

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**NOTICE OF HEARING
FORMOSA UTILITY VENTURE, LTD.
AND FORMOSA PLASTICS CORPORATION, TEXAS
SOAH Docket No. 582-16-2608
TCEQ Docket No. 2015-1528-IWD
TPDES Permit No. WQ0002436000**

APPLICATION.

Formosa Utility Venture, Ltd. and Formosa Plastics Corporation, Texas, P.O. Box 700, Point Comfort, Texas 77978-0700, which operates the Point Comfort Plant, a plastics and organic and inorganic chemicals manufacturing facility, has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment to TPDES Permit No. WQ0002436000 to establish minimum analytical levels for oil & grease, biochemical oxygen demand (5-day), free available chlorine, and titanium; reduce Lavaca Bay monitoring from quarterly each year to quarterly triannually based on 15 years of no impacts; increase the temperature limit at Outfall 001 from 95° F to 100° F; authorize the discharge of non-process area storm water, hydrostatic test water, fire water, non-contact steam condensate, non-contact wash water, potable water, air conditioner unit condensate, and ash truck wash water on an intermittent and flow variable basis via Outfall 013; increase the effluent limitations for total copper at Outfall 001; increase the effluent limitations for chloroform at Outfall 101 (proposed Outfall SUM); authorize the discharge of fire water via Outfalls 001, 101, and 201; create a summation outfall (designated as Outfall SUM) to regulate the effluents monitored via internal Outfalls 101 and 201; and authorize the discharge of fire water, potable water, and air conditioner unit condensate via Outfalls 001, 101, 201, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, and 012.

The current permit authorizes the discharge of remediated groundwater and treated previously monitored effluents (via Outfalls 101 and 201) at a daily average flow not to exceed 9,700,000 gallons per day via Outfall 001; treated process wastewater, equipment/facility washdown, storm water, and utility wastewaters at a daily average flow not to exceed 4,400,000 gallons per day via Outfall 101; treated and combined Ion Exchange Membrane (IEM) wastewater streams, utility wastewaters, equipment/facility washdown, storm water, and water treatment wastewaters on a continuous and flow variable basis via Outfall 201; non-process area storm water, hydrostatic test water, fire water, non-contact steam condensate, and noncontact wash water on an intermittent and flow variable basis via Outfalls 002, 003, 004, and 005; and non-process area storm water, hydrostatic test water, fire water, non-contact steam condensate, and non-contact wash water on an intermittent and flow variable basis via Outfalls 006, 007, 008, 009, 010, 011, and 012. The application was submitted to the TCEQ on February 2, 2010.

The facility is located at 201 Formosa Drive, one-mile north of the intersection of State Highway 35 and Farm-to-Market Road 1593, northeast of the City of Point Comfort, Calhoun County, Texas 77978. The effluent is discharged via Outfall 001, through a pipeline to Lavaca Bay/Chocolate Bay; via Outfall 011 from the Dock Tank Farm to a ditch, thence to a drainage pipe directing the flow to Point Comfort turning basin, thence to Lavaca Bay/Chocolate Bay in Segment 2453 of the Bays and Estuaries; via Outfalls 002, 003, 004, and 012 to unnamed ditches, thence to Cox Lake, thence to Cox Bay; via Outfalls 005, 006, 007, 008, 009, and 010 to Cox Lake, thence to Cox Bay; and via Outfall 013 directly to Cox Bay, in Segment No. 2454 of the Bays and Estuaries. The unclassified receiving waters have no significant aquatic life use for the unnamed ditches and high aquatic life use for Cox Lake. The designated uses for Segments 2453 and 2454 are exceptional aquatic life use, contact recreation, and oyster waters.

In accordance with 30 Texas Administrative Code (TAC) §307.5 and the TCEQ implementation procedures (January 2003) for the Texas Surface Water Quality Standards, an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Cox Lake, which has been identified as having high aquatic life use, or in Cox Bay or Lavaca Bay/Chocolate Bay which have been identified as having exceptional aquatic life use. The current Texas Surface Water Quality Standards should be used to determine copper limits for this facility. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The TCEQ Executive Director has reviewed this action for consistency with the Texas Coastal Management Program (CMP) goals and policies in accordance with the regulations of the General Land Office, and has determined that the action is consistent with the applicable CMP goals and policies.

The TCEQ Executive Director has prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at the Point Comfort Branch Library, 1 Lamar Street, Point Comfort, Texas and the Jackson County Public Library, 411 North Wells Street, Edna, Texas. As a public courtesy, we have provided the following Web page to an online map of the site or the facility's general location. The online map is not part of the application or the notice:

<http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=28.6888&lng=-96.5472&zoom=13&type=r>. For the exact location, refer to the application.

CONTESTED CASE HEARING.

The State Office of Administrative Hearings (SOAH) will conduct a formal contested case hearing at:

**10:00 a.m. – April 4, 2016
William P. Clements Building
300 West 15th Street, 4th Floor
Austin, Texas 78701**

The contested case hearing will be a legal proceeding similar to a civil trial in state district court. The hearing will address the disputed issues of fact identified in the TCEQ order concerning this application issued on January 29, 2016. In addition to these issues, the judge may consider additional issues if certain factors are met.

The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 26, Texas Water Code; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. The hearing will be held unless all timely hearing requests have been withdrawn or denied.

To request to be a party, you must attend the hearing and show you would be adversely affected by the application in a way not common to members of the general public. Any person may attend the hearing and request to be a party. Only persons named as parties may participate at the hearing.

INFORMATION.

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at 800-687-4040. General information about the TCEQ can be found at our web site at <http://www.tceq.texas.gov/>.

Further information may also be obtained from Formosa Utility Venture, Ltd. And Formosa Plastics Corporation, Texas at the address stated above or by calling Mr. Joe Henry at 361-987-8070.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-3445, at least one week prior to the hearing.

Issued: February 25, 2016



Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality