

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION FOR A TEMPORARY WATER USE PERMIT

APPLICATION NO. 13883

Phillips 66 Company seeks a temporary water use permit to divert and use not to exceed 55.40 acre-feet of water, within a period of three years, from a point on Jones Creek, tributary of Intracoastal Waterway, Brazos-Colorado Coastal Basin, at a maximum diversion rate of 8.91 cfs (4,000 gpm) for industrial purposes in Brazoria County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Phillips 66 Company, Applicant, 8189 Old FM 524, Old Ocean, TX 77463, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Temporary Water Use Permit pursuant to Texas Water Code § 11.138 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, et seq. Notice is being mailed to the downstream water right holders of record in the Brazos-Colorado Coastal Basin pursuant to Title 30 TAC § 295.154(a).

Phillips 66 Company seeks a temporary water use permit to divert and use not to exceed 55.40 acre-feet of water, within a period of three years, from a point on Jones Creek, tributary of Intracoastal Waterway, Brazos-Colorado Coastal Basin, at a maximum diversion rate of 8.91 cfs (4,000 gpm) for industrial purposes in Brazoria County. More information on the application and how to participate in the permitting process is given below.

The water will be diverted from a point located at Latitude 28.951276 ° N, Longitude 95.425555 ° W in Brazoria County, ZIP Code 77541.

The application was received on October 28, 2022. Additional information and fees were received on February 2, February 10, May 11, May 15, and May 19, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 31, 2023.

The Executive Director completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions including, but not limited to, streamflow restrictions and installing a measuring device for diversions. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at: at https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps. Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

PUBLIC COMMENT / PUBLIC MEETING. Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below, by November 06, 2023. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the

Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by November 06, 2023. The Executive Director may approve the application unless a written request for a contested case hearing is filed by November 06, 2023.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

INFORMATION. Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering WRTF 13883 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address.

For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued: October 19, 2023

TEXAS COMMISSION QUALITY



TEMPORARY WATER USE PERMIT

PERMIT NO. 13883 TYPE § 11.138
Permittee: Phillips 66 Company Address: 8189 Old FM 524
Old Ocean, TX 77463
Received: October 28, 2022 Granted:
Purpose: Industrial County: Brazoria
Watercourse: Jones Creek, tributary of the Watershed: Brazos-Colorado Coastal Basin
Intracoastal Waterway

WHEREAS, after considering the recommendation of the staff relative to the above identified application, the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. The application is in proper form and accompanied by all necessary fees.
2. Sufficient water is available at the proposed diversion point to satisfy the requested diversion and use of not to exceed 55.40 acre-feet of water, within a period of three years, from a point on Jones Creek, tributary of the Intracoastal Waterway, Brazos-Colorado Coastal Basin in Brazoria County.
3. The water will be diverted at a maximum diversion rate of 8.91 cfs (4,000 gpm) from a point located at Latitude 28.951276° N, Longitude 95.425555° W in Brazoria County.
4. Notice of this application was mailed to the downstream water right holders of record.

CONCLUSIONS OF LAW

- A. Jurisdiction is vested to consider this application under Texas Water Code § 11.138 and Title 30 Texas Administrative Code §§ 295.174 and 297.13.
- B. Applicant has complied with the particular requirements of the Texas Commission on Environmental Quality.
- C. The Executive Director recommends that special conditions be included.

NOW, THEREFORE, Temporary Water Use Permit No. 13883 is issued to Phillips 66 Company subject to the following terms and conditions:

1. USE

Permittee is authorized to divert and use not to exceed 55.40 acre-feet of water, within a period of three years, from a point on Jones Creek, Intracoastal Waterway, Brazos-Colorado Coastal Basin for industrial purposes in Brazoria County.

2. DIVERSION

Permittee is authorized to divert:

- A. From a point located at Latitude 28.951276 ° N, Longitude 95.425555 ° W in Brazoria County.
- B. At a maximum diversion rate of 8.91 cfs (4,000 gpm).

3. SPECIAL CONDITIONS

- A. Permittee shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens at the diversion structure.
- B. Diversions shall be restricted based on the following streamflows at USGS Gage No. 08117500 - San Bernard River near Boling, TX, as set forth in Paragraphs 3.C. through 3.G. below.

Season	Subsistence	Hydrologic Condition	Base
Winter	11 cfs	Dry	23 cfs
		Average	43 cfs
		Wet	73 cfs
Spring	11 cfs	Dry	32 cfs
		Average	53 cfs
		Wet	85 cfs
Summer	11 cfs	Dry	64 cfs
		Average	98 cfs
		Wet	140 cfs

cfs = cubic feet per second

- C. Seasons are defined as follows: Winter (November through February), Spring (March through June), Summer (July through October).
- D. Permittee shall determine the hydrologic condition once per season. The Palmer Hydrologic Drought Index (PHDI) value present on the last day of the month of the preceding season, as reported by the National Weather Service, shall be used to determine the hydrologic condition for the following season as set out in Paragraphs 3.D.(1) - (3) below.

1. Permittee shall determine the PHDI Index for a season based on the following formula:

$$(0.619 \times \text{North Central PHDI}) + (0.147 \times \text{East Texas PHDI}) + (0.057 \times \text{Edwards Plateau PHDI}) + (0.132 \times \text{South Central PHDI}) + (0.045 \times \text{Upper Coast PHDI})$$

2. The PHDI Index and corresponding hydrologic conditions that govern diversions under this permit are:

Dry	Average	Wet
Less than -1.73	-1.73 - 2.13	Greater than 2.13

3. Permittee may utilize an interim PHDI value to determine the hydrologic condition until the value for the month preceding the start of the season is published. The interim PHDI value shall be based on the latest published monthly value PHDI value that is available on the last day of the month of the preceding season. When a value for the month preceding the season is published, Permittee shall update the hydrologic condition determined based on the interim value if the final value results in a change to the calculated hydrologic condition. Any updated hydrologic condition shall then be applicable to diversions under this permit.

Subsistence Flow Special Conditions and 50% rule

- E. Permittee shall not divert water if the average streamflow at USGS Gage No. 08117500 - San Bernard River near Boling, TX is less than or equal to the applicable subsistence flow in Paragraph 3.B.. The “average streamflow” at the gage is the average of measured streamflows at the gage for the previous 24 hours.
- F. If average streamflow at USGS Gage No. 08117500 - San Bernard River near Boling, TX is greater than the applicable subsistence flow but is less than the applicable base flow, Permittee shall not divert at a rate in excess of 50% of the difference between the average streamflow and the applicable subsistence flow; provided, however, Permittee is not required to adjust its diversion rate more frequently than once every 24 hours.

Base Flow Special Condition

- G. If average streamflow at USGS Gage No. 08117500 - San Bernard River near Boling, TX is greater than the applicable base flow for the applicable hydrologic condition, Permittee shall not divert in excess of the difference between the average streamflow at the gage and the applicable base flow; provided, however, Permittee is not required to adjust its diversion rate more frequently than once every 24 hours.
- H. This temporary water use permit is junior in priority to all existing water rights in the Brazos-Colorado Coastal Basin.

- I. Upon diversion and use of the water authorized herein, this temporary water use permit shall expire and be of no further force and effect.
- J. This temporary water use permit shall expire and become null and void three years from the date of issuance with no further Commission action. Permittee also waives the right to notice and hearing on cancellation of this water right.
- K. No diversion of water shall be made when such water is required to satisfy domestic and livestock demands downstream, or when necessary to satisfy senior and superior water rights and instream needs.
- L. Permittee shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the point authorized above in Paragraph 2. DIVERSION and maintain measurement records.
- M. Permittee shall allow representatives of the Texas Commission on Environmental Quality reasonable access to the property to inspect the measuring device and records.
- N. The issuance of this temporary water use permit does not grant to the permittee the right to use private or public property for diversion of water authorized by this permit. This includes property belonging to but not limited to any individual, partnership, corporation or public entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to make any diversion authorized by this permit.

This temporary water use permit does not vest in its holder a permanent right and shall in no event be construed as a commitment of the Commission to approve or disapprove any other application or request by the Permittee.

Permittee agrees to be bound by the terms, conditions, and provisions contained herein, and such agreement is a condition precedent to the granting of this temporary water use permit.

All other matters requested in the application which are not specifically granted by this temporary water use permit are denied.

This temporary water use permit is issued subject to the Rules of the Texas Commission on Environmental Quality and to its right of continuing supervision.

For the Commission

DATE ISSUED:

RE: Phillips 66 13883 Draft Temporary Permit Notice 10.03.2023

Jaini, Vinod K [REDACTED]

Tue 10/10/2023 1:41 PM

To:Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>;Mareno, [REDACTED] Humberto Galvan <Humberto.Galvan@tceq.texas.gov>

Cc:Jackson, Aaron W. [REDACTED];Neel, Phillip <[REDACTED]>

We are in agreement with the terms and conditions of this draft permit Thank you

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Sent: Tuesday, October 3, 2023 12:58 PM

To: Mareno, Katie <[REDACTED]>

Cc: Jaini, Vinod K <[REDACTED]>; Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Subject: [EXTERNAL]Phillips_66_13883_Draft_Temporary_Permit_Notice_10.03.2023

This Message Is From an External Sender

[Report Suspicious](#)

This message came from outside your organization.

Ms. Mareno,

Attached is the Draft Temporary Permit, Notice, and Memoranda for Phillips 66's Application No. 13883. Please review and provide comments by October 17, 2023.

If you have any questions or concerns, do not hesitate to ask

Thank You,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

RE: Phillips 66 13883 Draft Temporary Permit Notice 10.03.2023

Mareno, Katie <[REDACTED]>

Tue 10/3/2023 4:14 PM

To:Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Cc:Jaini, Vinod K <[REDACTED]>

Ms Beerman,

Your email has been received We will review and provide comments by October 17, 2023

Thank you,
Katie

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Sent: Tuesday, October 3, 2023 12:58 PM

To: Mareno, Katie <[REDACTED]>

Cc: Jaini, Vinod K <[REDACTED]>; Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

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Phillips 66 13883 Draft Temporary Permit Notice 10.03.2023

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Tue 10/3/2023 12:58 PM

To: Mareno, Katie <[REDACTED]>

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 1 attachment (686 KB)

Phillips_66_13883_Draft_Temp_Permit_Notice_Sent_10.03.2023.pdf;

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Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 3, 2023

Ms. Katherine Mareno
Environmental Director
Phillips 66 Company
8189 Old FM 524
Old Ocean, TX 77463

VIA E-MAIL

RE: Phillips 66 Company
WRTP 13883
CN604065912, RN111596565
Application No. 13883 for a Temporary Water Use Permit
Water Code § 11.138, Requiring Limited Mailed Notice
Jones Creek, Brazos-Colorado Coastal Basin
Brazoria County

Dear Ms. Mareno:

Drafts, subject to revision, of the public notice, proposed Temporary Water Use Permit No. 13883, and the related technical memoranda are attached.

Staff is recommending that the referenced application be granted in accordance with the attached drafts. Please review the drafts and contact me no later than October 17, 2023 with any comments or questions as the notice will be forwarded to the Office of the Chief Clerk for mailing after that date.

Please note this application requires a 15-day comment period and once the comment period has closed, the proposed Temporary Water Use Permit No. 13883 may be issued as drafted given no hearing requests are received.

If you have any questions concerning this matter, please contact me via email at lillian.beerman@tceq.texas.gov or by telephone at (512) 239-4019.

Sincerely,

Lillian E. Beerman, Ph.D.

Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachments

TEXAS COMMISSION QUALITY



TEMPORARY WATER USE PERMIT

PERMIT NO. 13883 TYPE § 11.138
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Watercourse: Jones Creek, tributary of the Watershed: Brazos-Colorado Coastal Basin
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WHEREAS, after considering the recommendation of the staff relative to the above identified application, the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

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4. Notice of this application was mailed to the downstream water right holders of record.

CONCLUSIONS OF LAW

- A. Jurisdiction is vested to consider this application under Texas Water Code § 11.138 and Title 30 Texas Administrative Code §§ 295.174 and 297.13.
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All other matters requested in the application which are not specifically granted by this temporary water use permit are denied.

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For the Commission

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Issued:

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Lillian Beerman, Project Manager
Water Rights Permitting Team

Date: June 16, 2023

Through: Leslie Patterson Team Leader 
Resource Protection Team

From: Nathalie Montes, Aquatic Scientist
Resource Protection Team

Subject: Phillips 66 Company
WRTP 13883
CN604065912
Jones Creek, Brazos-Colorado Coastal Basin
Brazoria County

Environmental reviews of water right applications are conducted in accordance with applicable provisions of the Texas Water Code (TWC) and the administrative rules of the Texas Commission on Environmental Quality (TCEQ). The provisions applicable to environmental reviews can vary according to the type and the location of the authorization requested.

APPLICATION SUMMARY

Phillips 66 Company (Applicant) requests a temporary water use permit to divert a maximum of 55.40 acre-feet of water within a period of three years from a point on Jones Creek, Brazos-Colorado Coastal Basin, at a maximum diversion rate of 8.91 cfs (4,000 gpm), for industrial purposes in Brazoria County.

ENVIRONMENTAL ANALYSIS

On February 12, 2014, the TCEQ adopted environmental flow standards for the Brazos River and its Associated Bay and Estuary System (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter G). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC §298.460).

The Applicant is requesting use of surplus water, which would be subject to the adopted standards. This review is conducted in accordance with §11.147(e-3) of the TWC and Title 30 TAC Chapter 298 Subchapter G (Brazos River and its Associated Bay and Estuary System). In Title 30 TAC §298.480(20), environmental flow standards were established at United States Geological Survey (USGS) Gage No. 08117500 – San Bernard River near Boling, TX, and the applicable environmental flow standards are shown in Table 1.

Table 1. Environmental Flow Standards at USGS Gage No. 08117500 – San Bernard River near Boling, TX.

Season	Subsistence	Hydrologic Condition	Base
Winter	11 cfs	Dry	23 cfs
		Average	43 cfs
		Wet	73 cfs
Spring	11 cfs	Dry	32 cfs
		Average	53 cfs
		Wet	85 cfs
Summer	11 cfs	Dry	64 cfs
		Average	98 cfs
		Wet	140 cfs

cfs = cubic feet per second

Base flow standards vary depending on the season and current hydrologic conditions. Seasons are defined in Title 30 TAC §298.455 as follows: Winter (November through February), Spring (March through June), and Summer (July through October). Hydrologic conditions will be addressed in the water availability analysis for this application.

No special conditions for high flow pulses are required because the proposed maximum diversion rate, 8.91 cfs, is less than 20% of the applicable pulse trigger level requirements of an applicable high flow pulse, as described in Title 30 TAC §298.485(b).

Resource Protection staff recommend that diversion of water under this proposed temporary permit should be limited to comply with the applicable environmental flow standards.

RECOMMENDATIONS

Resource Protection staff recommend the following Special Conditions be included in the proposed temporary permit, if granted:

1. Permittee shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens at the diversion structure.
2. Diversions shall be restricted based on the following streamflows at USGS Gage No. 08117500 – San Bernard River near Boling, TX, as set forth in Special Conditions 3-6 below.

