Message

From: Richard Lowerre [rl@lf-lawfirm.com]
Sent: 9/1/2021 5:22:09 PM
To: Ryland, Renea [Ryland.Renea@epa.gov]
CC: Eric Allmon [eallmon@txenvirolaw.com]; Rhem, Ben [brhem@jw.com]; Martinez, Maria [Martinez.Maria@epa.gov]; Craig Bennett [cbennett@jw.com]
Subject: Re: Port of Corpus Christi Authority TPDES permit

Thank you

Rick

On Wed, Sep 1, 2021 at 11:18 AM Ryland, Renea <Ryland.Renea@epa.gov> wrote:

Thank you Rick. Thursday at 3:00 pm central works for us. I'll send out a meeting invite. Renea

From: Richard Lowerre <rl@lf-lawfirm.com>
Sent: Wednesday, September 01, 2021 10:53 AM
To: Ryland, Renea <Ryland.Renea@epa.gov>
Cc: Eric Allmon <eallmon@txenvirolaw.com>; Rhem, Ben <brhem@jw.com>; Martinez, Maria <Martinez.Maria@epa.gov>; Craig Bennett <cbennett@jw.com>
Subject: Re: Port of Corpus Christi Authority TPDES permit

Renea:

The attached whitepaper and other documents are an effort to explain the position of the Port Aransas Conservancy (PAC) on the issue of whether the application by the Port of Corpus Christi for its discharge from its desalination facility on Harbor Island is seeking a major permit, as well as on some of the reasons the determination that the permit would be a major permit is veery significant.

This document does not go into detail on all of the reasons the Conservancy believes a full review by EPA is needed. We have had discussions in the past with EPA staff on the TCEQ's decision to include in its draft permit only the limited WET testing that the Port would agree to do. We believe the full WET testing, with more appropriate species, must be included in the permit to test for the impacts of the concentrated brine as well as for other potential pollutants.

Of course, such testing is only appropriate if the Port can support issuance of a permit with proof that the discharge will not significantly affect marine species or violate Texas water quality standards. As the judges found in the first round, the Port did not then. It still cannot.

We have also discussed the anti-degradation review process with you and others at Region 6. While the TCEQ evaluation has apparently been redone, we have not been able to obtain a copy of the new evaluation.

We have also not provided EPA a full explanation for why the use of the CORMIX model for the proposed outfall location is not appropriate under EPA rules or CORMIX requirements. But we can. Basically the model cannot provide reliable predictions of mixing in the mixing zones or beyond due that are needed to protect sensitive biological uses in the area. There is a 95 foot hole in a 50 foot channel and eddies at the location of the discharge, conditions that the CORMIX user's manual makes clear are not appropriate conditions for use of the model. But even the optimistic predictions from the Port's CORMIX modeling result in conditions that will create significant mortality and non-lethal impacts on the larvae that migrate through the area of proposed discharge.

PAC would be pleased to provide more information for any issues, if EPA is interested in performing the type of evaluation of the application the EPA Texas agreement provides and that we seek.

We look forward to discussing these matters with you and others at EPA, this week, if that is still possible.

Rick

On Tue, Aug 31, 2021 at 7:22 AM Richard Lowerre <rl@lf-lawfirm.com> wrote:

Renea:

I am sorry we have been slow to get back with you on dates. Thursday or Friday afternoon work. I would prefer 3 central on Thursday or later, but if we need to wait until Friday, that is also OK. We can also do 3 or later on Friday.

Eric, Ben or I will send you a few documents related to the issue of whether the permit application filed by the Port of Corpus Christi Authority seeks a major amendment. We believe it does and that TCEQ incorrectly evaluated the issue. The issue is important for a number or reasons, some of which we have already discussed with Region 6 staff including, but not limited to the WET testing and antidegradation review. We will get you more on those issues also.

Thanks for coordinating for us on this matter.

Rick

On Tue, Aug 24, 2021 at 3:55 PM Ryland, Renea <Ryland.Renea@epa.gov> wrote:

Hi Eric. Charles is out all next week, but Maria and I are free Thursday the 2nd in the afternoon or anytime Friday the 3rd. We could possible meet sometime on Wednesday the 1st, if necessary, but we'd prefer Thursday or Friday if possible.

Also, just to confirm – we're assuming you're referencing TX0138347 (WQ0005253000), the proposed TPDES permit for a desalination plant on Harbor Island. If there any specifics you could give us regarding what you'd like to discuss, that would be helpful. Thanks! Renea

From: Eric Allmon <eallmon@txenvirolaw.com>
Sent: Monday, August 23, 2021 11:30 AM
To: Ryland, Renea <Ryland.Renea@epa.gov>
Cc: Eric Allmon <eallmon@txenvirolaw.com>; Rick Lowerre <rl@lf-lawfirm.com>; Rhem, Ben <brhem@jw.com>
Subject: Re: Port of Corpus Christi Authority TPDES permit

That's fine. I'm out of the office this week due to a child with CoVid and some illness myself, so it's OK to wait until next week if necessary. I just don't want the process to get out ahead of us too much.

On Mon, Aug 23, 2021 at 11:18 AM Ryland, Renea <Ryland.Renea@epa.gov> wrote:

Hi Eric. I can check, but I'm afraid it may have to be next week. I'm out Thursday/Friday of this week and Charles is back this week after being out all last week. Sadly, his wife died last Monday, so I know he's got a lot on his plate. Maria also was out last week on vacation. She may be back this week, but I'm not sure. Things are a bit crazy in our shop right now. Thanks. Renea

From: Eric Allmon <eallmon@txenvirolaw.com>
Sent: Monday, August 23, 2021 10:54 AM
To: Ryland, Renea <Ryland.Renea@epa.gov>
Cc: Rick Lowerre <rl@lf-lawfirm.com>; Rhem, Ben <brhem@jw.com>
Subject: Port of Corpus Christi Authority TPDES permit

Renea,

Is there a time this week when EPA personnel would be available to discuss the Port of Corpus Christi Authority TPDES permit?

Thanks,

Eric Allmon

Attorney

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