

My name is Encarnacion Serna. My wife Rosa and I reside at 105 Lost Creek Drive in Portland, Texas. We have lived in this home since July 1991. My telephone number is 361- 903-5774.

I request here that Instead of granting/approving the amendment request on Permit Nos. 105710/PSDTX1306M1/GHGSDTX123M1; TCEQ Docket No. 2023-1474-Air and after reading Cheniere's deviation reports submitted to the TCEQ for their Liquefaction Plant in Gregory/Portland, that a contested case hearing be granted on this permit and a thorough in-depth investigation be conducted immediately by the TCEQ in conjunction with EPA and OSHA if deemed necessary, to determine if this facility is operating in compliance with the various most current air permit(s) and its amendments and with the requirements of the OSHA 1910.119 Process Safety Requirements. In addition: neither the Applicant nor the TCEQ have done comprehensive, adequate, and meaningful inspections, studies or modeling of the air in the six-miles stretch where many industrial sites all located within a six-miles stretch to determine the current condition of the air in this small space which is only six miles long. Therefore, I am also requesting that the TCEQ in conjunction with the EPA conduct such studies and modeling, before granting any more permit or amendments requests. In addition, if during this investigation serious violations are revealed whereby the health and the safety of individuals living on the adjacent communities have been affected or the condition of the air atmosphere in this six mile space is close or at non-attainment then serious consideration should be given to the revocation of existing air permit and amendments.

My property extends to the shores of Corpus Christi Bay. The Cheniere liquefaction plant infrastructure is approximately 1,500 to 2,000 feet from my property. The coordinates from fence line to fence line indicate a distance of about 1,426 feet. Therefore, the distance from my backyard property line to the flare I estimate to be between 1,500 to 2,000 feet. See pictures of flare from my backyard submitted separately.

I have direct access to the Bay from my home, and I can see the gigantic Cheniere flare from my backyard just a couple of thousand feet away. My family and I spend a lot of time throughout the year outside in the back yard and in my portion of the Bay, doing yard work, doing repairs to the property, fishing, kayaking and swimming. In so doing we are exposed daily to breathing High Air Pollutant's (HAP's) from combusted and non-combusted gas plumes constantly and continuously coming directly over our property from Cheniere. The Bay waters along with my backyard have been sources of recreation for years and have provided entertainment, work, and fish for my family. Now I have 10 grandchildren and in-laws and we all recreate in my backyard and the Bay. Two of my children, and one grandchild are chronic asthmatics. My wife and I are 70 years old, retired, and have serious allergy problems.

This facility's flare emissions (combusted and non-combusted HAP's), and one flare structure with its intense flame are threats and pose constant fears to our health, safety and the environment, that me, my family, and many other neighbors live with daily, and have to put up with it. It is for these concerns and fear for the health and safety of me and my family that I write the following comments, ask the questions below, and make the following requests to both the Applicant and the TCEQ based on my review of Cheniere's Deviation Reports for the years 2018, 2019, and 2020:

1. For the year 2020, I counted two hundred and ninety-three (293) deviations/violations of existing permits and amendments. Questions to the TCEQ and to Cheniere. ***Is my count correct? If not, what is the correct count? My conclusions here are: either Cheniere does not know how***

to operate the LPG plant, or their plant is not designed to do what Cheniere wants to do with it.

2. For the year 2020, out of the 293 deviations/violations, I counted one hundred and forty-three (143) violations on “unexpected variances in feed gas composition.” These deviations/violations resulted in unauthorized emissions for **NOx, VOC, and CO**. My questions to the TCEQ and to Cheniere. ***Is my count correct? If not, what is the correct count? What about H2S? Were there any unauthorized emissions of H2S caused by these events? My conclusions here are: Cheniere does not know what comes into the plant as feed gas at any time, has no control over the feed composition and does not care.***
3. For the year 2020, out of the 293 deviations/violations, I counted eight (8) violations on “visible flare emissions” due to **VOC** coming out of flare. Questions to the TCEQ and Cheniere. ***Is my count correct? If not, what is the correct count? My conclusion-Cheniere does not know how to operate the plant, and does not care what goes in the flare and what comes out of it.***
4. For the year 2020, out of the 293 deviations/violations, I counted five (5) violations on “the thermal oxidizers operating below the compliance values of 1,740 degrees F and 1,400 degrees F resulting in **H2S** emissions not permitted. Questions to the TCEQ and Cheniere. ***Is my count correct? If not, what is the correct count? My conclusion-Cheniere does not know how to operate the thermal oxidizers and does not care about maintaining proper operating conditions on these oxidizers as required by the special condition requirements written in the permit.***
5. For the year 2020, out of the 293 deviations/violations, I counted five (4) violations on “the permittee not maintaining a minimum waste gas heating value of 300 btu/scf in the flares” resulting in unpermitted amounts of **several pollutants** coming out of the flares. Questions to the TCEQ and Cheniere. ***Is my count correct? If not, what is the correct count? My conclusion-Cheniere does not know how to operate the flares and does not care about maintaining proper operating conditions on these flares and complying with special condition requirements written in the permit.***
6. For the year 2019, I counted two hundred and forty-six (246) deviations/violations of existing permits and amendments. Questions to the TCEQ and to Cheniere. ***Is my count correct? If not, what is the correct count? My conclusions here are: either Cheniere does not know how to operate the LPG plant, or their plant is not designed to do what Cheniere wants to do with it.***
7. For the year 2019, out of the 246 deviations/violations, I counted fifty-eight (58) violations on “unexpected variances in feed gas composition.” These deviations/violations resulted in unauthorized emissions for **NOx, VOC, and CO**. My questions to the TCEQ and to Cheniere. ***Is my count correct? If not, what is the correct count? What about H2S? were there any unauthorized emissions of H2S caused by these events? My conclusions here are: Cheniere does not know what comes into the plant as feed gas at any time, has no control over the feed composition and does not care.***
8. For the year 2019, out of the 246 deviations/violations, I counted fourteen (14) violations on “visible flare emissions” due to **VOC** coming out of flare. Questions to the TCEQ and Cheniere. ***Is my count correct? If not, what is the correct count? My conclusion: Cheniere does not know how to operate the plant, and does not care what goes in the flare and what comes out of it.***
9. For the year 2019, out of the 246 deviations/violations, I counted five (4) violations on “the permittee not maintaining a minimum waste gas heating value of 300 btu/scf in the flares” resulting in unpermitted amounts of **several pollutants** coming out of the flares. Questions to

the TCEQ and Cheniere. ***Is my count correct? If not, what is the correct count? My conclusion- Cheniere does not know how to operate the flares and does not care about maintaining proper operating conditions on these flares and complying with special condition requirements written in the permit.***

10. For the year 2019, out of the 246 deviations/violations, I counted nineteen (19) violations on “unauthorized LNG venting to the marine flare” resulting in unpermitted amounts of **several pollutants** coming out of the marine flare. Questions to the TCEQ and Cheniere. ***Is my count correct? If not, what is the correct count? My conclusion- Cheniere does not care and ignores permit requirements.***

11. For the year 2018. I counted one hundred and nineteen (119) deviations/violations of existing permits and amendments. Questions to the TCEQ and to Cheniere. ***Is my count correct? If not, what is the correct count? My conclusions here are: either Cheniere does not know how to operate the LPG plant, or their plant is not designed to do what Cheniere wants to do with it.***

12. There are too many other deviations/violations of the permit and its amendments: such as, the lifting of pressure relief valves resulting in unauthorized emissions and dangerous situations, submitted erroneous calculations with lower SO2 numbers than the actuals, failure to submit deviation/violation notifications on time to the TCEQ, leaks from pipes and tanks, etc., just too many and too complex to mention and to discuss in this limited space here.

