

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 4, 2024

Laurie Gharis, Chief Clerk
Office of the Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087, MC-105
Austin, Texas 78711-3087

Re: **TCEQ Docket No. 2023-1664-WR** regarding Application No. 13675 by the City of Corpus Christi to Obtain a Water Use Permit in Nueces, Kleberg, San Patricio and Aransas Counties, Texas.

Dear Ms. Gharis:

Enclosed for filing are the following backup materials for the **March 28, 2024 agenda** item on the above-referenced matter:

1. Executive Director's Response to Hearing Requests;
2. Mailing List;
3. Map.

Please let us know if you have any questions. I can be reached at 512-239-6635 or ruth.takeda@tceq.texas.gov. My co-counsel, Harrison (Cole) Malley, can be reached at 512-239-1439 or harrison.malley@tceq.texas.gov. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Ruth A. Takeda".

Ruth Takeda, Staff Attorney – Environmental Law Division

Cc: Mailing List

TCEQ DOCKET NO. 2023-1664-WR

**APPLICATION NO. 13675 BY
THE CITY OF CORPUS CHRISTI
TO OBTAIN A WATER USE
PERMIT IN SAN PATRICIO,
NUECES, AND ARANSAS
COUNTIES, TEXAS**

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**BEFORE THE TEXAS

COMMISSION ON

ENVIRONMENTAL QUALITY**

EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS

The Executive Director of the Texas Commission on Environmental Quality (TCEQ or Commission) respectfully submits this Response to the hearing requests filed regarding Application No. 13675 by the City of Corpus Christi (Applicant) to obtain a water use permit in San Patricio, Nueces, and Aransas Counties in the San Antonio-Nueces Coastal Basin. Timely hearing requests, listed and alphabetized by surname, were received from:

1. Breeding, Lara
2. Breeding, Scott
3. Bromley, Marsha
4. Burnett, Kelley
5. Ferrell, Larry and Debby
6. Freeze, Matthew
7. Gutierrez, Briana
8. Hagens, Steve
9. Hoffman, Donna
10. Honey, Ellen
11. Ingleside on the Bay Coastal Watch Association
by attorney Eric Allmon;
by association president Patrick A. Nye
12. Janssen, Cody T.
13. Laitinen, Uneeda
14. Masten, Dr. Kathryn
15. Mayorga, Mary Elizabeth
16. Mejia, Dr. Alissa
17. Miday, James T.
18. Miller, Randy R.
19. Nye, Emily
20. Nye, Patrick A.
21. Oestrick, Chelsea
22. Oestrick, Theron
23. Parkinson, Blanca
24. Rodriguez, Alexis
25. Rozzell, Leslie
26. Serna, Encarnacion
27. Thorwaldson, Karen
28. Tissot, Florence
29. Wusterhausen, Luhannah
30. Wyatt, Misty Kay

Untimely requests were received from:

1. Castillo, Elida
2. Duran, Margaret
3. Laitinen, Uneeda
4. Porter, Lynne Goeplein
5. Russo, Margaret R.
6. Serna, Encarnacion
7. Spade, Annie
8. Strickland, Arnold Gary
9. Williams, Mark

The Executive Director recommends granting the application and has prepared a draft permit which includes special conditions.

The Executive Director recommends denying the hearing requests. Many hearing requestors base their affected person status on interests in recreational use and/ or aesthetic enjoyment. Recreational impact alone has generally been held as insufficient to confer standing. See *Save Our Springs Alliance, Inc. v. City of Dripping Springs*, 304 S.W.3d 871 (Tex. App. – Austin 2010, pet. dism'd). Aesthetic interest alone is also insufficient. Id. Economic interest is also insufficient unless there is a nexus to the watercourse at issue. See *In the Matter of the Application by Guadalupe-Blanco River Authority*, Permit No. 12378, TCEQ Docket No. 2014-1658-WR, SOAH Docket No. 582-15-2477.

Staff has prepared a map showing the Applicant's proposed water right location. The requestors' locations are also indicated on the map.

I. BACKGROUND

The Applicant seeks authorization to divert and use 186,295 acre-feet of water per year at a maximum diversion rate of 257 cubic feet per second (115,349.31 gallons per minute) from a diversion reach on La Quinta Channel (Corpus Christi Bay), San Antonio-Nueces Coastal Basin, for municipal and industrial purposes in San Patricio, Nueces, and Aransas Counties. The Applicant seeks an exempt interbasin transfer of up to 186,295 acre-feet of water per year to the portion of San Patricio County in the Nueces River Basin and the portion of Nueces County in the Nueces-Rio Grande Coastal Basin within the Applicant's wholesale water service area.

II. PROCEDURAL HISTORY

The Commission received this application on January 22, 2020. The application was declared administratively complete on May 5, 2020. Technical review was completed on February 25, 2021. Notice of the application was mailed by the Commission's Chief Clerk on March 19, 2021, to water right holders of record in the San Antonio-Nueces Coastal Basin. Notice of the application was published in the *Corpus Christi Caller Times* on April 6, 2021.

The comment period and hearing request period for this application closed on May 6, 2021. Due to significant public interest and legislative requests for a public meeting on

this application, the comment period was re-opened. The hearing request period was not re-opened.

Notice of a virtual public meeting was mailed on October 15, 2021. The public meeting was held on November 16, 2021. The re-opened comment period closed on November 30, 2021. The Executive Director has prepared a separate Response to Comments.

III. LEGAL AUTHORITY

Pursuant to 30 Tex. Admin. Code § 55.251(a), the following may request a contested case hearing on water rights applications: the Commission, the Executive Director; the applicant; and affected persons when authorized by law.

Affected persons are authorized to submit hearing requests for water rights applications under Tex. Water Code § 11.132(a). The Commission, on the request of any affected person, shall hold a hearing on a water rights application. The procedures for determining whether a hearing requestor is an affected person and whether the hearing request is valid are set forth in 30 Tex. Admin. Code §§ 55.250-55.256, which apply to water rights applications such as this one that were declared administratively complete after September 1, 1999.

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.” 30 Tex. Admin. Code § 55.256(a). An interest “common to members of the general public” does not qualify as a personal justiciable interest. Id.

Governmental entities with authority under state law over issues contemplated by the application may be considered affected persons. 30 Tex. Admin. Code § 55.256(b). *See* 30 Tex. Admin. Code § 55.103.

To determine whether a hearing requestor is an affected person, all relevant factors must be considered. 30 Tex. § 55.256(c). These factors include, but are not limited to:

- (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, safety, and use of property of the person;
- (5) likely impact of the regulated activity on use of the impacted natural resource by the person; and
- (6) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

A hearing request by a group or association must meet the requirements set forth in 30 Tex. Admin. Code § 55.252(a). There are three requirements. First, at least one member of the group or association would have standing to request a hearing in his or her own right. Second, the interests that the group or association seeks to protect must be germane to its purpose. Third, neither the claim asserted or the relief requested by the group or association requires participation of the individual member(s) in the case.

A hearing request must substantially comply with the four requirements set forth in 30 Tex. Admin. Code § 55.251(c):

- (1) give the name, address, and daytime telephone 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 activity that is the subject of the application and how and why the requestor believes he or she will be affected by the activity in a manner not common to members of the general public;
- (3) request a contested case hearing; and
- (4) provide any other information specified in the public notice of application.

The request for a contested case hearing must be filed with the Commission's Chief Clerk within the time period specified in the notice. 30 Tex. Admin. Code § 55.251(d).

The Commission must grant a request for a contested case hearing made by an affected person if the request complies with the requirements of 30 Tex. Admin. Code § 55.251; is timely filed with the Chief Clerk; and is pursuant to a right to hearing authorized by law. 30 Tex. Admin. Code § 55.255(b)(2).

IV. HEARING REQUESTS AND RECOMMENDATIONS

Thirty hearing requests were filed prior to closing of the hearing request period on May 6, 2021.

Nine untimely hearing requests, including two from individuals who had also filed timely hearing requests, were submitted during the re-opened comment period and expressed general opposition to the application, including the following concerns: the project is not needed and will kill the bay, which will destroy tourism and fishing industries; the project is a death sentence for aquatic life; the desalination plant has the potential to adversely impact the local fish and wildlife, the local tourist industry, sport and commercial fishing interests, and the quality of life for local citizens; impairment to fishing; the impact of discharge on the environment; the cost of the project; the amount of water requested; the intake structure; and the amount of energy

required to run the proposed plan. The Executive Director will not address the untimely requests further.

None of the requestors hold a water right.

Approximately one-third of the requestors own waterfront property located approximately three miles from the proposed diversion reach. The remaining requestors do not own waterfront property.

