

LAW OFFICES OF

JACKSON, SJOBERG, McCARTHY & TOWNSEND, L.L.P.

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September 30, 2015

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*WJR
97746*

EDMOND R. McCARTHY, III
CHIEF CLERKS OFFICE
OCT 02 11 PM 2:29
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
†Licensed in Texas and Tennessee

The Honorable Bridget Bohac
Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

*Via Facsimile & Certified Mail,
Return Receipt Requested*

REVIEWED

OCT 02 2015

By *AP* *H*

Re: Application No. 13158-BP Amoco Chemical Company

Dear Ms. Bohac:

I am writing on behalf of the City of Houston ("Houston") in response to the notice of the above-referenced Application No. 13158 (the "Application") filed by BP Amoco Chemical Company ("BP") to divert up to 100 ac-ft/yr from three diversion points on the Texas City Ship Channel located in the San Jacinto-Brazos Coastal Basin for industrial purposes (the "Permit"). A copy of the notice reviewed by the City dated August 28, 2015, is attached for reference (Appendix "A").

Please consider this letter as the City of Houston's request for the Commission to conduct a contested case hearing on the Application.

The City of Houston relies upon the affected Coastal Basin and associated river basins, as well as other water resources, for its municipal water supplies to provide water to more than 3 million customers in Houston and its environs, including Harris and Fort Bend Counties, Texas. The City of Houston is the owner of, and/or has contracts for, multiple water rights in the San Jacinto and Brazos Basins, including Certificates of Adjudication Nos. 10-5807, 10-5808, 10-5826, 10-5827, 10-4965, 10-4963, and Permit No. 2925. Additionally, the affected Coastal Basin provides the fresh water inflows to the Galveston Bay and its estuaries, all of which contribute to the economic well-being and quality of life of the City of Houston and its citizens.

Accordingly, the City of Houston has direct health and safety, as well as water rights and pecuniary interests associated with the condition and well-being of the affected Coastal Basin and the potential impacts that the above-referenced Application might have on the river system and Galveston Bay, if granted.

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For these reasons, in order to protect the City's rights and afford adequate opportunity to review the Application, and any proposed Permit that may be published by the Executive Director for consideration by the Commission, the City of Houston requests that the Commission conduct a contested case hearing on the Application.

On behalf of the City of Houston, I request that the Commission and the Executive Director's staff provide the City with copies of all proposed Permit drafts, technical memoranda, and any other evaluations, and/or any notices proposed, promulgated, or published by the Commission or the Executive Director's staff related to this Application. Please have these documents sent to my attention using the following contact information:

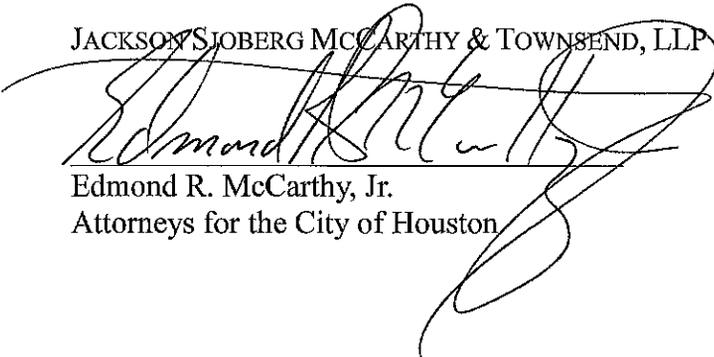
Edmond R. McCarthy, Jr.
Jackson, Sjoberg, McCarthy & Townsend, LLP
711 W. 7th Street
Austin, Texas 78701
Ph. (512) 225-5606
Fax (512) 225-5565
Cell (512) 426-7138
E-mail: emccarthy@jacksonsjoberg.com

Please note that this request is conditional. After further review and evaluation of the Application and its potential impacts, Houston hopes to reach an agreement with the Commission and BP on the Application that will address Houston's interest in providing for the health and well-being of the affected River Basin and Galveston Bay and its associated estuary system, as well as protecting Houston's water rights and other affected interests. Assuming that effort is successful, the City would be able to withdraw its contested case hearing request.

Thank you for your assistance.

Sincerely,

JACKSON SJOBERG MCCARTHY & TOWNSEND, LLP



Edmond R. McCarthy, Jr.
Attorneys for the City of Houston

Encl.

cc: City of Houston

Attn: Mr. Jun Chang, Deputy Director, Public Works & Engineering Dept.
Ms. Carol Haddock, Engineer, Public Works & Engineering Dept.
Mr. Auggie Campbell, Assistant City Attorney, City Attorney's Office

Appendix "A"

Notice reviewed by the City dated August 28, 2015

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.

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Issued: August 28, 2015

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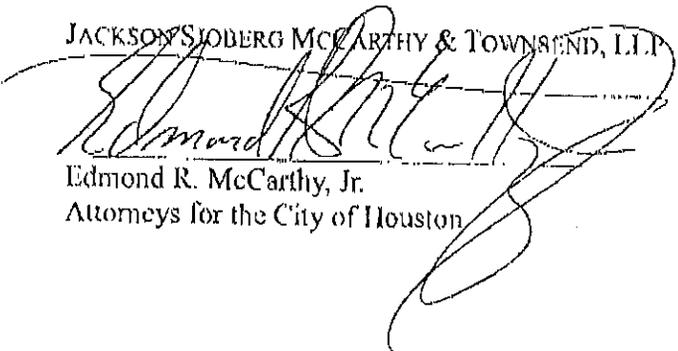
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CHIEF CLERKS OFFICE

2015 SEP 30 AM 9:49

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

FACSIMILE TRANSMISSION

CONFIDENTIALITY NOTICE: The documents accompanying this facsimile transmission contain confidential information which is legally privileged and intended only for the use of the recipient named below. We request immediate notification by telephone of misrouted facsimile transmissions so that we may arrange for return of those documents to us. If you receive this facsimile transmission in error, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of the information contained in this facsimile transmission, is strictly prohibited.

DATE: September 30, 2015 **NO. PAGES (including cover):** 7

TO: Bridget C. Bohac, Chief Clerk **FAX NO.:** 512-239-3311 **CONTACT NO.:** 512-239-3300

FROM: Edmond R. McCarthy, Jr. **C/M NO.:**

RE: Application No. 13158 - BP Amoco Chemical Company

ATTACHMENT: Hearing Request Letter

MESSAGE:

ORIGINALS TO FOLLOW: YES NO