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July 2, 2018

Via Hand Delivery

Bridget C. Bohac
Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: TCEQ Docket No. 2018-0663-IWD
GCGV Asset Holding LLC
Wastewater Permit No. WQ0005228000
Applicant's Response to Hearing Requests and Requests for Reconsideration

Dear Ms. Bohac:

Enclosed please find Applicant's Response to Hearing Requests and Requests for Reconsideration ("Response") for filing.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Lisa Uselton Dyar

Enclosure
LD:mr

CHIEF CLERKS OFFICE

2018 JUL -2 PM 3:44

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

TCEQ DOCKET NO. 2018-0663-IWD

APPLICATION BY § **BEFORE THE**
GCGV ASSET HOLDING LLC § **TEXAS COMMISSION ON**
TPDES PERMIT WQ0005228000 § **ENVIRONMENTAL QUALITY**
GREGORY, SAN PATRICIO COUNTY §

**APPLICANT GCGV ASSET HOLDING LLC’S RESPONSE
TO HEARING REQUESTS AND REQUESTS FOR RECONSIDERATION**

TO THE HONORABLE COMMISSIONERS OF THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY:

GCGV Asset Holding LLC (the “Applicant” or “GCGV”) files this response to the Requests for Contested Case Hearing (the “Hearing Requests”) and Requests for Reconsideration (“Reconsideration Requests”) submitted on GCGV’s application for TPDES Permit No. WQ0005228000 and respectfully requests that the Texas Commission on Environmental Quality (the “TCEQ” or the “Commission”) deny the Hearing Requests, deny the Reconsideration Requests, and issue the draft permit proposed by the TCEQ Executive Director (the “ED”) to GCGV.

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I. PROCEDURAL BACKGROUND

The Applicant is a jointly-owned company of ExxonMobil Chemical Gulf Coast Investments LLC and SABIC US Projects LLC. GCGV proposes to build and operate a grassroots olefin and derivatives manufacturing complex near Gregory, in San Patricio County, Texas (the “Complex”). GCGV applied to the TCEQ for a Texas Pollutant Discharge Elimination System (“TPDES”) permit, which would authorize discharge of treated industrial wastewater and stormwater (the “Application”). The ED reviewed GCGV’s Application and determined that it is protective of the environment, water quality, and human health, meets all applicable legal requirements, and recommends issuance of a permit to GCGV (“Draft Permit” or “TPDES Permit No. WQ0005228000”).

TCEQ received the Application after September 1, 2015. Therefore, the Application is subject to the procedural requirements of and rules implementing Senate Bill 709 (84th Legislature, 2015). The Application was declared administratively complete on May 3, 2017. The Notice of Receipt and Intent to Obtain a Water Quality Permit (first public notice or “NORI”) for the Application and the Notice of Application and Preliminary Decision for a Water Quality Permit (second public notice or “NAPD”) were published for the Application pursuant to TCEQ’s public notice requirements. The TCEQ held a public meeting on the Application on December 11, 2017. The public comment period for the Application also ended on December 11, 2017.

The ED evaluated all public comments that were timely submitted during the public comment period for the Application, and prepared a response to those comments as required.¹

¹ See 30 TEX. ADMIN. CODE § 55.156; Executive Director’s Response to Public Comment, *Application by GCGV Asset Holding LLC*, TCEQ Docket No. 2018-0663-IWD, TPDES Permit No. WQ0005228000 (April 6, 2018) (the “RTC”).

The deadline to request a contested case hearing was May 9, 2018. The TCEQ Chief Clerk's Office classified three comments submitted on the Application as Hearing Requests. Yolanda Samayoa, Charles Shamel, and Kim Hesley (the "Requestors") each submitted requests for a "hearing" dated May 17, 2017, June 26, 2017, and February 14, 2018, respectively. As explained below, Kim Hesley's February 14, 2018 filing was an untimely comment, none of the Requestors is an affected person, and the TCEQ Commissioners should deny each of the three Hearing Requests.

TCEQ also received approximately 1,180 Reconsideration Requests within the 30-day time period after the Executive Director's final decision letter on April 9, 2018.² The vast majority of the Reconsideration Requests (1,148 requests) were submitted in a bulk filing from the Center for Biological Diversity ("CBD") by individuals from locations outside of the Gregory-Portland area, and many from other states. None of these requestors submitted comments during the public comment period. None of the Reconsideration Requests raises any new issues or information that the Executive Director did not already consider or address in the RTC. Thus, the Commissioners should deny each of the Reconsideration Requests.

II. RESPONSE REQUIREMENTS

Hearing Requests

Pursuant to the requirements in 30 TEX. ADMIN. CODE § 55.209(e), GCGV specifically addresses the following items related to responses to Hearing Requests raised in this matter:

(1) whether the requestor is an affected person;

GCGV Response: GCGV requests that the Commissioners deny each of the Hearing

² A list of individuals who submitted Reconsideration Requests is included as Appendix A to this response brief.

Requests. The discussion below in Section IV establishes that the requestors are not affected persons.

(2) *which issues raised in the hearing request are disputed;*

GCGV Response: GCGV disputes all issues raised in the Hearing Requests. In addition, the requests do not raise detailed and complete issues that would be appropriate for referral.³

(3) *whether the dispute involves questions of fact or of law;*

GCGV Response: The Hearing Requests involve questions of fact and law.

(4) *whether the issues were raised during the public comment period;*

GCGV Response: The Hearing Requests by Yolanda Samayoa and Charles Shamel were each raised during the public comment period. The Hearing Request of Kim Hesley was not raised during the public comment period.

(5) *whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the Executive Director's Response to Comment;*

GCGV Response: None of the public comments or Hearing Requests has been withdrawn.

(6) *whether the issues are relevant and material to the decision on the application; and*

GCGV Response: Most issues raised in the Hearing Requests are not relevant and material to the decision on the Application. Many issues in the Hearing Requests relate to seeking a public meeting and commenting on the air permit, which are not relevant and material to the decision on the water quality application in this docket.

(7) *a maximum expected duration for the contested case hearing.*

³ See TEX. GOV'T CODE § 2003.047(e), (e-1)(1).

GCGV Response: If the Commissioners refer this matter to SOAH, the contested case hearing must conclude and the administrative law judge must provide a proposal for decision to the TCEQ within 180 days after the preliminary hearing.⁴

Reconsideration Requests

Pursuant to the requirements in 30 TEX. ADMIN. CODE § 55.209(f), TCEQ rules state that responses to Reconsideration Requests should address the issues raised in the requests.⁵

GCGV Response: GCGV's responses to the Reconsideration Requests are provided below in Section VI.

III. APPLICABLE LAW FOR HEARING REQUESTS

Availability of a contested case hearing in TCEQ's permitting process is determined by several requirements. First, a Hearing Request by an affected person must be in writing, must be timely filed, may not be based on an issue raised in a public comment that was withdrawn, and must be based on the requestor's timely comments.⁶

Second, a Hearing Request must substantially comply with the following specific requirements:

- (1) Give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and, where possible, fax number, who shall be responsible for receiving all official communications and documents for the group;
- (2) Identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she

⁴ TEX. GOV'T CODE § 2003.047(e-2).

⁵ 30 TEX. ADMIN. CODE § 55.209(f).

⁶ See TEX. GOV'T CODE § 2003.047(e-1); 30 TEX. ADMIN. CODE § 55.201(c) (specifically requiring hearing requests to be based on a requestor's timely comments for applications filed on or after September 1, 2015).

will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;

- (3) Request a contested case hearing;
- (4) For applications filed:
 - ...
 - (B) On or after September 1, 2015, list all relevant and material disputed issues of fact that were raised by the requestor during the public comment period and that are the basis of the hearing request. To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the executive director's responses to the requestor's comments that the requestor disputes, the factual basis of the dispute, and list any disputed issues of law; and
- (5) Provide any other information specified in the public notice of application.⁷

Third, the Commission may not grant a Hearing Request unless the Commission first determines that the request was filed by an affected person. An “affected person” is “one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest.”⁸ In determining whether a person is an affected person, the Commission must consider the following factors:

- (1) Whether the interest claimed is one protected by the law under which the application will be considered;
- (2) Distance restrictions or other limitations imposed by law on the affected interest;
- (3) Whether a reasonable relationship exists between the interest claimed and the activity regulated;
- (4) Likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
- (5) Likely impact of the regulated activity on use of the impacted natural resource by the person;
- (6) For a hearing request on an application filed on or after September 1, 2015, whether the requestor timely submitted comments on the application that were not withdrawn; and
- (7) For governmental entities, their statutory authority over or interest in the issues relevant to the application.⁹

⁷ 30 TEX. ADMIN. CODE § 55.201(d).

⁸ *Id.* § 55.203(a).

⁹ *Id.* § 55.203(c).

In addition, for this Application, filed after September 1, 2015, the Commission may consider additional factors in determining whether a person is an affected person:

- (1) The merits of the underlying application and supporting documentation in the commission's administrative record, including whether the application meets the requirements for permit issuance;
- (2) The analysis and opinions of the executive director; and
- (3) Any other expert reports, affidavits, opinions, or data submitted by the executive director, the applicant, or hearing requestor.¹⁰

The burden to show that a party has standing as an “affected person” lies with the party seeking such status.¹¹ Requestors are required to demonstrate facts necessary to make a showing to meet this burden in a Hearing Request.

Fourth, a Hearing Request must identify all relevant and material disputed issues of fact or mixed questions of law and fact that form the basis of the request for a contested case hearing. The Commission may not refer an issue to SOAH for a contested case hearing unless the Commission determines that the issue:

- (1) Involves a disputed question of fact or a mixed question of law and fact;
- (2) Was raised during the public comment period, and, for applications filed on or after September 1, 2015, was raised in a comment made by an affected person whose request is granted; and
- (3) Is relevant and material to the decision on the application.¹²

TCEQ rules specifically instruct that “to facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the executive director's responses to the requestor's comments that the requestor disputes, the factual basis of the dispute, and list any disputed issues of law.”¹³

¹⁰ *Id.* § 55.203(d); *see also* TEX. WATER CODE § 5.115(a-1)(1).

¹¹ *See Tex. Comm'n on Env't'l Quality v. City of Aledo*, 2015 Tex.App. LEXIS 6940 at *12 (Tex. App.—Austin July 8, 2015, no pet.) (explaining that if no showing is made on any one or more of the factors in 30 TEX. ADMIN. CODE § 55.203, “there is nothing in the statutes or rules placing the burden on the Commission or ALJ to draw out from the person such information.”).

¹² 30 TEX. ADMIN. CODE § 50.115(c).

¹³ 30 TEX. ADMIN. CODE § 55.201(d)(4)(B).

Fifth, if the Commission determines a requestor is an affected person and grants a request for a contested case hearing, the Commission must provide to the administrative law judge a list of disputed issues that (i) is detailed and complete; and (ii) contains either only factual questions, or mixed questions of fact and law.¹⁴ In 2015, the Texas Legislature imposed these additional requirements on TCEQ, legislatively changing when the Commission refers a matter to SOAH for a contested case hearing.¹⁵

IV. RESPONSE TO HEARING REQUESTS

Three individuals requested a “hearing,”¹⁶ but each of the Hearing Requestors failed to substantially comply with the required elements of a Hearing Request, none requested a contested case hearing and none of the requestors is an affected person. The Application meets the TCEQ’s statutory and regulatory requirements for industrial water quality permits. Therefore, the Commission should deny the Hearing Requests and issue the Draft Permit.