Overall conclusion. **Cheniere is not a good neighbor. Cheniere is a nefarious neighbor. Cheniere does not care about the schools and neighborhoods that exist around them. Cheniere does not know how to operate their plant in an environmentally safe manner. etc-etc.**

Major question to the TCEQ. **Has the TCEQ, EPA, or OSHA carried out any enforcement action(s) on Cheniere’s Liquefaction Plant located in Gregory/Portland? If so, what are they? If not, why not?**

Major requests to the TCEQ. **In conjunction with EPA and OSHA, if OSHA is needed, start an investigation on this plant immediately. Do not grant this or any other amendment to this nefarious site, but instead revoke existing permits and amendments if the investigation confirms major problems and dangers to the communities around this site.**

Encarnacion Serna (Chon) 361-903-5774

My name is Encarnacion Serna. My wife Rosa and I reside at 105 Lost Creek Drive in Portland, Texas. We have lived in this home since July 1991. My telephone number is 361- 903-5774.

I am requesting a Public Meeting to be conducted in a large public building with all stake holders being present physically and a Contested Case Hearing on Air Quality Permit Amendment Application-Permit Nos. 105710/PSDTX1306M1/GHGSDTX123M1; TCEQ Docket No. 2023-1474-Air. The applicant for this Permit is Cheniere's Corpus Christi Liquefaction, LLC Gregory, San Patricio and Nueces Counties Texas. I also request at this time that this amendment be denied and that your agency conduct a thorough in-depth investigation to determine if this facility is operating in compliance with the various most current air permit(s) and its amendments. In addition: neither the Applicant nor the TCEQ have done comprehensive, adequate, and meaningful inspections, studies or modeling of the air in the six-miles stretch where many industrial sites (all listed in this document and all located within a six-miles stretch) to determine the current condition of the air in this small space which is only six miles long. Therefore, I am also requesting that the TCEQ in conjunction with the EPA conduct such studies and modeling, before granting any more permit or amendments requests.

My property extends to the shores of Corpus Christi Bay. The Cheniere liquefaction plant infrastructure is approximately 1,500 to 2000 feet from my property. The coordinates from fence line to fence line indicate a distance of about 1,426 feet. Therefore, the distance from my backyard property line to the flare I estimate to be between 1,500 to 2,000 feet.

I have direct access to the Bay from my home, and I can see the gigantic Cheniere flare from my backyard just a couple of thousand feet away. My family and I spend a lot of time throughout the year outside in the back yard and in my portion of the Bay, doing yard work, doing repairs to the property, fishing, kayaking and swimming. In so doing we are exposed daily to breathing High Air Pollutant's (HAP's) from combusted and non-combusted gas plumes constantly and continuously coming directly over our property from Cheniere. The Bay waters along with my backyard have been sources of recreation for years and have provided entertainment work and fish for my family. Now I have 10 grandchildren and in-laws and we all recreate in my backyard and the Bay. Two of my children, and one grandchild are chronic asthmatics. My wife and I are 70 years old, retired, and have serious allergy problems.

This facility's flare emissions (combusted and -non-combusted HAP's), and one flare with its intense flame is a threat and a constant fear to our health, safety and the environment, that me, my family, and many other neighbors live in daily, and have to put up with it. It is for these concerns and fear for the health and safety of me and my family that I write the following comments, ask the questions below, and make the following requests to both The Applicant and the TCEQ:

- 1. Cheniere's liquefaction plant is not and has not been a good neighbor, their past responses to my concerns have gone pretty much to deaf ears on both Cheniere's part and that of the TCEQ. Among many instances and at different dates last year (I remember one period vividly it was the July to October 2020 time frame when the flame on the flare was huge) I started paying close attention to the flare size and estimated its size from the back of my house and at other times from the Northshore subdivision called Grand Estates that this flame had to be between 20 to 25 feet in length and at its widest part probably between 10 to 15 feet. It was then that I started**

contacting Cheniere a gentleman named Steven and a TCEQ person named Robert Lindsay, at which point I realized I was in the middle of a deceptive and elusive game and I was getting the “run around” from both the TCEQ and Cheniere. From Cheniere I would get automated e-mail responses that went like this “Operating our facility is our top priority. We are held to a number of state, local, and federal standards and regulations, and the flaring activity you observe is consistent with our permit conditions.....We do not comment on the operational activities onsite and I would direct you to the TCEQ for the remainder of your questions.” Then the person from TCEQ Region 14 would say “I will send you the link to our site so you can find out answers to your questions then the link was not the right link, so after trying to get answers for a period of about three (3) months July to October 2020 I gave up in frustration. What is still very bad is that many times after that the flare on and off continues to generate a huge yellow flame with lots of smoke and dark plumes that cover my property and that of many others.

2. In the Document titled ‘AQA Report’ Section 3.1 the Applicant states “As noted in the MERA Step 0, A MERA evaluation must be conducted for all chemical species whose short-term or long-term allowable emission rate will increase from any emission point number (EPN) through the project” then the Applicant claims “Carbon dioxide, ethane, methane, nitrogen, and propane are simple asphyxiants and do not require a health effects review per the TCEQ’s MERA guidance document.” I read the TCEQ’s MERA guidance document and the document does not say that these gases carbon dioxide, ethane, methane, nitrogen, and propane are excluded from a health effects health review. Furthermore, the safety data sheets (SDS) for methane, ethane, and propane do not say that they are simple asphyxiants, but on the contrary the SDS’s lists them as extremely flammable gases that may displace oxygen and cause rapid suffocation. I have attached SDS’s for these gases. **Therefore, the Applicant failed to conduct this review on the mentioned gases and should have done the review.**
3. In the application summary, section 1.2 project description, The Applicant declares that since the original construction permit of September, 2014, CCL has applied for the following amendments.
 - a. February 2015- To change the natural gas fired combustion turbines from water injection to dry-low NOx technology.
 - b. March 2017- An amendment to the representation for the marine flare to authorize ground flare technology.
 - c. July 2018- An amendment to update the permit representations to reflect the as-built design of the stage I/II project.
 - d. September 2019- An amendment to install a totally enclosed ground flare was fully incorporated into the permit, to shortly afterwards declare that CCL no longer had plans to move forwards with the installation of the enclosed ground flare.
 - e. November 2020- Again, an amendment to update the permit representations to reflect the as-built design of the stage I/II project.
 - f. April 2021- Amend all previous permits 105710, PSDTX1306M1, and GHGFPSD123M1 to update flaring emissions.

The large number of amendment requests and the nature of these requests submitted by the Applicant and approved by the TCEQ in such a short operating life of this industrial site, plus the observed incredible number of occurrences and fluctuations in the size and characteristics of these flares are very strong indications of successive and staged violations to existing authorized

permits and amendments. Then if you add to this evidence the numerous times that the Applicant has refused to answer specific questions addressed specifically to the occurrences and fluctuations in the sizes and natures of these flares add strongly to the evidence that this Applicant operates with violations to permit conditions and thus outside of permit limitations and restrictions.

The TCEQ (in conjunction with the EPA) instead of approving amendment after amendment for this terrible nefarious enemy-of-the-community-neighbor, should do its job in protecting the health and safety of the public and should start an in-depth investigation that covers a period of time that goes all the way back to commissioning/start-up date of this facility. This investigation should be thorough, incisive and be conducted in a timely manner and the results of this investigation should be revealed to the Public immediately. The TCEQ should also stop immediately its historical trend and customary practices of legitimizing unauthorized emissions of pollutants, and start instead a trend of revoking existing air permits to applicants like Cheniere.