Season	Subsistence	Hydrologic Condition	Base
Winter	11 cfs	Dry	23 cfs
		Average	43 cfs
		Wet	73 cfs
Spring	11 cfs	Dry	32 cfs
		Average	53 cfs
		Wet	85 cfs
Summer	11 cfs	Dry	64 cfs
		Average	98 cfs
		Wet	140 cfs

cfs = cubic feet per second

3. Seasons are defined as follows: Winter (November through February), Spring (March through June), Summer (July through October).

Subsistence Flow Special Conditions and 50% rule

4. Permittee shall not divert water if the average streamflow at USGS Gage No. 08117500 – San Bernard River near Boling, TX is less than or equal to the applicable subsistence flow in Special Condition 2. The “average streamflow” at the gage is the average of measured streamflows at the gage for the previous 24 hours.
5. If average streamflow at USGS Gage No. 08117500 – San Bernard River near Boling, TX is greater than the applicable subsistence flow but is less than the applicable base flow, Permittee shall not divert at a rate in excess of 50% of the difference between the average streamflow and the applicable subsistence flow; provided, however, Permittee is not required to adjust its diversion rate more frequently than once every 24 hours.

Base Flow Special Conditions

6. If average streamflow at USGS Gage No. 08117500 – San Bernard River near Boling, TX is greater than the applicable base flow for the applicable hydrologic condition, Permittee shall not divert in excess of the difference between the average streamflow at the gage and the applicable base flow; provided, however, Permittee is not required to adjust its diversion rate more frequently than once every 24 hours

Nathalie Montes

Nathalie Montes, Aquatic Scientist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Lillian Beerman, Project Manager
Water Rights Permitting Team

Date: July 20, 2023

Through ~~K~~ ^A Kathy Alexander, Ph.D., Policy and Technical Analyst
Water Availability Division

TA Trent Gay, Team Leader
Surface Water Availability Team

From: Lauren Simmons, Hydrologist
Surface Water Availability Team

Subject: Phillips 66 Company
WRTP 13883
CN604065912
Jones Creek, Brazos-Colorado Coastal Basin
Brazoria County

HYDROLOGY REVIEW

Application Summary

Phillips 66 Company (Applicant) requests a temporary water use permit to divert a maximum of 55.40 acre-feet of water within a period of three years from a point on Jones Creek, Brazos-Colorado Coastal Basin, at a maximum diversion rate of 8.91 cfs (4,000 gpm), for industrial purposes in Brazoria County.

The application was declared administratively complete on May 31, 2023.

Hydrology Review

Pursuant to 30 Texas Administrative Code (TAC) §298 Subchapter G, Resource Protection staff recommended instream flow requirements for this application. Specific instream flow requirements are included in the Resource Protection staff's June 16, 2023 memorandum.

Staff reviewed current conditions in the Brazos-Colorado Coastal Basin to determine whether surplus water is available for this request. Staff notes that the most recent Drought Monitor (July 18, 2023) indicates that the portion of Brazoria County where the application is located is experiencing moderate drought conditions.

TCEQ's environmental flow standards for the Brazos Basin in 30 TAC §298 Subchapter G (Brazos River and its Associated Bay and Estuary System) include a

hydrologic condition (§298.470 Calculation of Hydrologic Conditions). The hydrologic condition is based on the Palmer Hydrologic Drought Index (PHDI) and the PHDI Index as defined in §298.455 (6) and (7). Based on §298.455 (4), the application is located in the Lower Basin. The Climate Divisions included in the Lower Basin are the North Central (Climate Division 3) East Texas (Climate Division 4), Edwards Plateau (Climate Division 6), South Central (Climate Division 7), and Upper Coast (Climate Division 8). The values for the PHDI Index for the Lower Basin used to determine the hydrologic condition are calculated as follows (§298.470 (b)):

$$(0.619 \times \text{North Central PHDI}) + (0.147 \times \text{East Texas PHDI}) + (0.057 \times \text{Edwards Plateau PHDI}) + (0.132 \times \text{South Central PHDI}) + (0.045 \times \text{Upper Coast PHDI})$$

The determination of the hydrologic condition for a particular season shall be determined once per season. The Palmer Hydrologic Drought Index (PHDI) value present on the last day of the month of the preceding season, as reported by the National Weather Service, and calculated for the geographic area as described in subsection (b) of the §298.470, will determine the hydrologic condition for the following season. The values for the PHDI are available at <http://www.ncdc.noaa.gov/cag/>. Under the adopted rules, PHDI values are based on the last day of the month before the start of a new season; however, final approved PHDI values for a month are typically available from the National Climatic Data Center (NCDC) near the middle of the following month. Therefore, in order to determine the hydrologic condition for a season, the latest published monthly value can be used on an interim basis until the final value for the month preceding the season is available. When the NCDC publishes the final value for the month preceding the season, the hydrologic condition applicable for the season can be updated if required.

The diversion requested in the application is for a short period of time (3 years). This temporary permit will be junior to all existing water rights, and subject to suspension if water is needed for those water rights. Staff's opinion is that existing water rights will not be affected by this short-term temporary permit.

Conclusion

Staff can support granting the application provided the following special conditions are included in the permit:

1. Permittee shall determine the hydrologic condition once per season. The Palmer Hydrologic Drought Index (PHDI) value present on the last day of the month of the preceding season, as reported by the National Weather Service, shall be used to determine the hydrologic condition for the following season as set out in paragraphs 1.(a) – (c) below.

- a. Permittee shall determine the PHDI Index for a season based on the following formula:

$$(0.619 \times \text{North Central PHDI}) + (0.147 \times \text{East Texas PHDI}) + (0.057 \times \text{Edwards Plateau PHDI}) + (0.132 \times \text{South Central PHDI}) + (0.045 \times \text{Upper Coast PHDI})$$

- b. The PHDI Index and corresponding hydrologic conditions that govern diversions under this permit are:

Dry	Average	Wet
Less than -1.73	-1.73 - 2.13	Greater than 2.13

- c. Permittee may utilize an interim PHDI value to determine the hydrologic condition until the value for the month preceding the start of the season is published. The interim PHDI value shall be based on the latest published monthly value PHDI value that is available on the last day of the month of the preceding season. When a value for the month preceding the season is published, Permittee shall update the hydrologic condition determined based on the interim value if the final value results in a change to the calculated hydrologic condition. Any updated hydrologic condition shall then be applicable to diversions under this permit.

Lauren Simmons

Lauren Simmons, Hydrologist

RE: Phillips_66_13883_Applicant_Status_08.09.2023

Jaini, Vinod K <[REDACTED]>

Wed 8/9/2023 9:55 AM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Dr Beerman,

Thank you. I hope you are doing well.

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Sent: Wednesday, August 9, 2023 9:35 AM

To: Jaini, Vinod K <[REDACTED]>

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Subject: [EXTERNAL]Phillips_66_13883_Applicant_Status_08.09.2023

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Mr. Vinod K Jaini,

John-Cody Stalsby forwarded your email status request. Mr. Stalsby is no longer with Water Rights Permitting. I am glad he was able to help you. I am the project manager for Phillips 66's Application No. 13883 for a Temporary Water Right Permit. Technical Review is now complete. I will keep you apprised of next steps.

Thank you,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

FW: Will get back with you

John-Cody Stalsby <John-Cody.Stalsby@Tceq.Texas.Gov>

Wed 8/9/2023 8:44 AM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Email forward

From: Jaini, Vinod K <[REDACTED]>
Sent: Wednesday, August 9, 2023 7:25 AM
To: John-Cody Stalsby <John-Cody.Stalsby@Tceq.Texas.Gov>
Cc: Neel, Phillip <[REDACTED]>; Maren, Katie <[REDACTED]>
Subject: RE: Will get back with you

Where do we stand on the status of our request? Can you please provide an update? It has been two months.

From: John-Cody Stalsby <John-Cody.Stalsby@Tceq.Texas.Gov>
Sent: Thursday, June 22, 2023 1:59 PM
To: Jaini, Vinod K <[REDACTED]>
Subject: [EXTERNAL]Re: Will get back with you

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You can call me at my office number [REDACTED]

Cheers,

John-Cody Stalsby

Hydrologist

Surface Water Availability Team

Texas Commission on Environmental Quality [\(512\) 239 4817](tel:5122394817)

From: Jaini, Vinod K <[REDACTED]>
Sent: Thursday, June 22, 2023 1:40:55 PM
To: John-Cody Stalsby <John-Cody.Stalsby@Tceq.Texas.Gov>
Cc: Neel, Phillip <[REDACTED]>
Subject: Will get back with you

FW: Jones Creek Terminal diversionary point

John-Cody Stalsby <John-Cody.Stalsby@Tceq.Texas.Gov>

Wed 6/28/2023 8:39 AM

To:Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>;Lauren Simmons <Lauren.Simmons@tceq.texas.gov>

Email forward.

Cheers,



John-Cody Stalsby

Hydrologist

Surface Water Availability Team

Texas Commission on Environmental Quality

From: Jaini, Vinod K <[REDACTED]>

Sent: Wednesday, June 28, 2023 8:23 AM

To: John-Cody Stalsby <John-Cody.Stalsby@Tceq.Texas.Gov>

Cc: Neel, Phillip <[REDACTED]> Marenno, Katie <[REDACTED]>

Subject: Jones Creek Terminal diversionary point

I want to clarify the diversion point to 6 decimal places as follows:

28.951276 North and -95.425555 West

Re: Re:

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Wed 6/14/2023 3:05 PM

To: Jaini, Vinod K <[REDACTED]>

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Mr. Jaini,

Proceed with your meeting with Chris as planned.

Thank you,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Sent: Wednesday, June 14, 2023 2:41 PM

To: Jaini, Vinod K <[REDACTED]>

Subject: Re: [REDACTED]

Vinoid,

It seems that you scheduled a meeting for Friday morning at 10am. I will not be in the office at that time.

thank you

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

From: Jaini, Vinod K <[REDACTED]>

Sent: Wednesday, June 14, 2023 2:17 PM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Cc: Jones, Adam <[REDACTED]>

Subject:

I set up a call with Chris about a new water rights question. I will include you in the call.

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Sent: Wednesday, June 14, 2023 2:15 PM

To: Jaini, Vinod K <[REDACTED]>

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Subject: [EXTERNAL]Phillips_66_13883

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Mr. Jaini,

I barely missed your call this morning. I tried several times to return your call, but I got a busy signal. Please let me know if you have any questions or concerns. By the way I only have one of your applications - 13883, which is now administratively complete and in technical review. You should have received a letter. The other application is with Jeremy Walker-Lee, who is a new staff member with Water Rights Permitting.

Thank You,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

Phillips_66_Company_13883_Administratively_Complete

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Wed 5/31/2023 6:17 PM

To: Mareno, Katie <[REDACTED]>

Cc: Jaini, Vinod K <[REDACTED]> Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

 1 attachments (334 KB)

Phillips_66_Company_13883_ADC_letter_05.31.2023.pdf;

Ms. Mareno,

On May 31, 2023, Phillips 66 Company's Application No. 13883 for a Temporary Water Use Permit was Administratively Complete. See Attached.

Thank You,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

TCEQ Interoffice Memorandum

TO: Office of the Chief Clerk
Texas Commission on Environmental Quality

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team

DATE: May 31, 2023

SUBJECT: Phillips 66 Company
WRTP 13883
CN604065912, RN111596565
Application No. 13883 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Jones Creek, Brazos-Colorado Coastal Basin
Brazoria County

The application was received on October 28, 2022. Additional information and fees were received on February 2, February 10, May 11, May 15, and May 19, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 31, 2023. Mailed notice to the downstream water right holders of record in the Brazos-Colorado Coastal Basin is required pursuant to Title 30 Texas Administrative Code § 295.154(a).

All fees have been paid and the application is sufficient for filing.

Lillian E. Beerman, Ph.D.

Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

OCC Mailed Notice Required YES NO

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E. Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 31, 2023

Ms. Katherine Mareno
Environmental Director
Phillips 66 Company
8189 Old FM 524
Old Ocean, TX 77463

VIA EMAIL

RE: Phillips 66 Company
WRTP 13883
CN604065912, RN111596565
Application No. 13883 for a Temporary Water Use Permit Texas
Water Code § 11.138, Requiring Limited Mailed Notice
Jones Creek, Brazos-Colorado Coastal Basin
Brazoria County

Dear Ms. Mareno:

This acknowledges receipt, on May 11, May 15, and May 19, 2023, of additional information.

The application was declared administratively complete and filed with the Office of the Chief Clerk on May 31, 2023. Staff will continue processing the application for consideration by the Executive Director.

Please be advised that additional information may be requested during the technical review phase of the application process.

If you have any questions concerning this matter, please contact me via email at lillian.beerman@tceq.texas.gov or by telephone at (512) 239-4019.

Sincerely,

Lillian E. Beerman, Ph.D.

Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Re: Signature Authorization

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Fri 5/19/2023 2:49 PM

To: Jaini, Vinod K <[REDACTED]>

Mr. Vinod K Jaini,

I have received your updated signature authority and will distribute to section.

Thank you,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

From: Jaini, Vinod K <[REDACTED]>

Sent: Friday, May 19, 2023 2:28 PM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Cc: Mareno, Katie <[REDACTED]>

Subject: Signature Authorization

Hello Dr Beerman,

Here is the designation letter. If you have any questions, please call me at (979)491-2125. Have a great weekend!

VKJ



SECRETARY'S CERTIFICATE

I, Eunice Fuentes, Assistant Secretary of Phillips 66 Company, a corporation organized and existing under and by virtue of the laws of the State of Delaware, United States of America (the "Company"), hereby certify that I am duly authorized to execute this Certificate on behalf of the Company, and on behalf of the Company certify that:

1. Attached hereto as ***Exhibit A*** is a true copy of resolutions, adopted by the Board of Directors of the Company by unanimous written consent on June 7, 2013. Said resolutions have not been amended, revoked or rescinded and remain in full force and effect as of the date hereof.
2. **Richard Harbison** is and has been, at all times since June 1, 2022, the duly appointed, qualified and acting Vice President, Refining.
3. Attached hereto as ***Exhibit B*** is a Designation of Signature Authority dated June 1, 2022, authorizing the Manager, Sweeny Refinery to sign documents submitted in compliance with local, state, and federal environmental and safety laws and regulations, including but not limited to permit applications, Discharge Monitoring Reports, Notifications of Regulated Waste Activity, Air Emission Inventories, Title V Operating Permit Applications and Certifications, Air Emission Related Construction Permit Applications, Solid and Hazardous Waste Reports and Chemical Inventory Reports under SARA 311, 312, and 313, documents required under Toxic Substances Control Act, documents required under Occupational Safety and Health Administration and state laws, including but not limited to 29 CFR 1904 and 1910, Risk Management Plan submittals required under 40 CFR 68, and security laws and regulations, including but not limited to Section 550 of the Homeland Security Appropriations Act of 2007, 6 CFR Part 27, 33 CFR Subchapter H, 49 CFR Subpart I, and security regulations promulgated by the Department of Homeland Security, Federal Emergency Management Administration and other agencies.
4. **Mark E. Evans** is the Phillips 66 Company Manager, Sweeny Refinery. In his capacity as Manager, Sweeny Refiner, Mr. Evans has the requisite authority to execute submitted in compliance with local, state, and federal environmental and safety laws and regulations, including but not limited to permit applications, Discharge Monitoring Reports, Notifications of Regulated Waste Activity, Air Emission Inventories, Title V Operating Permit Applications and Certifications, Air Emission Related Construction Permit Applications, Solid and Hazardous Waste Reports and Chemical Inventory Reports under SARA 311, 312, and 313, documents required under Toxic Substances

Control Act, documents required under Occupational Safety and Health Administration and state laws, including but not limited to 29 CFR 1904 and 1910, Risk Management Plan submittals required under 40 CFR 68, and security laws and regulations, including but not limited to Section 550 of the Homeland Security Appropriations Act of 2007, 6 CFR Part 27, 33 CFR Subchapter H, 49 CFR Subpart I, and security regulations promulgated by the Department of Homeland Security, Federal Emergency Management Administration and other agencies.