The Executive Director recommends denying all requests because no requestor has demonstrated a personal justiciable interest in this application, including the requestor asserting associational standing.

INDIVIDUALS WHO OWN WATERFRONT PROPERTY

1. Scott Breeding

The requestor states that his home is on the bay facing the Corpus Christi and La Quinta Channels, and that he and his family fish in the La Quinta Channel and Ingleside Cove.

The requestor is concerned about maintaining a healthy ecosystem and property values in the area.

The Executive Director concludes that the request does not meet the requirements of 30 Tex. Admin. Code § 55.251 because it does not identify a personal justiciable interest, therefore the Executive Director recommends that the request be denied.

2. Kelley Burnett

The requestor states that the requestor and family members love to fish/ boat/ swim/ etc. in the La Quinta Channel or in Ingleside Cove. The requestor fishes for business and is concerned about loss of income when aquatic life is harmed/ destroyed by the proposed project.

The requestor's concerns include: the amount of water; aquatic life being trapped or killed when sucked into the intake pipe; small larvae being sucked up, turned to sludge, and deposited into landfills, which will impair fishing; the amount of salty brine that will be discharged; the discharged brine being mixed with waste water from industries in La Quinta Channel; the impact if fish die because birds will also die or leave; possible health effects from chemicals used in the desalination process, including pre-treatment; the amount of power required; the cost and who will pay it; the proposed location of the intake and discharge facilities; and the use of the water produced from the project by private industries.

Though an economic interest can be sufficient for affected person status, the Executive Director concludes that the requestor did not provide sufficient information to demonstrate a personal justiciable interest in this application.

The Executive Director concludes that the request does not meet the requirements of 30 Tex. Admin. Code § 55.251 because it does not identify a personal justiciable interest, therefore recommends that the request be denied.

3. Steve Hagens

The requestor states that he and his family swim in the bay, fish, bird watch, and enjoy the natural habitat of Ingleside Cove bayfront.

The requestor's concerns include: the amount of water; the amount of brine that will be discharged; hypersalinity in Ingleside Cove; destruction of the environment. The requestor believes this type of project would be better placed where the brine is flushed out due to stronger currents and deeper waters.

The Executive Director concludes that the requestor's identified interests are those common to members of the general public; therefore the request does not meet the requirements of 30 Tex. Admin. Code § 55.251 because it does not identify a personal justiciable interest and the Executive Director recommends that the request be denied.

4. James T. Miday

The requestor states that he lives on waterfront property.

The requestor's concerns include: damage to the bay and its wildlife due to vast amounts of water drawn into the intake pipe at a volume that will kill any organism that is in the water; discharge of the concentrated brine that will damage the ecosystem of the bay by raising salinity; industrial use of the water.

The Executive Director concludes that the requestor's identified interests are those common to members of the general public; therefore the request does not meet the requirements of 30 Tex. Admin. Code § 55.251 because it does not identify a personal justiciable interest and the Executive Director recommends that the request be denied.

5. Emily Nye

The requestor states that she lives approximately four miles from the proposed intake location.

The requestor's concerns include: inconsistency of the draft permit with the Texas Coastal Management Program; impact on the ecology and productivity of the bay waters; fish kill, larvae destruction; cumulative impacts of two or more other water rights permits very close to the proposed project location; amount of water; use of water; whether the water is needed; industrial use of the water; available alternatives to the proposed project, specifically avoiding waste and conserving water; impact on natural resources of the bay.

The Executive Director concludes that the requestor's identified interests are those common to members of the general public; therefore the request does not meet the requirements of 30 Tex. Admin. Code § 55.251 because it does not identify a personal justiciable interest and the Executive Director recommends that the request be denied.

6. Patrick Nye

The requestor filed a request on behalf of the Ingleside on the Bay Coastal Watch Association as president of that organization, but also stated that he was personally opposed to the permit and requested a contested case hearing.

The requestor states that he lives in Ingleside on the Bay, and his concerns include: the loss of water quality the requestor believes will result from the proposed project's discharge; the proposed location of the intake and discharge facilities; the potential impact on wetlands; the potential impact on seagrasses; the potential impact on the local ecosystem; the proposed location of the proposed project as a whole; and the issue of whether the proposed project is actually needed.

The Executive Director concludes that the requestor's identified interests are those common to members of the general public; therefore believes the request does

not meet the requirements of 30 Tex. Admin. Code § 55.251 because it does not identify a personal justiciable interest and the Executive Director recommends that the request be denied.