4. In the application summary, section 4, process description, page 13, The Applicant presents an incomplete process flow diagram which is almost meaningless and useless to the reader/reviewer because it does not provide, flows, compositions, temperatures and pressures for the flow streams. **The Applicant needs to provide this information with the application.**
5. In the application summary, section 5, emission calculations, page 14, The Applicant declares “The estimated seal leak rates are based on the compressor manufacturer’s guarantee”, **The Applicant needs to state what these leak rates are, and conduct valid and meaningful testing at appropriate test conditions to confirm if the guaranteed rates are correct.**
6. In the application summary, section 5, emission calculations, page 14, The Applicant states “For the annual NOx emission rate an estimated factor of 0.11lb/MMbtu was used to account for annual variations in the heat content of the total gases routed to the flare.” **Is this method and the factor approved by the TCEQ?**
7. In the application summary, section 5.1, emission calculations, page 14, referring to the wet/dry flares, The Applicant states “The control efficiency for C1 to C3 compounds is 99%, and the control efficiency for other VOC’s/HAP’s is 98%. A constant efficiency of 98% is assumed for H2S. SO2 emissions were calculated assuming that 100% of H2S in the stream is calculated to SO2.” **Have all these three efficiencies been confirmed with testing, and is the assumption that all H2S gets combusted to SO2 correct? If no verification through testing has been done by The Applicant, then The Applicant needs to conduct valid and meaningful testing at appropriate test conditions to confirm these efficiencies and assumptions.**
8. In the application summary, section 5, emission calculations, page 14, **please explain what non-combusted CO2 is?**
9. In the application summary, section 5.2, marine flare emission calculations, page 15, The Applicant proposed to increase emissions significantly by routing boil-off gas (BOG) from the LNG tanks to the marine flare during ESD maneuvers of compressors at the Sinton compressor station. **The marine flare is to combust emissions during marine loading activities (ship loading) not for on shore remote compressor testing, or any other non-marine activity, therefore the TCEQ should not authorize this change.**
10. In the application summary, section 5.2, emission calculations, page 15, referring to the marine flare, The Applicant states “The control efficiency for C1 to C3 compounds is 99%, and the

control efficiency for other VOC's/HAP's is 98%. A constant efficiency of 98% is assumed for H2S. SO2 emissions were calculated assuming that 100% of H2S in the stream is calculated to SO2."

Have all these three efficiencies been confirmed with testing, and is the assumption that all H2S gets combusted to SO2 correct? If no verification through testing has been done by The Applicant, then The Applicant needs to conduct valid and meaningful testing at appropriate test conditions to confirm these efficiencies and assumptions.

11. In the application summary, section 5, emission calculations, The Applicant makes reference to a worst-case scenario pertaining to the marine flare where only 80% of the routed waste gas gets combusted. **Is the 80% an approved numbers by the TCEQ, and how many of these events have occurred to date since plant start-up?**
12. Is the Applicant currently authorized to emit 353.13 tons per year of VOC?
13. Is the Applicant currently authorized to emit 85.3 tons per year of PM?
14. Is the Applicant currently authorized to emit 85.3 tons per year of PM₁₀?
15. Is the Applicant currently authorized to emit 85.3 tons per year of PM_{2.5}?
16. Is the Applicant currently authorized to emit 3541.4 tons per year of NO_x?
17. Is the Applicant currently authorized to emit 3621.774 tons per year of CO?
18. Is the Applicant currently authorized to emit 49.39 tons per year of SO₂?
19. Is the Applicant currently authorized to emit 0.31 tons per year of H₂S?
20. Is the Applicant currently authorized to emit 5,474,166 tons per year of CO₂?
21. Is the Applicant currently authorized to emit 2468.2 tons per year of CH₄?
22. Is the Applicant currently authorized to emit 20 tons per year of N₂O?
23. Is the Applicant currently authorized to emit 5,538,196 tons per year of CO_{2e}?
24. Does the Applicant have video footage on the flare (s) and thermal oxidizers?
25. Will the TCEQ request this video footage?
26. Will the Applicant submit this video footage?
27. Will the Applicant disclose to the TCEQ and the Public every and all calculations made (numbers, equations, criteria, references, assumptions, lab analysis results) pertaining to the emission calculations for H2S and SO2?

The questions below pertain to the special conditions listed on Appendix B of the document titled "Application and Summary" and requests and questions on how will the TCEQ enforce compliance and how will the Applicant demonstrate compliance with the hundreds of special conditions listed in this Appendix.

28. How will the TCEQ enforce the three conditions listed in part 4 pertaining to the natural gas fired combustion turbines?
 - a. The Concentration of NO_x from EPNs: TRB1 through TRB18 shall not exceed 25 ppm.....
 - b. The Concentration of CO from EPNs: TRB1 through TRB18 shall not exceed 29 ppm.....
 - c. Planned startup or shutdown of the turbines is limited to no more than 1 hour per turbine per event.
29. Since the liquefaction plant was commissioned has the TCEQ sampled the fuel gas that is used as fuel for the turbines, the thermal oxidizers, the generators and the fire pump engines to analyze for H2S?
30. Since the liquefaction plant was commissioned has the TCEQ checked the condensate storage tank for integrity of components associated with the floating roof and its components per requirement 8 of the special conditions?

31. Since the liquefaction plant was commissioned has the TCEQ requested and checked operating logs or anything else to ensure that the carbon canister on the spent scavenger tank is in compliance with special condition 10 pertaining to VOC emissions?
32. Special permit condition No. 6 pertaining to the Acid Gas removal (AGR) whether it be directed to the thermal oxidizers or the flares (too many conditions listed here within a main condition. How will the TCEQ enforce each and every one of the conditions listed here?
33. Special permit condition No. 7 pertaining to the design and operation of the wet/dry flares and the marine flare destruction efficiencies, how will the TCEQ and the Applicant go about enforcing and demonstrating compliance with the multitudes of requirements within this big listed condition?
34. Conditions 12 through 15 pertaining to “continuous demonstration of compliance.” How will the TCEQ enforce compliance with the four (4) listed conditions listed within this condition? How will the Applicant demonstrate compliance with all of these conditions?
35. Has the Applicant since the time of start-up demonstrated compliance with each and every one of the listed conditions in Appendix B?
36. Has the TCEQ at any time requested operating logs, operating records, operating procedures, maintenance records, maintenance procedures to show compliance with all conditions listed in Appendix B?
37. Has the Applicant at any time provided operating logs, operating records, operating procedures, maintenance records, maintenance procedures to show compliance with all conditions listed in Appendix B?

The TCEQ needs to determine now if San Patricio County (The County) is or is not already a non-attainment county. It is imperative that this determination be made before any air permit or permit amendment being considered now gets approved. The current number of industrial sites (Flint Hills Energy Terminal, MODA Energy terminal, Occidental Chemical chlorine plant, EDC plant, VCM plant and Cogeneration plant, Voestalpine iron plant, and Cheniere (all located within a distance of six (6) miles along the Ingleside, Ingleside on the Bay, Gregory and Portland shorelines, and Exxon /Sabic petrochemical complex less than six miles to the west) most likely have already made The County non-attainment, while the TCEQ and politicians approved and supported and continue to do so; permit and permit amendments. While in the past it had been complacent, irresponsible and stupid to have done so, it is time to stop being stupid, complacent and irresponsible, and to start acting now, and to change this trend. The TCEQ, and our elected officials need to stop this myopic and tunnel vision permissive and supportive approach towards these highly detrimental industries. Again, choosing not to effectively act now, and to wait until we find ourselves in a non-attainment situation without our regulatory agency, The TCEQ having done nothing would be totally unacceptable and stupid.