IN WITNESS WHEREOF, I have hereunto set my hand as Assistant Secretary and affixed the corporate seal of said Company this 16th day of May 2023.

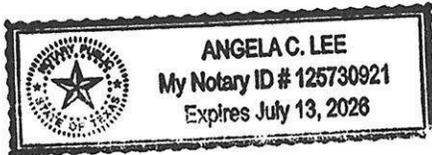


A handwritten signature in blue ink, appearing to read "Eunice Fuentes", written over a horizontal line.

Eunice Fuentes
Assistant Secretary
Phillips 66 Company

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on May 16, 2023, by Eunice Fuentes, Assistant Secretary of Phillips 66 Company, a Delaware corporation, on behalf of the Corporation.



A handwritten signature in blue ink, appearing to read "Angela C. Lee", written over a horizontal line.

Notary Public

EXHIBIT A
RESOLUTIONS

JUNE 7, 2013

Officer Execution Authority

RESOLVED, that the president and vice presidents of this Company be, and each of them hereby is, authorized to execute and deliver on behalf of this Company any and all agreements, deeds, mortgages, assignments, leases, releases, bids, offers, applications, powers of attorney and other legal documents and instruments which may be necessary or expedient in, or incident to, the conduct of the ordinary business of this Company, with the exception of letters of credit, guarantees, bonds, and other matters addressed in the global banking resolutions most recently adopted by the Board.

FURTHER RESOLVED, that the secretary and the assistant secretaries of this Company be, and each of them hereby is, authorized to affix the corporate seal of this Company, if required, to any such document or instrument and to attest said seal when the same is so affixed.

EXHIBIT B
DESIGNATION OF SIGNATURE AUTHORITY

**PHILLIPS 66 COMPANY
DESIGNATION OF SIGNATURE AUTHORITY**

I, Richard G. Harbison, Senior Vice President, Refining, of Phillips 66 Company, pursuant to the authority granted to me by the Board of Directors of Phillips 66 Company do hereby designate the persons holding the following positions (or equivalent regardless of job title) as authorized to sign, on behalf of Phillips 66 Company, documents submitted in compliance with local, state, and federal environmental and safety laws and regulations, including but not limited to permit applications, Discharge Monitoring Reports, Notifications of Regulated Waste Activity, Air Emission Inventories, Title V Operating Permit Applications and Certifications, Air Emission Related Construction Permit Applications, Solid and Hazardous Waste Reports and Chemical Inventory Reports under SARA 311, 312, and 313, documents required under Toxic Substances Control Act, documents required under Occupational Safety and Health Administration and state laws, including but not limited to 29 CFR 1904 and 1910, Risk Management Plan submittals required under 40 CFR 68, and security laws and regulations, including but not limited to Section 550 of the Homeland Security Appropriations Act of 2007, 6 CFR Part 27, 33 CFR Subchapter H, 49 CFR Subpart I, and security regulations promulgated by the Department of Homeland Security, Federal Emergency Management Administration and other agencies.

- Manager, Bayway Refinery
- Manager, Billings Refinery
- Manager, Borger Refinery
- Manager, Ferndale Refinery
- Manager, Lake Charles Refinery
- Manager, Los Angeles Refinery
- Manager, Ponca City Refinery
- Manager, Rodeo Refinery
- Manager, Santa Maria Refinery
- Manager, Sweeny Refinery
- Manager, Wood River Refinery

To the extent allowed by law and consistent with Phillips 66 Company procedures, these individuals may further delegate this authority to individuals at their facilities.

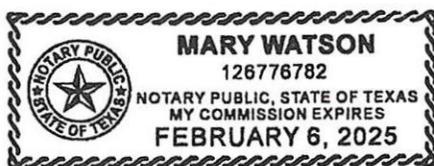
IN WITNESS WHEREOF, the undersigned has hereunto set his hand this 1st day of June 2022.



Richard G. Harbison

State of Texas)
County of Harris)

Subscribed and sworn to before me on this 1st day of June, 2022.





Notary Public
My commission expires: Feb. 6, 2025

PHONE MEMO

From: Kathleen Weir Bertolatus	TO: Lillian E. Beerman, Ph.D.
Phone: 832.765.1661	Document: Phillips 66 WRTP No. 13883
Date: May 19, 2023	RE: RFI 2/signature authority

Called Ms. Bertolatus to remind her to send the updated signature authority for Phillips 66. She sent it to her client, Phillips 66, and will remind them to provide the information.

Lillian E. Beerman, Ph.D. May 15, 2023

PHONE MEMO

From: Kathleen Weir Bertolatus	TO: Lillian E. Beerman, Ph.D.
Phone: 832.765.1661	Document: Phillips 66 WRTP No. 13883
Date: May 15, 2023	RE: RFI 2/signature authority

Attorney for Phillips 66 wanted clarification of documentation needed for signature authority. The affidavit should mention the signatory's name and title.

Lillian E. Beerman, Ph.D. May 15, 2023

RE: Sweeny Water Rights Application

Bertolatus, Kathleen W (LDZX) [REDACTED]

Mon 5/15/2023 10:46 AM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Sounds good. Thanks very much, Lillian.

Kathleen Weir Bertolatus **Managing Counsel, Environmental & Regulatory**

O: 832.765.1661 | M: 713.609.3211 | F: 832.765.0112

HQ-N1358 | 2331 CityWest Blvd | Houston, TX 77042-2862

PHILLIPS66.COM



From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Sent: Monday, May 15, 2023 10:36 AM

To: Bertolatus, Kathleen W (LDZX) [REDACTED]

Subject: [EXTERNAL]Re: Sweeny Water Rights Application

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Ms. Bertolatus,
I will give you a call this afternoon.
Thank you,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

From: Bertolatus, Kathleen W (LDZX) [REDACTED]

Sent: Monday, May 15, 2023 10:24 AM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Cc: Jaini, Vinod K <[REDACTED]>
Subject: Sweeny Water Rights Application

Lillian –

I'm Kathleen Bertolatus and I'm the lawyer who supports the Phillips 66 Sweeny Refinery on environmental issues.

I understand from Vinod Jaini that TCEQ is looking for an additional affidavit or other substantiation of Mark Evans status as a duly authorized official for application signature purposes.

Let me know if there's a good time later today (5/15) or tomorrow (5/16) for me to touch base with you to better understand what is needed beyond the delegation of authority letter from the Executive Vice President of Refining that we've provided.

Thanks,
Kathleen

Kathleen Weir Bertolatus
Managing Counsel, Environmental & Regulatory

O: 832.765.1661 | M: 713.609.3211 | F: 832.765.0112

HQ-N1358 | 2331 CityWest Blvd | Houston, TX 77042-2862

PHILLIPS66.COM



**PROVIDING ENERGY.
IMPROVING LIVES.**



Katherine Mareno
Environmental Director
Phillips 66
Sweeny Refinery
P. O. Box 866
Sweeny, TX 77480
phone 979-491-2111

CERTIFIED MAIL, RETURN RECEIPT REQUESTED
#7022 3330 0000 7927 3039

RECEIVED

MAY 15 2023

Water Availability Division

May 9, 2023

Lillian E. Beerman, PhD
Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

Re: Phillips 66 Company
WRTP 13883
CN604065912, RN1115965565
Application No. 13883 for a Temporary Water Use Permit
Texas Water Code §11.138, Requiring Limited Mail Notice
Jones Creek, Brazos Colorado Coastal Basin
Brazoria County

Dear Dr Beerman:

This is in response to the latest request for information dated April 11, 2023.

Question 1--Confirm the location of the diversion point. Staff has calculated coordinates to be Latitude 28.951157° N, Longitude 95.425462° W. Staff notes the coordinates provided do not match the point indicated on the most recent map.

P66 Response— Our latitude and longitude in degrees is 28.95118°N and 95.42559°W.

Question 2--Provide an original signed and notarized Application for A Temporary Water Use Permit (Form TCEQ-10202). Staff notes Applicant's intent to submit a revised application with Mark Evans, VP Sweeny Refinery, as signatory.

P66 Response— Attached is an original signed and notarized Application for A Temporary Water Use Permit.

Question No. 3-- Provide documentation evidencing that Mark Evans, VP, has the authority to sign for Phillips 66 Company pursuant to Title 30 Texas Administrative Code (TAC) § 295.14(5). If the applicant is a corporation, public district, county, municipality, or other corporate entity, the application shall be signed by a duly authorized official. Written evidence in the form of bylaws, charters, or resolutions which specify the authority of the official to take such action shall be submitted. A corporation

may file a corporate affidavit as evidence of the official's authority to sign.

P66 Response—Attached is the designation of signature authority.

If you have any questions, please call Vinod Jaini at (979) 491-2125.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katherine Mareno', with a stylized, cursive script.

Katherine Mareno
Environmental Director

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O. Box 13087 MC-160, Austin, Texas 78711-3087
Telephone (512) 239-4600, FAX (512) 239-4770

APPLICATION FOR A TEMPORARY WATER USE PERMIT FOR MORE THAN 10 ACRE-FEET OF WATER, AND/OR FOR A DIVERSION PERIOD LONGER THAN ONE CALENDAR YEAR

This form is for an application for a temporary permit to divert water under Section 11.138, Texas Water Code. Any permit granted from this application may be suspended at any time by the applicable TCEQ Office if it is determined that surplus water is no longer available.

Notice: This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol.

1. Data on Applicant and Project: Social Security or Federal ID No. 3779385
A. Name: PHILLIPS 66 COMPANY
B. Mailing Address: 2189 OLD FM 524, OLD OCEAN, TEXAS 77463
C. Telephone Number: 979-491-2111 Fax Number: E-mail Address:
D. Applicant owes fees or penalties? Yes No
E. Describe Use of Water: REMOVAL OF WATER FROM JONES CREEK TO HYDRO TEST TANKS
F. Description of Project (TDH Project No. if applicable): HYDRO TESTING WATER
G. Highway Designation No. County

2. Type of Diversion (check one): X From Stream From Reservoir - JONES CREEK
3. Rate of Diversion:
A. Maximum 4000 gpm (capacity of pump)

4. Amount and Source of Water:
55.40 acre-feet of water within a period of 3 YRS (specify term period not to exceed a three year term). The water is to be obtained from JONES CREEK, tributary of JONES LAKE, tributary of Basin.

5. Location of Diversion Point: Provide Latitude and Longitude in decimal degrees to at least six decimal places, and indicate the method used to calculate the diversion point location.
At Latitude 28.951158 N, Longitude 95.42559 W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) (R-O-W) (Highway), located in Zip Code, located miles in a direction from (County Seat), BRAZORIA County, and miles in a direction from a nearby town shown on County road map. Note: Distance in straight line miles.

Enclose a USGS 7.5 minute topographic map with the diversion point and/or the return water discharge points labeled. Owner's written consent is required for water used from any private reservoir, or private access to diversion point.

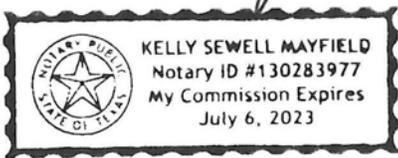
6. Access to Diversion Point (check one): Public right-of-way Private property Other (Explain)
7. Fees Enclosed: Filing \$ 100.00 Recording \$ 1.25 Use (\$1.00 per ac-ft or fraction thereof) \$ 55.40 Total \$ 156.65
10 ac-ft or less greater than 10 ac-ft
308.53

Upon completion of any project for which a temporary water permit is granted, the Permittee is required by law to report the amount of water used. This document must be properly signed and duly notarized before it can be accepted or considered by the Texas Commission on Environmental Quality.

Name (sign) Name (print) MARIC GUANO

Subscribed and sworn to me as being true and correct before me this 9th day of May, 2023

Kelly Sewell Mayfield
Notary Public, State of Texas



**PHILLIPS 66 COMPANY
DESIGNATION OF SIGNATURE AUTHORITY**

I, Richard G. Harbison, Senior Vice President, Refining, of Phillips 66 Company, pursuant to the authority granted to me by the Board of Directors of Phillips 66 Company do hereby designate the persons holding the following positions (or equivalent regardless of job title) as authorized to sign, on behalf of Phillips 66 Company, documents submitted in compliance with local, state, and federal environmental and safety laws and regulations, including but not limited to permit applications, Discharge Monitoring Reports, Notifications of Regulated Waste Activity, Air Emission Inventories, Title V Operating Permit Applications and Certifications, Air Emission Related Construction Permit Applications, Solid and Hazardous Waste Reports and Chemical Inventory Reports under SARA 311, 312, and 313, documents required under Toxic Substances Control Act, documents required under Occupational Safety and Health Administration and state laws, including but not limited to 29 CFR 1904 and 1910, Risk Management Plan submittals required under 40 CFR 68, and security laws and regulations, including but not limited to Section 550 of the Homeland Security Appropriations Act of 2007, 6 CFR Part 27, 33 CFR Subchapter H, 49 CFR Subpart I, and security regulations promulgated by the Department of Homeland Security, Federal Emergency Management Administration and other agencies.

- Manager, Bayway Refinery
- Manager, Billings Refinery
- Manager, Borger Refinery
- Manager, Ferndale Refinery
- Manager, Lake Charles Refinery
- Manager, Los Angeles Refinery
- Manager, Ponca City Refinery
- Manager, Rodeo Refinery
- Manager, Santa Maria Refinery
- Manager, Sweeny Refinery
- Manager, Wood River Refinery

To the extent allowed by law and consistent with Phillips 66 Company procedures, these individuals may further delegate this authority to individuals at their facilities.

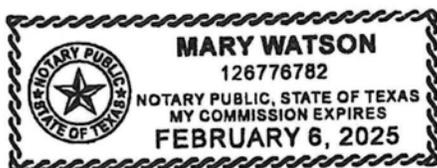
IN WITNESS WHEREOF, the undersigned has hereunto set his hand this 1st day of June 2022.



Richard G. Harbison

State of Texas)
County of Harris)

Subscribed and sworn to before me on this 1st day of June, 2022.