A. Yolanda Samayoa

Yolanda Samayoa’s request stated in full:

I am a Portland Citizen and want want [sic] a public hearing. I want to know what pollutants are going to be leaked to our water source. My family and friends children attend school close to the proposed building site and I am very concerned of what health risks we will be subjected to. Please think about this as if it were your OWN family's [sic] well being at risk. Thank you.

Ms. Samayoa’s request does not substantially comply with the Commission’s hearing request requirements in 30 TEX. ADMIN. CODE § 55.201(d) because the request does not ask for a contested case hearing, does not explain the requestor's location and distance relative to the

¹⁴ TEX. GOV’T CODE § 2003.047(e-1); 30 TEX. ADMIN. CODE § 50.115(g).

¹⁵ See TEX. GOV’T CODE § 2003.047(e) (requiring list of disputed issues).

¹⁶ The context of the Hearing Requests indicates that a public meeting may be what the requestors were seeking. The public meeting on the Draft Permit was held on December 11, 2017 after the Hearing Requests raised by Yolanda Samayoa and Charles Shamel were filed.

proposed facility or activity and does not identify how or why Ms. Samayoa believes she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public. Ms. Samayoa has not provided the Commission sufficient information to determine whether actions that the Draft Permit would authorize would have any impact to Ms. Samayoa. The address Ms. Samayoa provided is located in Portland approximately 2.2 miles south of the proposed Complex, and 1.8 miles west and inland from the proposed discharge point nearest her address (Outfall 001). In addition, Ms. Samayoa's address is not located along any of the discharge routes proposed in the Application. At Ms. Samayoa's location, she will not be impacted from the proposed wastewater discharge in a way not common to members of the general public.¹⁷ Accordingly, the Commissioners should deny Yolanda Samayoa's hearing request.

B. Charles Shamel

Charles Shamel's request included the following text:

Citizens living down wind and impacted by reduction of water and air quality by the Exxon/SABIC project should have the opportunity for a public hearing before GCGV air and water quality permit is issued. Waste water and runoff released into Copano Bay and La Quinta Channel will likely effect fishing. Environmental impact should be thoroughly studied. In no case should the permit be granted unless it provides for the best available technology for pollution reduction.

Mr. Shamel's request does not substantially comply with the Commission's hearing request requirements in 30 TEX. ADMIN. CODE § 55.201(d) because the request does not ask for a contested case hearing, does not explain Mr. Shamel's location and distance relative to the proposed facility or activity and does not identify how or why the requestor believes he will be adversely affected by the proposed facility or activity in a manner not common to members of

¹⁷ See, e.g., TCEQ Commission Interim Order, *Application of Randolph Todd Company, LLC*, TCEQ Docket No. 2015-1624-MWD (January 29, 2016) (denying hearing requests of persons residing several residential blocks from discharge route, persons residing significantly more than one mile away from the proposed facility and not along a discharge route, and persons residing more than one mile downstream from the outfall location).

the general public. Mr. Shamel has not provided the Commission any information to indicate that his concerns are different than those of the general public. Mr. Shamel's address indicates that he resides in Rockport, approximately 13.5 miles away from the proposed Complex and discharge point nearest his address (Outfall 004). The TCEQ has previously denied hearing requests of requestors that did not reside in close proximity to a proposed plant because without close proximity, a requester would not be affected by the facility in a manner different from the general public.¹⁸ Mr. Shamel's location is not in close proximity to the discharge points or routes, which means that he does not have a justiciable interest and is not an affected person. The Commissioners should therefore deny Charles Shamel's Hearing Request.

C. Kim Hesley

Kim Hesley submitted a request on February 14, 2018, after the end of the public comment period, which closed December 11, 2017. Her request stated:

Since some of the discharge is proposed to go into Copano Bay which affects us directly in Rockport and Aransas County, the December hearing on the Water quality was not promoted well here. As word gets out, it would be of benefit to both the TCEQ and our citizens here for another water quality hearing, possibly in Aransas County.

Ms. Hesley's request does not substantially comply with the Commission's hearing request requirements in 30 TEX. ADMIN. CODE § 55.201(c) and (d) because Ms. Hesley did not submit timely filed public comments, the request does not ask for a contested case hearing, the request does not explain the requestor's location and distance relative to the proposed facility or activity and does not identify how or why the requestor believes she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public. Ms.

¹⁸ See, e.g., TCEQ Commission Interim Order, *Application of 8 Mile Park*, TCEQ Docket No. 2015-1792-MWD (February 22, 2016) (denying request that did not substantially comply with requirements, and where requester resided 20 miles away from facility and raised only general issues); TCEQ Commission Interim Order, *Application of MSEC Enterprises, Inc.*, TCEQ Docket No. 2015-1763-MWD (February 9, 2016) (denying all hearing requests based on insufficient information about how application would affect requestors and concluding that requestors' locations greater than one mile downstream failed to create a justiciable interest).

Hesley did not submit any other public comments other than her February 14, 2018 request. TCEQ is precluded from referring issues to SOAH that were not raised by an affected person in a comment submitted by that affected person in response to a permit application in a timely manner.¹⁹ Ms. Hesley has not provided the Commission any information to support a conclusion that actions the Draft Permit would authorize would have any impact to her. The address Ms. Hesley provided is in Rockport, approximately 18 miles away from the proposed Complex and discharge point nearest her address (Outfall 004). The untimely request, distance from the proposed Complex and discharge routes, and lack of information in the hearing request to show a justiciable interest demonstrate that Ms. Hesley does not have a personal justiciable interest and is therefore not an affected person. Thus, the Commissioners should deny Kim Hesley's hearing request.

V. MERITS OF APPLICATION

The ED conducted a technical evaluation of GCGV's Application and determined that it meets all requirements for an industrial water quality permit and that GCGV will operate within the parameters of the Draft Permit. The ED determined that as represented in the Application, discharges from the proposed Complex will comply with all statutory and regulatory water quality requirements and the intent of the Texas Water Code.

The Commission should consider the factors in 30 TEX. ADMIN. CODE § 55.203(d)-(e) in its evaluation of the Hearing Requests. That is, the Commission should accord weight to the merits of the Application and supporting documentation in the Commission's administrative

¹⁹ See TEX. GOV'T CODE § 2003.047(e-1).

record that demonstrate that the Application meets the requirements for issuance of the Draft Permit.

The ED determined that the effluent limitations and conditions established in the Draft Permit comply with Texas Water Quality Standards (“TXWQS”) and the applicable water quality management plan.²⁰ The effluent limits in the Draft Permit will maintain and protect existing instream uses.²¹ The Tier 1 antidegradation review determined that existing water quality uses will not be impaired by this permit action and that numerical and narrative criteria to protect existing uses will be maintained and protected.²²

The Draft Permit contains technology-based effluent limitations consistent with the relevant requirements of 40 CFR Parts 414 and 415 which impose best controls available. In addition, the Draft Permit includes state narrative and numerical water quality standards. The ED imposed additional requirements in the Draft Permit from those proposed in the Application that increase the permit’s stringency.²³

The ED clearly considered each of the comments submitted during the public comment period and made changes to the initial Draft Permit based upon this evaluation.²⁴ In response, the ED (i) increased sampling frequencies for toxic pollutants at Outfall 001 from annually to quarterly, including hexachlorobenzene; (ii) revised Other Requirement No. 12 to require increased sampling and analysis of the first two stormwater discharges at least one week apart at Outfalls 002, 003, 004, and 005; (iii) added Other Requirement No. 15 which requires GCGV to develop a stormwater pollution prevention plan (“SWP3”) that will include development of best

²⁰ See Fact Sheet and Executive Director’s Preliminary Decision, (October 13, 2017) (“Fact Sheet”), Draft Permit Rationale, X.B., pp. 5-6.

²¹ *Id.*

²² *Id.*

²³ See Fact Sheet at 4 (outlining requirements for water quality-based effluent limits instead of calculated technology-based limits for hexachlorobenzene, and daily average and daily maximum temperature monitoring and reporting requirements for Outfall 001, including a reopener clause in the event predictions of effluent temperature need to be revised).

²⁴ See RTC, p. 79 (listing changes made in response to comment).

management practices (“BMPs”), good housekeeping measures, spill prevention and response measures, and a maintenance program for structural controls;²⁵ and (iv) added Other Requirement No. 16 to specifically forbid discharge of plastic pellets in amounts prohibited by 30 TEX. ADMIN. CODE § 307.4(b)(2) or (b)(3). GCGV will be required to conduct weekly inspections of each outfall to ensure no plastic pellets have been or are about to be discharged, and must notify TCEQ Region 14 and take immediate steps to remove any pellets found in amounts prohibited by 30 TEX. ADMIN. CODE § 307.4(b)(2) or (b)(3).

The ED concluded that the merits of the underlying Application and supporting documentation in the Commission's administrative record demonstrate that the Application meets the requirements for permit issuance. The Draft Permit is protective. The Hearing Requests do not present any information, claims or evidence that demonstrate any deficiencies or indicate that any of the requirements for issuance of the Draft Permit have not been met. Therefore, a contested case hearing regarding the Application would be a waste of TCEQ's resources, as well as GCGV's resources.²⁶

VI. RESPONSES TO REQUESTS FOR RECONSIDERATION

The TCEQ Commissioners' Integrated Database identifies Reconsideration Requests from approximately 1,180 individuals.²⁷ A request for reconsideration must be in writing, must be timely filed with the chief clerk, must expressly state that the person is requesting reconsideration of the ED's decision, and must give reasons why the requestor believes the

²⁵ Each of the three sections of the SWP3 are further defined by conditions. *See* Draft Permit, Other Requirement No. 15.A.1.-3.

²⁶ Even the act of referring a matter to SOAH imposes significant additional burden and delay on the TCEQ Chief Clerk and an applicant. *See* 30 TEX. ADMIN. CODE §§ 39.603(f) (requiring newspaper publication of notice); 80.118(d) (requiring compilation of all application documents within 10 days).

²⁷ *See* Appendix A (listing names of individuals who submitted Reconsideration Requests).

decision should be reconsidered.²⁸ Reconsideration Requests should also contain the name, address, and daytime telephone number of the person who files the request.²⁹

Two of the documents filed as Reconsideration Requests do not actually request a reconsideration of the ED's decision. Like other comments submitted after the close of the public comment period, these requests should be treated as late-filed public comment.³⁰

None of the Reconsideration Requests raises a material fact issue or identifies a basis upon which the Executive Director's decision should be reconsidered.

The 1,148 Reconsideration Requests submitted in the bulk CBD filing identified similar or identical concerns. These requests originated from locations within the United States as far away as Hawaii, and the vast majority of requests originated from locations outside of the Gregory-Portland area. None of the 1,148 requests identifies an address or daytime telephone number as required by 30 TEX. ADMIN. CODE § 55.201(e), and several omit a city or a requestor's name, calling the validity of the requests into question.

GCGV's Application is a matter for which the Commission's rules provide the opportunity for affected persons to request a contested case hearing.³¹ None of the individuals who submitted Reconsideration Requests submitted a Hearing Request, and **only one** of the 1,180 requestors submitted timely public comment in this matter.³²

CBD did not participate in the public comment period for the Application. Three months after the close of the public comment period, CBD submitted late-filed comments.³³ CBD did not

²⁸ 30 TEX. ADMIN. CODE § 55.201(e); *see also, e.g., Fisherman's Harvest, Inc. v. Post, Buckley, Schuh & Jernigan, Inc., et al.*, No. G-05-0151 (S.D. Tex. 2008), 2008 WL 4277001at 2 (explaining that a motion for reconsideration is appropriate to address an intervening change in controlling law; to consider new evidence not previously available; correct a clear or manifest error of law or fact; or to prevent manifest injustice).

²⁹ 30 TEX. ADMIN. CODE § 55.201(e).

³⁰ *See* 30 TEX. ADMIN. CODE § 55.201(f).

³¹ *See* 30 TEX. ADMIN. CODE ch. 39, subchs. H, J.

³² *See* TCEQ Commissioners Integrated Database information for TCEQ Docket No. 2018-0663-IWD, available at: <http://www14.tceq.texas.gov/epic/eCID/>.

³³ *See* CBD letter (March 29, 2018).

request a contested case hearing. Now, CBD asks the TCEQ to reconsider the ED's decision made in the course of regular agency public participation procedures in which CBD did not participate and complains that the ED did not respond to its late comments.³⁴ CBD attempts to excuse its nonparticipation by purporting to reserve "the right to request judicial review pursuant to TEX. WATER CODE § 5.351."³⁵

The ED evaluated and responded to the same or similar information raised in the Reconsideration Requests in the RTC, which the ED prepared in response to timely filed public comments. GCGV responds to the Reconsideration Requests in the topic headings below.

Site Location

One Reconsideration Request complained that the proposed site is located a half mile west of a densely populated, low income Hispanic neighborhood. This request does not raise new information in the permitting process for the Application. The ED considered this information in her RTC.³⁶

Local Economic Interests

Reconsideration Requests included concerns relating to water quality of Corpus Christi Bay and Copano Bays, residential, commercial and recreational interests associated with birding, ecotourism and fishing in those areas, and concern for the long-term environmental health of the area. The ED already considered and responded to concerns such as these in the RTC.³⁷ TCEQ's

³⁴ CBD Request for Reconsideration (May 9, 2018), p. 2.

³⁵ *Id.* at 2.

³⁶ See RTC, Response 77, p. 65 (explaining TCEQ's lack of authority to mandate a different wastewater treatment plant location if the applicant's proposed location and discharge route comply with Texas Water Code ch. 26 and applicable TCEQ rules); Response 85, p. 68 (clarifying that water quality permits evaluated by TCEQ are reviewed without reference to the socioeconomic and racial status or nationalities of the surrounding community).

³⁷ See RTC, Response 40, p. 42 (considering recreational interests and concluding that proposed discharges are not expected to negatively affect quality of life for recreational users of Corpus Christi Bay and the La Quinta Channel); Response 41, p. 43 (applying long-term average exposure numerical criteria designed to protect populations over a lifetime); Response 62, p. 56 (considering comment related to economic effects to tourism, fishing, oyster and recreational industries in Aransas County and concluding that stormwater and allowable non-stormwater from Outfalls 002 and 003 will not significantly impact water quality of Copano Bay/Port Bay/Mission Bay); Response 67, p. 59 (considering potential impact to bays and estuaries and related fishing, birding and ecological services arising from the ecosystem); Response 64, p. 58 (considering overall water quality and specific actions TCEQ employs to protect water quality, including use of the

rules provide protections to maintain water quality. For example, numerical criteria in 30 TAC § 307.6(c)(1), Table 1 provide protection for aquatic life to ensure water in the state is maintained to preclude adverse toxic effects.³⁸ The Draft Permit establishes a number of safeguards such as sampling requirements for commissioning activities and for discharges upon full operation; effluent limits; chronic and 24-hour acute whole effluent toxicity testing; and monitoring and reporting requirements. GCGV will be obligated and intends to comply with all terms and conditions in the Draft Permit upon issuance.

Notice

Reconsideration Requests asserted that public notice was not published or mailed to individuals in Aransas and Refugio Counties. The ED determined that GCGV complied with all notice provisions.³⁹

TCEQ rules do not require GCGV to provide public notice to Aransas and Refugio Counties for this Application, which relates to proposed activities in San Patricio and Nueces Counties. All discharge points (outfalls) and discharge routes for one stream mile would occur within San Patricio and Nueces Counties.⁴⁰ Thus, San Patricio and Nueces Counties are the only counties to which notice requirements applied. The ED detailed the public notices that GCGV provided for the Application⁴¹ and explained that “TCEQ’s notice rules require applicants to provide public notices for wastewater permits by publishing the NORI in a ‘newspaper of largest

303(d) List and prohibition against causing or contributing to an impairment to ensure cumulative effect of discharges from multiple facilities will not cause violations of water quality standards in surface waters); Response 80, p. 66 (acknowledging comments related to recreational, tourism and environment assets of the City of Portland).

³⁸ See 30 TEX. ADMIN. CODE § 307.6(b)(4) (requiring water in the state to be maintained to preclude adverse toxic effects on aquatic life, terrestrial life, livestock, or domestic animals, resulting from contact, consumption of aquatic organisms, consumption of water, or any combination of the three).

³⁹ See RTC, Response 87, p. 80.

⁴⁰ See Application, Attachment A-2-4 (illustrating discharge points, routes and distances to nearest county line for Outfalls 002, 03, 004 and 005).

⁴¹ See RTC, Response 86, p. 69.

circulation in the county in which the facility is located or proposed to be located.”⁴² Consistent with the TCEQ’s notice rules, GCGV was required to and did publish NAPD notice “at least once in a newspaper regularly published or circulated within each county where the proposed facility or discharge is located and in each county affected by the discharge.”⁴³ In addition, GCGV published notice of the public meeting in newspapers circulated in Nueces and San Patricio Counties.

A Reconsideration Request suggested that TCEQ should require verification that all affected landowners on Sunset Drive near Black Welder Street were sent written notification of the application in Spanish. Where TCEQ rules require notice to be mailed, the rules do not require notice to be provided in an alternative language.⁴⁴ As required, the TCEQ Chief Clerk mailed notice to each landowner named on the adjacent landowner map and list, which included all adjacent landowners and landowners located along discharge routes and to persons on the mailing list.⁴⁵ GCGV verified that it completed the public notice requirements for the Application.

Copano and Back Bay Areas

Requests for Reconsideration included concerns related to the cumulative effect of industrial storm water from chemical process and equipment (and plastic microfibers or polyethylene pellets) in Copano Bay, and that Copano and Mission Bays are natural habitats and nurseries for food species such as oysters, blue crabs, and fish. The ED considered and

⁴² *Id.*, citing 30 TEX. ADMIN. CODE § 39.405(f)(1).

⁴³ *Id.*, citing 30 TEX. ADMIN. CODE § 39.551(c)(1).

⁴⁴ *See* 30 TEX. ADMIN. CODE § 39.413(1) (relating to mailed notice); 39.551(c)(2) (requiring mailed notice to landowners named on application map or attached sheet).

⁴⁵ *See* Application, Attachment A-2 (Adjacent Landowner Map and List identifying property owners along discharge routes for all proposed outfalls and one full stream mile downstream of discharge routes, including landowners on both sides of Black Welder Street).

responded to concerns such as these in the RTC.⁴⁶

Corpus Christi Bay

Requestors expressed concern that sources of fresh water and heated wastewater could reduce salinity and elevate bacteria levels in Corpus Christi Bay, an impaired and threatened water for elevated bacterial levels. The ED specifically addressed these concerns in the RTC.⁴⁷ Pursuant to the terms of the Draft Permit, discharges from Outfall 001 are expected to meet all water quality-based limits for toxic pollutants, temperature, and dissolved oxygen within the appropriate regulatory mixing zones.⁴⁸

Oyster Waters

A Reconsideration Request stated that oyster water areas should be protected. The Draft Permit will be protective of oyster water areas. The ED considered and responded to this issue in the RTC.⁴⁹

⁴⁶ See RTC, Response 33, pp. 37-38 (considering comments related to Copano Bay as possible nesting site for whooping crane); Response 34, p. 38 (considering potential impact to food source for whooping crane unlikely); Response 35, pp. 38-39 (considering discharge potential of stormwater and non-stormwater via Outfalls 002 and 003 unlikely to transport toxic pollutants to Copano Bay); Response 40, p. 42 (considering recreational interests and concluding that proposed discharges are not expected to negatively affect quality of life for recreational users of Corpus Christi Bay and the La Quinta Channel); Response 59, pp. 54-55 (considering concerns about discharges to Aransas County, Mission Bay and Redfish Bay and summarizing currently authorized discharges to those water bodies and requirements applicable to GCGV in the Draft Permit related to polyethylene pellets); Response 62, p. 56 (concluding that stormwater and allowable non-stormwater from Outfalls 002 and 003 will not significantly impact water quality of Copano Bay/Port Bay/Mission Bay); Response 64, p. 58 (considering condition of state's surface waters fitness for use by aquatic species and other wildlife); Response 67, p. 59 (considering potential impact to bays and estuaries and related fishing, birding and ecological services arising from ecosystem); Response 64, p. 58 (considering overall water quality and specific actions TCEQ employs to protect water quality, including use of the 303(d) List and prohibition against causing or contributing to an impairment to ensure cumulative effect of discharges from multiple facilities will not cause violations of water quality standards in surface waters).

⁴⁷ See RTC, Response 31, p. 37 (considering plant and animal life in Corpus Christi Bay and concluding that the proposed discharge is not expected to negatively impact salinities in Corpus Christi Bay); Response 40, p. 42 (concluding that discharges from the proposed facility are not expected to increase bacteria levels in either Corpus Christi Bay or Copano Bay); Response 68, p. 60 (considering bacteria impairments in Corpus Christi Bay, responding that impairments are attributed to nonpoint-source urban runoff and storm sewers, clarifying that the Draft Permit prohibits domestic wastewater discharges in Other Requirement No. 5, and concluding that no increase in bacteria levels in Corpus Christi Bay from GCGV's operations is expected).

⁴⁸ See Fact Sheet, X.B. at 6 (describing that the ED does not anticipate the discharge from Outfall 001 to result in any significant dissolved oxygen depletion in the receiving waters outside of the mixing zone).

⁴⁹ See RTC, p. 4 (explaining that Draft Permit Other Requirement No. 5 prohibits discharge of domestic wastewater, and concluding that GCGV's processes are not expected to be a source of bacteria and that this permit action is not expected to contribute to the Oyster Waters impairment in Segment No. 2472); Response 88, p. 81 (determining that designated uses for Segment Nos. 2481 and 2472 - primary contact recreation, oyster waters, and exceptional aquatic life - should be protected if the facility is operated and maintained as required by the proposed permit and regulations).