7. Leslie Rozzell

The requestor's home is "on the water" facing Corpus Christi Channel.

The requestor's concerns include: impact on aquatic wildlife and habitat; harm caused by the proposed intake pipe; proposed intake and discharge sites; damage to the bay environment; proposed use of the water.

The Executive Director concludes that the request does not meet the requirements of 30 Tex. Admin. Code § 55.251 because it does not identify a personal justiciable interest; therefore the Executive Director recommends that the request be denied.

8. Encarnacion Serna

The requestor owns waterfront property, which he indicates is located about three miles away from the "main facility."

The requestor fishes the waters of the area, consumes the fish caught, and uses the waters of the area for recreation – swimming, wading, gigging, and kayaking. The requestor's concerns include: application deficiencies; lack of information on the proposed intake and lack of hydrodynamic studies; the amount of water requested and use of it; the amount of energy required for desalination; opposition of the general public to the proposed permit; Applicant's non-compliance with its TPDES permit requirements.

The Executive Director concludes that the request does not meet the requirements of 30 Tex. Admin. Code § 55.251 because does not identify a personal justiciable interest; therefore the Executive Director recommends that the request be denied.

GROUPS OR ASSOCIATIONS

9. Ingleside on the Bay Coastal Watch Association – by Eric Allmon, Esq. and separately by Patrick A. Nye, President

The group or association does not hold a water right, nor does it own waterfront property.

Mr. Allmon.

Mr. Allmon seeks associational standing for the requestor and identifies the following individual members: Encarnacion Serna, Uneeda Laitinen, and Captain Daniel Wilkerson, Captain Chip Harmon. Of the identified members, Mr. Serna and Ms. Laitinen individually requested a contested case hearing; neither Captain Wilkerson nor Captain Harm requested a contested case hearing on this application.

Mr. Allmon indicates that Mr. Serna owns waterfront property; that he fishes and engages in recreational activities in Corpus Christi Bay; that he has "littoral" rights. Mr. Allmon does not provide any information about the distance from Mr. Serna's property to the Applicant's proposed site.

Mr. Allmon indicates that Ms. Laitinen lives less than 4 miles from the Applicant's proposed intake site; that her property is along the bay; that she bird watches from her property; and that her husband fishes the bay.

For both Mr. Serna and Ms. Laitinen, Mr. Allmon claims that the Applicant's

proposed project will impact their interests because the proposed intake facility will have an adverse impact on fish and wildlife habitat and the ecology and productivity of the bay.

Mr. Allmon indicates that Captain Wilkerson and Captain Harmon are both fishing guides; that Captain Wilkerson owns and operates Family Fishing Charters and that he fishes and engages in recreational activities in the bay. Mr. Allmon does not provide any information about the location of Captain Wilkerson's business or its distance from the Applicant's proposed site.

Mr. Allmon indicates that Captain Harmon owns a convenience and fishing tackle store, Fireside Market, and that he fishes the bay. Mr. Allmon provides a street address for the store in Ingleside.

For both Captain Wilkerson and Captain Harmon, Mr. Allmon indicates that their economic recreational interests are not common to members of the general public and that they will be affected because the Applicant's proposed intake structure will have negative impacts on fish and wildlife habitat and the ecology and productivity of the bay. Neither Captain Wilkerson nor Captain Harmon requested a contested case hearing.

Mr. Allmon states that the requestor's purpose is to promote the health, safety, and quality of life for approximately 700 people who live, operate businesses, or work in Ingleside on the Bay or in Ingleside Cove.

Mr. Nye.

Mr. Nye's requests on behalf of the requestor to deny the application. The requestor's concerns include the loss of water quality the requestor believes will result from the proposed project's discharge; the proposed location of the intake and discharge facilities; the potential impact on wetlands; the potential impact on seagrasses; the potential impact on the local ecosystem; the proposed location of the proposed project as a whole; and the issue of whether the proposed project is actually needed.

The Executive Director considered the issues identified for the requestor by Mr. Allmon and Mr. Nye and concludes that the requestor does not meet the requirements for associational standing in 30 Tex. Admin. Code § 55.252(a) because none of the identified members would have standing to request a hearing in his or her own right, therefore the Executive Director recommends that the request be denied.