Notary Public
My commission expires: Feb. 6, 2025

Name: 

Latitude:

Longitude:



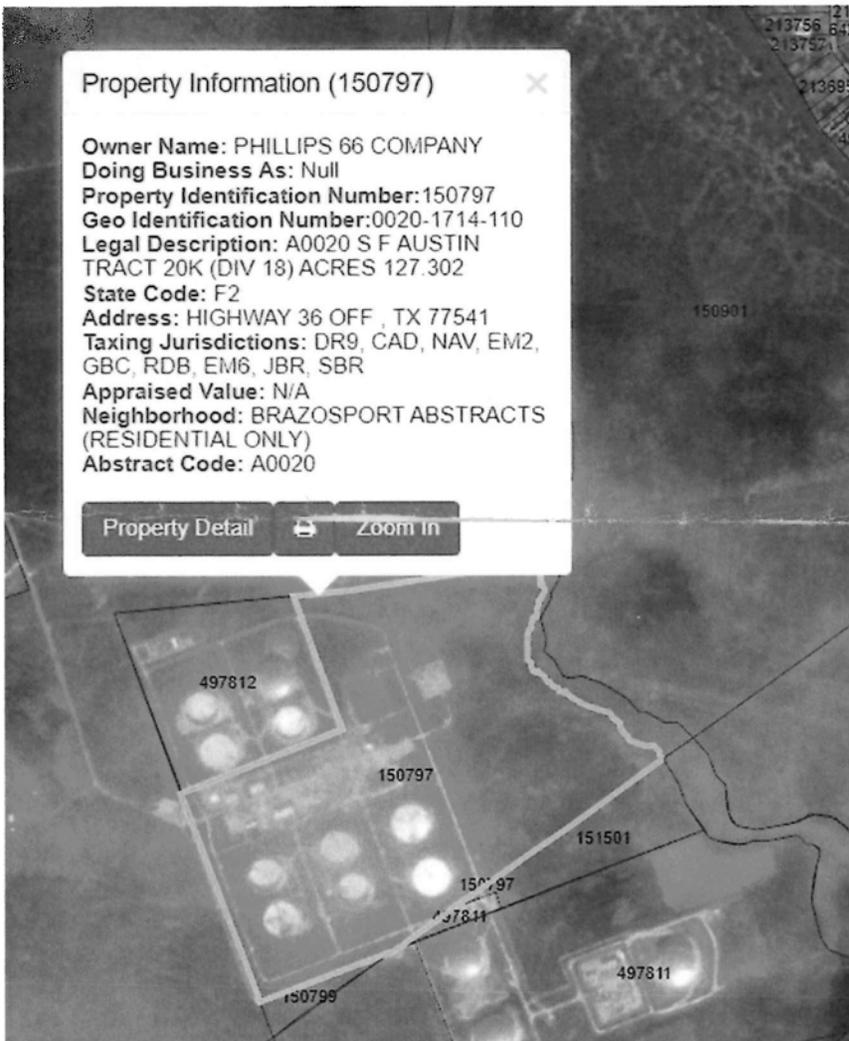
Property Information (150797) ✕

Owner Name: PHILLIPS 66 COMPANY
Doing Business As: Null
Property Identification Number: 150797
Geo Identification Number: 0020-1714-110
Legal Description: A0020 S F AUSTIN
TRACT 20K (DIV 18) ACRES 127.302
State Code: F2
Address: HIGHWAY 36 OFF , TX 77541
Taxing Jurisdictions: DR9, CAD, NAV, EM2,
GBC, RDB, EM6, JBR, SBR
Appraised Value: N/A
Neighborhood: BRAZOSPORT ABSTRACTS
(RESIDENTIAL ONLY)
Abstract Code: A0020

Property Detail



Zoom In



PHONE MEMO

From: Lillian E. Beerman, Ph.D.	TO: Vinod Jaini
Phone: 979-491-2125	Document: Phillips 66 WRTP No. 13883
Date: May 15, 2023	RE: RFI 2/signature authority

Called Mr. Jaini to inform him that the signature authority provided in RFI #2 was insufficient and should reference the signatory. He referred the question of their legal department.

Lillian E. Beerman, Ph.D. May 15, 2023

Jones Creek NOD response

Jaini, Vinod K [REDACTED]

Thu 5/11/2023 8:35 AM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Cc: Mareno, Katie <[REDACTED]>

 2 attachments (3 MB)

RE: Final Response to NOD; Jones Creek Water Use Application.pdf;

Good Morning,

The revised application notice of deficiency response was mailed on May 9.



Katherine Mareno
Environmental Director
Phillips 66
Sweeny Refinery
P. O. Box 866
Sweeny, TX 77480
phone 979-491-2111

CERTIFIED MAIL, RETURN RECEIPT REQUESTED
#7022 3330 0000 7927 3039

May 9, 2023

Lillian E. Beerman, PhD
Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

Re: Phillips 66 Company
WRTP 13883
CN604065912, RN1115965565
Application No. 13883 for a Temporary Water Use Permit
Texas Water Code §11.138, Requiring Limited Mail Notice
Jones Creek, Brazos Colorado Coastal Basin
Brazoria County

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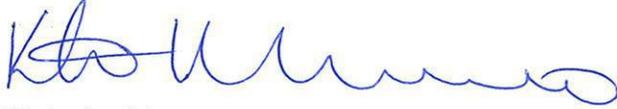
Question No. 3-- Provide documentation evidencing that Mark Evans, VP, has the authority to sign for Phillips 66 Company pursuant to Title 30 Texas Administrative Code (TAC) § 295.14(5). If the applicant is a corporation, public district, county, municipality, or other corporate entity, the application shall be signed by a duly authorized official. Written evidence in the form of bylaws, charters, or resolutions which specify the authority of the official to take such action shall be submitted. A corporation

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If you have any questions, please call Vinod Jaini at (979) 491-2125.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Katherine Mareno', with a stylized, cursive flourish at the end.

Katherine Mareno
Environmental Director

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O. Box 13087 MC-160, Austin, Texas 78711-3087

Telephone (512) 239-4600, FAX (512) 239-4770

APPLICATION FOR A TEMPORARY WATER USE PERMIT FOR MORE THAN 10 ACRE-FEET OF WATER, AND/OR FOR A DIVERSION PERIOD LONGER THAN ONE CALENDAR YEAR

This form is for an application for a temporary permit to divert water under Section 11.138, Texas Water Code. Any permit granted from this application may be suspended at any time by the applicable TCEQ Office if it is determined that surplus water is no longer available.

Notice: This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol.

- 1. Data on Applicant and Project: Social Security or Federal ID No. 3779385
A. Name: PHILLIPS G6 COMPANY
B. Mailing Address: 8189 OLD FM 524, OLD OCEAN, TEXAS 77463
C. Telephone Number: 979-491-2111 Fax Number: E-mail Address:
D. Applicant owes fees or penalties? Yes No

- E. Describe Use of Water: REMOVAL OF WATER FROM JONES CREEK TO HYDROTEST TANKS
F. Description of Project (TDH Project No. if applicable): HYDRO TESTING WATER
G. Highway Designation No. County

- 2. Type of Diversion (check one): X From Stream From Reservoir - JONES CREEK
3. Rate of Diversion:
A. Maximum 4000 gpm (capacity of pump)

- 4. Amount and Source of Water:
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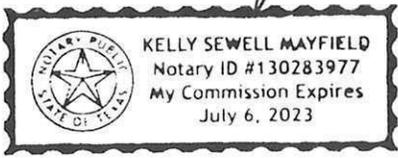
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7. Fees Enclosed: Filing \$ 100.00 Recording \$ 1.25 Use (\$1.00 per ac-ft or fraction thereof) \$ 55.40 Total \$ 156.65
1 ac-ft = 325,851 gals. 1 ac-ft = 7758.35 bbls. 308.53

Upon completion of any project for which a temporary water permit is granted, the Permittee is required by law to report the amount of water used. This document must be properly signed and duly notarized before it can be accepted or considered by the Texas Commission on Environmental Quality.

Name (sign) Name (print) MARIC GUANO

Subscribed and sworn to me as being true and correct before me this 9th day of May, 2023

Kelly Sewell Mayfield Notary Public, State of Texas



**PHILLIPS 66 COMPANY
DESIGNATION OF SIGNATURE AUTHORITY**

I, Richard G. Harbison, Senior Vice President, Refining, of Phillips 66 Company, pursuant to the authority granted to me by the Board of Directors of Phillips 66 Company do hereby designate the persons holding the following positions (or equivalent regardless of job title) as authorized to sign, on behalf of Phillips 66 Company, documents submitted in compliance with local, state, and federal environmental and safety laws and regulations, including but not limited to permit applications, Discharge Monitoring Reports, Notifications of Regulated Waste Activity, Air Emission Inventories, Title V Operating Permit Applications and Certifications, Air Emission Related Construction Permit Applications, Solid and Hazardous Waste Reports and Chemical Inventory Reports under SARA 311, 312, and 313, documents required under Toxic Substances Control Act, documents required under Occupational Safety and Health Administration and state laws, including but not limited to 29 CFR 1904 and 1910, Risk Management Plan submittals required under 40 CFR 68, and security laws and regulations, including but not limited to Section 550 of the Homeland Security Appropriations Act of 2007, 6 CFR Part 27, 33 CFR Subchapter H, 49 CFR Subpart I, and security regulations promulgated by the Department of Homeland Security, Federal Emergency Management Administration and other agencies.

Manager, Bayway Refinery
Manager, Billings Refinery
Manager, Borger Refinery
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To the extent allowed by law and consistent with Phillips 66 Company procedures, these individuals may further delegate this authority to individuals at their facilities.

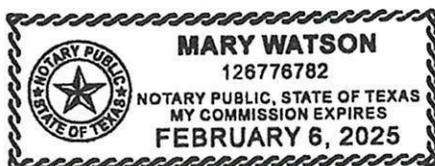
IN WITNESS WHEREOF, the undersigned has hereunto set his hand this 1st day of June 2022.



Richard G. Harbison

State of Texas)
County of Harris)

Subscribed and sworn to before me on this 1st day of June, 2022.



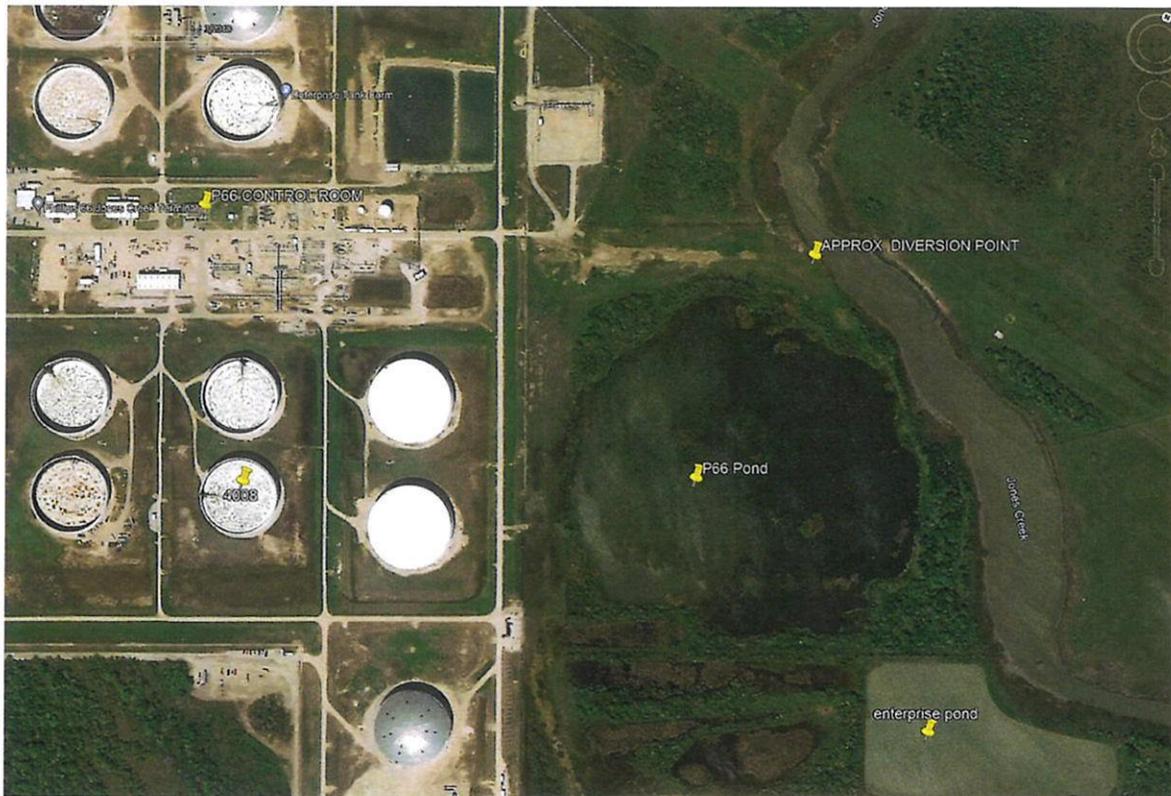


Notary Public
My commission expires: Feb. 6, 2025

Name: 

Latitude:

Longitude:



Re: Phillips_66_13883_Second_Request_for_Information_04.11.2023

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Fri 5/12/2023 11:12 AM

To: Mareno, Katie <[REDACTED]>

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Katie,

I found the response in My Thursday email

Thank you,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Sent: Friday, May 12, 2023 9:56 AM

To: Mareno, Katie <[REDACTED]>

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Subject: Phillips_66_13883_Second_Request_for_Information_04.11.2023

Ms. Katie Mareno,

The due date for Phillips 66's response to TCEQ's request for information regarding water rights application no. 13883 was May 11, 2023. Please let us know if you have any questions or concerns.

Thank you,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

From: Lillian Beerman

Sent: Tuesday, April 11, 2023 10:12 AM

To: Mareno, Katie <[REDACTED]>

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Subject: Phillips_66_13883_Second_Request_for_Information_04.11.2023

Ms. Katie Mareno,

Attached is a second Request for Information for Phillips 66 Company's Application No. 13883 for a Temporary Water Use Permit.

Response is due COB Thursday, May 11, 2022.

Please send a quick email to confirm that you have received this document.

If you have any questions or concern, do not hesitate to contact me.

Thank you,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team

Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

PHONE MEMO

To: Lillian E. Beerman, Ph.D.	From: Vinoid Jaini
Date of Call: May 4, 2023	File No.: 13883
Phone Number: 979-491-2125	Subject: RFI #2

Informed Mr. Jaini that he did not need to send an advance copy of his RFI response.

Lillian E. Beerman, Ph.D. May 5, 2023

Jones Creek Water Rights

Jaini, Vinod K [REDACTED] <[REDACTED]>

Wed 5/3/2023 1:34 PM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>; Neel, Phillip (SNC-Lavalin)

 2 attachments (4 MB)

FW: Phillips 66 Water Rights Permitting Inquiry; image001.png;

P66 will call Lillian Beerman on her cell [REDACTED]

Name:	<input type="text" value="APPROX. DIVERSION POINT"/>	
Latitude:	<input type="text" value="28°57'4.17\"/>	
Longitude:	<input type="text" value="95°25'32.13\"/>	

The discussion should not last more than 10 minutes.

Discussion of coordinates:

1)The latitude and longitude coordinates translate into latitude of 28.951151 N and longitude of 95.425589 E.

RE: Can I call you?

Jaini, Vinod K [REDACTED]

Wed 5/3/2023 12:50 PM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Cc: Neel, Phillip (SNC-Lavalin) <[REDACTED]>

Yes, you are correct. I am calling about the P66 application No. 13883. I will call on your cell [REDACTED] at 3:30 PM or there after.

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Sent: Wednesday, May 3, 2023 12:00 PM

To: Jaini, Vinod K <[REDACTED]>

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Subject: [EXTERNAL]Re: Can I call you?