Species

Reconsideration Requests raised concerns that the ED had not fully considered the Draft Permit's potential effect on endangered or threatened species and habitat, including that of the whooping crane, piping plover, and other birds and migratory species. Requestors complained that USFWS and TPWD comments have not been adequately addressed and that a Draft Permit must comply with Texas and Federal law and should not be issued until Endangered Species Act review is complete.

The ED addressed endangered species concerns and provided detailed information in the RTC responses.⁵⁰ Under the Memorandum of Agreement concerning delegation of the NPDES permit program to Texas ("NPDES MOU"),⁵¹ TCEQ's obligation is to address endangered species concerns during the TPDES permit process through setting and enforcing water quality standards and through interagency coordination of endangered species issues identified by the U.S. Fish & Wildlife Service ("USFWS" or the "Service").⁵² Consistent with the listed species considered in the 1998 biological opinion, TCEQ and EPA considered aquatic or aquatic-dependent species occurring in watersheds of critical concern or high priority.⁵³

The ED sent the Draft Permit package for the Application to EPA for review. At EPA's suggestion, the ED coordinated with the USFWS during the permitting process to address potential endangered species concerns related to the proposed TPDES permit and to resolve any comments and/or concerns to ensure that the proposed effluent discharge and permit conditions

⁵⁰ See e.g., RTC, Response 26, p. 30 (concluding that the difference in temperature between ambient water and effluent in the cool season is not expected to significantly impact the black drum fishery in the La Quinta Channel); Response 33, pp. 37-38 (considering comments related to Copano Bay as possible nesting site for whooping crane); Response 34, p. 38 (considering potential impact to food source for whooping crane unlikely); Response 35, pp. 38-39 (considering discharge potential of stormwater and non-stormwater via Outfalls 002 and 003 unlikely to transport toxic pollutants to Copano Bay); Response 36, pp. 39-40 (considering September 14, 1998 biological opinion issued by USFWS for Texas' administration of NPDES program); Response 64, p. 58 (considering condition of state's surface waters fitness for use by aquatic species and other wildlife).

⁵¹ See *Memorandum of Agreement Between the Texas Natural Resource Conservation Commission and the U.S. Environmental Protection Agency, Region 6 Concerning the National Pollutant Discharge Elimination System*, Part IV, Section D, p. 28.

⁵² See MOU, B.8., p. 23; RTC, Response 105, p. 78.

⁵³ See USFWS Biological Opinion, (September 14, 1998), Appendix A (evaluating potential impact to specific species by Texas' assumption of the NPDES program).

as established, are protective of endangered species and aquatic life in accordance with the TXWQS, the Clean Water Act and as contemplated by the MOU.⁵⁴

The ED considered all species identified by the USFWS and addressed all questions and comments raised in the USFWS letter dated December 26, 2017. GCGV agreed with the USFWS' request to collaborate with USFWS after the Complex is constructed as GCGV begins development of its SWP3 and best management practices for pellet loss prevention.⁵⁵ The USFWS indicated to GCGV that the Service was not required to provide a written response to information TCEQ and GCGV had provided for the USFWS review⁵⁶ because the matter relates to the NPDES MOA with EPA.⁵⁷

Toxic Constituents

Reconsideration Requests expressed concern that constituents of discharges would not comply with TXWQS for Chlordane, Endosulfan Sulfate, Copper, Cyanide, and Zinc for acute and chronic toxicity criteria; proposed discharges of Dieldrin, DDT, Endosulfan I, Endosulfan II, Heptachlor, PCBs, Toxaphene, and Lead for chronic toxicity criteria; and TSS for aesthetic parameters. The ED already evaluated the Application's compatibility with the TXWQS and the constituents of GCGV's proposed discharges.⁵⁸ Constituents such as Dieldrin, DDT, Endosulfan

⁵⁴ See RTC, p. 3.

⁵⁵ Phone call from GCGV to USFWS (May 11, 2018).

⁵⁶ GCGV provided a complete copy of the TPDES Application and associated supplemental filings; industry best practices on polyethylene pellet control, polyethylene characteristics, and third party assessments supporting construction in the La Quinta Channel. See <https://opcleansweep.org/wp-content/uploads/OCS-Manual.pdf> (plastic pellet handling manual developed by industry partners through the American Chemical Council and the Plastics Industry Association and used as basis for development of ExxonMobil Mont Belvieu Plastics Plant best management practices and Stormwater Pollution Prevention Plan); *Essential Fish Habitat Assessment: Texas Project Site* (voestalpine; January 2013), available at <https://archive.epa.gov/region6/6pd/air/pd-r/ghg/web/pdf/voestalpine-efh-final.pdf>; *Biological Assessment: Direct-Reduced Iron (DRI) Project* (voestalpine; January 2014), available at <https://archive.epa.gov/region6/6pd/air/pd-r/ghg/web/pdf/voestalpine-final-revised-ba013014.pdf>; *Addendum to Biological Assessment-DRI Federally Listed Threatened & Endangered Species Occurring in San Patricio and/or Nueces Counties* (voestalpine; March 2014), available at <https://archive.epa.gov/region6/6pd/air/pd-r/ghg/web/pdf/voestalpine-bio-addendum.pdf>; *NOAA Concurrence Letter*, NOAA National Marine Fisheries Service (June 2014), available at: <https://archive.epa.gov/region6/6pd/air/pd-r/ghg/web/pdf/voestalpine-noaa-concurrence-letter.pdf>.

⁵⁷ Phone call from GCGV to USFWS (May 11, 2018).

⁵⁸ See RTC, Response 7, pp. 14-15 (explaining that GCGV's wastewater is required to meet the numeric limits in the Draft Permit, which are based on technology requirements in 40 C.F.R. Parts 414 and 415, and that the ED can initiate an amendment to add additional limits or monitoring and reporting requirements if needed to address water quality concerns based on review of sampling information); Response 30, p. 35 (noting consistency of TCEQ's practice to allow discharges specific amounts and types of toxic materials).

I, Endosulfan II, Heptachlor, PCBs, Toxaphene will not be generated by the GCGV manufacturing process. GCGV did not identify these pollutants as being discharged in the Application and the Draft Permit does not authorize the discharge of these pollutants, some of which are banned materials (e.g., DDT, Dieldrin, PCBs). TCEQ's permit application forms and standard permit start-up monitoring requirements include a comprehensive list of numeric water quality criteria for testing, even if pollutants are not potentially applicable or present at a facility. GCGV will conduct testing of the wastewater and stormwater during commissioning and full operation consistent with standard TCEQ practice, which could include adjustment to the Draft Permit limits if necessary.⁵⁹

In addition, the Reconsideration Requests stated that the RTC lacked an explanation why the Draft Permit includes an "additional allocation" of up to 17 pounds per day for discharge of chloroform and asserted that spills of over 10 pounds are required to be reported to the National Response Center. The ED already considered this information in evaluating whether to include an additional allocation for Chloroform.⁶⁰ Consistent with EPA policy, Part 414, and TCEQ permitting practices, TCEQ may provide additional allocations for non-categorical wastewaters when they are expected to contain the same pollutant.⁶¹ Compliant permitted discharges are not subject to spill response reporting requirements.⁶²

Effluent Temperature

The Reconsideration Requests expressed the idea that the TCEQ should require GCGV to reduce effluent temperature before it enters the pipeline to Outfall 001 and ensure a temperature

⁵⁹ See Draft Permit, Other Requirements No. 11 and 12 (requiring four effluent sampling events at least one week apart during commissioning and four rounds of sampling during full operation).

⁶⁰ See RTC, Response 7, p.14 (explaining reasoning that chloroform is formed in cooling tower waters from the reaction of chlorine which is used as a biocide to maintain cooling tower water quality, and organics in the water); Fact Sheet at 46 (stating that ELG concentrations for chloroform found in 40 CFR Part 414, Subpart J, were used to calculate additional mass allocations).

⁶¹ See U.S. Environmental Protection Agency, NPDES Permit Writers' Manual, EPA-833-K-10-001 (September 2010), pp. 3-57; Fact Sheet, Table 2-5 (showing summation of load allocations for Parts 414, 415 and non-categorical categories for chloroform).

⁶² See 30 TEX. ADMIN. CODE § 327.1(b)(7).

of 95 degrees at the zone of initial dilution to comply with temperature limits in 30 TEX. ADMIN. CODE §§ 307.4(C); 307.10(1). The ED already addressed these concerns in the RTC, and declined to impose more stringent temperature restrictions without a regulatory basis.⁶³

Algal Blooms

Reconsideration Requests include statements related to discharge of ammonia nitrogen, phosphorous, and nitrate nitrogen, and concern that such discharges will cause eutrophication, the excess richness of nutrients in water, which can cause algal blooms that lead to illnesses and death of fish and harm to humans. The Requests also claim that the proposed permit BOD₅ allowance of up to 2,497 pounds per day violates 40 C.F.R. Parts 414 and 415.

As previously explained, the Draft Permit prohibits GCGV from discharging domestic wastewater and requires sampling during commissioning and operations to ensure compliance with permit conditions.⁶⁴ During commissioning activities, GCGV will be required to conduct four effluent discharge sampling events at least one week apart and another four rounds of sampling once the facility begins operating and discharging. The ED will review the results for nutrients (nitrate-nitrogen and total phosphorus) and can initiate an amendment to address nutrient concerns if necessary.⁶⁵ The daily maximum effluent limits for BOD₅ in the Draft Permit are consistent with the effluent limits required by 40 C.F.R. Parts 414 and 415.⁶⁶

⁶³ See Response 22, p. 28 (explaining that no regulatory basis exists to require GCGV to reduce the effluent temperature from the original estimate where temperature criteria are met at the edge of the mixing zone and that Draft Permit provision Other Requirement No. 13 puts GCGV on notice that thermal requirements could change if TCEQ promulgates rulemaking related to evaluation procedures); Response 23, p. 28 (explaining that GCGV's thermal modeling meets the maximum 95° F temperature limit prior to reaching the boundary of the aquatic life mixing zone; that site-specific criteria for classified segments do not apply within mixing zones; and that less than 0.2% of the La Quinta Channel portion of Corpus Christi Bay is predicted to be in the thermal plume above 95° F); Response 24, p. 29 (explaining that maximum temperature criteria have been established to be protective of aquatic life and stating unawareness of any detrimental impacts that GCGV's discharge temperature could have on current or future TMDL sites); Response 25, pp. 29-30 (explaining that Draft Permit requires daily temperature measurements and monthly reporting of average and maximum temperature measurements); Response 27, p. 31 (evaluation of effects on water temperature during winter conditions and concluding that the small change in temperature is not expected to significantly impact aquatic species in the La Quinta Channel of Corpus Christi Bay).

⁶⁴ See *supra*, n. 48; Draft Permit, Other Requirement No. 5 (specifically prohibiting discharge of domestic wastewater).

⁶⁵ See RTC, Response 70 at p. 61 (considering it improbable that the proposed discharge via Outfall 001 will promote algae blooms or dead zones in Corpus Christi Bay).

⁶⁶ See Fact Sheet, Appendix A, Table 2-5 (showing summation of load allocations for Parts 414, 415 and non-categorical categories for BOD₅).

