

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF HEARING

**Port of Corpus Christi Authority of Nueces County  
SOAH Docket No. 582-23-01502;  
TCEQ Docket No. 2021-0421-WR  
Water Use Permit No. WRPERM 13630**

### **APPLICATION.**

Port of Corpus Christi Authority of Nueces County (Applicant), P.O. Box 1541, Corpus Christi, Texas 78403, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Water Use Permit pursuant to Texas Water Code (TWC) § 11.121 and TCEQ Rule Title 30 Texas Administrative Code (TAC) §§ 295.151, et seq.

Port of Corpus Christi Authority of Nueces County (Applicant) seeks a Water Use Permit to divert and use not to exceed 101,334 acre-feet of water per year from a point on Corpus Christi Bay), San Antonio-Nueces Coastal Basin, at a maximum diversion rate of 140.12 cfs (62,890 gpm) for industrial purposes in San Patricio County.

The proposed diversion point is located on Corpus Christi Bay at Latitude 27.873741° N, Longitude 97.294987° W, in San Patricio County. There is no Zone Improvement Plan (ZIP) code currently assigned and the nearest assigned ZIP Code is 78374.

The application was received on September 3, 2019. Additional information and fees were received on December 3, 2019, January 28, 2020, February 4, 2020, and March 18, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 11, 2020. Additional information was also received on July 22, 2020 and August 17, 2020.

The Executive Director has 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, installation of measuring devices. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at: [https://www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/wr-apps-pub-notice](https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr-apps-pub-notice). Alternatively, the application and Executive Director's draft permit are available for viewing and copying at the Office of the Chief Clerk, 12100 Park 35 Circle, Building F, Austin, Texas 78753.

## **CONTESTED CASE HEARING.**

Considering directives to protect public health, the State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing via Zoom videoconference. A Zoom meeting is a secure, free meeting held over the internet that allows video, audio, or audio/video conferencing.

**10:00 a.m. – November 1, 2022**

### **To join the Zoom meeting via computer:**

<https://soah-texas.zoomgov.com/>

Meeting ID: 160 839 8005

Password: TCE52W

or

### **To join the Zoom meeting via telephone:**

+1 669 254 5252 or +1 646 828 7666

Meeting ID: 160 839 8005

Password: 142547

**Visit the SOAH website for registration at: <http://www.soah.texas.gov/>**  
or call SOAH at 512-475-4993.

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, allow an opportunity for settlement discussions, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding will be similar to a civil trial in state district court.

The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 11, Texas Water Code; and the procedural rules of the TCEQ and SOAH, including 30 Texas Administrative Code (TAC) Chapter 80 and 1 TAC Chapter 155.

The applicant is automatically a party in this hearing. If anyone else wishes to be a party to the hearing, he or she must attend the hearing and show how he or she would be adversely affected by the application in a way not common to members of the general public. Any person may attend the hearing and any person may request to be a party. Only persons named as parties may participate at the hearing.

**In accordance with 1 Tex. Admin. Code § 155.401(a), Notice of Hearing, “Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at [www.soah.texas.gov](http://www.soah.texas.gov), or in printed format upon request to SOAH.”**

## **INFORMATION.**

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at (800) 687-4040. General information about the TCEQ can be found at [www.tceq.texas.gov](http://www.tceq.texas.gov).

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-3445, at least one week prior to the hearing.

Issued: September 30, 2022

A handwritten signature in black ink that reads "Laurie Gharis". The signature is written in a cursive, flowing style.

Laurie Gharis, Chief Clerk  
Texas Commission on Environmental Quality

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*

June 15, 2022

**TO: Persons on Attached Mailing List**

**RE: Docket No. 2021-0421-WR  
Port of Corpus Christi Authority of Nueces County (Applicant)  
Hearing Requests filed on Permit No. WRPERM 13630**

The above-referenced application and all timely filed hearing requests/requests for reconsideration on the above-referenced application will be considered by the commissioners of the Texas Commission on Environmental Quality (TCEQ) during the public meeting on **July 20, 2022**. The meeting will begin at 9:30 a.m. Due to the ongoing pandemic, the agenda meeting may be held in person in Room 201S of Building E at the Commission's offices located at 12100 Park 35 Circle in Austin, Texas, virtually, or both in person and virtually. To confirm how the meeting will be held, please visit the Commissioners' Agenda webpage at:

[https://www.tceq.texas.gov/agency/decisions/agendas/comm/comm\\_agendas.html](https://www.tceq.texas.gov/agency/decisions/agendas/comm/comm_agendas.html)  
eight days before the Agenda.

In accordance with commission rules, copies of the timely hearing requests/requests for reconsideration have been forwarded to the Applicant, the Executive Director of the TCEQ, and the Public Interest Counsel of the TCEQ. Each of these persons is entitled to file a formal written response to the hearing requests/requests for reconsideration on or before 5:00 p.m. on **June 27, 2022**. Persons who have filed timely hearing requests/requests for reconsideration may file a formal written reply to these responses on or before 5:00 p.m. on **July 11, 2022**.

All responses and replies must be filed with the Chief Clerk of the TCEQ. Responses and replies may be filed with the Chief Clerk electronically at

<http://www.tceq.texas.gov/goto/efilings> or by filing an original and 7 copies with the Chief Clerk of the TCEQ. The mailing address of the Chief Clerk's Office is: Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087 (Fax (512) 239-3311). On the same day any response is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, the Applicant and the requesters at their addresses listed on the attached mailing list. On the same day any reply is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, other requesters, and the Applicant at their addresses listed on the attached mailing list.

The procedures for evaluating hearing requests and for filing and serving responses and replies are located in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter G (§§55.250-55.256) and 30 TAC §§ 1.10-1.11. The hardcopy filing requirement is waived

by the General Counsel pursuant to 30 TAC § 1.10(h). Copies of these rules may be obtained by calling the Public Education Program toll free at (800) 687-4040.

The Commissioners will not take oral argument or additional public comment on this matter, but may wish to ask questions of the Applicant, hearing requesters or staff. The Commissioners will make their decision based on the hearing requests, written responses to the hearing requests, any written replies to those responses, and any response to questions. Copies of all public comment and hearing requests have also been referred to the Alternative Dispute Resolution Program, where they will be evaluated to determine if informal, voluntary mediation might help resolve any dispute.

The attachment to this letter is intended to help you better understand how the TCEQ processes and evaluates hearing requests. Individual members of the public may seek further information concerning the application, public participation, the processing of hearing requests, copies of Commission rules, or the attachment, by calling the TCEQ Public Education Program, toll free, at (800) 687-4040.

Sincerely,

A handwritten signature in cursive script that reads "Laurie Gharis".

Laurie Gharis  
Chief Clerk

Enclosures: Copies of protestant correspondence to Applicant, Executive Director, Office of Public Interest Counsel, and Alternative Dispute Resolution.

## **REQUIREMENTS FOR WATER RIGHTS HEARING REQUESTS**

Commission rules in 30 TAC § 55.251 (b) and (c) require a hearing request to:

- (1) be in writing and be filed with the Office of the Chief Clerk during the public comment period;
- (2) give the name, address, and daytime telephone number of the person who files the request;
- (3) identify the person's personal justiciable interest affected by the application including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the activity that is the subject of the application and how and why the requestor believes he or she will be affected by the activity in a manner not common to members of the general public;
- (4) request a contested case hearing; and
- (5) provide any other information specified in the public notice of application.

A hearing request must comply with requirement (1) above and "substantially comply" with requirements (2) through (5). In addition, a group or association may request a contested case hearing only if the group or association meets all of the following requirements:

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

A request for a contested case hearing must be granted if the request is made by an affected person and the request: (A) complies with the requirements of 30 TAC § 55.251; (B) is timely filed; and (C) is pursuant to a right to hearing authorized by law.

An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to the general public does not constitute a justiciable interest. To determine whether a person is an affected person, all relevant factors must be considered, including but not limited to:

- (1) whether the interest claimed is one protected by the law under which the application will be considered;
- (2) distance restrictions or other limitations imposed by law on the affected interest;
- (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
- (4) the likely impact of the regulated activity on the health, safety, and use of property of the person;

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

**MAILING LIST**  
**PORT OF CORPUS CHRISTI AUTHORITY OF NUECES COUNTY**  
**DOCKET NO. 2021-0421-WR**  
**WATER RIGHTS PERMIT NO. WRPERM 13630**

**FOR THE APPLICANT:**

*via electronic mail*

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**FOR THE EXECUTIVE DIRECTOR:**

*via electronic mail*

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**FOR PUBLIC INTEREST COUNSEL:**

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**FOR ALTERNATIVE DISPUTE  
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FOR THE CHIEF CLERK:

*via electronic filing*

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REQUESTER(S)/INTERESTED  
PERSON(S):

See attached list.

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**PUBLIC OFFICIALS - INTERESTED  
PERSON(S)**

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The Honorable Judith Zaffirini  
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The Honorable Judith Zaffirini  
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Jose Gonzales Iv  
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Corpus Christi, TX 78415-5130

Steve Gonzales  
8209 Endeavor Cir  
Austin, TX 78726-1722

Alyson Greene  
14326 Emerald St  
Corpus Christi, TX 78418-6014

Fred Grimes  
3406 Green Tree Park  
Houston, TX 77007-8372

Carol Grimm  
612 Dale Dr  
San Marcos, TX 78666-2405

Joanne Groshardt  
302 Trailridge Dr  
Richardson, TX 75081-4727

Pamela Guinn  
2226 Oak Crest St  
Corpus Christi, TX 78418-5479

Kiran Hahn  
4301 Bamford Dr  
Austin, TX 78731-1205

Chip Harmon  
2713A Main St  
Ingleside, TX 78362-5910

Mr Chip Harmon  
Po Box 18718  
Corpus Christi, TX 78480-8718

Pam Harper-Smith  
1112 Neal Pickett Dr  
College Station, TX 77840-2611

Mike Harris  
Po Box 29241  
Austin, TX 78755-6241

Jenessa Hernandez  
8050 S Padre Island Dr  
Apt N1  
Corpus Christi, TX 78412-5225

Eric Holguin  
1514 Ennis Joslin Rd  
Apt 315  
Corpus Christi, TX 78412-2101

Catherine A Holmes  
2609 Wool Dr  
Corpus Christi, TX 78414-2927

Phillip Hunter  
432 Palm Dr  
Port Aransas, TX 78373-5311

Bonnie Isaac  
300 E White Ave  
Port Aransas, TX 78373-5144

Harold Jeter  
4629 Prescott St  
Corpus Christi, TX 78416-1111

Timothy Jolly  
1862 Fm 2725  
Ingleside, TX 78362-4748

Kenneth Jones  
Kenjofly Fishing  
Po Box 2764  
Port Aransas, TX 78373-2764

Steven G Kellman  
302 Fawn Dr  
Shavano Park, TX 78231-1519

James E Klein  
Coastal Bend Sierra Club Group  
3501 Monterrey St  
Corpus Christi, TX 78411-1709

Teresa L Klein  
3501 Monterrey St  
Corpus Christi, TX 78411-1709

Ms Juli Kring  
12400 Brookglade Cir  
Houston, TX 77099-1399

Hope Kruse  
271 Dorset Ln  
Austin, TX 78737-4553

C L  
12052 Boomer St  
Corpus Christi, TX 78418-1618

Brannin Lancaster  
6016 La Naranja Ln  
Austin, TX 78749-3406

Stephan Laurent-Faesi  
402 Sharon Dr  
Corpus Christi, TX 78412-2410

Joe Lawrence  
2015 Scofield Ln  
Austin, TX 78727-4466

Thomas Ledesma  
453 S Lamont St  
Aransas Pass, TX 78336-3415

Zane Liston  
3838 Wow Rd  
Corpus Christi, TX 78413-1950

Arlene Long  
5857 Timbergate Dr  
Corpus Christi, TX 78414-4237

Nancy Lubbock  
155 Woodhaven  
Ingleside, TX 78362-4675

Susan Hadley Lugo  
475 Sunset  
Ingleside, TX 78362-4740

Dewey Magee Iii  
4252 Kestrel Ln  
Portland, TX 78374-3315

Brandon Marks  
319 Rosebud Ave  
Corpus Christi, TX 78404-1736

Mary Elizabeth Mayorga  
5502 Saratoga Blvd  
Apt 85  
Corpus Christi, TX 78413-2948

Olimpia Isabel Mcallister  
908 Bentwater Pkwy  
Cedar Hill, TX 75104-8269

Eli Mckay  
1008 Marguerite St  
Corpus Christi, TX 78401-3319

Phillip McMulin  
Po Box 179  
Ingleside, TX 78362-0179

Neil Robert Mcqueen  
4213 Estate Dr  
Corpus Christi, TX 78412-2428

Ms Kathryn Melton  
3209 Brookmeade Ct  
Deer Park, TX 77536-4750

Tamara Merson Wren  
36 Southpointe Cir  
Rockport, TX 78382-7066

Carrie Robertson Meyer  
4401 Gulfbreeze Blvd  
Corpus Christi, TX 78402-1517

Chad Miller  
4713 Camacho St  
Austin, TX 78723-5521

Patricia Mitchell  
1112 Bayshore Dr  
Ingleside, TX 78362-4702

Michael Morrison  
506 Davis Mountain Cir  
Georgetown, TX 78633-5730

Barbara Moses  
434 Haroldson Dr  
Corpus Christi, TX 78412-2730

John Muir  
600 Travis St  
700 Jpmorgan Chase Tower  
Houston, TX 77002-3009

Robert Muir  
6230 Bourbonais Dr  
Corpus Christi, TX 78414-6015

Liz Murphy  
4811 Avenue F  
Austin, TX 78751-2516

Catena Neumann  
500 East St  
Port Aransas, TX 78373-5118

Emily Nye  
1022 Bayshore Dr  
Ingleside, TX 78362-4647

Julie Ann Nye  
1018 Bayshore Dr  
Ingleside, TX 78362-4647

Robert Ober  
3003 Rockarbor Dr  
Houston, TX 77063-3916

Donald S O'Neil  
118 Crystal Springs Dr  
Georgetown, TX 78633-4503

Frankie Orona  
10730 Potranco Rd  
Ste 122-282  
San Antonio, TX 78251-3327

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1016 Camino La Costa  
Apt 1008  
Austin, TX 78752-3846

Holly Paquette  
12411 Stafford Springs Dr  
Houston, TX 77077-3909

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2502 Hartford Rd  
Austin, TX 78703-2429

Rick Pearson  
221 County Road 3082  
Lampasas, TX 76550-3801

Charles Peissel  
124 Carefree Cir Unit A  
Lakeway, TX 78734-4618

Carol Pennington  
1005 Bluebird Dr  
Manchaca, TX 78652-4157

Marisa Perales  
Attorney, Perales Allmon & Ice Pc  
1206 San Antonio St  
Austin, TX 78701-1834

Christopher L Phelan  
3806 Kingston Dr  
Corpus Christi, TX 78415-3324

Sandy Phillips  
6741 Catania Loop  
Round Rock, TX 78665-2054

Bryant Pierce  
1209 Tyler Ave  
Corpus Christi, TX 78404-3739

Marlene Plua  
21310 Choctaw Cv  
Lago Vista, TX 78645-4715

Kathleen Pratt  
15205 Isla Pinta Ct  
Corpus Christi, TX 78418-6923

Liana Putrino  
3204 Menchaca Rd  
Apt 706  
Austin, TX 78704-8894

Suanne Pyle  
415 Sea Isle Dr  
Port Aransas, TX 78373-6004

Yolanda Quintanilla  
4626 Willowick Dr  
Corpus Christi, TX 78413-4332

Cathy Ramsey  
131 Barton Ranch Rd  
Dripping Springs, TX 78620-3763

Mary Reagan  
711 W 7Th St  
Austin, TX 78701-2711

Susan Reeves  
3618 Topeka St  
Corpus Christi, TX 78411-1718

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511 Sunset  
Ingleside, TX 78362-4736

Monica Rhodes  
Po Box 20723  
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Mike Rievley  
19207 Rose Cv  
San Antonio, TX 78259-2772

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5041 Greenbriar Dr  
Corpus Christi, TX 78413-2719

Barry Ritchey  
Self  
910 Santa Ana Ave Se  
Albuquerque, NM 87123-4231

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222 Power St  
Corpus Christi, TX 78401-1529

Thomas B Rodino  
183 Heron Oaks  
Rockport, TX 78382-4332

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Austin, TX 78731-2029

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Sinton, TX 78387-5539

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Dallas, TX 75231-8464

Tim Rygg  
1800 Holly St  
Austin, TX 78702-5426

Thomas Sako  
9243 Circle S Dr  
Helotes, TX 78023-3975

Carole Salsberry  
413 Whitehall Dr  
Corpus Christi, TX 78412-2821

Sandra Love Sanchez  
6130 Wooldridge Rd  
Apt 1008  
Corpus Christi, TX 78414-2559

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2614 Chinquapin Oak Ln  
Arlington, TX 76012-2840

Margaret Schulenberg  
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Austin, TX 78741-6991

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Indianapolis, IN 46236-0047

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Rockport, TX 78382-7076

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3903 S Congress Ave  
Austin, TX 78704-0201

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1900 Billy G Webb  
Portland, TX 78374-3705

Ronald S Smith  
517 Bermuda Pl  
Corpus Christi, TX 78411-2209

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Dallas, TX 75228-5335

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Perales Allmon & Ice Pc  
1206 San Antonio St  
Austin, TX 78701-1834

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2401 Memorial Pkwy  
Portland, TX 78374-3209

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Houston, TX 77096-2107

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1750 Colquitt St  
Houston, TX 77098-3606

Sarah Jordan Stout  
2210 W Dallas St  
Apt 123  
Houston, TX 77019-4366

Federico Subervi  
6304 Colina Ln  
Austin, TX 78759-4741

Erin Swaney  
5932 Ventus St  
Austin, TX 78721-3036

Tamie Taufaasau  
802 Pyramid Dr  
Corpus Christi, TX 78412-3752

Susan Teegardin  
1405 Woodlawn Ave  
Dallas, TX 75208-2433

Anneliese Terrell  
2222 Saxony Dr  
Corpus Christi, TX 78418-4623

Florence Tissot  
3560 Aransas St  
Corpus Christi, TX 78411-1336

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Austin, TX 78722-1810

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5430 Saratoga Blvd  
Corpus Christi, TX 78413-2831

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Kingsland, TX 78639-4350

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131 N Evie St  
Bartlett, TX 76511-4277

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1031 E 23Rd St  
Houston, TX 77009-2405

Laura Vera  
2731 Mary Ln  
Dickinson, TX 77539-9253

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Austin, TX 78704-6205

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Ingleside, TX 78362-9781

James Walton  
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Ingleside, TX 78362-4855

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1308 S 5Th St  
Austin, TX 78704-2314

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615 W Johanna St  
Austin, TX 78704-4125

John Stephen Weber  
609 Naples St  
Corpus Christi, TX 78404-2911

Barbara Welder  
202 Reef Ave  
Corpus Christi, TX 78402-1631

Dianne Wells  
3904 Coleridge St  
West University Place, TX 77005-2836

Edward Whitehead  
12206 Deer Trak  
Austin, TX 78727-5740

Mary Louise Whitlow  
3224 Bryn Mawr Dr  
Dallas, TX 75225-7645

Mary Wiechman  
1620 Santa Cecilia Dr  
Kingsville, TX 78363-3426

Philip H Wildfang  
713 Waterwood St  
Rockport, TX 78382-6956

Terrie C Williams  
850 Laura Ln  
Vidor, TX 77662-6311

Deborah Wilson  
408 Stonegate Ln  
Dripping Springs, TX 78620-3357

Dallas Windham  
2512 Castle St  
Irving, TX 75038-5804

Melissa Zamora  
3917 Brawner Pkwy  
Corpus Christi, TX 78411-3254

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF PUBLIC MEETING ON AN APPLICATION FOR A WATER USE PERMIT

APPLICATION NO. 13630

Port of Corpus Christi Authority of Nueces County seeks a Water Use Permit to divert and use not to exceed 101,334 acre-feet of water per year from a diversion point on Corpus Christi Bay, San Antonio-Nueces Coastal Basin, at a maximum diversion rate of 140.12 cfs (62,890 gpm) for industrial purposes in San Patricio County. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** Port of Corpus Christi Authority of Nueces County (Applicant), P.O. Box 1541, Corpus Christi, Texas 78403, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Water Use Permit pursuant to Texas Water Code (TWC) § 11.121 and TCEQ Rule Title 30 Texas Administrative Code (TAC) §§ 295.151, et seq. Notice was published and mailed to the water rights holders of record in the San Antonio-Nueces Coastal Basin pursuant to Title 30 TAC § 295.151.

Port of Corpus Christi Authority of Nueces County (Applicant) seeks a Water Use Permit to divert and use not to exceed 101,334 acre-feet of water per year from a point on Corpus Christi Bay, San Antonio-Nueces Coastal Basin, at a maximum diversion rate of 140.12 cfs (62,890 gpm) for industrial purposes in San Patricio County.

The proposed diversion point is located on Corpus Christi Bay at Latitude 27.873741° N, Longitude 97.294987° W, in San Patricio County. There is no Zone Improvement Plan (ZIP) code currently assigned and the nearest assigned ZIP Code is 78374.

The application was received on September 3, 2019. Additional information and fees were received on December 3, 2019, January 28, 2020, February 4, 2020, and March 18, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 11, 2020. Additional information was also received on July 22, 2020 and August 17, 2020.

The Executive Director has 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, installation of measuring devices. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at: [www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/wr-apps-pub-notice](http://www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr-apps-pub-notice). Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk 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.** You may submit public comments to the Office of the Chief Clerk at the address below. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a

contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public is encouraged to ask questions of the applicant and TCEQ staff concerning the permit application and the Executive Director's recommendations, but the comments and questions submitted orally during the Informal Discussion Period will not be considered by the Commissioners and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period, members of the public may state their formal comments orally into the official record. The Executive Director will subsequently summarize the formal comments and prepare a written response which will be considered by the Commissioners before they reach a decision on the application. The Executive Director's written response will be available to the public online or upon request. The public comment period on this application concludes at the close of the public meeting.

**The Public Meeting is to be held:**

**Tuesday, July 13, 2021 at 7:00 PM**

Members of the public who would like to ask questions or provide comments during the meeting may access the meeting via webcast by following this link: <https://www.gotomeeting.com/webinar/join-webinar> and entering Webinar ID 443-664-835. It is recommended that you join the webinar and register for the public meeting at least 15 minutes before the meeting begins. You will be given the option to use your computer audio or to use your phone for participating in the webinar.

Those without internet access may call (512) 239-1201 at least one day prior to the meeting for assistance in accessing the meeting and participating telephonically. Members of the public who wish to only listen to the meeting may call, toll free, (415) 655-0052 and enter access code 384-784-632.

Additional information will be available on the agency calendar of events at the following link: <https://www.tceq.texas.gov/agency/decisions/hearings/calendar.html>.

**INFORMATION.** Citizens are encouraged to submit written comments anytime before and during the public meeting. Citizens may mail their comments to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, Texas 78711-3087 or submit them electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering WRPERM 13630 in the search field. If you need more information about the permit application or the permitting process, please call the TCEQ Public Education Program, toll free, at 1-800-687-4040. General information can be found at our Web site at [www.tceq.texas.gov](http://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>.*

Persons with disabilities who need special accommodations at the public meeting should call the Office of the Chief Clerk at (512) 239-3300 or 1-800-RELAY-TX (TDD) at least five business days prior to the meeting.

Issued: June 11, 2021

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF AN APPLICATION FOR A WATER USE PERMIT

APPLICATION NO. 13630

Port of Corpus Christi Authority of Nueces County seeks a Water Use Permit to divert and use not to exceed 101,334 acre-feet of water per year from a diversion point on Corpus Christi Bay), San Antonio-Nueces Coastal Basin, at a maximum diversion rate of 140.12 cfs (62,890 gpm) for industrial purposes in San Patricio County. More information on the application and how to participate in the permitting process is given below.

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Port of Corpus Christi Authority of Nueces County (Applicant) seeks a Water Use Permit to divert and use not to exceed 101,334 acre-feet of water per year from a point on Corpus Christi Bay), San Antonio-Nueces Coastal Basin, at a maximum diversion rate of 140.12 cfs (62,890 gpm) for industrial purposes in San Patricio County.

The proposed diversion point is located on Corpus Christi Bay at Latitude 27.873741° N, Longitude 97.294987° W, in San Patricio County. There is no Zone Improvement Plan (ZIP) code currently assigned and the nearest assigned ZIP Code is 78374.

The application was received on September 3, 2019. Additional information and fees were received on December 3, 2019, January 28, 2020, February 4, 2020, and March 18, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 11, 2020. Additional information was also received on July 22, 2020 and August 17, 2020.

The Executive Director has 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, installation of measuring devices. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at: [www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/wr-apps-pub-notice](http://www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr-apps-pub-notice). Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk 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, within 30 days of the date of newspaper publication of the notice. 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 within 30 days from the date of newspaper publication of this notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed within 30 days after newspaper publication of this notice.

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 WRPERM 13630 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](http://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: February 5, 2021

## Hal Bailey

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**From:** Garza, Sarah <Sarah@pocca.com>  
**Sent:** Monday, January 25, 2021 10:44 AM  
**To:** Hal Bailey  
**Cc:** Dives-Gomez, Yvonne; Chris Kozlowski; Humberto Galvan  
**Subject:** RE: Port of Corpus Christi Authority of Nueces County, Application No. 13630 Draft Permit/Notice Applicant Review

Hal,

Thank you for a quick response. We accept the change and have no further changes. Thank you also for the explanation on the permit term. In hindsight that should have been obvious. I was thinking that there would be periodic re-evaluation. I understand now there is not. Thank you again for the help.

**Sarah L. Garza**  
Director of Environmental Planning & Compliance  
Office (361) 885-6163

---

**From:** Hal Bailey <Hal.Bailey@tceq.texas.gov>  
**Sent:** Monday, January 25, 2021 9:48 AM  
**To:** Garza, Sarah <Sarah@pocca.com>  
**Cc:** Dives-Gomez, Yvonne <ydives-gomez@pocca.com>; Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>  
**Subject:** RE: Port of Corpus Christi Authority of Nueces County, Application No. 13630 Draft Permit/Notice Applicant Review

Good morning Sarah,

Thank you for your comments. Please see the attached revised draft permit with the duplicate recital removed. Please review the revised permit and let me know if it meets with your approval by COB on 02/01/2021. Also, in answer to your question, this permit is for a perpetual water right. There is no specific permit term like you would have with an industrial wastewater or stormwater discharge permit. May 20, 2020 was the date that the application was declared administratively complete and filed with the Office of the Chief Clerk. Please let me know if you have any additional questions or concerns.

Best Regards,

*Hal E. Bailey, Jr.*  
*Natural Resources Specialist III*  
*Water Rights Permitting Team*  
*Water Availability Division*  
*Texas Commission on Environmental Quality*  
512-239-4615 [Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)

---

**From:** Garza, Sarah <[Sarah@pocca.com](mailto:Sarah@pocca.com)>  
**Sent:** Friday, January 22, 2021 5:34 PM

**To:** Hal Bailey <[Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)>

**Cc:** Dives-Gomez, Yvonne <[ydives-gomez@pocca.com](mailto:ydives-gomez@pocca.com)>; Chris Kozlowski <[chris.kozlowski@tceq.texas.gov](mailto:chris.kozlowski@tceq.texas.gov)>; Humberto Galvan <[Humberto.Galvan@tceq.texas.gov](mailto:Humberto.Galvan@tceq.texas.gov)>

**Subject:** RE: Port of Corpus Christi Authority of Nueces County, Application No. 13630 Draft Permit/Notice Applicant Review

Good Afternoon Hal,

We have reviewed the draft permit -Water Use Permit No. 13630, related notice of an application, and supporting documentation and have the following question and comment:

1. In the Water User Permit, the fifth and seventh WHEREAS statements are duplicate and on should be removed.
2. What is the term of this Water Use Permit? I see it is anticipated to be filed on May 11, 2020 but do not see what the length of time it is issued for.

Please let me know if you wish to discuss further by phone. Thank you for the opportunity to review and we look forward to your response.

Have a good weekend.

**Sarah L. Garza**

Director of Environmental Planning & Compliance  
Office (361) 885-6163

---

**From:** Hal Bailey <[Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)>

**Sent:** Monday, January 11, 2021 10:27 AM

**To:** Garza, Sarah <[Sarah@pocca.com](mailto:Sarah@pocca.com)>

**Cc:** Dives-Gomez, Yvonne <[ydives-gomez@pocca.com](mailto:ydives-gomez@pocca.com)>; Chris Kozlowski <[chris.kozlowski@tceq.texas.gov](mailto:chris.kozlowski@tceq.texas.gov)>; Humberto Galvan <[Humberto.Galvan@tceq.texas.gov](mailto:Humberto.Galvan@tceq.texas.gov)>

**Subject:** Port of Corpus Christi Authority of Nueces County, Application No. 13630 Draft Permit/Notice Applicant Review

Good morning Ms. Garza,

Electronic copies of the drafts of the public notice and proposed water use permit for the Port of Corpus Christi Authority of Nueces County, application no. 13630, are attached.

Also attached are copies of the related technical memoranda. Please review the draft documents and provide any comments and/or edits by COB on 01/25/2021.

If you have any questions, please let me know.

Thank you,

*Hal E. Bailey, Jr.*

*Natural Resources Specialist III*

*Water Rights Permitting Team*

*Water Availability Division*

*Texas Commission on Environmental Quality*

512-239-4615 [Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## WATER USE PERMIT

PERMIT NO. 13630

TYPE § 11.121

Permittee: Port of Corpus Christi Authority  
of Nueces County

Address: P.O. Box 1541  
Corpus Christi, Texas 78403

Filed: May 11, 2020

Granted:

Purpose: Industrial

County: San Patricio

Watercourse: Corpus Christi Bay

Watershed: San Antonio-Nueces Coastal  
Basin

WHEREAS, Port of Corpus Christi Authority of Nueces County (Applicant) requests a Water Use Permit to divert and use not to exceed 101,334 acre-feet of water per year from a point on Corpus Christi Bay San Antonio-Nueces Coastal Basin, at a maximum diversion rate of 140.12 cfs (62,890 gpm) for industrial purposes in San Patricio County; and

WHEREAS, the proposed diversion point is located at Latitude 27.873741° N, Longitude 97.294987° W in San Patricio County; and

WHEREAS, the Texas Commission on Environmental Quality finds that jurisdiction over the application is established; and

WHEREAS, this permit, if granted, is subject to requirements and orders of the South Texas Watermaster; and

WHEREAS, the Texas Commission on Environmental Quality finds that the issuance of the permit is consistent with the goals and policies of the Texas Coastal Management Program (CMP); and

WHEREAS, the Executive Director recommends that special conditions be included in the permit; and

~~WHEREAS, the Texas Commission on Environmental Quality finds that the issuance of the permit is consistent with the goals and policies of the Texas CMP; and~~

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this permit.

NOW, THEREFORE, this permit, designated Water Use Permit No. 13630, is issued to Port of Corpus Christi Authority of Nueces County subject to the following terms and conditions:

1. USE

Permittee is authorized to divert and use not to exceed 101,334 acre-feet of water per year from Corpus Christi Bay, San Antonio-Nueces Coastal Basin, for industrial purposes in San Patricio County.

2. DIVERSION

Permittee is authorized to divert from a point on Corpus Christi Bay, located at Latitude 27.873741° N, Longitude 97.294987° W, at a maximum diversion rate of 140.12 cfs (62,890 gpm) in San Patricio County.

3. PRIORITY

The time priority of this right is May 11, 2020.

4. CONSERVATION

Permittee shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, and prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that every water supply contract entered into on or after the effective date of this permit, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water shall have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.

5. SPECIAL CONDITIONS

- A. The special conditions in this permit are subject to adjustment by the commission if the commission determines, through an expedited public review process, that such adjustment is appropriate to achieve compliance with applicable environmental flow standards adopted pursuant to Texas Water Code § 11.1471. Any adjustments shall be made in accordance with the provisions of Texas Water Code § 11.147(e-1).
- B. 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(s).
- C. 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.
- D. Permittee shall allow representatives of the South Texas Watermaster reasonable access to the property to inspect the measuring device and records.

E. Permittee shall contact the South Texas Watermaster prior to diversion of water authorized by this permit.

This permit is issued subject to all superior and senior water rights in the San Antonio-Nueces Coastal Basin.

This permit is subject to the requirements and orders of the South Texas Watermaster.

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 permit.

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

This permit is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of state water resources exercised by the Commission.

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For the Commission

Date Issued:

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*

January 11, 2021

Ms. Sarah L. Garza  
Port of Corpus Christi Authority of Nueces County  
P.O. Box 1541  
Corpus Christi, Texas 78403

**VIA-EMAIL**

RE: Port of Corpus Christi Authority of Nueces County  
WRPERM 13630  
CN600885248, RN110844933  
Application No. 13630 for a Water Use Permit  
Texas Water Code § 11.121, Requiring Published and Mailed Notice  
Corpus Christi Bay, San Antonio-Nueces Coastal Basin  
San Patricio County

Dear Ms. Garza:

Drafts, subject to revision, of the public notice, proposed Water Use Permit No. 13630, and the related technical memoranda are attached.

Staff is recommending that the referenced application be granted in accordance with the enclosed drafts. Please review the drafts and contact me no later than January 25, 2021 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 30-day comment period and once the comment period has closed, the proposed Water Use Permit No. 13630 may be issued as drafted given no hearing requests are received.

If you have any questions concerning the application, please contact me via email at [hal.bailey@tceq.texas.gov](mailto:hal.bailey@tceq.texas.gov) or at (512) 239-4615.

Sincerely,

A handwritten signature in cursive script that reads "Hal E. Bailey, Jr.".

Hal E. Bailey, Jr., Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachments

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF AN APPLICATION FOR A WATER USE PERMIT

APPLICATION NO. 13630

Port of Corpus Christi Authority of Nueces County seeks a Water Use Permit to divert and use not to exceed 101,334 acre-feet of water per year from a diversion point on Corpus Christi Bay), San Antonio-Nueces Coastal Basin, at a maximum diversion rate of 140.12 cfs (62,890 gpm) for industrial purposes in San Patricio County. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** Port of Corpus Christi Authority of Nueces County (Applicant), P.O. Box 1541, Corpus Christi, Texas 78403, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Water Use Permit pursuant to Texas Water Code (TWC) § 11.121 and TCEQ Rule Title 30 Texas Administrative Code (TAC) §§ 295.151, et seq. Notice is being published and mailed to the water rights holders of record in the San Antonio-Nueces Coastal Basin pursuant to Title 30 TAC § 295.151.

Port of Corpus Christi Authority of Nueces County (Applicant) seeks a Water Use Permit to divert and use not to exceed 101,334 acre-feet of water per year from a point on Corpus Christi Bay), San Antonio-Nueces Coastal Basin, at a maximum diversion rate of 140.12 cfs (62,890 gpm) for industrial purposes in San Patricio County.

The proposed diversion point is located on Corpus Christi Bay at Latitude 27.873741° N, Longitude 97.294987° W, in San Patricio County. There is no Zone Improvement Plan (ZIP) code currently assigned and the nearest assigned ZIP Code is 78374.

The application was received on September 3, 2019. Additional information and fees were received on December 3, 2019, January 28, 2020, February 4, 2020, and March 18, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 11, 2020. Additional information was also received on July 22, 2020 and August 17, 2020.

The Executive Director has 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, installation of measuring devices. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at: [www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/wr-apps-pub-notice](http://www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr-apps-pub-notice). Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk 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, within 30 days of the date of newspaper publication of the notice. 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 within 30 days from the date of newspaper publication of this notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed within 30 days after newspaper publication of this notice.

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 WRPERM 13630 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](http://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:

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## WATER USE PERMIT

PERMIT NO. 13630

TYPE § 11.121

Permittee: Port of Corpus Christi Authority  
of Nueces County

Address: P.O. Box 1541  
Corpus Christi, Texas 78403

Filed: May 11, 2020

Granted:

Purpose: Industrial

County: San Patricio

Watercourse: Corpus Christi Bay

Watershed: San Antonio-Nueces Coastal  
Basin

WHEREAS, Port of Corpus Christi Authority of Nueces County (Applicant) requests a Water Use Permit to divert and use not to exceed 101,334 acre-feet of water per year from a point on Corpus Christi Bay San Antonio-Nueces Coastal Basin, at a maximum diversion rate of 140.12 cfs (62,890 gpm) for industrial purposes in San Patricio County; and

WHEREAS, the proposed diversion point is located at Latitude 27.873741° N, Longitude 97.294987° W in San Patricio County; and

WHEREAS, the Texas Commission on Environmental Quality finds that jurisdiction over the application is established; and

WHEREAS, this permit, if granted, is subject to requirements and orders of the South Texas Watermaster; and

WHEREAS, the Texas Commission on Environmental Quality finds that the issuance of the permit is consistent with the goals and policies of the Texas Coastal Management Program (CMP); and

WHEREAS, the Executive Director recommends that special conditions be included in the permit; and

WHEREAS, the Texas Commission on Environmental Quality finds that the issuance of the permit is consistent with the goals and policies of the Texas CMP; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this permit.

NOW, THEREFORE, this permit, designated Water Use Permit No. 13630, is issued to Port of Corpus Christi Authority of Nueces County subject to the following terms and conditions:

1. USE

Permittee is authorized to divert and use not to exceed 101,334 acre-feet of water per year from Corpus Christi Bay, San Antonio-Nueces Coastal Basin, for industrial purposes in San Patricio County.

2. DIVERSION

Permittee is authorized to divert from a point on Corpus Christi Bay, located at Latitude 27.873741° N, Longitude 97.294987° W, at a maximum diversion rate of 140.12 cfs (62,890 gpm) in San Patricio County.

3. PRIORITY

The time priority of this right is May 11, 2020.

4. CONSERVATION

Permittee shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, and prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that every water supply contract entered into on or after the effective date of this permit, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water shall have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.

5. SPECIAL CONDITIONS

- A. The special conditions in this permit are subject to adjustment by the commission if the commission determines, through an expedited public review process, that such adjustment is appropriate to achieve compliance with applicable environmental flow standards adopted pursuant to Texas Water Code § 11.1471. Any adjustments shall be made in accordance with the provisions of Texas Water Code § 11.147(e-1).
- B. 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(s).
- C. 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.

- D. Permittee shall allow representatives of the South Texas Watermaster reasonable access to the property to inspect the measuring device and records.
- E. Permittee shall contact the South Texas Watermaster prior to diversion of water authorized by this permit.

This permit is issued subject to all superior and senior water rights in the San Antonio-Nueces Coastal Basin.

This permit is subject to the requirements and orders of the South Texas Watermaster.

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 permit.

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

This permit is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of state water resources exercised by the Commission.

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For the Commission

Date Issued:

# Texas Commission on Environmental Quality

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## INTEROFFICE MEMORANDUM

**To:** Hal Bailey, Project Manager  
Water Rights Permitting Team

**Date:** November 19, 2020

**Through:** Jason Godeaux, Team Leader  
Resource Protection Team

 Kristin Wang, Senior Water Conservation Specialist  
Resource Protection Team

 Jennifer Allis, Senior Water Conservation Specialist  
Resource Protection Team

**From:** Jennifer Allis, Senior Water Conservation Specialist  
Resource Protection Team

**Subject:** Port of Corpus Christi Authority of Nueces County  
WRPERM 13630  
CN600885248  
Corpus Christi Bay, San Antonio-Nueces Coastal Basin  
San Patricio County

### APPLICATION SUMMARY

Port of Corpus Christi Authority of Nueces County (Applicant) requests a water use permit to divert 101,334 acre-feet of water per year from a point on Corpus Christi Bay, San Antonio-Nueces Coastal Basin, at a maximum diversion rate of 140.12 cfs (62,890 gpm), for industrial purposes in San Patricio County.

### WATER CONSERVATION REVIEW

Pursuant to Title 30 Texas Administrative Code (TAC) §295.9(1), an application requesting a new appropriation of water requires the submittal of water conservation plans.

The Applicant submitted a water conservation plan for wholesale water providers. Additionally, the Applicant submitted an industrial water conservation plan.

Resource Protection staff reviewed the water conservation plans and found that the plans meet the requirements in 30 TAC Chapter 288.

Additionally, the Applicant is required to provide evidence that the amount of water appropriated will be beneficially used, i.e., effectively managed and not wasted pursuant to Texas Water Code (TWC), §11.134(b)(3)(A). Also, the Applicant must provide evidence that reasonable diligence will be used to avoid waste and achieve

water conservation pursuant to TWC §11.134(b)(4). To provide that evidence, the Applicant must submit a water conservation plan in accordance with 30 TAC Chapter 288. In applications where a new appropriation of water is requested, the review includes an analysis of whether the requested appropriation is reasonable and necessary for the proposed uses in accordance with TWC §11.134 and 30 TAC §297.50.

The purpose of this review is to:

- (1) determine whether reasonable water conservation goals have been set;
- (2) determine whether the proposed strategies can achieve the stated goals;
- (3) determine whether there is a substantiated need for the water and whether the amount to be appropriated is reasonable for the proposed use; and
- (4) determine whether the water conservation plan addresses a water supply need in a manner that is consistent with the state water plan and the relevant approved regional water plan.

If these criteria are met, then Resource Protection staff considers this sufficient evidence to conclude that the Applicant will avoid waste and achieve water conservation. This review forms a basis for permit conditions and limitations as provided by TWC §11.134.

### **Water Conservation Goals and Strategies**

As a wholesale water supplier for industrial customers, the Applicant submitted a water conservation plan.

The water conservation plan establishes goals for water savings:

- The 5-year goal is to increase water returned by 0.01 percent.
- The 10-year goal is an increase in water returned by 0.001 percent.

The water conservation plan discusses several programs that the Applicant will establish to help achieve the stated goals:

- Six months after startup and yearly thereafter, the data of water intake versus water returned will be reviewed and machinery, piping and processes will be monitored to determine if any leaks are found or increased efficiencies might be possible.
- Daily visual inspections will be performed and if any leaks are noted, a work order will be prepared for repair of the deficient item.
- A monitoring and record management program will be employed to track water deliveries, sales, and losses.
- Wastewater generated at the desalination plant will be treated and put back in the bay where originally diverted from.
- Successive customer conservation will be required in all water supply contracts.

Resource Protection staff determined that the overall water conservation strategies provided in the Port of Corpus Christi Authority's water conservation plan are reasonable and can help achieve and maintain the stated goals.

### **Requirements for Water Right Application under 30 TAC §288.7**

Under 30 TAC §288.7, a water conservation plan submitted with a water right application for a new or additional appropriation of water must include data and information which:

- (1) supports the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan;
- (2) evaluates conservation as an alternative to the proposed appropriation; and
- (3) evaluates any other feasible alternative to new water development including, but not limited to, waste prevention, recycling and reuse, water transfer and marketing, regionalization, and optimum water management practices and procedures.

As part of their application, the Applicant submitted information to address these requirements.

### ***Consideration of Water Conservation Goals***

The practice of utilizing desalination technology to establish an alternate water supply source is supported under 30 TAC Chapter 288. The definition for Conservation is, *"Those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses."*

### ***Conservation as an Alternative to the Proposed Appropriation***

Regional water planning guidelines require each region to consider water conservation to meet projected shortages, although funding to implement such water conservation programs is limited. For the draft 2021 Region N Water Plan, Conservation is shown as a recommended strategy for all water user groups with needs identified for the planning period.

The regional water planning group adopted the following conservation recommendations for the 2021 Plan:

- Irrigation, manufacturing, and mining water user groups with identified needs were recommended to reduce water use by 15 percent by 2070.
- Manufacturing water user groups report the largest identified needs in the region by category. Manufacturers were recommended to continue to pursue best management practices to reduce water consumption.

### ***Feasible Alternatives to New Water Development***

The draft 2021 Region N Water Plan include recommendations for five seawater desalination plants to increase water supplies for Nueces and San Patricio County manufacturing users. The cumulative water supplies from recommended water

management strategies exceeds identified shortages. However, no alternative water management strategies are recommended as part of the planning process.

Desalination is the only recommended strategy that has sufficient quantity to meet the projected water needs in these counties.

The proposed La Quinta desalination plant will be designed to be scalable so that it can be built and can expand to accommodate additional water needs as they come on-line. The Port of Corpus Christi foresees these near-term demands to be consistent with an additional, large-scale project coming on-line during the 2020 planning decade in the Corpus Christi area/San Patricio County. Desalination can provide a 100 percent unlimited reliability of source water; therefore, making it the best alternative for new water development when comparing to the other alternatives which rely on surface water sources.

### **Water Need**

The total population of the Coastal Bend Region is projected to increase from 614,790 in 2020 to 744,544 by 2070. Similarly, the total water demand is projected to increase from 261,970 acre-feet in 2020 to 343,244 acre-feet by 2070.

The Coastal Bend Region shows water supply shortages throughout the 50-year planning cycle. According to the draft 2021 Region N Water Plan, the Region will have water supply shortages from 2020 through 2070, indicating a need for increased source water supplies. These shortages are due to large manufacturing demands in Nueces and San Patricio counties. Beginning in 2020 a shortage of 13,530 acre-feet exists within the Region and increases to a shortage of 49,363 acre-feet by 2070.

The Coastal Bend Region has four current regional wholesale water providers: the City of Corpus Christi; San Patricio Municipal Water District (SPMWD); South Texas Water Authority (STWA); and Nueces County Water Control and Improvement District No.3 (Nueces County WCID 3). According to the draft 2021 Region N Water Plan, the Port of Corpus Christi was identified as a potential future wholesale water provider, associated with the recommended seawater desalination strategy to primarily serve future San Patricio County and Nueces County manufacturing users.

### **Consistency with State and Regional Water Plans**

Seawater desalination is included as a water management strategy in the 2016 Region N Water Plan and in the draft 2021 Region N Water Plan. This strategy will increase water supplies available for both the Region's municipal retail and wholesale customers, as well as steam-electric, and manufacturing in Region N if approved. The proposed project also promotes regionalization and serves as an alternative to existing fresh water supplies that further promotes conservation of that water supplies.

The Port of Corpus Christ has proposed two desalination strategies in Nueces and/or San Patricio counties to meet manufacturing water demands beginning in the 2020 planning decade. They intend to compliment the City of Corpus Christi's efforts to implement desalination in the Region. This project would be in addition to the other desalination projects to secure a drought-proof source of water.

As such, the application is consistent with the 2016 Region N Water Plan, the 2017 State Water Plan, and the draft 2021 Region N Water Plan.

### **RECOMMENDATIONS**

Based on the analysis, Resource Protection staff has evaluated the application and determined that it meets the review requirements.

The following water conservation language should be included in the permit, if granted:

Permittee shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, and prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every water supply contract entered into on or after the effective date of this permit, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water shall have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.

