

TCEQ DOCKET NO. 2024-1227-IWD

APPLICATION BY CORPUS CHRISTI	§	BEFORE THE TEXAS
POLYMERS LLC	§	
FOR RENEWAL OF	§	COMMISSION ON
TPDES PERMIT NO.	§	
WQ0005019000	§	ENVIRONMENTAL QUALITY

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EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS and  
REQUEST FOR RECONSIDERATION

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**I. INTRODUCTION**

The Executive Director of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Hearing Requests on the application by Corpus Christi Polymers, LLC (CC Polymers) for renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ005019000. The Office of the Chief Clerk received timely contested case hearing requests from Brandon Marks, Elida Castillo, Ann Margaret Duran, George Wiltshire Gardiner, Isabel Araiz Ortiz, Blanca Parkinson, Errol Summerlin, Chloe Torres, Love Sanchez, Tommy Joe Rogers, Daniel Pena, Lamont C. Taylor, Texas Campaign for the Environment, Costal Alliance to Protect the Environment, For the Greater Good, and Hillcrest Residents Association.

The Executive Director recommends that the Commission deny all hearing requests and the Request for Reconsideration.

Attached for Commission consideration is a satellite map of the area showing the locations of the facility and requestors.

**II. FACILITY DESCRIPTION**

Corpus Christi Polymers, which proposes to operate the Corpus Christi Polymers Plant, a plastic resins manufacturing facility, applied for a renewal of TPDES Permit No. WQ0005019000 to authorize the addition of process wastewater to Outfall 001. The facility is not in operation. The draft permit authorizes the discharge of reverse osmosis reject water, filter backwash, previously monitored effluents [process wastewater, utility wastewater, fire system (testing and flushing) water, and stormwater from Internal Outfall 101; and treated domestic wastewater from Internal Outfall 201], fire system (testing and flushing) water, utility wastewaters, and stormwater at a daily average flow not to exceed 38,500,000 gallons per day via Outfall 001.

The Executive Director sent the draft permit package to EPA for review on September 20, 2022, and received an interim objection from EPA on November 18, 2022. Based on discussions with EPA, the revised draft permit includes monitoring requirements for total dissolved solids, chloride, and sulfate, as well as a condition requiring Corpus Christi Polymers to submit semi-annually effluent salinity and flow

data to TCEQ for review (with a copy to the EPA) once discharge commences. EPA withdrew its interim objection on December 28, 2023.

The facility is located at 7001 Joe Fulton International Trade Corridor, in the City of Corpus Christi, Nueces County, Texas 78409. The effluent will be discharged directly to Corpus Christi Inner Harbor Segment No. 2484 of the Bays and Estuaries. The designated uses for Segment No. 2484 are non-contact recreation and intermediate aquatic life use.

### **III. PROCEDURAL BACKGROUND**

The TCEQ received the application on December 1, 2021, and declared it administratively complete on February 10, 2022. The Executive Director completed the technical review of the application on March 11, 2022, and prepared a draft permit.

Corpus Christi Polymers published the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) in the *Corpus Christi Caller Times* on February 22, 2022, and the Notice of Application and Preliminary Decision (NAPD) in the *Corpus Christi Caller Times* on August 16, 2022. Corpus Christi Polymers published the NORI in Spanish in the *La Prensa Comunidad* on February 22, 2022, and the NAPD in Spanish on August 16, 2022, also in the *La Prensa Comunidad*.

Corpus Christi Polymers published a Notice of Public Meeting in English on January 22, 2023, in the *Corpus Christi Caller Times* and in Spanish on January 24, 2023, in *La Prensa Comunidad*. A Public Meeting was held at the Holiday Inn Corpus Christi Airport & Convention Center, 5549 Leopard St., Corpus Christi, TX 78408 on February 23, 2023; the comment period ended at the close of the public meeting. The Executive Director's Response to Public Comment (RTC) was filed on May 29, 2024, and the time for filing Requests for a Hearing or a Request for Reconsideration (RFR) ended on July 8, 2024. This application was filed on or after September 1, 2015; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill (HB) 801, 76th Legislature (1999), and Senate Bill (SB) 709, 84th Legislature (2015), both implemented by the Commission in its rules in 30 TAC Chapters 39, 50, and 55.

### **IV. EVALUATION OF HEARING REQUESTS**

HB 801 established statutory procedures for public participation in certain environmental permitting proceedings, specifically regarding public notice and public comment and the Commission's consideration of hearing requests. SB 709 revised the requirements for submitting public comment and the Commission's consideration of hearing requests. The evaluation process for hearing requests is as follows:

#### **A. Response to Requests**

The Executive Director, the Public Interest Counsel, and the Applicant may each submit written responses to a hearing request.<sup>1</sup>

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<sup>1</sup> 30 Texas Administrative Code (TAC) Section (§) 55.209(d).