Oil & Grease

Reconsideration Requests asserted that TSS and oil/grease discharge calculations do not comply with 40 C.F.R. Parts 414 and 415 and 30 TEX. ADMIN. CODE § 307.4(b)(2)-(3) because a discharge could “produce a visible film or sheen of oil or globules of grease on the surface or coat the banks or bottoms of the watercourse.” This is not a new issue – it was raised during the public comment period for this Application, the permit prohibits a visible discharge of oil, and the ED considered and responded to the concern.⁶⁷

In addition to oil and grease effluent limits, treatment systems primarily designed to remove BOD₅ and TSS will also reduce oil and grease levels.⁶⁸ GCGV’s treatment processes include dissolved gas flotation, biological treatment, and oil and solids handling, all of which will remove and reduce oil and grease concentrations in the process wastewater.⁶⁹ The dissolved gas flotation unit is specifically included in the treatment system to remove all free and emulsified oil before biological treatment. Biological treatment removes dissolved organic materials that remain in the wastewater after the flotation unit. GCGV will comply with the Draft Permit provision that prohibits discharges of visible amounts of oil.⁷⁰

Treatment Chemicals

Reconsideration Requests included issues related to the overall design of the facility and the pending air permit evaluation, such as daily discharge compliance, sludge contaminant content, and pollutants in stormwater discharge when treatment chemicals for cooling towers

⁶⁷ See RTC, Response 18, pp. 25-26 (explaining that the effluent limitation guidelines in 40 C.F.R. Part 414 do not include oil and grease and describing representative concentrations for wastewater from the Air Separation Unit that comply with 40 C.F.R. Part 415); Response 44, p. 45 (describing effluent limits of proposed permit for total organic carbon, oil and grease, and pH as consistent with EPA guidance on discharges of stormwater associated with industrial activity).

⁶⁸ See *Development Document for Effluent Limitations and Guidelines and Standards for Organic Chemicals, Plastics, and Synthetic Fibers Point Source Category*, EPA 440/187/009, Vol. 1, pp. VI-9-VI-10 (October 1987).

⁶⁹ See Application, Attachment T-1; RTC, Response 100, p. 76.

⁷⁰ See Draft Permit, Item 3, pp. 2, 2c, 2d, 2e.

have not yet been determined. These comments were addressed in the ED's RTC,⁷¹ and the Reconsideration Requests provide no new information. The ED reviewed discharge monitoring reports at 57 Texas facilities subject to 40 C.F.R. Part 414, Subparts I and/or J, and determined that more than 75 percent of those facilities detect four or fewer of pollutants regulated by Subparts I and/or J in their effluents.⁷² GCGV's proposed Complex, which will manufacture olefins, polyethylene and monethylene glycol, has designed a treatment system similar to the bulk of chemical plants that discharge four or fewer chemicals at detectable concentrations. GCGV bears the responsibility of complying with all terms of the Draft Permit. When operation begins, GCGV will provide notification to TCEQ of all chemicals used in water treatment, cooling towers, and boilers consistent with the TPDES application requirements for chemical usage.⁷³ GCGV will also conduct analytical testing of all pollutants in Outfall 001 effluent in accordance with the Draft Permit provisions which are designed to provide more information about the specific makeup of the wastewater effluent.⁷⁴

Holding/Filtration Ponds

The Reconsideration Requests include a concern that holding and filtration ponds are needed to filter effluent and slow flow to allow for evaporation or absorption and natural process breakdown. The ED considered this concept in her review of the Application and provided a response in the RTC.⁷⁵ The Application includes a description of the holding and filtration steps

⁷¹ See RTC, Response 7, p. 14 (identifying chloroform as a chemical that will be used to prevent bacterial growth from cooling towers); Response 100, p. 76 (explaining that compliance with the Texas Water Code and TCEQ's water quality-related regulations forms the basis of the ED's recommendation to issue or deny a water quality application and that the ED does not have authority to delay issuance of a water quality permit based on timing of processing of an air quality permit application).

⁷² See RTC, Response 9, pp. 16-17 (evaluating data summaries of facilities whose primary business is chemical manufacturing and that discharge wastewater subject to effluent limits in 40 C.F.R. Part 414).

⁷³ See TPDES Industrial Application Form 10055, Technical Report, Section 5, Blowdown and Once-Through Cooling Water Discharges.

⁷⁴ See Draft Permit, Other Requirement No. 11 (requiring analytical testing of all pollutants within 30 days of initial discharge from commissioning activities that last longer than four days and requiring analytical testing of all pollutants within 60 days of initial discharge that is representative of normal operating conditions).

⁷⁵ See RTC, p. 8 (describing filtration process for solids in rail car wash water and first-flush stormwater at the rail car wash sump prior to routing filtered water to the Effluent Pond).

in GCGV's effluent handling process that will provide for removal of solids, settling, evaporation and treatment.⁷⁶

Drainage/Flooding

Reconsideration Requests included concerns related to drainage of stormwater runoff, potential releases of pollutants during hurricanes and floods, and clarification of expected frequency and volumes from Outfalls 002, 003, 004, 005 and stormwater ponds. The ED considered and addressed similar concerns raised in public comments.⁷⁷

Stormwater

The Reconsideration Requests relayed concerns related to stormwater discharge from the haul road after construction, including design, drainage, water quality parameters to cover the runoff that could include petrochemical products, plastic pellets and industrial chemical spills. Stormwater runoff associated with the heavy haul road is not part of the Application, and the ED addressed this topic in the RTC.⁷⁸ GCGV will coordinate with the Port of Corpus Christi to obtain authorization for stormwater discharges related to construction activities for the haul road.

⁷⁶ See Application, Technical Report 1.0.3 (Impoundments); Fact Sheet at 10-11 (describing effluent pond wastewaters, solids removal, water treatment, filtering of solids at railcar wash sump, stormwater collection ponds).

⁷⁷ See RTC, Response 46, p. 46 (considering similar comments and explaining that design of stormwater system allows for settling and reducing peak flows; that frequency, duration and volume of stormwater discharges from Outfalls 002, 003, 004, and 005 depends on the frequency, duration and volume of rainfall at the GCGV site; that intermittent discharges cannot be reliably estimated; concluding that stormwater pond collection will allow peak flows from the facility during intense rainfall events discharged at Outfalls 002, 004, and 005 to be lower than those that currently occur from the undeveloped site; and concluding that Outfall 003 discharges are expected to have similar volumes and flow rates to existing stormwater runoff because the grass and soils in the drainage are permeable); Response 52, p. 50 (considering stormwater flow comments and clarifying that the ED lacks legal jurisdiction to evaluate whether a given ditch has capacity to contain stormwater discharge and to require fencing or other measures to prevent public access to drainage ditches); Response 79, p. 66 (considering flood-related comments and explaining that TCEQ does not have jurisdiction to regulate flooding or erosion in the context of a wastewater discharge permit and that the water quality permitting process is limited to controlling the discharge of pollutants into water in the state and protecting water quality).

⁷⁸ See RTC, Response 49, p. 48 (considering comments related to stormwater from heavy haul road and explaining that GCGV intends to obtain TCEQ construction general permit TXR150000 to authorize stormwater discharges for all road construction-related activities, explaining that the Port of Corpus Christi Authority has granted an easement to GCGV and that the Port will own the road once completed); Response 77, p. 65 (explaining TCEQ's lack of authority to mandate a different wastewater treatment plant location if the applicant's proposed location and discharge route comply with Texas Water Code ch. 26 and applicable TCEQ rules); Response 104, p. 77 (stating that TCEQ's permitting authority does not include the authority to mandate a different discharge route or location).

Polyethylene Pellets

The Reconsideration Requests stated that plastic pollution concerns have not been meaningfully addressed by the permit, Application or RTC; that best management practices to prevent pellets from entering effluent or stormwater runoff are inadequate; that specific controls should be required although no numerical standard exists for plastic pellets; that requiring GCGV to “immediately take steps to remove the pellets” is an infeasible step for unavoidable pollution.

The ED provided a robust response to the concerns noted in the Reconsideration Requests, determined that the Draft Permit is protective of water quality, human health, aquatic life, the environment, and all designated uses of the receiving water.⁷⁹ The Commissioners should not reconsider the ED’s recommendation to grant the Draft Permit. The scope of the BMPs imposed by the Draft Permit is broad, and extends to “process materials and equipment, finished and intermediate products, plastic pellets and fines, oils and greases, wastes, wastewaters, and maintenance materials at the Complex.”⁸⁰ The Draft Permit requires GCGV to conduct monthly inspections of effectiveness, and additional or more effective pollution control measures can be implemented at any time.⁸¹ In addition, GCGV is forbidden from discharging polyethylene pellets in amounts prohibited by 30 TEX. ADMIN. CODE §§ 307.4(b)(2) and (3). The Draft Permit requires GCGV to conduct weekly inspections and be responsible for immediate removal if any pellets are discharged.⁸² Inclusion of the additional provisions into the Draft

⁷⁹ See Response 14, pp. 20-21 and Response 15, pp. 21-22 (considering concerns relating to discharges of polyethylene pellets and summarizing requirements added to Draft Permit to control plastic pellets and fines, including a stormwater pollution prevention plan with BMPs to eliminate or lessen exposure of stormwater to industrial activities and pollutants, good housekeeping measures, spill prevention and response measures, and maintenance program for structural controls).

⁸⁰ See Draft Permit, Other Requirement No. 15.A.

⁸¹ *Id.*, Other Requirement Nos. 15.A., 15.B.

⁸² *Id.*, Other Requirement No. 16.

Permit is a meaningful response by the ED to the public comments received during the comment period for the Application.

GCGV's application of BMPs is only one step in a multi-level wastewater management process designed to prevent discharge of plastic pellets and fines. Each area of the Complex, including the rail yard, will drain stormwater through polymer retention basins located in the process areas. The retention basins use gravity separation and overflow/underflow weirs to capture plastic pellets and fines in the water. Stormwater from the polyethylene production areas will be treated in a polymer retention basin and will then flow to the Effluent Pond for discharge at Outfall 001. The stormwater ponds (Outfall 002 Pond, Outfall 004 Pond, and Outfall 005 Pond) are large retention basins designed to allow equalization, settling and flotation for any remaining particles prior to discharge at Outfalls 002, 004 and 005. The Effluent Pond and stormwater ponds will have outfall controls (e.g. over/under weirs) to assure that floating and suspended materials will not be discharged. These controls for plastic pellets and fines have been effectively used at other Texas polyethylene plants to effectively control discharges of plastics.

Air Emissions

Reconsideration Requests included general concerns related to air emissions, which the ED already evaluated.⁸³ The proposed Draft Permit relates to industrial waste water and stormwater discharges. TPDES permits do not consider or authorize air emissions, which are regulated by TCEQ and EPA rules that protect air quality. GCGV is obtaining all applicable state and federal authorizations for air emissions from the wastewater collection and treatment system.

⁸³ See RTC, Response 81, pp. 66-67 (considering concerns about emissions associated with the project and concluding that GCGV's proposed wastewater treatment plant which would use the activated sludge process will not make a significant contribution of air contaminants to the atmosphere pursuant to TEX. HEALTH & SAFETY CODE §§ 382.057 and 382.05196, and would be permitted by rule pursuant to 30 TEX. ADMIN. CODE § 106.532).

