8 miles northeasterly of the nearby city of Galveston at Latitude 29.363828° N, Longitude 94.906989° W, also bearing S 85° W, 5,006 feet from the northeast corner of the H. Littlefield Survey, No. 17, Abstract No. 143, in Galveston County.

Diversion Point No. 2 is located on the Texas City Ship Channel approximately 8 miles northeasterly of the nearby city of Galveston at Latitude 29.363872° N, Longitude 94.905833° W, also bearing S 85° W, 4,638 feet from the northeast corner of the H. Littlefield Survey, No. 17, in Galveston County.

Diversion Point No. 3 is located on the Texas City Ship Channel approximately 8 miles northeasterly of the nearby city of Galveston at Latitude 29.363947° N, Longitude 94.905086° W, also bearing S 85° W, 4,399 feet from the northeast corner of the H. Littlefield Survey, No. 17, in Galveston County.

The application was received on August 28, 2014. Additional information and fees were received on December 10, and December 15, 2014 and April 20, 2015. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 20, 2015.

The Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include a special condition, including measuring devices. The application, technical memoranda, and Executive Director's draft permit are available for viewing and copying at the Office of the Chief Clerk, 12100 Park 35 Circle, Bldg. F., Austin, TX 78753.

**PUBLIC COMMENT / PUBLIC MEETING.** Written public comments and requests for a public meeting should be submitted to the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

**CONTESTED CASE HEARING.** The TCEQ may grant a contested case hearing on this application if a written hearing request is filed within 30 days from the date of newspaper publication of this notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed within 30 days after newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

**INFORMATION.** Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <http://www.tceq.texas.gov/about/comments.html> by entering WRPERM 13158 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov). Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued: August 28, 2015

WATER USE PERMIT

PERMIT NO. 13158

TYPE §11.121

Permittee: BP Amoco Chemical Company

Address: P.O. Box 1688  
Texas City, TX 77592

Filed: May 20, 2015

Granted:

Purpose: Industrial

County: Galveston

Watercourse: Texas City Ship Channel

Watershed: San Jacinto – Brazos  
Coastal Basin

WHEREAS, BP Amoco Chemical Company (Applicant) seeks authorization to divert and use not to exceed 100 acre-feet of water per year from three points on the Texas City Ship Channel, San Jacinto-Brazos Coastal Basin at a maximum combined diversion rate of 5.35 cfs (2,400 gpm) for industrial purposes (hydrostatic testing) in Galveston County; and

WHEREAS, Applicant indicates that all water not consumed will be returned to the Texas City Ship Channel; and

WHEREAS, Diversion Point No. 1 is located on the Texas City Ship Channel approximately 8 miles northeasterly of the nearby city of Galveston at Latitude 29.363828° N, Longitude 94.906989° W, also bearing S 85° W, 5,006 feet from the northeast corner of the H. Littlefield Survey, No. 17, Abstract No. 143, in Galveston County; and

WHEREAS, Diversion Point No. 2 is located on the Texas City Ship Channel approximately 8 miles northeasterly of the nearby city of Galveston at Latitude 29.363872° N, Longitude 94.905833° W, also bearing S 85° W, 4,638 feet from the northeast corner of the H. Littlefield Survey, No. 17, Abstract No. 143, in Galveston County; and

WHEREAS, Diversion Point No. 3 is located on the Texas City Ship Channel approximately 8 miles northeasterly of the nearby city of Galveston at Latitude 29.363947° N, Longitude 94.905086° W, also bearing S 85° W, 4,399 feet from the northeast corner of the H. Littlefield Survey, No. 17, Abstract No. 143, in Galveston County; and

WHEREAS, this application is subject to the Texas Coastal Management Program (CMP) and must be consistent with the CMP goals and policies; and

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) finds that jurisdiction over the application is established; and

WHEREAS, the Executive Director recommends that a special condition be included in the permit; and

WHEREAS, no requests for a contested case hearing were received for this application; and

WHEREAS, the Texas Commission on Environmental Quality finds that the issuance of the permit is consistent with the goals and policies of the Texas CMP; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this water use permit;

NOW, THEREFORE, Water Use Permit No. 13158 is issued to BP Amoco Chemical Company, subject to the following terms and conditions:

1. USE

Permittee is authorized to divert and use not to exceed 100 acre-feet per year for industrial purposes (hydrostatic testing) in Galveston County.

