



# State Office of Administrative Hearings

Chief Administrative Law Judge

August 2, 2022

Mary Smith  
General Counsel  
Texas Commission on Environmental Quality  
12100 Park 35 Circle, Bldg. F, Room 4225  
Austin TX 78753

**VIA EFILE TEXAS**

**Re: SOAH Docket No. 582-20-1895; TCEQ Docket No. 2019-1156-IWD;  
*Application of Port of Corpus Christi Authority of Nueces County for  
TPDES Permit No. WQ00052530000***

Dear Ms. Smith:

On June 20, 2022, the undersigned Administrative Law Judges (ALJs) issued a Proposal for Decision (PFD) and Proposed Order (PO) in this matter. On July 11, 2022, exceptions to the PFD were filed by the Executive Director (ED) of the Texas Commission on Environmental Quality and the following protestants: Port Aransas Conservancy (PAC), James and Tammy King, Sam and Edward Steves, and Audubon Texas. On July 21, 2022, replies were filed by the Port of Corpus Christi Authority of Nueces County, the ED, PAC, Kings, and Steveses.

Most of the exceptions and replies to exceptions raise arguments that were fully considered by the ALJs and discussed in the PFD and are not addressed again here. However, the ALJs recommend the following corrections/clarifications:

- All references in the PFD and PO to the draft permit number should be changed to “WQ0005253000.”
- At page 90, the PFD should be revised as follows: “...the ALJs conclude that the more conservative distance of 100 ~~feet~~ meters is warranted and is further supported by the recommendation of TPWD and GLO.”
- At page 91, the PFD should be revised as follows: “...after considering the evidence and argument, the ALJs conclude that, with the addition of a permit limit for salinity of 2.0 ppt over ambient at 100 meters from the proposed discharge...”
- Revise Finding of Fact No. 95: “Under the worst-case conditions modeled by the ED, the proposed discharge will result in salinity levels within ~~at~~ the ZID ~~boundary~~ as high as 68.7 ppt.”
- Revise Finding of Fact No. 114: “The proposed discharge will be located at least ~~50~~ 60 feet below the water surface, so humans will not be directly exposed to the discharge.”
- Add Finding of Fact No. 122A: “To address the mixing limits for percentages of effluent at the boundaries of all three mixing zones, the following requirement should be added to the Revised Draft Permit: The permittee shall maintain the diffuser at Outfall 001 to achieve maximum effluent percentages at the edge of each regulatory mixing zone: Zone of Initial Dilution (ZID): 14.6%; Chronic Aquatic Mixing Zone: 8.9%; Human Health Mixing Zone: 5.4%.”

With the revisions described in this letter, the PFD is ready for your consideration.



Rebecca Smith  
Administrative Law Judge



Cassandra Quinn  
Administrative Law Judge

RS/tt

cc: All Parties of Record