Responses to hearing requests must specifically address:

- (1) whether the requestor is an affected person;
- (2) whether issues raised in the hearing request are disputed;
- (3) whether the dispute involves questions of fact or law;
- (4) whether the issues were raised during the public comment period;
- (5) whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter by filing a written withdrawal letter with the chief clerk prior to the filing of the ED's Response to Comment;
- (6) whether the issues are relevant and material to the decision on the application; and
- (7) a maximum expected duration for the contested case hearing.<sup>2</sup>

## **B. Hearing Request Requirements**

For the Commission to consider a hearing request, the Commission must first determine whether the request meets certain requirements:

A request for a contested case hearing by an affected person must be in writing, filed with the chief clerk within the time provided . . . , based only on the requester's timely comments, and not based on an issue that was raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the ED's Response to Comment.<sup>3</sup>

A hearing request must substantially comply with the following:

- (1) give the name, address, telephone number, and where possible, fax 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 is responsible for receiving all official communications and documents for the group;
- (2) identify the person's 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 facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the facility or activity in a manner not common to members of the general public;
- (3) request a contested case hearing;
- (4) list all relevant and material disputed issues of fact that were raised during

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<sup>2</sup> 30 Texas Administrative Code (TAC) Section (§) 55.209(e).

<sup>3</sup> 30 TAC § 55.201(c).

the public comment period and that are the basis of the hearing request. To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the ED's responses to comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law; and

(5) provide any other information specified in the public notice of application.<sup>4</sup>

### **C. Requirement that Requestor be an Affected Person**

To grant a contested case hearing, the Commission must determine that a requestor is an "affected person" by conducting the following analysis:

- (a) For any application, 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. An interest common to members of the public does not qualify as a personal justiciable interest.
- (b) Governmental entities, including local governments and public agencies with authority under state law over issues raised by the application, may be considered affected persons.
- (c) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:
  - (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 and safety of the person, and on the 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) whether the requester timely submitted comments on the application which were not withdrawn; and
  - (7) for governmental entities, their statutory authority over or interest in the issues relevant to the application.
- (d) In making this determination, the commission may also consider, to the extent consistent with case law:

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<sup>4</sup> 30 TAC § 55.201(d).

- (1) the merits of the underlying application and supporting documentation in the commission's administrative record, including whether the application meets the requirements for permit issuance;
- (2) the analysis and opinions of the Executive Director; and
- (3) any other expert reports, affidavits, opinions, or data submitted by the ED, the applicant, or hearing requestor.<sup>5</sup>

Under 30 TAC § 55.205(a), a group or association may request a contested case hearing only if the group or association meets the following requirements:

- (1) one or more members of the group or association would otherwise have standing to request a hearing in their own right;
- (2) the interests the group or association seeks to protect are germane to the organization's purpose; and
- (3) neither the claim asserted nor the relief requested requires the participation of the individual members in the case.<sup>6</sup>

Additionally, for applications filed on or after September 1, 2015, a hearing request by a group or association for a contested case may not be granted unless all of the following requirements are met:

- (1) comments on the application are timely submitted by the group or association;
- (2) the request identifies, by name and physical address, one or more members of the group or association that would otherwise have standing to request a hearing in their own right;
- (3) the interests the group or association seeks to protect are germane to the organization's purpose; and
- (4) neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

#### **D. Referral to the State Office of Administrative Hearings**

When the Commission grants a request for a contested case hearing, the Commission shall issue an order specifying the number and scope of the issues to be referred to State Office of Administrative Hearing (SOAH) for a hearing.<sup>7</sup> The Commission may not refer an issue to SOAH for a contested case hearing unless the commission determines that the issue:

- (1) involves a disputed question of fact or a mixed question of law and fact;

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<sup>5</sup> 30 TAC § 55.203(a)-(d).

<sup>6</sup> 30 TAC § 55.205(a)(1)-(3).

<sup>7</sup> 30 TAC § 50.115(b).

- (2) was raised during the public comment period by an affected person; and
- (3) is relevant and material to the decision on the application.<sup>8</sup>

## **V. ANALYSIS OF THE HEARING REQUESTS**

For this permit application, the relevant public comment period ended on February 23, 2023, and the time for filing Requests for a Hearing or a Request for Reconsideration (RFR) ended on July 8, 2024. The Executive Director's analyses determined whether the Requests followed TCEQ rules, if the requestors qualify as affected persons, what issues may be referred for a possible hearing, and the length of that hearing.