There are at the present time three (3) air permit amendments in the TCEQ system being “fast tracked” for approval by the Agency. These air permit amendments are:

- a. Cheniere - Air Permit No.105710
- b. MODA – Air Permit No.122367
- c. Flint Hills – Air Permit No. 6606

All of the three air permit amendments especially Cheniere's which is astronomical in magnitude (which is in the thousands for several HAP's and in the millions for CO2 equivalent) seek approval to increase their emissions. In the **aggregate by all three**, by thousands of tons per year. In the case of Cheniere and MODA These amendments seek to get the TCEQ to legitimize current HAP's emissions, that most likely are currently occurring without the authorization of past and current permit conditions, and definitely without these two applicants disclosing anything to the public.

If The County is already non-attainment, then all of the current and past air permit applications (depending on when The County became non-attainment) were or are unacceptable, inadequate, inaccurate and would be circumventing other regulations; including federal ones which would have required deeper more accurate scrutiny during their reviews. If we are already non-attainment or close to non-attainment conditions/situation in either case all current permit applications should be denied until real attainment status is determined, and if non-attainment status was reached some time ago then past applications should be revoked.

In a distance within a straight line of six (6) miles on the shoreline starting at the City of Ingleside on the Bay through Ingleside, Gregory and Portland the following is known: There are currently three industrial sites seeking air permit amendment applications, this after in the past they all have submitted litanies of numerous amendment requests to change factors calculational methods, and too many other "shenanigans" to mention here, but every one of them requesting from the TCEQ permission to emit more and more HAP's. **and in every case these permits have been approved by the very Agency that is supposed to be protecting the health and safety of its citizens and protecting the environment.** These sites are:

- a. Cheniere (with three (3) flares and three (3) thermal oxidizers and multitude of large vessels and land and marine equipment components and activities. With all of them together emitting thousands and thousands of HAP's.)
- b. MODA (with eight (8) VCU's or flares and multitude of large vessels and land and marine equipment components and activities. With all of them together emitting thousands and thousands of HAP's)
- c. Flint Hills (with three (3) VCU's or flares and multitude of large vessels and land and marine equipment components and activities. With Flint Hills emitting less HAP's than Cheniere or MODA, but nevertheless seeking approval to emit more and more quantities of HAP's.)

And at this time **not seeking permission for permit amendments**, but in operation and already contributing to the poisoning of the air we breathe are the following sites:

- a. Occidental chemical with its chlor-alkali plant, EDC plant, VCM plant, and cogeneration plant
- b. Dupont with its fluorocarbon plant
- c. Voestalpine with its iron ore plant
- d. And maybe others we do not know about.

The TCEQ and the Applicants failed and continue to fail in conducting a comprehensive study of the air, in these six (6) miles long stretch in our backyard areas, that takes into account all emissions of each and every HAP in the aggregate, not individually, for the total of all the listed above industrial sites to determine the cumulative effect on health and safety and to determine the actual quality/deterioration of the air caused so far by these listed industries.

Specific Questions and Requests pertaining to all emissions from Ingleside on the Bay to Portland (The six miles stretch):

1. Will the TCEQ stop the permitting process until a determination of the air quality or lack of quality is conducted and results become available to the TCEQ and the public?
2. Will the TCEQ conduct air studies based on actual air sampling at strategic points within these six miles distance of the shoreline before proceeding with the application process for these three sites?
3. Will the TCEQ **not the Applicants** conduct air studies based on modeling that take into account the total of all emissions (for each and for all HAP's i.e., short term (lbs./hr.) and long term (tons/year)) from all three applicants, plus Exxon/Sabic plus from all other existing sites in this mentioned six miles space?
4. Will the TCEQ force the air permit amendment Applicants to present worst case scenarios with probabilities and consequences for these scenarios to occur and effects on the adjacent communities?
5. Will the TCEQ invite the EPA to participate in these studies?
6. Will the TCEQ invite members of the public including scientists, engineers, lawyers, health professionals and others to participate in these studies? **We realize there is in existence a very absurd, exclusive, abusive, and stupid rule that excludes from participation everyone who does not live within a one-mile radius of the site**, but then again everyone, but the TCEQ and unscrupulous applicants, already knows and accepts the fact that this rule is absurd, abusive and corrupt, typical of corrupt totalitarian governments, and the state of Texas of course.
7. Will the TCEQ conduct investigations of Cheniere's liquefaction plant?
8. Will the TCEQ conduct investigations of MODA's Energy Terminal?
9. Will the TCEQ conduct investigations of the Iron manufacturing plant Voestalpine?
10. Will the TCEQ include the EPA in these investigations?
11. Will the TCEQ invite members of the public including scientists, engineers, lawyers, health professionals and others to participate in these investigations?
12. Will the TCEQ force its Executive Director Toby Baker to contact Encarnacion (Chon) Serna to address all these issues and more as was asked to do by Dede Keith, Deputy Director, with the office of the Governor (letter dated April 4, 2021)?

Encarnacion Serna (Chon) 361-903-5774





























**SOAH DOCKET NO. 582-23-01502
TCEQ DOCKET NO. 2021-0421-WR**

APPLICATION BY THE PORT OF	§	BEFORE THE STATE OFFICE
CORPUS CHRISTI AUTHORITY OF	§	OF
NUECES COUNTY FOR WATER USE	§	ADMINISTRATIVE HEARINGS
PERMIT NO. 13630	§	
	§	

EXHIBIT IOB-200

**SOAH DOCKET NO. 582-23-01502
TCEQ DOCKET NO. 2021-0421-WR**

IN THE MATTER OF THE	§	BEFORE THE STATE OFFICE
APPLICATION OF THE PORT OF	§	
CORPUS CHRISTI AUTHORITY OF	§	OF
NUECES COUNTY FOR WATER USE	§	
PERMIT NO. 13630	§	ADMINISTRATIVE HEARINGS

PREFILED DIRECT TESTIMONY

OF

ENCARNACION SERNA, P.E.

ON BEHALF OF ENCARNACION SERNA

SUBMITTED ON JUNE 28, 2023

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Q PLEASE STATE YOUR NAME AND ADDRESS.

A Encarnacion “Chon” Serna, 105 Lost Creek Drive, Portland, Texas 78374.

Q WHAT IS YOUR ROLE IN THIS MATTER, SOAH DOCKET NO. 582-23-01502?

A I requested a contested case hearing with the TCEQ on this application for Water Use Permit No. 13630 and the TCEQ Commissioners determined that I was an affected person and that my request should be granted. The SOAH ALJ admitted me as a party to this proceeding at the preliminary hearing. I have waterfront property interests and littoral rights, which make me affected by this proposed permit. I’m also a part of a community (which is also in very close proximity to the location of the proposed intake structure), and part of the Ingleside on the Bay Coastal Watch Association (IOBCWA). So, I am participating in this hearing in my role as a member of my community and as a member of IOBCWA too.

Q WHY ARE YOU OFFERING TESTIMONY IN THIS MATTER?

