

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**AMENDED NOTICE OF HEARING
(To change hearing date and location.)
PORT OF CORPUS CHRISTI AUTHORITY OF NUECES COUNTY
SOAH Docket No. 582-20-1895
TCEQ Docket No. 2019-1156-IWD
Permit No. WQ0005253000**

APPLICATION.

Port of Corpus Christi Authority of Nueces County, P.O. Box 1541, Corpus Christi, Texas 78403, which proposes to operate the Harbor Island Property - Former FINA Tank Farm, a seawater desalination facility, has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit, Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005253000, to authorize the discharge of water treatment wastes at a daily average flow not to exceed 95,600,000 gallons per day via Outfall 001. The TCEQ received this application on March 7, 2018.

The facility will be located adjacent to State Highway 361 just northeast of the Ferry Landing, in Nueces County, Texas 78336. As a public courtesy, we have provided the following Web page to an online map of the site or the facility's general location. The online map is not part of the application or the notice:

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-97.0675%2C27.845833&level=12>. For the exact location, refer to the application.

The effluent will be discharged via pipe directly to Corpus Christi Bay in Segment No. 2481 of the Bays and Estuaries. The designated uses for Segment No. 2481 are primary contact recreation, exceptional aquatic life use, and oyster waters.

In accordance with Title 30 Texas Administrative Code (TAC) Section 307.5 and TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Corpus Christi Bay, which has been identified as having exceptional aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

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

The TCEQ Executive Director has prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at the following locations: Ed & Hazel Richmond Public Library, located at 110 N Lamont Street, Aransas Pass, Texas 78336; City Hall of Port Aransas, located at 710 W Avenue A, Port Aransas, Texas 78373; La Retama Central Library, located at 805 Comanche Street, Corpus Christi, Texas 78401; and Sinton Public Library, located at 100 N Pirate Blvd, Sinton, Texas.

CONTESTED CASE HEARING.

Considering directives to protect public health, the State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing via Zoom videoconference. A Zoom meeting is a secure, free meeting held over the internet that allows video, audio, or audio/video conferencing.

10:00 a.m. – July 9, 2020

To join the Zoom meeting via computer:

www.zoom.us/join

Meeting ID: 950-3842-5697

Password: 4eK#C8

or

To join the Zoom meeting via telephone:

(346) 248-7799

Meeting ID: 950-3842-5697

Password: 669094

or

To join the Zoom meeting via Smart Device:

Download the free app

Meeting ID: 950-3842-5697

Password: 4eK#C8

Additional details and methods for joining the Zoom meeting are available online in SOAH Order No. 3 at:

https://www.tceq.texas.gov/assets/public/comm_exec/agendas/comm/backup/SOAH/POCCA/2019-1156-IWD-Order3.pdf

Visit the SOAH website for registration at: <http://www.soah.texas.gov/>
or call SOAH at 512-475-4993.

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, allow an opportunity for settlement discussions, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding, which will occur at a later date, will be similar to a civil trial in state district court. The hearing will address the disputed issues of fact identified in the TCEQ order concerning this application issued on November 21, 2019. In addition to these issues, the judge may consider additional issues if certain factors are met.

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

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

In accordance with 1 Tex. Admin. Code § 155.401(a), Notice of Hearing, “Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH.”

INFORMATION.

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

Further information may also be obtained from Port of Corpus Christi Authority of Nueces County at the address stated above or by calling Ms. Sarah L. Garza, Director of Environmental Planning, at 361-885-6163.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-4993, at least one week prior to the hearing.

Issued: May 28, 2020



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