This Message Is From an External Sender

[Report Suspicious](#)

This message came from outside your organization.

Yes, of course, Mr. Jaini,

I was going to call you, but I do not have your phone number for Phillips 66. I am in meetings this morning and late afternoon, but I will be available from 3:30 to 6 today. You can reach me on my cell phone [REDACTED]

Or you can send me your phone number and I can call you back.

I assume you are calling in regard to Phillips 66's application no. 13883 which has a Request for Information due on May 11th.

Thank you,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

From: Jaini, Vinod K <[REDACTED]>

Sent: Wednesday, May 3, 2023 10:38 AM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Subject: Can I call you?

PHONE MEMO

To: Lillian E. Beerman, Ph.D.	From: Vinoid Jaini
Date of Call: May3, 2023	File No.: 13883
Phone Number: 979-491-2125	Subject: RFI #2

Mr. Jaini had questions about his response to the RFI #2. Informed Mr. Jaini that the requested fees had been paid.

Lillian E. Beerman, Ph.D. May 5, 2023

Re: Phillips_66_13883_Second_Request_for_Information_04.11.2023

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Tue 4/11/2023 10:46 AM

To: Mareno, Katie <[REDACTED]>

Thank you.

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

From: Mareno, Katie <[REDACTED]>

Sent: Tuesday, April 11, 2023 10:37 AM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Subject: RE: Phillips_66_13883_Second_Request_for_Information_04.11.2023

Ms. Beerman,

Your email has been received. We will respond by COB Thursday, May 11, 2023.

Thank you,
Katie

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Sent: Tuesday, April 11, 2023 10:13 AM

To: Mareno, Katie <[REDACTED]>

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Subject: [EXTERNAL]Phillips_66_13883_Second_Request_for_Information_04.11.2023

This Message Is From an External Sender

[Report Suspicious](#)

This message came from outside your organization.

Ms. Katie Mareno,

Attached is a second Request for Information for Phillips 66 Company's Application No. 13883 for a Temporary Water Use Permit.

Response is due COB Thursday, May 11, 2022.

Please send a quick email to confirm that you have received this document.

If you have any questions or concern, do not hesitate to contact me.

Thank you,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

Phillips_66_13883_Second_Request_for_Information_04.11.2023

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Tue 4/11/2023 10:12 AM

To: Mareno, Katie

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

 1 attachments (246 KB)

Phillips_66_13883_RFI#2_Sent_02.14.2023.pdf;

Ms. Katie Mareno,

Attached is a second Request for Information for Phillips 66 Company's Application No. 13883 for a Temporary Water Use Permit.

Response is due COB Thursday, May 11, 2022.

Please send a quick email to confirm that you have received this document.

If you have any questions or concern, do not hesitate to contact me.

Thank you,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E. Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 11, 2023

Ms. Katherine Mareno
8189 Old FM 524
Old Ocean, TX 77463

VIA E-MAIL

RE: Phillips 66 Company
WRTP 13883
CN604065912, RN111596565
Application No. 13883 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Jones Creek, Brazos-Colorado Coastal Basin
Brazoria County

Dear Ms. Mareno:

This acknowledges receipt, on February 2, 2023, of additional information and, on February 10, 2023, of fees in the amount of \$ 308.53 (Receipt No. M311498, copy attached).

Additional information is required before the application can be declared administratively complete.

1. Confirm the location of the diversion point. Staff has calculated coordinates to be Latitude 28.951157° N, Longitude 95.425462° W. Staff notes the coordinates provided do not match the point indicated on the most recent map.
2. Provide an original signed and notarized *Application for A Temporary Water Use Permit* (Form TCEQ-10202). Staff notes Applicant's intent to submit a revised application with Mark Evans, VP Sweeny Refinery, as signatory.
3. Provide documentation evidencing that Mark Evans, VP, has the authority to sign for Phillips 66 Company pursuant to Title 30 Texas Administrative Code (TAC) § 295.14(5).

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Please submit the requested information and fees by May 11, 2023 or the application may be returned pursuant to Title 30 TAC § 281.18.

If you have any questions concerning this matter, please contact me via email at lillian.beerman@tceq.texas.gov or by telephone at (512) 239-4019.

Katherine Marenco
Phillips 66 Company
Application No. 13883
April 11, 2023
Page 2 of 2

Sincerely,

Lillian E. Beerman, Ph.D.

Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



10-FEB-23 03:41 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u>	<u>Account#</u>	<u>Account Name</u>	<u>Ref#1</u>	<u>Ref#2</u>	<u>Check Number</u>	<u>CC Type</u>	<u>Card Auth.</u>	<u>Tran Code</u>	<u>Rec Code</u>	<u>Slip Key</u>	<u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP			M311498		6372		021023	N			BS00100908	10-FEB-23	-\$308.53
	WUP											D3801806		
				PHILLIPS 66		RHDAVIS				CK				
				COMPANY										
Total (Fee Code) :														-\$308.53

RECEIVED
FEB 14 2023
Water Availability Division

RECEIVED
FEB 14 2023
Water Availability Division

RE: Phillips 66 Water Rights Permitting Inquiry

Mareno, Katie <[REDACTED]>

Thu 2/2/2023 2:32 PM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Cc: Jaini, Vinod K <[REDACTED]>

 4 attachments (2 MB)

Jones Creek Temporary Water Use Permit Request For Information Response_2.2.23.docx; Ownership details.pdf; Topo Map.pdf; Jones Creek Temporary Water Use Permit Fee.pdf;

Dr. Beerman,

Please find attached the Response to the Notice of Deficiency on the Jones Creek Temporary Water Use Permit Application. Additionally, the fee is being mailed via certified mail today. A copy of this is also included as an attachment.

Thank you,
Katie

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Sent: Tuesday, January 3, 2023 2:42 PM

To: Mareno, Katie <[REDACTED]>

Subject: [EXTERNAL]Re: Phillips 66 Water Rights Permitting Inquiry

This Message Is From an External Sender

[Report Suspicious](#)

This message came from outside your organization.

Ms. Mareno,

Attached is a follow-up Request for Information for Phillips 66 Company's Application No. 13883 for a Temporary Water Use Permit. The due date for a response is February 2, 2023.

Please send me an email when you receive the document.

If you have any questions or concerns do on hesitate to contact me.

Thank you,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

From: Mareno, Katie [REDACTED]
Sent: Monday, January 2, 2023 5:01 PM
To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Subject: Phillips 66 Water Rights Permitting Inquiry

My email is [REDACTED] Phone number is 979-491-2111.

Thank you,
Katie

Katie Mareno
Environmental Director

O: (+1) 979.491.2111 | M: (+1) 225.603.0777 |
Sweeny Refinery | 8189 Old FM 524 | Old Ocean, TX 77463





Katherine Mareno
Environmental Director
Phillips 66
Sweeny Refinery
P. O. Box 866
Sweeny, TX 77480
phone 979-491-2111

February 2, 2023

CERTIFIED MAIL #7022 3330 0000 7926 2262

Lillian E. Beerman, PhD,
Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
TCEQ
P.O. Box 13087,
Austin, Texas 78711-3087

Re: Phillips 66 Company
WRTP 13883
CN604065912, RN111596565
Application No. 13883 for a Temporary Water Use Permit
Texas Water Code §11.138, Requiring Limited Mailed Notice
Jones Creek, Brazos-Colorado Coastal Basin
Brazoria County

Dear Dr Beerman:

Please find enclosed in this submittal a check in the amount of \$308.53 for the above referenced Temporary Water Use Permit Application.

If you have any questions or need any additional information, please contact Vinod Jaini at 979-491-2125 or [REDACTED]

Sincerely,


Katherine Mareno
Environmental Director

This check was issued by Phillips 66 Company



DATE	INVOICE (DESCRIPT)	CO. DOCUMENT NO.	GROSS	DISCOUNT	NET
10/01/23	13883	[REDACTED]	USD 308.53	0.00	308.53

PAYEE NUMBER	CHECK DATE	CHECK NO.	CHECK AMOUNT
0050166208	01/19/2023	[REDACTED]	308.53

If you have questions about this check, call (918)977-7909 or logon to <https://vis.ephillips66.com>.

Phillips 66 is currently adopting direct deposit (ACH) as our primary tool for payment in place of checks. Please access the following website <http://vendors.phillips66.com/EN/payment/Pages/index.aspx> for application instructions. Your prompt response is greatly appreciated.

WARNING: THIS DOCUMENT CONTAINS SEVERAL DOCUMENT SECURITY FEATURES - DO NOT CASH IF THE WORD VOID IS VISIBLE - SEE REVERSE SIDE FOR LIST OF SECURITY FEATURES

Phillips 66 Company

90-4150/1222

Check No: [REDACTED]

B [REDACTED]

[REDACTED] 01/19/2023 [REDACTED]

\$308.53

Three Hundred Eight And 53/100 Dollars

PAY TO THE ORDER OF

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
PO BOX 13089
AUSTIN, TX 78711-3089

Treasurer [REDACTED]

SIGNATURE HAS A BLUE-GREEN BACKGROUND - BORDER CONTAINS MICROPRINTING MP



This is a response to the notice of additional information request received by email on January 3, 2023. The following are responses to each question as follows:

- **TCEQ Question 1:** Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). Refer to pages 28-29 from the Instructions for completing the Water Right permitting Application (Form TCEQ-10214A-inst) for assisting in developing your response.
P66 Response: All efforts will be made to take reasonable measures to avoid impingement and entrainment of aquatic organisms. Our tentative plans are to bring in a portable diesel pump with feeding into a box holding a 5 mesh screen to avoid impingement and entrainment of aquatic organisms.
- **TCEQ Question No.2:** Confirm that water will be diverted from Jones Creek, tributary of the Intracoastal waterway, Brazos-Colorado Coastal Basin.
P66 Response: We confirm that water will be diverted from Jones Creek, tributary of the intracoastal waterway.
- **TCEQ Question No.3:** Confirm the location of the diversion point. The latitude and longitude provided in the application does not plot on a watercourse. Coordinates need to be provided in decimal degrees to at least six decimal places.
P66 Response:
The latitude is 28°56'59" North. The longitude is 95°25'40"W.
The latitude is 28.949688. The longitude is -95.42777.
- **TCEQ Question No. 4:** Provide a revised USGS 7.5-minute topographic map (or equivalent) with the location of the diversion point clearly marked.
P66 Response: Please see the attached revised USGS map with location of the diversion point.
- **TCEQ Question No 5:** Confirm the mailing address of the applicant. The address provided in the application is 8189 Old FM 524, Old Ocean, TX 77463. Staff notes the address associated with Phillips 66 Company (CN604065912) in TCEQ's Central Registry is PO Box 866, Sweeny, TX 77480.
P66 Response: The physical address is 8189 Old FM 524, Old Ocean, Texas 77463. The address listed in the Central Registry is mailing address. Both addresses are associated with Phillips 66.
- **TCEQ Question No. 6:** Provide the ZIP Code for the location of the proposed diversion point.
P66 Response: The zip code is 77541.
- **TCEQ Question No. 7:** Confirm that the applicant will have access to the diversion point by public right-of-way, by private property, or by some other means (See Item 6 of the application (Form TCEQ – 10202). If access is thru private property, provide recorded copies of legal documents establishing ownership of the proposed diversion point or a copy of a duly acknowledged written easement, consent, or license from the landowner(s) whose land is associated with the proposed diversion point, pursuant Texas Administrative Code (TAC) §295.10.

P66 Response: The portion of the land between the terminal edge and Jones Creek is owned by Phillips 66 according to Brazoria County Appraisal district records. Attached is proof of ownership of land whereby the applicant will have access to the diversion point.

- **TCEQ Question No. 8:** Provide documentation evidencing that Katherine Mareno has the authority to sign for Phillips 66 Company pursuant to Title 30 Texas Administrative Code (TAC) §295.14(5): If the applicant is a corporation, public district, county, municipality, or other corporate entity, the application shall be signed by a duly authorized official. Written evidence in the form of bylaws, charters, or resolutions which specify the authority of the official to take such action shall be submitted. A corporation may file a corporate affidavit as evidence of the official's authority to sign.

P66 Response: A revised application will be submitted with Mark Evans, VP Sweeny Refinery signing as the duly authorized official.

- **TCEQ Question No 9:** Before the application can be declared administratively complete, remit fees in the amount of \$308.53, as described below. Please make the check payable to the TCEQ or Texas Commission on Environmental Quality.

- a. Filing Fees (WRTP > 10 acre-feet) \$ 250.00
 - b. Recording Fee \$ 1.25
 - c. Use Fees (\$1.00 x 55.4 acre-feet) \$ 55.40
 - d. Mailed Notice (\$0.94 X 2 WR Holders) \$ 1.88
- TOTAL FEES DUE \$ 308.53

P66 Response: The check (scanned image attached) will be sent via certified mail to TCEQ today.

Owner Name: PHILLIPS 66 COMPANY
Doing Business As: Null
Property Identification Number: 150797
Geo Identification Number: 0020-1714-110
Legal Description: A0020 S F AUSTIN TRACT 20K (DIV 18) ACRES 127.302
State Code: F2
Address: HIGHWAY 36 OFF , TX 77541
Taxing Jurisdictions: DR9, RDB, EM6, GBC, SBR, EM2, JBR, NAV, CAD
Appraised Value: N/A
Neighborhood: BRAZOSPORT ABSTRACTS (RESIDENTIAL ONLY)
Abstract Code: A0020

