



August 5, 2019

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 Lone Star Ports, LLC to the Texas Commission on Environmental Quality for Air Quality Permit No. 157150

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.

Lone Star Ports, LLC is applying to the Texas Commission on Environmental Quality (TCEQ) for a New Source Review Permit, seeking to authorize the construction and operation of a marine terminal capable of loading crude oil and crude oil condensates into ocean going ships and inland barges via two loading berths near Port Aransas, Texas.

Lone Star Ports, LLC states that it will be emitting carbon monoxide, hydrogen sulfide, nitrogen oxides, organic compounds, particulate matter, and sulfur dioxide. The proposed Harbor Island Marine Terminal will be a for-hire bulk marine loading terminal built to accommodate large ocean ships and barges, increasing ship traffic within the channel. Construction of the facility involves large pipeline and storage tanks for residual crude oil and condensate, from which air pollutants will be routinely emitted. The subject application to emit chemicals into an environmentally sensitive area will have detrimental impacts on the air quality and ecology in the Corpus Christi Ship Channel and, consequently, the economy of the City.

Emission of the proposed chemicals and the increased traffic from ships and inland barges will negatively affect some of the main economic industries in the area: fisheries, fishing, and tourism. Additionally, the proposed emissions could have a negative effect on the citizens of the City. For these reasons, we respectfully request your consideration of the following comments and concerns:

Initial Air Quality Comments:

The commercial and recreational fishing, commercial fishery, and tourism industries are some of the main economic industries in Port Aransas. The proposed expansion of the port will result in an increase in air pollutants and an increase in boat traffic. The City is concerned that the proposed emissions will negatively affect the air quality, and therefore have detrimental impacts on the ecology of the bay system that the fishing and tourism industries depend upon. Additionally, the City is concerned that the increase in emissions will have a negative effect on the health of citizens and tourists alike within the City.

Standing and location and distance relative to the proposed facility:

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, part of the proposed facility and associated emissions will be located within the City’s corporate limits. 30 TEX. ADMIN. CODE § 55.203(c)(2). 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 an interest in ensuring that this proposed 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 air 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.¹ 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 air quality in 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.

¹ 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