# Texas Commission on Environmental Quality

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## INTEROFFICE MEMORANDUM

To: Hal Bailey, Project Manager  
Water Rights Permitting Team

Date: November 23, 2020

Through: Jason Godeaux, Team Leader  
Resource Protection Team

From: George Gable, Aquatic Scientist  
Resource Protection Team  
*GMG IV*

Subject: Port of Corpus Christi Authority of Nueces County  
WRPERM 13630  
CN600885248  
Corpus Christi Bay, San Antonio–Nueces Coastal Basin  
San Patricio 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**

Port of Corpus Christi Authority of Nueces County (Applicant) requests a water use permit to divert a maximum of 101,334 acre-feet of water per year from a point on Corpus Christi Bay, San Antonio–Nueces Coastal Basin, at a maximum diversion rate of 140.12 cfs (62,890 gpm), for industrial purposes in San Patricio County.

### **ENVIRONMENTAL ANALYSIS**

On February 12, 2014, the TCEQ adopted environmental flow standards for the Nueces River and its associated tributaries, tributaries in the Nueces-Rio Grande Coastal Basin, and Corpus Christi and Baffin Bays (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter F). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC §298.410). This review is conducted in accordance with §11.147(e-3) of the TWC and Title 30 TAC Chapter 298 Subchapter F (Nueces River and Corpus Christi and Baffin Bays). The Applicant's proposed diversion point is located on Corpus Christi Bay.

## **RECOMMENDATIONS**

Resource Protection staff have no recommendations regarding this proposed permit, if granted.



Regarding water availability, no analysis is needed because the application is located in Corpus Christi Bay where the water is saline

In addition, the application is subject to the requirements and orders of the South Texas Watermaster. The Watermaster actively manages water rights on a daily basis and protects senior water rights in times of shortage.

**Conclusion**

Staff can support granting the application.

Note that the application is subject to the requirements and orders of the South Texas Watermaster.

*Siavash Bassam*

---

Siavash Bassam, Hydrologist

## Hal Bailey

---

**From:** Garza, Sarah <Sarah@pocca.com>  
**Sent:** Tuesday, November 3, 2020 11:18 AM  
**To:** Hal Bailey  
**Cc:** Pollack, Jeff; Strawbridge, Sean; Dives-Gomez, Yvonne; Cavazos, Leslye; Dirks, Becky  
**Subject:** Water Conservation Plan - Finally Approved by Port Commission - Water Rights Permit Application No. 13630  
**Attachments:** TCEQ Letter\_Water Conservation Plan\_final\_signed with enc.pdf

Good Morning Mr. Bailey,

Please see attached correspondence regarding final approval of the Port's Water Conservation Plan for the above referenced permit. Please let me know if you have any questions or need anything further.

Sincerely,



**Sarah L. Garza**

*Director of Environmental  
Planning & Compliance*

**Port of Corpus Christi**

o: (361) 885-6163

m: (361) 813-0068

w: [portofcc.com](http://portofcc.com) e: [sarah@pocca.com](mailto:sarah@pocca.com)





**PORT CORPUS CHRISTI**

October 23, 2020

Hal E. Bailey, Jr.  
Natural Resources Specialist III  
Water Rights Permitting Team  
Water Availability Division (MC 160)  
Texas Commission on Environmental Quality  
PO Box 13087  
Austin, TX, 78711-3087

**Subject: Port of Corpus Christi Authority  
Water Rights Permit Application No. 13630  
(RN110844933) (CN600885248)  
La Quinta Proposed Desalination Plant  
Water Conservation Plan**

Dear Mr. Bailey,

This letter serves to provide the Texas Commission on Environmental Quality (TCEQ) Water Availability Division documentation of the Port of Corpus Christi Authority's (PCCA) approved water conservation plan in reference to permit number 13630. Please find enclosed the memo and resolution requesting Port Commission approval at the September 15, 2020 meeting and the official minutes of the September 15, 2020 Port Commission meeting from the October 20, 2020 Port Commission meeting verifying this approval.

Should you have any questions or require additional information, please do not hesitate to contact me at (361) 885-6163 or at [sarah@pocca.com](mailto:sarah@pocca.com).

Sincerely,  
PORT OF CORPUS CHRISTI AUTHORITY

Sarah L. Garza  
Director of Environmental  
Planning and Compliance

Enclosures

SG/ydg/lc



cc: Sean Strawbridge, Chief Executive Officer, Port of Corpus Christi Authority  
Jeff Pollack, Chief Strategy Officer, Port of Corpus Christi Authority  
Yvonne Dives-Gomez, Environmental Permitting Specialist, Port of Corpus Christi Authority



**Notice of Meeting of the Port Commission of the  
Port of Corpus Christi Authority of Nueces County, Texas, on  
Tuesday, September 15, 2020, at 9:00 AM  
In the Nueces Room at the Solomon P. Ortiz International Center  
402 North Harbor Drive, Corpus Christi, Texas**

**To minimize the spread of COVID-19 virus, please follow these instructions:**

- \* THE PUBLIC MAY NOT ATTEND THIS MEETING IN PERSON, except to make public comments in accordance with the procedures described in agenda item 8 below.**
- \* Citizens may watch the live broadcast of the meeting on the internet by following these instructions - - \* *Open your internet web browser***
- \* In the address bar type [https://portofcc.com/about/commission/commission\\_agendas/](https://portofcc.com/about/commission/commission_agendas/)*
- \* Under the Upcoming Events heading click on "In Progress" for the Port Commission Meeting on September 15, 2020. (Note that the "In Progress" link will not appear until shortly before the meeting starts)*
- \* To see the Agenda Packet for this meeting, click on "Agenda Packet" under the Upcoming Events heading*
- \* Click on "PORT OF CORPUS CHRISTI AUTHORITY PUBLIC COMMENT POLICY" to review the policy*
- \* If you wish to make a public comment, please follow the instructions below under Public Comments (agenda item 8). - Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact Tana Neighbors at 885-6129 at least 48 hours in advance so that appropriate arrangements can be made.**

*PUBLIC NOTICE is given that the Commission may go into executive session at any time during the meeting to discuss matters listed on the agenda when authorized to*

*do so by the provisions of Section 418.183 or Chapter 551 of the Texas Government Code. In the event the Commission elects to go into executive session regarding any agenda item, the presiding officer will publicly announce the section or sections of the Texas Government Code authorizing the executive session.*

**The Agenda for this meeting of the Port Commission ("Commission") of the Port of Corpus Christi Authority ("PCCA") is set forth below.**

- 1. Call to Order**
- 2. Safety Briefing**
- 3. Pledge of Allegiance**
- 4. Invocation**
- 5. Moment of Silence**
- 6. Receive Conflict of Interest Affidavits**
- 7. Minutes**
  - 7.a. Approve minutes of the August 18, 2020 Port Commission meeting.  
[August 18, 2020 minutes](#)
- 8. Public Comment (Each speaker is limited to 3 minutes or 60 minutes divided by the number of speakers, whichever is less) - To make a public comment at the meeting, you must register in advance by emailing the Port Authority's Office of External Affairs at [PublicComment@pocca.com](mailto:PublicComment@pocca.com). Please include your name, address, and telephone number and state whether you will make your comments in person or over the phone. The deadline to register for Public Comment is 5:00 PM (CT) on Monday, September 14, 2020.**

*Persons who have registered to deliver their comments in person will meet in the Kleberg Room of the Solomon P. Ortiz Center at 9:00 AM on Tuesday, September 15, 2020. During the public comment period, a Port Police Officer will escort each registered person in the Kleberg Room to the podium in the Nueces Room one at a time. You must leave the Nueces Room after making your public comment.*

*PCCA staff will then call each person who has registered to make a public comment over the phone. When called, please state your name before making your public comment. If you do not answer your phone before it rings ten times or goes to voice mail, you will not be called a second time.*

## 9. Committee Reports

## 10. Presentations

- 10.a. Receive Presentation from Chairman John Green and Executive Director Foster Edwards, San Patricio Economic Development Corporation.  
[San Patricio Economic Development Corporation September 2020](#)
- 10.b. Receive briefing on Tule Lake Channel Fire Incident by Captain Edward Gaynor Commander Coast Guard Sector / Air Station Corpus Christi.

## 11. Open Agenda

- 11.a. Approve Tariff Review and Update – Phase 2A Administrative/Non-Financial changes to PCCA Tariff 100-A and BMT-Tariff-1-A (Discussed and recommended by the Long-Range Planning Committee on September 9, 2020)  
[Tariff\\_Review\\_Phase\\_2A\\_CM](#)  
[Tariff\\_Update\\_Side\\_by\\_side\\_Changes\\_CM\\_Final](#)  
[TARIFF\\_100-A\\_1-1-2020\\_CM\\_Final](#)  
[TARIFF\\_BMT\\_1-A\\_2020-1-1\\_CM\\_Final](#)
- 11.b. Approve the Third and Final Reading of a Franchise Agreement with Valero Refining-Texas, L.P. to renew the right to cross the south bulkhead line of the Tule Lake Channel from Valero Refining-Texas, L.P. property adjacent to the channel and related rights, Nueces County, Texas.  
[Valero-Franchise - Memo](#)  
[Valero Franchise - Memo Exhibit](#)  
[Valero\\_Consolidated\\_Franchise\\_Agreement\\_-\\_Valero\\_2020 - Agreement](#)
- 11.c. Approve a purchase with Loftin Equipment Co. for emergency generator system and automatic transfer switch through Government Cooperative Program in an amount not to exceed \$418,515 for the Ortiz Center. (Discussed and recommended for approval by Facilities Committee on September 1, 2020)  
  
[Ortiz\\_Generator\\_-\\_1-Memo](#)  
[Ortiz Generator - 2-Tabulation](#)
- 11.d. Approve a Change Order in the amount of \$1,238,869 with Bartlett Cocke Beecroft JV for construction services to build out the fourth floor space in the New Port Office Facility project. (Discussed at Facilities Committee on September 1 and September 8, 2020.)  
  
[BCB CO 4FL - 1-Memo](#)

- 11.e. Approve a service contract in an amount not to exceed \$160,000 with Ryan Lee Gallery LLC for creation, delivery, and installation of custom artwork ("Light Current") by Katy Stone for the lobby of the new PCCA Administration Building. (Discussed and recommended for approval by the Facilities Committee on August 3, 2020.)

[Ryan-Lee-Gallery\\_Memo](#)

[Katy-Stone\\_Light-Current](#)

**12. Consent Agenda - *The Port Commissioners have been furnished with supporting documentation and staff's recommendation for each of the following items. All Consent Agenda items will be approved, in accordance with the respective staff recommendations, by one vote without being discussed separately unless a Port Commissioner requests otherwise.***

- 12.a. Approve a Franchise Extension Agreement with Citgo Refining and Chemicals Company L.P., extending the franchise agreements for Citgo Oil Docks 1 & 2 located on the Industrial Canal, Citgo Oil Dock 3 & Barge Dock 6 located at Tule Lake Channel and Turning Basin and, Citgo Oil Dock 7 located at Avery Point Turning Basin and the Industrial Canal, Nueces County, Texas.

[Citgo Franchise Extension - CM.docx](#)

[Citgo Franchise - Memo Exhibit](#)

[CORPUS-#331815-v2-CITGO\\_Franchises\\_Extension\\_Agreement](#)

- 12.b. Approve the First Amendment of Lease Agreement with Corpus Christi Polymers, LLC to extend the 30,000 SF West Transfer Facility lease agreement an additional year with a one-year option to extend.

[First Amendment West Transfer Facility - CM](#)

[First Amendment West Transfer Facility - Memo Exhibit](#)

[First Amendment West Transfer Facility - Summary](#)

[First Amendment West Transfer Facility - Agreement Partially Signed](#)

- 12.c. Approve the first amendment of pipeline easement with Cactus II Pipeline LLC., to extend the date on which the initial construction of the pipeline facilities is completed and the pipeline is operational or to November 20, 2021, whichever is earlier.

[First Amendment of Pipeline Easement - CM](#)

[First Amendment of Pipeline Easement - Memo Exhibit](#)

[First Amendment of Pipeline Easement - Summary](#)

[Cactus Pipeline Easement Amendment - Agreement](#)

- 12.d. Approve a fiber optic line easement with Media Link Telecom, LLC for one

1-1/4-inch fiber optic conduit along the east side of Hwy. 181, located in San Patricio County, Texas.

[Media Link Fiber Optic Easement - Memo](#)

[Media Link Fiber Optic Easement - Memo Exhibit](#)

[Media Link Fiber Optic Easement - Summary](#)

[Fiber Optic Easement Partially Executed - Easement](#)

- 12.e. Approve an amendment to a Service Order in the amount of \$15,000 with LNV, LLC, under Master Services Agreement No. 18-14, for design phase engineering services associated with the Cargo Dock 9 Storm Water and Wastewater Improvements Project.
- [LNV SOA - 1-Memo](#)  
[LNV SOA - 2-Exhibit](#)  
[LNV SOA - 3-Amendment](#)  
[LNV SOA - 4-Original](#)
- 12.f. Approve a Service Order in an amount not to exceed \$80,410 with CH2M HILL Engineers, Inc., under Master Services Agreement No. 18-08, for design and bid phase engineering services associated with levee raising and drainage improvements at Good Hope Dredge Material Placement Area, Cell J (North Cell).
- [Good Hope - 1-Memo](#)  
[Good Hope - 2-Exhibit](#)  
[Good Hope - 3-Contract](#)
- 12.g. Reject all bids received on July 30, 2020 for the Oil Docks 1, 4, 7, and 11 Fire Protection System Improvements project.
- [Fire\\_Protection\\_-\\_1-Memo](#)  
[Fire Protection - 2-Exhibit](#)  
[Fire Protection - 3-Bid](#)
- 12.h. Award demolition contract to Costa Verde Resources, LLC in the amount of \$104,238, the lowest and best bidder based on bids received on August 28, 2020 for demolition and site clearing services in connection with the Hillcrest and Washington-Coles Voluntary Neighborhood Acquisition and Relocation Program (Group 9).
- [Hillcrest Award - 1-Memo](#)  
[Hillcrest Award - 2-Bid Results](#)
- 12.i. Approve a consulting contract in an amount not to exceed \$48,350 with Weingarten Art Group for administration and implementation of the Art Master Plan - Phase I for the new PCCA Administration Building, including managing fabrication, acquisition, delivery, and installation. (Discussed and recommended for approval by the Facilities Committee on September 1, 2020)
- [WAG-Implementation\\_Memo](#)

- 12.j. Approve Amendment No. 1 to Service Order No. 4 in the amount of \$37,984 under Master Agreement No. 18-06 with Wood Environmental & Infrastructure Solutions, Inc. for consulting services related to environmental permitting for Harbor Island Berths.

[Wood SO#4 Amendment No 1 - Comm Memo](#)

[Wood - SO#4 Amendment No. 1](#)

- 12.k. Adopt a Resolution approving a Water Conservation Plan for La Quinta desalination facility water rights permit. (Discussed and recommended for approval by Long Range Planning Committee on September 9, 2020)

[La Quinta Water Conservation Plan - Comm Memo](#)

[Water Conservation Plan - La Quinta](#)

[Resolution for La Quinta Water Conservation Plan](#)

- 12.l. Approve Amendment No. 1 to Service Order No. 1 with Moffatt & Nichol, under Master Services Agreement 18-13, for additional engineering services on a time and materials basis in an amount not to exceed \$250,000 for services associated with program and project management of the Corpus Christi Ship Channel Improvement Project. (Discussed and recommended for approval by the Long Range Planning Committee on September 9, 2020)

[Moffatt - 1-Memo](#)

[Moffatt - 2-SOA](#)

[Moffatt - 3-Original](#)

- 12.m. Award construction contract to Costa Verde Resources LLC, the lowest and best bidder based on bids received on June 2, 2020, in the amount of \$248,802 for the Harbor Island Fiber Line Relocation project. (Discussed and recommended for approval by Long Range Planning Committee on September 9, 2020)

[HI Fiber Line - 1-Memo](#)

[HI Fiber Line - 2-Exhibit](#)

[HI Fiber Line - 3-Bid Results](#)

- 12.n. Award construction contract to Bonco LLC, the lowest and best bidder based on bids received on June 2, 2020, in the amount of \$148,220 for the Harbor Island Waterline Relocation project. (Discussed and recommended for approval by Long Range Planning Committee on September 9, 2020)

[HI Waterline - 1-Memo](#)

[HI Waterline - 2-Exhibit](#)

[HI Waterline - 3-Bid Results](#)

### **13. Chief Executive Officer and Commissioners' Comments**

- 13.a. Receive Chief Executive Officer's Report on upcoming community events, PCCA events and the activities of the following PCCA departments during the preceding month: External Affairs, Finance, and Operations.
  
- 13.b. Receive Commissioners' comments on any of the agenda items for the meeting, the Port's activities during the preceding month, upcoming PCCA events, and suggestions for future agenda items.

### **14. Recess Open Meeting and Convene Executive Session - *In this executive session the Port Commissioners will deliberate or receive legal advice regarding (1) each of the following matters pursuant to the Section(s) of the Texas Open Meetings in parenthesis at the end of such matter, and (2) any other agenda item announced by the Chairman of the meeting. The Port Commissioners will deliberate the purchase, exchange, lease or value of real property in executive session only if deliberation in an open meeting would have a detrimental effect on PCCA's position in negotiations with a third person.***

- 14.a. Legal advice from counsel in connection with Cause No. 2018CCV-60780-4, PCCA, Plaintiff vs. The Port of Corpus Christi, LP, Defendant, and The Port of Corpus Christi, LP, Counter Claimant vs. PCCA, and in their Official Capacities as Commissioners of the Port Authority, the following Commissioners: Charles W. Zahn, Jr., Wayne Squires, Richard Ralph Valls, Jr., Richard Bowers, David P. Engel, Wes Hoskins, Catherine Tobin Hilliard, And As-Yet Unnamed Co-Conspirators, Counterclaim Defendants, in Nueces County Court at Law No. 4. (§551.071)
  
- 14.b. Legal advice from counsel in connection with Cause No. 13-19-00304-CV, The Port of Corpus Christi, LP and 361 Holdings, LLC v. PCCA in the 156th State District Court, San Patricio County, regarding the Good Hope Dredge Material Placement Area. (§551.071)
  
- 14.c. Legal advice from counsel in connection with Cause No. 2019-ccv-61513-3, Port of Corpus Christi Authority of Nueces County, Texas vs. City of Port Aransas, Texas, in Nueces County Court at Law No. 3. (§551.071)
  
- 14.d. Legal advice from counsel in connection with Cause No. 2019DCV-6221-B, The City of Port Aransas, Texas vs. The Port of Corpus Christi Authority of Nueces County, Texas, in the 117th State District Court, Nueces County. (§551.071)

- 14.e. Legal advice from counsel regarding PCCA's lease with Lone Star Ports, LLC. (§551.071)
- 14.f. Legal advice from counsel regarding voestalpine Texas LLC. (§551.071)
- 14.g. Legal advice from counsel in connection with Case No. 20-46, Port of Corpus Christi Authority of Nueces County, Texas, Petitioner, v. Sherwin Alumina Company, LLC, et al. (§551.071)
- 14.h. Legal advice from counsel regarding Tule Lake Channel Fire Incident. (§551.071)
- 14.i. Legal advice from counsel in connection with State Office of Administrative Hearings Docket No. 582-20-1895. (§551.071)
- 14.j. Deliberate offering a financial or other incentive to a business prospect PCCA seeks to have locate in or near PCCA's territory and with whom PCCA is conducting economic development negotiations, and deliberate leasing PCCA real property to this business prospect. (§551.087 and §551.072)
- 14.k. Receive legal advice from PCCA's counsel regarding Agreement with Nueces County Water Control & Improvement District No. 4 for Relocation of 20" Water Line associated with the Channel Improvement Project. (§551.071)
- 14.l. Deliberate the evaluation of the Chief Executive Officer. (§ 551.074)
- 15. Reconvene in Open Session and take action on (1) the following agenda items, (2) any other items on this agenda that were postponed or tabled until after Executive Session, and (3) any agenda items from the Executive Session requiring Commission action.**
  - 15.a. Approve an Amendment to PCCA's Harbor Island lease agreement with Lone Star Ports, LLC, dated December 10, 2019.

- 15.b. Approve an Agreement with Nueces County Water Control & Improvement District No. 4 for Relocation of 20" Water Line associated with the Channel Improvement Project.

**16. Adjourn**



**DATE:** September 15, 2020  
**TO:** Port Commission  
**FROM:** Sarah L. Garza, Director of Environmental Planning & Compliance  
[sarah@pocca.com](mailto:sarah@pocca.com)  
(361) 885-6163

**Adopt a Resolution approving a Water Conservation Plan for La Quinta desalination facility water rights permit. (Discussed and recommended for approval by Long Range Planning Committee on September 9, 2020)**

**SUMMARY:** Adopt a Resolution approving a Water Conservation Plan for La Quinta desalination facility water rights permit.

**BACKGROUND:** In 2017, the Port of Corpus Christi Authority (Port) began pursuing regulatory permits for desalination facilities on two Port-owned properties. From the onset, this action was intended to accelerate establishment of an uninterrupted water supply to sustain continued community and industrial growth.

One of the permit applications submitted to the Texas Commission on Environmental Quality (TCEQ) was for a water rights permit for a 30 million gallon a day (MGD) facility at La Quinta. A requirement of this permitting process is for the development of a Water Conservation Plan. Further the plan must include an enforcement procedure and then must be officially adopted. Therefore, staff have prepared the attached Water Conservation Plan and resolution for Commission approval of the plan.

This item was presented to the Long Range Planning Committee at the September 9, 2020 meeting for discussion and recommendation for approval.

**ALTERNATIVES:** There are no alternatives to this requirement and still obtain the water rights permit.

**CONFORMITY TO PORT POLICY:** Adoption of this resolution conforms to the Port's Strategic Plan 2023, Strategic Plan Goal #3 Provide Facilities & Services to Meet Customer Needs.

**EMERGENCY:** This is not an emergency. However, the TCEQ will terminate the current water rights permit process if timely adoption of the Water Conservation Plan does not occur.

**FINANCIAL IMPACT:** There is no current financial impact with approval of this resolution. At the time of design and construction and prior to operation, the Water Conservation Plan will be reviewed and updated accordingly.

**STAFF RECOMMENDATION:** Staff recommends adoption of the resolution approving a Water Conservation Plan for La Quinta desalination facility water rights permit.

**DEPARTMENTAL CLEARANCES:**

Originating Department	Environmental Planning & Compliance
Reviewed By	Sarah Garza Yvonne Dives-Gomez
Legal	Dane Bruun
Executive Staff	Sean Strawbridge Jeff Pollack

**LIST OF SUPPORTING DOCUMENTS:**

Water Conservation Plan (Utility Profile and Water Conservation Plan Requirements for Wholesale Public Water Suppliers TCEQ – 20162)  
Resolution Approving a Water Conservation Plan for La Quinta Desalination Facility

**RESOLUTION APPROVING WATER CONSERVATION PLAN FOR  
LA QUINTA DESALINATION FACILITY WATER RIGHTS PERMIT**

WHEREAS, the Port of Corpus Christi of Nueces County, Texas (“Port Authority”), has endeavored to obtain the long lead permits for a desalination plant to bring a sustainable water supply to Nueces and San Patricio Counties in order to promote a healthy local economy and environment and provide drinking water to areas that have suffered repeated drought conditions;

WHEREAS, the Port Authority has determined that property at La Quinta is suitable for locating a future desalination plant;

WHEREAS, a permit application was submitted to the Texas Commission on Environmental Quality (“TCEQ”) on August 29, 2019, for water rights associated with a proposed 30 million gallon a day desalination plant at La Quinta for production of industrial water supply and which was declared administratively complete on May 7, 2020;

WHEREAS, the TCEQ has assigned the water rights permit application a Water Rights No. 13630 and is currently performing a technical review of the permit;

WHEREAS, as part of the planning and permitting process, Port Authority staff have identified technological best practices in the field of desalination and previously engaged local scientists at the University of Texas Marine Science Institute to complete a cumulative modeling study; and

WHEREAS, this permit application requires development of a Water Conservation Plan for Wholesale Public Water Suppliers, and such plan must include a means for implementation and enforcement, which shall be evidenced by a copy of the ordinance, rule, resolution, or tariff, indicating official adoption of the water conservation plan by the Port Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE PORT COMMISSION OF THE PORT OF CORPUS CHRISTI AUTHORITY OF NUECES COUNTY, TEXAS, THAT:

Section 1. The Port Commission hereby officially adopts the Water Conservation Plan for water that will be produced at a future desalination plant at La Quinta and authorizes Port Authority staff to implement and enforce the requirements of the Water Conservation Plan.

Section 2. The Chairman, the Vice Chairman, the Secretary, and the Chief Executive Officer are each hereby severally authorized and directed to execute, attest, seal and deliver any and all additional certificates, documents or other papers and to do any and all things deemed necessary to carry out the intent and purpose of this Resolution.

Section 3. This Resolution is hereby adopted by the Port Commission on September 15, 2020.



# Texas Commission on Environmental Quality

Water Availability Division

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

Telephone (512) 239-4691, FAX (512) 239-2214

## Utility Profile and Water Conservation Plan Requirements for Wholesale Public Water Suppliers

This form is provided to assist wholesale public water suppliers in water conservation plan development. If you need assistance in completing this form or in developing your plan, please contact the Conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239- 4691.

*Water users can find best management practices (BMPs) at the Texas Water Development Board's website <http://www.twdb.texas.gov/conservation/BMPs/index.asp>. The practices are broken out into sectors such as Agriculture, Commercial and Institutional, Industrial, Municipal and Wholesale. BMPs are voluntary measures that water users use to develop the required components of Title 30, Texas Administrative Code, Chapter 288. BMPs can also be implemented in addition to the rule requirements to achieve water conservation goals.*

### Contact Information

Name: Port of Corpus Christi Authority of Nueces County

Address: 222 Power Street, Corpus Christi, TX, 78401

Telephone Number: (361)882- 5633 Fax: (361) 7110

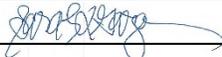
Water Right No.(s): 13630

Regional Water Planning Group: Coastal Bend Regional Water Planning Group Region N

Person responsible for implementing conservation program: Sarah L. Garza Phone: (361) 885- 6163

Form Completed By: Sarah L. Garza

Title: Director of Environmental Planning and Compliance

Signature:  Date: 08/25/2020

A water conservation plan for wholesale public water suppliers must include the following requirements (as detailed in 30 TAC Section 288.5). If the plan does not provide information for each requirement, you must include in the plan an explanation of why the requirement is not applicable.

# Utility Profile

## I. WHOLESALE SERVICE AREA POPULATION AND CUSTOMER DATA

### A. Population and Service Area Data:

1. Service area size (in square miles):

(Please attach a copy of service- area map – provided as Attachment A.)

Water generated will serve new industrial development in San Patricio and Nueces Counties.

2. Current population of service area:

68,670.

3. Current population served for:

a. Water 0

b. Wastewater 0

4. Population served for previous five years:

<i>Year</i>	<i>Population</i>
2019	0
2018	0
2017	0
2016	0
2015	0

5. Projected population for service area in the following decades:

<i>Year</i>	<i>Population</i>
2020	68,760
2030	72,114
2040	74,043
2050	75,451
2060	76,405

6. List source or method for the calculation of current and projected population size.

U.S. Census Bureau and Coastal Bend Regional Water Planning Area Region N Executive Summary and Regional Water Plan, 2015.

### B. Customer Data

List (or attach) the names of all wholesale customers, amount of annual contract, and amount of annual use for each customer for the previous year:

<i>Wholesale Customer</i>	<i>Contracted Amount (Acre- feet)</i>	<i>Previous Year Amount of Water Delivered (acre- feet)</i>
None.		


**II. WATER USE DATA FOR SERVICE AREA**

*A. Water Delivery*

Indicate if the water provided under wholesale contracts is treated or raw water and the annual amounts for the previous five years (in acre feet):

<i>Year</i>	<i>Treated Water</i>	<i>Raw Water</i>
2015	0	0
2016	0	0
2017	0	0
2018	0	0
2019	0	0
<b>Totals</b>	<b>0</b>	<b>0</b>

*B. Water Accounting Data*

- Total amount of water diverted at the point of diversion(s) for the previous five years (in acre- feet) for all water uses: Not applicable as this is

<i>Year</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>
<i>Month</i>					
January	0	0	0	0	0
February	0	0	0	0	0
March	0	0	0	0	0
April	0	0	0	0	0
May	0	0	0	0	0
June	0	0	0	0	0
July	0	0	0	0	0
August	0	0	0	0	0
September	0	0	0	0	0
October	0	0	0	0	0
November	0	0	0	0	0

December	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>Totals</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

2. Wholesale population served and total amount of water diverted for **municipal use** for the previous five years (in acre- feet):

<i>Year</i>	<i>Total Population Served</i>	<i>Total Annual Water Diverted for Municipal Use</i>
<u>2015</u>	<u>0</u>	<u>0</u>
<u>2016</u>	<u>0</u>	<u>0</u>
<u>2017</u>	<u>0</u>	<u>0</u>
<u>2018</u>	<u>0</u>	<u>0</u>
<u>2019</u>	<u>0</u>	<u>0</u>

*C. Projected Water Demands*

If applicable, project and attach water supply demands for the next ten years using information such as population trends, historical water use, and economic growth in the service area over the next ten years and any additional water supply requirements from such growth.

**III. WATER SUPPLY SYSTEM DATA**

*A. Projected Water Demands*

List all current water supply sources and the amounts authorized (in acre feet) with each.

<i>Water Type</i>	<i>Source</i>	<i>Amount Authorized</i>
Surface Water	<u>Corpus Christi Bay</u>	<u>102,000</u>
Groundwater	<u>NA</u>	<u>0</u>
Other	<u>NA</u>	<u>0</u>

*B. Treatment and Distribution System (if providing treated water)*

1. Design daily capacity of system (MGD):
  - 30
2. Storage capacity (MGD):
  - a. Elevated – Not yet determined/designed.
  - b. Ground - Not yet determined/designed.

3. Please attach a description of the water system. Include the number of treatment plants, wells, and storage tanks

See attached figure provided in Attachment B.

**IV. WASTEWATER SYSTEM DATA**

*A. Wastewater System Data (if applicable)*

1. Design capacity of wastewater treatment plant(s) (MGD):
  
2. Briefly describe the wastewater system(s) of the area serviced by the wholesale public water supplier. Describe how treated wastewater is disposed. Where applicable, identify treatment plant(s) with the TCEQ name and number, the operator, owner, and the receiving stream if wastewater is discharged.

*B. Wastewater Data for Service Area (if applicable)*

1. Percent of water service area served by wastewater system:           %
  
2. Monthly volume treated for previous five years (in 1,000 gallons):

<i>Year</i>					
<i>Month</i>					
January	_____	_____	_____	_____	_____
February	_____	_____	_____	_____	_____
March	_____	_____	_____	_____	_____
April	_____	_____	_____	_____	_____
May	_____	_____	_____	_____	_____
June	_____	_____	_____	_____	_____
July	_____	_____	_____	_____	_____
August	_____	_____	_____	_____	_____
September	_____	_____	_____	_____	_____
October	_____	_____	_____	_____	_____
November	_____	_____	_____	_____	_____
December	_____	_____	_____	_____	_____
<b>Totals</b>	_____	_____	_____	_____	_____

# Water Conservation Plan

In addition to the description of the wholesaler's service area (profile from above), a water conservation plan for a wholesale public water supplier must include, at a minimum, additional information as required by Title 30, Texas Administrative Code, Chapter 288.5. Note: If the water conservation plan does not provide information for each requirement an explanation must be included as to why the requirement is not applicable.

## *A. Specific, Quantified 5 & 10-Year Targets*

The water conservation plan must include specific, quantified 5-year and 10-year targets for water savings including, where appropriate, target goals for municipal use in gallons per capita per day for the wholesaler's service area, maximum acceptable water loss, and the basis for the development of these goals. Note that the goals established by a wholesale water supplier under this subparagraph are not enforceable. These goals must be updated during the 5-year review and submittal.

The 5-year goal is to increase water returned by 0.01%.

The 10-year goal is an increase in water returned by 0.001%.

## *B. Measuring and Accounting for Diversions*

The water conservation plan must include a description as to which practice(s) and/or device(s) will be utilized to measure and account for the amount of water diverted from the source(s) of supply.

The final design for the desalination plant has not been approved yet, however, a meter with an accuracy of +/- 5% will be installed to accurately measure the flow diverted from the Bay.

## *C. Record Management Program*

The water conservation plan must include a monitoring and record management program for determining water deliveries, sales, and losses.

An appropriate monitoring and record management program will be employed to track water deliveries, sales, and losses.

## *D. Metering/Leak-Detection and Repair Program*

The water conservation plan must include a program of metering and leak detection and repair for the wholesaler's water storage, delivery, and distribution system.

Six months after startup and yearly thereafter, the data of water intake versus water returned will be reviewed and machinery, piping and processes will be monitored to determine if any leaks are found or increased efficiencies might be possible. Daily visual inspections will be performed and if any leaks are noted, a work order will be prepared for repair of the deficient item.

## *E. Contract Requirements for Successive Customer Conservation*

The water conservation plan must include a requirement in every water supply contract entered into or renewed after official adoption of the water conservation plan, and including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements of Title 30 TAC Chapter 288.

If the customer intends to resell the water, then the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with the provisions of this chapter.

Successive customer conservation will be required in all water supply contracts in accordance with the requirements specified in this section.

*F. Reservoir Systems Operations Plan*

The water conservation plan must include a reservoir systems operations plan, if applicable, providing for the coordinated operation of reservoirs owned by the applicant within a common watershed or river basin. The reservoir systems operations plan shall include optimization of water supplies as one of the significant goals of the plan.

Not applicable.

*G. Enforcement Procedure and Official Adoption*

The water conservation plan must include a means for implementation and enforcement, which shall be evidenced by a copy of the ordinance, rule, resolution, or tariff, indicating official adoption of the water conservation plan by the water supplier; and a description of the authority by which the water supplier will implement and enforce the conservation plan.

This water conservation plan will be presented with a supporting resolution at the September 15, 2020 Commission Meeting for Port Commission approval. Subsequent updates to the plan will be presented to Commission for approval as needed.

*H. Coordination with the Regional Water Planning Group(s)*

The water conservation plan must include documentation of coordination with the regional water planning groups for the service area of the wholesale water supplier in order to ensure consistency with the appropriate approved regional water plans.

Example statement to be included within the water conservation plan:

*The service area of the \_\_\_\_\_ (name of water supplier) is located within the \_\_\_\_\_ (name of regional water planning area or areas) and \_\_\_\_\_ (name of water supplier) has provided a copy of this water conservation plan to the \_\_\_\_\_ (name of regional water planning group or groups).*

A copy of the letter submitted to the TCEQ on April 20, 2019 is provided as Attachment C. The letter from the Coastal Bend Regional Water Planning Group states that the PCCA's plan is consistent with the Regions 2016 Water Plan.

*I. Plan Review and Update*

A wholesale water supplier shall review and update its water conservation plan, as appropriate based on an assessment of previous 5- year and 10- year targets and any other new or updated information. A wholesale water supplier shall review and update the next revision of its water conservation plan no later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. The revised plan must also include an implementation report.

This water conservation plan will be periodically reviewed and updated to ensure every five years and will include an implementation report.

#### V. ADDITIONAL CONSERVATION STRATEGIES

Any combination of the following strategies shall be selected by the water wholesaler, in addition to the minimum requirements of 30 TAC §288.5(1), if they are necessary in order to achieve the stated water conservation goals of the plan. The commission may require by commission order that any of the following strategies be implemented by the water supplier if the commission determines that the strategies are necessary in order for the conservation plan to be achieved:

1. Conservation-oriented water rates and water rate structures such as uniform or increasing block rate schedules, and/or seasonal rates, but not flat rate or decreasing block rates;

If appropriate for industrial customers, this strategy will be employed.

2. A program to assist agricultural customers in the development of conservation, pollution prevention and abatement plans;

Not applicable as water produced is anticipated to serve industrial customers.

3. A program for reuse and/or recycling of wastewater and/or graywater;

Wastewater generated at the desalination plant will be treated and put back in the bay where originally diverted from.

4. Any other water conservation practice, method, or technique which the wholesaler shows to be appropriate for achieving the stated goal or goals of the water conservation plan.

The desalination plant will utilize current technology at the time of construction

#### VI. WATER CONSERVATION PLANS SUBMITTED WITH A WATER RIGHT APPLICATION FOR NEW OR ADDITIONAL STATE WATER

Water Conservation Plans submitted with a water right application for New or Additional State Water must include data and information which:

1. support the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan;

The practice of utilizing desalination technology to establish an alternate water supply source is supported under the Texas Administrative Code title 30 Part 1 Chapter 288 Subchapter A rule 288.1 (TAC) definition number (4) for conservation. Converting a water source of lower water quality to a form having greater usability and commercial value is supported by TAC definition number (7) which can then be provided for industrial use.

2. evaluates conservation as an alternative to the proposed appropriation; and

The practice of utilizing desalination technology to establish an alternate water supply source is supported under the TAC definition number (4) for conservation.

3. evaluates any other feasible alternative to new water development including, but not limited to, waste prevention, recycling and reuse, water transfer and marketing, regionalization, and optimum water management practices and procedures.

The

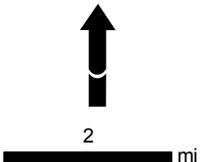
The proposed La Quinta desalination plant will be designed to be scalable so that it can be built and can expand to accommodate additional water needs as they come on-line. The PCCA foresees these near-term demands to be consistent with the "trigger levels" recently adopted by the Corpus Christi City Council that speaks to an additional, large-scale project coming on-line during the 2020 planning decade in the San Patricio, Corpus Christi area: Gulf Coast Growth Ventures (Exxon/Sabir). While estimates have not been formally announced for this upcoming Exxon/Sabir project, it is anticipated that it will require an exiting and foreseeable industrial economic development in San Patricio County and will provide a 100% unlimited reliability of source water, therefore, making it the best alternative for new water development when comparing to the above listed alternatives which rely on surface water sources.

Additionally, it shall be the burden of proof of the applicant to demonstrate that no feasible alternative to the proposed appropriation exists and that the requested amount of appropriation is necessary and reasonable for the proposed use.

**Attachment A- Project Service Area Map**



bing



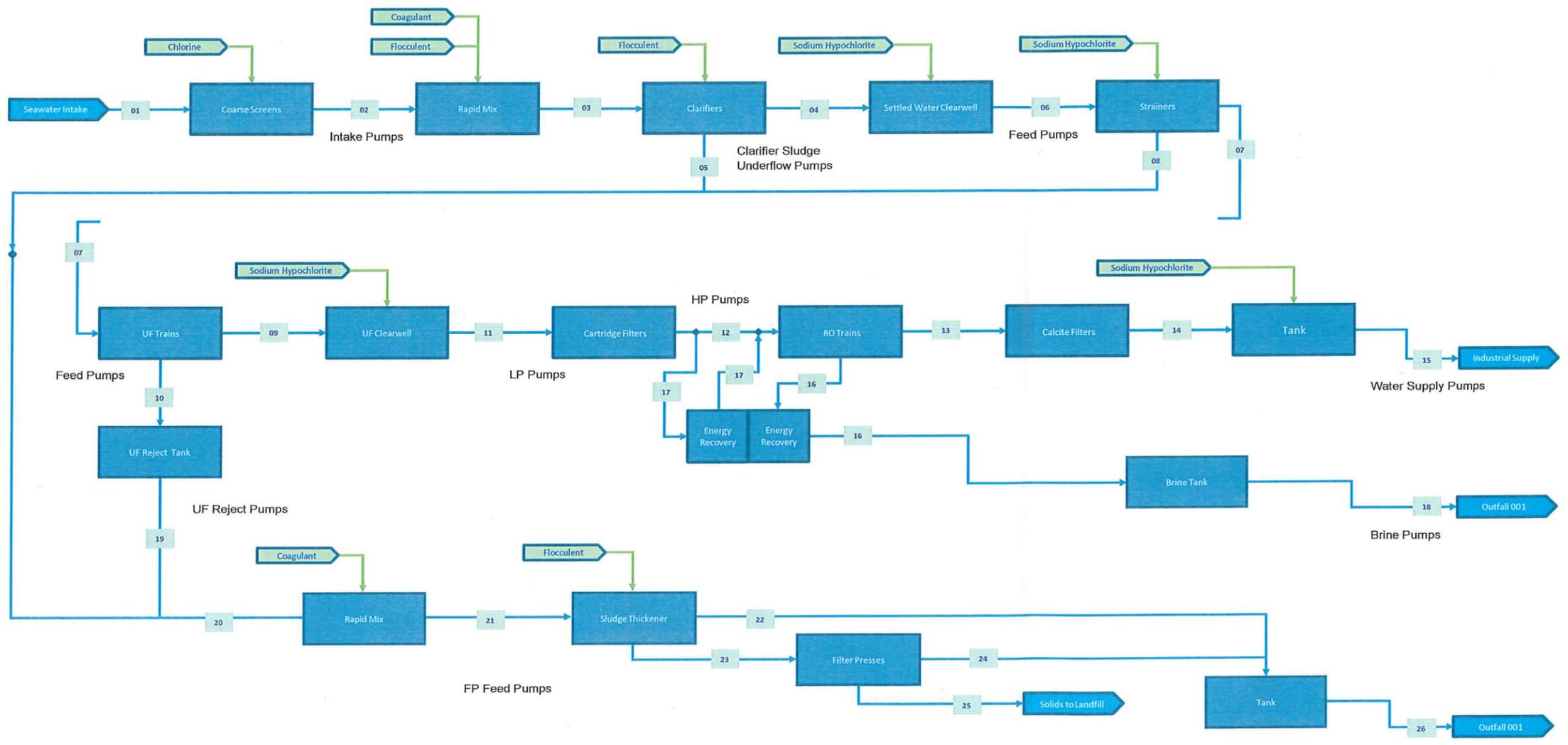
### Project Service Area Map: PCCA Owned Property Limits



8/17/2020

**Attachment B- Water System Process Flow Diagram**

# Process Flow Diagram



Port of Corpus Christi  
Proposed Desalination Plant  
La Quinta Site  
Corpus Christi, Texas

PROCESS FLOW DIAGRAM

P:\Client\Port of C... Figures\Figures11\_Application\_Figures\Technical\_Reports\Attachment2\_Facility\Map1.mxd

**Attachment C- Coastal Bend Regional Water Planning Group Letter**

# Coastal Bend Regional Water Planning Group

602 North Staples Street, Suite 280, Corpus Christi, Texas 78401

Phone: 361-653-2110; Fax: 361-653-2115

## EXECUTIVE COMMITTEE

### Water Districts

Mr. Scott Bledsoe, III, Co-Chair

### Water Utilities

Ms. Carola Serrato, Co-Chair

### GMA 13

Mr. Lonnie Stewart, Secretary

### River Authorities

Mr. Tom Reding, Jr.

### Small Business

Dr. Pancho Hubert,

## VOTING MEMBERS:

### Agriculture

Mr. Chuck Burns

Mr. Charles Ring

### Counties

Mr. Lavoyger Durham

Mr. Bill Stockton

### Electric Utilities

Mr. Gary Eddins

### Environmental

Ms. Teresa Carrillo

Mr. Jace Tunnell

### Industries

Mr. Joe Almaraz

Mr. Robert Kunkel

### Municipalities

Ms. Barbara Reaves

Mr. Mark Scott

### Public

Ms. Donna Rosson

### Other

Mr. John Burris

Mr. Carl Crull

### Small Business

Mr. Bill Dove

### GMA 15

Mr. Mark Sugarek

### GMA 16

Mr. Andy Garza

## NON-VOTING MEMBERS:

### TWDB

Ms. Connie Townsend

### NRCS

Mr. Tomas Dominguez

### TPWD

Dr. Jim Tolan

### TDA

Ms. Nelda Barrera

### Liaison Region M

Judge Humberto Gonzalez

### Liaison Region L

Mr. John Byrum

## STAFF:

### Nueces River Authority

Ms. Rocky Freund

Ms. Sarah L. Garza

Director of Environmental Planning and Compliance

Port of Corpus Christi Authority

P.O. Box 1541

Corpus Christi, Texas 78403



Re: Port of Corpus Christi Authority's proposed desal water projects - Harbor Island and La Quinta Channel and General Consistency with Coastal Bend Regional Water Planning Group's 2016 Plan (2016 Plan)

Dear Ms. Garza:

The Coastal Bend Regional Water Planning Group (CBRWPG) provides this response to your letter of January 8, 2020. The CBRWPG understands, based on information provided by the Corpus Christi Port Authority (Port), that the Port is in the process of applying for water right applications for diversions associated with two (2) seawater desalination facilities with a total production of 80 MGD.

In addition, according to the Port, the diversion locations are in Nueces County and San Patricio County. As stated by Port representatives during the CBRWPG January 16, 2020 meeting, the plants are intended to provide water supplies to meet future municipal and industrial demands in those counties.

In response to the Port's request regarding consistency of the potential projects to the December 2015 *Coastal Bend Regional Water Planning Area Region N Executive Summary and Regional Water Plan* (2016 Plan), the 2016 Plan includes seawater desalination as a recommended water management strategy. More specifically, the 2016 Plan shows a total supply of 22,420 acre-feet (20 MGD) from seawater desalination to meet manufacturing and steam-electric demands in Nueces County and manufacturing demands in San Patricio County (pages 5-42, 5-44 and 5-50 of the plan). Furthermore, the 2016 Plan identifies the City of Corpus Christi and the San Patricio Municipal Water District as project sponsors, describes the strategy (pages 5-43 and 5-49) and includes cost estimates (Section 5D.9).

During its January 16, 2020 meeting, the CBRWPG considered this information and determined, despite certain differences, that the Port's two (2) proposed desal plants are not inconsistent with Region N's 2016 Plan.

The projects differ from the 2016 Plan in the following ways: (1) two desalination plants are proposed as compared to one in the 2016 Plan, (2) the combined yield of the proposed projects is 80 MGD whereas the 2016 Plan shows 20 MGD, (3) the Port's proposed projects are intended to serve both industrial and municipal customers and the 2016 Plan showed a desal strategy to meet industrial needs only and (4) the Port's proposed Nueces County

location differs from the 2016 Plan with the Port's project location at Harbor Island as compared to Nueces Bay.

The change from one seawater desalination plant to two and the change in plant size are revisions that occurs as more specific plans and designs are developed to implement water management strategies.

As you are aware, the CBRWPG is developing a new regional water plan and during the January 16, 2020 meeting, the Planning Group voted to include various proposed seawater desalination plants as recommended water management strategies. Preliminary information from the 2021 Region N Plan under development shows manufacturing needs over the 2020-2070 planning period which the Port's proposed projects can be shown to address. But, as mentioned above, the preliminary information does not identify municipal needs for Nueces or San Patricio County.

