



November 5, 2018

Bridget C. Bohac, Chief Clerk
Office of the Chief Clerk
Texas Commission on Environmental Quality
MC-105
P.O. Box 13087
Austin, TX 78711-3087

Re: Application by Port of Corpus Christi Authority of Nueces County for a TPDES Permit (No. WQ0005253000) for its Proposed Seawater Desalination Facility

Dear Chief Clerk Bohac:

The City Council of the City of Port Aransas, Texas (City) provides the following **comments and formally requests a public meeting and a contested case hearing** on the above-referenced application. Additionally, the City **requests that a public meeting** be held in Port Aransas, Texas in order to inform the public about the application and obtain public input, as provided by 30 TEX. ADMIN. CODE § 55.154. Please direct all future correspondence on this Application to me, Emily Rogers, at 3711 S. MoPac Expressway, Building One, Suite 300, Austin, TX 78746.

The Port of Corpus Christi Authority of Nueces County has applied to the Texas Commission on Environmental Quality (TCEQ) for a new Texas Pollutant Discharge Elimination System (TPDES) permit, seeking to discharge treated wastewater from its proposed desalination plant at a volume of up to an average flow of 95,600,000 gallons per day.

The subject application to discharge such a large amount of water per day into an environmentally sensitive area will have detrimental impacts on the water quality and ecology in the Corpus Christi Ship Channel and, consequently, the economy of the City. Effluent from desalination plants impacts the delicate chemical balance of the water and will negatively affect some of the main economic industries in the area: fisheries, fishing, and tourism. For these reasons, we respectfully request your consideration of the following comments and concerns:

Water Quality / Fishery Comments:

The commercial and recreational fishing, commercial fishery, and tourism industries are some of the main economic industries in Port Aransas. Studies suggest that the proposed discharge could have detrimental impacts on the ecology of the bay system that the fishing and tourism industries depend upon.¹ The following points are provided for your consideration.

- The City is concerned the proposed discharge will affect the fisheries in and around Port Aransas and that the draft permit does not adequately protect the fisheries and other marine organisms and habitat. Aquatic organisms are affected by the shift in salt ratio and type of salt in effluent, which can cause osmotic imbalance and toxicity. Desalination waste discharges can be harmful to recreationally and commercially important species due to the high salt content, changes in water temperature, inadequate circulation, and contaminants discharged with the brine from the facility.
- The City is concerned about the location of the discharge point, which will be located at the junction between Aransas Pass, the Corpus Christi Ship Channel, Aransas Channel, and the Lydia Ann Channel. Because Aransas Bay functions as migratory corridor for marine organism between shallow, low salinity estuarine habitats, and the higher salinity ocean Gulf habitat, the City is concerned that the location of the discharge point will negatively affect the fisheries and other marine organisms using this area to migrate through the bays and to the Gulf. Locating the discharge at least 2 miles off-shore would likely reduce the negative impacts this discharge could cause.
- Seawater desalination plants withdraw an average of 2 gallons of water for every gallon produced. The intake of sea water poses problems for fish and other marine organisms: fish become trapped on the intake screen; small organisms vital to the overall ecosystem pass through the intake screens and die during the desalination process. The City is concerned about entrainment and entrapment, which are not addressed in the draft permit. How will entrainment and entrapment be addressed?
- Other contaminants could be discharged with the brine that resulted from natural sources or from the chemicals used in the operation and maintenance of the desalination facility. Effluent containing a high percentage of salt, as well as chemicals from the desalination process, could harm ecosystems and the fish and

¹ See *Marine Seawater Desalination Diversion and Discharge Zone Study, HB 2031 / 84th Texas Legislature*, Texas Parks and Wildlife and Texas General Land Office (September 1, 2018); Greg Stunz, Paul Montagna, *Identification and Characterization of Potential Environmental Mitigation Measures Related to Intake and Discharge Facilities of Seawater Desalination Plants: Variable Salinity Desalination Project, City of Corpus Christi*, Harte Research Institute for Gulf of Mexico Studies, Texas A&M University-Corpus Christi (July 10, 2015); Heather Cooley, Newsha Ajami, and Matthew Heberger, *Key Issues in Seawater Desalination in California, Marine Impacts*, Pacific Institute (December 2013).

other marine organisms. The City is concerned the discharge and the draft permit do not adequately address the potential discharge of other contaminants.

Standing and location and distance relative to the proposed discharge:

The City of Port Aransas is an “affected person” entitled to a contested case hearing on issues raised in its hearing request because the City has interests related to legal rights, duties, privileges, powers, or economic interests affected by the application that are not common to the general public and is an affected person under 30 TEX. ADMIN. CODE § 55.203(a). To start, the proposed facility and associated discharge will be located within the City’s corporate limits. 30 TEX. ADMIN. CODE § 55.203(c)(2). See attached map identifying the City’s corporate boundaries. Local governments, such as the City, with authority under state law over issues contemplated by an application, may be considered affected persons under 30 TEX. ADMIN. CODE § 55.203(b) and (c)(7). The City has authority pursuant to Subchapter H of Chapter 7 of the Texas Water Code to bring an action against a person for a violation or threat of violation under Chapter 26 of the Texas Water Code. The City has an interest in ensuring that this draft permit, if issued by the TCEQ, complies with the TCEQ’s rules and is enforceable. Additionally, the City has authority to protect the public health and safety within its corporate limits. The City has an interest in ensuring the draft permit is protective of the public health and safety within the city limits of Port Aransas. Thus, the City has authority under state law over the issues contemplated by this application and is therefore an affected person. 30 TEX. ADMIN. CODE § 55.203(c)(4), (7).

Additionally, the City is an affected person because it depends on the natural resources the TCEQ is charged with protecting under its water quality regulations. 30 TEX. ADMIN. CODE § 55.203(c)(3)(5). That is, the City relies upon sales tax and other revenues generated from the fishing and tourism industries to perform its municipal functions. Studies have indicated that recreational fishing alone accounts for 638 jobs in the Aransas Bay, \$23.2 million in labor income, \$35.7 million in value-added contribution to the Texas GDP, and \$63.3 million in sales value of goods and services.² The Aransas Bay System is the second most popular in Texas for for-hire fishing trips. Additionally, the City is still recovering from the devastation of Hurricane Harvey. The fishing and tourism industries are vital to that recovery. Any negative impacts the proposed discharge has on the fisheries in and around the City could harm the fishing and tourism industries that the City relies upon to fund municipal services and that are key drivers of the City’s economy. 30 TEX. ADMIN. CODE § 55.203(c) (3), (5). The City has an interest in protecting the natural resources, including the fisheries, to ensure those industries that support the Port Aransas community and the City thrive. Thus, the City is affected by this application and proposed discharge.

² See Andrew Ropicki, Daniel Hanselka, and Rebecca Dudensing, *The Economic Impacts of Recreational Fishing in the Aransas Bay System*, Texas A&M Agrilife Extension and Sea Grant Texas at Texas A&M University (Nov. 16, 2016).

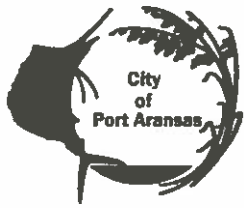
For these reasons, the City requests that the Commission find that the City is an affected person and grant its request for a contested case hearing.

Sincerely,



Emily W. Rogers
Attorney for City of Port Aransas

EWR/dfb
Attachment



City of Port Aransas City Limits Map