As discussed above, Corpus Christi Polymers applied for a renewal of its existing permit. 30 TAC § 55.201(i)(5)(B) provides that there is not a right for a contested case hearing for an application under Chapter 26 of the Texas Water Code if "the activity to be authorized by the renewal or amended permit will maintain or improve the quality of waste authorized to be discharged. . ." The compliance history for the period September 1, 2016 to August 31, 2021 indicates that Corpus Christi Polymers has a "high" compliance history.

The Executive Director recommends the Commission find that, because the application is for a renewal of an existing permit, there is no right to a contested case hearing.

### **A. Whether the Request Complied with 30 TAC §§ 55.201(c) and (d), 55.203 and 55.205(b).**

#### **1. *Persons the Executive Director recommends the Commission find to be Affected Persons***

The Executive Director recommends that the Commission find that none of the hearing requesters are affected persons.

#### **2. *Persons the Executive Director recommends the Commission find are not Affected Persons***

#### ***Brandon Marks***

Mr. Marks submitted timely comments and a hearing request which included his name, address, and phone number pursuant to 30 TAC § 55.201(d). In his hearing request the address he provided was an address for a property located more than three miles from the proposed wastewater treatment facility. Mr. Marks raised general concerns over plastic pollution, TCEQ's role in protecting the local communities from industrial pollution, and the discharge of brine.

Under 30 TAC § 55.201(d)(2), hearing requests must identify a person's personal justiciable interest affected by the application, the location of the requestor's interests,

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<sup>8</sup> 30 TAC § 50.115(c).

and an explanation as to why that person believes they will be affected by the application in ways not common to members of the general public. Mr. Mark's request did not provide any information related to these requirements.

Therefore, if the Commission determines that there is a right to a hearing, the Executive Director respectfully recommends that the Commission deny Mr. Marks's hearing request as he did not substantially comply with the requirements of 30 TAC § 55.201(d)(2).

***Elida Castillo***

Ms. Castillo submitted timely comments and a hearing request which included her name, address, and phone number pursuant to 30 TAC § 55.201(d). In her hearing request the address she provided was an address for a property located more than three miles from the proposed wastewater treatment facility. Ms. Castillo's hearing request did not raise any issues. Therefore, if the Commission determines that there is a right to a hearing, the Executive Director respectfully recommends that the Commission deny Ms. Castillo's hearing request as she did not substantially comply with the requirements of 30 TAC § 55.201(d)(2).

***Ann Margaret Duran***

Ms. Duran submitted timely comments and a hearing request which included her name, address, and phone number pursuant to 30 TAC § 55.201(d). In her hearing request the address she provided was an address for a property located more than three miles from the proposed wastewater treatment facility. Ms. Duran raised general concerns over the discharge of brine, the classification of the facility as a minor facility, cumulative impacts, compliance with CWA § 316(b) requirements, plastic pollution, negative impact to fish and wildlife, negative impact to recreation; negative impact to human health, government transparency, and negative impact to tourism.

Under 30 TAC § 55.201(d)(2), hearing requests must identify a person's personal justiciable interest affected by the application, the location of the requestor's interests, and an explanation as to why that person believes they will be affected by the application in ways not common to members of the general public. Ms. Duran's request did not provide any information related to these requirements.

Therefore, if the Commission determines that there is a right to a hearing, the Executive Director respectfully recommends that the Commission deny Ms. Duran's hearing request as she did not substantially comply with the requirements of 30 TAC § 55.201(d)(2).

***George Wiltshire Gardiner***

Mr. Gardiner submitted timely comments and a hearing request which included his name, address, and phone number pursuant to 30 TAC § 55.201(d). In his hearing request the address he provided was an address for a property located more than three miles from the proposed wastewater treatment facility. Mr. Gardiner raised a

general concern regarding: the negative impact wildlife.

Under 30 TAC § 55.201(d)(2), hearing requests must identify a person's personal justiciable interest affected by the application, the location of the requestor's interests, and an explanation as to why that person believes they will be affected by the application in ways not common to members of the general public. Mr. Gardiner's request did not provide any information related to these requirements.

Therefore, if the Commission determines that there is a right to a hearing, the Executive Director respectfully recommends that the Commission deny Mr. Gardiner's hearing request as he did not substantially comply with the requirements of 30 TAC § 55.201(d)(2).

***Isabel Araiz Ortiz***

Ms. Ortiz submitted timely comments and a hearing request which included her name, and address, pursuant to 30 TAC § 55.201(d). In her hearing request the address she provided was an address for a property located more than three miles from the proposed wastewater treatment facility. Ms. Ortiz raised a general concern regarding the quality of life and the negative impact to human health.