The Port's requested water rights and proposed desalination plants are not expected to have a negative impact on other recommended water management strategies assuming that the proposed intake and outfall locations are not in close proximity to other recommended strategies.

Another request in your January 8<sup>th</sup> letter pertains to a waiver described in 30 Texas Administrative Code Section 297.41(a)(3)(E) which states that a permit can be granted only if it "addresses a water supply need in a manner that is consistent with the state water plan and the relevant approved regional water plan for any area in which the proposed appropriation is located, *unless the commission determines that new, changed, or unaccounted for conditions warrant waiver of this requirement*". The CBRWPG is not authorized to provide such a waiver and is therefore unable to provide an opinion or statement regarding such.

In conclusion, the proposed projects for which water rights applications are being sought differ from the strategy specifics outlined in the 2016 Plan. However, this letter is being provided stating that although the applications may be for different amounts and different project configurations than indicated in the 2016 Plan, the applications are consistent with the 2016 Plan.

Sincerely,



Carola G. Serrato, Co-Chair  
Coastal Bend Regional Water Planning Group



Scott Bledsoe III, Co-Chair  
Coastal Bend Regional Water Planning Group



**Notice of Meeting of the Port Commission of the  
Port of Corpus Christi Authority of Nueces County, Texas, on  
Tuesday, October 20, 2020, at 9:00 AM  
In the Nueces Room at the Solomon P. Ortiz International Center  
402 North Harbor Drive, Corpus Christi, Texas**

**To minimize the spread of COVID-19 virus, please follow these instructions:**

- \* THE PUBLIC MAY NOT ATTEND THIS MEETING IN PERSON, except to make public comments in accordance with the procedures described in agenda item 7 below.**
- \* Citizens may watch the live broadcast of the meeting on the internet by following these instructions - - \* *Open your internet web browser***
- \* In the address bar type [https://portofcc.com/about/commission/commission\\_agendas/](https://portofcc.com/about/commission/commission_agendas/)*
- \* Under the Upcoming Events heading click on "In Progress" for the Port Commission Meeting on October 20, 2020. (Note that the "In Progress" link will not appear until shortly before the meeting starts)*
- \* To see the Agenda Packet for this meeting, click on "Agenda Packet" under the Upcoming Events heading*
- \* Click on "PORT OF CORPUS CHRISTI AUTHORITY PUBLIC COMMENT POLICY" to review the policy*
- \* If you wish to make a public comment, please follow the instructions below under Public Comments (agenda item 7). - Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact Tana Neighbors at 885-6129 at least 48 hours in advance so that appropriate arrangements can be made.**

*PUBLIC NOTICE is given that the Commission may go into executive session at any time during the meeting to discuss matters listed on the agenda when authorized to*

*do so by the provisions of Section 418.183 or Chapter 551 of the Texas Government Code. In the event the Commission elects to go into executive session regarding any agenda item, the presiding officer will publicly announce the section or sections of the Texas Government Code authorizing the executive session.*

**The Agenda for this meeting of the Port Commission ("Commission") of the Port of Corpus Christi Authority ("PCCA") is set forth below.**

- 1. Call to Order**
- 2. Safety Briefing**
- 3. Pledge of Allegiance**
- 4. Invocation**
- 5. Receive Conflict of Interest Affidavits**

**6. Minutes**

- 6.a. Approve minutes of the September 15, 2020 Port Commission meeting.**  
**September 15, 2020 Port Commission Minutes**

- 7. Public Comment (Each speaker is limited to 3 minutes or 60 minutes divided by the number of speakers, whichever is less) -** *To make a public comment at the meeting, you must register in advance by emailing the Port Authority's Office of External Affairs at [PublicComment@pocca.com](mailto:PublicComment@pocca.com). Please include your name, address, and telephone number and state whether you will make your comments in person or over the phone. The deadline to register for Public Comment is 5:00 PM (CT) on Monday, October 19, 2020.*

*Persons who have registered to deliver their comments in person will meet in the Kleberg Room of the Solomon P. Ortiz Center at 9:00 AM on Tuesday, October 20, 2020. During the public comment period, a Port Police Officer will escort each registered person in the Kleberg Room to the podium in the Nueces Room one at a time. You must leave the Nueces Room after making your public comment.*

*PCCA staff will then call each person who has registered to make a public comment over the phone. When called, please state your name before making your public comment. If you do not answer your phone before it rings ten times or goes to voice mail, you will not be called a second time.*

**8. Committee Reports**

- 8.a. Receive reports from the Audit Committee, the Long-Range Planning**

Committee, the Security Committee, and the Facilities Committee.

## 9. Presentations

- 9.a. Tariff Rate Study 2020 Update Presentation by Brock Lane of Northern Economics, Inc.
  
- 9.b. Receive update from Del Richardson & Associates on the Hillcrest Washington-Coles Voluntary Real Estate Acquisition and Relocation Program .  
[October 2020 Final Program Update - Final v2](#)
  
- 9.c. Receive presentation from John LaRue, President and CEO, United Corpus Christi Chamber of Commerce.  
[2020- State of the Chamber](#)
  
- 9.d. Receive presentation from voestalpine Texas' CEO Stefan Einfalt.

## 10. Open Agenda

- 10.a. Approve an Interlocal Agreement with Nueces County in support of joint pursuit of Texas General Land Office Community Development Block Grant Mitigation funds to support the construction of coastal resiliency projects at various locations. (Recommended for approval by the Long Range Planning Committee on October 13, 2020)  
[PCCA Nueces County Interlocal Agreement CDBG-MIT - Final](#)
  
- 10.b. Approve a purchase with Loftin Equipment Co. for emergency generator system and automatic transfer switch through Government Cooperative Program in an amount not to exceed \$418,550 for the Ortiz Center. (Recommended for approval by Facilities Committee on September 1, 2020)  
[Ortiz Generator - 1-Memo](#)  
[Ortiz Generator - 2-Tabulation](#)
  
- 10.c. Award a construction contract to Hamman Excavating, Inc., the lowest and best bidder based on bids received on October 2, 2020, in the amount of \$2,324,311.53 plus acceptance of Additive Bid Item 2 in the amount of \$509,431.76 for the New Port Building Parking & Site Improvements project. (Recommended for approval by Facilities Committee on October 5, 2020)  
[Bldg Parking - 1-Memo](#)  
[Bldg Parking - 2-Exhibit](#)  
[Bldg Parking - 3-Tabulation](#)

- 10.d. Adopt Resolution Approving Advance Funding Agreement with TX Department of Transportation for Texas Mobility Fund Grant (TxDOT Project 0916-35-228 – Rincon Road Improvements, PCCA Project #20-035A). (Recommended for approval by the Long Range Planning Committee on October 13, 2020)  
[TxDOT-AFA\\_Rincon-Rd\\_CM](#)  
[PCCA\\_Resoluton\\_AFA\\_TMF\\_Rincon\\_Rd](#)  
[Approved 0916-35-228 Port of Corpus Christi TMF Log # 41853](#)
- 10.e. Adopt Resolution Approving Advance Funding Agreement with TX Department of Transportation for Texas Port Access Program (Project 0916-35-229 – Joe Fulton International Trade Corridor Access Rd and West Entrance to Bulk Materials Terminal). (Recommended for approval by the Long Range Planning Committee on October 13, 2020)  
[JFC\\_Access\\_Rd\\_DM\\_final](#)  
[PCCA\\_Resoluton\\_AFA\\_TMF\\_JRTC\\_Access\\_RD\\_0916-35-229](#)  
[Approved 0916-35-229 Port of Corpus Christi TMF Log # 41854 \(1\)](#)
- 10.f. Approve acceptance of Port Security Grant Program FY2020 Award of \$1,931,250 (Federal Funds), which will require \$643,750 in PCCA match, for a Total Project Value of \$2,575,000. (Recommended for approval by Security Committee on October 6, 2020)  
[PSGP 20 award acceptance CM](#)
- 10.g. Award a construction contract to Russell Marine, LLC, the lowest and best bidder based on bids received on September 28, 2020, in the amount of \$335,600 for the Bulk Dock 1 West Trestle Beam Repairs project.  
[BD1 West - 1-Memo](#)  
[BD1 West - 2-Exhibit](#)  
[BD1 West - 3-Tabulation](#)
- 11. Consent Agenda** - *The Port Commissioners have been furnished with supporting documentation and staff's recommendation for each of the following items. All Consent Agenda items will be approved, in accordance with the respective staff recommendations, by one vote without being discussed separately unless a Port Commissioner requests otherwise.*
- 11.a. Approve an Amendment to Professional Engineering Services Contract with Cleary Zimmerman Engineers, LLC in the amount of \$17,500 associated with additional Information Technology and Security Systems engineering services for the New Port Office Facility project. (Recommended for approval by Facilities Committee on October 5, 2020)  
[Cleary - 1-Memo](#)  
[Cleary - 2-Amendment](#)

- 11.b. Award a construction contract to Garrett Construction Company, the lowest and best bidder based on bids received on October 2, 2020, in the amount of \$119,761 for the North Bank Dock Service Road Storm Drainage Pipe project.  
[Road Drainage - 1 - Memo](#)  
[Road Drainage - 2 - Exhibit](#)  
[Road Drainage - 3 - Tabulation](#)
- 11.c. Approve a Pipeline Easement with Air Liquide for one six-inch nitrogen pipeline to service GCGV's 35-acre terminal site at La Quinta Terminal, San Patricio County, Texas.  
[Air Liquide Nitrogen Easement - Memo](#)  
[Air Liquide Nitrogen Easement - Memo Exhibit](#)  
[Air Liquide Nitrogen Easement - Summary](#)  
[Air Liquide Nitrogen Easement - Agreement](#)
- 11.d. Approve Consulting Services Contract with Crestline Solutions for Government Affairs Services in an amount not to exceed \$15,000 through December 31, 2020  
  
[Crestline Solutions -Consulting Services Contract 4th Qtr 2020 -Oct 2020 Comm Letter](#)  
[Reed Clay Consulting Services - October - December 2020 FINAL](#)
- 11.e. Approve Master Intergovernmental Cooperative Purchasing Agreement with OMNIA Partners Public Sector.  
[OMNIA\\_Partners\\_Cooperative\\_Program\\_Oct\\_2020\\_-\\_Commission\\_Memo](#)  
[OMNIA MICPA\\_Signed \(00C\) \(002\) Oct 2020](#)
- 11.f. Approve Amendment No. 3 to the 2017 Interlocal Agreement with Texas A&M University – Corpus Christi for Operation and Maintenance of the Existing Corpus Christi Physical Oceanographic Real-Time System (CC PORTS®).  
[CM October 20 2020 PORTS system Operation and Maintenance](#)  
[CCPORTS\\_Amdt3\\_Final\\_Signed](#)
- 11.g. Approve Consulting Services Contract with Freese and Nichols, Inc. in the amount of \$65,750 for consulting services related to modeling of dredge material placement for the re-designation process underway by the U.S Environmental Protection Agency and the U.S. Army Corps of Engineers for the New Work Offshore Dredge Material Disposal Site.  
[Freese and Nichols - Comm Memo](#)  
[Freese and Nichols - Contract](#)

## 12. Chief Executive Officer and Commissioners' Comments

- 12.a. Receive Chief Executive Officer's Report on upcoming community events, PCCA events and the activities of the following PCCA departments during the preceding month: External Affairs, Finance, and Operations.
  - 12.b. Receive Commissioners' comments on any of the agenda items for the meeting, the Port's activities during the preceding month, upcoming PCCA events, and suggestions for future agenda items.
- 13. Recess Open Meeting and Convene Executive Session - *In this executive session the Port Commissioners will deliberate or receive legal advice regarding (1) each of the following matters pursuant to the Section(s) of the Texas Open Meetings in parenthesis at the end of such matter, and (2) any other agenda item announced by the Chairman of the meeting. The Port Commissioners will deliberate the purchase, exchange, lease or value of real property in executive session only if deliberation in an open meeting would have a detrimental effect on PCCA's position in negotiations with a third person.***
- 13.a. Deliberate leasing PCCA real property in Nueces County to a business prospect. (§551.072)
  - 13.b. Legal advice from counsel in connection with Case No. 20-46, Port of Corpus Christi Authority of Nueces County, Texas, Petitioner, v. Sherwin Alumina Company, LLC, et al. (§551.071)
  - 13.c. Receive legal advice from PCCA's counsel regarding Agreement with Nueces County Water Control & Improvement District No. 4 for Relocation of 20" Water Line associated with the Channel Improvement Project. (§551.071)
  - 13.d. Legal advice from PCCA's counsel on Texas State Aquarium Funding Agreement. (§551.071)
  - 13.e. Legal advice from counsel in connection with State Office of Administrative Hearings Docket No. 582-20-1895. (§551.071)
  - 13.f. Deliberate the acquisition of real property in Nueces County in the vicinity Viola Channel. (§551.072)

**14. Reconvene in Open Session and take action on (1) the following agenda items, (2) any other items on this agenda that were postponed or tabled until after Executive Session, and (3) any agenda items from the Executive Session requiring Commission action.**

- 14.a. Adopt a resolution approving (A) an Amendment of Surface Site Lease and Option Agreement between the Port of Corpus Christi Authority of Nueces County, Texas, as purchaser, and Corpus Christi Polymers, LLC as seller (“Option Agreement”), and authorizing the execution of the amendment, related closing documents and lease back agreement, or (B) the exercise of the Option Agreement as is.

[CCP Option Agreement - CM](#)

[CCP Option Agreement - Memo Exhibit](#)

[CORPUS-#329582-v5-Resolution\\_Approving\\_Exericse\\_of\\_Option\\_to\\_Purchase](#)

- 14.b. Approve the First Amendment of Lease Agreement with Corpus Christi Polymers, LLC to extend an eight (8) acre laydown lease agreement located west of the Corpus Christi Polymers Facility for an additional year with a one-year option to extend.

[CCP Option Agreement - CM](#)

[Amendment 8 ac Laydown Yard - Memo Exhibit](#)

[Amendment 8 ac Laydown Yard - Summary](#)

[First Amendment 8 ac Laydown Yard - Partially Signed](#)

**15. Adjourn**

**OFFICIAL MINUTES OF PORT COMMISSION MEETING**  
**September 15, 2020**

The Port Commissioners of the Port of Corpus Christi Authority convened at the Solomon P. Ortiz International Center, 402 Harbor Drive, Corpus Christi, Texas, on Tuesday, September 15, 2020 at 9:00 a.m., for the regular monthly meeting of the Port Commission.

**Present:** Mr. Charles Zahn  
Mr. Richard Valls  
Ms. Catherine Hilliard (*via Videoconference*)  
Mr. David P. Engel (*Via Videoconference*)  
Mr. Wes Hoskins (*Via Videoconference*)  
Mr. Al Jones (*Via Videoconference*)  
Dr. Bryan Gulley

**Present:** Mr. Sean Strawbridge  
Mr. Kent Britton  
Mr. Omar Garcia  
Mr. Jeff Pollack  
Mr. Clark Robertson  
Chief Tom Mylett  
Mr. Sam Esquivel  
Ms. Natasha Fudge  
Mr. Tyler Fuhrken  
Ms. Sarah Garza  
Chief Eric Giannamore  
Capt. Mark Guitierrez  
Mr. Dan Koesema  
Ms. Sonya Lopez-Sosa  
Mr. Jacob Morales  
Mr. Bland Chamberland  
Mr. Bennie Benavidez  
Mr. Richard Hernandez  
Mr. Daniel Villesca  
Ms. Tana Neighbors  
Ms. Sherry DuBois

**Others Present:** Mr. Leo J. Welder, Jr. (*via Videoconference*)  
Mr. Dane Bruun

**Others Present:**

1. **Meeting called to order**

2. **Safety briefing presented**
3. **Pledge of Allegiance recited**
4. **Invocation given**
5. **Chairman Zahn called for a moment of silence for the victims of the Tule Lake Channel Fire incident.**
6. **Conflict of Interest Affidavits:** Mr. Zahn submitted an affidavit for items 14k and 15b stating the reason for abstention was because he has been the legal counsel for the Nueces County Water Control and Improvement District #4 since 1972.
7. **Minutes**
  - 7a. **Action:** On motion made by Mr. Valls and seconded by Dr. Gulley, the Commission approved the minutes of the August 18, 2020 Commission meeting in the form presented to the meeting.
8. **Public Comments:** None were received.
9. **Committee Reports:**

**Audit Committee Report:** Mr. Engel reported that the committee had not met since the last regular Commission meeting.

**Long-Range Planning Committee:** Mr. Valls reported on the committee's activities since the last regular Commission meeting.

**Security Committee:** Mr. Hoskins reported on the committee's activities since the last regular Commission meeting.

**Facilities Committee:** Ms. Hilliard reported on the committee's activities since the last regular Commission meeting.
10. **Presentations**
  - 10a. The Commission received a presentation from Chairman John Green and Executive Director Foster Edwards, San Patricio Economic Development Corporation.
  - 10b. The Commission received a briefing on Tule Lake Channel Fire Incident by Captain Edward Gaynor Commander Coast Guard Sector/Air Station Corpus Christi.

## 11. Open Agenda

**11a. Tariff Review and Update:** Staff recommended approval of Tariff Review and Update – Phase 2A Administrative/Non-Financial changes to PCCA Tariff 100-A and BMT-Tariff-1-A. These administrative changes have no financial or process implication to customers (e.g. correction of language inconsistencies/spelling errors; removal of obsolete terms). (Discussed and recommended for approval by the Long Range Planning Committee on September 9, 2020.)

**Actions:** On motion made by Mr. Valls and seconded by Dr. Gulley, the Commission approved Staff's recommendation.

**11b. Approve the Third Reading of a Franchise Agreement with Valero Refining-Texas, L.P.:** Staff recommended approval of the third reading of Franchise Agreement granting Valero Refining – Texas, L.P. the right to cross the south bulkhead line of the Tule Lake Channel from its property adjacent to the Channel and related rights.

**Action:** On motion made by Mr. Valls and seconded by Mr. Hoskins, the Commission approved Staff's recommendation.

**11c. Purchase of emergency generator system and automatic transfer switch with Loftin Equipment Co.:** Staff recommended the purchase of two new natural gas, 350kW generator system units and a 2500-amp automatic transfer switch, with Loftin Equipment Co. in the amount of \$418,550 for the Ortiz Center. (Discussed and recommended for approval by the Facilities Committee on September 1, 2020.)

**Action:** Mr. Engel moved approval of this item, but after discussion withdrew his motion. Then on motion made by Mr. Valls and seconded by Dr. Gulley, the Commission tabled this item until the October 20, 2020 Commission meeting.

**11d. Change Order in the amount of \$1,238,869 with Bartlett Cocke Beecroft JV:** Staff recommended the approval of a Change Order in the amount of \$1,238,869 with Bartlett Cocke Beecroft JV (BCB) for construction services to build out the fourth floor space in the New Port Office Facility. The Facilities Committee reviewed and discussed this item on September 1 and September 8, 2020 and recommended that it be brought to Port Commission for consideration.

**Action:** On motion made by Ms. Hilliard and seconded by Mr. Valls, the Commission approved Staff's recommendation. Mr. Engel and Mr. Hoskins voted no on this item.

**Point of Order:** On motion made by Ms. Hilliard and seconded by Mr. Jones, the Commission approved the Zahn Rule for item 11e.

**11e. Service Order Contract in an amount not to exceed \$160,000 with Katy Stone Studio LLC:** Staff recommended approval of a Service Contract in an amount not to exceed \$160,000 with the Katy Stone Studio, LLC for design, fabrication, delivery, and installation of a 43' by 13' piece of custom artwork ("Light Current") by Katy Stone for the lobby of the new PCCA Administration Building. This contract amount is included in the allocation for building art that was approved in the 2020 PCCA budget. (Discussed and recommended for approval by the Facilities committee on August 3, 2020.)

**Action:** On motion made by Ms. Hilliard and seconded by Dr. Gulley, the Commission approved Staff's recommendation. Mr. Valls and Mr. Hoskins voted no on this item.

**12. Consent Agenda:** Commissioners requested that Consent Agenda Items 12a, 12f, 12i, 12j, 12k, 12m, and 12n be removed from the agenda with no action being taken. Then Mr. Valls moved to approve the remaining Consent Agenda Items by one vote (the "Consent Agenda Motion"), in accordance with the respective staff recommendations and agreements furnished to the Commission at the meeting. Dr. Gulley seconded the motion and the motion passed without objection.

**12a.** Staff recommended approval of a Franchise Extension Agreement with Citgo Refining and Chemicals Company, L.P., extending the franchise agreements for Citgo Oil Docks 1 & 2 located on the Industrial Canal, Citgo Oil Dock 3 & Barge Dock 6 located at Tule Lake Channel and Turning Basin and, Citgo Oil Dock 7 located at Avery Point Turning Basin and the Industrial Canal, Nueces County, Texas. On motion made by Mr. Valls and seconded by Dr. Gulley, the Commission approved Staff's recommendation.

**12b.** By approval of the Consent Agenda Motion, the Commission approved the First Amendment of Lease Agreement with Corpus Christi Polymers, LLC to extend the 30,000 SF West Transfer Facility lease agreement an additional year with a one-year option to extend.

**12c.** By approval of the Consent Agenda Motion, the Commission approved the First Amendment of Pipeline Easement with Cactus II Pipeline LLC, to extend the date on which the initial construction of the pipeline facilities is completed, and the pipeline is operational or to November 20, 2021, whichever is earlier.

**12d.** By approval of the Consent Agenda Motion, the Commission approved a Fiber Optic Line Easement with Media Link Telecom, LLC for one 1-1/4-inch fiber optic conduit along the east side of Hwy. 181, located in San Patricio County, Texas.

**12e.** By approval of the Consent Agenda Motion, the Commission approved an Amendment to Service Order No. 4 in the amount of \$15,000 with LNV, LLC, under Master Services Agreement No. 18-14, for design phase engineering services

associated with the Cargo Dock 9 Storm Water and Wastewater Improvements Project.

**12f.** Staff recommended approval of a Service Order in an amount not to exceed \$80,410 with CH2M Hill Engineers, Inc., under Master Services Agreement No. 18-08, for design and bid phase engineering services associated with levee raising and drainage improvements at Good Hope Dredge Material Placement Area, Cell J (North Cell). On motion made by Mr. Valls and seconded by Mr. Jones, the Commission approved Staff's recommendation.

**12g.** By approval of the Consent Agenda Motion, the Commission rejected all bids received on July 30, 2020 for the Oil Docks 1, 4, 7, and 11 Fire Protection System Improvements project.

**12h.** By approval of the Consent Agenda Motion, the Commission awarded a demolition contract to Costa Verde Resources, LLC in the amount of \$104,238, the lowest and best bidder based on bids received on August 28, 2020 for demolition and site clearing services in connection with the Hillcrest and Washington-Coles Voluntary Neighborhood Acquisition and Relocation Program (Group 9).

**12i.** Staff recommended approval of a consulting contract in an amount not to exceed \$48,350 with Weingarten Art Group for administration and implementation of the Art Master Plan – Phase I for the new PCCA Administration Building, including managing fabrication, acquisition, delivery, and installation. (Discussed and recommended for approval by the Facilities Committee on September 1, 2020). On motion made by Mr. Valls and seconded by Dr. Gulley, the Commission approved Staff's recommendation. Mr. Valls requested all items related to the New Office Building be brought to the Commission regardless of the \$50,000 threshold.

**12j.** Staff recommended approval of Amendment No. 1 to Service Order No. 4 in the amount of \$37,984 under Master Agreement No. 18-06 with Wood Environmental & Infrastructure Solutions, Inc. for consulting services related to environmental permitting for Harbor Island Berths. On motion made by Mr. Valls and seconded by Dr. Gulley, the Commission approved Staff's recommendation. Mr. Hoskins voted no on this item.

**12k.** Staff recommended approval of a Resolution approving a Water Conservation Plan for La Quinta desalination facility water rights permit. (Discussed and recommended for approval by Long Range Planning Committee on September 9, 2020.) On motion made by Mr. Engel and seconded by Mr. Jones, the following resolution was adopted:

**RESOLUTION APPROVING WATER CONSERVATION PLAN FOR  
LA QUINTA DESALINATION FACILITY WATER RIGHTS PERMIT**

WHEREAS, the Port of Corpus Christi of Nueces County, Texas ("Port Authority"),

has endeavored to obtain the long lead permits for a desalination plant to bring a sustainable water supply to Nueces and San Patricio Counties in order to promote a healthy local economy and environment and provide drinking water to areas that have suffered repeated drought conditions;

WHEREAS, the Port Authority has determined that property at La Quinta is suitable for locating a future desalination plant;

WHEREAS, a permit application was submitted to the Texas Commission on Environmental Quality ("TCEQ") on August 29, 2019, for water rights associated with a proposed 30 million gallon a day desalination plant at La Quinta for production of industrial water supply and which was declared administratively complete on May 7, 2020;

WHEREAS, the TCEQ has assigned the water rights permit application a Water Rights No. 13630 and is currently performing a technical review of the permit;

WHEREAS, as part of the planning and permitting process, Port Authority staff have identified technological best practices in the field of desalination and previously engaged local scientists at the University of Texas Marine Science Institute to complete a cumulative modeling study; and

WHEREAS, this permit application requires development of a Water Conservation Plan for Wholesale Public Water Suppliers, and such plan must include a means for implementation and enforcement, which shall be evidenced by a copy of the ordinance, rule, resolution, or tariff, indicating official adoption of the water conservation plan by the Port Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE PORT COMMISSION OF THE PORT OF CORPUS CHRISTI AUTHORITY OF NUECES COUNTY, TEXAS, THAT:

Section 1. The Port Commission hereby officially adopts the Water Conservation Plan for water that will be produced at a future desalination plant at La Quinta and authorizes Port Authority staff to implement and enforce the requirements of the Water Conservation Plan.

Section 2. The Chairman, the Vice Chairman, the Secretary, and the Chief Executive Officer are each hereby severally authorized and directed to execute, attest, seal and deliver any and all additional certificates, documents or other papers and to do any and all things deemed necessary to carry out the intent and purpose of this Resolution.

Section 3. This Resolution is hereby adopted by the Port Commission on September 15, 2020.

**12I.** By approval of the Consent Agenda Motion, the Commission approved Amendment No. 1 to Service Order No. 1 with Moffatt & Nichol, under Master Services

Agreement 18-13, for additional engineering services on a time and materials basis in an amount not to exceed \$250,000 for services associated with program and project management of the Corpus Christi Ship Channel Improvement Project. (Discussed and recommended for approval by the Long Range Planning Committee on September 9, 2020.)

**12m.** Staff recommended awarding a Construction Contract to Costa Verde Resources LLC, the lowest and best bidder based on bids received on June 2, 2020, in the amount of \$248,802 for the Harbor Island Fiber Line Relocation project. (Discussed and recommended for approval by the Long Range Planning Committee on September 9, 2020). On motion made by Dr. Gulley and seconded by Mr. Jones, the Commission approved Staff's recommendation. Mr. Hoskins voted no on this item.

**12n.** Staff recommended the approval of a Construction Contract to Bonco LLC, the lowest and best bidder based on bids received on June 2, 2020, in the amount of \$148,220 for the Harbor Island Waterline Relocation project. (Discussed and recommended for approval by the Long Range Planning Committee on September 9, 2020). On motion made by Mr. Engel and seconded by Mr. Valls, the Commission approved Staff's recommendation. Mr. Hoskins voted no on this item.

### **13. Chief Executive Officer's Report and Commissioners' Comments:**

**13a.** The Chief Executive Officer submitted his report on upcoming community events, PCCA events and activities of the following PCCA departments during the preceding month: Commercial, External Affairs, Operations and Finance.

**13b.** Mr. Zahn asked for comments from the Commissioners.

**14. Recess Open Session and Convene Executive Session:** At 11:56 a.m. Mr. Zahn announced the Commission would go into executive session pursuant to §551.071, §551.072, §551.074, and §551.087 of the Texas Government Code, to deliberate agenda items 14a, 14b, 14c, 14d, 14e, 14f, 14g, 14h, 14i, 14j, 14k, and 14l, which were described in the agenda as follows:

**14a.** Legal advice from counsel in connection with Cause No. 2018CCV-60780-4, PCCA, Plaintiff vs. The Port of Corpus Christi, LP, Defendant, and The Port of Corpus Christi, LP, Counter Claimant vs. PCCA, and in their Official Capacities as Commissioners of the Port Authority, the following Commissioners: Charles W. Zahn, Jr., Wayne Squires, Richard Ralph Valls, Jr., Richard Bowers, David P. Engel, Wes Hoskins, Catherine Tobin Hilliard, And As-Yet Unnamed Co-Conspirators, Counterclaim Defendants, in Nueces County Court at Law No. 4. (§551.071)

**14b.** Legal advice from counsel in connection with Cause No. 13-19-00304-CV, The Port of Corpus Christi, LP and 361 Holdings, LLC v. PCCA in the 156th State

District Court, San Patricio County, regarding the Good Hope Dredge Material Placement Area. (§551.071)

**14c.** Legal advice from counsel in connection with Cause No. 2019-ccv-61513-3, Port of Corpus Christi Authority of Nueces County, Texas vs. City of Port Aransas, Texas, in Nueces County Court at Law No. 3. (§551.071)

**14d.** Legal advice from counsel in connection with Cause No. 2019DCV-6221-B, The City of Port Aransas, Texas vs. The Port of Corpus Christi Authority of Nueces County, Texas, in the 117th State District Court, Nueces County. (§551.071)

**14e.** Legal advice from counsel regarding PCCA's lease with Lone Star Ports, LLC. (§551.071)

**14f.** Legal advice from counsel regarding voestalpine Texas LLC. (§551.071)

**14g.** Legal advice from counsel in connection with Case No. 20-46, Port of Corpus Christi Authority of Nueces County, Texas, Petitioner, v. Sherwin Alumina Company, LLC, et al. (§551.071)

**14h.** Legal advice from counsel regarding Tule Lake Channel Fire Incident. (§551.071)

**14i.** Legal advice from counsel in connection with State Office of Administrative Hearings docket No. 582-20-1895. (§551.071)

**14j.** Deliberate offering a financial or other incentive to a business prospect PCCA seeks to have locate in or near PCCA's territory and with whom PCCA is conducting economic development negotiations, and deliberate leasing PCCA real property to this business prospect. (§551.087 and §551.072)

**14k.** Receive legal advice from PCCA's counsel regarding Agreement with Nueces County Water Control & Improvement District No. 4 for Relocation of 20" Water Line associated with the Channel Improvement Project. (§551.071)

**14l.** Deliberate the evaluation of the Chief Executive Officer. (§551.074)

**15. At 2:36 p.m., the Commission reconvened in Open Session**

**15a. Approve an Amendment to PCCA's Harbor Island lease agreement with Lone Star Ports, LLC, dated December 10, 2019**

**Action:** No action was taken on this item.

**15b. Approve an Agreement with Nueces County Water Control & Improvement District No. 4 for Relocation of 20" Water Line associated with the Channel Improvement Project:** On motion made by Mr. Valls and seconded by Mr. Hoskins, the Port Commission authorized the Port Authority to relocate the 20" water line owned by the Nueces County Water Control & Improvement District No. 4 under an interlocal agreement. Mr. Zahn abstained from voting on this item. Ms Hilliard was not present during action on this item.

**16. Adjourn:** On motion duly made and seconded, the meeting adjourned at 3:36 p.m.

## Hal Bailey

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**From:** Esteban Ramos <EstebanR2@cctexas.com>  
**Sent:** Wednesday, September 16, 2020 5:11 PM  
**To:** Hal Bailey  
**Cc:** Chris Kozlowski  
**Subject:** RE: Pending Water Right Application - WR No. 13630 Port of Corpus Christi Authority of Nueces County

Great thank you for the help.

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**From:** Hal Bailey [mailto:Hal.Bailey@tceq.texas.gov]  
**Sent:** Wednesday, September 16, 2020 5:03 PM  
**To:** Esteban Ramos  
**Cc:** Chris Kozlowski  
**Subject:** FW: Pending Water Right Application - WR No. 13630 Port of Corpus Christi Authority of Nueces County

**[ [ WARNING: External e-mail. Avoid clicking on links or attachments. We will NEVER ask for a password, username, payment or to take action from an email. When in doubt, please forward to [SecurityAlert@cctexas.com](mailto:SecurityAlert@cctexas.com). ] ]**

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Good afternoon Steve,

Sarah forwarded your request to me. Both of your permit applications, as well as the Port of Corpus Christi Authority's application were reassigned to me over the summer. I have attached a copy of POCCA's water right permit application that was received by the TCEQ on 09/03/2019.

Thank you,

*Hal E. Bailey, Jr.  
Natural Resources Specialist III  
Water Rights Permitting Team  
Water Availability Division  
Texas Commission on Environmental Quality  
512-239-4615 [Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)*

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**From:** Sarah Henderson <[sarah.henderson@tceq.texas.gov](mailto:sarah.henderson@tceq.texas.gov)>  
**Sent:** Wednesday, September 16, 2020 4:02 PM  
**To:** Hal Bailey <[Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)>  
**Subject:** FW: Pending Water Right Application - WR No. 13630 Port of Corpus Christi Authority of Nueces County

POCCA application request

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**From:** Esteban Ramos <[EstebanR2@cctexas.com](mailto:EstebanR2@cctexas.com)>  
**Sent:** Wednesday, September 16, 2020 3:46 PM  
**To:** Sarah Henderson <[sarah.henderson@tceq.texas.gov](mailto:sarah.henderson@tceq.texas.gov)>  
**Subject:** Pending Water Right Application - WR No. 13630 Port of Corpus Christi Authority of Nueces County

Sarah,

I was hoping you can give me a little information on a pending WR Application of the Post of Corpus Christi. Do you have a copy of their cover sheet. Or would you be able to tell me what is their purpose of use. I hope your doing well in Austin.

Thank you

Esteban (Steve) Ramos

Water Resource Manager, Water Utilities

City of Corpus Christi, Texas

## Hal Bailey

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**From:** Trent Jennings  
**Sent:** Tuesday, August 25, 2020 3:32 PM  
**To:** Hal Bailey; Jason Godeaux; Jennifer Allis  
**Subject:** FW: POCCA's adoption timeline

FYI. See below for adoption timeline on October 20, 2020.

Thanks,  
Trent

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**From:** Garza, Sarah <Sarah@pocca.com>  
**Sent:** Tuesday, August 25, 2020 3:17 PM  
**To:** Trent Jennings <trent.jennings@tceq.texas.gov>  
**Subject:** Contact Information

Good Afternoon Trent,

Thank you for the conversation just now. Here is my contact information and at the very least I will send you the finalized agenda for the September 15 Commission Meeting and the approved minutes after the October 20 meeting. In the meantime, any questions or information, please reach out via email or using my cell phone below.

Thank you.



**Sarah L. Garza**

*Director of Environmental  
Planning & Compliance*

**Port of Corpus Christi**

o: (361) 885-6163

m: (361) 813-0068

w: [portofcc.com](http://portofcc.com) e: [sarah@pocca.com](mailto:sarah@pocca.com)



## Hal Bailey

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**From:** Garza, Sarah <Sarah@pocca.com>  
**Sent:** Monday, August 17, 2020 5:11 PM  
**To:** Hal Bailey  
**Cc:** Dives-Gomez, Yvonne; Jason Godeaux; Chris Kozlowski; Sarah Henderson  
**Subject:** RE: POCCA WRPERM NO. 13630  
**Attachments:** TCEQ WATER Conservation Plan Cover Letter.pdf

Dear Mr. Bailey,

Please see attached as requested.

Thank you.

### **Sarah L. Garza**

Director of Environmental Planning & Compliance  
Office (361) 885-6163

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**From:** Hal Bailey <Hal.Bailey@tceq.texas.gov>  
**Sent:** Thursday, July 30, 2020 11:20 AM  
**To:** Garza, Sarah <Sarah@pocca.com>  
**Cc:** Dives-Gomez, Yvonne <ydives-gomez@pocca.com>; Jason Godeaux <jason.godeaux@tceq.texas.gov>; Chris Kozlowski <chris.kozlowski@tceq.texas.gov>  
**Subject:** RE: POCCA WRPERM NO. 13630

Good morning Ms. Garza,

Thank you for submitting a completed Water Conservation Plan (WCP) for industrial uses with your application and with your response to our request for information (RFI). In our RFI dated July 17, 2020, we requested a WCP for wholesale uses. We requested this type of WCP because of the nature of your request. In your application, you indicate that you intend to sell the water that you divert, ultimately to other end users, and the wholesale WCP covers these situations specifically. We have attached a template for a wholesale WCP to this email. It is specifically written for retail wholesalers, so some portions of the template may not pertain to your specific situation. In these instances, you will need to provide an explanation describing why those requirements are not applicable to you.

Please provide the requested information by August 17, 2020 or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.19. Alternatively, you may have the question of the necessity of the requested data (or the sufficiency of the information already submitted) referred to the commission for a decision. To be considered, a request for a referral must be provided by August 17, 2020.

If you have any questions concerning this matter, please contact me via email at [hal.bailey@tceq.texas.gov](mailto:hal.bailey@tceq.texas.gov) or by telephone at (512) 239-4615.

Sincerely,

*Hal E. Bailey, Jr.*  
*Natural Resources Specialist III*  
*Water Rights Permitting Team*  
*Water Availability Division*

**From:** Garza, Sarah <[Sarah@pocca.com](mailto:Sarah@pocca.com)>  
**Sent:** Wednesday, July 22, 2020 1:58 PM  
**To:** Sarah Henderson <[sarah.henderson@tceq.texas.gov](mailto:sarah.henderson@tceq.texas.gov)>  
**Cc:** Hal Bailey <[Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)>; Dives-Gomez, Yvonne <[ydives-gomez@pocca.com](mailto:ydives-gomez@pocca.com)>  
**Subject:** RE: POCCA WRPERM NO. 13630  
**Importance:** High

Ms. Henderson,

Thank you for reaching out. We have received your request for completion of a Water Conservation Plan (WCP). For purposes of clarification with this request, please advise if your request is something different than what has previously been provided (and is attached) on February 4, 2020. This was provided to replace what we originally provided in our application on a form that was outdated. I have also attached for your information.

I have reviewed the TCEQ web page ([https://www.tceq.texas.gov/permitting/water\\_rights/wr\\_technical-resources/conserv.html#rules](https://www.tceq.texas.gov/permitting/water_rights/wr_technical-resources/conserv.html#rules)) to determine if there is anything further needed and am at a loss as to what additional information or plan you are requesting or what we did not provide. The table that lists when a WCP is needed lists use of the form 20839 which is our first attachment and also provides the form again as an example WCP model.

If it is easier to have a meeting to discuss, I can arrange for a virtual teams meeting.

Thank you in advance for your assistance.

**Sarah L. Garza**  
Director of Environmental Planning & Compliance  
Office (361) 885-6163

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**From:** Sarah Henderson <[sarah.henderson@tceq.texas.gov](mailto:sarah.henderson@tceq.texas.gov)>  
**Sent:** Friday, July 17, 2020 3:27 PM  
**To:** Garza, Sarah <[Sarah@pocca.com](mailto:Sarah@pocca.com)>  
**Cc:** Hal Bailey <[Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)>  
**Subject:** POCCA WRPERM NO. 13630

Ms. Garza,  
Please find the attached request for additional information. A response is requested by August 17<sup>th</sup>.  
Note, this application has been re-assigned to Project Manager Hal Bailey and he has been copied on this email.  
Thank you,  
Sarah

Sarah Henderson  
Water Rights Permitting Team  
Water Availability Division  
Texas Commission on Environmental Quality  
P.O. Box 13087/MC-160  
Austin, TX 78711-3087  
(P) 512.239.2535  
(F) 512.239.4770



**PORT CORPUS CHRISTI**

August 17, 2020

Hal E. Bailey, Jr.  
Natural Resources Specialist III  
Water Rights Permitting Team  
Water Availability Division  
Texas Commission on Environmental Quality

**Subject: Port of Corpus Christi Authority of Nueces County  
Water Rights Permit Application No. 13630  
CN600885248, RN110844933  
Proposed Desalination Plant La Quinta Property**

Dear Mr. Bailey,

As requested on July 17, 2020, by Ms. Henderson and then clarified by you in a subsequent email on July 30, 2020, please find attached the Water Conservation Plan on TCEQ Form 20162 for TCEQ Water Rights Permit Application No. 13630 by the Port of Corpus Christi Authority (PCCA) of Nueces County currently under consideration.

If you have any questions, please don't hesitate to contact me by phone at (361) 885-6163 or email at [sarah@pocca.com](mailto:sarah@pocca.com).

Sincerely,  
PORT OF CORPUS CHRISTI AUTHORITY

Sarah L. Garza  
Director of Environmental  
Planning and Compliance

Enclosures

SG/ydg/lc

cc: Sean Strawbridge, Chief Executive Officer, Port of Corpus Christi Authority  
Clark Robertson, Chief Operating Officer, Port of Corpus Christi Authority  
Yvonne Dives-Gomez, Environmental Permitting Specialist, Port of Corpus Christi Authority





# Texas Commission on Environmental Quality

Water Availability Division

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

Telephone (512) 239-4691, FAX (512) 239-2214

## Utility Profile and Water Conservation Plan Requirements for Wholesale Public Water Suppliers

This form is provided to assist wholesale public water suppliers in water conservation plan development. If you need assistance in completing this form or in developing your plan, please contact the Conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239- 4691.

*Water users can find best management practices (BMPs) at the Texas Water Development Board's website <http://www.twdb.texas.gov/conservation/BMPs/index.asp>. The practices are broken out into sectors such as Agriculture, Commercial and Institutional, Industrial, Municipal and Wholesale. BMPs are voluntary measures that water users use to develop the required components of Title 30, Texas Administrative Code, Chapter 288. BMPs can also be implemented in addition to the rule requirements to achieve water conservation goals.*

### Contact Information

Name: Port of Corpus Christi Authority of Nueces County

Address: 222 Power Street, Corpus Christi, TX, 78401

Telephone Number: (361)882- 5633 Fax: (361) 7110

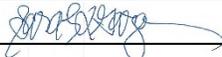
Water Right No.(s): 13630

Regional Water Planning Group: Coastal Bend Regional Water Planning Group Region N

Person responsible for implementing conservation program: Sarah L. Garza Phone: (361) 885- 6163

Form Completed By: Sarah L. Garza

Title: Director of Environmental Planning and Compliance

Signature:  Date: 08/14/2020

A water conservation plan for wholesale public water suppliers must include the following requirements (as detailed in 30 TAC Section 288.5). If the plan does not provide information for each requirement, you must include in the plan an explanation of why the requirement is not applicable.

## Utility Profile

### I. WHOLESALE SERVICE AREA POPULATION AND CUSTOMER DATA

*5" Population and Service Area Data:*

%' Service area size (in square miles):

(Please attach a copy of service- area map! Dfcj |XYX'Ug'5HLWa Ybh5)

Water generated will serve new industrial development in San Patricio and Nueces Counties.

&' Current population of service area:

68,670.

' " Current population served for:

U' Water 0

V' Wastewater 0

4. Population served for previous five years:

5. Projected population for service area in the following decades:

<i>Year</i>	<i>Population</i>
2019	0
2018	0
2017	0
2016	0
2015	0

<i>Year</i>	<i>Population</i>
2020	68,760
2030	72,114
2040	74,043
2050	75,451
2060	76,405

6. List source or method for the calculation of current and projected population size.

U.S. Census Bureau and Coastal Bend Regional Water Planning Area Region N Executive Summary and Regional Water Plan, 2015.

### B. Customer Data

List (or attach) the names of all wholesale customers, amount of annual contract, and amount of annual use for each customer for the previous year:

<i>Wholesale Customer</i>	<i>Contracted Amount (Acre- feet)</i>	<i>Previous Year Amount of Water Delivered (acre- feet)</i>
None.		


**II. WATER USE DATA FOR SERVICE AREA**

*A. Water Delivery*

Indicate if the water provided under wholesale contracts is treated or raw water and the annual amounts for the previous five years (in acre feet):

<i>Year</i>	<i>Treated Water</i>	<i>Raw Water</i>
2015	0	0
2016	0	0
2017	0	0
2018	0	0
2019	0	0
<b>Totals</b>	<b>0</b>	<b>0</b>

*B. Water Accounting Data*

1. Total amount of water diverted at the point of diversion(s) for the previous five years (in acre- feet) for all water uses: Not applicable as this is

<i>Year</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>
<i>Month</i>					
January	0	0	0	0	0
February	0	0	0	0	0
March	0	0	0	0	0
April	0	0	0	0	0
May	0	0	0	0	0
June	0	0	0	0	0
July	0	0	0	0	0
August	0	0	0	0	0
September	0	0	0	0	0
October	0	0	0	0	0
November	0	0	0	0	0

December	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>Totals</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

2. Wholesale population served and total amount of water diverted for **municipal use** for the previous five years (in acre- feet):

<i>Year</i>	<i>Total Population Served</i>	<i>Total Annual Water Diverted for Municipal Use</i>
<u>2015</u>	<u>0</u>	<u>0</u>
<u>2016</u>	<u>0</u>	<u>0</u>
<u>2017</u>	<u>0</u>	<u>0</u>
<u>2018</u>	<u>0</u>	<u>0</u>
<u>2019</u>	<u>0</u>	<u>0</u>

*C. Projected Water Demands*

If applicable, project and attach water supply demands for the next ten years using information such as population trends, historical water use, and economic growth in the service area over the next ten years and any additional water supply requirements from such growth.

**III. WATER SUPPLY SYSTEM DATA**

*A. Projected Water Demands*

List all current water supply sources and the amounts authorized (in acre feet) with each.

<i>Water Type</i>	<i>Source</i>	<i>Amount Authorized</i>
Surface Water	<u>Corpus Christi Bay</u>	<u>102,000</u>
Groundwater	<u>NA</u>	<u>0</u>
Other	<u>NA</u>	<u>0</u>

*B. Treatment and Distribution System (if providing treated water)*

1. Design daily capacity of system (MGD):  
30
2. Storage capacity (MGD):
  - a. Elevated – Not yet determined/designed.
  - b. Ground - Not yet determined/designed.

3. Please attach a description of the water system. Include the number of treatment plants, wells, and storage tanks.

See attached figure 'dfcj ]XYX']b'5HJWa Ybh6.

**IV. WASTEWATER SYSTEM DATA**

*A. Wastewater System Data (if applicable)*

1. Design capacity of wastewater treatment plant(s) (MGD):
  
2. Briefly describe the wastewater system(s) of the area serviced by the wholesale public water supplier. Describe how treated wastewater is disposed. Where applicable, identify treatment plant(s) with the TCEQ name and number, the operator, owner, and the receiving stream if wastewater is discharged.

