

REVIEWED

NOV 03 2021

Stewart Engineering Services - Firm 18697

16531 Shady Lane – Channelview, Texas 77530

Phone: 281 – 862 – 9769

IWD
123047

16 October 2021

2019

Texas Commission on Environmental Quality
Attn: Office of Chief Clerk, MC 105, TCEQ,
P.O. Box 13087
Austin, Texas 78711-3087

*PLEASE SEE Attached Picture.
This delta is formed by the
Current discharge (3.2×10^6 GPD)
& will increase with The proposed
discharge rate (3.8×10^6 GPD).*

RE: Contested Case Hearing – WQ 0002927000

Purpose of this letter – I request a contested case hearing on the proposed permit
WQ 0002927000.

Applicant for the permit – Lyondell Chemical Corporation
2502 Sheldon Road, Channelview, Texas 77530

Contestant – Douglas R. Stewart – 16916/16918 Shady Lane, Channelview, Texas 77530
Phone Number – 281-862-9769

I am also contesting for the other properties I own or mortgage which are
Listed in this letter requesting a contested case hearing.

Comments - The waters of Bear Lake have been polluted in the past by effluents discharged through the Harris County Flood Control Ditch (G103-02-03). At one time the effluent was on a weekly basis and a contested hearing was granted and a public hearing held in Houston, Harris County. The discharge which had been seen on a regular and almost a weekly basis was discontinued. However, it has again began to re-appear. I have personally witnessed it at least twice in the last several months.

Since the time of the last contested hearing the discharge rate allowed by TCEQ has steadily increased by approximately 3-4 times including the present proposal. This permit, if allowed will increase the discharge rate approx. 20% and affect between 70 and 100 processes which provide discharge amounts for the effluent stream.

The estimated volume of water in Bear Lake is approximately 95,000,000 gallons. This is gleaned from estimating the volume of an area beginning at the proposed outfall into Bear Lake thence 1600' to the west side of the San Jacinto River, thence 4000' south to the railroad trestle over the river, and thence 4600' to the point of beginning at the outfall. It is estimated that the average depth of this area is 5'. At a discharge rate of 3,800,000 gallons per day (proposed by the permit request) the water in Bear Lake would be replaced in its entirety about every 25 days or roughly 15 times per year. Bear Lake would have to be able to clean itself every 25 days?

All of this is being considered because of the difference in water hardness values of the input water to the facility and the water hardness values of Bear Lake. I have spoken with representatives of TCEQ (call in number) who referred me to the Office of Chief Clerk who referred me to another person in water quality. All of these were not familiar with the permit in question and could not speak to any question I asked. I also spoke to Nancy Ross, Senior Environmental Engineer for Lyondell Chemical. I was not successful in determining where the plant water was coming from, what is the water hardness of the incoming plant water, and where in Bear Lake was the water Hardness tests conducted. What testing methods were used? This is a subject which I would very much like to discuss with someone from the plant technical staff.

The water hardness for this part of Texas ranges from 60-120 PPM and is listed as moderately hard. This is not a large spread. I am trying to find out how such a small deviation in water hardness can drive such a large opportunity to unload massive amounts of plant production and operation water into Bear Lake. Where do the residuals (suspended solids) from the plant operation (somewhere between 70-100 different sources listed in the letter) end up? A delta of some sort of material has already been produced (an inclusion of about 50,000 ft³ into Bear Lake) staring at the point of entry into Bear Lake and extending approximately 250' into Bear Lake. This is a subject which I would very much like to discuss with someone from the plant technical staff.

The major elements affecting water hardness are calcium and magnesium. Aluminum, manganese, and iron can play a minor role. It is not an uncommon procedure for industries using large amounts of water to use water softening devices to soften the water prior to putting it into their production processes. Was this considered? This is a subject I would very much like to Discuss with someone from the plant technical staff.

Properties affected by this permit proposal (which I own or mortgage) include the following. Several of these properties have multiple lots associated with the address given. I have given their distance from the property line to Lyondell Chemical property line (PLine), to the flood control ditch (G103-02-03) which conveys the discharge from Lyondell (HCFCD), and a straight line from the closest part of the properties given to an approximate location of what is considered the outfall into Bear Lake (Outfall).