INDIVIDUALS WHO DO NOT OWN WATERFRONT PROPERTY

10. Lara Breeding

The requestor's concerns include: the proposed location of the intake and discharge facilities, which are not offshore in the Gulf; possible health effects from the chemicals used in the desalination process, including pretreatment; impact on the local coastal ecosystem, including fishing in the area; and the amount of water. The requestor questions why the Applicant did not utilize the expedited permitting process for its proposed project.

The Executive Director concludes that the requestor's identified interests are those common to members of the general public; therefore believes the request does not meet the requirements of 30 Tex. Admin. Code § 55.251 because it does not identify a personal justiciable interest and the Executive Director recommends that the request be denied.

11. Marsha Bromley

The requestor states that she lives on the bluff above downtown Corpus Christi.

The requestor's concerns include: the amount of water; the volume of intake water killing small fish and the food chain that larger fish feed upon; the effect on aquatic life and entire ecosystem; depletion of fish and bird populations; consequent impact to tourism in the coastal bend; industry pollution of the bays and the Gulf. The requestor asks for public hearings on the application, which the Executive Director analyzes as a request for a contested case hearing.

The Executive Director concludes that the requestor's identified interests are those common to members of the general public; therefore the request does not meet the requirements of 30 Tex. Admin. Code § 55.251 because it does not identify a personal justiciable interest and the Executive Director recommends that the request be denied.

12. Larry and Debby Ferrell

The requestors are concerned about damage to aquatic life.

The Executive Director concludes that the requestors' identified interest is common to members of the general public; therefore the request does not meet the requirements of 30 Tex. Admin. Code § 55.251 because it does not identify a personal justiciable interest and the Executive Director recommends that the request be denied.

13. Matthew Freeze

The requestor states that he and his family love to fish/ boat/ swim/ etc. in La Quinta Channel or in Ingleside Cove.

The requestor is concerned about small larvae being sucked up, turned to sludge, deposited in landfills, and about fishing being badly impaired in the area.

The Executive Director concludes that the requestor's identified interests are those common to members of the general public; therefore the request does not meet the requirements of 30 Tex. Admin. Code § 55.251 because it does not identify a personal justiciable interest and the Executive Director recommends that the request be denied.

14. Briana Gutierrez

The requestor states that she lives 22 miles from La Quinta Channel.

The requestor's concerns include: the proposed location of the intake pipe; the amount of salty brine that will be discharged; mixing the discharge with other waste water from other industries; the impact on the local environment; and possible health effects from the chemicals used in the desalination process, including pre-treatment.

The Executive Director concludes that the requestor's identified interests are those common to members of the general public; therefore the request does not meet the requirements of 30 Tex. Admin. Code § 55.251 because it does not identify a personal justiciable interest and the Executive Director recommends that the request be denied.

15. Donna Hoffman

The requestor states that she lives in Austin but is from Corpus Christi and visits friends and family in that area. She indicates that she and her family walk, bird watch, swim, fish, kite surf, and watch dolphins in the La Quinta Channel or in Ingleside Cove.

The requestor's concerns include: the amount of water; aquatic life being

trapped or killed in the intake pipe; the number of small larvae that will be sucked up, turned to sludge, and deposited into landfills; impairment of fishing; the amount of salty brine discharged from the proposed project and being mixed with wastewater from other industries; possible health effects from the chemicals used in the desalination process, including pretreatment; loss of income to those in fishing communities if aquatic life is adversely impacted; amount of power required for the operating pumps of the proposed project; use of the water; cost and who will pay; location of intake and discharge facilities.

The Executive Director concludes that the requestor's identified interests are those common to members of the general public; therefore the request does not meet the requirements of 30 Tex. Admin. Code § 55.251 because it does not identify a personal justiciable interest and the Executive Director recommends that the request be denied.

16. Ellen Honey

The requestor is concerned about the amount of power the operating pumps will require and the effect on the power grid, and the use of the water.

The Executive Director concludes that the requestor's identified interests are those common to members of the general public; therefore the request does not meet the requirements of 30 Tex. Admin. Code § 55.251 because it does not identify a personal justiciable interest and the Executive Director recommends that the request be denied.

17. Cody T. Janssen

The requestor states that he and his family fish in La Quinta Channel or in Ingleside Cove.

The requestor's concerns include: the number of small larvae which will be sucked up, turned to sludge, and deposited into landfills; impairment to fishing in the region; fishing draws tourism; and possible health effects from the chemicals used in the desalination process, including pre-treatment. The requestor questions whether the Applicant is the proper entity to be requesting the water right because private industries will be using the desalinated water.