Under 30 TAC § 55.201(d)(2), hearing requests must identify a person's personal justiciable interest affected by the application, the location of the requestor's interests, and an explanation as to why that person believes they will be affected by the application in ways not common to members of the general public. Ms. Ortiz's request did not provide any information related to these requirements.

Therefore, if the Commission determines that there is a right to a hearing, the Executive Director respectfully recommends that the Commission deny Ms. Ortiz's hearing request as she did not substantially comply with the requirements of 30 TAC § 55.201(d)(2).

***Blanca Parkinson***

Ms. Parkinson submitted timely comments and a hearing request which included her name, and address, pursuant to 30 TAC § 55.201(d). In her hearing request the address she provided was an address for a property located more than three miles from the proposed wastewater treatment facility. Ms. Parkinson raised a general concern regarding the cumulative adverse impacts of the brine discharge.

Under 30 TAC § 55.201(d)(2), hearing requests must identify a person's personal justiciable interest affected by the application, the location of the requestor's interests, and an explanation as to why that person believes they will be affected by the application in ways not common to members of the general public. Ms. Parkinson's request did not provide any information related to these requirements.

Therefore, if the Commission determines that there is a right to a hearing, the Executive Director respectfully recommends that the Commission deny Ms. Parkinson's



hearing request as she did not substantially comply with the requirements of 30 TAC § 55.201(d)(2).

***Chloe Torres***

Ms. Torres submitted timely comments and a hearing request which included her name, and address, pursuant to 30 TAC § 55.201(d). In her hearing request the address she provided was an address for a property located more than three miles from the proposed wastewater treatment facility. Ms. Torres raised a general concern regarding the cumulative adverse impacts of the brine discharge.

Under 30 TAC § 55.201(d)(2), hearing requests must identify a person's personal justiciable interest affected by the application, the location of the requestor's interests, and an explanation as to why that person believes they will be affected by the application in ways not common to members of the general public. Ms. Torres request did not provide any information related to these requirements.

Therefore, if the Commission determines that there is a right to a hearing, the Executive Director respectfully recommends that the Commission deny Ms. Torres' hearing request as she did not substantially comply with the requirements of 30 TAC § 55.201(d)(2).

***Love Sanchez***

Ms. Sanchez submitted timely comments and a hearing request which included her name, and address, pursuant to 30 TAC § 55.201(d). Ms. Sanchez did not provide a street address; she only provided a P.O. Box address. Ms. Sanchez raised a general concern regarding the cumulative adverse impacts of the brine discharge.

Under 30 TAC § 55.201(d)(2), hearing requests must identify a person's personal justiciable interest affected by the application, the location of the requestor's interests, and an explanation as to why that person believes they will be affected by the application in ways not common to members of the general public. Ms. Sanchez request did not provide any information related to these requirements.

Therefore, if the Commission determines that there is a right to a hearing, the Executive Director respectfully recommends that the Commission deny Ms. Sanchez's hearing request as she did not substantially comply with the requirements of 30 TAC § 55.201(d)(2).

***For the Greater Good (FTGG)***

According to FTGG's hearing request, FTGG is a grassroots social and environmental justice advocacy organization. FTGG "encourages and advocates for social change regarding the use of public spaces and public resources, and seeks to protect public resources and spaces from environmental degradation, while voicing the local community's concerns in local, state, and national level decision-making

processes.”<sup>9</sup> FTGG relies on Tommy Joe Rogers and Daniel Peña as members of FTGG that would have standing to request a hearing in their own right.

The rules governing associational standing for a group or association require, among other things, that for applications filed on or after September 1, 2015, all of the following requirements must be met: (1) comments on the application must have been timely submitted by the group or association; (2) the request must identify, by name and physical address, one or more members of the group or association that would otherwise have standing to request a hearing in their own right; (3) the interests the group or association seeks to protect must be germane to the organization's purpose; and (4) neither the claim asserted nor the relief requested requires the participation of the individual members in the case.<sup>10</sup>

### ***Tommy Joe Rogers***

According to FTGG’s hearing request, Tommy Joe Rogers would have standing in his own right because he has economic and recreational interests in fishing and crabbing downstream of the discharge. According to FTGG’s hearing request, Mr. Rogers has been fishing at the canal adjacent to G&H Dock Corpus Christi, for at least 23 years. Mr. Rogers currently fishes at that location at least once a week, weather permitting, and enjoys the Red Drum and crab that he catches. FTGG asserts that Mr. Rogers would be harmed recreationally by losing his favorite fishing spot and economically because he would have to purchase fish instead of catching fish. Based on the available information, the location where Mr. Rogers fishes is open to the public and is a considerable distance from the proposed wastewater treatment facility. Additionally, according to the address provided, Mr. Rogers resides more than three miles from the proposed wastewater treatment plant.