A I’m offering testimony because it’s important to point out the deficiencies in the application submitted by the Port of Corpus Christi Authority (the “Port”) and the deficiencies in the process that led to the Port’s decision to seek a permit for a desalination plant. I’m also offering testimony to explain the significant impacts that this facility will have on me, my family, my property, my community, and on the aquatic life and environment, if the permit is granted. I am also convinced, based on my experience and knowledge as a process engineer, that the construction of the proposed desalination plant, for which this application has been submitted, is not feasible from an engineering, construction, and cost considerations. The natural characteristics of the Corpus Christi Bay, its size dimensions, its water column and its aquatic life content, the benthic matter in and on the bottom floor,

1 the overall richness in aquatic life, and the proposed gigantic intake volumetric rate (90.4
2 MGD) make this project not feasible. This project if built will fail miserably, in my opinion,
3 leaving behind catastrophic environmental conditions on both land and water that most
4 likely will go un-remediated or otherwise would cost fortunes to remediate. This project
5 will fail, in my opinion, because of the inability/impossibility of any pre-treatment
6 processes and technologies to remove all components contained in the intake flow that need
7 to be removed, in order for the osmotic membranes to work. This monster-size desalination
8 plant proposal, if built, would create a multitude of other problems, including serious
9 severe socio-economic issues.

10 II. PROFESSIONAL BACKGROUND

11 **Q PLEASE DESCRIBE YOUR OCCUPATION.**

12 A I'm an engineer. I'm mostly retired, but I still work on some projects on occasion.

13 **Q WHO IS YOUR EMPLOYER?**

14 A I don't have an employer, but I do some contract part-time work for IOBCWA and for UT-
15 Arlington.

16 **Q DO YOU HAVE ANY PROFESSIONAL CERTIFICATIONS?**

17 A Yes, I am a certified professional engineer in the State of Texas, licensed to practice
18 engineering in Texas. I have been licensed for over 40 years.

19 **Q PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND.**

20 A I obtained a Bachelor of Science degree in chemical engineering from the University of
21 Houston in 1976.

22 **Q PLEASE DESCRIBE YOUR PROFESSIONAL BACKGROUND.**

23 A I started practicing in 1975, first as an intern, and then as an engineer. I have had multiple
24 positions with different employers throughout my professional career. My past employers

1 include: Union Carbide, Exxon Co., JM Huber, Occidental Chemical, Onyx Engineering,
2 TCEQ, FMC, and Air Liquide. This is not a comprehensive list, but it's a representative
3 list. I've also done various consulting jobs. My positions and job responsibilities with each
4 of these employers varied, but generally, my work involved chemical engineering or
5 functionally what is known in the industry as process and project engineering.

6 **Q IN YOUR DECADES OF PROFESSIONAL EXPERIENCE, CAN YOU IDENTIFY**
7 **ANY SPECIFIC EXPERIENCE THAT IS RELEVANT TO YOUR REVIEW AND**
8 **CRITIQUE OF THE PORT'S PROPOSED FACILITY?**

9 A Yes, much of my professional experience and background in chemical engineering have
10 provided me with the background to objectively and somewhat methodically evaluate the
11 Port's application and proposed facility. For example, I have had experience with water
12 treatment, industrial plant operations, and industrial equipment engineering design. I have
13 a good understanding of technologies & processes for treating/conditioning the water to
14 meet specs for membranes to work effectively. I have experience in brine treatment—
15 primary and secondary treatment. I also have experience with industrial cooling towers.
16 And I have experience as an energy conservation manager; that was at Union Carbide. In
17 that position, I was tasked with looking for opportunities to conserve energy and make the
18 process more energy efficient. I think it goes without saying that I'm not generally against
19 industry. I made my living by working in industrial facilities. But that experience has also
20 helped me realize that this facility, at this location, is just a bad idea. It's not a good site;
21 in fact, it's a terrible site based on a number of considerations.

22 III. BACKGROUND ON PROPERTY AND USE OF PROPERTY

23 **Q HOW FAR AWAY IS YOUR PROPERTY FROM THE PROPOSED INTAKE**
24 **LOCATION?**

1 A My property is approximately 3,250 feet from the proposed intake structure, and the facility
2 that the proposed intake will service is to be located approximately one mile from my home.
3 My boardwalk is approximately 84 feet long. It extends and crosses most of the estuary
4 portion of my property (“The Swamp”) and ends several feet before what I would call the
5 mean tide line of the Corpus Christi Bay.

6 **Q HOW DO YOU USE YOUR PROPERTY?**

7 A My property and my home are my sanctuary. I raised my family here. I have four children
8 and ten grandchildren, and we all love to spend time together out on the boardwalk and in
9 the water. My family and I fish, kayak, and swim in the Bay. We birdwatch together in and
10 around the Bay. We fish, and we eat the fish that we catch in the Bay. My grandkids and I
11 get in our kayaks, and we sail that water from my home to the Ingleside peninsula. Also,
12 we celebrate special occasions on the boardwalk or in the kayaks—in and around the Bay.
13 We celebrated my grandkids’ graduation from high school on my property—on the
14 boardwalk and in kayaks. Children from the neighborhood also come over and enjoy my
15 boardwalk. It’s a beautiful thing to enjoy the Bay together as a community; it’s a cultural
16 thing.

17 **Q CAN YOU IDENTIFY THE DOCUMENTS THAT HAVE BEEN MARKED AS**
18 **EXHIBIT IOB-201?**

19 A Yes, these are photos of my property and of my family enjoying the Bay, the boardwalk,
20 and my backyard. They depict some of the activities that my family and I enjoy, as I
21 described earlier.

22 **Q ARE THE PHOTOS IN EXHIBIT IOB-201 TRUE AND ACCURATE DEPICTIONS**
23 **OF YOUR PROPERTY AND YOUR FAMILY ENJOYING THE BAY?**

24 A Yes, these photos are true and accurate depictions of my property and of my family
25 enjoying the Bay.

IV. CONCERNS

1
2 **Q HOW WILL YOUR PROPERTY BE AFFECTED BY THE PROPOSED INTAKE?**

3 A If this facility is permitted and built, it will affect everything about my property—my use
4 of my property, the value of my property, even my quality of life here at my home. Fishing
5 kayaking, swimming will be over for me and my family and for many other members of
6 the community who also do this, and also practice other various forms of water sports on
7 this Bay. The intake structure is practically going to be in my backyard.

8 **Q PLEASE EXPLAIN FURTHER HOW THE USE OF YOUR PROPERTY WILL BE**
9 **AFFECTED BY THE PROPOSED INTAKE.**

10 A Some of the obvious ways it will impact my use of my property is by simply existing in its
11 proposed location. If I attempt to kayak, swim, or fish, I'll be having to go through these
12 gigantic intake structures, as will my kids and grandkids. We'll lose our way of life, our
13 quality of life. We won't be able to confidently eat any fish that we may catch, once the
14 intake structure is built. The Bay and fishing have been a big part of my life. My
15 grandfather fished, and my father fished. We would fish in the Corpus Christi Bay, even
16 before I ever lived here. The Bay is a part of my life.

17 The proposed intake of seawater will reduce the abundance and diversity of aquatic species
18 and aquatic-dependent species in the area of the intake, including near my property. It
19 won't be a healthy, natural environment for us to recreate in or even to observe and share
20 with the community. Right now, you can see the little critters in the grasses behind my
21 property; the tide brings them here. And then, the redfish and flounder ambush the little
22 critters and feed on them; you can see this activity occurring from my property. If the
23 facility is permitted and constructed, it will result in an increase in salinity, which will
24 adversely impact the fish, and death of the marine life will be inevitable.

1 And of course, it will impact my property value. Also, there are various ways that the
2 operation of the facility will affect me, in addition to the impacts to my property and my
3 use of it.