Center For Biological Diversity Requests

The Reconsideration Requests submitted by CBD (“CBD Requests”) identify similar or identical concerns. GCGV responds to the CBD Requests as a group. None of the comments in the set of 1,148 CBD Requests includes an address or daytime telephone number as required by 30 TEX. ADMIN. CODE § 55.201(e), and several omit a city or a name. These requests fail to meet even the basic requirements set out in the Texas rules for requesting reconsideration.

A. The CBD Requests ask TCEQ not to issue the Draft Permit because the requestors are generally opposed to plastics manufacturing and are concerned that plastic will ruin Texas and its water. This generalized concern is not within the TCEQ’s statutory jurisdiction to consider. The TCEQ is charged with administering the state’s water quality program, including issuance of permits, enforcement of water quality rules, standards, orders, and permits, and water quality planning.⁸⁴ The State of Texas’ policy is to maintain the quality of water in the state consistent with public health and enjoyment, propagation and protection of terrestrial and aquatic life, operation of existing industries, and taking into consideration economic development of the state.⁸⁵ To this end, the ED evaluated the Application and determined that it meets all state and federal requirements.⁸⁶

B. The CBD Requests say high levels of toxic wastewater discharged to Corpus Christi Bay would harm wildlife such as oysters, sea turtles, endangered whooping cranes and other marine wildlife. As described above, the ED already

⁸⁴ TEX. WATER CODE § 5.013(a)(3).

⁸⁵ See 30 TEX. ADMIN. CODE § 307.1.

⁸⁶ See RTC, Response 54, pp. 50-51 (concluding same and that Draft Permit conditions are consistent with maintaining Texas’ water quality); Response 77, p. 65 (explaining TCEQ’s lack of authority to mandate a different wastewater treatment plant location if the applicant’s proposed location and discharge route comply with TEX. WATER CODE ch. 26 and applicable TCEQ rules); Response 91, pp. 72-73 (describing the ED’s permit application review in accordance with the applicable law, policy and procedures, and the TCEQ’s mission to protect the State’s human and natural resources consistent with sustainable economic development and expecting no adverse impact from operation consistent with permit terms and conditions).

considered and addressed these concerns in develop of the Draft Permit, which will be protective of wildlife.⁸⁷

C. The CBD Requests ask TCEQ to reconsider the ED's decision because the requestors say that the Draft Permit would allow illegal levels of toxic materials to be discharged in violation of the Clean Water Act. Treated effluent discharged into water pursuant to a TPDES permit is required to meet the requirements of the TSWQS.⁸⁸ The ED evaluated GCGV's Application consistent with the methodology in its Implementation Procedures⁸⁹ and concluded that the Draft Permit will comply with the TSWQS, and that the effluent limits will be protective.⁹⁰

D. The CBD Requests say polyethylene "nurdles" and other plastics would damage water quality throughout the world's oceans, not just in the Gulf of Mexico; impact oceans with long-lasting consequences; contribute to waste littering beaches, coastlines and seas; injure and kill fish, marine mammals and seabirds; and have potential to adsorb toxic chemicals and pose a hazard to animals and humans that will ingest these toxins. The ED evaluated the Application based on the statutory authority within the TCEQ's jurisdiction and the policy embodied in the TSWQS and determined that the

⁸⁷ See RTC, p. 4 (explaining that Draft Permit Other Requirement No. 5 prohibits discharge of domestic wastewater, and concluding that GCGV's processes are not expected to be a source of bacteria and that this permit action is not expected to contribute to the Oyster Waters impairment in Segment No. 2472); p. 9 (determining that the Draft Permit meets all statutory and regulatory requirements and is protective of the environment, water quality, and human health); Response 88, p. 81 (determining that designated uses for Segment Nos. 2481 and 2472 - primary contact recreation, oyster waters, and exceptional aquatic life - should be protected if the facility is operated and maintained as required by the proposed permit and regulations).

⁸⁸ See 33 U.S.C. § 1342(b)(1)(A); 30 TEX. ADMIN. CODE ch. 307; Fact Sheet at 14 (describing TCEQ's methodology in its Implementation Procedures guidance document that is designed to ensure that permitted wastewater discharges do not result in instream aquatic toxicity or cause a violation of an applicable narrative or numerical state water quality standard).

⁸⁹ See *Procedures to Implement the Texas Surface Water Quality Standards (IP)*, TCEQ RG-194 (January 2012).

⁹⁰ See RTC, Response 7, pp. 14-15 (explaining that GCGV's wastewater is required to meet the numeric limits in the Draft Permit, which are based on technology requirements in 40 C.F.R. Parts 414 and 415, and that the ED can initiate an amendment to add additional limits or monitoring and reporting requirements if needed to address water quality concerns based on review of sampling information); Response 30, p. 35 (noting consistency of TCEQ's practice to allow discharges specific amounts and types of toxic materials); Response 88, p. 81 (outlining TSWQS requirement that that surface waters not be toxic to aquatic life, terrestrial wildlife, livestock, or domestic animals and concluding that Draft Permit effluent limits will be protective).

Draft Permit is protective of water quality, human health, aquatic life, the environment, and all designated uses of the receiving water.

The ED provided a robust response to the concerns noted in the Reconsideration Requests, and the Commissioners should not reconsider the ED's recommendation to grant the Draft Permit.⁹¹ As extensively outlined above, and in the Draft Permit, the scope of BMPs is broad and only one step in the wastewater management process.⁹² The Draft Permit requires GCGV to conduct monthly inspections of effectiveness, and additional or more effective pollution control measures can be implemented at any time.⁹³ In addition, GCGV is forbidden from discharging polyethylene pellets in amounts prohibited by 30 TEX. ADMIN. CODE §§ 307.4(b)(2) and (3). The Draft Permit requires GCGV to conduct weekly inspections and be responsible for immediate removal if any pellets are discharged.⁹⁴ Inclusion of the additional provisions into the Draft Permit is a meaningful response by the ED to the public comments received during the comment period for the Application.

E. The CBD Requests ask TCEQ to reconsider based on a claim that the Complex would be located in critical habitat for endangered whooping cranes. The Complex is not located in designated critical habitat for whooping cranes or any other endangered species. The ED addressed endangered species concerns and provided detailed information in RTC responses.⁹⁵ Under the NPDES delegation MOU, TCEQ's

⁹¹ See Response 14, pp. 20-21 and Response 15, pp. 21-22 (considering concerns relating to discharges of polyethylene pellets and summarizing requirements added to Draft Permit to control plastic pellets and fines, including a stormwater pollution prevention plan with BMPs to eliminate or lessen exposure of stormwater to industrial activities and pollutants, good housekeeping measures, spill prevention and response measures, maintenance program for structural controls).

⁹² See Draft Permit, Other Requirement 15.A; *supra*, p. 27.

⁹³ *Id.*, Other Requirement 15.A., 15.B.

⁹⁴ *Id.*, Other Requirement No. 16.

⁹⁵ See, e.g., RTC, Response 26, p. 30 (concluding that the difference in temperature between ambient water and effluent in the cool season is not expected to significantly impact the black drum fishery in the La Quinta Channel); Response 33, pp. 37-38 (considering comments related to Copano Bay as possible nesting site for whooping crane); Response 34, p. 38 (considering potential impact to food source for

obligation is to address endangered species concerns during the TPDES permit process through setting and enforcing water quality standards, and through interagency coordination of endangered species issues identified by the USFWS.⁹⁶ Consistent with the listed species considered in the 1998 biological opinion, TCEQ and EPA considered aquatic or aquatic-dependent species occurring in watersheds of critical concern or high priority.⁹⁷

F. The CBD Requests ask TCEQ to reconsider because the Draft Permit would allow discharges at an unacceptably high temperature, 110°F, which will greatly increase potentially toxic algal blooms. This statement has no scientific or factual basis, and the ED previously evaluated this concept. The thermal modeling prepared for the Application demonstrates that at a 200-foot distance, the maximum temperature rise above ambient conditions during critical conditions (maximum effluent and ambient temperature) is 2.3° F and this occurs at the water's surface.⁹⁸ At a distance of 0.5 meters below the surface, the water temperature remains at ambient temperature. The affected surface area of the La Quinta Channel that is 2.3° F above ambient temperature is 0.72 acres. This area is too small to cause any increased rate of algal growth.⁹⁹

G. The CBD Requests say that the permit should require water intake pipes to be located below the exit pipes for used water to ensure that wastewater is really treated. The ED evaluated the proposed treatment in the Application and determined that it meets

whooping crane unlikely); Response 35, pp. 38-39 (considering discharge potential of stormwater and non-stormwater via Outfalls 002 and 003 unlikely to transport toxic pollutants to Copano Bay); Response 36, pp. 39-40 (considering September 14, 1998 biological opinion issued by USFWS for Texas' administration of NPDES program); Response 64, p. 58 (considering condition of state's surface waters fitness for use by aquatic species and other wildlife).

⁹⁶ See MOU, B.8., p. 23; RTC, Response 105, p. 78.

⁹⁷ See USFWS Biological Opinion, (September 14, 1998), Appendix A (evaluating potential impact to specific species by Texas' assumption of the NPDES program).

⁹⁸ See RTC, Response 23, p. 28 (explaining that GCGV's thermal modeling meets the maximum 95° F temperature limit prior to reaching the boundary of the aquatic life mixing zone; that site-specific criteria for classified segments do not apply within mixing zones; and that less than 0.2% of the La Quinta Channel portion of Corpus Christi Bay is predicted to be in the thermal plume above 95° F).

⁹⁹ See RTC, Response 70, p. 61 (considering it improbable that the proposed discharge via Outfall 001 will promote algae blooms or dead zones in Corpus Christi Bay).

all state and federal requirements and will be protective of water quality.¹⁰⁰ CBD's request ignores the fact that the receiving water is high salinity marine water which could not be used at the Complex without desalination. Desalination requires large amounts of energy and generates brine, an additional wastewater for discharge with separate and different water quality issues.

H. The CBD Requests ask TCEQ to reconsider because the permit would contribute to the destruction of the Gulf fishing, tourism and ecotourism industries in Gulf cities, towns, and islands. The ED already considered and responded to concerns such as these in the RTC.¹⁰¹ TCEQ's rules provide protections to maintain water quality and assure that all designated uses of the receiving water are not impaired. For example, numerical criteria in 30 TEX. ADMIN. CODE § 307.6(c)(1), Table 1 provide protection for aquatic life to ensure water in the state is maintained to preclude adverse toxic effects.¹⁰² Table 2 of 30 TEX. ADMIN. CODE § 307.6(c)(1) provides numeric criteria to protect human health from the exposure through the consumption of fish and shellfish. The Draft Permit establishes a number of safeguards such as sampling requirements for commissioning activities and for discharges upon full operation; effluent limits; chronic and 24-hour acute whole effluent toxicity testing; and monitoring and reporting

¹⁰⁰ See Draft Permit, Other Requirement Nos. 11, 12; RTC, Response 7, pp. 14-15 (explaining that GCGV's wastewater is required to meet the numeric limits in the Draft Permit, which are based on technology requirements from 40 C.F.R. Parts 414 and 415, and that the ED can initiate an amendment to add additional limits or monitoring and reporting requirements if needed to address water quality concerns based on review of sampling information).