The Executive Director recommends the Commission find that Tommy Joe Rogers **did not** demonstrate that he would not have standing in his own right.

### ***Daniel Peña***

According to FTGG’s hearing request, Mr. Peña would have standing in his own right because he enjoys taking his grandchildren to fish from the seawall near the inner harbor. According to FTGG’s hearing request, Mr. Peña is concerned that the discharge from the Corpus Christi Polymers desalination facility will continue to degrade the water quality in the area. Based on the available information, the location where Mr. Peña and his grandchildren fish is open to the public and is a considerable distance from the proposed wastewater treatment facility. Additionally, according to the addresses provided, Mr. Peña resides more than three miles from the proposed wastewater treatment plant.

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<sup>9</sup> Hearing Requests and Request for Reconsideration regarding the application of Corpus Christi Polymers LLC for Renewal of TPDES permit No. WQ0005019000 (EPA ID No. TX0134635) submitted to TCEQ on July 5, 2024.

<sup>10</sup> 30 TAC § 55.205(b).

The Executive Director recommends the Commission find that Daniel Peña **did not** demonstrate that he is an affected person.

Because neither Tommy Joe Rogers nor Daniel Peña would have standing in their own right, the Executive Director recommends the commission find FTGG did not meet the requirements for associational standing and deny its hearing request.

### ***Texas Campaign for the Environment (TCE)***

According to TCE's hearing requests, TCE "is a non-profit organization, whose mission is to empower Texas to fight pollution through sustained grassroots organizing campaigns that shift corporate and governmental policy." According to TCE its interest is relevant to its purpose, and neither the claims asserted or the relief requested requires the participation of individual members. TCE identified Tommy Joe Rogers and Daniel Peña as members who would have standing in their own right.

As discussed above because neither Tommy Joe Rogers nor Daniel Peña would have standing in their own right, the Executive Director recommends the commission find TCE did not meet the requirements for associational standing and deny its hearing request.

Because neither Tommy Joe Rogers nor Daniel Peña would have standing in their own right, the Executive Director recommends the commission find TCE did not meet the requirements for associational standing and deny its hearing request.

### ***Costal Alliance to Protect the Environment (CAPE)***

According to its hearing request, CAPE is "an umbrella grassroots alliance of 23 organizations, many of which are local grassroots organizations and NGOs." CAPE did not identify a member that would have standing in their own right, thus the Executive Director recommends the commission find CAPE did not meet the requirements for associational standing and deny its hearing request.

Because CAPE did not identify a member that would have standing in their own right, the Executive Director recommends the commission find CAPE did not meet the requirements for associational standing and deny its hearing request.

### ***Hillcrest Residents Association***

Lamont C. Taylor requested a contested case hearing on behalf of the Hillcrest Resident Association; however, Mr. Taylor did not identify any issues or a member who would have standing in their own right.

Because the Hillcrest Residents Association did not identify a member that would have standing in their own right, the Executive Director recommends the commission find the Hillcrest Residents Association did not meet the requirements for associational standing and deny its hearing request.

**B. Whether the Issues the Requestors Raised are Referable to the State Office of Administrative Hearings (SOAH).**

The Executive Director has analyzed issues raised in accordance with the regulatory criteria.

All issues were raised during the public comment period and addressed in the Executive Director's Response to Comments. None of the issues were withdrawn. For applications submitted on or after September 1, 2015, only those issues raised in a timely comment by a requester whose request is granted may be referred.<sup>11</sup> The issues raised for this application and the Executive Director's analysis and recommendations follow in the event the Commissioners grant any of the hearing requests:

**Issue 1. Whether the Executive Director's review of the application was complete. (RTC Comments 3, 9, 10, 11, 17, 22, 23)**

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, if the Commission grants any of the hearing requests, the Executive Director recommends the Commission refer this issue to SOAH.

**Issue 2. Whether the discharge will adversely affect aquatic life. (RTC Comments 4, 5, 24, 29)**

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the Executive Director recommends the Commission refer this issue to SOAH.

**Issue 3. Whether the draft permit will adequately protect the receiving water from plastic pollution in accordance with TCEQ rules. (RTC Comment 12)**

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the Executive Director recommends the Commission refer this issue to SOAH.

**Issue 4: Whether the draft permit will adequately protect human health. (RTC Comment 27)**

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the Executive Director recommends the Commission refer this issue to SOAH.

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<sup>11</sup> Tx. Govt. Code § 2003.047(e-1); 30 TAC § 55.211(c)(2)(A)(ii).