	PLine	HCFCD	Outfall
- 16918 Shady Lane	180'	550'	500'
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- 1525 Park Lane	1400'	1700'	1800'

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I believe I have included all the information you have requested. Maybe not in the desired order, but I believe it is there. Please contact me at the phone number given if I need to clarify or add something. Please contact me if there is a need for additional information or clarification.

I respectfully request and would appreciate some acknowledgement you have received this communication (TCEQ and Lyondell) and request for a contested hearing regarding WQ 0002927000.

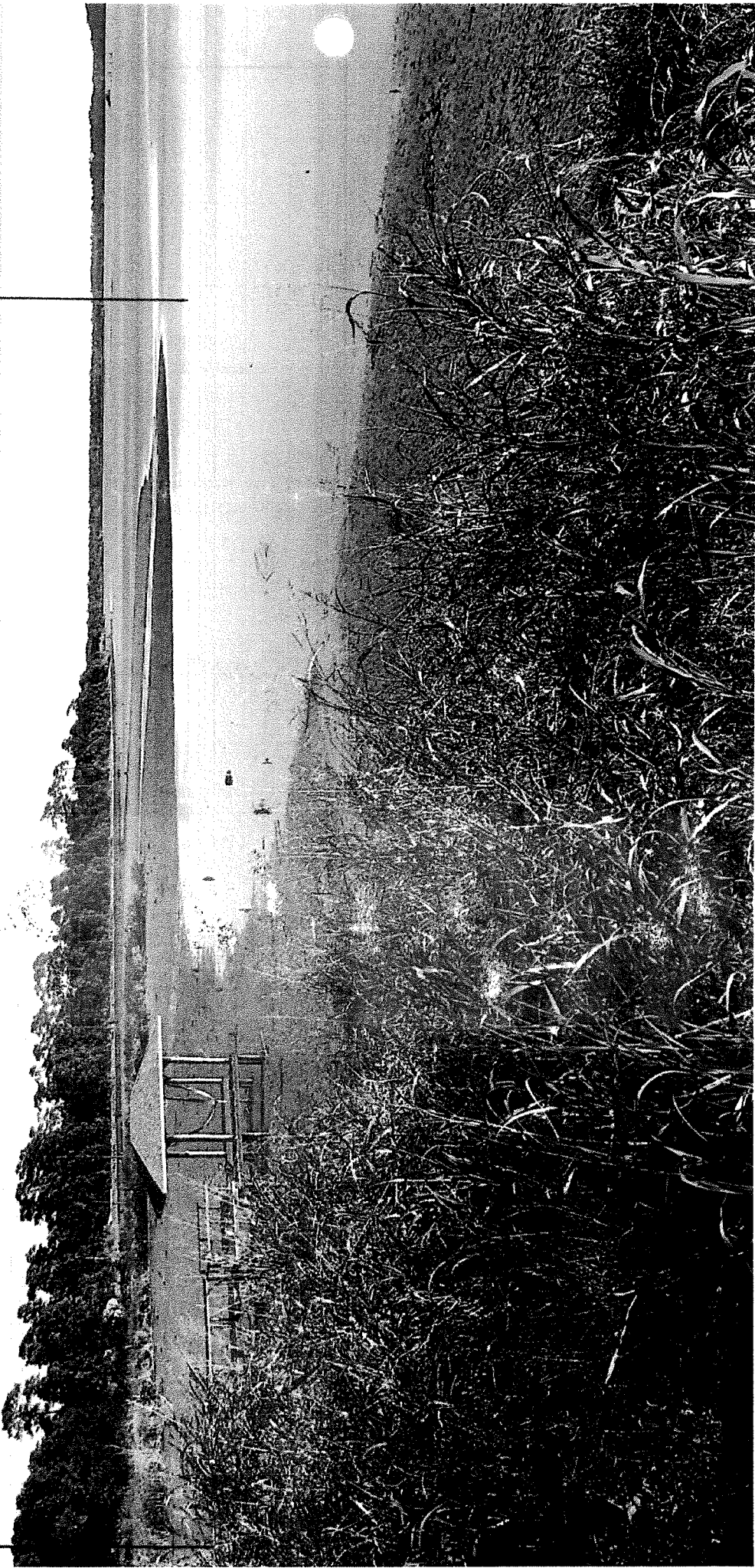
Sincerely,

A handwritten signature in black ink that reads "DR Stewart". The letters are cursive and somewhat stylized.