The Executive Director concludes that the requestor's identified interests are those common to members of the general public; therefore the request does not meet the requirements of 30 Tex. Admin. Code § 55.251 because it does not identify a personal justiciable interest and the Executive Director recommends that the request be denied.

18. Uneeda Laitinen

The requestor states that she lives within one mile of La Quinta Channel. She is a birder and enjoys the wide variety of birds in the Coastal Bend, and her husband fishes and wades in the bay.

The requestor's concerns include: the amount of water; the diversion rate; aquatic life being killed in the intake pipe; the amount of power required for the operating pumps and the strain placed on the electrical grid; fish fry, crab and shrimp larva being killed in the intake pipe; impairment to fishing given the number of small larvae which will be sucked up, turned to sludge, and deposited into landfills; if the fish die, birds will also die or leave the area; possible health effects from the chemicals used in the desalination process, including pre-treatment; cost of the proposed project and who will pay for it; proposed locations of the intake and discharge; economic

impact; destruction of the ecosystem. She questions whether the Applicant is the proper entity to be requesting the water right because private industries will be using the desalinated water.

The Executive Director concludes that the requestor's identified interests are those common to members of the general public; therefore believes the request does not meet the requirements of 30 Tex. Admin. Code § 55.251 because it does not identify a personal justiciable interest and the Executive Director recommends that the request be denied.

19. Dr. Kathryn Masten

The requestor's concerns include: the proposed location of the intake and discharge facilities; the cumulative impacts of at least two other desalination plants proposed for La Quinta Ship Channel; the proposed brine management strategies of one of the other desalination plants, upstream of the Applicant's intake, because the other desalination plant will use its brine discharge to remediate the red mud beds from the former Sherwin Alumina plant, which has the potential of sending millions of gallons of polluted (radioactive) waters to the Applicant's intake; impact on the shallow bay system, particularly in La Quinta Channel; impact on recreational activities, tourism, and enjoyment of the coastal bay area. The requestor questions whether there is a need for the water and believes that industries who would use the water should locate instead in cooler climates with access to fresh water.

The Executive Director concludes that the requestor's identified interests are those common to members of the general public; therefore believes the request does not meet the requirements of 30 Tex. Admin. Code § 55.251 because it does not identify a personal justiciable interest and the Executive Director recommends that the request be denied.

20. Mary Elizabeth Mayorga

The requestor states that she loves to watch birds.

The requestor's concerns include: the amount of salty brine that will be discharged from the proposed project because it can't be good for fish or for people; if the fish die, birds will die or leave the area; possible health effects from the chemicals used in the desalination process, including pre-treatment.

The Executive Director concludes that the requestor's identified interests are those common to members of the general public; therefore the request does not meet the requirements of 30 Tex. Admin. Code § 55.251 because it does not identify a personal justiciable interest and the Executive Director recommends that the request be denied.

21. Dr. Alissa Mejia

The requestor's concerns include: the City of Corpus Christi's tourism economy; the health of the bay and all the nature and people it supports; the use of the water; the cost; the impact on wildlife and local fishing.

The Executive Director concludes that the requestor's identified interests are those common to members of the general public; therefore the request does not meet the requirements of 30 Tex. Admin. Code § 55.251 because it does not identify a personal justiciable interest and the Executive Director recommends that the request be denied.

22. Randy R. Miller

The requestor does not identify any specific concerns, but states that many issues remain unexplored which will impact those in the community and their personal lives.

The Executive Director concludes that the request does not meet the requirements of 30 Tex. Admin. Code § 55.251 because it does not identify a personal justiciable interest and the Executive Director recommends that the request be denied.

23. Chelsea Oestrick

The requestor's parents live in Ingleside on the Bay but the requestor does not. The requestor and family fish, boat, watch wildlife, and swim in the La Quinta Channel.

The requestor's concerns include: the number of small larvae which will be sucked up, turned to sludge, and deposited into landfills; impairment of fishing; degradation of the area; impact to the environment.

The Executive Director concludes that the requestor's identified interests are those common to members of the general public; therefore the request does not meet the requirements of 30 Tex. Admin. Code § 55.251 because it does not identify a personal justiciable interest and the Executive Director recommends that the request be denied.

24. Theron Oestrick

The requestor lives approximately 200 miles away from the proposed project site but visits Ingleside on the Bay frequently on fishing getaways.