**Issue 5: Whether the draft permit will adequately protect recreation uses of Corpus Christi Inner Harbor. (RTC Comment 26)**

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. Therefore, the Executive Director recommends the Commission refer this issue to SOAH.

**Issue 6: Whether the draft permit unfairly burdens disadvantaged minority communities. (RTC Comment 15)**

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn; however, it is not relevant and material to the issuance of the draft permit. Therefore, the Executive Director recommends the Commission not refer this issue to SOAH.

**Issue 9: Whether the Executive Director’s review of the application complies with the Texas Open Meetings Act. (RTC Comment 28)**

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn; however, it is not relevant and material to the issuance of the draft permit. Therefore, the Executive Director recommends the Commission not refer this issue to SOAH.

**Issue 10: Whether TCEQ is doing its due diligence in protecting the local communities. (RTC Comment 18)**

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn; however, it is not relevant and material to the issuance of the draft permit. Therefore, the Executive Director recommends the Commission not refer this issue to SOAH.

**Issue 11: Whether the draft permit will negatively impact air quality. (RTC Comment 25)**

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn; however, it is not relevant and material to the issuance of the draft permit. Therefore, the Executive Director recommends the Commission not refer this issue to SOAH.

**VI. CONTESTED CASE HEARING DURATION**

If the Commission grants a contested case hearing on this application, the Executive Director recommends that the duration of the contested case hearing be 180 days from the preliminary hearing to the presentation of a Proposal for Decision to the Commission.

## **VII. REQUEST FOR RECONSIDERATION**

TCEQ's rules provides that the request for reconsideration must expressly state that the person is requesting reconsideration of the Executive Director's decision and provide reasons why the decision should be reconsidered. 30 TAC § 55.201(e). After reviewing the Requests for Reconsideration, the Executive Director did not see any cause for changing the draft permit or any issues that were not addressed in the ED's RTC. Therefore, the ED recommends the Commissioners deny the Request for Reconsideration.

## **VIII. EXECUTIVE DIRECTOR'S RECOMMENDATION**

The Executive Director recommends the following actions by the Commission:

1. Deny all Hearing Requests
2. Should the Commission decide to refer this case to SOAH:
  - a. refer case to Alternative Dispute Resolution for a reasonable time; and
  - b. refer the following issues to SOAH for a contested case hearing:
    - Issue 1.** Whether the Executive Director's review of the application was complete.
    - Issue 2.** Whether the discharge will adversely affect aquatic life.
    - Issue 3.** Whether the draft permit will adequately protect the receiving water from plastic pollution in accordance with TCEQ rules.
    - Issue 4:** Whether the draft permit will adequately protect human health.
    - Issue 5:** Whether the draft permit will adequately protect recreation uses of Corpus Christi Inner Harbor.

Respectfully submitted,

Texas Commission on Environmental  
Quality

Kelly Keel, Executive Director

Charmaine Backens, Interim Director  
Office of Legal Services  
Charmaine Backens, Deputy Director  
Environmental Law Division



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### **CERTIFICATE OF SERVICE**

I certify that on September 27, 2024, the Executive Director's Response to Hearing Requests for TPDES Permit No. WQ0005019000 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk, and a copy was served to all persons listed on the attached mailing list via hand delivery, electronic delivery, inter-agency mail, or by deposit in the U.S. Mail.



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Kathy Humphreys, Staff Attorney  
Environmental Law Division