Douglas R. Stewart – P.E. 42694

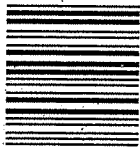
DATE OF MEASUREMENT OCT-2021

APPROX. 800'-900'
DELTA FORMED BY DISCHARGE 3.2X10⁶ GPD



16916 Shady Lane
Channelview, Texas 77530

U.S. POSTAGE PAID
FCM LETTER
CHANNELVIEW, TX
77530
OCT 29, 21
AMOUNT



78711

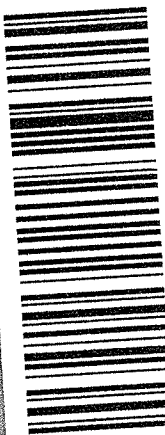


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NOV 03 2021

TCEQ MAIL CENTER
JR



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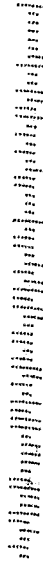
FICE

Texas Commission on Environmental Quality
Office of Chief Clerk, MC 105, TCEQ

P.O. Box 13087

Austin, Texas 78711-3087

78711-308757



Stewart Engineering Services - Firm 18697

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Attn: Office of Chief Clerk, MC 105, TCEQ,
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Austin, Texas 78711-3087

REVIEWED

OCT 20 2021

By GCW H

CHIEF CLERKS OFFICE

2021 OCT 20 AM 9:38

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RE: Contested Case Hearing – WQ 0002927000

Purpose of this letter – I request a contested case hearing on the proposed permit WQ 0002927000.

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2502 Sheldon Road, Channelview, Texas 77530

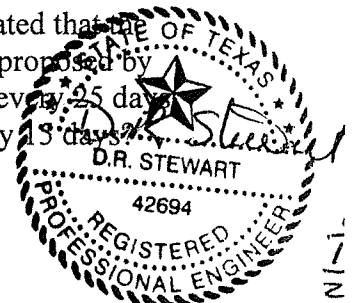
Contestant – Douglas R. Stewart – 16916/16918 Shady Lane, Channelview, Texas 77530
Phone Number – 281-862-9769

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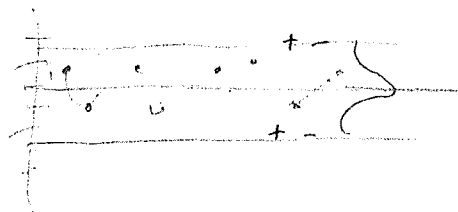
DR Stewart

Douglas R. Stewart – P.E. 42694



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Texas Commission on Environmental Quality



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NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR TPDES PERMIT FOR INDUSTRIAL WASTEWATER

AMENDMENT

PERMIT NO. WQ0002927000

CHIEF CLERKS OFFICE

2021 OCT 20 AM 9:39

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

APPLICATION AND PRELIMINARY DECISION. Lyondell Chemical Company, P.O. Box 777, Channelview, Texas 77530, which operates the Lyondell Chemical Channelview facility that manufactures synthetic organic chemicals, has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0002927000 to use a site-specific hardness for calculating water quality-based effluent limits; to authorize increased copper limits at Outfall 001; to remove limits and monitoring requirements for total aluminum, total zinc, and total xylenes at Outfall 001; to add wastestreams to Outfalls 001, 002, and 008; to modify various wastewater descriptions; to increase the daily maximum pH limit at Outfall 002; to reduce the monitoring frequency at Outfalls 002 and 003 for total organic carbon and oil and grease; to use site-specific partitioning coefficients for aluminum at Outfalls 003, 004, and 005 for calculating water quality-based effluent limits; to update the discharge and monitoring locations for Outfalls 008, 009, and 010; to revise the discharge route description for Outfall 009; to remove Other Requirements Nos. 5, 12, and 14; and to update Other Requirement No. 4. The draft permit authorizes the discharge of process wastewater, Barge Dock wastewater (Tanks 6901 and 6902), hydrostatic test water, [?] laboratory wastewater, cooling tower and boiler blowdown (including maintenance wastewaters), loading area and process area washdown, tank farm wastewater, heat exchanger blasting slab ^{scale?} wastewater, water treatment wastes, maintenance wastewater, steam condensate and blowdown, utility wastewater, groundwater from monitoring and recovery wells (onsite and offsite), ^{Corb a?} construction stormwater, and stormwater (including, but not limited to, runoff from production units, landfarm runoff and supernate (from wastewater treatment solids), and stormwater from the adjacent cogeneration facility) at a daily average flow not to exceed 3,200,000 gallons per day (interim phase), 3,800,000 gallons per day (final phase) via Outfall 001; stormwater, utility wastewater, hydrostatic test water, service water, water from maintenance activities, construction stormwater, landfarm runoff and supernate (from wastewater treatment solids), and de minimis quantities from spill cleanup on an intermittent and flow-variable basis via Outfalls 002; stormwater, utility wastewater, hydrostatic test water, service water, water from maintenance activities, construction stormwater, and de minimis quantities from spill cleanup on an intermittent and flow-variable basis via Outfalls 003, 004, 005, 006, 009, and 010; stormwater associated with construction activities from a concrete batch plant on an intermittent and flow-variable basis via Outfall 007; and cooling tower and boiler blowdown (including maintenance wastewaters), stormwater, utility wastewater, hydrostatic test water, service water, water from maintenance activities, construction stormwater, and de minimis quantities from spill cleanup on a continuous and flow-variable basis via Outfall 008. The TCEQ received this application on January 5, 2021.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the executive director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