*B. Wastewater Data for Service Area (if applicable)*

1. Percent of water service area served by wastewater system:       %
  
2. Monthly volume treated for previous five years (in 1,000 gallons):

<i>Year</i>					
<i>Month</i>					
January	_____	_____	_____	_____	_____
February	_____	_____	_____	_____	_____
March	_____	_____	_____	_____	_____
April	_____	_____	_____	_____	_____
May	_____	_____	_____	_____	_____
June	_____	_____	_____	_____	_____
July	_____	_____	_____	_____	_____
August	_____	_____	_____	_____	_____
September	_____	_____	_____	_____	_____
October	_____	_____	_____	_____	_____
November	_____	_____	_____	_____	_____
December	_____	_____	_____	_____	_____
<b>Totals</b>	_____	_____	_____	_____	_____

# Water Conservation Plan

In addition to the description of the wholesaler's service area (profile from above), a water conservation plan for a wholesale public water supplier must include, at a minimum, additional information as required by Title 30, Texas Administrative Code, Chapter 288.5. Note: If the water conservation plan does not provide information for each requirement an explanation must be included as to why the requirement is not applicable.

## *A. Specific, Quantified 5 & 10-Year Targets*

The water conservation plan must include specific, quantified 5-year and 10-year targets for water savings including, where appropriate, target goals for municipal use in gallons per capita per day for the wholesaler's service area, maximum acceptable water loss, and the basis for the development of these goals. Note that the goals established by a wholesale water supplier under this subparagraph are not enforceable. These goals must be updated during the 5-year review and submittal.

The 5-year goal is to increase water returned by 0.01%.

The 10-year goal is an increase in water returned by 0.001%.

## *B. Measuring and Accounting for Diversions*

The water conservation plan must include a description as to which practice(s) and/or device(s) will be utilized to measure and account for the amount of water diverted from the source(s) of supply.

The final design for the desalination plant has not been approved yet, however, a meter with an accuracy of +/- 5% will be installed to accurately measure the flow diverted from the Bay.

## *C. Record Management Program*

The water conservation plan must include a monitoring and record management program for determining water deliveries, sales, and losses.

An appropriate monitoring and record management program will be employed to track water deliveries, sales, and losses.

## *D. Metering/Leak-Detection and Repair Program*

The water conservation plan must include a program of metering and leak detection and repair for the wholesaler's water storage, delivery, and distribution system.

Six months after startup and yearly thereafter, the data of water intake versus water returned will be reviewed and machinery, piping and processes will be monitored to determine if any leaks are found or increased efficiencies might be possible. Daily visual inspections will be performed and if any leaks are noted, a work order will be prepared for repair of the deficient item.

## *E. Contract Requirements for Successive Customer Conservation*

The water conservation plan must include a requirement in every water supply contract entered into or renewed after official adoption of the water conservation plan, and including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements of Title 30 TAC Chapter 288.

If the customer intends to resell the water, then the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with the provisions of this chapter.

Successive customer conservation will be required in all water supply contracts in accordance with the requirements specified in this section.

*F. Reservoir Systems Operations Plan*

The water conservation plan must include a reservoir systems operations plan, if applicable, providing for the coordinated operation of reservoirs owned by the applicant within a common watershed or river basin. The reservoir systems operations plan shall include optimization of water supplies as one of the significant goals of the plan.

Not applicable.

*G. Enforcement Procedure and Official Adoption*

The water conservation plan must include a means for implementation and enforcement, which shall be evidenced by a copy of the ordinance, rule, resolution, or tariff, indicating official adoption of the water conservation plan by the water supplier; and a description of the authority by which the water supplier will implement and enforce the conservation plan.

This water conservation plan will be presented for approval to the Port Commission upon receipt of water rights and prior to diversion.

*H. Coordination with the Regional Water Planning Group(s)*

The water conservation plan must include documentation of coordination with the regional water planning groups for the service area of the wholesale water supplier in order to ensure consistency with the appropriate approved regional water plans.

Example statement to be included within the water conservation plan:

*The service area of the \_\_\_\_\_ (name of water supplier) is located within the \_\_\_\_\_ (name of regional water planning area or areas) and \_\_\_\_\_ (name of water supplier) has provided a copy of this water conservation plan to the \_\_\_\_\_ (name of regional water planning group or groups).*

A copy of the letter submitted to the TCEQ on April 20, 2019 is provided as Attachment 7. The letter from the Coastal Bend Regional Water Planning Group states that the PCCA's plan is consistent with the Regions 2016 Water Plan.

*I. Plan Review and Update*

A wholesale water supplier shall review and update its water conservation plan, as appropriate based on an assessment of previous 5- year and 10- year targets and any other new or updated information. A wholesale water supplier shall review and update the next revision of its water conservation plan no later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. The revised plan must also include an implementation report.

This water conservation plan will be periodically reviewed and updated to ensure every five years and will include an implementation report.

## V. ADDITIONAL CONSERVATION STRATEGIES

Any combination of the following strategies shall be selected by the water wholesaler, in addition to the minimum requirements of 30 TAC §288.5(1), if they are necessary in order to achieve the stated water conservation goals of the plan. The commission may require by commission order that any of the following strategies be implemented by the water supplier if the commission determines that the strategies are necessary in order for the conservation plan to be achieved:

1. Conservation-oriented water rates and water rate structures such as uniform or increasing block rate schedules, and/or seasonal rates, but not flat rate or decreasing block rates;

If appropriate for industrial customers, this strategy will be employed.

2. A program to assist agricultural customers in the development of conservation, pollution prevention and abatement plans;

Not applicable as water produced is anticipated to serve industrial customers.

3. A program for reuse and/or recycling of wastewater and/or graywater;

Wastewater generated at the desalination plant will be treated and put back in the bay where originally diverted from.

4. Any other water conservation practice, method, or technique which the wholesaler shows to be appropriate for achieving the stated goal or goals of the water conservation plan.

The desalination plant will utilize current technology at the time of construction

## VI. WATER CONSERVATION PLANS SUBMITTED WITH A WATER RIGHT APPLICATION FOR NEW OR ADDITIONAL STATE WATER

Water Conservation Plans submitted with a water right application for New or Additional State Water must include data and information which:

1. support the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan;

The practice of utilizing desalination technology to establish an alternate water supply source is supported under the Texas Administrative Code title 30 Part 1 Chapter 288 Subchapter A rule 288.1 (TAC) definition number (4) for conservation. Converting a water source of lower water quality to a form having greater usability and commercial value is supported by TAC definition number (7) which can then be provided for industrial use.

2. evaluates conservation as an alternative to the proposed appropriation; and

The practice of utilizing desalination technology to establish an alternate water supply source is supported under the TAC definition number (4) for conservation.

3. evaluates any other feasible alternative to new water development including, but not limited to, waste prevention, recycling and reuse, water transfer and marketing, regionalization, and optimum water management practices and procedures.

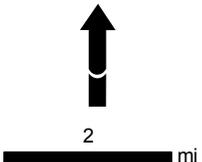
The proposed La Quinta desalination plant will be designed to be scalable so that it can be built and can expand to accommodate additional water needs as they come on-line. The PCCA foresees these near-term demands to be consistent with the 'trigger levels' recently adopted by the Corpus Christi City Council that speaks to an additional, large-scale project coming on-line during the 2020 planning decade in the San Patricio, Corpus Christi area: Gulf Coast Growth Ventures (Exxon/Sabir). While estimates have not been formally announced for this upcoming Exxon/Sabir project, it is anticipated that it will require an exiting and foreseeable industrial economic development in San Patricio County and will provide a 100% unlimited reliability of source water, therefore, making it the best alternative for new water development when comparing to the above listed alternatives which rely on surface water sources.

Additionally, it shall be the burden of proof of the applicant to demonstrate that no feasible alternative to the proposed appropriation exists and that the requested amount of appropriation is necessary and reasonable for the proposed use.

**Attachment A- Project Service Area Map**



bing



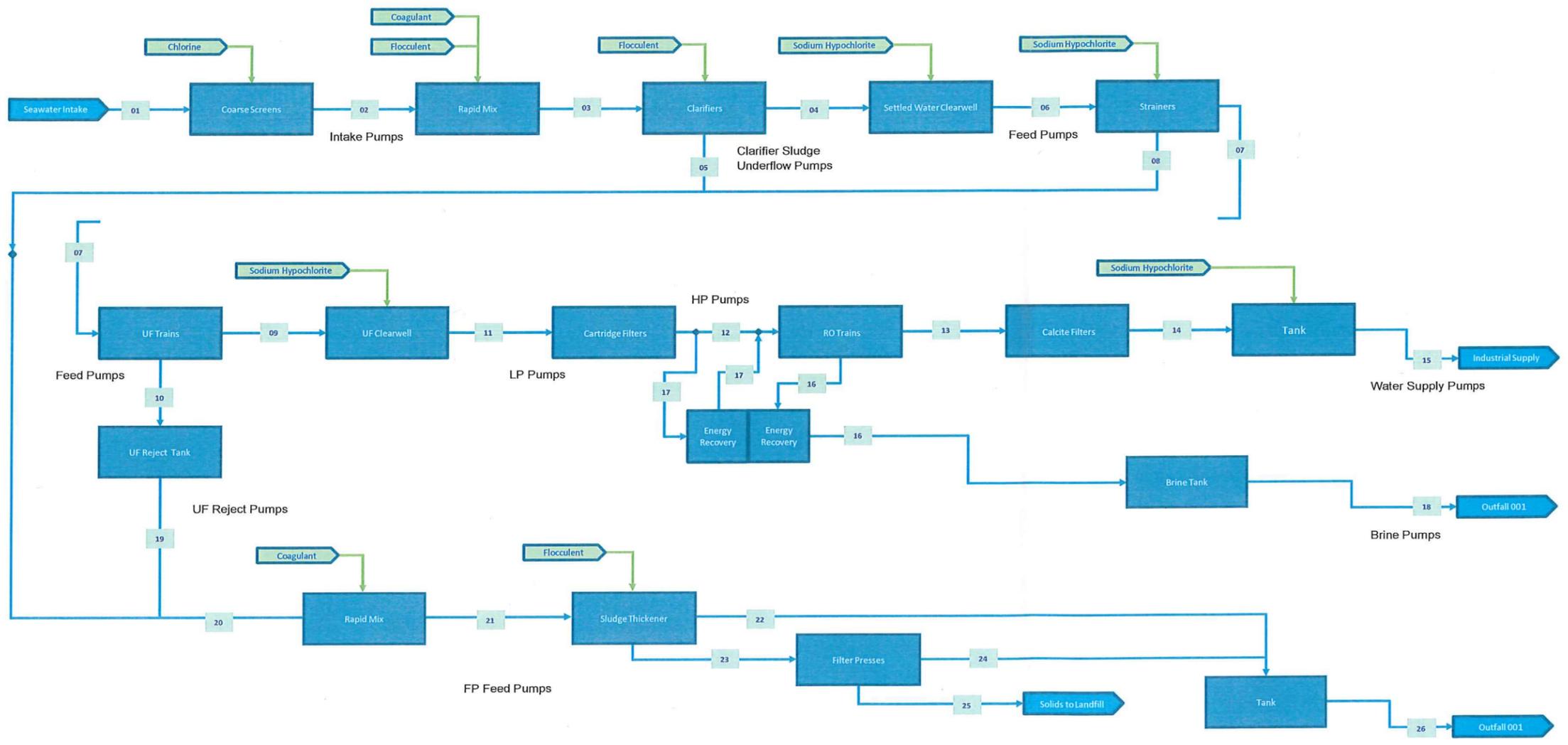
### Project Service Area Map: PCCA Owned Property Limits



8/17/2020

**Attachment B- Water System Process Flow Diagram**

# Process Flow Diagram



Port of Corpus Christi  
Proposed Desalination Plant  
La Quinta Site  
Corpus Christi, Texas

PROCESS FLOW DIAGRAM

P:\Client\Port of C... Figures\Figures11\_Application\_Figures\Technical\_Reports\Attachment2\_Facility\Map1.mxd

**Attachment C- Coastal Bend Regional Water Planning Group Letter**

# Coastal Bend Regional Water Planning Group

602 North Staples Street, Suite 280, Corpus Christi, Texas 78401

Phone: 361-653-2110; Fax: 361-653-2115

## EXECUTIVE COMMITTEE

### Water Districts

Mr. Scott Bledsoe, III, Co-Chair

### Water Utilities

Ms. Carola Serrato, Co-Chair

### GMA 13

Mr. Lonnie Stewart, Secretary

### River Authorities

Mr. Tom Reding, Jr.

### Small Business

Dr. Pancho Hubert,

## VOTING MEMBERS:

### Agriculture

Mr. Chuck Burns

Mr. Charles Ring

### Counties

Mr. Lavoyger Durham

Mr. Bill Stockton

### Electric Utilities

Mr. Gary Eddins

### Environmental

Ms. Teresa Carrillo

Mr. Jace Tunnell

### Industries

Mr. Joe Almaraz

Mr. Robert Kunkel

### Municipalities

Ms. Barbara Reaves

Mr. Mark Scott

### Public

Ms. Donna Rosson

### Other

Mr. John Burris

Mr. Carl Crull

### Small Business

Mr. Bill Dove

### GMA 15

Mr. Mark Sugarek

### GMA 16

Mr. Andy Garza

## NON-VOTING MEMBERS:

### TWDB

Ms. Connie Townsend

### NRCS

Mr. Tomas Dominguez

### TPWD

Dr. Jim Tolan

### TDA

Ms. Nelda Barrera

### Liaison Region M

Judge Humberto Gonzalez

### Liaison Region L

Mr. John Byrum

## STAFF:

### Nueces River Authority

Ms. Rocky Freund

Ms. Sarah L. Garza

Director of Environmental Planning and Compliance

Port of Corpus Christi Authority

P.O. Box 1541

Corpus Christi, Texas 78403



Re: Port of Corpus Christi Authority's proposed desal water projects - Harbor Island and La Quinta Channel and General Consistency with Coastal Bend Regional Water Planning Group's 2016 Plan (2016 Plan)

Dear Ms. Garza:

The Coastal Bend Regional Water Planning Group (CBRWPG) provides this response to your letter of January 8, 2020. The CBRWPG understands, based on information provided by the Corpus Christi Port Authority (Port), that the Port is in the process of applying for water right applications for diversions associated with two (2) seawater desalination facilities with a total production of 80 MGD.

In addition, according to the Port, the diversion locations are in Nueces County and San Patricio County. As stated by Port representatives during the CBRWPG January 16, 2020 meeting, the plants are intended to provide water supplies to meet future municipal and industrial demands in those counties.

In response to the Port's request regarding consistency of the potential projects to the December 2015 *Coastal Bend Regional Water Planning Area Region N Executive Summary and Regional Water Plan* (2016 Plan), the 2016 Plan includes seawater desalination as a recommended water management strategy. More specifically, the 2016 Plan shows a total supply of 22,420 acre-feet (20 MGD) from seawater desalination to meet manufacturing and steam-electric demands in Nueces County and manufacturing demands in San Patricio County (pages 5-42, 5-44 and 5-50 of the plan). Furthermore, the 2016 Plan identifies the City of Corpus Christi and the San Patricio Municipal Water District as project sponsors, describes the strategy (pages 5-43 and 5-49) and includes cost estimates (Section 5D.9).

During its January 16, 2020 meeting, the CBRWPG considered this information and determined, despite certain differences, that the Port's two (2) proposed desal plants are not inconsistent with Region N's 2016 Plan.

The projects differ from the 2016 Plan in the following ways: (1) two desalination plants are proposed as compared to one in the 2016 Plan, (2) the combined yield of the proposed projects is 80 MGD whereas the 2016 Plan shows 20 MGD, (3) the Port's proposed projects are intended to serve both industrial and municipal customers and the 2016 Plan showed a desal strategy to meet industrial needs only and (4) the Port's proposed Nueces County

location differs from the 2016 Plan with the Port's project location at Harbor Island as compared to Nueces Bay.

The change from one seawater desalination plant to two and the change in plant size are revisions that occurs as more specific plans and designs are developed to implement water management strategies.

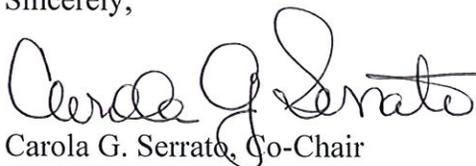
As you are aware, the CBRWPG is developing a new regional water plan and during the January 16, 2020 meeting, the Planning Group voted to include various proposed seawater desalination plants as recommended water management strategies. Preliminary information from the 2021 Region N Plan under development shows manufacturing needs over the 2020-2070 planning period which the Port's proposed projects can be shown to address. But, as mentioned above, the preliminary information does not identify municipal needs for Nueces or San Patricio County.

The Port's requested water rights and proposed desalination plants are not expected to have a negative impact on other recommended water management strategies assuming that the proposed intake and outfall locations are not in close proximity to other recommended strategies.

Another request in your January 8<sup>th</sup> letter pertains to a waiver described in 30 Texas Administrative Code Section 297.41(a)(3)(E) which states that a permit can be granted only if it "addresses a water supply need in a manner that is consistent with the state water plan and the relevant approved regional water plan for any area in which the proposed appropriation is located, *unless the commission determines that new, changed, or unaccounted for conditions warrant waiver of this requirement*". The CBRWPG is not authorized to provide such a waiver and is therefore unable to provide an opinion or statement regarding such.

In conclusion, the proposed projects for which water rights applications are being sought differ from the strategy specifics outlined in the 2016 Plan. However, this letter is being provided stating that although the applications may be for different amounts and different project configurations than indicated in the 2016 Plan, the applications are consistent with the 2016 Plan.

Sincerely,



Carola G. Serrato, Co-Chair  
Coastal Bend Regional Water Planning Group



Scott Bledsoe III, Co-Chair  
Coastal Bend Regional Water Planning Group

## Hal Bailey

---

**From:** Garza, Sarah <Sarah@pocca.com>  
**Sent:** Monday, August 3, 2020 11:21 AM  
**To:** Hal Bailey  
**Cc:** Dives-Gomez, Yvonne; Jason Godeaux; Chris Kozlowski  
**Subject:** RE: POCCA WRPERM NO. 13630

Good Morning,

Thank you much for the additional explanation. This is helpful. We will provide to you the completed form by August 17.

**Sarah L. Garza**  
Director of Environmental Planning & Compliance  
Office (361) 885-6163

---

**From:** Hal Bailey <Hal.Bailey@tceq.texas.gov>  
**Sent:** Thursday, July 30, 2020 11:20 AM  
**To:** Garza, Sarah <Sarah@pocca.com>  
**Cc:** Dives-Gomez, Yvonne <ydives-gomez@pocca.com>; Jason Godeaux <jason.godeaux@tceq.texas.gov>; Chris Kozlowski <chris.kozlowski@tceq.texas.gov>  
**Subject:** RE: POCCA WRPERM NO. 13630

Good morning Ms. Garza,

Thank you for submitting a completed Water Conservation Plan (WCP) for industrial uses with your application and with your response to our request for information (RFI). In our RFI dated July 17, 2020, we requested a WCP for wholesale uses. We requested this type of WCP because of the nature of your request. In your application, you indicate that you intend to sell the water that you divert, ultimately to other end users, and the wholesale WCP covers these situations specifically. We have attached a template for a wholesale WCP to this email. It is specifically written for retail wholesalers, so some portions of the template may not pertain to your specific situation. In these instances, you will need to provide an explanation describing why those requirements are not applicable to you.

Please provide the requested information by August 17, 2020 or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.19. Alternatively, you may have the question of the necessity of the requested data (or the sufficiency of the information already submitted) referred to the commission for a decision. To be considered, a request for a referral must be provided by August 17, 2020.

If you have any questions concerning this matter, please contact me via email at [hal.bailey@tceq.texas.gov](mailto:hal.bailey@tceq.texas.gov) or by telephone at (512) 239-4615.

Sincerely,

*Hal E. Bailey, Jr.*  
*Natural Resources Specialist III*  
*Water Rights Permitting Team*  
*Water Availability Division*  
*Texas Commission on Environmental Quality*  
512-239-4615 [Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)

---

**From:** Garza, Sarah <[Sarah@pocca.com](mailto:Sarah@pocca.com)>  
**Sent:** Wednesday, July 22, 2020 1:58 PM  
**To:** Sarah Henderson <[sarah.henderson@tceq.texas.gov](mailto:sarah.henderson@tceq.texas.gov)>  
**Cc:** Hal Bailey <[Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)>; Dives-Gomez, Yvonne <[ydives-gomez@pocca.com](mailto:ydives-gomez@pocca.com)>  
**Subject:** RE: POCCA WRPERM NO. 13630  
**Importance:** High

Ms. Henderson,

Thank you for reaching out. We have received your request for completion of a Water Conservation Plan (WCP). For purposes of clarification with this request, please advise if your request is something different than what has previously been provided (and is attached) on February 4, 2020. This was provided to replace what we originally provided in our application on a form that was outdated. I have also attached for your information.

I have reviewed the TCEQ web page ([https://www.tceq.texas.gov/permitting/water\\_rights/wr\\_technical-resources/conserv.html#rules](https://www.tceq.texas.gov/permitting/water_rights/wr_technical-resources/conserv.html#rules)) to determine if there is anything further needed and am at a loss as to what additional information or plan you are requesting or what we did not provide. The table that lists when a WCP is needed lists use of the form 20839 which is our first attachment and also provides the form again as an example WCP model.

If it is easier to have a meeting to discuss, I can arrange for a virtual teams meeting.

Thank you in advance for your assistance.

**Sarah L. Garza**  
Director of Environmental Planning & Compliance  
Office (361) 885-6163

---

**From:** Sarah Henderson <[sarah.henderson@tceq.texas.gov](mailto:sarah.henderson@tceq.texas.gov)>  
**Sent:** Friday, July 17, 2020 3:27 PM  
**To:** Garza, Sarah <[Sarah@pocca.com](mailto:Sarah@pocca.com)>  
**Cc:** Hal Bailey <[Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)>  
**Subject:** POCCA WRPERM NO. 13630

Ms. Garza,

Please find the attached request for additional information. A response is requested by August 17<sup>th</sup>. Note, this application has been re-assigned to Project Manager Hal Bailey and he has been copied on this email.

Thank you,  
Sarah

Sarah Henderson  
Water Rights Permitting Team  
Water Availability Division  
Texas Commission on Environmental Quality  
P.O. Box 13087/MC-160  
Austin, TX 78711-3087  
(P) 512.239.2535  
(F) 512.239.4770

## Hal Bailey

---

**From:** Hal Bailey  
**Sent:** Thursday, July 30, 2020 11:20 AM  
**To:** Garza, Sarah  
**Cc:** Dives-Gomez, Yvonne; Jason Godeaux; Chris Kozlowski  
**Subject:** RE: POCCA WRPERM NO. 13630  
**Attachments:** 20162.docx

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Sincerely,

*Hal E. Bailey, Jr.*  
*Natural Resources Specialist III*  
*Water Rights Permitting Team*  
*Water Availability Division*  
*Texas Commission on Environmental Quality*  
512-239-4615 [Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)

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**Sent:** Wednesday, July 22, 2020 1:58 PM  
**To:** Sarah Henderson <sarah.henderson@tceq.texas.gov>  
**Cc:** Hal Bailey <Hal.Bailey@tceq.texas.gov>; Dives-Gomez, Yvonne <ydives-gomez@pocca.com>  
**Subject:** RE: POCCA WRPERM NO. 13630  
**Importance:** High

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Thank you in advance for your assistance.

**Sarah L. Garza**  
Director of Environmental Planning & Compliance  
Office (361) 885-6163

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**From:** Sarah Henderson <[sarah.henderson@tceq.texas.gov](mailto:sarah.henderson@tceq.texas.gov)>  
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**To:** Garza, Sarah <[Sarah@pocca.com](mailto:Sarah@pocca.com)>  
**Cc:** Hal Bailey <[Hal.Bailey@tceq.texas.gov](mailto:Hal.Bailey@tceq.texas.gov)>  
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Please find the attached request for additional information. A response is requested by August 17<sup>th</sup>.  
Note, this application has be re-assigned to Project Manager Hal Bailey and he has been copied on this email.  
Thank you,  
Sarah

Sarah Henderson  
Water Rights Permitting Team  
Water Availability Division  
Texas Commission on Environmental Quality  
P.O. Box 13087/MC-160  
Austin, TX 78711-3087  
(P) 512.239.2535  
(F) 512.239.4770



# Texas Commission on Environmental Quality

Water Availability Division

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

Telephone (512) 239-4691, FAX (512) 239-2214

## Utility Profile and Water Conservation Plan Requirements for Wholesale Public Water Suppliers

This form is provided to assist wholesale public water suppliers in water conservation plan development. If you need assistance in completing this form or in developing your plan, please contact the Conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4691.

*Water users can find best management practices (BMPs) at the Texas Water Development Board's website <http://www.twdb.texas.gov/conservation/BMPs/index.asp>. The practices are broken out into sectors such as Agriculture, Commercial and Institutional, Industrial, Municipal and Wholesale. BMPs are voluntary measures that water users use to develop the required components of Title 30, Texas Administrative Code, Chapter 288. BMPs can also be implemented in addition to the rule requirements to achieve water conservation goals.*

### Contact Information

Name: Click to add text

Address: \_\_\_\_\_

Telephone Number: (    ) \_\_\_\_\_ Fax: (    ) \_\_\_\_\_

Water Right No.(s): \_\_\_\_\_

Regional Water Planning Group: \_\_\_\_\_

Person responsible for implementing conservation program: \_\_\_\_\_ Phone: (    ) \_\_\_\_\_

Form Completed By: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date:    /    / \_\_\_\_\_

**A water conservation plan for wholesale public water suppliers must include the following requirements (as detailed in 30 TAC Section 288.5). If the plan does not provide information for each requirement, you must include in the plan an explanation of why the requirement is not applicable.**

# Utility Profile

## I. WHOLESALE SERVICE AREA POPULATION AND CUSTOMER DATA

### A. Population and Service Area Data:

1. Service area size (in square miles):

(Please attach a copy of service-area map)

2. Current population of service area:

3. Current population served for:

- a. Water

- b. Wastewater

4. Population served for previous five years:

<i>Year</i>	<i>Population</i>

5. Projected population for service area in the following decades:

<i>Year</i>	<i>Population</i>
2020	
2030	
2040	
2050	
2060	

6. List source or method for the calculation of current and projected population size.

### B. Customer Data

List (or attach) the names of all wholesale customers, amount of annual contract, and amount of annual use for each customer for the previous year:

<i>Wholesale Customer</i>	<i>Contracted Amount (Acre-feet)</i>	<i>Previous Year Amount of Water Delivered (acre-feet)</i>


**II. WATER USE DATA FOR SERVICE AREA**

*A. Water Delivery*

Indicate if the water provided under wholesale contracts is treated or raw water and the annual amounts for the previous five years (in acre feet):

<i>Year</i>	<i>Treated Water</i>	<i>Raw Water</i>
<b>Totals</b>		

*B. Water Accounting Data*

1. Total amount of water diverted at the point of diversion(s) for the previous five years (in acre-feet) for all water uses:

<i>Year</i>					
<i>Month</i>					
January					
February					
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					

**Totals** \_\_\_\_\_

2. Wholesale population served and total amount of water diverted for **municipal use** for the previous five years (in acre-feet):

<i>Year</i>	<i>Total Population Served</i>	<i>Total Annual Water Diverted for Municipal Use</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

*C. Projected Water Demands*

If applicable, project and attach water supply demands for the next ten years using information such as population trends, historical water use, and economic growth in the service area over the next ten years and any additional water supply requirements from such growth.

**III. WATER SUPPLY SYSTEM DATA**

*A. Projected Water Demands*

List all current water supply sources and the amounts authorized (in acre feet) with each.

<i>Water Type</i>	<i>Source</i>	<i>Amount Authorized</i>
Surface Water	_____	_____
Groundwater	_____	_____
Other	_____	_____

*B. Treatment and Distribution System (if providing treated water)*

1. Design daily capacity of system (MGD):
  
2. Storage capacity (MGD):
  - a. Elevated
  - b. Ground

3. Please attach a description of the water system. Include the number of treatment plants, wells, and storage tanks

**IV. WASTEWATER SYSTEM DATA**

*A. Wastewater System Data (if applicable)*

1. Design capacity of wastewater treatment plant(s) (MGD):
  
2. Briefly describe the wastewater system(s) of the area serviced by the wholesale public water supplier. Describe how treated wastewater is disposed. Where applicable, identify treatment plant(s) with the TCEQ name and number, the operator, owner, and the receiving stream if wastewater is discharged.

*B. Wastewater Data for Service Area (if applicable)*

1. Percent of water service area served by wastewater system:        %
  
2. Monthly volume treated for previous five years (in 1,000 gallons):

<i>Year</i>					
<i>Month</i>					
January	_____	_____	_____	_____	_____
February	_____	_____	_____	_____	_____
March	_____	_____	_____	_____	_____
April	_____	_____	_____	_____	_____
May	_____	_____	_____	_____	_____
June	_____	_____	_____	_____	_____
July	_____	_____	_____	_____	_____
August	_____	_____	_____	_____	_____
September	_____	_____	_____	_____	_____
October	_____	_____	_____	_____	_____
November	_____	_____	_____	_____	_____
December	_____	_____	_____	_____	_____
<b>Totals</b>	_____	_____	_____	_____	_____

# Water Conservation Plan

In addition to the description of the wholesaler's service area (profile from above), a water conservation plan for a wholesale public water supplier must include, at a minimum, additional information as required by Title 30, Texas Administrative Code, Chapter 288.5. Note: If the water conservation plan does not provide information for each requirement an explanation must be included as to why the requirement is not applicable.

## *A. Specific, Quantified 5 & 10-Year Targets*

The water conservation plan must include specific, quantified 5-year and 10-year targets for water savings including, where appropriate, target goals for municipal use in gallons per capita per day for the wholesaler's service area, maximum acceptable water loss, and the basis for the development of these goals. Note that the goals established by a wholesale water supplier under this subparagraph are not enforceable. These goals must be updated during the 5-year review and submittal.

## *B. Measuring and Accounting for Diversions*

The water conservation plan must include a description as to which practice(s) and/or device(s) will be utilized to measure and account for the amount of water diverted from the source(s) of supply.

## *C. Record Management Program*

The water conservation plan must include a monitoring and record management program for determining water deliveries, sales, and losses.

## *D. Metering/Leak-Detection and Repair Program*

The water conservation plan must include a program of metering and leak detection and repair for the wholesaler's water storage, delivery, and distribution system.

## *E. Contract Requirements for Successive Customer Conservation*

The water conservation plan must include a requirement in every water supply contract entered into or renewed after official adoption of the water conservation plan, and including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements of Title 30 TAC Chapter 288. If the customer intends to resell the water, then the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with the provisions of this chapter.

## *F. Reservoir Systems Operations Plan*

The water conservation plan must include a reservoir systems operations plan, if applicable, providing for the coordinated operation of reservoirs owned by the applicant within a common watershed or river basin. The reservoir systems operations plan shall include optimization of water supplies as one of the significant goals of the plan.

## *G. Enforcement Procedure and Official Adoption*

The water conservation plan must include a means for implementation and enforcement, which shall be evidenced by a copy of the ordinance, rule, resolution, or tariff, indicating official adoption of the water conservation plan by the water supplier; and a description of the authority by which the water supplier will implement and enforce the conservation plan.

*H. Coordination with the Regional Water Planning Group(s)*

The water conservation plan must include documentation of coordination with the regional water planning groups for the service area of the wholesale water supplier in order to ensure consistency with the appropriate approved regional water plans.

Example statement to be included within the water conservation plan:

*The service area of the \_\_\_\_\_ (name of water supplier) is located within the \_\_\_\_\_ (name of regional water planning area or areas) and \_\_\_\_\_ (name of water supplier) has provided a copy of this water conservation plan to the \_\_\_\_\_ (name of regional water planning group or groups).*

*I. Plan Review and Update*

A wholesale water supplier shall review and update its water conservation plan, as appropriate based on an assessment of previous 5-year and 10-year targets and any other new or updated information. A wholesale water supplier shall review and update the next revision of its water conservation plan no later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. The revised plan must also include an implementation report.

**V. ADDITIONAL CONSERVATION STRATEGIES**

Any combination of the following strategies shall be selected by the water wholesaler, in addition to the minimum requirements of 30 TAC §288.5(1), if they are necessary in order to achieve the stated water conservation goals of the plan. The commission may require by commission order that any of the following strategies be implemented by the water supplier if the commission determines that the strategies are necessary in order for the conservation plan to be achieved:

1. Conservation-oriented water rates and water rate structures such as uniform or increasing block rate schedules, and/or seasonal rates, but not flat rate or decreasing block rates;
2. A program to assist agricultural customers in the development of conservation, pollution prevention and abatement plans;
3. A program for reuse and/or recycling of wastewater and/or graywater;
4. Any other water conservation practice, method, or technique which the wholesaler shows to be appropriate for achieving the stated goal or goals of the water conservation plan.

**VI. WATER CONSERVATION PLANS SUBMITTED WITH A WATER RIGHT APPLICATION FOR NEW OR ADDITIONAL STATE WATER**

Water Conservation Plans submitted with a water right application for New or Additional State Water must include data and information which:

1. support the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan;
2. evaluates conservation as an alternative to the proposed appropriation; and
3. evaluates any other feasible alternative to new water development including, but not limited to, waste prevention, recycling and reuse, water transfer and marketing, regionalization, and optimum water management practices and procedures.

Additionally, it shall be the burden of proof of the applicant to demonstrate that no feasible alternative to the proposed appropriation exists and that the requested amount of appropriation is necessary and reasonable for the proposed use.

## Hal Bailey

---

**From:** Garza, Sarah <Sarah@pocca.com>  
**Sent:** Wednesday, July 22, 2020 1:58 PM  
**To:** Sarah Henderson  
**Cc:** Hal Bailey; Dives-Gomez, Yvonne  
**Subject:** RE: POCCA WRPERM NO. 13630  
**Attachments:** Response Letter signed\_TCEQ Industrial Water Rights Permit Appli....pdf; Pages from POCCA\_13630\_App\_Water Conservation Plan.pdf

**Importance:** High

Ms. Henderson,

Thank you for reaching out. We have received your request for completion of a Water Conservation Plan (WCP). For purposes of clarification with this request, please advise if your request is something different than what has previously been provided (and is attached) on February 4, 2020. This was provided to replace what we originally provided in our application on a form that was outdated. I have also attached for your information.

I have reviewed the TCEQ web page ([https://www.tceq.texas.gov/permitting/water\\_rights/wr\\_technical-resources/conserv.html#rules](https://www.tceq.texas.gov/permitting/water_rights/wr_technical-resources/conserv.html#rules)) to determine if there is anything further needed and am at a loss as to what additional information or plan you are requesting or what we did not provide. The table that lists when a WCP is needed lists use of the form 20839 which is our first attachment and also provides the form again as an example WCP model.

If it is easier to have a meeting to discuss, I can arrange for a virtual teams meeting.

Thank you in advance for your assistance.

**Sarah L. Garza**  
Director of Environmental Planning & Compliance  
Office (361) 885-6163

---

**From:** Sarah Henderson <sarah.henderson@tceq.texas.gov>  
**Sent:** Friday, July 17, 2020 3:27 PM  
**To:** Garza, Sarah <Sarah@pocca.com>  
**Cc:** Hal Bailey <Hal.Bailey@tceq.texas.gov>  
**Subject:** POCCA WRPERM NO. 13630

Ms. Garza,  
Please find the attached request for additional information. A response is requested by August 17<sup>th</sup>.  
Note, this application has be re-assigned to Project Manager Hal Bailey and he has been copied on this email.  
Thank you,  
Sarah

Sarah Henderson  
Water Rights Permitting Team  
Water Availability Division  
Texas Commission on Environmental Quality

P.O. Box 13087/MC-160  
Austin, TX 78711-3087  
(P) 512.239.2535  
(F) 512.239.4770

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**ATTACHMENT 5**

Water Conservation Plan(s)





# Texas Commission on Environmental Quality

## INDUSTRIAL/MINING WATER CONSERVATION PLAN

This form is provided to assist entities in conservation plan development for industrial/mining water use. If you need assistance in completing this form or in developing your plan, please contact the conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4691.

Name: Port of Corpus Christi Authority of Nueces County

Address: 222 Power Street, Corpus Christi, TX 78401

Telephone Number: (361) 882-5633 Fax: (361) 882-7110

Form Completed by: Larry Karpov

Title: Environmental Scientist

Signature:  Date: 8 /29 /2019

**NOTE: If the plan does not provide information for each requirement, include an explanation of why the requirement is not applicable.**

### I. BACKGROUND DATA

#### A. Water Use

- Annual diversion appropriated or requested (in acre-feet): 102,000
- Maximum diversion rate (cfs): 140.8

#### B. Water Sources

- Please indicate the maximum or average annual amounts of water currently used and anticipated to be used (in acre-feet) for industrial/mining purposes:

<i>Source</i>	<i>Water Right No.(s)</i>	<i>Current Use</i>	<i>Anticipated Use</i>
Surface Water	<u>                    </u>	<u>0</u>	<u>102,000</u>
Groundwater	<u>                    </u>	<u>0</u>	<u>0</u>
Purchased	<u>                    </u>	<u>0</u>	<u>0</u>
<b>Total</b>	<u>                    </u>	<u>0</u>	<u>102,000</u>

2. How was the surface water data and/or groundwater data provided above (B1) obtained?  
Master meter \_\_\_\_\_; Customer meter \_\_\_\_\_; Estimated  \_\_\_\_\_; Other \_\_\_\_\_
  
3. Was purchased water raw or treated?  
If both, % raw N/A; % treated N/A and Supplier(s): N/A

*C. Industrial/Mining Information*

1. Major product(s) or service(s) produced by applicant: Potable Water
  
2. North American Industry Classification System (NAICS):  
\_\_\_\_\_

**II. WATER USE AND CONSERVATION PRACTICES**

*A. Water Use in Industrial or Mining Processes*

<i>Production Use</i>	<i>% Groundwater</i>	<i>% Surface Water</i>	<i>% Saline Water</i>	<i>% Treated Water</i>	<i>Water Use (in acre-ft)</i>
Cooling, condensing, & refrigeration	0	0	0	0	0
Processing, washing, transport	0	0	0	0	0
Boiler feed	0	0	0	0	0
Incorporated into product	0	0	0	0	0
Other	0	0	100	0	102,000

<i>Facility Use</i>	<i>% Groundwater</i>	<i>% Surface Water</i>	<i>% Saline Water</i>	<i>% Treated Water</i>	<i>Water Use (in acre-ft)</i>
Cooling tower(s)	0	0	0	0	0
Pond(s)	0	0	0	0	0
Once through	0	0	0	0	0
Sanitary & drinking water	0	0	0	0	0
Irrigation & dust control	0	0	0	0	0

1. Was fresh water recirculated at this facility?  Yes  No

2. Provide a detailed description of how the water will be utilized in the industrial or mining process.

The Port of Corpus Christi (POCC) is developing a project to provide a sustainable supply of potable water for the Corpus Christi area that is not dependent upon rain water. The proposed system will provide up to 30 million gallon (MGD) of permeate through the process of desalination.

3. Estimate the quantity of water consumed in production and mining processes and is therefore unavailable for reuse, discharge or other means of disposal.

61 MGD will be available after treatment for industrial users in the Corpus Christi area; 30 MGD will be discharged to Corpus Christi Channel.

4. Monthly water demand for previous year (in acre-feet).

<i>Month</i>	<i>Diversion Amount</i>	<i>% of Water Returned (If Any)</i>	<i>Monthly Demand</i>
January	N/A	N/A	N/A
February	N/A	N/A	N/A
March	N/A	N/A	N/A
April	N/A	N/A	N/A
May	N/A	N/A	N/A
June	N/A	N/A	N/A
July	N/A	N/A	N/A
August	N/A	N/A	N/A
September	N/A	N/A	N/A
October	N/A	N/A	N/A

November	N/A	N/A	N/A
December	N/A	N/A	N/A
<b>Totals</b>	N/A	N/A	N/A

5. Projected monthly water demand for next year (in acre-feet).

<i>Month</i>	<i>Diversion Amount</i>	<i>% of Water Returned</i>	<i>Monthly Demand</i>
January	8500	60.7	5160
February	8500	60.7	5160
March	8500	60.7	5160
April	8500	60.7	5160
May	8500	60.7	5160
June	8500	60.7	5160
July	8500	60.7	5160
August	8500	60.7	5160
September	8500	60.7	5160
October	8500	60.7	5160
November	8500	60.7	5160
December	8500	60.7	5160
<b>Totals</b>	102000	60.7	61920

*B. Specific and Quantified Conservation Goal*

Water conservation goals for the industrial and mining sector are generally established either for (1) the amount of water recycled, (2) the amount of water reused, or (3) the amount of water not lost or consumed, and therefore is available for return flow.

1. Water conservation goal (water use efficiency measure)

Type of goal(s):

\_\_\_\_\_ % reused water

60.7 % of water not consumed and therefore returned

\_\_\_\_\_ Other (specify)

2. Provide specific and quantified five-year and ten-year targets for water savings and the basis for development of such goals for this water use/facility.

3. Describe the methods and/or device(s) within an accuracy of plus or minus 5% used to measure and account for the amount of water diverted from the supply source.
  
4. Provide a description of the leak-detection and repair, and water-loss accounting measures used.  
N/A
  
5. Equipment and/or process modifications used to improve water use efficiency.  
N/A
  
6. Other water conservation techniques used. N/A

***Best Management Practices***

*The Texas Water Developmental Board's (TWDB) Report 362 is the Water Conservation Best Management Practices (BMP) guide. The BMP Guide is a voluntary list of management practices that water users may implement in addition to the required components of Title 30, Texas Administrative Code, Chapter 288. The Best Management Practices Guide broken out by sector, including Agriculture, Commercial, and Institutional, Industrial, Municipal and Wholesale along with any new or revised BMP's can be found at the following link on the Texas Water Developments Board's website: <http://www.twdb.state.tx.us/conservation/bmps/index.asp>*

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact 512-239-3282.



**PORTCORPUSCHRISTI**

January 28, 2020

Sarah Henderson  
Project Manager  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX, 78711-3087  
(512) 239-2535

**Subject: Port of Corpus Christi Authority of Nueces County  
Water Rights Permit Application No. 13630  
CN600885248, RN110844933  
Proposed Desalination Plant La Quinta Property**

Dear Ms. Henderson,

This letter serves as response to the requested items required for preparation of the TCEQ Water Rights Permit Application No. 13630 by the Port of Corpus Christi Authority (PCCA) of Nueces County currently under consideration. As requested, attached is the new form with all fields completed.

Should you have any questions or require additional information, please do not hesitate to contact me at (361) 885-6163 or sarah@pocca.com.

Sincerely,  
PORT OF CORPUS CHRISTI AUTHORITY

Sarah L. Garza  
Director of Environmental  
Planning and Compliance

cc: Sean Strawbridge, Chief Executive Officer, Port of Corpus Christi Authority  
Clark Robertson, Chief Operating Officer, Port of Corpus Christi Authority  
Yvonne Dives-Gomez, Permitting Specialist, Port of Corpus Christi Authority  
Carl Teinert, Senior Geologist, Wood Environment & Infrastructure Solutions, Inc.





**Texas Commission on Environmental Quality**  
**Water Availability Division**  
**MC-160, P.O. Box 13087 Austin, Texas 78711-3087**  
**Telephone (512) 239-4691, FAX (512) 239-2214**

**Industrial Water Conservation Plan**

This form is provided to assist entities in developing a water conservation plan for industrial water use. If you need assistance in completing this form or in developing your plan, please contact the Conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4691.

*Additional resources such as best management practices (BMPs) are available on the Texas Water Development Board's website <http://www.twdb.texas.gov/conservation/BMPs/index.asp>. The practices are broken out into sectors such as Agriculture, Commercial and Institutional, Industrial, Municipal and Wholesale. BMPs are voluntary measures that water users use to develop the required components of Title 30, Texas Administrative Code, Chapter 288. BMPs can also be implemented in addition to the rule requirements to achieve water conservation goals.*

**Contact Information**

Name: Port of Corpus Christi Authority of Nueces County  
Address: 222 Power Street, Corpus Christi, TX, 78401  
Telephone Number: (361) 882-5633 Fax: (361) 882-7110  
Form Completed By Gianna Cooley, P.E.  
Title: Senior Environmental Engineer  
Signature: *Gianna Cooley* Date: 01/27/2020

**A water conservation plan for industrial use must include the following requirements (as detailed in 30 TAC Section 288.3). If the plan does not provide information for each requirement, you must include in the plan an explanation of why the requirement is not applicable.**

**I. BACKGROUND DATA**

*A. Water Use*

1. Annual diversion appropriated or requested (in acre-feet):  
102,000 acre-feet
2. Maximum diversion rate (cfs):  
140.8 cfs

*B. Water Sources*

1. Please indicate the maximum or average annual amounts of water currently used and anticipated to be used (in acre-feet) for industrial purposes:

<i>Source</i>	<i>Water Right No.(s)</i>	<i>Current Use</i>	<i>Anticipated Use</i>
Surface Water		0	102,000
Groundwater		0	0
Purchased		0	0
<b>Total</b>		<b>0</b>	<b>102,000</b>

2. How was the surface water data and/or groundwater data provided in B(1) obtained?

Master meter ; Customer meter ; Estimated X; Other

3. Was purchased water raw or treated?

If both, % raw N/A; % treated N/A; and Supplier(s) N/A

*C. Industrial Information*

1. Major product(s) or service(s) produced by applicant:

Potable Water

2. North American Industry Classification System (NAICS):

**II. WATER USE AND CONSERVATION PRACTICES**

*A. Water Use in Industrial Processes*

<i>Production Use</i>	<i>% Groundwater</i>	<i>% Surface Water</i>	<i>% Saline Water</i>	<i>% Treated Water</i>	<i>Water Use (in acre-ft)</i>
Cooling, condensing, & refrigeration	0	0	0	0	0
Processing, washing, transport	0	0	0	0	0
Boiler feed	0	0	0	0	0
Incorporated into product	0	0	0	0	0
Other	0	0	100	0	102,000

<i>Facility Use</i>	<i>% Groundwater</i>	<i>% Surface Water</i>	<i>% Saline Water</i>	<i>% Treated Water</i>	<i>Water Use (in acre-ft)</i>
Cooling tower(s)	0	0	0	0	0
Pond(s)	0	0	0	0	0
Once through	0	0	0	0	0
Sanitary & drinking water	0	0	0	0	0
Irrigation & dust control	0	0	0	0	0

1. Was fresh water recirculated at this facility?  Yes  No

2. Provide a detailed description of how the water will be utilized in the industrial process.

The Port of Corpus Christi Authority (PCCA) is developing a project to provide a sustainable supply of potable water for the Corpus Christi area that is not dependent upon rain water. The proposed system will provide up to 30 million gallon (MGD) of permeate through the process of desalination.