2. DIVERSION

Permittee is authorized to divert from three points located on the Texas City Ship Channel, San Jacinto-Brazos Coastal Basin approximately 8 miles northeasterly of the nearby city of Galveston, Galveston County, as follows:

A. Diversion Point No. 1 is located at Latitude  $29.363828^{\circ}$  N, Longitude  $94.906989^{\circ}$  W, also bearing  $S 85^{\circ} W$ , 5,006 feet from the northeast corner of the H. Littlefield Survey, No. 17, Abstract No. 143.

B. Diversion Point No. 2 is located at Latitude  $29.363872^{\circ}$  N, Longitude  $94.905833^{\circ}$  W, also bearing  $S 85^{\circ} W$ , 4,638 feet from the northeast corner of the H. Littlefield Survey.

C. Diversion Point No. 3 is located at Latitude  $29.363947^{\circ}$  N, Longitude  $94.905086^{\circ}$  W, also bearing also bearing  $S 85^{\circ} W$ , 4,399 feet from the northeast corner of the H. Littlefield Survey.

D. At a maximum combined diversion rate of 5.35 cfs (2,400 gpm).

3. TIME PRIORITY

The time priority of this right is May 20, 2015.

4. CONSERVATION

Permittee shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, or prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every water supply contract entered into, on or after the effective date of this permit, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract of the resale of the water shall have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.

5. SPECIAL CONDITION

Permittee shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the point authorized above in Paragraph 2 and maintain measurement records. Permittee shall allow representatives of the South Texas Watermaster reasonable access to the property to inspect the measuring device.

This water use permit is issued subject to all superior and senior water rights in the San Jacinto-Brazos Coastal Basin.

Permittee agrees to be bound by the terms, conditions, and provisions contained herein and such agreement is a condition precedent to the granting of this permit.

All other matters requested in the application which are not specifically granted by this water use permit are denied.

This water use permit is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right continuing supervision of State resources exercised by the Commission.

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For the Commission

Date Issued:

## Texas Commission on Environmental Quality

### INTEROFFICE MEMORANDUM

**To:** Brent Rougeau, Project Manager  
Water Rights Permits Team  
Water Rights Permitting & Availability Section  
Date: August 5, 2015

**Thru:** *CL*  
*8/5/15* Chris Loft, Team Leader  
Resource Protection Team  
Water Rights Permitting & Availability Section

*JA*  
*8/5/15* Jennifer Allis, Senior Water Conservation Specialist  
Resource Protection Team  
Water Rights Permitting & Availability Section

**From:** *JR* *8/5/15* Jade Rutledge, Natural Resources Specialist  
Resource Protection Team  
Water Rights Permitting & Availability Section

**Subject:** BP Amoco Chemical Company  
WRPERM 13158  
CN600126775  
Application No. 13158 for a Water Use Permit  
Water Conservation Review

BP Amoco Chemical Company (Applicant) seeks authorization to divert and use not to exceed 100 acre-feet of water per year from three points on the Texas City Ship Channel, San Jacinto-Brazos Coastal Basin at a maximum combined diversion rate of 5.35 cfs (2,400 gpm) for industrial purposes (hydrostatic testing) in Galveston County.

Pursuant to 30 Texas Administrative Code (TAC) § 295.9, an application requesting to appropriate or to use water for industrial use requires the submittal of a water conservation plan.

The water conservation plan for industrial use was reviewed by staff and found to be administratively complete pursuant to 30 TAC § 288.3.

Applicant stated the requested water will be used for hydrostatic testing. Water diverted but not consumed shall be discharged into the Texas City Ship Channel. Based on information provided in the application and in the industrial water conservation plan, the applicant's request is considered to be reasonable.

The application is consistent with the approved January 2011 Region H Water Plan and the approved 2012 State Water Plan because there is nothing in the state and regional water plans that conflicts with issuing this permit.