# Attachment A



# Corpus Christi Polymers

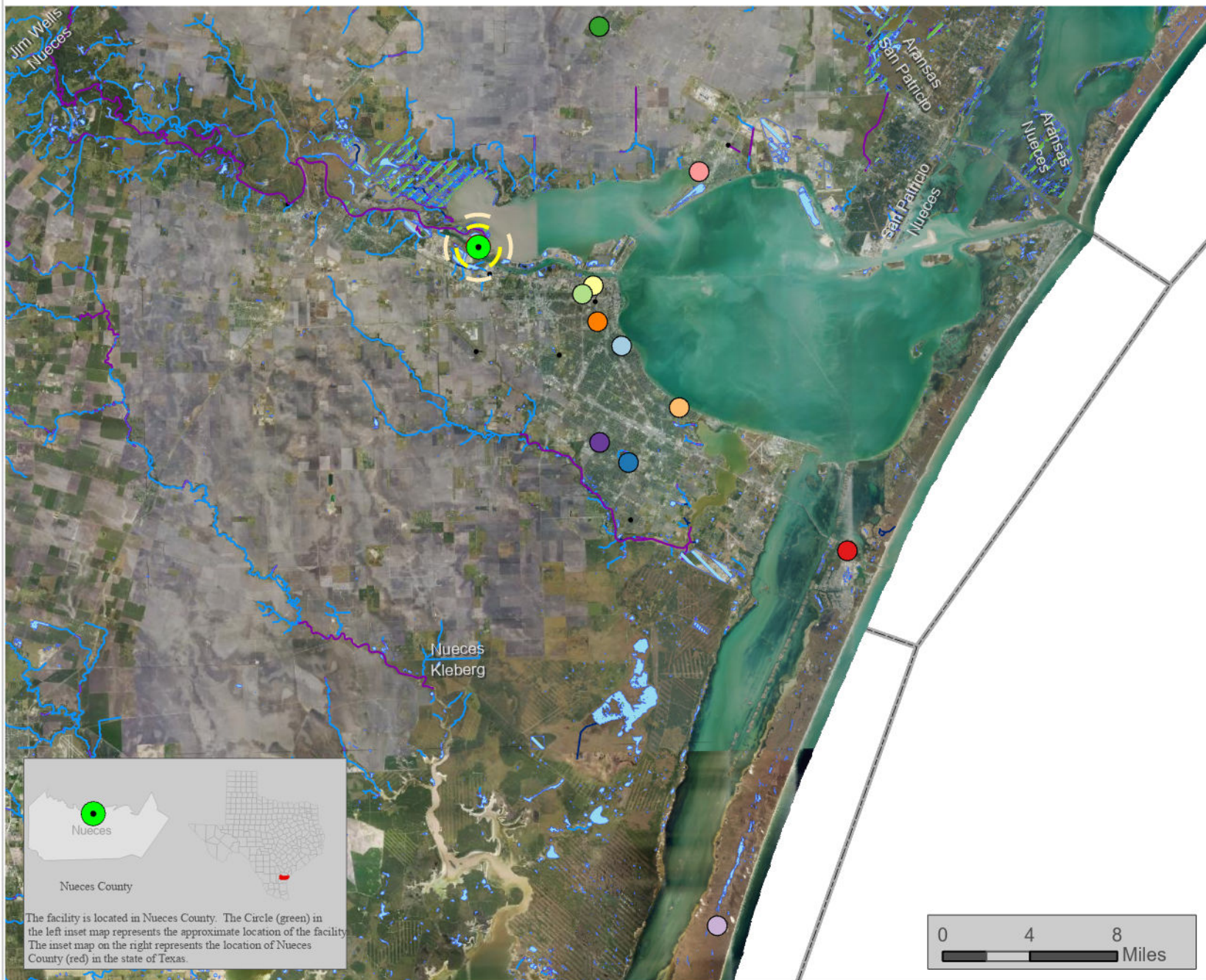
## TPDES Permit No. WQ0005019000

Map Requested by TCEQ Office of Legal Services  
for Commissioners' Agenda



*Protecting Texas by  
Reducing and  
Preventing Pollution*

Texas Commission on Environmental Quality  
GIS Team (Mail Code 197)  
P.O. Box 13087  
Austin, Texas 78711-3087  
Date: 8/23/2024  
CRF 0110222  
Cartographer: MAttoh



- Facility Point
- Brandon Marks & Blanca Parkinson
- Chloe Torres
- Daniel Pena
- Elida Castillo
- Errol Summerlin
- George Gardiner
- Isabel Araiz Ortiz
- Lamont C. Taylor
- Lamont Taylor
- Margaret Ann Duran
- Tommy Joe Rodgers
- 0.5 Miles From Facility Point
- 1.0 Miles From Facility Point
- 1.5 Miles From Facility Point



The facility is located in Nueces County. The Circle (green) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Nueces County (red) in the state of Texas.



Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor.

This map was generated by the Information Resources 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 Information Resource Division at (512) 239-0800.