3. Estimate the quantity of water consumed in production processes and is therefore unavailable for reuse, discharge, or other means of disposal.

30 MGD will be available after treatment for industrial users in the Corpus Christi area; 61 MGD will be discharged to the Corpus Christi Channel.

4. Monthly water consumption for previous year (in acre-feet).

<i>Month</i>	<i>Diversion Amount</i>	<i>% of Water Returned (If Any)</i>	<i>Monthly Consumption</i>
January	N/A	N/A	N/A
February	N/A	N/A	N/A
March	N/A	N/A	N/A
April	N/A	N/A	N/A
May	N/A	N/A	N/A
June	N/A	N/A	N/A

July	N/A	N/A	N/A
August	N/A	N/A	N/A
September	N/A	N/A	N/A
October	N/A	N/A	N/A
November	N/A	N/A	N/A
December	N/A	N/A	N/A
<b>Totals</b>	N/A	N/A	N/A

5. Projected monthly water consumption for next year (in acre-feet).

<i>Month</i>	<i>Diversion Amount</i>	<i>% of Water Returned (If Any)</i>	<i>Monthly Consumption</i>
January	8500	60.7	5160
February	8500	60.7	5160
March	8500	60.7	5160
April	8500	60.7	5160
May	8500	60.7	5160
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December	8500	60.7	5160
<b>Totals</b>	102000	60.7	61920

*B. Specific and Quantified Conservation Goal*

Water conservation goals for the industrial sector are generally established either for (1) the amount of water recycled, (2) the amount of water reused, or (3) the amount of water not lost or consumed, and therefore is available for return flow.

1. Water conservation goal (water use efficiency measure)

Type of goal(s):

% reused water

60.7 % of water not consumed and therefore returned

Other (specify)

2. Provide specific, quantified 5-year and 10-year targets for water savings and the basis for development of such goals for this water use/facility.

This facility is a desalination plant that will treat saline water to potable water standards, therefore, saves fresh water because rivers, lakes, and groundwater are not used. Six months after startup and yearly thereafter, the data of water intake versus water returned will be reviewed, and machinery, piping, and processes will be monitored to determine if any leaks are found or increased efficiencies might be possible.

Quantified 5-year and 10-year targets for water savings:

- a. 5-year goal: To increase water returned by 0.01%
  - b. 10-year goal: An increase in water returned by 0.001%.
3. Describe the device(s) and/or method(s) used to measure and account for the amount of water diverted from the supply source, and verify the accuracy is within plus or minus 5%.

The final design for the desalination plant has not been approved yet, however, a meter with an accuracy of +/- 5% will be installed to accurately measure the flow diverted from the Bay.

4. Provide a description of the leak-detection and repair, and water-loss accounting measures used.

Six months after startup and yearly thereafter, the data of water intake versus water returned will be reviewed and machinery, piping, and processes will be monitored to determine if any leaks are found or increased efficiencies might be possible. Daily visual inspections will be performed and if any leaks are noted, a work order will be prepared for repair of the deficient item.

5. Describe the application of state-of-the-art equipment and/or process modifications used to improve water use efficiency.

A thickener will be installed for Clarifier underflow, the sludge will be dewatered and returned to the Bay along with the RO membrane reject, and an energy recovery system will be installed to improve water use efficiency.

6. Describe any other water conservation practice, method, or technique which the user shows to be appropriate for achieving the stated goal or goals of the water conservation plan:

A water balance will be periodically performed to determine if there are any undetected leaks, or to determine if any maintenance might be needed on any of the processes due to insufficient recovery of water.

### III. Water Conservation Plans submitted with a Water Right Application for New or Additional State Water

Water Conservation Plans submitted with a water right application for New or Additional State Water must include data and information which:

1. support the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan;

The practice of utilizing desalination technology to establish an alternate water supply source is supported under the Texas Administrative Code title 30 Part 1 Chapter 288 Subchapter A rule 288.1 (TAC) definition number (4) for conservation. Converting a water source of lower water quality to a form having greater usability and commercial value is supported by TAC definition number (7) which can then be provided for industrial use.

2. evaluates conservation as an alternative to the proposed appropriation; and

The practice of utilizing desalination technology to establish an alternate water supply source is supported under the TAC definition number (4) for conservation.

3. evaluates any other feasible alternative to new water development including, but not limited to, waste prevention, recycling and reuse, water transfer and marketing, regionalization, and optimum water management practices and procedures.

The proposed La Quinta desalination plant will be designed to be scalable so that it can be built and can expand to accommodate additional water needs as they come on-line. The PCCA foresees these near-term demands to be consistent with the "trigger levels" recently adopted by the Corpus Christi City Council that speaks to an additional, large-scale project coming on-line during the 2020 planning decade in the San Patricio, Corpus Christi area: Gulf Coast Growth Ventures (Exxon/Sabir). While estimates have not been formally announced for this upcoming Exxon/Sabir project, it is anticipated that it will require an additional 25 MGD. The proposed La Quinta desalination plant is in close proximity to both existing and foreseeable industrial economic development in San Patricio County and will provide a 100% unlimited reliability of source water; therefore, making it the best alternative for new water development when comparing to the above listed alternatives which rely on surface water sources.

Additionally, it shall be the burden of proof of the applicant to demonstrate that no feasible alternative to the proposed appropriation exists and that the requested amount of appropriation is necessary and reasonable for the proposed use.

## Hal Bailey

---

**From:** Sarah Henderson  
**Sent:** Friday, July 17, 2020 3:27 PM  
**To:** Garza, Sarah  
**Cc:** Hal Bailey  
**Subject:** POCCA WRPERM NO. 13630  
**Attachments:** POCCA\_13630\_TechRFI.pdf

Ms. Garza,

Please find the attached request for additional information. A response is requested by August 17<sup>th</sup>.

Note, this application has be re-assigned to Project Manager Hal Bailey and he has been copied on this email.

Thank you,

Sarah

Sarah Henderson  
Water Rights Permitting Team  
Water Availability Division  
Texas Commission on Environmental Quality  
P.O. Box 13087/MC-160  
Austin, TX 78711-3087  
(P) 512.239.2535  
(F) 512.239.4770

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*

July 17, 2020

Ms. Sarah L. Garza  
Port of Corpus Christi Authority of Nueces County  
PO Box 1541  
Corpus Christi, Texas 78403

**VIA EMAIL**

RE: Port of Corpus Christi Authority of Nueces County  
WRPERM 13630  
CN600885248, RN110844933  
Application No. 13630 for a Water Use Permit  
Texas Water Code § 11.121, Requiring Published and Mailed Notice  
Corpus Christi Bay, San Antonio-Nueces Coastal Basin  
San Patricio County

Dear Ms. Garza:

Additional information is needed to complete technical review of the application. Provide a completed Water Conservation Plan that meets the applicable requirements under Title 30 Texas Administrative Code §288.5 for Wholesale Water Suppliers. If the plan does not provide information for each requirement, include an explanation as to why the requirement is not applicable.

Please provide the requested information by August 17, 2020 or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.19. Alternatively, you may have the question of the necessity of the requested data (or the sufficiency of the information already submitted) referred to the commission for a decision. To be considered, a request for a referral must be provided by August 17, 2020.

If you have any questions concerning this matter please contact me via email at [hal.bailey@tceq.texas.gov](mailto:hal.bailey@tceq.texas.gov) or by telephone at (512) 239-4615.

Sincerely,

A handwritten signature in cursive script that reads "Hal Bailey".

Hal Bailey, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

# TCEQ Interoffice Memorandum

---

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

THRU: Chris Kozlowski, Team Leader  
Water Rights Permitting Team

FROM: Sarah Henderson, Project Manager  
Water Rights Permitting Team

DATE: May 11, 2020

SUBJECT: Port of Corpus Christi Authority of Nueces County  
WRPERM 13630  
CN600885248, RN110844933  
Application No. 13630 for a Water Use Permit  
Texas Water Code § 11.121, Requiring Published and Mailed Notice  
Corpus Christi Bay, San Antonio - Nueces Coastal Basin  
San Patricio County

The application was received on September 3, 2019. Additional information and fees were received on December 3, 2019, January 28, February 4, and March 18, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 11, 2020. Published and mailed notice to the water right holders of record within the San Antonio - Nueces Coastal Basin is required pursuant to Title 30 Texas Administrative Code § 295.151.

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

*Sarah E Henderson*

---

Sarah Henderson, 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*  
Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 11, 2020

Ms. Sarah L. Garza  
Port of Corpus Christi Authority of Nueces County  
PO Box 1541  
Corpus Christi, Texas 78403

RE: Port of Corpus Christi Authority of Nueces County  
WRPERM 13630  
CN600885248, RN110844933  
Application No. 13630 for a Water Use Permit  
Texas Water Code § 11.121, Requiring Published and Mailed Notice  
Corpus Christi Bay, San Antonio - Nueces Coastal Basin  
San Patricio County

Dear Ms. Garza:

This acknowledges receipt, on February 4 and March 18, 2020, of additional information.

The application was declared administratively complete and filed with the Office of the Chief Clerk on May 11, 2020. 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 [sarah.henderson@tceq.texas.gov](mailto:sarah.henderson@tceq.texas.gov) or by telephone at (512) 239-2535.

Sincerely,

*Sarah E Henderson*

Sarah Henderson, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section



**PORTCORPUSCHRISTI**

March 10, 2020

Sarah Henderson  
Project Manager  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX, 78711-3087

**Subject: Port of Corpus Christi Authority of Nueces County  
Water Rights Permit Application No. 13630  
CN600885248, RN110844933  
Proposed Desalination Plant La Quinta Property**

Dear Ms. Henderson,

This letter serves as response to the February 25, 2020 request for information required for preparation of the TCEQ Water Rights Permit Application No. 13630 by the Port of Corpus Christi Authority (PCCA) of Nueces County currently under consideration. Below are the TCEQ comments received, followed by the PCCA response in italics.

1. Confirm the quantity and maximum diversion rate requested in the application. Based on TCEQ's standard conversion factors for water rights applications, 90.4 million gallons per day (mgd) equates to a diversion rate of 140.12 cfs or 62,890 gpm and 101,334 acre-feet per year.

*The PCCA confirms the quantity and maximum diversion rate are the above stated rates.*

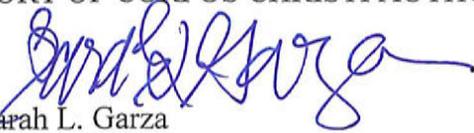
2. Provide the Zip code for the requested diversion point.

*The zip code for the desalination facility is 78374. The diversion point is in the water at Latitude 27.873741° N, Longitude -97.294987° W and is not assigned a zip code; however, the nearest zip code is the facility zip code: 78374.*

Should you have any questions or require additional information, please do not hesitate to contact me at (361) 885-6163 or [REDACTED].



Sincerely,  
PORT OF CORPUS CHRISTI AUTHORITY



Sarah L. Garza  
Director of Environmental  
Planning and Compliance

cc: Sean Strawbridge, Chief Executive Officer, Port of Corpus Christi Authority  
Clark Robertson, Chief Operating Officer, Port of Corpus Christi Authority  
Yvonne Dives-Gomez, Environmental Permitting Specialist, Port of Corpus Christi Authority

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*

February 25, 2020

Ms. Sarah L. Garza  
Port of Corpus Christi Authority of Nueces County  
PO Box 1541  
Corpus Christi, Texas 78403

**CERTIFIED MAIL**

RE: Port of Corpus Christi Authority of Nueces County  
WRPERM 13630; CN600885248, RN110844933  
Application No. 13630 for a Water Use Permit  
Texas Water Code § 11.121, Requiring Limited Mailed Notice  
Corpus Christi Bay, San Antonio-Nueces Coastal Basin  
San Patricio County

Dear Ms. Garza:

This acknowledges receipt of additional information on December 4, 2019, January 28 and January 30, 2020 and fees in the amount of 6,039.10 (Receipt Nos. M007954A/B, copy enclosed) of the referenced application.

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

1. Confirm the quantity and maximum diversion rate requested in the application. Based on TCEQ's standard conversion factors for water rights applications, 90.4 million gallons per day (mgd) equates to a diversion rate of 140.12 cfs or 62,890 gpm and 101,334 acre-feet per year.
2. Provide the ZIP code for the requested diversion point.

Please provide the requested information by March 26, 2020 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 [sarah.henderson@tceq.texas.gov](mailto:sarah.henderson@tceq.texas.gov) or by telephone at (512) 239-2535.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Henderson".

Sarah Henderson, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Enclosure



# Basis2 Receipt Report by Endorsement Number

MAY-05-20 03:48 PM

<u>Acct. #:</u> PTGU	<u>Account Name:</u> NOTICE FEES WUP WATER USE PERMITS								
<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
	M007954B	13630	PORT OF CORPUS CHRISTI AUTHORITY OF NUECES COUNTY	CK	148087		BS00077286	10-DEC-19	\$14.10

<u>Acct. #:</u> WUP	<u>Account Name:</u> WATER USE PERMITS								
<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
	M007954A	13630	PORT OF CORPUS CHRISTI AUTHORITY OF NUECES COUNTY	CK	148087		BS00077286	10-DEC-19	\$6025.00

## Sarah Henderson

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**From:** Garza, Sarah <[REDACTED]>  
**Sent:** Tuesday, February 4, 2020 2:41 PM  
**To:** Sarah Henderson  
**Cc:** Dives-Gomez, Yvonne; Bech Bruun  
**Subject:** RE: Industrial Water Rights Permit Application No. 13630: TCEQ Form 20839  
**Attachments:** Consistency Waiver from TWDB\_02042020\_Correspondence.pdf; Response Letter signed\_TCEQ Industrial Water Rights Permit Appli....pdf

Ms. Henderson,

My apologies, I forwarded Yvonne's email to you so you would have both attachments in the same email and then inadvertently forgot the new attachment.. The correspondence from the Texas Water Development Board is now also attached.

Thank you.

**Sarah L. Garza**  
Director of Environmental Planning & Compliance  
Office (361) 885-6163

---

**From:** Garza, Sarah  
**Sent:** Tuesday, February 4, 2020 2:20 PM  
**To:** sarah.henderson@tceq.texas.gov  
**Cc:** Dives-Gomez, Yvonne <[REDACTED]>; Bech Bruun <[REDACTED]>  
**Subject:** FW: Industrial Water Rights Permit Application No. 13630: TCEQ Form 20839

Good Afternoon Ms. Henderson,

Please find attached the letter from the Texas Water Development Board providing a declaration that the planned desal facility at La Quinta is not inconsistent and evidence of the Board's approval to place in the 2021 Region N Water Plan. I believe that we have now provided to you all the information you were requesting to process the water rights application. Please advise if there is anything further you still need and what the next steps are.

Thank you.

**Sarah L. Garza**  
Director of Environmental Planning & Compliance  
Office (361) 885-6163

---

**From:** Dives-Gomez, Yvonne <[REDACTED]>  
**Sent:** Tuesday, January 28, 2020 10:58 AM  
**To:** Sarah Henderson <[sarah.henderson@tceq.texas.gov](mailto:sarah.henderson@tceq.texas.gov)>  
**Cc:** Garza, Sarah <[REDACTED]>; Strawbridge, Sean <[REDACTED]>; Robertson, Clark <[REDACTED]>; Carl Teinert <[REDACTED]>  
**Subject:** Industrial Water Rights Permit Application No. 13630: TCEQ Form 20839

Sarah,

Please see attached TCEQ Form 20839, per your conversation with Sarah Garza.

Regards,  
Yvonne Dives-Gomez



*Yvonne Dives-Gomez*

*Permitting Specialist*

**Port of Corpus Christi**

w: (361) 885-6606 c: (361) 960-5157

w: [portofcc.com](http://portofcc.com) email: [REDACTED]



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# Coastal Bend Regional Water Planning Group

602 North Staples Street, Suite 280, Corpus Christi, Texas 78401

Phone: 361-653-2110; Fax: 361-653-2115

## EXECUTIVE COMMITTEE

### Water Districts

Mr. Scott Bledsoe, III, Co-Chair

### Water Utilities

Ms. Carola Serrato, Co-Chair

### GMA 13

Mr. Lonnie Stewart, Secretary

### River Authorities

Mr. Tom Reding, Jr.

### Small Business

Dr. Pancho Hubert,

## VOTING MEMBERS:

### Agriculture

Mr. Chuck Burns

Mr. Charles Ring

### Counties

Mr. Lavoyger Durham

Mr. Bill Stockton

### Electric Utilities

Mr. Gary Eddins

### Environmental

Ms. Teresa Carrillo

Mr. Jace Tunnell

### Industries

Mr. Joe Almaraz

Mr. Robert Kunkel

### Municipalities

Ms. Barbara Reaves

Mr. Mark Scott

### Public

Ms. Donna Rosson

### Other

Mr. John Burris

Mr. Carl Crull

### Small Business

Mr. Bill Dove

### GMA 15

Mr. Mark Sugarek

### GMA 16

Mr. Andy Garza

## NON-VOTING MEMBERS:

### TWDB

Ms. Connie Townsend

### NRCS

Mr. Tomas Dominguez

### TPWD

Dr. Jim Tolan

### TDA

Ms. Nelda Barrera

### Liaison Region M

Judge Humberto Gonzalez

### Liaison Region L

Mr. John Byrum

## STAFF:

### Nueces River Authority

Ms. Rocky Freund

Ms. Sarah L. Garza

Director of Environmental Planning and Compliance

Port of Corpus Christi Authority

P.O. Box 1541

Corpus Christi, Texas 78403



Re: Port of Corpus Christi Authority's proposed desal water projects - Harbor Island and La Quinta Channel and General Consistency with Coastal Bend Regional Water Planning Group's 2016 Plan (2016 Plan)

Dear Ms. Garza:

The Coastal Bend Regional Water Planning Group (CBRWPG) provides this response to your letter of January 8, 2020. The CBRWPG understands, based on information provided by the Corpus Christi Port Authority (Port), that the Port is in the process of applying for water right applications for diversions associated with two (2) seawater desalination facilities with a total production of 80 MGD.

In addition, according to the Port, the diversion locations are in Nueces County and San Patricio County. As stated by Port representatives during the CBRWPG January 16, 2020 meeting, the plants are intended to provide water supplies to meet future municipal and industrial demands in those counties.

In response to the Port's request regarding consistency of the potential projects to the December 2015 *Coastal Bend Regional Water Planning Area Region N Executive Summary and Regional Water Plan* (2016 Plan), the 2016 Plan includes seawater desalination as a recommended water management strategy. More specifically, the 2016 Plan shows a total supply of 22,420 acre-feet (20 MGD) from seawater desalination to meet manufacturing and steam-electric demands in Nueces County and manufacturing demands in San Patricio County (pages 5-42, 5-44 and 5-50 of the plan). Furthermore, the 2016 Plan identifies the City of Corpus Christi and the San Patricio Municipal Water District as project sponsors, describes the strategy (pages 5-43 and 5-49) and includes cost estimates (Section 5D.9).

During its January 16, 2020 meeting, the CBRWPG considered this information and determined, despite certain differences, that the Port's two (2) proposed desal plants are not inconsistent with Region N's 2016 Plan.

The projects differ from the 2016 Plan in the following ways: (1) two desalination plants are proposed as compared to one in the 2016 Plan, (2) the combined yield of the proposed projects is 80 MGD whereas the 2016 Plan shows 20 MGD, (3) the Port's proposed projects are intended to serve both industrial and municipal customers and the 2016 Plan showed a desal strategy to meet industrial needs only and (4) the Port's proposed Nueces County



location differs from the 2016 Plan with the Port's project location at Harbor Island as compared to Nueces Bay.

The change from one seawater desalination plant to two and the change in plant size are revisions that occurs as more specific plans and designs are developed to implement water management strategies.

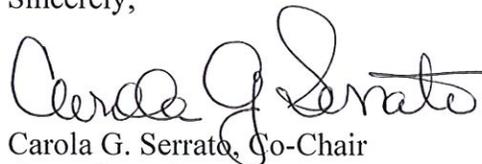
As you are aware, the CBRWPG is developing a new regional water plan and during the January 16, 2020 meeting, the Planning Group voted to include various proposed seawater desalination plants as recommended water management strategies. Preliminary information from the 2021 Region N Plan under development shows manufacturing needs over the 2020-2070 planning period which the Port's proposed projects can be shown to address. But, as mentioned above, the preliminary information does not identify municipal needs for Nueces or San Patricio County.

The Port's requested water rights and proposed desalination plants are not expected to have a negative impact on other recommended water management strategies assuming that the proposed intake and outfall locations are not in close proximity to other recommended strategies.

Another request in your January 8<sup>th</sup> letter pertains to a waiver described in 30 Texas Administrative Code Section 297.41(a)(3)(E) which states that a permit can be granted only if it "addresses a water supply need in a manner that is consistent with the state water plan and the relevant approved regional water plan for any area in which the proposed appropriation is located, *unless the commission determines that new, changed, or unaccounted for conditions warrant waiver of this requirement*". The CBRWPG is not authorized to provide such a waiver and is therefore unable to provide an opinion or statement regarding such.

In conclusion, the proposed projects for which water rights applications are being sought differ from the strategy specifics outlined in the 2016 Plan. However, this letter is being provided stating that although the applications may be for different amounts and different project configurations than indicated in the 2016 Plan, the applications are consistent with the 2016 Plan.

Sincerely,



Carola G. Serrato, Co-Chair  
Coastal Bend Regional Water Planning Group



Scott Bledsoe III, Co-Chair  
Coastal Bend Regional Water Planning Group

DW

177118

## Sarah Henderson

---

**From:** Dives-Gomez, Yvonne [REDACTED] >  
**Sent:** Tuesday, January 28, 2020 10:58 AM  
**To:** Sarah Henderson  
**Cc:** Garza, Sarah; Strawbridge, Sean; Robertson, Clark; Carl Teinert [REDACTED]  
**Subject:** Industrial Water Rights Permit Application No. 13630: TCEQ Form 20839  
**Attachments:** Response Letter signed\_TCEQ Industrial Water Rights Permit Appli....pdf

Sarah,

Please see attached TCEQ Form 20839, per your conversation with Sarah Garza.

Regards,  
Yvonne Dives-Gomez



*Yvonne Dives-Gomez*

*Permitting Specialist*

**Port of Corpus Christi**

w: (361) 885-6606 c: (361) 960-5157

w: [portofcc.com](http://portofcc.com) email: [REDACTED]



**STOP** - Before you print this email, please consider the environment.





**PORTCORPUSCHRISTI**

January 28, 2020

Sarah Henderson  
Project Manager  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX, 78711-3087  
(512) 239-2535

**Subject: Port of Corpus Christi Authority of Nueces County  
Water Rights Permit Application No. 13630  
CN600885248, RN110844933  
Proposed Desalination Plant La Quinta Property**

Dear Ms. Henderson,

This letter serves as response to the requested items required for preparation of the TCEQ Water Rights Permit Application No. 13630 by the Port of Corpus Christi Authority (PCCA) of Nueces County currently under consideration. As requested, attached is the new form with all fields completed.

Should you have any questions or require additional information, please do not hesitate to contact me at (361) 885-6163 or [REDACTED].

Sincerely,  
PORT OF CORPUS CHRISTI AUTHORITY

Sarah L. Garza  
Director of Environmental  
Planning and Compliance

cc: Sean Strawbridge, Chief Executive Officer, Port of Corpus Christi Authority  
Clark Robertson, Chief Operating Officer, Port of Corpus Christi Authority  
Yvonne Dives-Gomez, Permitting Specialist, Port of Corpus Christi Authority  
Carl Teinert, Senior Geologist, Wood Environment & Infrastructure Solutions, Inc.





# Texas Commission on Environmental Quality

Water Availability Division

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

Telephone (512) 239-4691, FAX (512) 239-2214

## Industrial Water Conservation Plan

This form is provided to assist entities in developing a water conservation plan for industrial water use. If you need assistance in completing this form or in developing your plan, please contact the Conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4691.

Additional resources such as best management practices (BMPs) are available on the Texas Water Development Board's website <http://www.twdb.texas.gov/conservation/BMPs/index.asp>. The practices are broken out into sectors such as Agriculture, Commercial and Institutional, Industrial, Municipal and Wholesale. BMPs are voluntary measures that water users use to develop the required components of Title 30, Texas Administrative Code, Chapter 288. BMPs can also be implemented in addition to the rule requirements to achieve water conservation goals.

### Contact Information

Name: Port of Corpus Christi Authority of Nueces County

Address: 222 Power Street, Corpus Christi, TX, 78401

Telephone Number: (361) 882-5633 Fax: (361) 882-7110

Form Completed By Gianna Cooley, P.E.

Title: Senior Environmental Engineer

Signature: *Gianna Cooley* Date: 01/27/2020

A water conservation plan for industrial use must include the following requirements (as detailed in 30 TAC Section 288.3). If the plan does not provide information for each requirement, you must include in the plan an explanation of why the requirement is not applicable.

### I. BACKGROUND DATA

#### A. Water Use

1. Annual diversion appropriated or requested (in acre-feet):  
102,000 acre-feet
2. Maximum diversion rate (cfs):  
140.8 cfs

#### B. Water Sources

1. Please indicate the maximum or average annual amounts of water currently used and anticipated to be used (in acre-feet) for industrial purposes:

<i>Source</i>	<i>Water Right No.(s)</i>	<i>Current Use</i>	<i>Anticipated Use</i>
Surface Water		0	102,000
Groundwater		0	0
Purchased		0	0
<b>Total</b>		<b>0</b>	<b>102,000</b>

2. How was the surface water data and/or groundwater data provided in B(1) obtained?

Master meter ; Customer meter ; Estimated X; Other

3. Was purchased water raw or treated?

If both, % raw N/A; % treated N/A; and Supplier(s) N/A

*C. Industrial Information*

1. Major product(s) or service(s) produced by applicant:

Potable Water

2. North American Industry Classification System (NAICS):

**II. WATER USE AND CONSERVATION PRACTICES**

*A. Water Use in Industrial Processes*

<i>Production Use</i>	<i>% Groundwater</i>	<i>% Surface Water</i>	<i>% Saline Water</i>	<i>% Treated Water</i>	<i>Water Use (in acre-ft)</i>
Cooling, condensing, & refrigeration	0	0	0	0	0
Processing, washing, transport	0	0	0	0	0
Boiler feed	0	0	0	0	0
Incorporated into product	0	0	0	0	0
Other	0	0	100	0	102,000

<i>Facility Use</i>	<i>% Groundwater</i>	<i>% Surface Water</i>	<i>% Saline Water</i>	<i>% Treated Water</i>	<i>Water Use (in acre-ft)</i>
Cooling tower(s)	0	0	0	0	0
Pond(s)	0	0	0	0	0
Once through	0	0	0	0	0
Sanitary & drinking water	0	0	0	0	0
Irrigation & dust control	0	0	0	0	0

1. Was fresh water recirculated at this facility?  Yes  No

2. Provide a detailed description of how the water will be utilized in the industrial process.

The Port of Corpus Christi Authority (PCCA) is developing a project to provide a sustainable supply of potable water for the Corpus Christi area that is not dependent upon rain water. The proposed system will provide up to 30 million gallon (MGD) of permeate through the process of desalination.

3. Estimate the quantity of water consumed in production processes and is therefore unavailable for reuse, discharge, or other means of disposal.

30 MGD will be available after treatment for industrial users in the Corpus Christi area; 61 MGD will be discharged to the Corpus Christi Channel.

4. Monthly water consumption for previous year (in acre-feet).

<i>Month</i>	<i>Diversion Amount</i>	<i>% of Water Returned (If Any)</i>	<i>Monthly Consumption</i>
January	N/A	N/A	N/A
February	N/A	N/A	N/A
March	N/A	N/A	N/A
April	N/A	N/A	N/A
May	N/A	N/A	N/A
June	N/A	N/A	N/A

July	N/A	N/A	N/A
August	N/A	N/A	N/A
September	N/A	N/A	N/A
October	N/A	N/A	N/A
November	N/A	N/A	N/A
December	N/A	N/A	N/A
<b>Totals</b>	N/A	N/A	N/A

5. Projected monthly water consumption for next year (in acre-feet).

<i>Month</i>	<i>Diversion Amount</i>	<i>% of Water Returned (If Any)</i>	<i>Monthly Consumption</i>
January	8500	60.7	5160
February	8500	60.7	5160
March	8500	60.7	5160
April	8500	60.7	5160
May	8500	60.7	5160
June	8500	60.7	5160
July	8500	60.7	5160
August	8500	60.7	5160
September	8500	60.7	5160
October	8500	60.7	5160
November	8500	60.7	5160
December	8500	60.7	5160
<b>Totals</b>	102000	60.7	61920

*B. Specific and Quantified Conservation Goal*

Water conservation goals for the industrial sector are generally established either for (1) the amount of water recycled, (2) the amount of water reused, or (3) the amount of water not lost or consumed, and therefore is available for return flow.

1. Water conservation goal (water use efficiency measure)

Type of goal(s):

% reused water

60.7 % of water not consumed and therefore returned

Other (specify)

2. Provide specific, quantified 5-year and 10-year targets for water savings and the basis for development of such goals for this water use/facility.

This facility is a desalination plant that will treat saline water to potable water standards, therefore, saves fresh water because rivers, lakes, and groundwater are not used. Six months after startup and yearly thereafter, the data of water intake versus water returned will be reviewed, and machinery, piping, and processes will be monitored to determine if any leaks are found or increased efficiencies might be possible.

Quantified 5-year and 10-year targets for water savings:

- a. 5-year goal: To increase water returned by 0.01%
  - b. 10-year goal: An increase in water returned by 0.001%.
3. Describe the device(s) and/or method(s) used to measure and account for the amount of water diverted from the supply source, and verify the accuracy is within plus or minus 5%.

The final design for the desalination plant has not been approved yet, however, a meter with an accuracy of +/- 5% will be installed to accurately measure the flow diverted from the Bay.

4. Provide a description of the leak-detection and repair, and water-loss accounting measures used.

Six months after startup and yearly thereafter, the data of water intake versus water returned will be reviewed and machinery, piping, and processes will be monitored to determine if any leaks are found or increased efficiencies might be possible. Daily visual inspections will be performed and if any leaks are noted, a work order will be prepared for repair of the deficient item.

5. Describe the application of state-of-the-art equipment and/or process modifications used to improve water use efficiency.

A thickener will be installed for Clarifier underflow, the sludge will be dewatered and returned to the Bay along with the RO membrane reject, and an energy recovery system will be installed to improve water use efficiency.

6. Describe any other water conservation practice, method, or technique which the user shows to be appropriate for achieving the stated goal or goals of the water conservation plan:

A water balance will be periodically performed to determine if there are any undetected leaks, or to determine if any maintenance might be needed on any of the processes due to insufficient recovery of water.

### **III. Water Conservation Plans submitted with a Water Right Application for New or Additional State Water**

Water Conservation Plans submitted with a water right application for New or Additional State Water must include data and information which:

1. support the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan;

The practice of utilizing desalination technology to establish an alternate water supply source is supported under the Texas Administrative Code title 30 Part 1 Chapter 288 Subchapter A rule 288.1 (TAC) definition number (4) for conservation. Converting a water source of lower water quality to a form having greater usability and commercial value is supported by TAC definition number (7) which can then be provided for industrial use.

2. evaluates conservation as an alternative to the proposed appropriation; and

The practice of utilizing desalination technology to establish an alternate water supply source is supported under the TAC definition number (4) for conservation.

3. evaluates any other feasible alternative to new water development including, but not limited to, waste prevention, recycling and reuse, water transfer and marketing, regionalization, and optimum water management practices and procedures.

The proposed La Quinta desalination plant will be designed to be scalable so that it can be built and can expand to accommodate additional water needs as they come on-line. The PCCA foresees these near-term demands to be consistent with the "trigger levels" recently adopted by the Corpus Christi City Council that speaks to an additional, large-scale project coming on-line during the 2020 planning decade in the San Patricio, Corpus Christi area: Gulf Coast Growth Ventures (Exxon/Sabir). While estimates have not been formally announced for this upcoming Exxon/Sabir project, it is anticipated that it will require an additional 25 MGD. The proposed La Quinta desalination plant is in close proximity to both existing and foreseeable industrial economic development in San Patricio County and will provide a 100% unlimited reliability of source water; therefore, making it the best alternative for new water development when comparing to the above listed alternatives which rely on surface water sources.

Additionally, it shall be the burden of proof of the applicant to demonstrate that no feasible alternative to the proposed appropriation exists and that the requested amount of appropriation is necessary and reasonable for the proposed use.

## Sarah Henderson

---

**From:** Dives-Gomez, Yvonne <ydives-gomez@pocca.com>  
**Sent:** Tuesday, December 3, 2019 4:45 PM  
**To:** Sarah Henderson  
**Cc:** Garza, Sarah; Strawbridge, Sean; Robertson, Clark; Bech Bruun  
**Subject:** Water Rights Permit Application No. 13630: Response to request for Information  
**Attachments:** Final\_TCEQRFI\_Water Rights Permit.pdf

Ms. Henderson,

The attached document serves as the response to the requested items required for preparation of the Proposed Desalination Plant La Quinta Property TCEQ Water Rights Permit Application No. 13630 by the Port of Corpus Christi Authority (PCCA) of Nueces County. A hard copy of the document is in transit by overnight mail to the address: 12100 Park 35 Circle, Austin, TX., 78753. Attachment E of the document is a copy of the purchase order (PO) for fees due. As per our conversation on November 27, 2019, PCCA will submit a copy of the PO and mail the physical check when it has been processed.

Sincere Regards,  
Yvonne Dives-Gomez



# PORTCORPUSCHRISTI

December 3, 2019

Sarah Henderson  
Project Manager  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX, 78711-3087  
(512) 239-2535

RECEIVED  
2019 DEC -11 P 3:50  
WATER AVAILABILITY DIV.

**Subject: Port of Corpus Christi Authority of Nueces County  
Water Rights Permit Application No. 13630  
CN600885248, RN110844933  
Proposed Desalination Plant La Quinta Property**

Dear Ms. Henderson,

This letter serves as response to the requested items required for preparation of the TCEQ Water Rights Permit Application No. 13630 by the Port of Corpus Christi Authority (PCCA) of Nueces County. Below are the TCEQ comments received, followed by the PCCA response.

1. Confirm that the diversion point is located on Corpus Christi, Bay.

*PCCA Response: As seen in Attachment A, project overview map provided in the application, the intake structure marks the location of the proposed diversion. The diversion point is at Latitude: 27.873741° N, Longitude: -97.294987° W, which is in the Corpus Christi Bay at segment 2481 near the adjacent La Quinta Channel, to the west of the PCCA's La Quinta property.*

2. Verify the maximum volume of water in acre-feet and maximum diversion rate requested in the application. Staff's calculations indicate that 90.4 million gallons per day (mgd) is equivalent to 101,068 acre-feet per year, which equates to a diversion rate of 62,792 gallons per minute.

*PCCA Response: The conversion factor for gallon US per day to acre feet per year (acre-ft/yr) is: 1-gallon US=0.0011; therefore, conversion of the maximum volume of 90.4 million gallons per day (mgd) is equivalent to 99,440 acre-ft/yr. The conversion factor for days to minutes is: 1 day=1440 minutes; therefore, 90.4mgd is equal to a maximum rate of 62,778 gallons per minute.*

3. Provide additional information on how this application is consistent with the Region N Water Plan. Staff notes that the application currently identifies a need for 30 mgd in the Region N Plan; however, the application requests an appropriation of approximately 90 mgd. Additionally, it appears that the Region N Plan indicates that the identified needs will be met

by other entities. Note that in lieu of pursuing an amendment to the Regional Water Plan to include the project, you may also obtain a letter from the Region N Planning Group stating

that the project is not inconsistent with the plan and will not affect any Water Management Strategies in the plan.

*PCCA Response: The PCCA is developing the proposed project to provide a sustainable supply of potable water for the Coastal Bend area that is not dependent upon rain water. Through the process of desalination, the proposed system will provide up to 30 million gallons/day (MGDs) to be utilized for industrial potable water purposes. The Coastal Bend Water Planning Area Region N water supply for municipal use and water conservation states that the 6.3 projected increase in municipal water demand over the 50-year planning period is lower than the projected population increase expected as a result of water conservation<sup>1</sup>; however, with rapid growth of industry in the region the industrial water demand will impact water source availability. The PCCA proposed project will provide industrial users in San Patricio County with 30 MGD of potable water resources and will supplement the total source water availability; thereby supporting regional water supply needs. Seawater desalination is a recommended management strategy of the Coastal Bend Regional Water Plan to mitigate the water supply shortage for manufacturing and industry in San Patricio County.<sup>1</sup>*

*During the November 14<sup>th</sup> meeting of the Region N planning group, the group acted to approve two projects sponsored by the PCCA for evaluation and consideration in the 2021 Region N Regional Water Plan. These projects have been referred to as “La Quinta” and “Harbor Island”. To date, the meeting minutes are not available. Attached as **Attachment B** is the agenda and supporting materials including the presentation given by the Port’s consultant. Further, in the interim, the PCCA is working with the Region N planning group for a determination that the La Quintal project is consistent with the desal strategy listed in the current Region N Water Plan and expects to receive that by mid-January 2020.*

4. Provide additional information concerning the submitted water conservation plan for industrial use to comply with Title 30 Texas Administrative Code (TAC) § 288.3.

*PCCA Response: An updated Water Conservation Form 10213 is found in attachment C and addresses each of the following requests.*

- a. Provide specific, quantified five-year and ten-year targets for water savings and the basis for development of such goals for your facility (TCEQ-10213, page 4).

*PCCA Response: See attached Water Conservation Form 10213.*

- b. Provide a description of the method(s) and/or devices(s), within an accuracy of, plus or minus 5%, used to measure the amount of water diverted from the supply source in Section II.B.3. of the water conservation plan (TCEQ-10213, page 5).

*PCCA Response: See attached Water Conservation Form 10213.*



- c. Provide a description of the leak-detection and repair, and water-loss accounting measures used, or include an explanation of why the requirement is not applicable (TCEQ-10213, page 5).

*PCCA Response: See attached Water Conservation Form 10213.*

- d. Describe the application of state-of-the-art equipment and/or process modifications used to improve water use efficiency or include an explanation of why the requirement is not applicable (TCEQ-10213, page 5).

*PCCA Response: See attached Water Conservation Form 10213.*

- e. Provide data or information that supports the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan, evaluates conservation as an alternative to the proposed appropriation, and evaluates any other feasible alternative to new water development (TCEQ-10213. Page 5).

*PCCA Response: See attached Water Conservation Form 10213.*

- 5. Provide written evidence that Sean Strawbridge has authorization to sign the application for the Port of Corpus Christi Authority of Nueces County pursuant to Title 30 TAC § 295.14(5), which states: 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 by-laws, 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.

*PCCA Response: Mr. Sean Strawbridge was appointed Chief Executive Officer of the PCCA on January 1, 2018. PCCA committee meeting minutes verifying Mr. Strawbridge is CEO of PCCA, and operating rules defining the duties of PCCA CEO are provided in **Attachment D**. The attached documents authenticate that Mr. Strawbridge has signatory authority required by 30 TAC§ 295.14.*

- 6. Remit fees in the amount of \$6,039.10 as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee (10,001 - 250,000 acre-feet)	\$1,000.00
Recording Fee	\$ 25.00
Use Fee (Maximum Fee)	\$5,000.00
<u>Notice Fee (San Antonio-Nueces Basin)</u>	<u>\$ 14.10</u>
Total Fees	\$6,039.10
<u>Received Fees</u>	<u>\$ 0.00</u>
Fees Due	\$6,039.10*



\*Pursuant to Title 30 TAC § 295.133(b), the Applicant is only required to submit half of the Use Fees upon filing in order to be considered administratively complete. If the applicant wants to remit the required application fees pursuant to this rule, only \$3,539.10 will be due instead of the above amount. The remaining \$2,500.00 in required Use Fees are then required to be remitted to the TCEQ within 180 days after notice is mailed to the applicant that the permit is granted.

*PCCA Response: A check submitting the total fees to the TCEQ is in the process of being issued and a copy of the purchase order is provided as **Attachment E**.*

Enclosed with this letter please find attached the following attachments related to the above responses:

- A. Project Overview Map
- B. Agenda and Supporting Material
- C. Updated Water Conservation Form 10213
- D. Chief Executive Officer Authentication Documents
- E. Copy of Purchase Order

Should you have any questions or require additional information, please do not hesitate to contact me at (361) 885-6163 or [REDACTED].

Sincerely,

Sarah L. Garza  
Director of Environmental  
Planning and Compliance

Cc: Sean Strawbridge  
Clark Robertson  
Bech Bruun  
Yvonne Dives-Gomez

References:

<sup>1</sup>Texas Water Development Board, (2015). Coastal Bend Regional Water Planning Area Region N Executive Summary and Regional Water Plan, pg. 5-78.

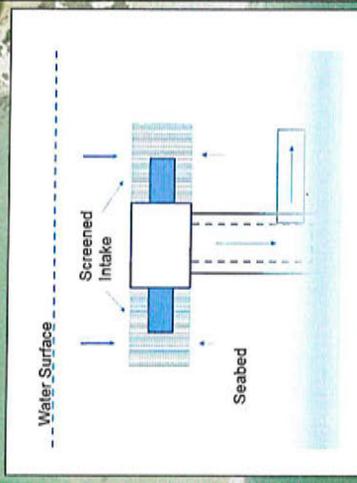
## Appendix A- Project Overview Map



Intake Structures Coordinates  
 Latitude: 27.633344  
 Longitude: -87.233637

4 Suspended Intakes  
 (See Inset 1)

3:1 Slope



DATE	MAY 2019
SCALE	1" = 433'
PROJECT NO.	enr160030
Attachment	A

Intake Structures for Proposed Desalination Plant
La Quinta Terminal



Property Boundary
DredgeBox
Intake Route

10/11/2019 10:27 AM  
 C:\Users\jchristi\OneDrive\Documents\Projects\La Quinta Terminal\20190511\_10:27 AM

**Appendix B- Agenda and Supporting Material**

The Coastal Bend Regional Water Planning Group  
for the Senate Bill 1 Regional Water Planning Program  
will meet on November 14, 2019 at 1:30pm  
at the Johnny Calderon County Building  
710 E. Main Street, Robstown, Texas 78380

(All meetings of the Coastal Bend Regional Water Planning Group are open to the Public)

\*\*\*\*\*

**MEETING AGENDA**

(The complete agenda packet will be available at <https://www.nueces-ra.org/CP/RWPG/> on November 8, 2019)

- I. Call to Order
- II. Roll Call
- III. **ACTION ITEM:** Consider Approval of Minutes of the September 19, 2019 Meeting of the Coastal Bend Regional Water Planning Group
- IV. **ACTION ITEM:** Consider Approval of a Meeting Schedule for 2020
- V. **ACTION ITEM:** Consider Authorizing NRA to Disseminate Requests for Local Funding for Calendar Year 2020 Administrative Activities
- VI. **Discussion Item:** Preliminary Results of Selected Water Management Strategies to be Included in the 2021 Plan
  - City of Alice Brackish Groundwater Desalination Project
  - Evangeline-Laguna LP Groundwater Project
  - Coastal Bend Regional Seawater Desalination Project
  - City of Corpus Christi Seawater Desalination Project
- VII. **Discussion Item:** Port of Corpus Christi Authority (PCCA) La Quinta Channel Desalination Plant and Harbor Island Desalination Plant Projects
  - ACTION ITEM:** Consider Request by the PCCA for the La Quinta Channel Desalination Plant Project to be Included in Region N 2021 Plan as a Recommended Water Management Strategy for Future Industrial Demands in San Patricio and Nueces Counties
  - ACTION ITEM:** Consider Request by the PCCA for the Harbor Island Desalination Plant Project to be Included in Region N 2021 Plan as a Recommended Water Management Strategy for Future Municipal and Industrial Demands in San Patricio and Nueces Counties
- VIII. **Presentation:** Drought Preparedness Council (DPC) Recommendations
  - ACTION ITEM:** Consider DPC recommendations and adopt any modifications to Region N-adopted Drought Response Approach from May 9, 2019, as needed.
- IX. **Presentation:** Socio-Economic Impact Analysis Report
  - ACTION ITEM:** Provide Comments on the Socio-Economic Impact Analysis Report and/or Accept the Report for Inclusion in the 2021 Initially Prepared Plan
- X. **RWPG/TWDB:** Administrative and Other Issues
- XI. General Public Comment  
*Citizens may address the Planning Group concerning an issue of interest that is not listed on the agenda. Agenda item comments must be made when the item comes before the board. The planning group may place a time limit on all comments.*
- XII. Confirm Next Meeting Date
- XIII. Adjourn

**FOR MORE INFORMATION, CONTACT:** Nueces River Authority, Coastal Bend Division,  
602 N. Staples Street St., Suite 280, Corpus Christi, Texas 78401 361-653-2110 <https://www.nueces-ra.org>

# COASTAL BEND RWPG PRESENTATION ON PORT OF CORPUS CHRISTI DESALINATION STRATEGIES

Bech Bruun, Consultant to the Port



November 14, 2019

# The Energy Port of the Americas

- Independent political district of the State of Texas, governed by seven commissioners
- Large industrial energy hub & gateway to global markets
- A landowner, a land developer and a landlord
- Economic development agency specializing in P3's



# Economic Impact in 2018

**\$17B**

Economic Activity for Texas

**\$5.6B**

In Personal Income

**\$5.6B**

Tax Revenue Generated in Texas  
from Port Activities\*

\*includes personal income tax, ad valorem tax, and other taxes.