The requestor's concerns include: effects of the proposed pipes; impact on the ecology of the area; effect on the local economy.

The Executive Director concludes that the requestor's identified interests are those common to members of the general public; therefore the request does not meet the requirements of 30 Tex. Admin. Code § 55.251 because it does not identify a personal justiciable interest and the Executive Director recommends that the request be denied.

25. Blanca Parkinson

The requestor frequently visits family Portland, who reside approximately 3 miles from the proposed intake.

The requestor's concerns include: the bay is surrounded by residences, parks, walking trails, bait shops, and area attractions; environmental impact will harm aquatic life, bird life, and people who rely on the bay for recreation, food and ecotourism/livelihoods; lack of information from and insufficient opportunity for public input to the Applicant; amount of energy that will be required and its impact on power in the area.

The Executive Director concludes that the request does not meet the requirements of 30 Tex. Admin. Code § 55.251 because it does not identify a personal justiciable interest; therefore the Executive Director recommends that the request be denied.

26. Alexis Rodriguez

The requestor lives 2.56 hours away from the proposed plant. The address provided with the hearing request indicates that the requestor resides in San Antonio, Texas.

The requestor's concerns include: the amount of water requested; aquatic life being trapped or killed in the intake pipe; proposed intake and discharge site

locations; harm to indigenous people.

The Executive Director concludes that the request does not meet the requirements of 30 Tex. Admin. Code § 55.251 because it does not identify a personal justiciable interest; therefore the Executive Director recommends that the request be denied.

27. Florence Tissot

The requestor lives across the bay from the proposed diversion reach and states that she uses the bay recreationally for water sports.

The requestor's concerns include: the proposed intake structure and its potential for catastrophic impact on the environment and local wildlife; negative impact on the health of the fish population, which would have a negative impact on the bird population; the power required to operate the pumps and the effect on the power grid; use of the water; location of the proposed intake and discharge structures; cost and funding.

The Executive Director concludes that the request does not meet the requirements of 30 Tex. Admin. Code § 55.251 because it does not identify a personal justiciable interest; therefore the Executive Director recommends that the request be denied.

28. Karen Jo Thorwaldson

The requestor states that she kayaks, fishes, and swims in La Quinta Channel.

The requestor's concerns include: the proposed intake structure killing fish and sealife larvae; negative impact on fish, fishing, bird populations; negative impact on tourism; effects of brine discharge on water quality; proposed location of intake and discharge facilities; cost; use of the water.

The Executive Director concludes that the request does not meet the requirements of 30 Tex. Admin. Code § 55.251 because it does not identify a personal justiciable interest; therefore the Executive Director recommends that the request be denied.

29. Misty Kay Wyatt

The requestor's concerns include the proposed location of intake and discharge facilities.

The Executive Director concludes that the request does not meet the requirements of 30 Tex. Admin. Code § 55.251 because it does not identify a personal justiciable interest; therefore the Executive Director recommends that the request be denied.

30. Luhannah Wusterhausen

The requestor opposes the proposed location of the intake structure.

The Executive Director concludes that the request does not meet the requirements of 30 Tex. Admin. Code § 55.251 because it does not identify a personal justiciable interest; therefore the Executive Director recommends that the request be denied.

V. CONCLUSION

The Executive Director respectfully recommends that the Commission deny all hearing requests and issue the permit as drafted by program staff.

Respectfully submitted,

Kelly Keel
Executive Director

Erin E. Chancellor, Director
Office of Legal Services

Charmaine Backens, Deputy Director
Environmental Law Division

by 

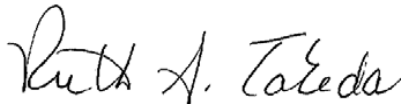
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CERTIFICATE OF SERVICE

I certify that on the 4th day of March 2024, the foregoing *Executive Director's Response to Hearing Requests* was filed electronically with the Chief Clerk of the Texas Commission on Environmental Quality in Austin, Texas, and that a true and correct copy was delivered as indicated to the persons on the attached Mailing List.