¹⁰¹ See RTC, Response 40, p. 42 (considering recreational interests and concluding that proposed discharges are not expected to negatively affect quality of life for recreational users of Corpus Christi Bay and the La Quinta Channel); Response 62, p. 56 (considering comment related to economic effects to tourism, fishing, oyster and recreational industries in Aransas County and concluding that stormwater and allowable non-stormwater from Outfalls 002 and 003 will not significantly impact water quality of Copano Bay/Port Bay/Mission Bay); Response 67, p. 59 (considering potential impact to bays and estuaries and related fishing, birding and ecological services arising from ecosystem); Response 64, p. 58 (considering overall water quality and specific actions TCEQ employs to protect water quality, including use of the 303(d) List and prohibition against causing or contributing to an impairment to ensure cumulative effect of discharges from multiple facilities will not cause violations of water quality standards in surface waters); Response 80, p. 66 (acknowledging comments related to recreational, tourism and environment assets of the City of Portland).

¹⁰² See 30 TEX. ADMIN. CODE § 307.6(b)(4) (requiring water in the state to be maintained to preclude adverse toxic effects on aquatic life, terrestrial life, livestock, or domestic animals, resulting from contact, consumption of aquatic organisms, consumption of water, or any combination of the three).

requirements. GCGV will be obligated and intends to comply with all terms and conditions in the Draft Permit upon issuance.

VII. CONCLUSION AND PRAYER

For the foregoing reasons, GCVG respectfully requests that the Commission deny each of the Hearing Requests and Reconsideration Requests submitted in this matter, and issue the Draft Permit to GCGV.

Respectfully Submitted,



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APPENDIX A

APPENDIX A

INDIVIDUALS WHO SUBMITTED RECONSIDERATION REQUESTS

The following individuals submitted Reconsideration Requests to the TCEQ as reflected in the TCEQ Commissioners' Integrated Database: Karen Millward-Alston, Jacqueline Anderson, Alyssa Burgin, Jeanette Larson, Gene Douglas, John Webber, Charles R. Shamel, Nancy Henderson, Diana Harrington, Judy W. Blaisdell, Robert Blaisdell, Phil Wildfang, F. Sue Fellers, William Fellers, Camille N. Goodman, Charles T. Goodman, Sandra Haley, Martha Evans, Louis Tanner, Brad Brumback, Jill Glenewinkel, Sally Mitchell, Deborah M. Kahanek, Lynn Hemmer, Errol Alvie Summerlin (two requests), Roberta Quick, Richard Ward, Cybele Knowles, Hal Suter, Emily Jeffers, Elizabeth Leigh Neville.

The following individuals submitted Reconsideration Requests to the TCEQ as an attachment to the request of Cybele Knowles on May 8, 2018:

Nona Thornton	Nancy Salvatierra	Debbie McBride
"M M"	Matthew Kimball	T Logan
Judy Wilson	Cynthia Crutcher	Anne Way
Alfonso Hernandez	Animae Chi (two requests	Aidaly Santamaria
Sandra Burson	from different addresses)	Gloria Craig
Pat Metsinger	Rachel Stone	Shirlene Harris
Sandra Varvel	Ilaria Mastroianni	Molly Rooke
Melanie Rushing	Melissa Chapman	Tina Yao
Joe & Karen Lansdale	Denise Rodriguez	Peter Wood (two requests)
Sharron Stewart	Elizabeth Salter	Marykay Pennington
Darlene S. Martin	Josi Mata	Janet Carey
Michael Jones	Jen Swanson	Doreen Smithwick
Alejandrina Gonzalez	Sandra Atkins	Stephanie Rohmer
William Stavisky	Analisa Crandall	Patrick Boot
Jill Petroski	Samuel Boazman	Monica Irwin
Sue Ellen Sardzinski	Cait Fanning	Melinda Fritsch
Sean Stoerrle	Scott Walker	Paul Cardwell
Aurelia B	Delia Gordon	Adrienne Carter
Helen Estabrook	Linda Day	Kara Coombs
Polly Norris	Janet Taylor	M Winser
Erica Lindemann	"Meta B" (four requests)	Sandra Calhoun
Jeanine Atkinson	Christina Hernandez	Carrie Watson
Nichole Graeber	Keith Teeter	Ann Breuer
Paula Joyce	Dorothea Theus	Jonathan Goltz
Fiona Inгла Vives-Fierro	Debra Neel (comment	Richard Atkinson
Dawne Fontenot	does not request	Monica Diodati
Martha Gorak	reconsideration)	J. Cook
Amber Davidson	Cheryl Young	Robert Lerner
Karen Spehar	Jenifer Hills	Barbara Lavender
Heike Delaney	Maryellen Kersch	Annie Winstead

Susan Harper
Katherine Lubar
Bill Coleman
Barry Wright
Debbie Crosby
Barbara Welch
Jackie Lees
David O'Keeffe
Jon Brock
Mohsen Shenan
Lois Looney Kochie
Brandy Horne
Gayly Opem
Lisa Holden
Lea Faulks
Deborah Herdan
Joanne Day
Susan Lewis
Taylor Townsend
Karen Phillips
Karin Montero Kane
Louie Cervantes
Karen Watson
Daphne Endress
Christine Wordlaw
Anna Hinkle
Melissa Mikol
Jolie Hendricks
Brandon Goodloe
Roel Cantu
J Wells
Ana Molina
Molly Sullivan (two requests)
Lin Willett
Ana Friedman
Shirley Swan
Connie Myers
Binnie Costantino
Laurie Dries
Shonna Davis
Barbara Baggett
Julie Bush
Martha Eberle
Alexis Chang
Allyson Raskin

Francine Dellinger
Carl Pribanic
Bette Melcher
Julie Martenson
Irene Sanchez
Luis Soria
J Walsh
Nancy Duarte
Candace McCann
Bobbi Standish
Sandra Lynn
S Jitreun
Mary Kurtnick
John Carpenter
Kay Rolfes
Nicole Lee-Faith
Lisa Stone
Chrissie Rappolt
Michael Thurston
Mike Robertson
Carolyn Semiglasow
Celeste Lighthouse
Doris Davis
Andrea Osorio
Jim Sherman
Annie Wei
Roberta Shoemakerbeal
Janet Clemenson
Joshua Franke
Amy Newland
Fredericka Hunter
Joanna Pitts
Susan Burt
Ann Fairfield
Randolph Willoby
Lynn Buehler
C Winstead
Keri Branch
Elizabeth Brooks
Sandra Melton
George Duncan
Linda Hajek
Nicole Larson
Catherine Whiteside
"June M"
Caroline Sevilla

Suska Matsik
Melanie Bellflower
Warren Wright
M Greene
Laura Cox
David Tuthill
Linda Russell
Dena Lackey
Patricia Bocanegra
Bocanegra
Bob Murry
Shamaila M
Daniel Hickerson
R.A.L. West
Tricia Beal
Jena Janek
"A Z"
W. Philp Koepp
Erica Minjarez
Marva Beckman
Marla Higginbotham
Suzette Zander
Grace Johnson
Regina Watkins
Margaret Rasor
Clara Meek
RJ Arentzen
Shannon Maitland
S Maitland (two requests)
Gary Walske
Doyle Adkins
Ainsley Dobson
Lourene Medlow
Andrew Lyall
Susan Holt
Katherine Oglesby
Rox Colby
Joseph Acosta
Alyssa Melton
Cynthia Hicks
Pat Everett
Helen Mayer (two requests)
Robert Burks
Michael Frost
M Kohn
Kurt Steinman

Kelly Hobbs
Leslie Hoekstra
Robert Krone
Terrie Williams
Heather Madden
Jane Vanwert
Rick Pearson
Brant Kotch
Jamie Heit
DeLynn Roberts
Chet Mohr
Lucia Schechter
Justin Lotak
Barbara Kyse
Turner Deckert
Jacqueline Romo
Judy Bochner
Lydia Pastrano
Ron Gulley
Julie Berberi
John Willis
Celia Eberle
Dewey Nunez
Steven Meeks
Jeff Abrams
Linda Gee
Michelle McCammick
Rosina Cespedes
Krystal Jackson
Wesley Qualls
Paul De La Garza Und Senkel
Mele Juillerat
Cynthia Thomas
Pamela Berg
Scott Murdock
Barbara Ehemann
Mathew Wahrman
Grace Strong (two requests)
Catherine Cooper
Stephanie Levinson
Ira Dember
Amy McElroy
Atlantis Johnson
Jaedra Luke
Joel Perkins
Robert Bonazzi

Patricia Broda
Suzanne Bush
Natalie Smith
Janis Green
Kalli Doubleday
Terry Mader
David Costello
Holly Putman
Cheryl Walthour
Carol Wong
Ann Loera
Karen Hanna-Lucas
Alice McGee
Tina Kennedy
Brian Flannery
Valorie Littin
Patricia Johnson
Drea Peters
Sue Holtz
George Staff
Lily Beaumont
Caitlin McNeil
Halima Foster
Xakan Kukulcan
Cristiana Jackson
Carina Ramirez
Kathi Lyons
Cynthia Reidinger
Emily Rouch
Ralph Ward
William Klock
Zoe Foster
Mk Mahowald
Laura Vera
Victoria Guy
Stanley Barreto
Pam Roussel
Carmel Ammon-Mulloli
Ann Hill
Manuel Sanchez
Harry Miller
Denise Alvarez
Chad Fuqua
Yolanda Ferguson
Carolyn Engel
Ruth Lindh

Kelli Reid
Nicole Punday
Roberto Molina
Robert Michaelson
Nancy Miller
Joe Tutt
Maite Martin
Janis King
Thomas and Lisa Smith
Anna Towns
Robert Dowling
Selena Prado
Jane Schwarz
Keara Danaher
Aashir Awan
Sandy Sanderson
Leslie Richardson
Kathy Spera
Karen Kawszan
Nadia Senter
Rudy and Barbara Stippec
Gregory Gibson
Bari Brookman
Bernadine Carpenter
Elizabeth Myrin Shore
Andres Venegas
Philip Abraham
Brenda Harrison
Therese Coucher
Marie Wakefield
Christine Lockhart
Candy Halliburton
Nadine Vergilia
Shelley Kozel
Martha Burford
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Agnes Czobor
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R Webber
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Mike Fisher
Miklen Rykunyik
Melanie Chischilly
Pam Sohan
Dan Roark
Linda Smith

Karen Winnubst
Richard Schluter
Scott Moorman
Teri Langford
Liz Lafour
James Miller
“PatriciaPatrica Foley”
Andrew Jackson
Stella Lerma
Veda Wolfe
Scott Swanson
Sarah Murphy
Bruce Higgins
Diana Teter
Jim Loveland
Megan Smith
Martha Barrett
CS Symington
Charlene Gagon
Thomas Blackwell
Christen King
Leslie Millar
Caroline Ysasaga
Dorothy Lynn Brooks
James Hickman
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Diane Ethridge
Natalie DeBoer
Mary Beth Trevino
Elin Pelland
Idana Morgan
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Michelle Macy (two requests)
Karen Sutterfield
Cynthia Stuart
Stephanie Eager
Linda Bethke
Molly Jakeman
John Kaintz
Brian Schill
Lafayette Harney
Florine Bowman
Julie Marquis
Rolf Friis
Ed Neil
Randy Daugherty