4 **Q WHAT ARE SOME OF THE ADDITIONAL WAYS IN WHICH THE**
5 **OPERATION OF THE FACILITY WILL IMPACT YOU?**

6 A The operation of the facility will necessarily include more traffic consisting of large trucks.
7 The produced water will need to be transported, and the resulting sludge will also have to
8 be transported to a disposal facility, or worse yet, be thrown back in the Bay. In addition,
9 pretreatment chemicals will need to be transported to the facility; this could include
10 chemicals like chlorine. They too will be likely be transported via large vehicles. So, the
11 large vehicles traveling through my neighborhood, carrying the produced water, the sludge,
12 and the chemicals required for operation of the facility will also impact me and the
13 community. Who knows where the chemicals will be stored? I'm concerned about the
14 storage of those chemicals too, especially if they are stored near me or my community.

15 There's also the fact that the facility will require significant electrical power; this is a
16 significant intake structure that's being considered, and it will require significant electrical
17 power to lift the water from the Bay and to transport it across the pre-treatment and the
18 osmotic membranes. So, I have concerns about the reliability of the grid. What will happen
19 when we experience another freeze that impacts our power grid? We also have experienced
20 hurricanes in this area. A Category 3 hurricane or a higher category could take down any
21 high voltage power lines serving the facility, not to mention the impacts to the facility itself.

22 **Q HOW HAVE YOU FAMILIARIZED YOURSELF WITH THE PORT'S**
23 **APPLICATION AND PROPOSED FACILITY?**

24 A I have read the application, and several supporting documents. I've attended multiple
25 meetings with the Port, public meetings hosted either by the Port or by TCEQ. I've been

1 studying this project since I first learned about it—reviewing the application materials and
2 obtaining and reviewing as much public information that I can get ahold of regarding the
3 proposed facility. I have attempted to engage in discussions with the various persons
4 involved with this proposed facility and permit application, either via email or in person.
5 I’m constantly asking questions, and trying to get more information, but the Port has not
6 been transparent or forthcoming with information that I consider to be very relevant to this
7 permit application and proposed facility. Nevertheless, I’ve studied whatever information
8 the Port provided, and have engaged in various public meetings whenever possible. Based
9 on my professional background and the public information made available to me, I have
10 been able to conceptualize what the Port is proposing. And the magnitude of the project is
11 alarming, as are the potential impacts to the chemical composition of the Bay and the
12 critters in the Bay. The lack of data and the Port’s failure to adequately and objectively
13 assess the potential impacts of the facility at this proposed location is also very alarming to
14 me. Among other things the Port has not thoroughly analyzed the existing conditions in the
15 Bay, such as the complex biochemistry of the water column, and the disposition of the
16 sludge.

17 **Q BASED ON YOUR ENGAGEMENT IN THE PUBLIC DISCOURSE REGARDING**
18 **THIS PROPOSED PROJECT, DO YOU RECALL ANY DISCUSSION OF THE**
19 **PORT’S DROUGHT CONTINGENCY PLAN?**

20 **A** No, I don’t recall any discussion or any public information about a drought contingency
21 plan by the Port. This is not a topic that I recall the Port discussing in the public meetings
22 that I attended, and I attended several meetings.

23 **Q BASED ON THE INFORMATION THAT YOU’VE REVIEWED AND THE**
24 **MEETINGS YOU’VE ATTENDED, CAN YOU DESCRIBE THE BASIS OF THE**
25 **CONCERNS THAT YOU MENTIONED EARLIER—THE BASIS FOR YOUR**
26 **CONCERN ABOUT IMPACTS TO YOU AND YOUR PROPERTY?**

1 A Yes. I've prepared a rough conceptual diagram to help illustrate my understanding of the
2 design and operation of the facility. I think this will be helpful in explaining the various
3 concerns I have and the basis for them.

4 **Q CAN YOU IDENTIFY THE DOCUMENT THAT'S BEEN MARKED AS EXHIBIT**
5 **IOB-202?**

6 A Yes, that's the diagram I created to help roughly illustrate the facility, as I understand the
7 design of it.

8 **Q PLEASE CONTINUE TO EXPLAIN THE BASIS OF YOUR CONCERNS, BASED**
9 **ON YOUR UNDERSTANDING OF HOW THE FACILITY IS PROPOSED TO**
10 **WORK.**

11 A As you can see from my diagram (and from the application), the proposal is to take in 90.4
12 MGD of Bay water. That's a huge amount of water to intake. This Bay water—the water
13 column—already has lots of different types of constituents in it. The water column will
14 have colloids, suspended solids, silt, clay, marine life, such as grass and algae. We don't
15 fully know the biochemistry of that water column. Neither does the Port's applications
16 (water rights and water quality permit applications) provide this information in sufficient
17 detail for people to know this, or for an engineer to fully design and size the pre-treatment
18 process.

19 Also, this will involve a huge dredging project. The dredging at the location and the
20 construction of the intake will disturb sediments and possibly contaminants at the bottom
21 of the Bay, adding to the constituents that already exist in the water column.

22 According to the water rights application, the intake facility will have two large pumps,
23 with two big lines that are 48 inches in diameter, sucking the water and its constituents,
24 including small aquatic life, out of the Bay and hitting the screens, before pre-treatment.

1 The water then has to go through a pretreatment process, which will kill just about
2 everything that is still alive in the water to condition the water in the pre-treatment process
3 to make the feed water specifications right for the osmotic membranes to function. This is
4 where all kinds of chemicals will need to be added, such as chlorine. Eggs, larvae, plants,
5 anything smaller than a quarter-inch that wasn't killed as the water went through the
6 screens will be killed during the pretreatment process. The pretreatment process generates
7 sludges, significant amounts of sludge.

8 Then, after the pretreatment process, the water will go through the reverse osmosis
9 membranes.

10 This process is going to be very disruptive to the marine life out there. The dredging alone
11 will disrupt the marine life. The physical properties of the water will change as will the
12 concentrations of what is in the water. Salinity will increase substantially. This will then
13 impact the feedstock back into the facility, as high salinity plumes from the plant's
14 discharge get recycled back through the intake pipes. The Port, however, has not
15 sufficiently considered the impacts on the marine life that this facility will have, especially
16 considering its proximity to seagrass beds. Nor has the Port adequately considered impacts
17 on water quality. Nor has the Port considered the impacts of the City of Corpus Christi's
18 proposed desalination facility, which is a much bigger desalination project that the City is
19 currently proposing and is in the permitting process already, and which if built, would be
20 located right next to the Port's facility. This is just a bad location for the Port's proposed
21 facility, and it's not clear to me that the selection of this site, by the Port, was based on any
22 due diligence. The impacts of the facility simply do not seem to be a priority concern for
23 the Port.