# Corpus Christi Polymers

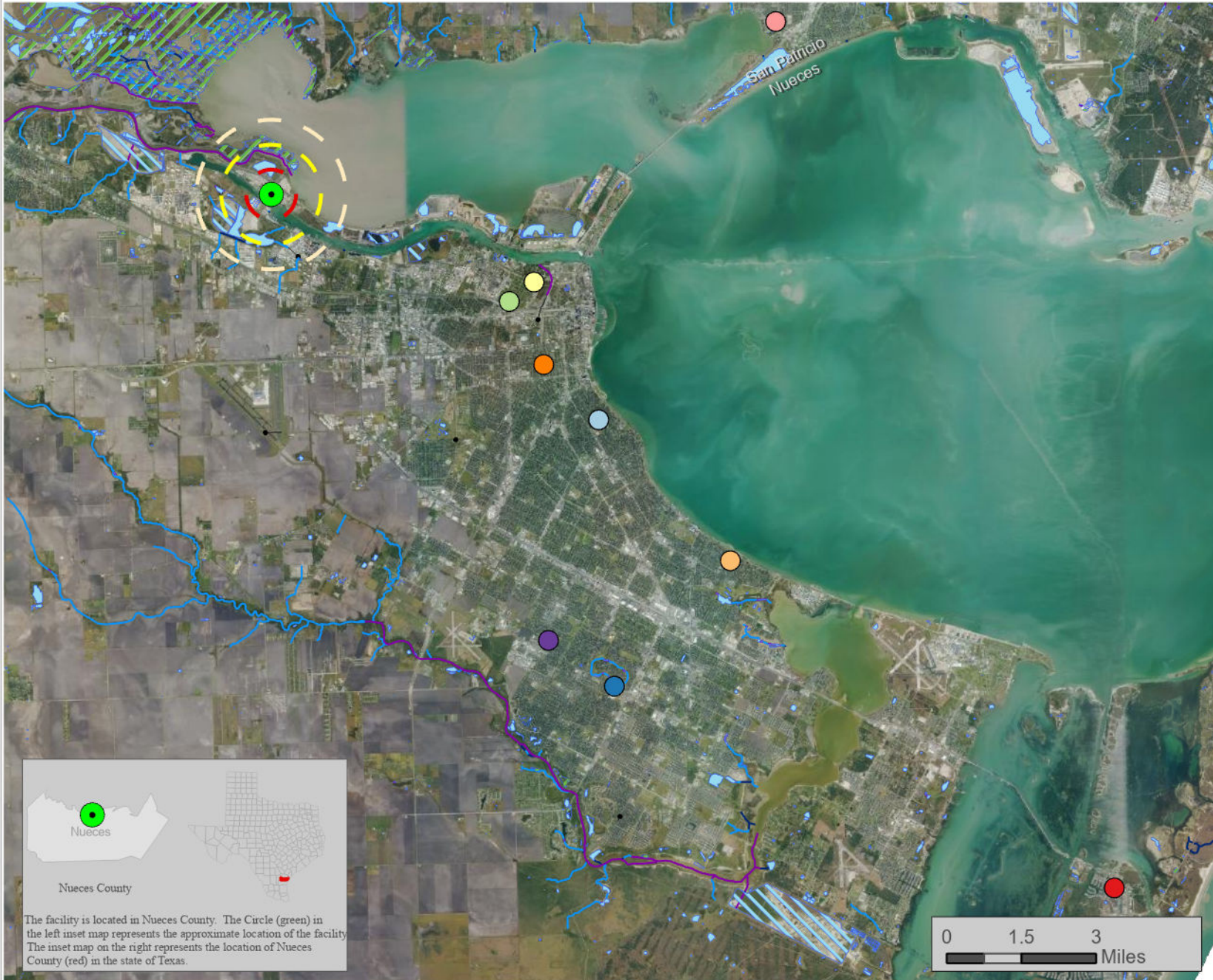
## TPDES Permit No. WQ0005019000

Map Requested by TCEQ Office of Legal Services  
for Commissioners' Agenda

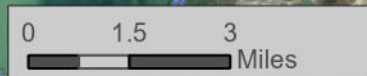
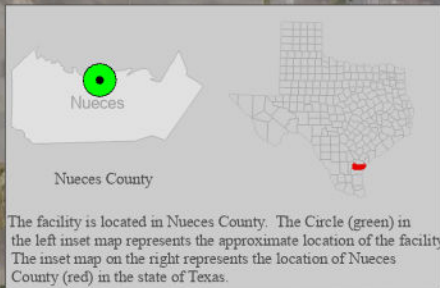


*Protecting Texas by  
Reducing and  
Preventing Pollution*

Texas Commission on Environmental Quality  
GIS Team (Mail Code 197)  
P.O. Box 13087  
Austin, Texas 78711-3087  
Date: 8/23/2024  
CRF 0110222  
Cartographer: MAttoh



- Facility Point
- Brandon Marks & Blanca Parkinson
- Chloe Torres
- Daniel Pena
- Elida Castillo
- Errol Summerlin
- George Gardiner
- Isabel Araiz Ortiz
- Lamont C. Taylor
- Lamont Taylor
- Margaret Ann Duran
- Tommy Joe Rodgers
- ┌ 0.5 Miles From Facility Point
- ┌ 1.0 Miles From Facility Point
- ┌ 1.5 Miles From Facility Point



Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor.

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TCEQ Docket No. 2024-1227-IWD; Permit No. WQ0005019000

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<https://www.tceq.texas.gov/goto/efilings>

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See attached list.

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