The following water conservation language should be included in the permit:

Permittee shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, or prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every water supply contract entered into, on or after the effective date of this permit, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water shall have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.



**Freshwater Inflows:** Freshwater inflows are important for maintaining the historical productivity of bays and estuaries along the Gulf Coast. This application is subject to an evaluation of potential impacts to the freshwater inflow standards for the Galveston Bay system as described in 30 TAC §298.225(a), which is performed as part of the water availability analysis.

### SUMMARY

The Applicant seeks authorization to divert and use not to exceed 100 acre-feet of water per year from three points on the Texas City Ship Channel, San Jacinto-Brazos Coastal Basin at a maximum combined rate of 5.35 cfs (2,400 gpm) for industrial purposes (hydrostatic testing) in Galveston County. All water not consumed will be returned to the Texas City Ship Channel.

**Resource Protection staff have no recommendations regarding this permit application.**

This instream use assessment was conducted using current TCEQ operation procedures and policies and available data and information. Authorizations granted to the Permittee by the water rights permit shall comply with all rules of the TCEQ and other applicable State and Federal authorizations.

**Texas Commission on Environmental Quality**

INTEROFFICE MEMORANDUM

To: Brent Rougeau, Application Manager  
Water Rights Permitting Team

July 13, 2015

Through:  Kathy Alexander, Ph.D.  
Technical Specialist  
Water Availability Division

 Christine Peters, Senior Hydrologist  
Water Rights Permitting & Availability Section

 Tracie Tolle, Team Leader  
Surface Water Availability Team

From: Shiyang Jiang, Hydrologist  
Surface Water Availability Team

Subject: BP Amoco Chemical Company (Texas City)  
WRPERM 13158  
CN600126775, RN106100779  
Texas City Ship Channel  
San Jacinto-Brazos Coastal Basin  
Galveston County

**HYDROLOGY REVIEW**

**Application Summary**

BP Amoco Chemical Company (Applicant) requests a water use permit to divert 100 acre-feet of water per year from three points on the Texas City Ship Channel, San Jacinto-Brazos Coastal Basin at a maximum combined diversion rate of 5.35 cfs (2,400 gpm) for industrial purposes (hydrostatic testing) in Galveston County.

Applicant states that the water used but not consumed for hydrostatic testing may be returned and discharged at three points on the Texas City Ship Channel.

The application was declared administratively complete on May 20, 2015.

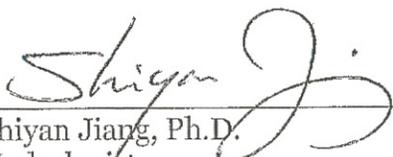
**Review and Conclusion**

On April 20, 2011, the TCEQ adopted environmental flow standards for the Trinity and San Jacinto River Basins, and Galveston Bay (Chapter 298-Environmental Flow Standards for Surface Water, Subchapter B). The adopted rules include freshwater inflow standards for Galveston Bay although there are not specific freshwater inflow standards for the coastal drainage area where the application is located. Resource

Protection staff did not have specific recommendations for this application. The proposed diversion location is in the Texas City Channel. The applicant's request is for 100 acre-feet per year and water diverted but not consumed may be returned to the channel. The coastal basin has historically provided an average of one million acre-feet of water per year, approximately 10% of the freshwater inflow into Galveston Bay.<sup>1</sup> Based on information from the Texas Water Development Board, the application, if granted, would reduce the long term average inflow to the bay from the coastal basin by significantly less than 1.0%. Therefore, this application should not impair freshwater inflows to Galveston Bay.

Because staff found that the application would not impair the freshwater inflow regime, which by rule is adequate to support a sound ecological environment, the application is consistent with any applicable Coastal Management Program (CMP) goals and policies. Regarding water availability, no analysis is needed because the application is located in the tidally-influenced portion of the Texas City Channel.

Staff can support granting the application.

  
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Shiyan Jiang, Ph.D.  
Hydrologist

<sup>1</sup> [http://midgewater.twdb.texas.gov/bays\\_estuaries/TxEmp/galvtable.htm](http://midgewater.twdb.texas.gov/bays_estuaries/TxEmp/galvtable.htm)