1 **Q WHAT IS THE BASIS FOR YOUR COMMENT THAT THE PORT IS NOT**
2 **SUFFICIENTLY CONCERNED ABOUT THE IMPACTS OF ITS PROPOSED**
3 **FACILITY?**

4 A The basis for that comment is the absence of detailed investigations regarding the potential
5 impacts of the proposed facility at this location. It is also based on the fact that the Port's
6 former Chief Executive Officer, Sean Strawbridge, is antagonistic about the permitting
7 process. He has made public statements indicating his disdain for permitting entities, such
8 as the Corps of Engineers, which he describes as an impediment to the progress of this
9 nation. He also has publicly stated that the Corps' bureaucratic process is preventing the
10 Port from "grabbing the global prize." He also views the Port as a business enterprise, run
11 by business people, not government bureaucrats, where deals are made at the yacht club,
12 not the board room. He has described industry as the Port's customers and the Port's role
13 as creating infrastructure that optimizes industry's operations. Mr. Strawbridge recently
14 resigned from his position with the Port, after inquiries into his expenditures were made.
15 But he was the CEO when the Port chose the location for the proposed desalination facility
16 and when the Port prepared and submitted its water right permit application to the TCEQ.
17 In fact, he signed the application and swore that its contents were true and accurate. So,
18 Mr. Strawbridge's many public comments, demonstrating a disdain for the regulatory
19 process and demonstrating that the Port should be run like a business enterprise—this
20 explains why the Port, in my opinion, has failed to conduct an adequate, detailed evaluation
21 of the impacts of the proposed desalination facility, including impacts of the location of
22 the facility near seagrass beds. This also explains why, in my opinion, the design of the
23 facility is deficient, insufficient, and does not even meet engineering standards as these are
24 practiced in the industry, and does not employ the best technology available for minimizing
25 impingement and entrainment.

1 **Q YOU ALSO EXPRESSED CONCERN REGARDING THE POWER SUPPLY**
2 **THAT WOULD BE REQUIRED TO OPERATE THE FACILITY. CAN YOU**
3 **EXPLAIN YOUR UNDERSTANDING OF THE AMOUNT OF POWER THAT**
4 **WILL BE REQUIRED TO OPERATE THE FACILITY AND THE BASIS FOR**
5 **YOUR CONCERNS?**

6 A Yes. I created a spreadsheet to calculate an estimate of the amount of power that will be
7 required to operate this facility.

8 **Q CAN YOU PLEASE IDENTIFY THE DOCUMENT THAT HAS BEEN MARKED**
9 **AS EXHIBIT IOB-203?**

10 A Yes, this is the spreadsheet I mentioned that I created.

11 **Q PLEASE CONTINUE EXPLAINING YOUR UNDERSTANDING OF THE**
12 **AMOUNT OF POWER THAT WILL BE REQUIRED TO OPERATE THE**
13 **FACILITY, USING THE SPREADSHEET, IF IT'S HELPFUL.**

14 A Understand that I made a number of assumptions—reasonable assumptions based on
15 information that I collected, some from the Port's applications—to make these calculations.
16 So, this is just intended to be my rough estimate, but it's a reasonable one. It is, at this
17 point, only an illustration of the methodology that could have been used by the Port in
18 estimating the electrical power required by the proposed desalination plant. It is a
19 calculation that would have to be refined, updated, and peer-reviewed. Based on my
20 calculations, I estimated that the desalination plant will consume the equivalent of 4.2 times
21 as much as the entire household population of the City of Portland consumes in electricity.
22 Those large intake pumps, alone, will require vast amounts of electricity. This is the basis
23 for my concern regarding the amount of power that will be required to operate the facility
24 and the impacts on our grid stability.

25 V. CONCLUSION

26 **Q DOES THIS CONCLUDE YOUR TESTIMONY?**

27 A Yes, though I reserve the right to supplement or amend this testimony.

**SOAH DOCKET NO. 582-23-01502
TCEQ DOCKET NO. 2021-0421-WR**

APPLICATION BY THE PORT OF	§	BEFORE THE STATE OFFICE
CORPUS CHRISTI AUTHORITY OF	§	
NUECES COUNTY FOR WATER USE	§	OF
PERMIT NO. 13630	§	ADMINISTRATIVE HEARINGS
	§	

EXHIBIT IOB-201



Photo 1: Pier extending from Mr. Encarnacion Serna's property into the Corpus Christi Bay.



Photo 2: Pier extending from Mr. Encarnacion Serna's property into the Corpus Christi Bay.



Photo 3: End of the pier extending from Mr. Encarnacion Serna's property into the Corpus Christi Bay.



Photo 4: End of the pier extending from Mr. Encarnacion Serna's property into the Corpus Christi Bay.

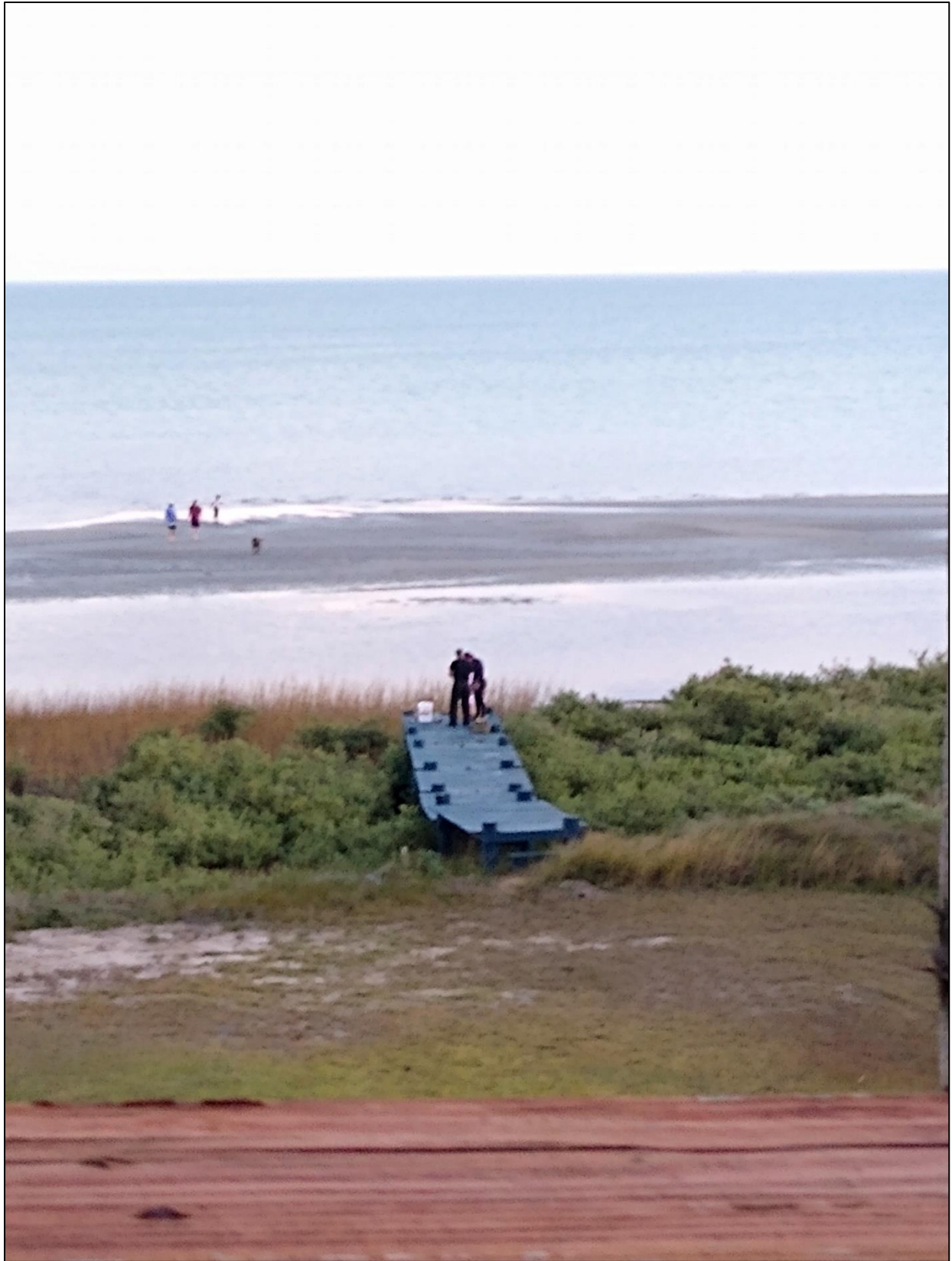


Photo 5: Mr. Serna's family members recreating on his property and in the Corpus Christi Bay.