A handwritten signature in black ink that reads "Ruth A. Takeda". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Ruth Ann Takeda, Staff Attorney
Environmental Law Division
Texas Commission on Environmental Quality

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Water Use Permit Application No. WRPERM 13675
TCEQ Docket No. 2023-1664-WR

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Aransas Pass TX 78336-5326


Attachment A

City of Corpus Christi

 Application No. 13675

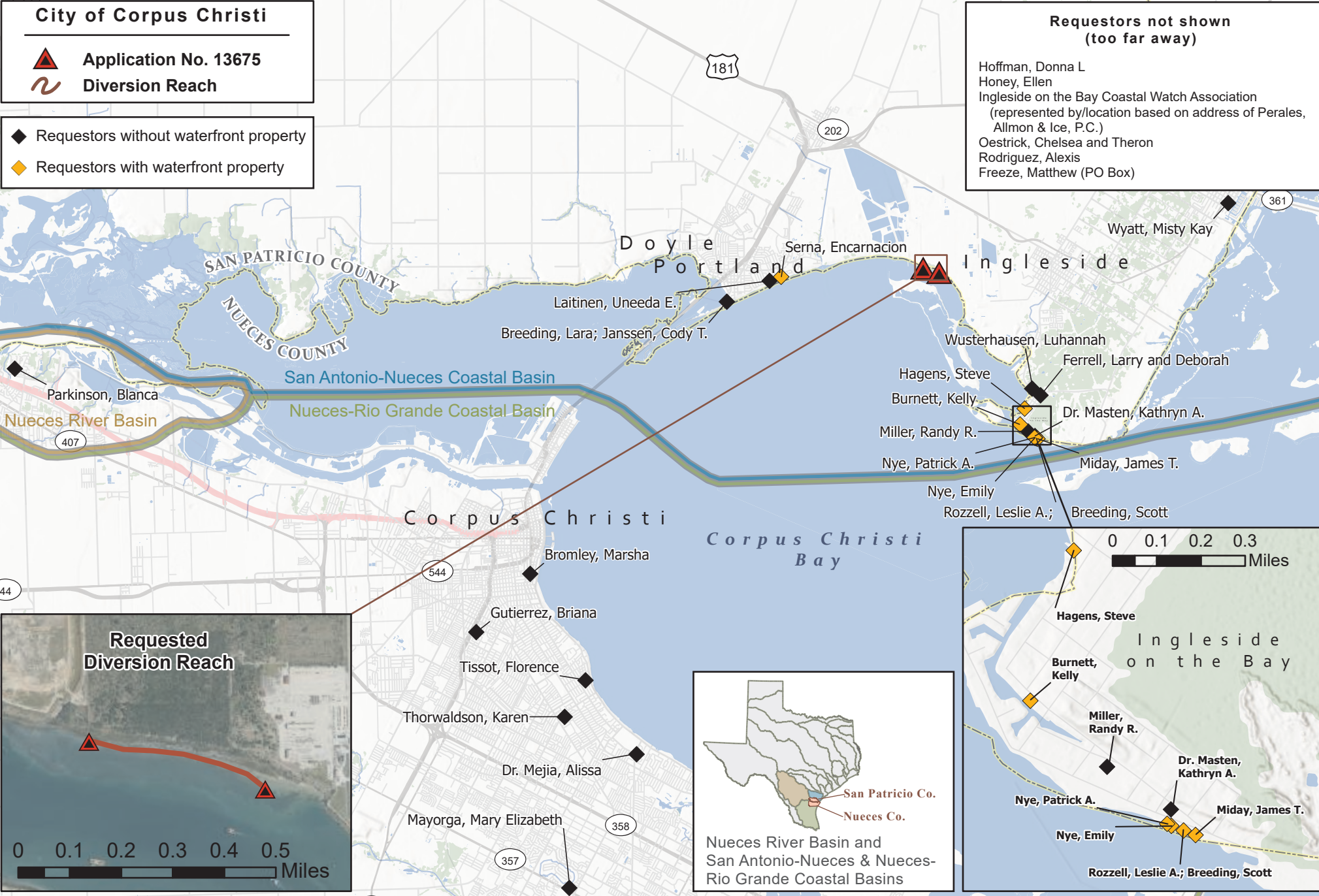
 Diversion Reach

 Requestors without waterfront property

 Requestors with waterfront property

Requestors not shown
(too far away)

Hoffman, Donna L
Honey, Ellen
Ingleside on the Bay Coastal Watch Association
(represented by/location based on address of Perales,
Allmon & Ice, P.C.)
Oestrick, Chelsea and Theron
Rodriguez, Alexis
Freeze, Matthew (PO Box)



This map was generated by the Water Availability Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Water Availability Division at (512)239-4600.