**\$1.25B**

In Announced New Projects

**\$0**

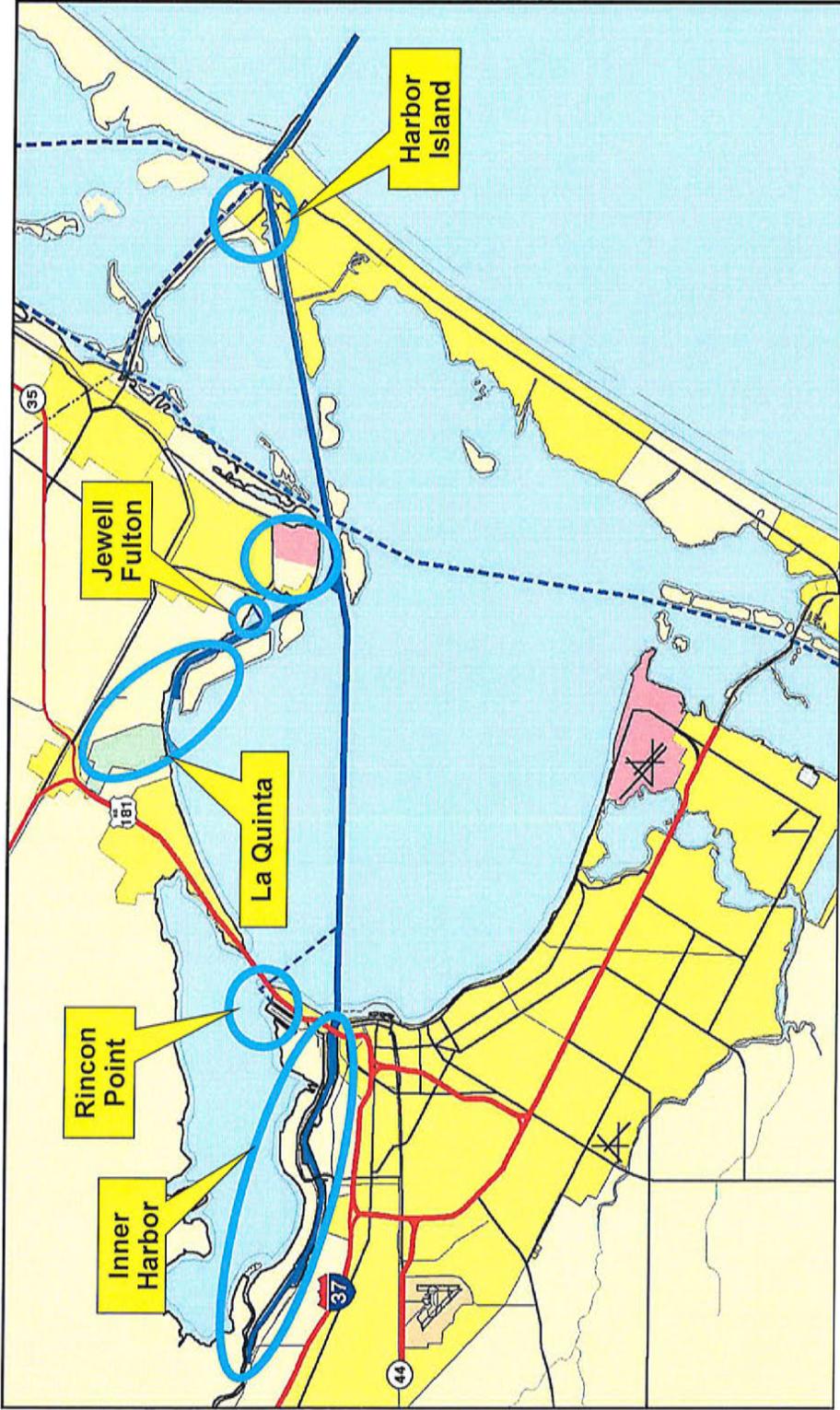
Tax Revenue  
Assessed by  
Port of Corpus Christi\*

\*100% of Port Revenues are derived from user fees collected for land use and services.

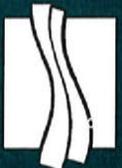




# Port of Corpus Christi Jurisdiction and Facilities



DÉSALINATION CANDIDATE  
PLANT LOCATIONS



# PCCA Desalination Projects

## **La Quinta :**

- Site located near the La Quinta Ship Channel in San Patricio County
- Facility would produce 30 MGD, permitted solely for industrial use
- Plant will utilize RO to produce seawater taken from Corpus Christi Bay
- Proposed diffuser would discharge into La Quinta Ship Channel

## **Harbor Island :**

- Site located on the Corpus Christi Ship Channel near Port Aransas
- Facility would produce 50 MGD, permitting for both municipal and industrial users
- Plant will utilize RO to produce seawater taken from the Gulf of Mexico
- Proposed diffuser would discharge into the Corpus Christi Ship Channel



# Permitting Status

## La Quinta :

- TCEQ discharge permit and water rights permit were filed on September 3, 2019
- TCEQ is reviewing additional information provided to make completeness determination
- TCEQ water rights permit was filed on September 3, 2019
- Public Comment expected December 2019

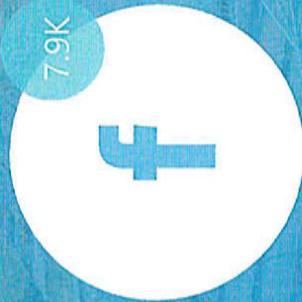
## Harbor Island :

- TCEQ discharge permit application filed
- Discharge permit ruled administratively complete and completed public comment/meeting process
- TCEQ Executive Director recommended TCEQ Commissioners grant the discharge permit
- TCEQ Commissioners directed the permit to SOAH for a contested case hearing
- Water rights permit has not yet been submitted as a review of available data is underway to determine intake placement in Gulf of Mexico



PORT CORPUS CHRISTI

## STAY CONNECTED



Facebook

[Facebook.com/PortCorpusChristi](https://www.facebook.com/PortCorpusChristi)



Twitter

[@POCCAport](https://twitter.com/POCCAport)



LinkedIn

[PortCorpusChristi](https://www.linkedin.com/company/PortCorpusChristi)

[PortofCC.com](http://PortofCC.com)

**Appendix C- Updated Water Conservation Form 10213**



# Texas Commission on Environmental Quality

## INDUSTRIAL/MINING WATER CONSERVATION PLAN

This form is provided to assist entities in conservation plan development for industrial/mining water use. If you need assistance in completing this form or in developing your plan, please contact the conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4691.

Name: Port of Corpus Christi Authority of Nueces County  
 Address: 222 Power Street, Corpus Christi, TX 78401  
 Telephone Number: (361) 882-5633 Fax: (361) 882-7110  
 Form Completed by: Gianna Cooley, P.E.  
 Title: Senior Environmental Engineer  
 Signature: *Gianna Cooley* Date: 12/02/2019

**NOTE: If the plan does not provide information for each requirement, include an explanation of why the requirement is not applicable.**

### I. BACKGROUND DATA

#### A. Water Use

- Annual diversion appropriated or requested (in acre-feet): 102,000
- Maximum diversion rate (cfs): 140.8

#### B. Water Sources

- Please indicate the maximum or average annual amounts of water currently used and anticipated to be used (in acre-feet) for industrial/mining purposes:

<i>Source</i>	<i>Water Right No.(s)</i>	<i>Current Use</i>	<i>Anticipated Use</i>
Surface Water	_____	0	102,000
Groundwater	_____	0	0
Purchased	_____	0	0
<b>Total</b>	_____	0	102,000

2. How was the surface water data and/or groundwater data provided above (B1) obtained?  
Master meter \_\_\_\_\_; Customer meter \_\_\_\_\_; Estimated X; Other \_\_\_\_\_
  
3. Was purchased water raw or treated?  
If both, % raw N/A; % treated N/A and Supplier(s): N/A

C. *Industrial/Mining Information*

1. Major product(s) or service(s) produced by applicant: Potable Water
  
2. North American Industry Classification System (NAICS):  
\_\_\_\_\_

**II. WATER USE AND CONSERVATION PRACTICES**

A. *Water Use in Industrial or Mining Processes*

<i>Production Use</i>	<i>% Groundwater</i>	<i>% Surface Water</i>	<i>% Saline Water</i>	<i>% Treated Water</i>	<i>Water Use (in acre-ft)</i>
Cooling, condensing, & refrigeration	0	0	0	0	0
Processing, washing, transport	0	0	0	0	0
Boiler feed	0	0	0	0	0
Incorporated into product	0	0	0	0	0
Other	0	0	100	0	102,000

<i>Facility Use</i>	<i>% Groundwater</i>	<i>% Surface Water</i>	<i>% Saline Water</i>	<i>% Treated Water</i>	<i>Water Use (in acre-ft)</i>
Cooling tower(s)	0	0	0	0	0
Pond(s)	0	0	0	0	0
Once through	0	0	0	0	0
Sanitary & drinking water	0	0	0	0	0
Irrigation & dust control	0	0	0	0	0

1. Was fresh water recirculated at this facility?  Yes  No

2. Provide a detailed description of how the water will be utilized in the industrial or mining process.

The Port of Corpus Christi (POCC) is developing a project to provide a sustainable supply of potable water for the Corpus Christi area that is not dependent upon rain water. The proposed system will provide up to 30 million gallon (MGD) of permeate through the process of desalination.

3. Estimate the quantity of water consumed in production and mining processes and is therefore unavailable for reuse, discharge or other means of disposal.

61 MGD will be available after treatment for industrial users in the Corpus Christi area; 30 MGD will be discharged to Corpus Christi Channel.

4. Monthly water demand for previous year (in acre-feet).

<i>Month</i>	<i>Diversion Amount</i>	<i>% of Water Returned (If Any)</i>	<i>Monthly Demand</i>
January	N/A	N/A	N/A
February	N/A	N/A	N/A
March	N/A	N/A	N/A
April	N/A	N/A	N/A
May	N/A	N/A	N/A
June	N/A	N/A	N/A
July	N/A	N/A	N/A
August	N/A	N/A	N/A
September	N/A	N/A	N/A
October	N/A	N/A	N/A
November	N/A	N/A	N/A

December	N/A	N/A	N/A
<b>Totals</b>	N/A	N/A	N/A

5. Projected monthly water demand for next year (in acre-feet).

<i>Month</i>	<i>Diversion Amount</i>	<i>% of Water Returned</i>	<i>Monthly Demand</i>
January	8500	60.7	5160
February	8500	60.7	5160
March	8500	60.7	5160
April	8500	60.7	5160
May	8500	60.7	5160
June	8500	60.7	5160
July	8500	60.7	5160
August	8500	60.7	5160
September	8500	60.7	5160
October	8500	60.7	5160
November	8500	60.7	5160
December	8500	60.7	5160
<b>Totals</b>	102000	60.7	61920

*B. Specific and Quantified Conservation Goal*

Water conservation goals for the industrial and mining sector are generally established either for (1) the amount of water recycled, (2) the amount of water reused, or (3) the amount of water not lost or consumed, and therefore is available for return flow.

1. Water conservation goal (water use efficiency measure)

Type of goal(s):

\_\_\_\_\_ % reused water

60.7 % of water not consumed and therefore returned

\_\_\_\_\_ Other (specify)

2. Provide specific and quantified five-year and ten-year targets for water savings and the basis for development of such goals for this water use/facility.

This facility is a desalination plant that will treat saline water to potable water standards, therefore, saves fresh water because rivers, lakes, and groundwater are not used. Six months after startup and yearly thereafter, the data of water intake versus water returned will be reviewed, and machinery, piping, and processes will be monitored

to determine if any leaks are found or increased efficiencies might be possible.

A realistic five-year goal might be to increase water returned by 0.01%, while a ten-year goal of 0.001% might be attainable.

3. Describe the methods and/or device(s) within an accuracy of plus or minus 5% used to measure and account for the amount of water diverted from the supply source.

The final design for the desalination plant has not been approved yet, however, a meter with an accuracy of +/-5% will be installed to accurately measure the flow diverted from the Bay.

4. Provide a description of the leak-detection and repair, and water-loss accounting measures used.

Six months after startup and yearly thereafter, the data of water intake versus water returned will be reviewed and machinery, piping, and processes will be monitored to determine if any leaks are found or increased efficiencies might be possible. Daily visual inspections will be performed and if any leaks are noted, a work order will be prepared for repair of the deficient item.

5. Equipment and/or process modifications used to improve water use efficiency.

A thickener will be installed for Clarifier underflow, the sludge will be dewatered and returned to the Bay along with the RO membrane reject, and an energy recovery system will be installed to improve water use efficiency.

6. Other water conservation techniques used.

A water balance will be periodically performed to determine if there are any undetected leaks, or to determine if any maintenance might be needed on any of the processes due to insufficient recovery of water.

### ***Best Management Practices***

*The Texas Water Developmental Board's (TWDB) Report 362 is the Water Conservation Best Management Practices (BMP) guide. The BMP Guide is a voluntary list of management practices that water users may implement in addition to the required components of Title 30, Texas Administrative Code, Chapter 288. The Best Management Practices Guide broken out by sector, including Agriculture, Commercial, and Institutional, Industrial, Municipal and Wholesale along with any new or revised BMP's can be found at the following link on the Texas Water Developments Board's website: <http://www.twdb.state.tx.us/conservation/bmps/index.asp>*

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact 512-239-3282.

**Appendix D- Chief Executive Officer Authentication Documents**

**OFFICIAL MINUTES OF PORT COMMISSION MEETING  
May 2, 2019**

The Port Commissioners of the Port of Corpus Christi Authority convened at the Solomon P. Ortiz International Center, located at 402 North Harbor Drive, Corpus Christi, Texas, on Thursday, May 2, 2019, at 1:30 p.m., for a special called meeting of the Port Commission.

**Present:** Mr. Charles Zahn  
Mr. Wayne Squires  
Mr. Richard Valls  
Mr. Richard L. Bowers  
Mr. Wes Hoskins  
Ms. Catherine Hilliard

**Absent:** Mr. David P. Engel

**Present:** Mr. Sean Strawbridge  
Mr. Kent Britton  
Mr. Omar Garcia  
Mr. Jarl Pedersen  
Ms. Rosie Collin  
Ms. Tana Neighbors

**Others Present:** Mr. Leo J. Welder, Jr.  
Mr. Dane Bruun

1. **Meeting called to order.**
2. **Safety Briefing.**
3. **Pledge of Allegiance.**
4. **Conflict of Interest Affidavits.** None were received.
5. **Recess Open Meeting and Convene Executive Session:** At 1:36 p.m., Mr. Zahn announced that the Commission would go into executive session pursuant to §551.071 and §551.074 of the Texas Government Code to deliberate agenda items 5a and 5b which were described in the agenda of the meeting as follows:
  - 5a. Receive legal advice from PCCA's counsel on the governance and ethics policies requested by members of the local legislative delegation. (§551.071)
  - 5b. Deliberate the employment of the Chief Executive Officer (§551.074)

6. **Reconvene Open Session and take action the following agenda items:** The Chairman reconvened the meeting in open session at 2:03 p.m. to act on the following agenda items.

**6a. Amend the Commission's Operating Rules and PCCA's Code of Ethics; adopt a Misconduct Reporting Policy, and approve a Community Feedback Form and Hotline:**

**Action:** On motion made by Ms. Hilliard and seconded by Mr. Squires, the Commission

- (1) Approved Amendment No. 3 to the Operating Rules of the Port Commission of the Port of Corpus Christi Authority of Nueces County, Texas, in the form presented to the meeting, a copy of which is attached hereto as Attachment One;
- (2) Approve Amendment No.1 to the Amended and Restated Code of Ethics of the Port of Corpus Christi Authority of Nueces County, Texas, in the form presented to the meeting, a copy of which is attached hereto as Attachment Two;
- (3) Approved The Port of Corpus Christi Authority Misconduct Reporting Policy in the form presented to the meeting, a copy of which is attached hereto as Attachment Three; and
- (4) Approve the Community Feedback Form and Hotline in the form presented to the meeting, a copy of which is attached hereto as Attachment Four.

**Further Action:** On motion made by Mr. Valls and seconded by Mr. Squires, the Commission adopted a resolution, in the form presented to the meeting, changing PCCA's authorized representatives to the Texas Local Government Investment Pool. A copy of the resolution is attached to these minutes as Attachment Five.

**6b. Employment Contract Amendment for the Chief Executive Officer:**

**Action:** On motion made by Ms. Hilliard and seconded by Mr. Squires, the Commission approved, effective as of May 2, 2019, the First Amendment to the CEO's Amended and Restated Employment Agreement in the form presented to the meeting. Mr. Hoskins voted against the motion.

7. **Adjourn:** On motion duly made and seconded, the meeting was adjourned at 2:10 p.m.



**PORTCORPUSCHRISTI**

**PORT OF CORPUS CHRISTI AUTHORITY  
OF NUECES COUNTY, TEXAS**

**GOVERNANCE**

**AND**

**ETHICS POLICIES**

**AS OF MAY 2, 2019**

## TABLE OF CONTENTS

1. PORT COMMISSION OPERATING RULES
2. CODE OF ETHICS
3. CONFLICT OF INTEREST AFFIDAVIT
4. MISCONDUCT REPORTING POLICY
5. COMMUNITY FEEDBACK FORM AND HOTLINE

**OPERATING RULES OF THE PORT COMMISSION OF THE  
PORT OF CORPUS CHRISTI AUTHORITY OF NUECES COUNTY, TEXAS**

Section 1.     Officers; Terms of Office.

The officers of the Port Commission of the Port of Corpus Christi Authority of Nueces County, Texas ("PCCA") are Chair, Vice Chair and Secretary. The officers of the Port Commission will be elected by the Port Commission each calendar year at the first meeting of the Port Commission held during such calendar year. A vacancy in any office will be filled by a vote of the Port Commission. Election of officers and filling of vacancies will be by a vote of a majority of the Port Commissioners then serving. Each officer shall hold office until his or her successor has been elected, or until the officer is no longer a Port Commissioner.

Section 2.     Meetings.

The Port Commission's regular monthly meeting will be on the third Tuesday of each month. The Chair may change the date of a regular Port Commission meeting for a particular month when circumstances necessitate a change of date.

The Chair or any four (4) Port Commissioners may schedule a special meeting or an emergency meeting of the Port Commission by providing the Executive Director with written instructions concerning the date, time, place and primary purpose of the meeting.

The Chair and the Executive Director will establish the agenda for each Port Commission meeting. Any two Port Commissioners may request in writing that a matter be placed on the agenda for a particular Port Commission meeting, and such request will be carried out by the Executive Director. The Executive Director will send a draft of the agenda for each Port Commission meeting to the Port Commissioners by the close of business on the sixth day before such meeting.

All meetings of the Port Commission shall be conducted in accordance with the statutes and laws of the State of Texas applicable to governmental bodies in Texas, and in particular the Texas Open Meetings Act as codified in Chapter 551, Texas Government Code.

Notice of and the agenda for all regular or specially called meetings of the Port Commission shall be posted in compliance with the Texas Open Meetings Act, and in the manner applicable to a district or political subdivision extending into fewer than four counties.

All materials, including but not limited to memorandums, agreements, financial information, recommendations and correspondence, provided by PCCA's staff or professional advisors to the members of the Port Commission to be used by the members of the Port Commission in addressing or taking action on an agenda item at a Port Commission meeting (collectively referred to herein as the "Supporting Materials") shall be provided to the members of the Port Commission electronically by the close of business on the fifth day prior to the day of the meeting at which the agenda item will be considered (the "Supporting Materials Deadline").

If the Supporting Materials for a posted agenda item are provided to the members of the Port Commission after the Supporting Materials Deadline for that agenda item, then, in that event, the agenda item shall be tabled for consideration at a subsequent regular or specially called meeting of the Port Commission.

Should the Supporting Materials for a properly posted agenda item be provided to the members of the Port Commission after the Supporting Materials Deadline for that agenda item, but PCCA's staff or professional advisors, advise the members of the Port Commission that consideration of the agenda item is an emergency, or that failure to act on the agenda item at that time will cause material harm to PCCA or its customers, then, in that event, with the approval of at least five members of the Port Commission, the members of the Port Commission may consider and take action on the agenda item.

At or before the commencement of each Port Commission meeting, any Port Commissioner who intends to abstain from participating in the discussion of, and voting on, an agenda item in accordance with Section 1.04 of the Amended and Restated Code of Ethics of Port of Corpus Christi Authority of Nueces County, Texas ("PCCA Code of Ethics") shall file the required affidavit with PCCA's official record keeper and abstain from participating in, or voting on, such agenda item.

At any meeting of the Port Commission the presiding officer may permit the public to comment with respect to an agenda item during its consideration or during the Public Comment section of the agenda. Comments by the public are encouraged, but will be limited to three minutes per speaker. When there are several persons who wish to speak for or against a matter, the presiding officer may limit the total amount of time allocated to each side and the respective sides will decide who among them will speak.

At each meeting of the Port Commission a staff person designated by the Executive Director will provide a sign-in sheet near the main entrance to the meeting room for those members of the public wishing to speak at the meeting. Any person wishing to speak at a Port Commission meeting shall write the following information on the sign-in sheet: his or her name, address and the subject about which the person wishes to speak.

Section 3. Closed Meetings.

Closed meetings of the Port Commission shall be held in accordance with Subchapter E of Chapter 551 of the Texas Government Code, as amended. Closed meetings are confidential and it is the desire of the Port Commission that neither Port Commissioners, staff members nor any other person attending such meetings should reveal to others the nature or content of such meetings.

If a Port Commissioner determines that he or she has a conflict of interest with respect to any matter to be discussed at a closed meeting, the Commissioner shall announce that he or she has a conflict of interest with respect to such matter and shall excuse himself or herself from the meeting while that matter is being discussed.

Section 4. Port Commission Committees. (Amended May 9, 2017)

As of May 9, 2017, the Port Commission has three standing committees – the Audit Committee, the Security Committee, and the Long Range Planning Committee. The Port Commission may establish additional standing committees from time to time by an amendment to these Operating Rules.

The functions of the Audit Committee are to review the financial affairs of PCCA, to make recommendations with respect to the selection of PCCA's auditors, to meet with PCCA's auditors to

review their annual audit report of PCCA's activities, and to act as a designated investment committee advising the investment officer of PCCA pursuant to Section 2256.0005(e), Texas Government Code, and PCCA's Investment Policy, as amended from time to time. The Audit Committee shall consist of three Port Commissioners.

The functions of the Security Committee are to periodically review and make recommendations regarding the security of PCCA and the Port of Corpus Christi and to consult with PCCA's Chief of Police on a regular basis concerning these matters. The Security Committee shall consist of three Port Commissioners.

The functions of the Long Range Planning Committee are to assist the Port Commission in fulfilling its responsibilities with respect to oversight of PCCA's Strategic Plan 2014-2020 ("Strategic Plan"), including the Property Planning Guide described in the Strategic Plan, and evaluation of strategic transactions and significant capital projects for consistency with the Strategic Plan. The Long Range Planning Committee shall consist of three Port Commissioners.

The Chair may establish or abolish special committees from time to time in the Chair's sole discretion. The Chair will appoint the members and the chairperson of each standing or special committee as soon as practicable after the Chair's election or the establishment of such committee, as the case may be.

The Chair will also appoint PCCA's representatives on the governing boards or committees of any outside organizations to which PCCA has the right to appoint representatives. The Port Commission will elect the directors of PCCA's Industrial Development Corporation in accordance with the bylaws of the corporation.

Section 5. Duties and Authority of Officers.

The Chair will preside at all meetings of the Port Commission and decide the order in which the agenda items will be acted upon. The Chair will put to a vote all questions which are properly moved or necessarily arise in the course of the proceedings and announce the result of each vote. The Chair will

decide all questions of parliamentary procedure, and there is no appeal from the decision of the Chair. Counsel for the Port Commission may advise the Chair on matters of parliamentary procedure.

If the office of Chair is vacant, the Vice Chair shall perform the duties and have the authority to exercise the powers of the Chair. The Vice Chair will act as the presiding officer of any Port Commission meeting at which the Chair is absent or whenever the Chair chooses not to act as the presiding officer.

The Secretary will review and sign the minutes of the meetings of the Port Commission and will, when appropriate, attest the execution of documents by PCCA's officers or the Executive Director.

The Chair, Vice Chair, Secretary, or Executive Director may execute agreements and other documents approved by the Port Commission and approved as to legal form by Counsel for the Port Commission.

Section 6. Quorum; Voting.

Four (4) Port Commissioners constitute a quorum for the purpose of conducting business at any meeting of the Port Commission. The affirmative vote of a majority of the Port Commissioners present and voting at any meeting at which a quorum is present, but not less than the affirmative vote of three Port Commissioners, is sufficient for the adoption of any motion or resolution except where a vote of greater than a majority of Port Commissioners present and voting at the meeting is required by law, statute or these rules. Each Port Commissioner present at a meeting shall be entitled to vote on any issue put to a vote of the Port Commission at such meeting, except as provided in PCCA's Code of Ethics, or Chapter 171 of the Texas Local Government Code. When a Port Commissioner present at a meeting abstains from voting on a matter taken up by the Port Commission, the record will reflect the Port Commissioner's abstention, and any certifications regarding the voting record on such matter shall reflect the Port Commissioner's abstention. If a Port Commissioner is absent from a meeting of the Port Commission, the minutes of the meeting shall reflect the Port Commissioner's absence.

Section 7. Robert's Rules of Order.

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Port Commission in all cases to which they are applicable and in which they are not inconsistent with any law, statute, or rule of the Port Commission.

Section 8. Contact with Staff.

The Port Commissioners shall not give directives to any members of PCCA's staff other than the Executive Director.

Section 9. Amendments.

These Operating Rules may only be amended by a vote of two-thirds of all Port Commissioners.

Section 10. Indemnification of Port Commissioners. (Added July 17, 2018)

a. It is the intent of the Port Authority to protect its Port Commissioners from defense expense and legal liability through the purchase of appropriate public officials liability insurance, and such other liability insurance as the Port Authority obtains and maintains in force and effect. The Executive Director shall periodically report to the Port Commission on the liability insurance coverage maintained in force covering Port Commissioners as insureds and on proposed changes thereto.

b. To the extent that the Port Authority's liability insurance does not afford coverage with respect to a matter involving a Port Commissioner, it is the express intent of the Port Authority to indemnify its Port Commissioners to the fullest extent allowed by Texas law for liabilities or legal expense arising from conduct (including acts or omissions) that reasonably appears to be within the scope of a Port Commissioner's authority as such.

c. Absent a conflict of interest, a Port Commissioner named as a defendant along with the Port Authority shall be defended by the Port Authority's counsel. Otherwise, in view of the importance of a capable defense, an individual Commissioner's legal expense related to a civil or criminal action, proceeding, subpoena, investigation, or demand is intended to be funded

on a current basis. However, in the event a criminal conviction of a Port Commissioner, or finding of breach of the duty of loyalty to the Port Authority or official misconduct, on the part of a Port Commissioner, results from any such matter, all legal expense paid by the Port Authority in connection therewith shall be reimbursed by such Port Commissioner.

d. Port Commissioners who receive notice of a suit, proceeding, subpoena, investigation, or demand related to their service as a Port Commissioner shall promptly inform the General Counsel, who shall determine the applicability of the Port Authority's insurance coverage and oversee and review requests for funding of any legal expense in connection therewith.

e. Inasmuch as this section is not intended to foreclose any future Port Commission's judgment as to the public interest, all payments under this Section 10 indemnifying for the liability of a Port Commissioner, or funding the legal expense of Port Commissioner, are subject to Port Commission approval. This Section 10 is a non-binding statement of intent and does not create a property interest or a contract and does not waive any of the Port Authority's immunities under law.

f. Any right of indemnification granted by this Section 10 is in addition to and not in lieu of any other such right to which any Port Commissioner of the Port Authority may at any time be entitled under the laws of the State of Texas or as otherwise provided for by the Port Authority. If any indemnification which would otherwise be granted by this Section 10 is disallowed by any competent court or administrative body as illegal or against public policy, then any Port Commissioner with respect to whom such adjudication was made, and any other Port Commissioner, shall be indemnified to the fullest extent permitted by the laws of the State of Texas and public policy.

g. Any Port Commissioner requesting indemnification hereunder shall regularly report to the Port Commission regarding the matters that may be subject to such

indemnification, as necessary to keep the Port Commission reasonably informed as to such matters.

h. The Port Authority may purchase and maintain insurance on behalf of any person who is or was a Port Commissioner of the Port Authority, against any liability asserted against such person and incurred by such person in any such capacity, or arising out of such person's status or former status as Port Commissioner.

i. The indemnification provided herein shall inure to the benefit of the heirs, executors, and administrators of Port Commissioners.

Section 11. General Powers, Authority, Duties, and Responsibilities of the Port Commission. (Added May 2, 2019)

The Port Commission is vested with all powers, authority, duties, and responsibilities permitted by law for the governance, policymaking, and performance oversight of PCCA and its properties. The Port Commission's powers, authority, duties, and responsibilities include:

a. the framing and adoption of matters of policy including but not limited to budget, goals, vision, and plans;

b. the responsibility to approve the purchase of services (other than employee services), materials, supplies, machinery, equipment, other personal property, real property, and other items to be purchased costing more than \$50,000; and

c. the authority to approve all expenditures from PCCA's Promotion and Development Fund, which authority may be delegated to the CEO;

d. the power, authority, duty, and responsibility to select, compensate, retain, and remove PCCA's CEO, and to delegate to the CEO the full authority to manage and operate PCCA's affairs, subject only to orders of the Port Commission;

e. the duty and responsibility to monitor the performance of the CEO for compliance with all applicable federal, state, and local laws, PCCA's budget, and for the CEO's implementation of the Port Commission's policies, standards, regulations, and stated objectives;

f. the duty and responsibility to adopt a budget annually for PCCA in an open meeting, and to ensure by and through PCCA's CEO that each annual budget is made available to the public on PCCA's website;

g. the duty and responsibility to adopt detailed policies in open meetings that document the Port Commission's governance practices, and to ensure by and through PCCA's CEO that such detailed policies are made available to the public on PCCA's website;

h. the duty and responsibility to ensure that a copy of all policies adopted by the Port Commission are distributed to each Commissioner and each PCCA employee not later than the third business day after the date the person begins a term as Port Commissioner or employee;

i. the continuing duty and responsibility to develop and implement policies that clearly separate the governance, policymaking, and performance oversight responsibilities of the Port Commission from the management and operational responsibilities of the CEO and other PCCA employees;

j. except as otherwise expressly set forth herein, the power and authority by general or special rule, regulation, order, resolution, or other direction to authorize the CEO or another person authorized to act instead of the CEO to perform any act on behalf of the Port Commission; and

k. all the powers, authority, duties, and responsibilities reserved to the Port Commission by the laws of the State of Texas.

Section 12. Powers and Duties of the Chief Executive Officer. (Added May 2, 2019)

a. The terms "Executive Director," "Chief Executive Officer," and "CEO" are used interchangeably in these Operating Rules and all mean the senior-most staff executive of PCCA. The CEO shall be an employee of PCCA employed by the Port Commission pursuant to

the terms and conditions of a mutually-agreeable employment contract. The CEO has full authority to manage and operate the affairs of PCCA, subject only to orders of the Port Commission and these Operating Rules.

b. The CEO has the duty and responsibility to implement PCCA's policies, standards, regulations, and stated objectives.

c. The delegation of powers, authority, duties and responsibilities from the Port Commission to the CEO shall not include those specifically reserved to the Port Commission under the laws of the State of Texas or these Operating Rules.

d. The CEO has the powers, authority, duties and responsibilities listed below, subject to the provision of Section 12(c) above:

i. subject to the budgetary constraints and policy directives of the Port Commission, to employ, supervise, manage, direct, and establish positions, titles, and salaries of PCCA employees, and to discharge these employees;

ii. collect revenues and monies due PCCA and deposit them to PCCA's accounts;

iii. make purchases and enter into contracts in accordance with Port Commission policies, orders, directives, and/or these Operating Rules;

iv. administer the PCCA's relations with public and private bodies, agencies, and associations, and serve such entities in such capacity as may be directed by the Port Commission;

v. make such reports to the Port Commission and other authorities as the Port Commission directs, or as required in connection with discharge of the CEO's duties and/or responsibilities, or as required by any federal, state, or local law;

vi. keep and maintain all records, accounts, books, files, and papers of PCCA (in such manner as directed by a document retention policy adopted by the Port Commission);

vii. sign, attest, certify, or deliver, on behalf of PCCA, agreements, deeds, leases, month-to-month rental agreements, easements, licenses, franchises, permits, minutes, notices, accounts, receipts, invoices, warrants, requisitions, vouchers, checks, records, and other instruments, as required in the lawful and proper discharge of the CEO's duties and responsibilities or otherwise pursuant to applicable law, or as may be approved or as directed by the Port Commission; and

viii. perform all other duties and responsibilities of the CEO of PCCA, or as required by law.

e. The CEO may formally delegate his/her powers, duties, and related powers and authority to one or more PCCA employees.

f. The CEO may travel as deemed appropriate or necessary to execute the duties and responsibilities of the CEO, but any such travel is subject to the same rules, regulations, and oversight as those established for Port Commissioners.

g. The CEO shall perform such other duties and responsibilities and discharge such other tasks as the Port Commission may specify from time-to-time.

h. Any or all of the duties and responsibilities of the CEO as specified above or later prescribed by the Port Commission are subject to change or cancellation by the Port Commission at any time.

Section 13. Commission Decisions and Public Dissent. (Added May 2, 2019)

Many Port Commission decisions are not unanimous. Port Commissioners contribute varying, sometimes controversial, and at times conflicting perspectives to a deliberation. New and different ideas assist the Port Commission in reaching an objective and balanced decision. Most Port Commission decisions are based on majority rule, which automatically creates compromises and occasionally dissenting opinions. However, consensus building and healthy debate are ways to improve governance and make better decisions.

If a Port Commissioner strongly disagrees with a motion and votes against it or abstains from voting, that vote will be recorded in the meeting minutes. Before publicly dissenting to a motion passed at a meeting of the Port Commission, dissenting Commissioners should weigh their freedom of speech against their duties of loyalty and confidentiality and acting in the best interests of the Port Authority. Port Commissioners who dissent in public about a particular Port Commission decision or organizational direction should qualify such dissent by stating it is their own viewpoint and, if true, that the Port Commission decision was made following proper procedures.

**AMENDED AND RESTATED CODE OF ETHICS  
OF PORT OF CORPUS CHRISTI AUTHORITY  
OF NUECES COUNTY, TEXAS**

**Section 1.01. Definitions.** In this Code:

(a) “Business entity” means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law.

(b) “Code” means this Amended and Restated Code of Ethics of Port of Corpus Christi Authority of Nueces County, Texas.

(c) “Commissioner” means any member of the Port Commission of PCCA.

(d) “Employee” means any full-time employee of the PCCA.

(e) “First degree” relation means an individual's spouse, parents and children, as well as the spouse of each of these relatives.

(f) “PCCA” means Port of Corpus Christi Authority of Nueces County, Texas.

(g) “Port Commission” means the governing body of PCCA.

**Section 1.02. Substantial Interest in Business Entity.**

(a) For purposes of this Code, a person has a substantial interest in a Business Entity if:

(1) the person owns 10 percent or more of the voting stock or shares of the Business Entity or owns either 10 percent or more or \$15,000 or more of the fair market value of the Business Entity; or

(2) funds received by the person from the Business Entity exceed 10 percent of the person's gross income for the previous year.

(b) A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.

(c) A Commissioner is considered to have a substantial interest under this section if a person related to the Commissioner in the first degree has a substantial interest under this section.

(d) An Employee is considered to have a substantial interest under this section if a person related to the Employee in the first degree has a substantial interest under this section.

**Section 1.03. Prohibited Acts.** No Commissioner or Employee may:

(1) act as surety for a Business Entity that has work, business, or a contract with PCCA;

(2) act as surety on any official bond required of a Commissioner or Employee;

(3) accept or solicit any gift, favor, or service that might reasonably tend to influence the Commissioner or Employee in the discharge of official duties, or that the Commissioner or Employee knows or should know is being offered with the intent to influence the Commissioner's or Employee's official conduct; (Added May 2, 2019)

(4) disclose confidential information acquired by reason of the Commissioner's or Employee's position with PCCA; or (Added May 2, 2019)

(5) intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the Commissioner's or Employee's official powers or performed the Commissioner's or Employee's official duties in favor of another. (Added May 2, 2019)

**Section 1.04. Commissioner's Affidavit and Abstention from Voting Required.**

(a) If a Commissioner has a substantial interest in a Business Entity or in real property, the Commissioner shall file, before a vote or decision on any matter involving the

Business Entity or the real property, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter if:

(1) in the case of a substantial interest in a Business Entity the action on the matter will have a special economic effect on the Business Entity that is distinguishable from the effect on the public; or

(2) in the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

(b) The affidavit must be filed with PCCA's official record keeper.

(c) If a Commissioner is required to file and does file an affidavit under Subsection (a) with respect to a matter, the Commissioner is not required to abstain from further participation in the matter if a majority of the members of Port Commission are likewise required to file and do file affidavits of similar interests on the same matter.

**Section 1.05. Voting on Budget.**

(a) The Port Commission shall take a separate vote on any budget item specifically dedicated to a contract with a Business Entity in which a Commissioner has a substantial interest.

(b) Except as provided by Section 1.04(c), above, the affected Commissioner may not participate in that separate vote. The Commissioner may vote on a final budget if:

(1) the Commissioner has complied with this Code; and

(2) the matter in which the Commissioner is concerned has been resolved.

**Section 1.06. Prohibited Actions by Employees on Certain Matters.**

(a) If an Employee has a substantial interest in a Business Entity, the Employee shall not take any action involving the Business Entity, in his or her capacity as a PCCA employee, that will have a special economic effect on the Business Entity that is distinguishable from the effect on the public.

(b) If an Employee has a substantial interest in real property, the Employee shall not take any action involving the real property, in his or her capacity as a PCCA Employee, that is reasonably likely to have a special economic effect on the value of the property, distinguishable from its effect on the public.



- real property is involved and \_\_\_\_\_ (I, he, she) have/has an equitable or legal ownership with a fair market value of at least \$2,500.

**PART TWO**

*(If Part One is not applicable, please state your reason for abstaining here)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Signed this the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Signature of Port Commissioner

BEFORE ME, the undersigned authority, this day personally appeared \_\_\_\_\_ and by oath swore that the facts herein above stated are true and correct to the best of his/her knowledge or belief.

Sworn to and subscribed before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

**PORT OF CORPUS CHRISTI AUTHORITY  
MISCONDUCT REPORTING POLICY  
(APPROVED MAY 2, 2019)**

A. Objectives. The Port of Corpus Christi Authority (“PCCA”) is committed to lawful and ethical behavior in all of its activities and requires Port Commissioners and PCCA employees to act in accordance with all applicable laws, regulations and policies and observe high standards of ethics in the conduct of their duties and responsibilities. The objectives of this Port of Corpus Christi Authority Misconduct Reporting Policy (the “Whistleblower Policy”), are to establish policies, procedures, and protections for Whistleblowers, in order to:

1. Prevent, or detect and correct, improper activities.
2. Encourage each Port Commissioner and employee to report what he or she in good faith believes to be a violation of law or a questionable accounting or auditing matter by the PCCA.
3. Ensure the receipt, documentation, retention of records, and resolution of reports received under this Whistleblower Policy.
4. Protect Whistleblowers from retaliatory action.

B. Definitions. For the purposes of this Whistleblower Policy, capitalized terms used herein shall have the following meanings:

1. “Complaint” means a complaint under the Whistleblower Act.
2. “Chief Executive Officer” (“CEO”) means the senior-most staff executive of the PCCA.
3. “Investigator” means, with respect to each report of alleged Misconduct, the Director of Human Resources (or other person appointed by the Port Commission Chairman, only in the event that the Director of Human Resources is the subject of the report of alleged Misconduct) who is tasked with the duty and responsibility to undertake the investigation of a report of alleged Misconduct.
4. “Investigator’s Report” means the oral or written report prepared by the Investigator upon the conclusion of his/her investigation of a report of alleged Misconduct.
5. “Misconduct” means a violation of law or PCCA policy, by a Port Commissioner, employee, or third-party acting in connection with the PCCA, except for (i) violations that are subject to the PCCA’s employee grievance procedures, such as harassment, and (ii) routine workplace grievances. For the purposes of the Whistleblower Policy, “Misconduct” also includes (i) the failure to take an action in order for the PCCA to be in compliance with law or policy or with generally accepted accounting practices, (ii) retaliation

towards anyone who reports Misconduct, and (iii) a violation subject to the PCCA's employee grievance procedures, following the conclusion of a grievance procedure with respect to such violation.

6. "PCCA" means the Port of Corpus Christi Authority of Nueces County, Texas.

7. "Port Commission" means the Port Commission of the Port of Corpus Christi Authority of Nueces County, Texas.

8. "Substantial Evidence" means evidence sufficient for a reasonable person to conclude that Misconduct has occurred.

9. "Whistleblower" means the Port Commissioner or PCCA employee reporting alleged Misconduct under this Whistleblower Policy.

10. "Whistleblower Act" means Chapter 554 of the Texas Government Code, attached as Exhibit A.

C. Reporting and Investigation of Misconduct.

1. Responsibility to Report. A Port Commissioner or PCCA employee who believes in good faith that Misconduct has occurred or is occurring should report the facts or circumstances giving rise to this belief, as provided in this Whistleblower Policy.

a. A Whistleblower shall submit a written report of alleged Misconduct to the Investigator as promptly as possible, but no later than thirty (30) days after the Whistleblower becomes aware of facts or circumstances that appear to constitute Misconduct.

b. The Investigator shall promptly deliver such report to PCCA's CEO (or to the Port Commission Chairman, only in the event that the CEO is the subject of the report of alleged Misconduct).

c. The Investigator shall provide the PCCA's CEO and Port Commission Chairman with a verbal or written report following each quarter summarizing all reports of alleged Misconduct during the previous quarter.

d. If any facts or circumstances contained in a Whistleblower's report of alleged Misconduct are later determined to be false or misleading, the Whistleblower shall be deemed to have committed no wrong and breached no rule under this Whistleblower Policy, provided that the report was made in good faith. However, a Whistleblower who makes allegations that, after a thorough investigation, prove to be unsubstantiated, and that prove to have been made maliciously, recklessly, with gross negligence, or with the knowledge that the allegations were false, shall subject a PCCA employee to disciplinary action, up to and including termination of employment.

e. In the event a report of alleged Misconduct claims that any person who may participate in the investigation or decision-making process provided by this Whistleblower Policy was a participant in or was aware of the alleged Misconduct, such person shall recuse himself/herself from the procedures set out herein.

2. Anonymity.

a. The Investigator shall not provide the identity of the Whistleblower when reporting alleged Misconduct.

b. Notwithstanding the foregoing, if the Whistleblower voluntarily discloses his/her identity to any Port Commissioner or PCCA employee (other than the Investigator) during or after the submission of a report of alleged Misconduct, the PCCA has no responsibility to limit further dissemination or disclosure of the Whistleblower's identity, in connection with the investigation of the Whistleblower's report.

3. Determination of Further Action.

a. Upon receiving any report of alleged Misconduct, the Investigator shall promptly consider what action should be taken in response to the report of alleged Misconduct, provided that in the event the Investigator recuses himself/herself, the CEO shall appoint a replacement to carry out the duties of and role of the Investigator under the procedures set out herein.

b. Following such consideration, the Investigator shall notify the CEO regarding the report, provide a summary of the relevant facts and circumstances contained in the report, and set forth his/her recommended classification of the report.

c. The Investigator may recommend any of the following classifications:

i. The report does not describe Misconduct, or a violation subject to the PCCA's employee grievance procedures, or a routine workplace grievance;

ii. The report does not describe Misconduct, but instead describes a violation subject to the PCCA's employee grievance procedures, or a routine workplace grievance; or

iii. The report describes Misconduct.

d. If the Investigator determines that:

i. The report does not describe Misconduct, or a violation subject to the PCCA's employee grievance procedures, or a routine workplace grievance, then no further action shall be taken.

ii. The report does not describe Misconduct, but instead describes a violation subject to the PCCA's employee grievance procedures, or a routine workplace grievance, then the CEO (or the Port Commission Chairman, only in the event that the CEO is the subject of the report of alleged Misconduct) shall refer the report to the Director of Human Resources for handling.

iii. The report describes Misconduct, then the CEO (or the Port Commission Chairman, only in the event that the CEO is the subject of the report of alleged Misconduct) shall thereupon refer the report to PCCA's legal counsel for further investigation or handling.

4. Conduct of Investigation. The Investigator shall promptly investigate the report of alleged Misconduct to determine whether the report is supported by Substantial Evidence. Substantial Evidence need not be admissible in a court of law.

a. Provided doing so serves the objectives of this Whistleblower Policy, the Investigator may inform any other PCCA employee, including the Whistleblower, regarding the status of the investigation.

b. The CEO (or the Port Commission Chairman, only in the event that the CEO is the subject of the report of alleged Misconduct) may: (i) attend and participate in all interviews and meetings between the Investigator and any Port Commissioner or PCCA employee, and (ii) request and receive regular updates and reports concerning the progress of the investigation and the information obtained by the Investigator. The CEO may request and receive regular updates and reports concerning the progress of the investigation and the information obtained by the Investigator.

c. PCCA employees and Port Commissioners shall cooperate fully with any investigation hereunder and provide truthful information, written statements, documents, and related materials upon the request of the Investigator. Any Port Commissioner or PCCA employee who fails to cooperate fully with any investigation hereunder is subject to disciplinary action.

d. Unless authorized by the Investigator, or as otherwise provided by law, no Port Commissioner or PCCA employee may disclose to any person other than the Investigator the substance of any communication (whether verbal, electronic, or in writing) to or from the Investigator relating to the investigation.

5. Interference by PCCA Employees or Port Commissioners.

a. Except as provided in Section C(4)(a) or (b) above, no Port Commissioner or PCCA employee may request and/or obtain verbal or written statements or reports pertaining to the subject matter of any alleged Misconduct investigation from any person alleged to be involved with the investigation as a Whistleblower, respondent, or witness, until such investigation is disposed of as

provided herein.

b. No Port Commissioner or PCCA employee shall interfere with the investigation of alleged Misconduct.

c. No Port Commissioner or PCCA employee shall retaliate or take any adverse employment action against any person as a result of that person's cooperation with any investigation of alleged Misconduct.

6. Disposition of Criminal Matters.

a. Upon the Investigator's conclusion that Substantial Evidence supports an allegation of Misconduct that would violate state or federal criminal law, the Investigator shall discontinue his or her investigation and deliver a copy of the report of such Misconduct, together with any related documents, to the CEO (or the Port Commission Chairman, only in the event that the CEO is the subject of the report of alleged Misconduct).

b. If the CEO (or the Port Commission Chairman, only in the event that the CEO is the subject of the report of alleged Misconduct) does not concur with the Investigator's assessment, the CEO (or the Port Commission Chairman, only in the event that the CEO is the subject of the report of alleged Misconduct) shall thereupon deliver such materials provided by the Investigator, in an envelope or other sealed package prominently marked "Confidential Sensitive Information" to the PCCA's legal counsel who shall report on the matter to the Port Commissioners at the next regularly or specially called meeting. If a majority of the PCCA's Commissioners conclude that Substantial Evidence supports of allegation of Misconduct, then the CEO (or the Port Commission Chairman, only in the event that the CEO is the subject of the report of alleged Misconduct) shall thereupon deliver such materials provided by the Investigator, in an envelope or other sealed package prominently marked "Confidential Sensitive Information" to the appropriate criminal law authorities.

c. Notwithstanding the foregoing procedures, if the Investigator, CEO, or Port Commission concludes that a report alleging Misconduct is of such a nature that immediate referral is warranted, such person may refer such matter to criminal law authorities prior to a determination of whether Substantial Evidence supports it. If any such party refers the matter to criminal law authorities, within twenty-four (24) hours thereafter, such party shall notify the others listed above of such referral.