Andrea Nutley
Christine McConnell
Tristan Hathorn-Wilkins
W. Clark
Valeri Horne
Gloria Cantu
David Maillet
Kelly Volansky
Christine McCullum-
Gomez
Lisa Hughes
Ann Libbey
Jeanine Sweeney
Julie Johnson
Rolando Garza
Deanna Hayes
Laura Esparza
Linda Thompson
Sally Waidhofer
Victoria Rodoyianni
Jamie Karol
Georgia Tunioli
Giana Peranio-Paz
Louise Smith
Lynda Barnes
Diane Greer
Hannah Wilson
Marie Lange
Dianne Bowes
Heriberto Fernandez
Ron Marshall
Jan Brown
Becky Sims
Dave Mazza
Ellen Custer
Sara Sexton (two requests)
Kathy Wittner
Christopher Minnes
Carol Farmayan
Shauna Vincent
Robin Null
Alan Mayer
Shari Olander
Jacquelyn Makin
Susan Kennedy
Stephanie

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Jeff Wiedner (two requests)
Carter Neal
Lisa Rosenfield
Eric Springfield
Carol Brown
James R Thomas
Elizabeth Edwards
Barbara King-Smoot
Debra Atlas
Grace Hernandez
Adriatik Baloku
JoAnne Walls
Anita Cannata Nowell
Paulo Reeson
Christine Danner
Richard Spotts
Lynn Killam
Kristina Gravette
Kevin Rolfes (two requests)
Mark Detar
Mark Olinger
Lisa Renzelmann
Leon Houston II
Veronica Barrio
S.E. Williams
James Odling
Dana Manda
Cecilia Brown
Arthur Emshoff
Joy Ruth
Scott Gilman
Devin Van Horn
Wanda Wintin
Beverly Hoff
Rosemary Damico
Elliot Mason
Susan Marone
Heather Valey
Connie Stark-Doak
Ryan Corbin
Briana Marrero
Krista Garcia
Elizabeth Odear
Linda Brunette

Shawnda Jacobs
Judy Terwilliger (two requests)
Elizabeth Capper
Stephen Courim
Joan Pitt
Pam Glass
Robert Bauer (two requests)
Trigg Wright III
Daniel Schmalz
Sarah Duncan
Tracey Whitley
Kristin Metzgar
Robin Shuten
C Delgado
Lance Lacroff
Diane Sullivan
Cynthia Mann
Jack Suggs (two requests)
James Schroeder
Mickey Meyers
Claire McKay
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Ed Werth
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Joyce St John
Allen Olson
Dawne Meneguzzo
Ruth Wanasek
Joy Mankoff
Evelyn Adams
Joe Rogers
Richard Teague
Berenice Weber
Daniel D
Mary Snead
Julie Norris-Jones
Danette Allan
John Smith
Amanda Bowman
Hank Hammett
Edward Sharp
Gena Crow
Mary Almendarez
L Seifried
Karen Everett
Patti Sargent-Neely
Amy Donovan
Brenda Taylor
Donna Turman
Jonel Stahr
Rebecca Voss
Kathleen Kennedy
Paul Addington
Carey Alberts
Alba Morillo
Richard Stewart
Genevieve Ali
Brenda Gutierrez
Eren Efrain Escamilla
Mary Harding
Heather Hunt
Beth Benton
Jay Witt
Clarissa Martinez
James Norton
Joshua Seff

Laura Christilles (two requests)
Ana Novak
Margaret Tatum
Stephanie Swanzy
Ned Tobyn
Rebecca Deulen
Glenn Richardson
Alba Stroube
Donna Lewallen
Robert Wilbourn
Taryn Geer
Roger Klisch
Tana Yount
Koohan Paik
Sylvia Dolena
Jackie Mosely
Jessica Bozeman
Fiona Kozuh
Patricia Collins
Nerissa Morgan
Audrey Ford
Matthew Taylor
Mary Thornton
Jean Cameron
Bill Holt
Robert Frank
"El Masri Judy"
Jill Bailey
Jessika O'Malley
Irene Knight
Nancy Wood
Carol Johnson
Bill Cornelison
C Grimes
Mary Roper
Sarah Jeansonne
Soria Adibi
Genevieve Deguzman
Sarah Curington
Lynn Borgen
Debra Guel
James Hollis
Jeff LaFlamme
John Smith
Karen Sprague

Rick Mick
Tonya Carlisle
Michael Smith
George Lovelace
Cordelia Barrera
Mary Green
Jen Weaver
Lynn Yinger
Collin McGrath
Bonnie Lynn MacKinnon
Sandra Woodall
Donna Tanner
Earl Roberts
Tabitha Roberts
Jayna Monroe
Wendie
Dockstader
Yolanda Torres
Monica Norgan
Catherine Wisel
Kristina Bonilla
Susan Strom
Rachel Guiliano
Claudia Rogers
Kristie Fields
Tanya Teneyuque
Lisa Silliman-French
Jane Wilson
Elizabeth Daugherty
To Nieland
Joann Olejnik
Amy Sullivan
Lisa Neste
Robert Ludwig
Kate Bremer
Curtis and Jane Hoffman
Wayne Langley
Lisa Hamilton
Scott Powers
Sidni Totten
Tania Jess
Sylvia Ashby
Joseph Wenzel
Thin Ngo
Richard Cook
K Taylor

Liana Sun
Sam Atwood
Maryrose Cimino
Jacqueline Osuna
Alan Amos
Colleen Dean
Michael Sawyer
Linda Frankel
Katarina Burda
Jen Hagens
Judy King
Marlene Fordham
Myrna Garcia
Hillery Earl
Lorraine Cantu
Natsumi Petri
Suzanne Pope
Jan Burroughs
Tracey Bonner
Dorinda Degroff
Nancy Freyer
Cristina Galiano
Nancy Elchanan
Shaune Ross
Joseph Farris
Dr Meacham
Stephanie Kaplan
Rob Barron
Ginger Heydman
Amber Manske
Elsa Sanabria
Marisol Chapman
Emma Squires
Barbara Greenwood
Craig Nazor
Jonathan Nickerson
Morgan Hess
Kara Canipe
Thomas Pickering
Juan Hernandez
Catherine Bass
Rosie Garza
Stacy Lind
Joyce Kelly
Kay Weidner
Heather Teague

James Cleek
Susan Gerstenkorn
Don Gentz
Jeanmarie Murray
Sharon Willeford
K Stephens
Doug Meis
Tina Clark
Maria A. Medina
Linda Gomez
Lavelle Ferris
Catherine Childs
"Clifton Bain Bain"
Delores Parker
Dorothy Perri
Erick Carlo (two requests)
Elizabeth Noren
Barbara Lasley
Matthew Vencill (comment
does not ask for
reconsideration)
Ed Fiedler
Elizabeth Erbeznik
Crystal Mitchell
Lucy Bernal
Paula Waller
Theodore Mertig
Lucy Harmon
Bree Pugh
Ronald Dumont
Sunny Garbarino
Barbara Tomlinson
Trish Foster
Shannon LaDuke
Kindall Brijalba
Jessie Casteel
Dogan Ozkan
Kaneisha Lewis
Beverly Boling
Olivia Olivares
Richard Madole
Iris Tompkins
Priscilla Hargraves
Norma King
Taylor Snowden
Joshua Cole

Rachel Stark
Gaurav Singh
Lauren Spear
Christina Milauskas
Tara Potts
Alex Herrera
Al St. Louis
Cheryl Pressgrove
David Williams
Douglas Rives
Laura McGowan
Sherry Dana
Simona Vigil
Marshall Carter-Tripp
John Nommensen
Nancy Weaver
Kori Lugar
Beverly Mathis
Alice Rogers
Victor Ma
Jose Skinner
Rita Franklin
Emily Lipe
Colin Melville
N.E. Woodward
Nancy O
Sarah Davis
Donna Barton
Lee Moore
Romeo Tango
Pamela House
Mical Kneeland
Judy Hollingsworth
Lanna Reed
Jennifer Loda
Amanda Braun
Peter Hancock
Lisa Burton
Rick Hughey
Janet Nongbri
Sandra Ledford
"Stuart Koste r"
Kathy Flocco-McMaster
Leah Gabryluk
Michael Ohara
Michele Hill

Kathi Douglas
Rebecca Bower
Tiger Leaton
Brad Henry
Anne Vrba
Robin Gerner
Sandra Lawrence
Sylvia Duncan
Stephanie Bush
Dava Lane
Melissa Thrailkill
Sherilyn Coldwell
Jennifer Sanders
Al Giles
Marguerite Stockford
Eva Papoutsi
Sophia Vassilakidis
Laura Nicholas
Penelope Speier
Michael McLeaish
Mark Jennerjohn
Patti Adkins
Cynthia Curtis
Cristina Lopez (two requests)
Carolyn Riddle
Joan Milford
Lisa ODonnell
Mr. G. West
Timothy Aleman
Jaguar Kukulcan
Stacie Wooley
Adele Gunnarson
Linda Lynn
Victoria Peyser
Evelyn Boeckman
Linda Steele
Judith Rasor
Ted Richardson
Ivan Weissmann
Adrianus Konings
Marco Montelongo
Cassandra Culps
Jan Beard
H. Guh
Shawn Troxell
Maureen Carson

Yvonne P Riedel
Kim Ballare
Karen Kocher
Jason Bryant
Diane Berry
Dale Ryder
Miranda Torres
Cynthia Van Zyl
Nicolette Ludolphi
Lucia Foster
Patricia Ste Marie
Deborah Edwards
David Pilzner
Genghis Galahad
Evelyn Parker
Terri Cook
Cathy Matusoff
Roger Knudson
Michael Earney
Michael Duggan
Pat Porter
John Martinez
Martin Balk
Rebecca Buer
Francis Hymel
Olga McKinzie
Anne Easterling
Tina Wolf
Christopher Dowling
Kathryn Benjamin
Kay Faile
Deborah Pendleton
John Atlas
Kathy Watt
Teralyn Siller
Joel Dunnington
Jeannie Dahl
H. Richard and Alice Leuchtag
Yvonne Ryba
John Wuttke
Ell Plunkett
Marilyn Parjer
Erin Hanna
Yvonne Hansen
Sharon Frank
Terri White

Peter Clark (two requests)	Korrin Kearney	Sandy Clabaugh
Doug Brown	Cesar Motta	Brian Canny
Christina Scattergood	Tamara Johns	Jennifer Renner
Patricia Vineski	Patricia Crockett	Jeff Harvey
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Margaret Walden	Barb Livingston	Silvia Kusada
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Paul Kramer	Jeremy Bennett	Alisa Plazonja
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Frank Blake (two requests)	Bobbi Gardner	Richard Chase
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Martine Prieto	Rebecca Lopez	Courtney Barnings
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of GCGV Asset Holding LLC's Response to Hearing Requests and Requests for Reconsideration has been forwarded via electronic mail or U.S. Mail to the persons on the attached mailing list on July 2, 2018.

By: 

Lisa Uselton Dyar

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