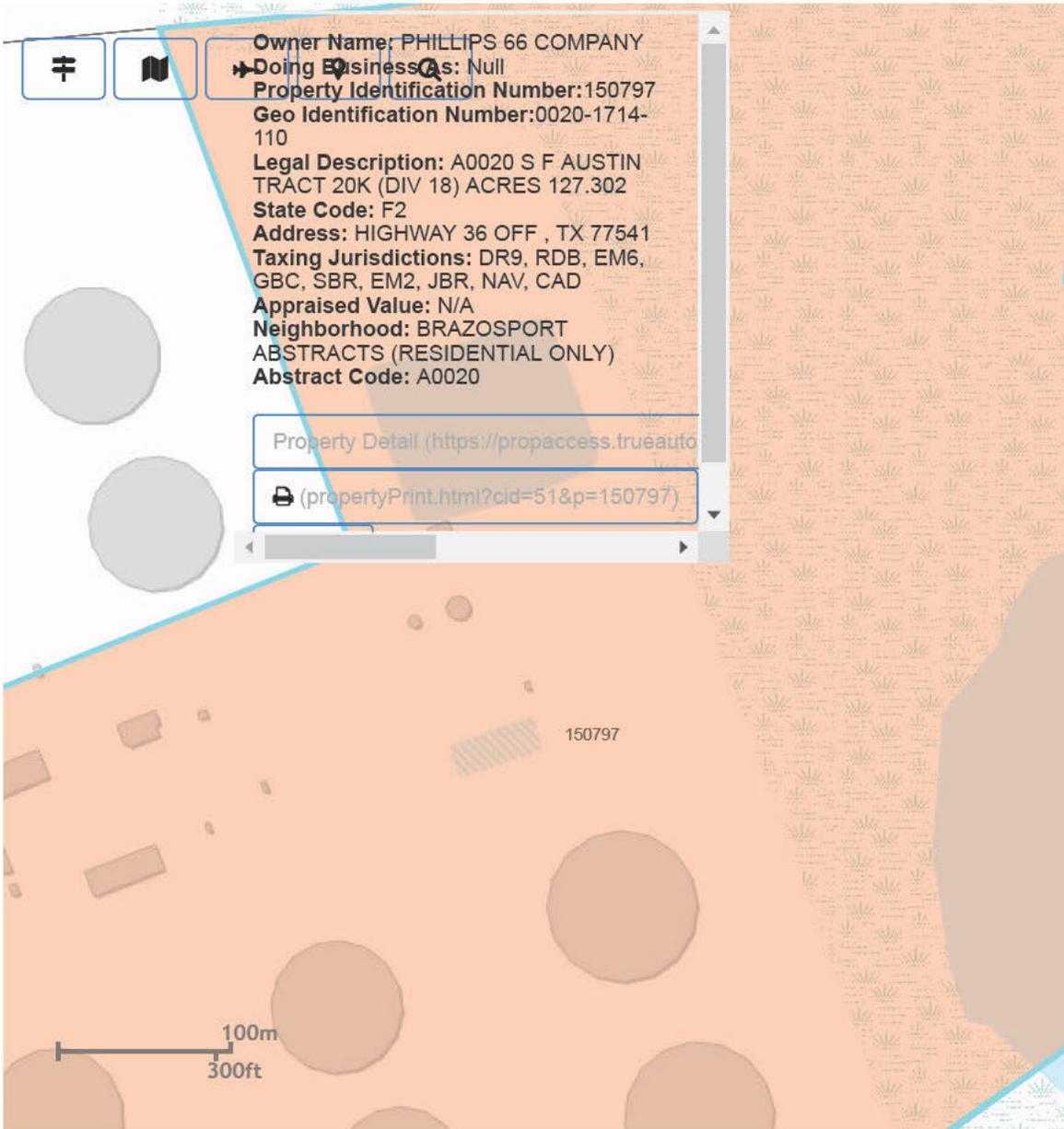
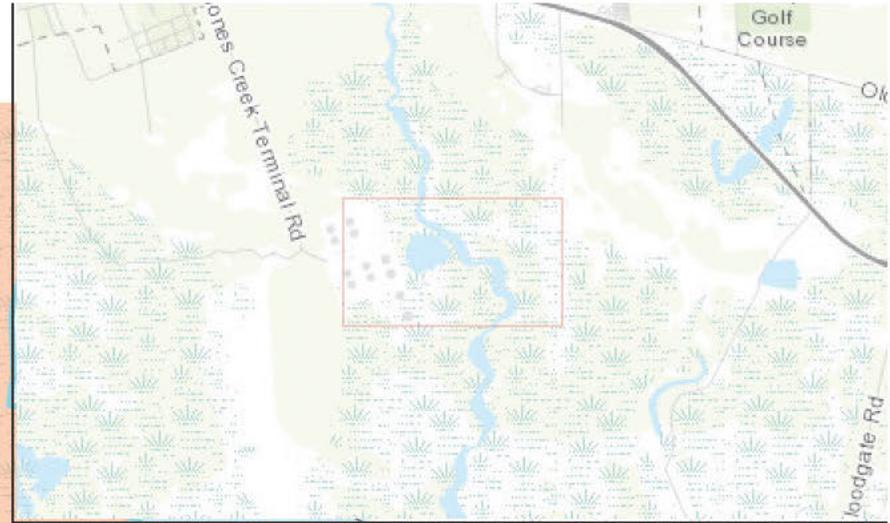
[Property Detail \(https://propaccess.trueauto.com/propertyDetail.html?cid=51&p=150797\)](https://propaccess.trueauto.com/propertyDetail.html?cid=51&p=150797)

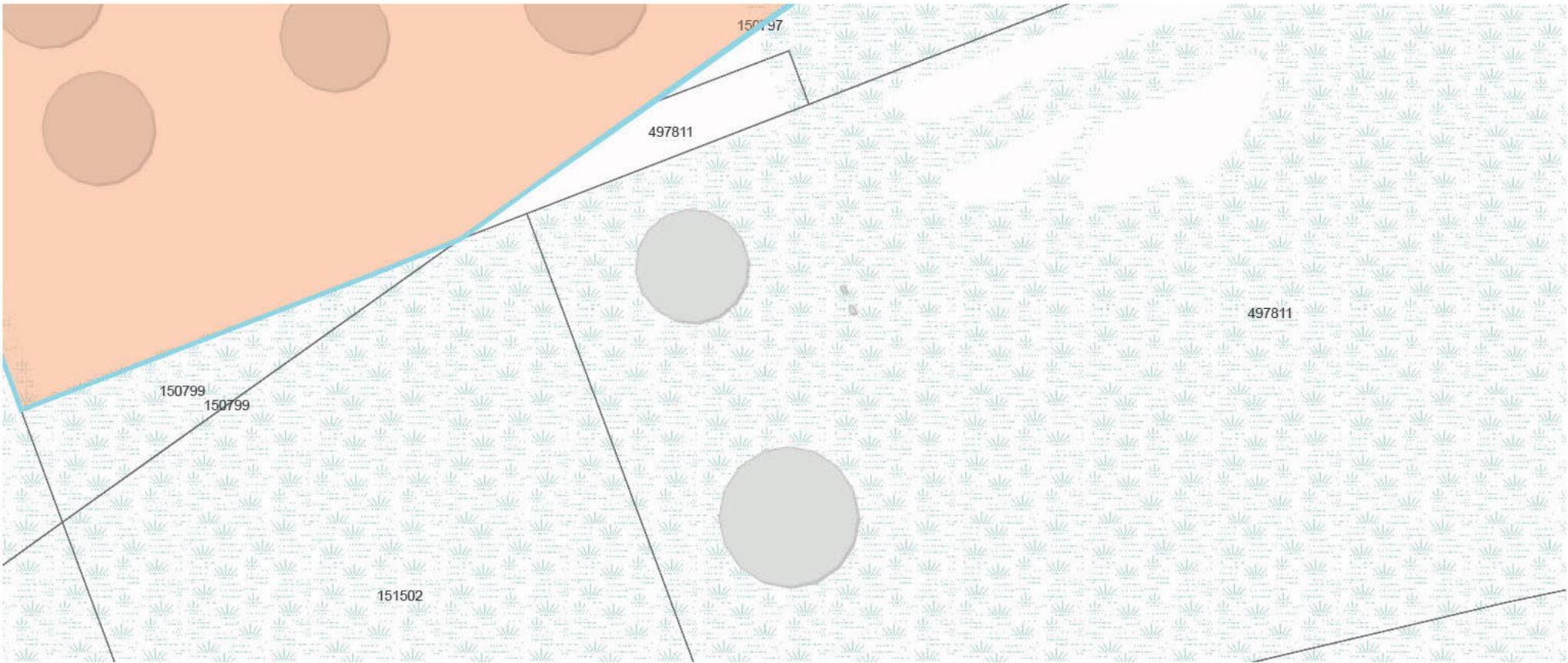
[Print \(propertyPrint.html?cid=51&p=150797\)](#)

150797

151501

100m
300ft





150797

497811

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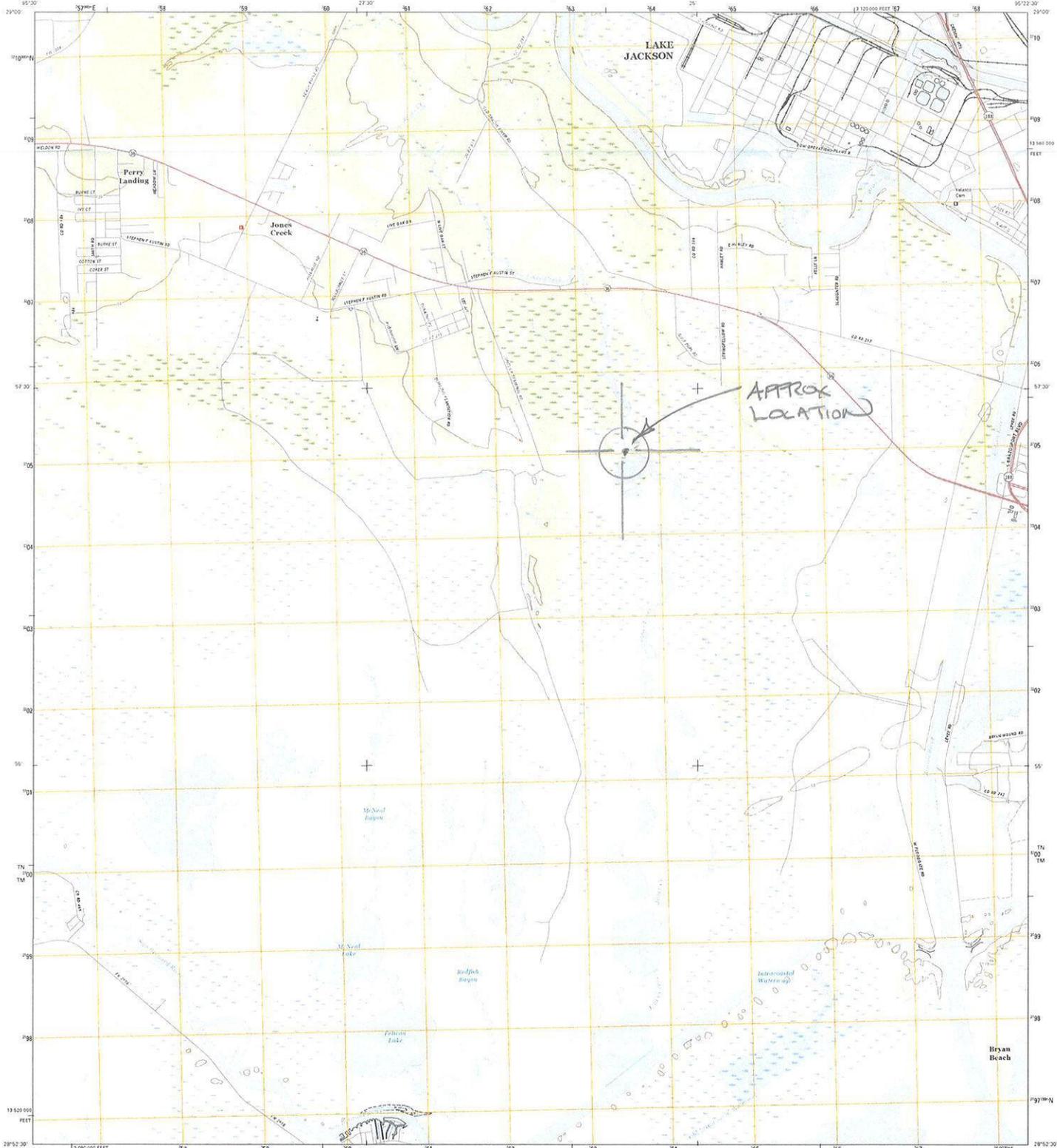
497811



U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY



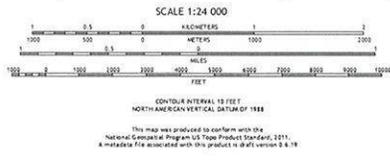
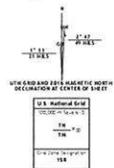
JONES CREEK QUADRANGLE
TEXAS-BRAZORIA CO.
7.5-MINUTE SERIES



Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84). Projection and
1:25000 scale grid (Universal Transverse Mercator, Zone 18E
13 200 feet ticks; Texas Coordinate System of 1983 south
central zone).

This map is not a legal document. Boundaries may be
generated for this map scale. Private lands within government
reservations may not be shown. Obtain permission before
entering private lands.

Imagery: NADP, October 2014
Roads: U.S. Census Bureau, 2014, 2015
Hydrography: National Hydrography Dataset, 2014
Contours: National Elevation Dataset, 2010
Boundaries: Multiple sources; see metadata file 1802_2015
Wetlands: FWS National Wetlands Inventory 1997 - 2014



1	2	3	1 Perryland
4	5	6	2 Lake Jackson
7	8	9	3 Jones Creek
			4 Cedar Lake NE
			5 Pleasant
			6 Cedar Lake West
			7 Cedar Lake East
			8 Bryan Beach

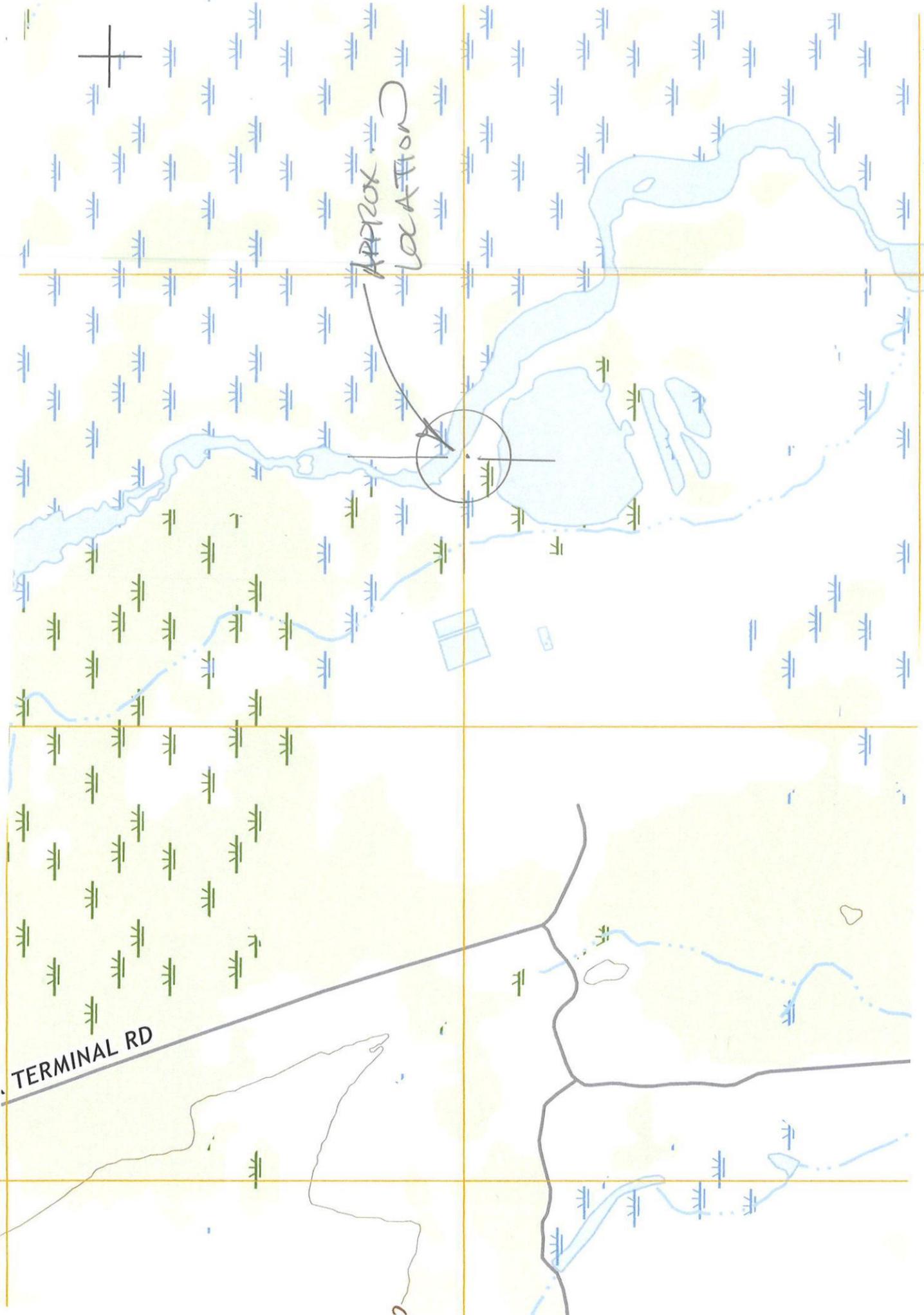
AD JONES QUADRANGLES

ROAD CLASSIFICATION

- Expressway
- Secondary Hwy
- Interstate Route
- Local Connector
- Local Road
- US Route
- State Route

JONES CREEK, TX
2016





PHONE MEMO

To: Lillian E. Beerman	From: Vinod Jaini
Phone: 979-491-2125	Document: Phillips 66 Company WRTP No. 13883
Date: January 6, 2023	RE: Follow-up RFI

Spoke with Mr. Jaini and a colleague regarding the RFI. Went over each question. He did not anticipate problems with their response.