7. Disposition of Non-Criminal Misconduct. If the Investigator determines that Substantial Evidence supports an allegation of Misconduct, but the Misconduct does not violate a state or federal criminal law (or that the violation is of such a *de minimis* nature that it is not reasonably likely to lead to criminal prosecution), the Investigator shall inform the CEO (or the Port Commission Chairman, only in the event that the CEO is the subject of the report of alleged Misconduct). The Investigator may prepare a verbal or written report on the allegation of Misconduct and deliver the report to the CEO.

a. Upon receipt of the Investigator's Report, further action, whether disciplinary, remedial, or otherwise, regarding the alleged Misconduct by a PCCA employee shall be taken at the sole discretion and direction of the CEO (or the Port Commission Chairman, only in the event that the CEO is the subject of the report of alleged Misconduct).

b. If the Investigator's Report contains evidence of alleged Misconduct by the CEO or any person who is not an employee of the PCCA, all further action shall be taken at the sole discretion of the Port Commission.

c. The CEO or the Port Commission Chairman, as applicable, shall send notice of the disposition of a report of alleged Misconduct, describing the nature of any actions taken in response to the Investigator's Report, to the Port Commission Chairman or the CEO, as applicable. Provided doing so serves the objectives of this Whistleblower Policy, the CEO may inform any other PCCA employee regarding the disposition of the report.

8. Conflict with Laws. This Whistleblower Policy does not relieve any Port Commissioner or employee of any duty to comply with state and federal laws, administrative procedures, or other applicable governmental regulations regarding the reporting of legal Misconduct.

9. Penalties for Violation. Violation of this Whistleblower Policy may subject a PCCA employee to disciplinary action up to and including termination of employment.

D. Whistleblower Retaliation Complaints.

1. Filing a Whistleblower Retaliation Complaint. An employee or former employee who believes that the PCCA has taken an adverse personnel action against him or her because of reporting alleged Misconduct under this Whistleblower Policy may file a Complaint under the Whistleblower Act.

2. Anonymity. The procedures governing the anonymity of the Port Commissioner or PCCA employee filing the Complaint shall be identical to those described in Section C(3) above.

3. Determination of Further Action. The procedures governing the determination of whether further action shall be taken in response to a Complaint are identical to those described in Section C(4) above.

4. Investigation. The procedures governing investigation of Complaints shall be identical to those described in Sections C(5) and C(6), above.

5. Referral of Criminal Matters. Although retaliation claims generally do not constitute criminal conduct, the Investigator may, in the course of his investigation, find Substantial Evidence of criminal Misconduct. In that event, the procedures for referring

criminal matters discovered during the investigation shall be identical to those described in Section C(7) above.

6. Disposition of Retaliation Complaints.

a. Upon receipt of the Investigator's Report, further action regarding a PCCA employee, whether disciplinary, remedial, or otherwise, shall be taken at the sole discretion and direction of the CEO.

b. If the Investigator's Report contains evidence that the CEO, or any person who is not an employee of the PCCA, violated the Whistleblower Act, or committed any other Misconduct, all further action shall be taken at the sole discretion of the Port Commission.

c. The CEO or Port Commission, as applicable, may provide any remedy provided for in the Whistleblower Act to an employee whose employment is suspended or terminated or who has been subject to an adverse personnel action in violation of the Whistleblower Act.

d. The CEO or the Port Commission Chairman, as applicable, shall send notice of the disposition of a Complaint, describing the nature of the actions, if any, taken in response to the Investigator's Report, to the Port Commission, as applicable.

## EXHIBIT A

### WHISTLEBLOWER ACT

GOVERNMENT CODE  
TITLE 5. OPEN GOVERNMENT; ETHICS  
SUBTITLE A. OPEN GOVERNMENT  
CHAPTER 554. PROTECTION FOR REPORTING VIOLATIONS OF LAW

Sec. 554.001. DEFINITIONS. In this chapter:

- (1) "Law" means:
  - (A) a state or federal statute;
  - (B) an ordinance of a local governmental entity; or
  - (C) a rule adopted under a statute or ordinance.
- (2) "Local governmental entity" means a political subdivision of the state, including a:
  - (A) county;
  - (B) municipality;
  - (C) public school district; or
  - (D) special-purpose district or authority.
- (3) "Personnel action" means an action that affects a public employee's compensation, promotion, demotion, transfer, work assignment, or performance evaluation.
- (4) "Public employee" means an employee or appointed officer other than an independent contractor who is paid to perform services for a state or local governmental entity.
- (5) "State governmental entity" means:
  - (A) a board, commission, department, office, or other agency in the executive branch of state government, created under the constitution or a statute of the state, including an institution of higher education, as defined by Section 61.003, Education Code;
  - (B) the legislature or a legislative agency; or
  - (C) the Texas Supreme Court, the Texas Court of Criminal Appeals, a court of appeals, a state judicial agency, or the State Bar of Texas.

Sec. 554.002. RETALIATION PROHIBITED FOR REPORTING VIOLATION OF LAW. (a) A state or local governmental entity may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who in good faith reports a violation of law by the employing governmental entity or another public employee to an appropriate law enforcement authority.

(b) In this section, a report is made to an appropriate law enforcement authority if the authority is a part of a state or local governmental entity or of the federal government that the employee in good faith believes is authorized to:

- (1) regulate under or enforce the law alleged to be violated in the report; or
- (2) investigate or prosecute a violation of criminal law.

Sec. 554.003. RELIEF AVAILABLE TO PUBLIC EMPLOYEE. (a) A public employee whose employment is suspended or terminated or who is subjected to an adverse personnel action in violation of Section 554.002 is entitled to sue for:

- (1) injunctive relief;
- (2) actual damages;
- (3) court costs; and
- (4) reasonable attorney fees.

(b) In addition to relief under Subsection (a), a public employee whose employment is suspended or terminated in violation of this chapter is entitled to:

- (1) reinstatement to the employee's former position or an equivalent position;
- (2) compensation for wages lost during the period of suspension or termination; and

(3) reinstatement of fringe benefits and seniority rights lost because of the suspension or termination.

(c) In a suit under this chapter against an employing state or local governmental entity, a public employee may not recover compensatory damages for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses in an amount that exceeds:

(1) \$50,000, if the employing state or local governmental entity has fewer than 101 employees in each of 20 or more calendar weeks in the calendar year in which the suit is filed or in the preceding year;

(2) \$100,000, if the employing state or local governmental entity has more than 100 and fewer than 201 employees in each of 20 or more calendar weeks in the calendar year in which the suit is filed or in the preceding year;

(3) \$200,000, if the employing state or local governmental entity has more than 200 and fewer than 501 employees in each of 20 or more calendar weeks in the calendar year in which the suit is filed or in the preceding year; and

(4) \$250,000, if the employing state or local governmental entity has more than 500 employees in each of 20 or more calendar weeks in the calendar year in which the suit is filed or in the preceding year.

(d) If more than one subdivision of Subsection (c) applies to an employing state or local governmental entity, the amount of monetary damages that may be recovered from the entity in a suit brought under this chapter is governed by the applicable provision that provides the highest damage award.

Sec. 554.0035. WAIVER OF IMMUNITY. A public employee who alleges a violation of this chapter may sue the employing state or local governmental entity for the relief provided by this chapter. Sovereign immunity is waived and abolished to the extent of liability for the relief allowed under this chapter for a violation of this chapter.

Sec. 554.004. BURDEN OF PROOF; PRESUMPTION; AFFIRMATIVE DEFENSE. (a) A public employee who sues under this chapter has the burden of proof, except that if the suspension or termination of, or adverse personnel action against, a public employee occurs not later than the 90th day after the date on which the employee reports a violation of law, the suspension, termination, or adverse personnel action is presumed, subject to rebuttal, to be because the employee made the report.

(b) It is an affirmative defense to a suit under this chapter that the employing state or local governmental entity would have taken the action against the employee that forms the basis of the suit based solely on information, observation, or evidence that is not related to the fact that the employee made a report protected under this chapter of a violation of law.

Sec. 554.005. LIMITATION PERIOD. Except as provided by Section 554.006, a public employee who seeks relief under this chapter must sue not later than the 90th day after the date on which the alleged violation of this chapter:

(1) occurred; or

(2) was discovered by the employee through reasonable diligence.

Sec. 554.006. USE OF GRIEVANCE OR APPEAL PROCEDURES. (a) A public employee must initiate action under the grievance or appeal procedures of the employing state or local governmental entity relating to suspension or termination of employment or adverse personnel action before suing under this chapter.

(b) The employee must invoke the applicable grievance or appeal procedures not later than the 90th day after the date on which the alleged violation of this chapter:

(1) occurred; or

(2) was discovered by the employee through reasonable diligence.

(c) Time used by the employee in acting under the grievance or appeal procedures is excluded, except as provided by Subsection (d), from the period established by Section 554.005.

(d) If a final decision is not rendered before the 61st day after the date procedures are initiated under Subsection (a), the employee may elect to:

(1) exhaust the applicable procedures under Subsection (a), in which event the employee must sue not later than the 30th day after the date those procedures are exhausted to obtain relief under this chapter; or

(2) terminate procedures under Subsection (a), in which event the employee must sue within the time remaining under Section 554.005 to obtain relief under this chapter.

Sec. 554.007. WHERE SUIT BROUGHT. (a) A public employee of a state governmental entity may sue under this chapter in a district court of the county in which the cause of action arises or in a district court of Travis County.

(b) A public employee of a local governmental entity may sue under this chapter in a district court of the county in which the cause of action arises or in a district court of any county in the same geographic area that has established with the county in which the cause of action arises a council of governments or other regional commission under Chapter 391, Local Government Code.

Sec. 554.008. CIVIL PENALTY. (a) A supervisor who in violation of this chapter suspends or terminates the employment of a public employee or takes an adverse personnel action against the employee is liable for a civil penalty not to exceed \$15,000.

(b) The attorney general or appropriate prosecuting attorney may sue to collect a civil penalty under this section.

(c) A civil penalty collected under this section shall be deposited in the state treasury.

(d) A civil penalty assessed under this section shall be paid by the supervisor and may not be paid by the employing governmental entity.

(e) The personal liability of a supervisor or other individual under this chapter is limited to the civil penalty that may be assessed under this section.

Sec. 554.009. NOTICE TO EMPLOYEES. (a) A state or local governmental entity shall inform its employees of their rights under this chapter by posting a sign in a prominent location in the workplace.

(b) The attorney general shall prescribe the design and content of the sign required by this section.

Sec. 554.010. AUDIT OF STATE GOVERNMENTAL ENTITY AFTER SUIT. (a) At the conclusion of a suit that is brought under this chapter against a state governmental entity subject to audit under Section 321.013 and in which the entity is required to pay \$10,000 or more under the terms of a settlement agreement or final judgment, the attorney general shall provide to the state auditor's office a brief memorandum describing the facts and disposition of the suit.

(b) Not later than the 90th day after the date on which the state auditor's office receives the memorandum required by Subsection (a), the auditor may audit or investigate the state governmental entity to determine any changes necessary to correct the problems that gave rise to the whistleblower suit and shall recommend such changes to the Legislative Audit Committee, the Legislative Budget Board, and the governing board or chief executive officer of the entity involved. In conducting the audit or investigation, the auditor shall have access to all records pertaining to the suit.

## COMMUNITY FEEDBACK FORM AND HOTLINE

The following information and feedback form shall be posted on PCCA's website:

### **Comments, Compliments, Suggestions or Complaints**

Thank you for providing your feedback to the Port of Corpus Christi Authority ("PCCA"). Public input is important and helpful for our organization to be a better member of the community and in support of those communities located near port facilities.

Please submit any comments, compliments, suggestions, or complaints in the feedback form below or you may provide us with that information by calling our Community Information Line at 361-885-XXXX. (TBD)

You may also call the Community Information Line, anonymously or not anonymously, to report alleged fraud, waste, environmental concerns, abuse, and/or any alleged wrongdoing related to PCCA's ethics policies and/or related to any other complaints about PCCA, the Port Commission, any Port Commissioner, and/or PCCA employees.

If you are filing a complaint, please provide us with specific details, including the date and time of any particular incidents, sights, sounds and smells, so we can best investigate and resolve the issue.

Once a complaint is received, PCCA will:

- Promptly assess the information provided; and
- Make every reasonable effort to investigate and take possible action to resolve your complaint.

Please include your contact information when providing feedback, so we can provide you follow-up information. If you would prefer to remain anonymous, you can do that too -- but we will not be able to provide you with any follow-up information.

Thank you again for providing your feedback.

### FEEDBACK/COMPLAINT FORM

Name:

Email:

Phone:

Comment or complaint:

**Appendix E- Copy of Purchase Order**

**PORT OF CORPUS CHRISTI AUTHORITY OF NUECES COUNTY, TEXAS**

P.O. Box 1541 (78403) 222 Power St. (78401) Corpus Christi, Texas

TEL: 361-882-5633 FAX: 361-881-5167



**Purchase Order**

TX Commission on Environmental Quality ( 99354 )  
P.O. Box 13089  
Austin TX 78711-3089

NO - 106132 - 000 OP  
Page - 1  
Date - 12/02/19

SHIP

Port of Corpus Christi Authority

Ordered - 12/02/19  
Requested Delivery Date- 12/02/19  
Requester - Cavazos, Leslye L.

FOB - Port of Corpus Christi  
Terms - NET 30 DAYS  
lcavazos@poccca.com

. Original .

Description / Supplier Item	Ordered	UM	Unit Cost	UM	Extension	Order No	Ty
Water Right Permit		EA	.0000	EA	6,039.10	00031483	OR 390410.5271.195
Application No. 13630							C 17711A
CN 600885248 RN110844933 proposed Desalination Plant La Quinta Property							

Total Order 6,039.10

**NOTICE TO VENDORS:** If you (VENDOR) contract with or seek to contract with the Port of Corpus Christi Authority (POCCA) for the sale or purchase of property, goods, or services, or if you are an agent (AGENT) for a Vendor, you must file a completed FORM CIQ with POCCA's Records Administrator in accordance with Chapter 176 of the Texas Local Government Code and Subchapter P of Chapter 60 of the Texas Water Code. Both of these laws require a VENDOR or AGENT to disclose affiliation or business relationships that might cause a conflict of interest.

If you are required to file FORM CIQ with POCCA's Records Administrator but fail to do so, this contract is voidable.

FORM CIQ consists of 2 pages and an informational addendum, and it can be obtained at the following web address: [www.portofcc.com/procurement/forms](http://www.portofcc.com/procurement/forms)

**TERMS ON REVERSE:** Seller agrees to furnish the goods or services described herein in accordance with the terms hereof, including those provisions printed on the reverse hereof. **INVOICES** must be submitted in duplicate to the address printed above. Purchase Order Number shown above must appear on invoices, packages, bills of lading and packing slips. Purchaser is a governmental body, a subdivision of the State of Texas, and is not subject to Federal or State taxes.

Port of Corpus Christi  
Authority of Nueces County, Texas (Buyer):

*Kent G. Sutton*  
Vendor Copy

## Sarah Henderson

---

**From:** Sarah Henderson  
**Sent:** Tuesday, November 26, 2019 3:00 PM  
**To:** [REDACTED]  
**Subject:** POCCA Water Use Permit Application No. 13630  
**Attachments:** POCCA\_13630\_App.pdf

Hi Yvonne,

For your records, I have attached a copy of the referenced application that was submitted. The signature page can be found on page 10 of the attachment.

Is this what you needed or do you need a blank signature page?

Sincerely,

Sarah

Sarah Henderson  
Water Rights Permitting Team  
Water Availability Division  
Texas Commission on Environmental Quality  
P.O. Box 13087/MC-160  
Austin, TX 78711-3087  
(P) 512.239.2535  
(F) 512.239.4770

## Sarah Henderson

---

**From:** Dives-Gomez, Yvonne <[REDACTED]>  
**Sent:** Monday, November 4, 2019 5:40 PM  
**To:** Sarah Henderson; Garza, Sarah  
**Subject:** RE: POCCA Water Use Permit Application No. 13630

Thank you Sarah,

We will be in touch with you should we have any questions.

Regards,  
Yvonne



Yvonne Dives-Gomez  
*Permitting Specialist*  
**Port of Corpus Christi**  
w: (361) 885-6606 c: (361) 960-5157  
w: [portofcc.com](http://portofcc.com) e: [REDACTED]



**STOP** - Before you print this email, please consider the environment.



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**From:** Sarah Henderson [mailto:sarah.henderson@tceq.texas.gov]  
**Sent:** Monday, November 04, 2019 5:37 PM  
**To:** Garza, Sarah <[REDACTED]>  
**Cc:** Dives-Gomez, Yvonne <[REDACTED]>  
**Subject:** POCCA Water Use Permit Application No. 13630

Ms. Garza,  
The attached request for information letter has been sent to you via certified mail.  
A response is due December 4, 2019.  
Feel free to contact me with any questions.  
Sincerely,  
Sarah

Sarah Henderson  
Water Rights Permitting Team  
Water Availability Division  
Texas Commission on Environmental Quality  
P.O. Box 13087/MC-160  
Austin, TX 78711-3087  
(P) 512.239.2535  
(F) 512.239.4770

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 4, 2019

Ms. Sarah L. Garza  
Port of Corpus Christi Authority of Nueces County  
PO Box 1541  
Corpus Christi, Texas 78403

**CERTIFIED MAIL**

RE: Port of Corpus Christi Authority of Nueces County  
WRPERM 13630  
CN600885248, RN110844933  
Application No. 13630 for a Water Use Permit  
Texas Water Code § 11.121, Requiring Limited Mailed Notice  
Corpus Christi Bay, San Antonio-Nueces Coastal Basin  
San Patricio County

Dear Ms. Garza:

This acknowledges receipt, on September 3, 2019, of the referenced application.

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

1. Confirm that the diversion point is located on Corpus Christi Bay.
2. Verify the maximum volume of water in acre-feet and maximum diversion rate requested in the application. Staff's calculations indicate that 90.4 million gallons per day (mgd) is equivalent to 101,068 acre-feet per year, which equates to a diversion rate of 62,792 gallons per minute.
3. Provide additional information on how this application is consistent with the Region N Water Plan. Staff notes that the application currently identifies a need for 30 mgd in the Region N Plan; however, the application requests an appropriation of approximately 90 mgd. Additionally, it appears that the Region N Plan indicates that the identified needs will be met by other entities. Note that in lieu of pursuing an amendment to the Regional Water Plan to include the project, you may also obtain a letter from the Region N Planning Group stating that the project is not inconsistent with the plan and will not affect any Water Management Strategies in the plan.
4. Provide additional information concerning the submitted water conservation plan for industrial use to comply with Title 30 Texas Administrative Code (TAC) § 288.3.
  - a. Provide specific, quantified five-year and ten-year targets for water savings and the basis for development of such goals for your facility (TCEQ-10213, page 4).
  - b. Provide a description of the method(s) and/or devices(s), within an accuracy of, plus or minus 5%, used to measure the amount of water diverted from the supply source in Section II.B.3. of the water conservation plan (TCEQ-10213, page 5).

- c. Provide a description of the leak-detection and repair, and water-loss accounting measures used, or include an explanation of why the requirement is not applicable (TCEQ-10213, page 5).
  - d. Describe the application of state-of-the-art equipment and/or process modifications used to improve water use efficiency or include an explanation of why the requirement is not applicable (TCEQ-10213, page 5).
  - e. Provide data or information that supports the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan, evaluates conservation as an alternative to the proposed appropriation, and evaluates any other feasible alternative to new water development (TCEQ-10213, page 5).
5. Provide written evidence that Sean Strawbridge has authorization to sign the application for the Port of Corpus Christi Authority of Nueces County pursuant to Title 30 TAC § 295.14(5), which states:

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 by-laws, 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.

6. Remit fees in the amount of **\$6,039.10** as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee (10,001 - 250,000 acre-feet)	\$ 1,000.00
Recording Fee	\$ 25.00
Use Fee (Maximum Fee)	\$ 5,000.00
<u>Notice Fee (San Antonio-Nueces Basin)</u>	<u>\$ 14.10</u>
<b>Total Fees</b>	<b>\$ 6,039.10</b>
<b><u>Fees Received</u></b>	<b><u>\$ 0.00</u></b>
<b>Fees Due</b>	<b>\$ 6,039.10 *</b>

\*Pursuant to Title 30 TAC § 295.133(b), the Applicant is only required to submit half of the Use Fees upon filing in order to be considered administratively complete. If the applicant wants to remit the required application fees pursuant to this rule, only \$3,539.10 will be due instead of the above amount. The remaining \$2,500.00 in required Use Fees are then required to be remitted to the TCEQ within 180 days after notice is mailed to the applicant that the permit is granted.

Please provide the requested information and fees by December 4, 2019 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 [sarah.henderson@tceq.texas.gov](mailto:sarah.henderson@tceq.texas.gov) or by telephone at (512) 239-2535.

Sincerely,



Sarah Henderson, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section



# PORTCORPUSCHRISTI

August 29, 2019



Texas Commission on Environmental Quality  
Attn: Bert Galvan  
P.O. Box 13087 (MC160)  
Austin, Texas, 78711

**Subject: TCEQ Water Rights Permitting Application  
Port of Corpus Christi Authority of Nueces County (CN:600885248)  
Please list Regulated Entity - RN Number here also  
Proposed Desalination Plant, La Quinta**

Dear Mr. Galvan,

The Port of Corpus Christi Authority of Nueces County (PCCA) is requesting a Water Rights Permit from the Texas Commission on Environmental Quality for a proposed desalination plant at the above location.

The proposed system will provide up to 30 million gallons per day (MGD) of industrial water through the process of desalination. The proposed facility will have a seawater Design Intake Flow (DIF) of 90.4 MGD from the Corpus Christi Bay. This project would provide the Coastal Bend Region with approximately 30 MGD of water for industrial supply use that will support future industrial needs.

The purpose of this project is to provide a sustainable water source that is not dependent on freshwater sources for industry along the Corpus Christi Ship Channel. Please find enclosed a water rights permit application with all required attachments.

If you have questions, please contact me at (361) 885-6163 or by email at [REDACTED]

Sincerely,

Sarah Garza  
Director of Environmental  
Planning & Compliance

Enclosure

cc: Sean Strawbridge  
Clark Roberson  
Yvonne Dives-Gomez



**Texas Commission on Environmental Quality  
TCEQ Water Rights Permitting Application  
Port of Corpus Christi Authority of Nueces County  
Proposed Desalination Plant  
La Quinta**

**Table of Contents**

**Administrative Report**

Attachments:

1. Written Evidence of Signature Requirements

**Core Data Form**

**Technical Report**

Attachments:

2. Map Showing Project Details
3. Addendum to Worksheet 5.0 Section 1.d.1. Photographs and Maps
4. Addendum to Worksheet 5.0 Section 1.d.2. Design Basis
5. Water Conservation Plan(s)
6. Copy of Check

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

## TCEQ WATER RIGHTS PERMITTING APPLICATION

### ADMINISTRATIVE INFORMATION CHECKLIST

Complete and submit this checklist for each application. See Instructions Page. 5.

APPLICANT(S): Port of Corpus Christi Authority of Nueces County

Indicate whether the following items are included in your application by writing either Y (for yes) or N (for no) next to each item (all items are not required for every application).

Y/N		Y/N	
<u>Y</u>	Administrative Information Report	<u>Y</u>	Worksheet 3.0
<u>N</u>	Additional Co-Applicant Information	<u>N</u>	Additional W.S 3.0 for each Point
<u>N</u>	Additional Co-Applicant Signature Pages	<u>N</u>	Recorded Deeds for Diversion Points
<u>Y</u>	Written Evidence of Signature Authority- Attachment 1	<u>N</u>	Consent For Diversion Access
<u>Y</u>	Technical Information Report	<u>N</u>	Worksheet 4.0
<u>Y</u>	USGS Map (or equivalent) - Attachment 2+3	<u>N</u>	TPDES Permit(s)
<u>Y</u>	Map Showing Project Details - Attachment 2+3	<u>N</u>	WWTP Discharge Data
<u>Y</u>	Original Photographs - Attachment 3	<u>N</u>	24-hour Pump Test
<u>N</u>	Water Availability Analysis	<u>N</u>	Groundwater Well Permit
<u>Y</u>	Worksheet 1.0	<u>N</u>	Signed Water Supply Contract
<u>N</u>	Recorded Deeds for Irrigated Land	<u>N</u>	Worksheet 4.1
<u>N</u>	Consent For Irrigation Land	<u>Y</u>	Worksheet 5.0
<u>N</u>	Worksheet 1.1	<u>Y</u>	Addendum to Worksheet 5.0 - Attachment 3+4
<u>N</u>	Addendum to Worksheet 1.1	<u>Y</u>	Worksheet 6.0
<u>N</u>	Worksheet 1.2	<u>Y</u>	Water Conservation Plan(s) - Attachment 5
<u>N</u>	Addendum to Worksheet 1.2	<u>N</u>	Drought Contingency Plan(s)
<u>N</u>	Worksheet 2.0	<u>N</u>	Documentation of Adoption
<u>N</u>	Additional W.S 2.0 for Each Reservoir	<u>N</u>	Worksheet 7.0
<u>N</u>	Dam Safety Documents	<u>N</u>	Accounting Plan
<u>N</u>	Notice(s) to Governing Bodies	<u>Y</u>	Worksheet 8.0
<u>N</u>	Recorded Deeds for Inundated Land	<u>Y</u>	Fees - Attachment 6
<u>N</u>	Consent For Inundation Land		

**For Commission Use Only:**

Proposed/Current Water Right Number: \_\_\_\_\_

Basin: \_\_\_\_\_ Watermaster area Y/N: \_\_\_\_\_

# ADMINISTRATIVE INFORMATION REPORT

The following information is required for all new applications and amendments.

**\*\*\*Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Staff to discuss Applicant's needs prior to submitting an application. Call the Water Rights Permitting Team to schedule a meeting at (512) 239-4691.**

## 1. TYPE OF APPLICATION (Instructions, Page. 6)

Indicate, by marking X, next to the following authorizations you are seeking.

- New Appropriation of State Water
- Amendment to a Water Right \*
- Bed and Banks

*\*If you are seeking an amendment to an existing water rights authorization, you must be the owner of record of the authorization. If the name of the Applicant in Section 2, does not match the name of the current owner(s) of record for the permit or certificate or if any of the co-owners is not included as an applicant in this amendment request, your application could be returned. If you or a co-applicant are a new owner, but ownership is not reflected in the records of the TCEQ, submit a change of ownership request (Form TCEQ-10204) prior to submitting the application for an amendment. See Instructions page. 6. Please note that an amendment application may be returned, and the Applicant may resubmit once the change of ownership is complete.*

Please summarize the authorizations or amendments you are seeking in the space below or attach a narrative description entitled "Summary of Request."

The Port of Corpus Christi of Nueces County is seeking water rights to supply the process water for a 90.4 million gallon per day (mgd) desalination plant located in Corpus Christi, TX in San Patricio County.

2. APPLICANT INFORMATION (Instructions, Page. 6 )

a. Applicant

Indicate the number of Applicants/Co-Applicants 1  
(Include a copy of this section for each Co-Applicant, if any)

What is the Full Legal Name of the individual or entity (applicant) applying for this permit?

Port of Corpus Christi Authority Of Nueces County

(If the Applicant is an entity, the legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal documents forming the entity.)

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?  
You may search for your CN on the TCEQ website at

<http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

CN : 600885248 ( leave blank if you do not yet have a CN).

What is the name and title of the person or persons signing the application? Unless an application is signed by an individual applicant, the person or persons must submit written evidence that they meet the signatory requirements in 30 TAC § 295.14.

First/Last Name: Sean Strawbridge

Title: Chief Executive Officer

Have you provided written evidence meeting the signatory requirements in 30 TAC § 295.14, as an attachment to this application?

What is the applicant's mailing address as recognized by the US Postal Service (USPS)? You may verify the address on the USPS website at

<https://tools.usps.com/go/ZipLookupAction!input.action>.

Name: Port of Corpus Christi Authority of Nueces County

Mailing Address: P.O. Box 1541

City: Corpus Christi

State: Texas

ZIP Code: 78403

Indicate an X next to the type of Applicant:

- Individual
- Partnership
- Trust
- Federal Government
- County Government
- Other Government
- Sole Proprietorship-D.B.A.
- Corporation
- Estate
- State Government
- City Government
- Other \_\_\_\_\_

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: N/A SOS Charter (filing) Number: N/A

### 3. APPLICATION CONTACT INFORMATION (Instructions, Page. 9)

If the TCEQ needs additional information during the review of the application, who should be contacted? Applicant may submit their own contact information if Applicant wishes to be the point of contact.

First and Last Name: Sarah L. Garza

Title: Dir. Env. Planning & Comp.

Organization Name: Port of Corpus Christi Auth.

Mailing Address: P.O. Box 1541

City: Corpus Christi State: Texas ZIP Code: 78403

Phone No.: 361-885-6163 Extension: N/A

Fax No.: 361-881-5161 E-mail Address: [REDACTED]

#### 4. WATER RIGHT CONSOLIDATED CONTACT INFORMATION (Instructions, Page. 9)

This section applies only if there are multiple Owners of the same authorization. Unless otherwise requested, Co-Owners will each receive future correspondence from the Commission regarding this water right (after a permit has been issued), such as notices and water use reports. Multiple copies will be sent to the same address if Co-Owners share the same address. Complete this section if there will be multiple owners and all owners agree to let one owner receive correspondence from the Commission. Leave this section blank if you would like all future notices to be sent to the address of each of the applicants listed in section 2 above.

I/We authorize all future notices be received on my/our behalf at the following:

First and Last Name: N/A

Title: N/A

Organization Name: N/A

Mailing Address: N/A

City: N/A

State: N/A

ZIP Code: N/A

Phone No.: N/A

Extension: N/A

Fax No.: N/A

E-mail Address: N/A

**5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)**

a. The application will not be processed unless 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 by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4691, prior to submitting your application.

1. Does Applicant or Co-Applicant owe any fees to the TCEQ? **Yes / No No**

If yes, provide the following information:

Account number: **N/A**

Amount past due: **N/A**

2. Does Applicant or Co-Applicant owe any penalties to the TCEQ? **Yes / No No**

If yes, please provide the following information:

Enforcement order number: **N/A**

Amount past due: **N/A**

b. If the Applicant is a taxable entity (corporation or limited partnership), the Applicant must be in good standing with the Comptroller or the right of the entity to transact business in the State may be forfeited. See Texas Tax Code, Subchapter F. Applicant's may check their status with the Comptroller at <https://mycpa.cpa.state.tx.us/coa/>

Is the Applicant or Co-Applicant in good standing with the Comptroller? **Yes / No Yes**

c. The commission will not grant an application for a water right unless the applicant has submitted all Texas Water Development Board (TWDB) surveys of groundwater and surface water use - if required. See TWC §16.012(m) and 30 TAC § 297.41(a)(5).

Applicant has submitted all required TWDB surveys of groundwater and surface water? **Yes / No N**

**ATTACHMENT 1**

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Written Evidence of Signature Authority



6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Sean Strawbridge  
(Typed or printed name)

Chief Executive Officer  
(Title)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

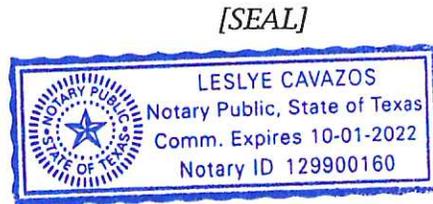
Attachment 1 - Signatory Requirements Evidence

I further certify that I am authorized under Title 30 Texas Administrative Code §295.14 to sign and submit this document and I have submitted written evidence of my signature authority.

Signature: [Handwritten Signature] Date: 8-28-19  
(Use blue ink)

Subscribed and Sworn to before me by the said Sean Strawbridge  
on this 28th day of August, 2019.  
My commission expires on the 7th day of October, 2022.

[Handwritten Signature]  
Notary Public  
Nueces  
County, Texas



*If the Application includes Co-Applicants, each Applicant and Co-Applicant must submit an original, separate signature page*



# TCEQ Core Data Form

TCEQ Use Only

For detailed instructions regarding completion of this form, please read the Core Data Form Instructions or call 512-239-5175.

## SECTION I: General Information

1. Reason for Submission (If other is checked please describe in space provided.)		
<input checked="" type="checkbox"/> New Permit, Registration or Authorization (Core Data Form should be submitted with the program application.)		
<input type="checkbox"/> Renewal (Core Data Form should be submitted with the renewal form)	<input type="checkbox"/> Other	
2. Customer Reference Number (if issued)	Follow this link to search for CN or RN numbers in <a href="#">Central Registry**</a>	3. Regulated Entity Reference Number (if issued)
CN 600885248		RN 102887460

## SECTION II: Customer Information

4. General Customer Information	5. Effective Date for Customer Information Updates (mm/dd/yyyy)	4/13/2018	
<input type="checkbox"/> New Customer <input checked="" type="checkbox"/> Update to Customer Information <input type="checkbox"/> Change in Regulated Entity Ownership <input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)			
<b>The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).</b>			
6. Customer Legal Name (If an individual, print last name first: e.g.: Doe, John)		If new Customer, enter previous Customer below:	
Port Of Corpus Christi Authority Of Nueces County			
7. TX SOS/CPA Filing Number	8. TX State Tax ID (11 digits)	9. Federal Tax ID (9 digits)	10. DUNS Number (if applicable)
NA	74-6000609		063069835
11. Type of Customer:	<input type="checkbox"/> Corporation	<input type="checkbox"/> Individual	Partnership: <input type="checkbox"/> General <input type="checkbox"/> Limited
Government: <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Federal <input type="checkbox"/> State	<input checked="" type="checkbox"/> Other	<input type="checkbox"/> Sole Proprietorship	<input type="checkbox"/> Other:
12. Number of Employees		13. Independently Owned and Operated?	
<input type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input checked="" type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input type="checkbox"/> 501 and higher		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
14. Customer Role (Proposed or Actual) - as it relates to the Regulated Entity listed on this form. Please check one of the following:			
<input type="checkbox"/> Owner <input type="checkbox"/> Operator <input checked="" type="checkbox"/> Owner & Operator <input type="checkbox"/> Occupational Licensee <input type="checkbox"/> Responsible Party <input type="checkbox"/> Voluntary Cleanup Applicant <input type="checkbox"/> Other:			
15. Mailing Address:	P.O. Box 1541		
	City	Corpus Christi	State TX ZIP 78403 ZIP + 4
16. Country Mailing Information (if outside USA)		17. E-Mail Address (if applicable)	
		sarah@pocca.com	
18. Telephone Number	19. Extension or Code	20. Fax Number (if applicable)	
( 361 ) 885 - 6163		( ) -	

## SECTION III: Regulated Entity Information

21. General Regulated Entity Information (If "New Regulated Entity" is selected below this form should be accompanied by a permit application)	
<input type="checkbox"/> New Regulated Entity <input type="checkbox"/> Update to Regulated Entity Name <input checked="" type="checkbox"/> Update to Regulated Entity Information	
<b>The Regulated Entity Name submitted may be updated in order to meet TCEQ Agency Data Standards (removal of organizational endings such as Inc, LP, or LLC).</b>	
22. Regulated Entity Name (Enter name of the site where the regulated action is taking place.)	
La Quinta Property	

23. Street Address of the Regulated Entity: (No PO Boxes)						
	City		State		ZIP	ZIP + 4
24. County						

Enter Physical Location Description if no street address is provided.

25. Description to Physical Location:	South of SH 181 and 361 on the north shore of Corpus Christi Bay between Portland, TX and Sherwin Alumina Co.				
26. Nearest City	Portland		State	TX	
			Nearest ZIP Code	78374	
27. Latitude (N) In Decimal:	27.883189		28. Longitude (W) In Decimal:	97.277647	
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds
27	52	59.48	- 97	27	76.47
29. Primary SIC Code (4 digits)	30. Secondary SIC Code (4 digits)	31. Primary NAICS Code (5 or 6 digits)		32. Secondary NAICS Code (5 or 6 digits)	
4491					

33. What is the Primary Business of this entity? (Do not repeat the SIC or NAICS description.)  
Loading and Unloading Cargo from and to Vessels, Rail, and Trucks.

34. Mailing Address:	P.O. Box 1541				
	City	Corpus Christi	State	TX	ZIP
				78403	ZIP + 4

35. E-Mail Address:	sarah@pocca.com				
36. Telephone Number	37. Extension or Code		38. Fax Number (if applicable)		
( 361 ) 885 - 6163			( 361 ) 881 - 5161		

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.

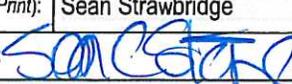
<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Emissions Inventory Air	<input type="checkbox"/> Industrial Hazardous Waste
<input type="checkbox"/> Municipal Solid Waste	<input type="checkbox"/> New Source Review Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS
<input type="checkbox"/> Sludge	<input type="checkbox"/> Storm Water	<input type="checkbox"/> Title V Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil
<input type="checkbox"/> Voluntary Cleanup	<input type="checkbox"/> Waste Water	<input type="checkbox"/> Wastewater Agriculture	<input checked="" type="checkbox"/> Water Rights	<input type="checkbox"/> Other:
New Permit Application				

**SECTION IV: Preparer Information**

40. Name:	Sarah Garza		41. Title:	Director Environmental Planning
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address	
( 361 ) 885 - 6163		( 361 ) 881 - 5161	sarah@pocca.com	

**SECTION V: Authorized Signature**

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 6 and/or as required for the updates to the ID numbers identified in field 39.

Company:	Port Of Corpus Christi Authority Of Nueces County	Job Title:	Executive Director
Name(In Print):	Sean Strawbridge	Phone:	(361) 882-5633
Signature:		Date:	8-28-19

## TECHNICAL INFORMATION REPORT WATER RIGHTS PERMITTING

This Report is required for applications for new or amended water rights. Based on the Applicant's responses below, Applicants are directed to submit additional Worksheets (provided herein). A completed Administrative Information Report is also required for each application.

*Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please call Water Availability Division at (512) 239-4691 to schedule a meeting.* Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y / N **N** (If yes, date : \_\_\_\_\_).

### **I. New or Additional Appropriations of State Water. Texas Water Code (TWC) § 11.121 (Instructions, Page. 12)**

**State Water is:** *The water of the ordinary flow, underflow, and tides of every flowing river, natural stream, and lake, and of every bay or arm of the Gulf of Mexico, and the storm water, floodwater, and rainwater of every river, natural stream, canyon, ravine, depression, and watershed in the state. TWC § 11.021.*

- a. Applicant requests a new appropriation (diversion or impoundment) of State Water? Y / N **Y**
- b. Applicant requests an amendment to an existing water right requesting an increase in the appropriation of State Water or an increase of the overall or maximum combined diversion rate? Y / N **N** (If yes, indicate the Certificate or Permit number: N/A)

*If Applicant answered yes to (a) or (b) above, does Applicant also wish to be considered for a term permit pursuant to TWC § 11.1381?* **N** Y / N

- c. Applicant requests to extend an existing Term authorization or to make the right permanent? Y / N **N** (If yes, indicate the Term Certificate or Permit number: N/A)

*If Applicant answered yes to (a), (b) or (c), the following worksheets and documents are required:*

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir requested in the application)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for each diversion point and/or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach requested in the application)
- **Worksheet 5.0 – Environmental Information Worksheet**
- **Worksheet 6.0 – Water Conservation Information Worksheet**
- **Worksheet 7.0 – Accounting Plan Information Worksheet**
- **Worksheet 8.0 – Calculation of Fees**
- **Fees calculated on Worksheet 8.0 – see instructions Page. 34.**
- **Maps – See instructions Page. 15.**
- **Photographs - See instructions Page. 30.**

*Additionally, if Applicant wishes to submit an alternate source of water for the project/authorization, see Section 3, Page 3 for Bed and Banks Authorizations (Alternate sources may include groundwater, imported water, contract water or other sources).*

**Additional Documents and Worksheets may be required (see within).**

**2. Amendments to Water Rights. TWC § 11.122 (Instructions, Page. 12)**

This section should be completed if Applicant owns an existing water right and Applicant requests to amend the water right. *If Applicant is not currently the Owner of Record in the TCEQ Records, Applicant must submit a Change of Ownership Application (TCEQ-10204) prior to submitting the amendment Application or provide consent from the current owner to make the requested amendment.* See instructions page. 6.

Water Right (Certificate or Permit) number you are requesting to amend: N/A

Applicant requests to sever and combine existing water rights from one or more Permits or Certificates into another Permit or Certificate? Y / N **N** (if yes, complete chart below):

List of water rights to sever	Combine into this ONE water right
N/A	N/A

- a. Applicant requests an amendment to an existing water right to increase the amount of the appropriation of State Water (diversion and/or impoundment)? Y / N **N**

*If yes, application is a new appropriation for the increased amount, complete Section 1 of this Report (PAGE. 1) regarding New or Additional Appropriations of State Water.*

- b. Applicant requests to amend existing Term authorization to extend the term or make the water right permanent (remove conditions restricting water right to a term of years)? Y / N **N**

*If yes, application is a new appropriation for the entire amount, complete Section 1 of this Report (PAGE. 1) regarding New or Additional Appropriations of State Water.*

- c. Applicant requests an amendment to change the purpose or place of use or to add an additional purpose or place of use to an existing Permit or Certificate? Y / N **N**

*If yes, submit:*

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 1.2 - Notice: “Marshall Criteria”**

- d. Applicant requests to change: diversion point(s); or reach(es); or diversion rate? Y / N **N**

*If yes, submit: Worksheet 3.0 - Diversion Point Information Worksheet (submit one worksheet for each diversion point or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach)*

- e. Applicant requests amendment to add or modify an impoundment, reservoir, or dam? Y / N **N**

*If yes, submit: Worksheet 2.0 - Impoundment/Dam Information Worksheet (submit one worksheet for each impoundment or reservoir)*

- f. Other - Applicant requests to change any provision of an authorization not mentioned above? Y / N **N** *If yes, call the Water Availability Division at (512) 239-4691 to discuss.*

**Additionally, all amendments require:**

- **Worksheet 8.0 – Calculation of Fees; and Fees calculated – see instructions Page.34**
- **Maps – See instructions Page. 15.**
- **Additional Documents and Worksheets may be required (see within).**

### 3. Bed and Banks. TWC § 11.042 (Instructions, Page 13)

- a. Pursuant to contract, Applicant requests authorization to convey, stored or conserved water to the place of use or diversion point of purchaser(s) using the bed and banks of a watercourse? TWC § 11.042(a). Y/N **N**

*If yes, submit a signed copy of the Water Supply Contract pursuant to 30 TAC §§ 295.101 and 297.101. Further, if the underlying Permit or Authorization upon which the Contract is based does not authorize Purchaser's requested Quantity, Purpose or Place of Use, or Purchaser's diversion point(s), then either:*

- 1. Purchaser must submit the worksheets required under Section 1 above with the Contract Water identified as an alternate source; or*
- 2. Seller must amend its underlying water right under Section 2.*

- b. Applicant requests to convey water imported into the state from a source located wholly outside the state using the bed and banks of a watercourse? TWC § 11.042(a-1). Y / N **N**

*If yes, submit: worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps and fees from the list below.*

- c. Applicant requests to convey Applicant's own return flows derived from privately owned groundwater using the bed and banks of a watercourse? TWC § 11.042(b). Y / N **N**

*If yes, submit: worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps, and fees from the list below.*

- d. Applicant requests to convey Applicant's own return flows derived from surface water using the bed and banks of a watercourse? TWC § 11.042(c). Y / N **N**

*If yes, submit: worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 6.0, 7.0, 8.0, Maps, and fees from the list below.*

*\*Please note, if Applicant requests the reuse of return flows belonging to others, the Applicant will need to submit the worksheets and documents under Section 1 above, as the application will be treated as a new appropriation subject to termination upon direct or indirect reuse by the return flow discharger/owner.*

- e. Applicant requests to convey water from any other source, other than (a)-(d) above, using the bed and banks of a watercourse? TWC § 11.042(c). Y / N **N**

*If yes, submit: worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps, and fees from the list below.*

*Worksheets and information:*

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir owned by the applicant through which water will be conveyed or diverted)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for the downstream limit of each diversion reach for the proposed conveyances)
- **Worksheet 4.0 – Discharge Information Worksheet** (for each discharge point)
- **Worksheet 5.0 – Environmental Information Worksheet**
- **Worksheet 6.0 – Water Conservation Information Worksheet**
- **Worksheet 7.0 – Accounting Plan Information Worksheet**
- **Worksheet 8.0 – Calculation of Fees; and Fees calculated – see instructions Page. 34**
- **Maps – See instructions Page. 15.**
- **Additional Documents and Worksheets may be required (see within).**

4. **General Information, Response Required for all Water Right Applications (Instructions, Page 15)**

- a. Provide information describing how this application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement (*not required for applications to use groundwater-based return flows*). Include citations or page numbers for the State and Regional Water Plans, if applicable. Provide the information in the space below or submit a supplemental sheet entitled "Addendum Regarding the State and Regional Water Plans":

The site is located within the Region N Planning Group. The application is consistent

---

with the Coastal Bend Regional Water Planning Area Region N Regional Water Plan,

---

dated December 2015. Pages 5-42, 5-44, and 5-50 describe use of a desalination

---

plant approximately 30 mgd as part of a recommended water supply plan

---

to support future manufacturing and power needs.

---

- b. Did the Applicant perform its own Water Availability Analysis? Y / N **N**

*If the Applicant performed its own Water Availability Analysis, provide electronic copies of any modeling files and reports.*

- c. Does the application include required Maps? (Instructions Page. 15) Y / N **Y**

# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

### 1. New Authorizations (Instructions, Page. 16)

Submit the following information regarding quantity, purpose and place of use for requests for new or additional appropriations of State Water or Bed and Banks authorizations:

Quantity (acre- feet) <i>(Include losses for Bed and Banks)</i>	State Water Source (River Basin) or Alternate Source <i>*each alternate source (and new appropriation based on return flows of others) also requires completion of Worksheet 4.0</i>	Purpose(s) of Use	Place(s) of Use <i>*requests to move state water out of basin also require completion of Worksheet 1.1 Interbasin Transfer</i>
102,000	Corpus Christi Bay (Segment 2481)	Industrial	San Patricio County

102,000 Total amount of water (in acre-feet) to be used annually (*include losses for Bed and Banks applications*)

If the Purpose of Use is Agricultural/Irrigation for any amount of water, provide:

1. Location Information Regarding the Lands to be Irrigated

i) Applicant proposes to irrigate a total of \_\_\_\_\_ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of \_\_\_\_\_ acres in \_\_\_\_\_ County, TX.

ii) Location of land to be irrigated: In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_.

