

**TCEQ DOCKET NO. 2024-1229-IWD**

**APPLICATION BY** § **BEFORE THE TEXAS COMMISSION**  
**MOTIVA ENTERPRISES LLC** §  
**FOR RENEWAL TPDES PERMIT** § **ON**  
**NO. WQ0003057000** § **ENVIRONMENTAL QUALITY**

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**MOTIVA ENTERPRISES LLC’S RESPONSE TO  
REQUESTS FOR CONTESTED CASE HEARING**

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Motiva Enterprises LLC (“Motiva”) submits this Response to the Requests for Contested Case Hearing submitted in connection with the above-captioned permitting matter and would respectfully show the Texas Commission on Environmental Quality (the “Commission” or “TCEQ”) the following:

On June 19, 2023, Motiva filed a timely application to renew Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0003057000 (the “Permit”), which will authorize the continued discharge of wastewater from its existing chemical manufacturing facility, Port Arthur Chemicals, located at 4241 Savannah Avenue, in the City of Port Arthur, Jefferson County, Texas 77640. Motiva’s application seeks to renew the Permit, with no changes to any permit condition or limit—Motiva is not seeking any amendments to the quantity of wastewater to be discharged or to the pattern or place of such discharge.

Following the notice of the application and preliminary decision mailed on March 14, 2024 and published in English on March 30, 2024, in the *Port Arthur News* and in Spanish on March 28, 2024, in the *El Perico* Hispanic Newspaper, Mr. John Beard Jr., Mr. Ricky Espree Sr., and Mr. Gregory Richard (collectively, “Requestors”) timely submitted comments and requests for “public hearing/meeting” on Motiva’s Permit in April 2024. In the Executive Director’s Response to

Comments dated May 28, 2024, all public comments were addressed, including Mrs. Frederick Davis' comments. No further filings were made by Requestors following the Chief Clerk's transmittal of the Executive Director's Response to Public Comments ("RTC").

Because Motiva's Permit is being renewed without amendment and all relevant factors under 30 TEX. ADMIN. CODE ("TAC") § 55.201(i)(5) are met, including a compliance history which raises no issues regarding the applicant's ability to comply with a permit material term, there is no right to a contested case hearing. TEX. WATER CODE ("TWC") § 26.028(d).

Furthermore, the Requestors have not alleged a personal justiciable interest not common to the general public that would confer "affected person" status under Texas law. TWC § 5.115(a); 30 TAC § 55.203(a). Accordingly, none of the Requestors have demonstrated their affectedness sufficient to confer party status in a contested case hearing.

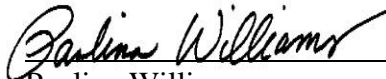
And finally, the Requestors have raised issues related almost exclusively to air quality permitting, which are not relevant or material to the Commission's decision on this TPDES permit renewal. The Commission may not refer an issue to the State Office of Administrative Hearings ("SOAH") unless it determines that the issue involves a disputed question of fact, was raised during the public comment period, and is relevant and material to the Commission's decision on the application. TWC §§ 5.556<sup>1</sup>; 5.115; 30 TAC § 55.201(d). Accordingly, the hearing requests should further be denied because they seek resolution of issues that are irrelevant to the Commission's decision.

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<sup>1</sup> Motiva's renewal application was filed on June 19, 2023 and is accordingly subject to Senate Bill 709; TEX. GOV'T CODE § 2003.047(e-1) establishes that a list of disputed issues for referral to SOAH must (1) be detailed and complete; and (2) contain either (A) only factual questions; or (B) mixed questions of fact and law.

For the reasons set forth above, Motiva respectfully urges the Commission to deny the hearing requests, adopt the Executive Director's RTC, approve Motiva's renewal application and renew Permit No. WQ0003057000.

Respectfully submitted,

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***ATTORNEY FOR APPLICANT  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motiva Enterprises LLC's Response to Requests for Contested Case Hearing has been e-filed and served on the following counsel/persons by regular and/or electronic mail on this 16th day of September 2024.

**FOR THE EXECUTIVE DIRECTOR**

via U.S. mail:

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