Photo 6: Mr. Serna's family member kayaking and fishing in the Corpus Christi Bay.



Photo 7: Mr. Serna's family member with fish caught offshore from Mr. Serna's property.



Photo 8: Mr. Serna's family members recreating on his property and in the Corpus Christi Bay.



01/17/2020 10:36:55

Photo 9: Photo taken by Mr. Serna's family member kayaking and birdwatching in the Corpus Christi Bay.



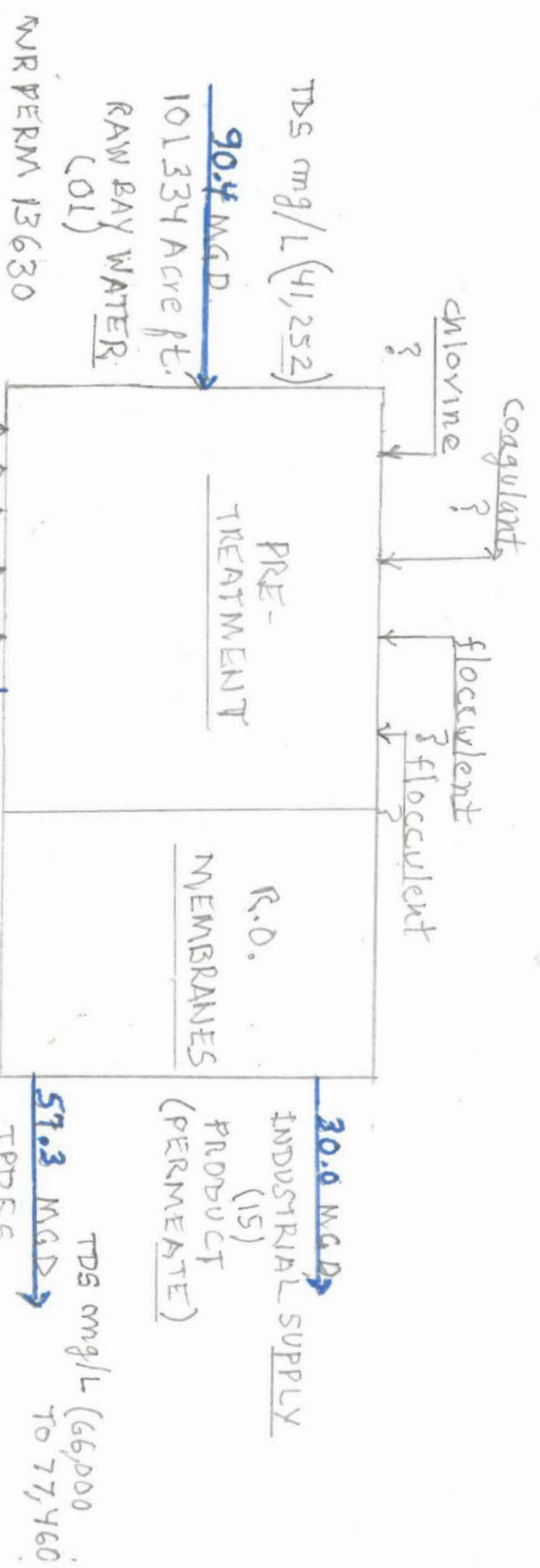
Photo 10: Mr. Serna's family member recreating in the Corpus Christi Bay offshore of his property.

**SOAH DOCKET NO. 582-23-01502
TCEQ DOCKET NO. 2021-0421-WR**

APPLICATION BY THE PORT OF	§	BEFORE THE STATE OFFICE
CORPUS CHRISTI AUTHORITY OF	§	OF
NUECES COUNTY FOR WATER USE	§	ADMINISTRATIVE HEARINGS
PERMIT NO. 13630	§	
	§	

EXHIBIT IOB-202

LA QUINTA CHANNEL
PART OF CORPUS CHRISTI DESALINATION



FEED
(01) = **90.4 MGD**
= 62,778 gal/min
= 565,002 lb/min
= 14.13 trucks/min
density = 9.0 lb/gal
46000 lbs limit on Texas

(15) = **30.0 MGD**
= 28,833 gal/min
= 173,333 lb/min
= 4.33 trucks/min
density = 8.32 lb/gal

(25) = **573**
= 9.45 trucks/min
density = 9.5 lb/gal

(25) = **3.1 MGD**
= 2153 gal/min
= 21528 lb/min
= 0.54 trucks/min
= one truck every 1.86 min
density = 10 lb/gal

TDES mg/L (66,000)
TO 77,460
TO C.C. BAY
WQ0005254000
SLUDGE

**SOAH DOCKET NO. 582-23-01502
TCEQ DOCKET NO. 2021-0421-WR**

APPLICATION BY THE PORT OF	§	BEFORE THE STATE OFFICE
CORPUS CHRISTI AUTHORITY OF	§	OF
NUECES COUNTY FOR WATER USE	§	ADMINISTRATIVE HEARINGS
PERMIT NO. 13630	§	
	§	

EXHIBIT IOB-203

To: TCEQ Executive Director Kelly Keel

Date: November 16, 2023

From Encarnacion Serna

Subject: Proximity/Justicity of my Property to Cheniere's

Portland LNG Plant and Flares

I am getting tired of TCEQ's multitude and abundance of Crap determinations and arbitrary rulings. And now The ED attempting to disqualify me and my family from obtaining stance on a contested case hearing; telling me that my property, the place I live in with my wife and my grandchildren, is located more than a mile away from Cheniere's Liquefaction Plant in Portland Texas. When in fact the flares, the tanks, the loading dock, the dock and all its ancillaries, are located closer than a mile from my home. And even though the new proposed equipment for trains 8 and 9 (compressors tanks flares) etc. may be located more than a mile away all the loading equipment and flares will still be on the shoreline I e, less than a mile away from my backyard, my board walk, and my house.

It is for this reason that I have to put up with current hazardous toxic gases and will have to put up with future ones from your proposed trains 8 and 9 additions that I am requesting a contested case hearing from the TCEQ ED and its commissioners. This for air permit Nos. GHGPSDTX123M1/PSDTX1306M1; TCEQ Docket No. 2023-1474-Air.

Therefore, I have for these reasons downloaded plenty of information into your data base requesting that this contested case hearing be granted. These documents are:

1. Objections and comments based on Cehniere's bad behavior and violations of existing air permit conditions.
2. Objections and comments based on air permit amendment and special condition requests on these applications.
3. Plenty of pictures of the nefarious flare when is out of compliance emitting who knows what type of toxic gases.
4. Pre-file witness document containing testimony and pictures of my family on me boardwalk that is located less than a mile away from the Cheniere facility. I was granted standing on a contested case hearing for water rights permit No. 13630 by Commissioners Jon Nierman and Bobby Janeka. This for the reason that the location of my property (property with Littoral rights) has proximity and justicity in relation to the proposed water intake structure. So, Director Kelly Keel needs to stop being abusive and to stop acting stupid telling me that I do not have standing because my property in relation to the existing and future Cheniere facilities is more than 2 miles away.

I also sent you pictures of the flare via US mail

Encarnacion Serna (Chon P.E.

Mobile phone 361-903-5774