Lillian E. Beerman, January 6, 2023

PHONE MEMO

From: Lillian E. Beerman	To: Vinod Jaini
Phone: 979-491-2125	Document: Phillips 66 Company WRTP No. 13883
Date: January 5, 2023	RE: Follow-up RFI

Called Mr. Jaini to see if he had questions for the RFI. He said that the plant suffered failures during the December freeze and they were low on staff. We agreed to talk on Friday.

Lillian E. Beerman, January 5, 2023

Re: Phillips 66 Water Rights Permitting Inquiry

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Tue 1/3/2023 3:33 PM

To: Mareno, Katie [REDACTED]

Ms. Mareno,

Noted. Please do not hesitate to contact me if you have any questions regarding the RFI.

Thank you,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

From: Mareno, Katie [REDACTED]
Sent: Tuesday, January 3, 2023 2:52 PM
To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Cc: Jaini, Vinod K [REDACTED]
Subject: RE: Phillips 66 Water Rights Permitting Inquiry

Ms. Beerman,

This email is acknowledging receipt of the Request for Information for Phillips 66 Company's Application No. 13883. Please note that I do not have record of receiving the original request. We will provide the information requested in this Request for Information by February 2, 2023.

Thank you,
Katie Mareno

Katie Mareno
Environmental Director

O: (+1) 979.491.2111 | M: (+1) 225.603.0777 |
Sweeny Refinery | 8189 Old FM 524 | Old Ocean, TX 77463



From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Sent: Tuesday, January 3, 2023 2:42 PM
To: Mareno, Katie [REDACTED]
Subject: [EXTERNAL]Re: Phillips 66 Water Rights Permitting Inquiry

This Message Is From an External Sender

[Report Suspicious](#)

This message came from outside your organization.

Ms. Mareno,

Attached is a follow-up Request for Information for Phillips 66 Company's Application No. 13883 for a Temporary Water Use Permit. The due date for a response is February 2, 2023.

Please send me an email when you receive the document.

If you have any questions or concerns do on hesitate to contact me.

Thank you,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

From: Mareno, Katie <[REDACTED]>

Sent: Monday, January 2, 2023 5:01 PM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Subject: Phillips 66 Water Rights Permitting Inquiry

My email is [REDACTED] Phone number is 979-491-2111.

Thank you,

Katie

Katie Mareno

Environmental Director

O: (+1) 979.491.2111 | M: (+1) 225.603.0777 |

Sweeny Refinery | 8189 Old FM 524 | Old Ocean, TX 77463



FW: Phillips 66 Water Rights Permitting Inquiry

Jaini, Vinod K <[REDACTED]>

Tue 1/3/2023 3:37 PM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Can you please call me at (979)491-2125? Or perhaps can I call you tomorrow after 08:00AM?

From: Mareno, Katie <[REDACTED]>

Sent: Tuesday, January 3, 2023 2:52 PM

To: Jaini, Vinod K <[REDACTED]>

Cc: Millette, Griffin P <[REDACTED]>

Subject: FW: Phillips 66 Water Rights Permitting Inquiry

Vinod,

Can you work on drafting this response?

Thanks,
Katie

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Sent: Tuesday, January 3, 2023 2:42 PM

To: Mareno, Katie <[REDACTED]>

Subject: [EXTERNAL]Re: Phillips 66 Water Rights Permitting Inquiry

This Message Is From an External Sender

[Report Suspicious](#)

This message came from outside your organization.

Ms. Mareno,

Attached is a follow-up Request for Information for Phillips 66 Company's Application No. 13883 for a Temporary Water Use Permit. The due date for a response is February 2, 2023.

Please send me an email when you receive the document.

If you have any questions or concerns do not hesitate to contact me.

Thank you,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

From: Mareno, Katie [REDACTED]
Sent: Monday, January 2, 2023 5:01 PM
To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>
Subject: Phillips 66 Water Rights Permitting Inquiry

My email is [REDACTED] Phone number is 979-491-2111.

Thank you,
Katie

Katie Mareno
Environmental Director

O: (+1) 979.491.2111 | M: (+1) 225.603.0777 |
Sweeny Refinery | 8189 Old FM 524 | Old Ocean, TX 77463



PHONE MEMO

From: Lillian E. Beerman	To: Vinod Jaini
Phone: 979-491-2125	Document: Phillips 66 Company WRTP No. 13883
Date: January 3, 2023	RE: Follow-up RFI

Mr. Jaini left an email and asked me to call him. I called him immediately. He has questions regarding the RFI. He asked me to call him on Wednesday morning, giving him an opportunity to review the questions.

Lillian E. Beerman, January 3, 2023

Re: Phillips 66 Water Rights Permitting Inquiry

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Tue 1/3/2023 2:42 PM

To: Mareno, Katie <[REDACTED]>

📎 1 attachments (374 KB)

Phillips_66_13883_Followup_RFI_01.03.2022.pdf;

Ms. Mareno,

Attached is a follow-up Request for Information for Phillips 66 Company's Application No. 13883 for a Temporary Water Use Permit. The due date for a response is February 2, 2023.

Please send me an email when you receive the document.

If you have any questions or concerns do not hesitate to contact me.

Thank you,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

From: Mareno, Katie <[REDACTED]>

Sent: Monday, January 2, 2023 5:01 PM

To: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Subject: Phillips 66 Water Rights Permitting Inquiry

My email is <[REDACTED]> phone number is 979-491-2111.

Thank you,

Katie

Katie Mareno

Environmental Director

O: (+1) 979.491.2111 | M: (+1) 225.603.0777 |

Sweeny Refinery | 8189 Old FM 524 | Old Ocean, TX 77463



Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 3, 2023

Ms. Katherine Mareno
8189 Old FM 524
Old Ocean, TX 77463

VIA E-MAIL

RE: Phillips 66 Company
WRTP 13883
CN604065912, RN111596565
Application No. 13883 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Jones Creek, Brazos-Colorado Coastal Basin
Brazoria County

Dear Ms. Mareno:

This is a follow-up to our previous letter dated November 28, 2023 (copy attached) requesting additional information for the referenced application. To date, a response has not been received. Please submit the information requested by February 2, 2023, or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

If you have any questions concerning this matter, please contact me via email at lillian.beerman@tceq.texas.gov or by telephone at (512) 239-4019.

Sincerely,

Lillian E. Beerman, Ph.D.

Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 28, 2022

Ms. Katherine Mareno
8189 Old FM 524
Old Ocean, TX 77463

VIA E-MAIL

RE: Phillips 66 Company
WRTP 13883
CN604065912, RN111596565
Application No. 13883 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Jones Creek, Brazos-Colorado Coastal Basin
Brazoria County

Dear Ms. Mareno:

This acknowledges receipt, on October 28, 2022, of the referenced application.

Additional information and fees are required before the application can be declared administratively complete.

A temporary permit may only be issued if there is surplus water available for use on a short - term (temporary or ephemeral) basis in the source supply. During low flow conditions, which occur during a drought or periods of limited rainfall, all water in the basin will be required for existing senior water rights and there is no presumption of any surplus flows.

1. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). Refer to pages 28-29 from the *Instructions for Completing the Water Right Permitting Application* (Form TCEQ-10214A-inst) for assistance in developing your response.
2. Confirm that water will be diverted from Jones Creek, tributary of the Intracoastal Waterway, Brazos-Colorado Coastal Basin.
3. Confirm the location of the diversion point. The latitude and longitude provided in the application does not plot on a watercourse. Coordinates need to be provided in decimal degrees to at least six decimal places.
4. Provide a revised USGS 7.5-minute topographic map (or equivalent) with the location of the diversion point clearly marked.
5. Confirm the mailing address of the applicant. The address provided in the application is 8189 Old FM 524, Old Ocean, TX 77463. Staff notes the address associated with Phillips 66 Company (CN604065912) in TCEQ's Central Registry is PO Box 866, Sweeny, TX 77480.
6. Provide the ZIP Code for the location of the proposed diversion point.

Katherine Maren
Phillips 66 Company
Application No. 13883
November 28, 2022
Page 2 of 2

7. Confirm that the applicant will have access to the diversion point by public right-of-way, by private property, or by some other means (See Item 6 of the application (Form TCEQ - 10202).

If access is thru private property, provide recorded copies of legal documents establishing ownership of the proposed diversion point or a copy of a duly acknowledged written easement, consent, or license from the landowner(s) whose land is associated with the proposed diversion point, pursuant Texas Administrative Code (TAC) §295.10.

8. Provide documentation evidencing that Katherine Maren has the authority to sign for Phillips 66 Company pursuant to Title 30 Texas Administrative Code (TAC) §295.14(5):

If the applicant is a corporation, public district, county, municipality, or other corporate entity, the application shall be signed by a duly authorized official. Written evidence in the form of bylaws, charters, or resolutions which specify the authority of the official to take such action shall be submitted. A corporation may file a corporate affidavit as evidence of the official's authority to sign.

9. Before the application can be declared administratively complete, remit fees in the amount of \$ 308.53, as described below. Please make the check payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fees	(WRTP ≥ 10 acre-feet)	\$ 250.00
Recording Fee		\$ 1.25
Use Fees	(\$1.00 x 55.4 acre-feet)	\$ 55.40
Mailed Notice	(\$0.94 X 2 WR Holders)	\$ 1.88
<hr/>		
TOTAL FEES		\$ 308.53
FEES RECEIVED		\$ 0.00
<hr/>		
TOTAL FEES DUE		\$ 308.53

Please submit the requested information and fees by December 28, 2022 or the application may be returned pursuant to Title 30 TAC § 281.18.

If you have any questions concerning this matter, please contact me via email at lillian.beerman@tceq.texas.gov or by telephone at (512) 239-4019.

Sincerely,

Lillian E. Beerman, Ph.D.

Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Phillips_66_Company_13883_Request_for_Information_11.28.2022

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Mon 1/2/2023 9:28 AM

To: [REDACTED]

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Ms. Moreno,

On November 28, 2022, the Water Rights Permitting Division of the Texas Commission on Environmental Quality sent you a Request for Information. Your response to these questions is needed to complete the administrative review of Phillips 66's application for a Temporary Water Use Permit.

Your response was due on December 28th.

Please inform me of the status of your response.

I also request you email to me your phone number which was not included on the application.

I hope to hear from you soon.

Thank You,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

From: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Sent: Monday, November 28, 2022 11:17 AM

To: [REDACTED]

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Subject: Phillips_66_Company_13883_Request_for_Information_11.28.2022

Ms. Moreno,

Attached is a Request for Information for Phillips 66 Company's Application No. 13883 for a temporary water use permit. A response is due by COB Wednesday, November 28, 2022.

If you have any questions or concerns, please do not hesitate to contact me.

Thank you,

Lillian E. Beerman, Ph.D.

Water Rights Permitting Team

Water Availability Division

512-239-4019

lillian.beerman@tceq.texas.gov

Phillips_66_Company_13883_Request_for_Information_11.28.2022

Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

Mon 11/28/2022 11:17 AM

To:

[REDACTED]

Cc: Lillian Beerman <Lillian.Beerman@Tceq.Texas.Gov>

 1 attachments (285 KB)

Phillips 66 Company 13883 RFI Sent 11.28.2022.pdf;

Ms. Moreno,

Attached is a Request for Information for Phillips 66 Company's Application No. 13883 for a temporary water use permit. A response is due by COB Wednesday, December 28, 2022.

If you have any questions or concerns, please do not hesitate to contact me.

Thank you,

Lillian E. Beerman, Ph.D.
Water Rights Permitting Team
Water Availability Division
512-239-4019
lillian.beerman@tceq.texas.gov

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 28, 2022

Ms. Katherine Mareno
8189 Old FM 524
Old Ocean, TX 77463

VIA E-MAIL

RE: Phillips 66 Company
WRTP 13883
CN604065912, RN111596565
Application No. 13883 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Jones Creek, Brazos-Colorado Coastal Basin
Brazoria County

Dear Ms. Mareno:

This acknowledges receipt, on October 28, 2022, of the referenced application.

Additional information and fees are required before the application can be declared administratively complete.

A temporary permit may only be issued if there is surplus water available for use on a short-term (temporary or ephemeral) basis in the source supply. During low flow conditions, which occur during a drought or periods of limited rainfall, all water in the basin will be required for existing senior water rights and there is no presumption of any surplus flows.

1. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). Refer to pages 28-29 from the *Instructions for Completing the Water Right Permitting Application* (Form TCEQ-10214A-inst) for assistance in developing your response.
2. Confirm that water will be diverted from Jones Creek, tributary of the Intracoastal Waterway, Brazos-Colorado Coastal Basin.
3. Confirm the location of the diversion point. The latitude and longitude provided in the application does not plot on a watercourse. Coordinates need to be provided in decimal degrees to at least six decimal places.
4. Provide a revised USGS 7.5-minute topographic map (or equivalent) with the location of the diversion point clearly marked.
5. Confirm the mailing address of the applicant. The address provided in the application is 8189 Old FM 524, Old Ocean, TX 77463. Staff notes the address associated with Phillips 66 Company (CN604065912) in TCEQ's Central Registry is PO Box 866, Sweeny, TX 77480.
6. Provide the ZIP Code for the location of the proposed diversion point.

Katherine Marenco
Phillips 66 Company
Application No. 13883
November 28, 2022
Page 2 of 2

7. Confirm that the applicant will have access to the diversion point by public right-of-way, by private property, or by some other means (See Item 6 of the application (Form TCEQ - 10202).

If access is thru private property, provide recorded copies of legal documents establishing ownership of the proposed diversion point or a copy of a duly acknowledged written easement, consent, or license from the landowner(s) whose land is associated with the proposed diversion point, pursuant Texas Administrative Code (TAC) §295.10.

8. Provide documentation evidencing that Katherine Marenco has the authority to sign for Phillips 66 Company pursuant to Title 30 Texas Administrative Code (TAC) §295.14(5):

If the applicant is a corporation, public district, county, municipality, or other corporate entity, the application shall be signed by a duly authorized official. Written evidence in the form of bylaws, charters, or resolutions which specify the authority of the official to take such action shall be submitted. A corporation may file a corporate affidavit as evidence of the official's authority to sign.