EXECUTIVE DIRECTOR ACTION. The executive director may issue final approval of the application unless a timely contested case hearing request or a timely request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the executive director will not issue final approval of the permit and will forward the application and requests to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the executive director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be added to: (1) the permanent list for a specific applicant name and permit number; and (2) the mailing list for a specific county. If you wish to be placed on the permanent and the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at www14.tceq.texas.gov/epic/eComment/ within 30 days from the date of newspaper publication of this notice.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

The facility is located at 2502 Sheldon Road in the City of Channelview, Harris County, Texas 77530. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd36of816825of&marker=-95.113888%2C29.819444&level=12>

The effluent is discharged via Outfalls 001-006, and 008 to Harris County Flood Control District (HCFCD) ditch G103-02-03; via Outfall 009 to an unnamed ditch, thence to Bear Lake, which is considered to be part of the San Jacinto River Tidal; via Outfall 010 to a Wallisville roadside ditch; thence all to San Jacinto River Tidal in Segment No. 1001 of the San Jacinto River Basin. The unclassified receiving waters have minimal aquatic life use for HCFCD ditch G103-02-03, the unnamed ditch, and the Wallisville roadside ditch. The designated uses for Segment No. 1001 are primary contact recreation and high aquatic life use. ? Drawing through trees

In accordance with Title 30 Texas Administrative Code 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 San Jacinto River Tidal, which has been identified as having high 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 completed the technical review of the application and prepared a draft permit. The draft permit, 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 <https://www.lyondellbasell.com/en/channelview-complex/>.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit written or oral comment or to ask questions about the application. Generally, the TCEQ will hold a public meeting if the executive director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

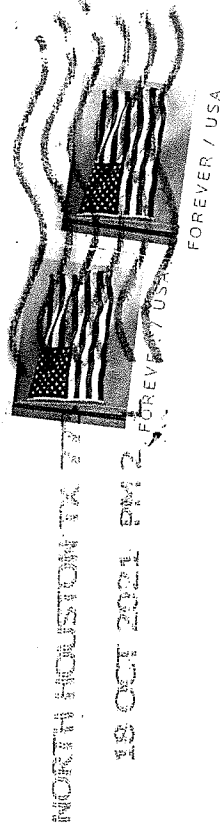
OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for public comments, the executive director will consider the comments and prepare a response to all relevant and material, or significant public comments. **The response to comments, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments or who requested to be on a mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the executive director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at www14.tceq.texas.gov/epic/eComment/ or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address, and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, toll free, at 1-800-687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Lyondell Chemical Company at the address stated above or by calling Ms. Nancy Ross, Senior Environmental Engineer, at 281-452-8722.

Issued: September 28, 2021

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Channelview, Texas 77530



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OCT 20 2021

TCEQ MAIL CENTER
AJ

Office of Chief Clerk

TCEQ

MAC 105

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78711-308797

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ON ENVIRONMENTAL
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2021 OCT 20 AM 9:37

CHIEF CLERKS OFFICE