***A copy of the deed(s) or other acceptable instrument describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds.***

***If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other documentation supporting Applicant's right to use the land described.***

***Water Rights for Irrigation may be appurtenant to the land irrigated and convey with the land unless reserved in the conveyance. 30 TAC § 297.81.***

**2. Amendments - Purpose or Place of Use (Instructions, Page. 12)**

- a. Complete this section for each requested amendment changing, adding, or removing Purpose(s) or Place(s) of Use, complete the following:

Quantity (acre-feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**

*\*If the request is to add additional purpose(s) of use, include the existing and new purposes of use under "Proposed Purpose(s) of Use."*

*\*\*If the request is to add additional place(s) of use, include the existing and new places of use under "Proposed Place(s) of Use."*

*Changes to the purpose of use in the Rio Grande Basin may require conversion. 30 TAC § 303.43.*

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:
- i) Applicant proposes to irrigate a total of \_\_\_\_\_ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of \_\_\_\_\_ acres in \_\_\_\_\_ County, TX.
  - ii) Location of land to be irrigated: In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_.  
*A copy of the deed(s) describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds. If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other legal right for Applicant to use the land described.*
- Water Rights for Irrigation may be appurtenant to the land irrigated and convey with the land unless reserved in the conveyance. 30 TAC § 297.81.*
- c. Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin.
  - d. See Worksheet 1.2, Marshall Criteria, and submit if required.
  - e. See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required.

# WORKSHEET 1.1

## INTERBASIN TRANSFERS, TWC § 11.085

Submit this worksheet for an application for a new or amended water right which requests to transfer State Water from its river basin of origin to use in a different river basin. A river basin is defined and designated by the Texas Water Development Board by rule pursuant to TWC § 16.051.

Applicant requests to transfer State Water to another river basin within the State? Y / N

### 1. Interbasin Transfer Request (Instructions, Page. 20)

- a. Provide the Basin of Origin. \_\_\_\_\_
- b. Provide the quantity of water to be transferred (acre-feet). \_\_\_\_\_
- c. Provide the Basin(s) and count(y/ies) where use will occur in the space below:  
\_\_\_\_\_

### 2. Exemptions (Instructions, Page. 20), TWC § 11.085(v)

Certain interbasin transfers are exempt from further requirements. Answer the following:

- a. The proposed transfer, which in combination with any existing transfers, totals less than 3,000 acre-feet of water per annum from the same water right. Y/N
- b. The proposed transfer is from a basin to an adjoining coastal basin? Y/N
- c. The proposed transfer from the part of the geographic area of a county or municipality, or the part of the retail service area of a retail public utility as defined by Section 13.002, that is within the basin of origin for use in that part of the geographic area of the county or municipality, or that contiguous part of the retail service area of the utility, not within the basin of origin? Y/N
- d. The proposed transfer is for water that is imported from a source located wholly outside the boundaries of Texas, except water that is imported from a source located in the United Mexican States? Y/N

### 3. Interbasin Transfer Requirements (Instructions, Page. 20)

For each Interbasin Transfer request that is not exempt under any of the exemptions listed above Section 2, provide the following information in a supplemental attachment titled "Addendum to Worksheet 1.1, Interbasin Transfer":

- a. the contract price of the water to be transferred (if applicable) (also include a copy of the contract or adopted rate for contract water);
- b. a statement of each general category of proposed use of the water to be transferred and a detailed description of the proposed uses and users under each category;
- c. the cost of diverting, conveying, distributing, and supplying the water to, and treating the water for, the proposed users (example - expert plans and/or reports documents may be provided to show the cost);

- d. describe the need for the water in the basin of origin and in the proposed receiving basin based on the period for which the water supply is requested, but not to exceed 50 years (the need can be identified in the most recently approved regional water plans. The state and regional water plans are available for download at this website: (<http://www.twdb.texas.gov/waterplanning/swp/index.asp>);
- e. address the factors identified in the applicable most recently approved regional water plans which address the following:
  - (i) the availability of feasible and practicable alternative supplies in the receiving basin to the water proposed for transfer;
  - (ii) the amount and purposes of use in the receiving basin for which water is needed;
  - (iii) proposed methods and efforts by the receiving basin to avoid waste and implement water conservation and drought contingency measures;
  - (iv) proposed methods and efforts by the receiving basin to put the water proposed for transfer to beneficial use;
  - (v) the projected economic impact that is reasonably expected to occur in each basin as a result of the transfer; and
  - (vi) the projected impacts of the proposed transfer that are reasonably expected to occur on existing water rights, instream uses, water quality, aquatic and riparian habitat, and bays and estuaries that must be assessed under Sections 11.147, 11.150, and 11.152 in each basin (*if applicable*). If the water sought to be transferred is currently authorized to be used under an existing permit, certified filing, or certificate of adjudication, such impacts shall only be considered in relation to that portion of the permit, certified filing, or certificate of adjudication proposed for transfer and shall be based on historical uses of the permit, certified filing, or certificate of adjudication for which amendment is sought;
- (f) proposed mitigation or compensation, if any, to the basin of origin by the applicant; and
- (g) the continued need to use the water for the purposes authorized under the existing Permit, Certified Filing, or Certificate of Adjudication, if an amendment to an existing water right is sought.

## WORKSHEET 1.2 NOTICE. "THE MARSHALL CRITERIA"

This worksheet assists the Commission in determining notice required for certain **amendments** that do not already have a specific notice requirement in a rule for that type of amendment, and *that do not change the amount of water to be taken or the diversion rate*. The worksheet provides information that Applicant **is required** to submit for such amendments which include changes in use, changes in place of use, or other non-substantive changes in a water right (such as certain amendments to special conditions or changes to off-channel storage). These criteria address whether the proposed amendment will impact other water right holders or the on-stream environment beyond and irrespective of the fact that the water right can be used to its full authorized amount.

*This worksheet is not required for Applications in the Rio Grande Basin requesting changes in the purpose of use, rate of diversion, point of diversion, and place of use for water rights held in and transferred within and between the mainstems of the Lower Rio Grande, Middle Rio Grande, and Amistad Reservoir. See 30 TAC § 303.42.*

*This worksheet is not required for amendments which are only changing or adding diversion points, or request only a bed and banks authorization or an IBT authorization. However, Applicants may wish to submit the Marshall Criteria to ensure that the administrative record includes information supporting each of these criteria*

### 1. The "Marshall Criteria" (Instructions, Page. 21)

Submit responses on a supplemental attachment titled "Marshall Criteria" in a manner that conforms to the paragraphs (a) - (g) below:

- a. Administrative Requirements and Fees. Confirm whether application meets the administrative requirements for an amendment to a water use permit pursuant to TWC Chapter 11 and Title 30 Texas Administrative Code (TAC) Chapters 281, 295, and 297. An amendment application should include, but is not limited to, a sworn application, maps, completed conservation plan, fees, etc.
- b. Beneficial Use. Discuss how proposed amendment is a beneficial use of the water as defined in TWC § 11.002 and listed in TWC § 11.023. Identify the specific proposed use of the water (e.g., road construction, hydrostatic testing, etc.) for which the amendment is requested.
- c. Public Welfare. Explain how proposed amendment is not detrimental to the public welfare. Consider any public welfare matters that might be relevant to a decision on the application. Examples could include concerns related to the well-being of humans and the environment.
- d. Groundwater Effects. Discuss effects of proposed amendment on groundwater or groundwater recharge.

- e. State Water Plan. Describe how proposed amendment addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement. The state and regional water plans are available for download at:  
<http://www.twdb.texas.gov/waterplanning/swp/index.asp>.
- f. Waste Avoidance. Provide evidence that reasonable diligence will be used to avoid waste and achieve water conservation as defined in TWC § 11.002. Examples of evidence could include, but are not limited to, a water conservation plan or, if required, a drought contingency plan, meeting the requirements of 30 TAC Chapter 288.
- g. Impacts on Water Rights or On-stream Environment. Explain how proposed amendment will not impact other water right holders or the on-stream environment beyond and irrespective of the fact that the water right can be used to its full authorized amount.

## WORKSHEET 2.0 Impoundment/Dam Information

This worksheet is required for any impoundment, reservoir and/or dam. Submit an additional Worksheet 2.0 for each impoundment or reservoir requested in this application.

*If there is more than one structure, the numbering/naming of structures should be consistent throughout the application and on any supplemental documents (e.g. maps).*

### I. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: \_\_\_\_\_
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: \_\_\_\_\_.
- c. The impoundment is on-channel \_\_\_\_\_ or off-channel \_\_\_\_\_ (mark one)
  1. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4691? Y / N
  2. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? Y / N
- d. Is the impoundment structure already constructed? Y / N
  - i. For already constructed **on-channel** structures:
    1. Date of Construction: \_\_\_\_\_
    2. Was it constructed to be an exempt structure under TWC § 11.142? Y / N
      - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N
      - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N
    3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / N
      - a. If yes, provide the Site No. \_\_\_\_\_ and watershed project name \_\_\_\_\_;
      - b. Authorization to close "ports" in the service spillway requested? Y / N
  - ii. For **any** proposed new structures or modifications to structures:
    1. Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application*. Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? Y / N  
Provide the date and the name of the Staff Person \_\_\_\_\_
    2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
      - a. No additional dam safety documents required with the Application. Y / N
      - b. Plans (with engineer's seal) for the structure required. Y / N
      - c. Engineer's signed and sealed hazard classification required. Y / N
      - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. Y / N

3. Applicants **shall** give notice by certified mail to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir to be constructed, will be located. (30 TAC § 295.42). Applicant must submit a copy of all the notices and certified mailing cards with this Application. Notices and cards are included? Y / N

iii. Additional information required for **on-channel** storage:

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level: \_\_\_\_\_.

2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option. Applicant has calculated the drainage area. Y/N  
If yes, the drainage area is \_\_\_\_\_ sq. miles.  
*(If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4691).*

## 2. Structure Location (Instructions, Page. 23)

a. On Watercourse (if on-channel) (USGS name): \_\_\_\_\_

b. Zip Code: \_\_\_\_\_

c. In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_, \_\_\_\_\_ County, Texas.

***\* A copy of the deed(s) with the recording information from the county records must be submitted describing the tract(s) that include the structure and all lands to be inundated.***

***\*\*If the Applicant is not currently the sole owner of the land on which the structure is or will be built and sole owner of all lands to be inundated, Applicant must submit documentation evidencing consent or other documentation supporting Applicant's right to use the land described.***

d. A point on the centerline of the dam (on-channel) or anywhere within the impoundment (off-channel) is:

Latitude \_\_\_\_\_°N, Longitude \_\_\_\_\_°W.

***\*Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***

di. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): \_\_\_\_\_

dii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / N

## WORKSHEET 3.0 DIVERSION POINT (OR DIVERSION REACH) INFORMATION

This worksheet is required for each diversion point or diversion reach. Submit one Worksheet 3.0 for each diversion point and two Worksheets for each diversion reach (one for the upstream limit and one for the downstream limit of each diversion reach).

The numbering of any points or reach limits should be consistent throughout the application and on supplemental documents (e.g. maps).

### 1. Diversion Information (Instructions, Page. 24)

a. This Worksheet is to add new (select 1 of 3 below):

1.  Diversion Point No.
2. \_\_\_\_\_ Upstream Limit of Diversion Reach No.
3. \_\_\_\_\_ Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** \_\_\_\_\_ cfs (cubic feet per second) or 62,778 gpm (gallons per minute)

c. Does this point share a diversion rate with other points? Y / **NN**  
If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches \_\_\_\_\_ cfs or \_\_\_\_\_ gpm

d. For amendments, is Applicant seeking to increase combined diversion rate? Y / N

*\*\* An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water.*

e. Check (✓) the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed):

Check one		Write: Existing or Proposed
	Directly from stream	
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
<b>X</b>	Other method (explain fully, use additional sheets if necessary)	Proposed - Corpus Christi Bay, Segment 2481

f. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. Y / **NN**

If yes, the drainage area is \_\_\_\_\_ sq. miles.

(If assistance is needed, call the Surface Water Availability Team at (512) 239-4691, prior to submitting application)

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Corpus Christi Channel, Segment 2481
- b. Zip Code: \_\_\_\_\_
- c. Location of point: In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_, \_\_\_\_\_ County, Texas.

*A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.*

- d. Point is at:  
Latitude 27.873741°N, Longitude -97.294987°W.  
*Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places*
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Google Earth
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

**Attachment 4 - Basis of Design**

## WORKSHEET 4.0 DISCHARGE INFORMATION

This worksheet required for any requested authorization to discharge water into a State Watercourse for conveyance and later withdrawal or in-place use. Worksheet 4.1 is also required for each Discharge point location requested. **Instructions Page. 26. Applicant is responsible for obtaining any separate water quality authorizations which may be required and for insuring compliance with TWC, Chapter 26 or any other applicable law.**

- a. The purpose of use for the water being discharged will be \_\_\_\_\_.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses \_\_\_\_\_% and explain the method of calculation: \_\_\_\_\_

Is the source of the discharged water return flows? Y / N      If yes, provide the following information:

1. The TPDES Permit Number(s) \_\_\_\_\_ (attach a copy of the **current** TPDES permit(s))
2. Applicant is the owner/holder of each TPDES permit listed above? Y / N

*PLEASE NOTE: If Applicant is not the discharger of the return flows, the application should be submitted under Section 1, New or Additional Appropriation of State Water, as a request for a new appropriation of state water. If Applicant is the discharger, then the application should be submitted under Section 3, Bed and Banks.*

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
  4. The percentage of return flows from groundwater \_\_\_\_\_, surface water \_\_\_\_\_?
  5. If any percentage is surface water, provide the base water right number(s) \_\_\_\_\_.
- c. Is the source of the water being discharged groundwater? Y / N      If yes, provide the following information:
1. Source aquifer(s) from which water will be pumped: \_\_\_\_\_
  2. Any 24 hour pump test for the well if one has been conducted. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See <http://www.twdb.texas.gov/groundwater/data/gwdbbrpt.asp>. Additionally, provide well numbers or identifiers \_\_\_\_\_.
  3. Indicate how the groundwater will be conveyed to the stream or reservoir.
  4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.
- ci. Is the source of the water being discharged a surface water supply contract? Y / N  
If yes, provide the signed contract(s).
- cii. Identify any other source of the water \_\_\_\_\_

## WORKSHEET 4.1 DISCHARGE POINT INFORMATION

This worksheet is required for **each** discharge point. Submit one Worksheet 4.1 for each discharge point. If there is more than one discharge point, the numbering of the points should be consistent throughout the application and on any supplemental documents (e.g. maps).  
**Instructions, Page 27.**

**For water discharged at this location provide:**

- a. The amount of water that will be discharged at this point is \_\_\_\_\_ acre-feet per year. The discharged amount should include the amount needed for use and to compensate for any losses.
- b. Water will be discharged at this point at a maximum rate of \_\_\_\_\_ cfs or \_\_\_\_\_ gpm.
- c. Name of Watercourse as shown on Official USGS maps: \_\_\_\_\_
- d. Zip Code: \_\_\_\_\_
- f. Location of point: In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_, \_\_\_\_\_ County, Texas.
- g. Point is at:  
Latitude \_\_\_\_\_°N, Longitude \_\_\_\_\_°W.  
*\*Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places*
- h. Indicate the method used to calculate the discharge point location (examples: Handheld GPS Device, GIS, Mapping Program): \_\_\_\_\_

**Map submitted must clearly identify each discharge point. See instructions Page. 15.**

## WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

This worksheet is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins. The worksheet is also required in all basins for: requests to change a diversion point, applications using an alternate source of water, and bed and banks applications. **Instructions, Page 28.**

### 1. New Appropriations of Water (Canadian, Red, Sulphur, and Cypress Creek Basins only) and Changes in Diversion Point(s)

Description of the Water Body at each Diversion Point or Dam Location. (Provide an Environmental Information Sheet for each location),

a. Identify the appropriate description of the water body.

Stream

Reservoir

Average depth of the entire water body, in feet: \_\_\_\_\_

Other, specify: Corpus Christi Bay (Segment 2481)

b. Flow characteristics

If a stream, was checked above, provide the following. For new diversion locations, check one of the following that best characterize the area downstream of the diversion (check one).

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

Check the method used to characterize the area downstream of the new diversion location.

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: Area is a Bay. No downstream area.

c. Waterbody aesthetics

Check one of the following that best describes the aesthetics of the stream segments affected by the application and the area surrounding those stream segments.

- Wilderness: outstanding natural beauty; usually wooded or unpastured area; water clarity exceptional
- Natural Area: trees and/or native vegetation common; some development evident (from fields, pastures, dwellings); water clarity discolored
- Common Setting: not offensive; developed but uncluttered; water may be colored or turbid
- Offensive: stream does not enhance aesthetics; cluttered; highly developed; dumping areas; water discolored

d. Waterbody Recreational Uses

Are there any known recreational uses of the stream segments affected by the application?

- Primary contact recreation (swimming or direct contact with water)
- Secondary contact recreation (fishing, canoeing, or limited contact with water)
- Non-contact recreation

Submit the following information in a Supplemental Attachment, labeled Addendum to Worksheet 5.0:

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the map submitted with the application indicating the location of the photograph and the direction of the shot. **Attachment 3**
2. Measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure). **Attachment 4**
3. If the application includes a proposed reservoir, also include:
  - i. A brief description of the area that will be inundated by the reservoir.
  - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.
  - iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

## 2. Alternate Sources of Water and/or Bed and Banks Applications

For all bed and banks applications:

- a. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).

- b. An assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.

If the alternate source is treated return flows, provide the TPDES permit number \_\_\_\_\_

If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:

- a. Reasonably current water chemistry information including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier.

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L					
Chloride, mg/L					
Total Dissolved Solids, mg/L					
pH, standard units					
Temperature*, degrees Celsius					

\* Temperature must be measured onsite at the time the groundwater sample is collected.

- b. If groundwater will be used, provide the depth of the well \_\_\_\_\_ and the name of the aquifer from which water is withdrawn \_\_\_\_\_.

# WORKSHEET 6.0

## Water Conservation/Drought Contingency Plans

This form is intended to assist applicants in determining whether a Water Conservation Plan and/or Drought Contingency Plans is required and to specify the requirements for plans.  
**Instructions, Page 31.**

*The TCEQ has developed guidance and model plans to help applicants prepare plans. Applicants may use the model plan with pertinent information filled in. For assistance submitting a plan call the Resource Protection Team (Water Conservation staff) at 512-239-4691, or e-mail [wras@tceq.texas.gov](mailto:wras@tceq.texas.gov). The model plans can also be downloaded from the TCEQ webpage. Please use the most up-to-date plan documents available on the webpage.*

### 1. Water Conservation Plans

- a. The following applications must include a completed Water Conservation Plan (30 TAC § 295.9) for each use specified in 30 TAC, Chapter 288 (municipal, industrial or mining, agriculture - including irrigation, wholesale):
1. Request for a new appropriation or use of State Water.
  2. Request to amend water right to increase appropriation of State Water.
  3. Request to amend water right to extend a term.
  4. Request to amend water right to change a place of use.  
*\*does not apply to a request to expand irrigation acreage to adjacent tracts.*
  5. Request to amend water right to change the purpose of use.  
*\*applicant need only address new uses.*
  6. Request for bed and banks under TWC § 11.042(c), when the source water is State Water  
*\*including return flows, contract water, or other State Water.*
- b. If Applicant is requesting any authorization in section (1)(a) above, indicate each use for which Applicant is submitting a Water Conservation Plan as an attachment:
1.  Municipal Use. See 30 TAC § 288.2. \*\*
  2.  Industrial or Mining Use. See 30 TAC § 288.3. Attachment 5
  3.  Agricultural Use, including irrigation. See 30 TAC § 288.4.
  4.  Wholesale Water Suppliers. See 30 TAC § 288.5. \*\*

\*\*If Applicant is a water supplier, Applicant must also submit documentation of adoption of the plan. Documentation may include an ordinance, resolution, or tariff, etc. See 30 TAC §§ 288.2(a)(1)(J)(i) and 288.5(1)(H). Applicant has submitted such documentation with each water conservation plan? Y / N N

- c. Water conservation plans submitted with an application must also include data and information which: supports applicant's proposed use with consideration of the plan's water conservation goals; evaluates conservation as an alternative to the proposed

appropriation; and evaluates any other feasible alternative to new water development.  
See 30 TAC § 288.7.  
Applicant has included this information in each applicable plan? Y / N

## 2. Drought Contingency Plans

- a. A drought contingency plan is also required for the following entities if Applicant is requesting any of the authorizations in section (1) (a) above - indicate each that applies:
1. N/A Municipal Uses by public water suppliers. See 30 TAC § 288.20.
  2. N/A Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.
  3. N/A Wholesale Water Suppliers. See 30 TAC § 288.22.
- b. If Applicant must submit a plan under section 2(a) above, Applicant has also submitted documentation of adoption of drought contingency plan (*ordinance, resolution, or tariff, etc. See 30 TAC § 288.30*) Y / N

## WORKSHEET 7.0

### ACCOUNTING PLAN INFORMATION WORKSHEET

The following information provides guidance on when an Accounting Plan may be required for certain applications and if so, what information should be provided. An accounting plan can either be very simple such as keeping records of gage flows, discharges, and diversions; or, more complex depending on the requests in the application. Contact the Surface Water Availability Team at 512-239-4691 for information about accounting plan requirements, if any, for your application. **Instructions, Page 34.**

#### 1. Is Accounting Plan Required

Accounting Plans are generally required:

- For applications that request authorization to divert large amounts of water from a single point where multiple diversion rates, priority dates, and water rights can also divert from that point;
- For applications for new major water supply reservoirs;
- For applications that amend a water right where an accounting plan is already required, if the amendment would require changes to the accounting plan;
- For applications with complex environmental flow requirements;
- For applications with an alternate source of water where the water is conveyed and diverted; and
- For reuse applications.

#### 2. Accounting Plan Requirements

- a. A **text file** that includes:
  1. an introduction explaining the water rights and what they authorize;
  2. an explanation of the fields in the accounting plan spreadsheet including how they are calculated and the source of the data;
  3. for accounting plans that include multiple priority dates and authorizations, a section that discusses how water is accounted for by priority date and which water is subject to a priority call by whom; and
  4. Should provide a summary of all sources of water.
- b. A **spreadsheet** that includes:
  1. Basic daily data such as diversions, deliveries, compliance with any instream flow requirements, return flows discharged and diverted and reservoir content;
  2. Method for accounting for inflows if needed;
  3. Reporting of all water use from all authorizations, both existing and proposed;
  4. An accounting for all sources of water;
  5. An accounting of water by priority date;
  6. For bed and banks applications, the accounting plan must track the discharged water from the point of delivery to the final point of diversion;
  7. Accounting for conveyance losses;
  8. Evaporation losses if the water will be stored in or transported through a reservoir. Include changes in evaporation losses and a method for measuring reservoir content resulting from the discharge of additional water into the reservoir;
  9. An accounting for spills of other water added to the reservoir; and
  10. Calculation of the amount of drawdown resulting from diversion by junior rights or diversions of other water discharged into and then stored in the reservoir.

## WORKSHEET 8.0 CALCULATION OF FEES

This worksheet is for calculating required application fees. Applications are not Administratively Complete until all required fees are received. **Instructions, Page. 34**

### 1. NEW APPROPRIATION

	Description	Amount (\$)
<b>Filing Fee</b>	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under Amount (\$).	<b>\$1,000.00</b>
	<u>In Acre-Feet</u>	
	a. Less than 100	\$100.00
	b. 100 - 5,000	\$250.00
	c. 5,001 - 10,000	\$500.00
	d. 10,001 - 250,000	\$1,000.00
	e. More than 250,000	\$2,000.00
<b>Recording Fee</b>		\$25.00
<b>Agriculture Use Fee</b>	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **	
<b>Use Fee</b>	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x <sup>102,000</sup> _____ Maximum annual diversion of State Water in acre-feet. **	<b>\$50,000.00</b>
<b>Recreational Storage Fee</b>	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
<b>Storage Fee</b>	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	
<b>Mailed Notice</b>	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4691.	
<b>TOTAL</b>		<b>\$ \$51,025.00</b>

### 2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
<b>Filing Fee</b>	Amendment: \$100	
	OR Sever and Combine: \$100 x ___of water rights to combine	
<b>Recording Fee</b>		\$12.50
<b>Mailed Notice</b>	Additional notice fee to be determined once application is submitted.	
<b>TOTAL INCLUDED</b>		<b>\$</b>

### 3. BED AND BANKS

	Description	Amount (\$)
<b>Filing Fee</b>		\$100.00
<b>Recording Fee</b>		\$12.50
<b>Mailed Notice</b>	Additional notice fee to be determined once application is submitted.	
<b>TOTAL INCLUDED</b>		<b>\$</b>

**ATTACHMENT 2**

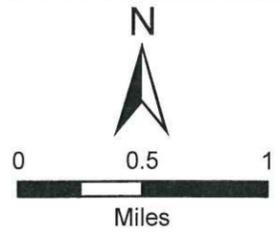
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Map Showing Project Details





- Port of Corpus Christi Land
- Intake Structure



**Project Overview Map**

**La Quinta Terminal**

DATE	MAY 2019
SCALE	1" = 3,750'
PROJECT NO.	6703180030
FIGURE	Attachment 2

DRAWN BY: LY CHECKED BY: JKH

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**ATTACHMENT 3**

Addendum to Worksheet 5.0 Section 1.d.1. Photographs and Maps





**PHOTO 1:**

Photograph facing southeast along the shoreline.



**PHOTO 2:**

Photograph facing south.



**PHOTO 3:**

Photograph facing southwest.



**PHOTO 4:**

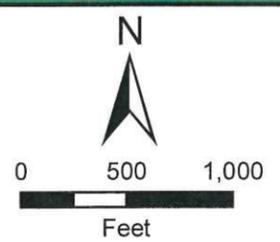
Photograph facing southeast showing a larger portion of the shoreline.



DRAWN BY: LK CHECKED BY: JKH



- Property Boundary
- DredgeBox
- Intake Route



<b>Intake Structures for Proposed Desalination Plant</b>	DATE	MAY 2019
	SCALE	1" = 833'
<b>La Quinta Terminal</b>	PROJECT NO.	6703180030
	FIGURE	Attachment 3 - Map

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**ATTACHMENT 4**

Addendum to Worksheet 5.0 Section 1.d.2. Design Basis



**Basis of Design Report for:**  
**Port of Corpus Christi Industrial Seawater  
Desalination Intake Structure  
La Quinta, Corpus Christi, Texas**

**May 2019**

**Submitted to:  
Port of Corpus Christi Authority of Nueces County**

**Submitted by:  
Wood Environment & Infrastructure Solutions, Inc.  
Houston, TX**



# Table of Contents

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1. Introduction	1
2. Proposed Unit Processes	1
3. Site Selection	1
4. Area of Influence	2
5. Intake Structure	3
6. Fish Protection Standards	3
7. Pump Selection and Strategy	4
8. Controls	4
9. Conclusion	5
10. References	5

# 1. Introduction

The Port of Corpus Christi Authority (POCCA) is developing a project to provide a sustainable supply of industrial water for the Corpus Christi area that is not dependent upon freshwater sources, which can be better utilized for potable water purposes. The proposed system will provide up to 30 million gallons per day (mgd) of industrial water through the process of desalination. The purpose of this project is to develop a Basis of Design (BOD) for the intake structure in sufficient detail to complete the Texas Commission on Environmental Quality (TCEQ) Water Rights Permit Application. The proposed facility will have a seawater Design Intake Flow (DIF) of 90.4 mgd from the Corpus Christi Bay.

The proposed facility will be located in open water in an area owned by POCCA (See **Figures 1 & 2**). The plant intake will consist of seawater pumped through Wedgewire Screen intake structures, shown on **Figure 3**, then through a pair of buried intake pipes using large pumps set in an on shore subsurface vault. Primary screening will utilize the Wedgewire Screens at the intake structure. Secondary screening will remove smaller debris, then the seawater will be pumped to the desalination plant. Wood (formerly Amec Foster Wheeler), on behalf of the POCCA, has already developed and submitted to the TCEQ an Industrial Wastewater Permit Application that fully documents the process to convert seawater to industrial water. That information will not be repeated in this document.

## 2. Proposed Unit Processes

The following unit processes will be utilized in the intake structure:

- Wedgewire screens sized to prevent entrainment and entrapment of small marine life and debris
- Forced pumping from the intake structure to the desalination plant pre-treatment system
- Secondary screening to remove smaller debris prior to pre-treatment
- Intake clarification with chemical coagulation to remove residual algae and suspended solids

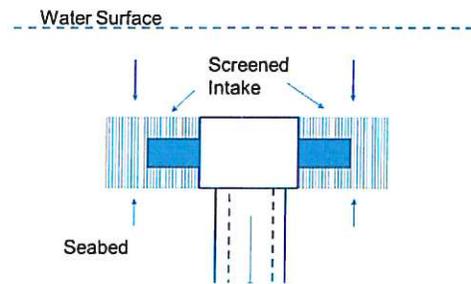


Figure 3: Wedgewire Screen

## 3. Site Selection

POCCA intends to develop the shoreline of the La Quinta site, preventing use of a typical bulkhead based intake structure. An assessment to identify a new intake location resulted in identification of POCCA owned open water to the west of Beneficial Use (BU) Site 6. Advantages of this location are two-fold. The location moves the intake away from dock area industrial discharges, minimizing suspended solids from prop wash and potential unexpected contaminants from local plants. The location is also on the other side of BU Site 6, which will essentially eliminate the potential for recirculation of the brine discharge. The disadvantage is the water depth is approximately 10 feet (ft), therefore, some dredging will be necessary to drop the bathymetry to -20 ft mean lower-low water (MLLW) to allow reasonable space for the large inlet screens.

## 4. Area of Influence

The source water body, the Corpus Christi Bay, is tidal. The Ship Channel and the adjacent BU Site 6 and Dredge Material Placement Area (DMPA) 13 have altered the local hydrodynamic conditions in the area. However, these features have been determined to have an insignificant impact on water flow, exchange, and salinity (HDR, 2012). The adjacent LaQuinta Channel is dredged to a minimum - 40 ft MLLW, ending at a large turning basin between BU Site 6 and the LaQuinta mainland.

Information to characterize the hydrodynamic conditions of this area of Corpus Christi Bay is limited. Some information near the location is provided by Schoenbaechler and Guthrie (2011) and Zhang (2010). Schoenbaechler and Guthrie (2011) documented observation data and hydrodynamic model results for Corpus Christi Bay and the La Quinta Channel near Ingleside. For the Bay area, the typical tidal range is up to approximately 2 ft, although the range is typically less than 1 ft. The mean tidal range at the NOAA Port Aransas Station 8775237 is 0.86 ft. The minimum low water of -1.33 ft was recorded on January 1, 2003. At the La Quinta Channel, near the Ingleside station, which is the nearest La Quinta location, during monitoring periods in May 2000, the observed discharge through the Ship Channel was approximately 10,000 cub ft per second (cfs) with a slight velocity and discharge reversal. Zhang (2010) reported poor model agreement with observations of velocity at the southeastern end of the La Quinta channel. Observed maximum velocities were approximately 0.3 m/sec (1.0 ft/sec).

There is an insignificant salinity stratification in the entrance channel and the entire bay according to Schoenbaechler and Guthrie (2011).

Assuming a dredged bottom providing a uniform 20 ft depth of water over a 200 ft wide (40,000 ft<sup>2</sup>) area, the slack water period area of influence can be estimated by assumption of simple geometry and hydraulics. Based on the DIF of 90.4 mgd (140 cfs) flow through four sets of 20 ft Wedgewire screens on the edge of an 80ft by 80 ft area, and a tidal slack water condition, the approach velocity diminishes to 0.13 ft/sec at a radial distance of approximately 120 ft from the intakes. Due to a return to a 10 ft depth after 200 ft, radial velocities slowly drop off with distance. At 320 ft from the screens, radial flow is 0.11 ft/sec. At 420 ft from the screens, radial flow drops to 0.09 ft/sec.

The peak velocity for the tidal cycle at this location in the Bay is not well established in available reports. Peak representative velocity reported by Zhang (2012) is 1.0 ft/sec, which exceeds the flow rate through the Wedgewire screens.

## 5. Intake Structure

The intake structure will be constructed in an area dredged from -10 to -20 ft MLLW approximately 1,000 ft to the west of BU Site 6 (Figures 1 & 2). Two approximately 4 ft diameter pipelines will be placed underground from the desalination plant to the intake area, the route for which will be finalized as part of the design process. The two pipelines will be buried in the bay at a bottom invert elevation of approximately -20 ft MLLW and will therefore daylight through the edge of the dredged area. Piles will be placed to support each screened intake, which will be approximately 20 ft in length and 5 ft in diameter (See Figure 4). Based on this sizing, screen porosity will need to be 25% to achieve a flow rate less than the desired 0.5 ft/sec through the screen. Since it is expected that greater than 50% porosity will be possible, the sizing will allow one of the two screened intakes per pipeline to be taken out of service for maintenance purposes while still meeting the 0.5 ft/sec goal.

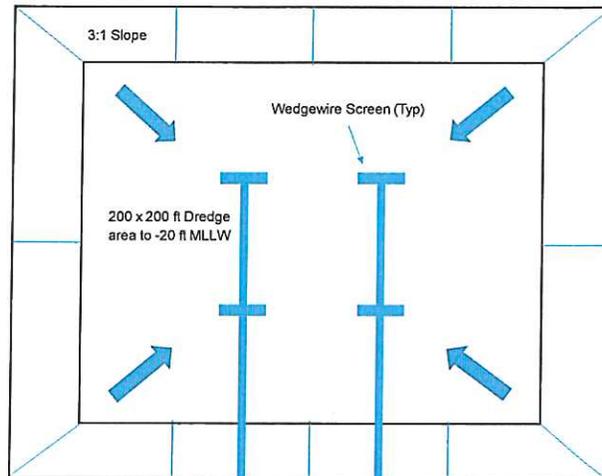


Figure 4: Wedgewire Screen Arrangement in Dredged Area

Flow through the pipe will be created using large pumps in a pump vault, allowing for a flooded suction. Flow will be discharged through a secondary screen followed by pre-treatment prior to filtration. All components will be duty rated for operation in a coastal area with saltwater.

## 6. Fish Protection Standards

Establishing fish protection standards for the proposed intake structure should be a high priority early in the permitting and design process. The chosen standard will dictate a number of key criteria that will affect the type, size and location of the intake structure. The recently enacted fish protection standard, found in Section 316(b) of the Clean Water Act, applies to cooling water intake structures, and may be considered best technology available (BTA) to this proposed intake structure. The currently proposed design is based on the assumption that the TCEQ will require BTA for impingement protection of fish. The current intake design has a through screen velocity of less than 0.5 ft/sec which is considered by the Environmental Protection Agency (EPA) as BTA for impingement protection. The proposed screen mesh size is ¼ inch by ¼ inch square for a percent open area of approximately 64%. Actual percent open area and screen efficiency is dependent on the manufacturer and should be vetted during final design. Screen efficiency will be maintained using a compressed air system to periodically clear the screens.

Cooling water intake structures with flows greater than 125 mgd are also required to provide entrainment reduction or protection per the 316(b) rule. Because the intake flow rate is less than 125 mgd for this intake structure it is assumed that entrainment reduction or protection will not be required.

## 7. Pump Selection and Strategy

Four pumps, a primary and spare for each line, will be placed in a large pump vault. Suction ends will be at an elevation of approximately -4 ft MLLW, thus providing a flooded suction (See **Figure 5** for preliminary hydraulic profile). The pumps will be suitable for high volume, low head applications and materials will be compatible with seawater pumping. Pumps were selected based on the following assumptions:

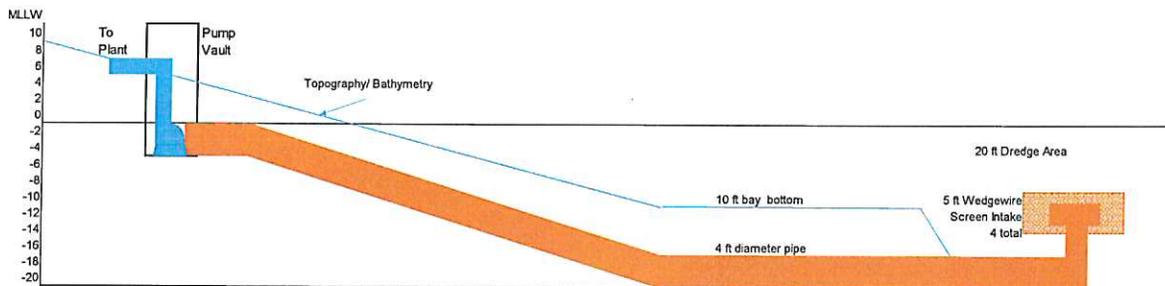


Figure 5: Preliminary Hydraulic Profile of Suction Pipelines

- Suction lift suitable for flow through approximately 6,000 ft of flooded 48 inch pipe at a flow rate of 5-6 ft/sec
- 40 ft of static head, suitable for discharging from the well vault through a screen system over a wall at an elevation of 16 ft
- Maintaining an inlet velocity of approximately 5-6 ft/sec and a discharge velocity of 6-9 ft/sec;

A refined pump selection is contingent on the suction and force main alignment, the elevation change necessary to achieve, and the resulting system curve. The suction and force main design and alignment is not within the scope of this design; however, an approximation was necessary for pump sizing. A 48-inch HDPE pipe at a capacity of 31,389 gpm (half the design intake flow) will deliver untreated seawater at a velocity of 6 ft/sec. It is not recommended that the individual pump flows be combined into a larger manifold force main. The force mains will include appropriate valving for air release and backflow prevention; a manifold system will significantly increase the valving required and subsequently the footprint of the structure. 48-inch HDPE pipe is readily available domestically. Any desire to reduce the diameter size will come with the trade-off of requiring larger pump(s) and force main(s) to maintain target discharge velocities.

## 8. Controls

The pumps will be cycled using a control system to achieve equivalent run time. Variable frequency drives (VFDs) may be utilized to allow variation in the facilities pumping capacity resulting from tidal fluctuations. Electrical controls can be housed in cabinets at the intake structure or potentially remotely controlled from the Plant using supervisory control and data acquisition (SCADA) systems. It is likely that a roof will be placed over the pump vault to minimize rainfall accumulation and pumping. An electric transformer will be constructed on a concrete pad adjacent to the pump vault.

## 9. Conclusion

This BOD report summarizes key elements for consideration of a new offshore intake structure to supply 90.4 mgd of raw seawater to a 30 mgd potable water output desalination plant to be constructed on property owned by POCCA in Corpus Christi Bay west of the La Quinta Ship Channel. The information contained herein is preliminary and to be used only for planning and permitting purposes. The conclusions reached in this BOD report are based on information available at the time of development.

## 10. References

Edinger, J.E., 2001. *Waterbody Hydrodynamic and Water Quality Modeling*. ASCE Press, American Society of Civil Engineers.

HDR, Inc., October 2012. *Corpus Christi Ship Channel, La Quinta Ship Channel Extension Deepening Project, Section 204 (f) Federal Assumption of Maintenance, Environmental Assessment*. U.S. Army Corps of Engineers.

Schoenbaechler, C. and C. Guthrie, July 26, 2011. *TxBLEND Model Calibration and Validation For the Nueces Estuary, Bays and Estuaries Program, Surface Water Resources Division, Texas Water Development Board, 1700 N. Congress Avenue, Austin, Texas 78711*. Technical Contributors J. Matsumoto, Q. Lu, and S. Negusse.

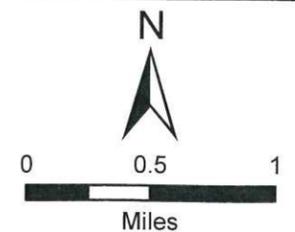
Zhang, Y.J., May 2010. *Final Report for Project Technical support – Inter-model comparison for Corpus Christi Bay testbed*. NSF Center for Coastal Margin Observation & Prediction, Oregon Graduate Institute School of Science & Engineering, Oregon Health & Science University (OHSU), 20000 NW Walker Road, Portland, OR 97006.



Latitude: 27.873741  
Longitude: -97.294987



- Port of Corpus Christi Land
- Intake Structure



**Land Ownership Around  
Proposed Desalination Plant**

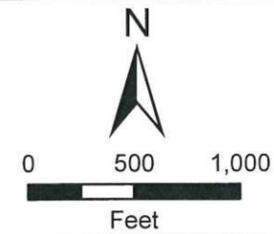
La Quinta Terminal

DATE	MAY 2019
SCALE	1" = 3,750'
PROJECT NO.	6703180030
FIGURE	1

DRAWN BY: LK CHECKED BY: JKH



- Property Boundary
- DredgeBox
- Intake Route



**Intake Structures for  
Proposed Desalination Plant**

La Quinta Terminal

DATE	MAY 2019
SCALE	1" = 833'
PROJECT NO.	6703180030
FIGURE	2

DRAWN BY: LK CHECKED BY: JKH

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**ATTACHMENT 5**

Water Conservation Plan(s)





# Texas Commission on Environmental Quality

## INDUSTRIAL/MINING WATER CONSERVATION PLAN

This form is provided to assist entities in conservation plan development for industrial/mining water use. If you need assistance in completing this form or in developing your plan, please contact the conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4691.

Name: Port of Corpus Christi Authority of Nueces County  
 Address: 222 Power Street, Corpus Christi, TX 78401  
 Telephone Number: (361) 882-5633 Fax: (361) 882-7110  
 Form Completed by: Larry Karpov  
 Title: Environmental Scientist

Signature:  Date: 8 /29 /2019

**NOTE: If the plan does not provide information for each requirement, include an explanation of why the requirement is not applicable.**

### I. BACKGROUND DATA

#### A. Water Use

- Annual diversion appropriated or requested (in acre-feet): 102,000
- Maximum diversion rate (cfs): 140.8

#### B. Water Sources

- Please indicate the maximum or average annual amounts of water currently used and anticipated to be used (in acre-feet) for industrial/mining purposes:

<i>Source</i>	<i>Water Right No.(s)</i>	<i>Current Use</i>	<i>Anticipated Use</i>
Surface Water	<u>                    </u>	<u>0</u>	<u>102,000</u>
Groundwater	<u>                    </u>	<u>0</u>	<u>0</u>
Purchased	<u>                    </u>	<u>0</u>	<u>0</u>
<b>Total</b>	<u>                    </u>	<u>0</u>	<u>102,000</u>

2. How was the surface water data and/or groundwater data provided above (B1) obtained?  
Master meter \_\_\_\_\_; Customer meter \_\_\_\_\_; Estimated  \_\_\_\_\_; Other \_\_\_\_\_
  
3. Was purchased water raw or treated?  
If both, % raw N/A; % treated N/A and Supplier(s): N/A

*C. Industrial/Mining Information*

1. Major product(s) or service(s) produced by applicant: Potable Water
  
2. North American Industry Classification System (NAICS):  
\_\_\_\_\_

**II. WATER USE AND CONSERVATION PRACTICES**

*A. Water Use in Industrial or Mining Processes*

<i>Production Use</i>	<i>% Groundwater</i>	<i>% Surface Water</i>	<i>% Saline Water</i>	<i>% Treated Water</i>	<i>Water Use (in acre-ft)</i>
Cooling, condensing, & refrigeration	0	0	0	0	0
Processing, washing, transport	0	0	0	0	0
Boiler feed	0	0	0	0	0
Incorporated into product	0	0	0	0	0
Other	0	0	100	0	102,000

<i>Facility Use</i>	<i>% Groundwater</i>	<i>% Surface Water</i>	<i>% Saline Water</i>	<i>% Treated Water</i>	<i>Water Use (in acre-ft)</i>
Cooling tower(s)	0	0	0	0	0
Pond(s)	0	0	0	0	0
Once through	0	0	0	0	0
Sanitary & drinking water	0	0	0	0	0
Irrigation & dust control	0	0	0	0	0

1. Was fresh water recirculated at this facility?  Yes  No

2. Provide a detailed description of how the water will be utilized in the industrial or mining process.

The Port of Corpus Christi (POCC) is developing a project to provide a sustainable supply of potable water for the Corpus Christi area that is not dependent upon rain water. The proposed system will provide up to 30 million gallon (MGD) of permeate through the process of desalination.

3. Estimate the quantity of water consumed in production and mining processes and is therefore unavailable for reuse, discharge or other means of disposal.

61 MGD will be available after treatment for industrial users in the Corpus Christi area; 30 MGD will be discharged to Corpus Christi Channel.

4. Monthly water demand for previous year (in acre-feet).

<i>Month</i>	<i>Diversion Amount</i>	<i>% of Water Returned (If Any)</i>	<i>Monthly Demand</i>
January	N/A	N/A	N/A
February	N/A	N/A	N/A
March	N/A	N/A	N/A
April	N/A	N/A	N/A
May	N/A	N/A	N/A
June	N/A	N/A	N/A
July	N/A	N/A	N/A
August	N/A	N/A	N/A
September	N/A	N/A	N/A
October	N/A	N/A	N/A

November	N/A	N/A	N/A
December	N/A	N/A	N/A
<b>Totals</b>	N/A	N/A	N/A

5. Projected monthly water demand for next year (in acre-feet).

<i>Month</i>	<i>Diversion Amount</i>	<i>% of Water Returned</i>	<i>Monthly Demand</i>
January	8500	60.7	5160
February	8500	60.7	5160
March	8500	60.7	5160
April	8500	60.7	5160
May	8500	60.7	5160
June	8500	60.7	5160
July	8500	60.7	5160
August	8500	60.7	5160
September	8500	60.7	5160
October	8500	60.7	5160
November	8500	60.7	5160
December	8500	60.7	5160
<b>Totals</b>	102000	60.7	61920

*B. Specific and Quantified Conservation Goal*

Water conservation goals for the industrial and mining sector are generally established either for (1) the amount of water recycled, (2) the amount of water reused, or (3) the amount of water not lost or consumed, and therefore is available for return flow.

1. Water conservation goal (water use efficiency measure)

Type of goal(s):

\_\_\_\_\_ % reused water

60.7 % of water not consumed and therefore returned

\_\_\_\_\_ Other (specify)

2. Provide specific and quantified five-year and ten-year targets for water savings and the basis for development of such goals for this water use/facility.

3. Describe the methods and/or device(s) within an accuracy of plus or minus 5% used to measure and account for the amount of water diverted from the supply source.
  
4. Provide a description of the leak-detection and repair, and water-loss accounting measures used.  
N/A
  
5. Equipment and/or process modifications used to improve water use efficiency.  
N/A
  
6. Other water conservation techniques used. N/A

***Best Management Practices***

*The Texas Water Developmental Board's (TWDB) Report 362 is the Water Conservation Best Management Practices (BMP) guide. The BMP Guide is a voluntary list of management practices that water users may implement in addition to the required components of Title 30, Texas Administrative Code, Chapter 288. The Best Management Practices Guide broken out by sector, including Agriculture, Commercial, and Institutional, Industrial, Municipal and Wholesale along with any new or revised BMP's can be found at the following link on the Texas Water Developments Board's website: <http://www.twdb.state.tx.us/conservation/bmps/index.asp>*

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact 512-239-3282.