9. Before the application can be declared administratively complete, remit fees in the amount of \$ 308.53, as described below. Please make the check payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fees	(WRTP ≥ 10 acre-feet)	\$ 250.00
Recording Fee		\$ 1.25
Use Fees	(\$1.00 x 55.4 acre-feet)	\$ 55.40
Mailed Notice	(\$0.94 X 2 WR Holders)	\$ 1.88
<hr/>		
TOTAL FEES		\$ 308.53
FEES RECEIVED		\$ 0.00
<hr/>		
TOTAL FEES DUE		\$ 308.53

Please submit the requested information and fees by December 28, 2022 or the application may be returned pursuant to Title 30 TAC § 281.18.

If you have any questions concerning this matter, please contact me via email at lillian.beerman@tceq.texas.gov or by telephone at (512) 239-4019.

Sincerely,

Lillian E. Beerman, Ph.D.

Lillian E. Beerman, Ph.D., Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O. Box 13087 MC-160, Austin, Texas 78711-3087

Telephone (512) 239-4600, FAX (512) 239-4770

APPLICATION FOR A TEMPORARY WATER USE PERMIT FOR MORE THAN 10 ACRE-FEET OF WATER, AND/OR FOR A DIVERSION PERIOD LONGER THAN ONE CALENDAR YEAR

This form is for an application for a temporary permit to divert water under Section 11.138, Texas Water Code. Any permit granted from this application may be suspended at any time by the applicable TCEQ Office if it is determined that surplus water is no longer available.

Notice: This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol.

- 1. Data on Applicant and Project: Social Security or Federal ID No. 3779385
A. Name: PHILLIPS 66 COMPANY
B. Mailing Address: 8189 Old FM 524, Old Ocean, Texas 77463
C. Telephone Number: 9794912111 Fax Number: E-mail Address:
D. Applicant owes fees or penalties? Yes No
E. Describe Use of Water: REMOVAL OF WATER FROM JONES CREEK TO HYDROTEST TANKS
F. Description of Project (TDH Project No. if applicable): HYDROTESTING WATER
G. Highway Designation No. County

- 2. Type of Diversion (check one): X From Stream F From Reservoir JONES CREEK
3. Rate of Diversion:
A. Maximum 4000 GALLON/MINUTE gpm (capacity of pump)

- 4. Amount and Source of Water:
55.40 acre-feet of water within a period of 3 yrs (specify term period not to exceed a three year term). The water is to be obtained from JONES CREEK, tributary of Jones Lake, tributary of Basin.

- 5. Location of Diversion Point: Provide Latitude and Longitude in decimal degrees to at least six decimal places, and indicate the method used to calculate the diversion point location.
At Latitude 28°57'06" N, Longitude 95°25'06" W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) (R-O-W) (Highway), located in Zip Code, located miles in a direction from (County Seat), BRAZORIA County, and miles in a direction from, a nearby town shown on County road map. Note: Distance in straight line miles.

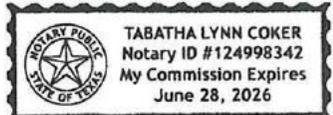
Enclose a USGS 7.5 minute topographic map with the diversion point and/or the return water discharge points labeled. Owner's written consent is required for water used from any private reservoir, or private access to diversion point.

- 6. Access to Diversion Point (check one): Public right-of-way Private property Other (Explain)
7. Fees Enclosed: Filing Recording Use (\$1.00 per ac-ft or fraction thereof) Total
10 ac-ft or less greater than 10 ac-ft

Upon completion of any project for which a temporary water permit is granted, the Permittee is required by law to report the amount of water used. This document must be properly signed and duly notarized before it can be accepted or considered by the Texas Commission on Environmental Quality.

Name (sign) Katherine Mareno Name (print)

Subscribed and sworn to me as being true and correct before me this 26 day of October, 2022



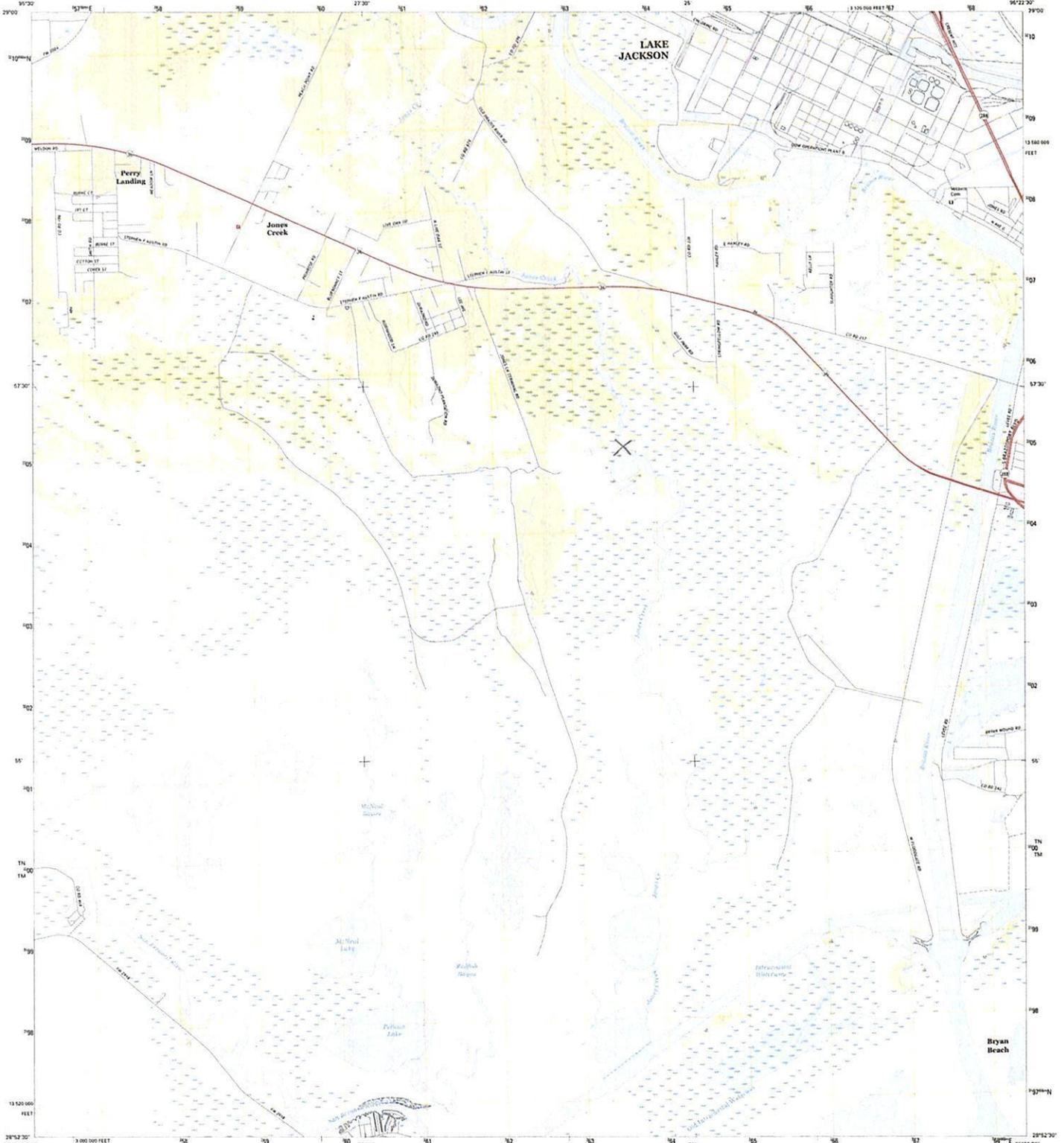
Signature of Notary Public, State of Texas



U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY



JONES CREEK QUADRANGLE
TEXAS-BRAZORIA CO.
7.5-MINUTE SERIES

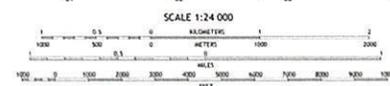


Produced by the United States Geological Survey
North American Datum of 1983 (NAD83). Projection and
Spatial Coordinate System of 1983 (NAD83). Projection and
Spatial Coordinate System of 1983 (NAD83). Zone 15R
of 1983 North American Datum of 1983 (NAD83) datum
coordinate system.

This map is not a legal document. Boundaries may be
generalized for this map scale. Private lands within government
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entering private lands.

Images: ... 10/10/2014
Map: ... 10/10/2014
Data: ... 10/10/2014
Metadata: ... 10/10/2014
Contact: ... 10/10/2014
Boundaries: ... 10/10/2014
Metadata: ... 10/10/2014

U.S. National Grid
18N
18E



CONTOUR INTERVAL: 10 FEET
NORTH AMERICAN DATUM OF 1983
This map was produced to conform with the
National Geospatial Program (NGP) Product Standard, 2011.
A Portable File associated with this product is available at 6.4.19



ROAD CLASSIFICATION

Expressway	Local Connector
Secondary Hwy	Local Road
Ramp	DRP
Interstate Route	US Route
	State Road

1	2	3
4	5	6
7	8	9

1. Breaux
2. Lake Jackson
3. Oyster Creek
4. Cedar Lake #1
5. Transport
6. Cedar Lake West
7. Cedar Lake East
8. ...
9. ...

JONES CREEK, TX
2016



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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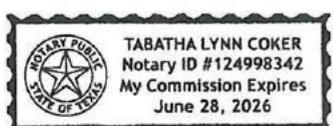
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7. Fees Enclosed: Filing Recording Use (\$1.00 per ac-ft or fraction thereof) Total
10 ac-ft or less greater than 10 ac-ft
\$ 100.00 \$ 250.00
\$ 1.25 \$ 1.25
\$ \$
\$ \$
(Note: 1 ac-ft = 325,851 gals. 1 ac-ft = 7758.35 bbls.)

Upon completion of any project for which a temporary water permit is granted, the Permittee is required by law to report the amount of water used. This document must be properly signed and duly notarized before it can be accepted or considered by the Texas Commission on Environmental Quality.

Signature lines for Katherine Mareno and another individual.

Subscribed and sworn to me as being true and correct before me this 26 day of October, 2022



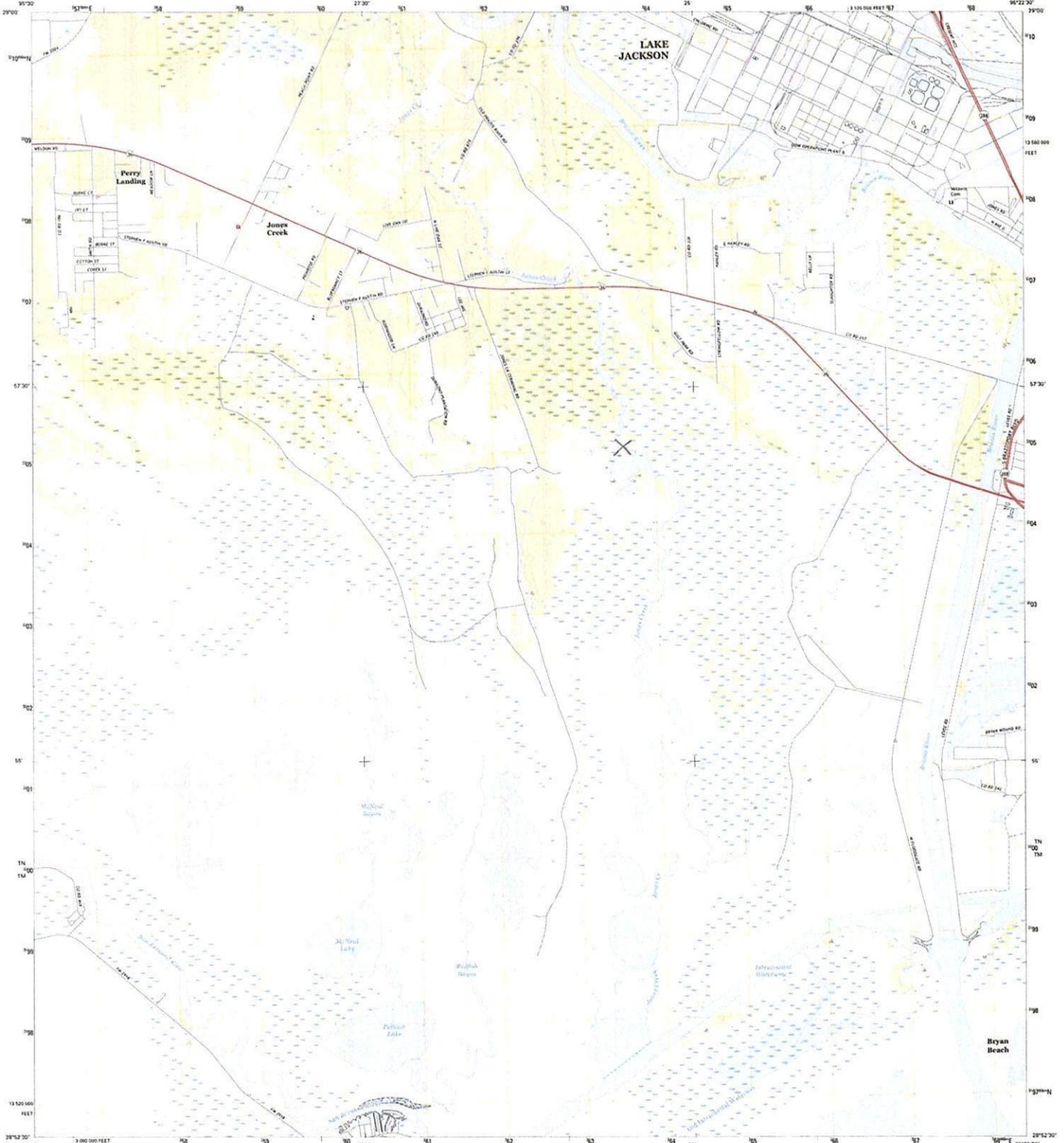
Signature of Tabatha Lynn Coker, Notary Public, State of Texas



U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY



JONES CREEK QUADRANGLE
TEXAS-BRAZORIA CO.
7.5-MINUTE SERIES



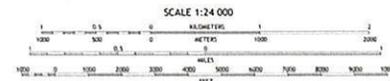
Produced by the United States Geological Survey
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Images: ... 10/10/2014
Aerials: ... U.S. Census Bureau, 2014
Names: ... GPO, 2015
Hydrography: ... National Hydrographic Survey, 2014
Contours: ... National Elevation Dataset, 2008
Boundaries: ... Multiple sources, see metadata for 1972-2013

Metadata: ... FWS National Wetlands Inventory 1977-2014

U.S. National Grid
NAD 83
Zone 15R
UTM
15R



ROAD CLASSIFICATION

Expressway	Local Connector
Secondary Hwy	Local Road
Ramp	DRP
Interstate Route	US Route
	State Road

1	2	3
4	5	6
7	8	9

Legend for symbols: 1 Boundary, 2 Lake Jackson, 3 Jones Creek, 4 Contour Interval, 5 Transport, 6 Contour Lines, 7 Contour Lines, 8 Contour Lines

JONES CREEK, TX
2016

