Message

From: McGuire, James [McGuire.James@epa.gov]
Sent: 8/2/2021 8:48:10 PM
To: Richard Lowerre [rl@lf-lawfirm.com]
CC: Davis, Suea [davis.suea@epa.gov]; Maguire, Charles [maguire.charles@epa.gov]; Ryland, Renea [Ryland.Renea@epa.gov]; Zavala, Silvia [Zavala.Silvia@epa.gov]; Eric Allmon [eallmon@txenvirolaw.com]; David Frederick [dof@txenvirolaw.com]; Elena Solimano [elena@txenvirolaw.com]; Andrews, Suzanne [Andrews.Suzanne@epa.gov]
Subject: RE: TCEQ's actions on the first application for a TPDES permit for a discharge from a seawater desalination facility in Texas

Thank you Rick, received. I have also passed this update along to the Acting Regional Administrator.

James McGuire
Regional Counsel, EPA Region 6
214-665-6560

From: Richard Lowerre <rl@lf-lawfirm.com>
Sent: Monday, August 2, 2021 3:15 PM
To: McGuire, James <McGuire.James@epa.gov>
Cc: Davis, Suea <davis.suea@epa.gov>; Maguire, Charles <maguire.charles@epa.gov>; Ryland, Renea <Ryland.Renea@epa.gov>; Zavala, Silvia <Zavala.Silvia@epa.gov>; Eric Allmon <eallmon@txenvirolaw.com>; David Frederick <dof@txenvirolaw.com>; Elena Solimano <elena@txenvirolaw.com>
Subject: Re: TCEQ's actions on the first application for a TPDES permit for a discharge from a seawater desalination facility in Texas

Mr. McGuire:

This email is an update for the one below. Since that email, the Administrative Law Judges have extended the deadline for the Executive Director (ED) to review the Port's amended application to mid-September. The order is attached.

Also attached are the two RPI's from the ED to the Port and the Port's response from last week, which were the bases of the ED's request for additional time. That response addresses both the changes proposed by the Port to the WET testing proposal in the original draft permit and information the ED is requesting for TCEQ anti-degradation review.

The ED caught some of the errors or omissions in the revised application, but there are more. There is, for example, no explanation of the very low DO levels in the "deep hole" on page 8 of the Parson's technical memo in Table 3 that drop to zero. Nor is there any information to characterize the eddy or flow conditions that the Port argues created the eddy. There is no evaluation of the extent of stratification in the 95 foot hole as shown by the reduced velocities, if not changes in directions of flow, in the hole.

Finally, based on our request for additional information, the Port provided on July 26, 2021, the raw data on the ADCP work, water quality data collection, the field notes, additional model runs, etc. Those were provided to the ED and, if you are obtaining the June 25 2021 Amended Application and related data from the ED, you should be also able to obtain that information now.

Rick

On Thu, Jul 22, 2021 at 3:19 PM Richard Lowerre <rl@lf-lawfirm.com> wrote:

Mr. McGuire:

After leaving a message for David Gray on Monday, I was advised to contact you regarding the above-referenced matter.

Eric Allmon and I have also had some oral discussions with Renea Ryland, Silvia Bogdan Zavala, and Charles Maguire on related matters.

I called to let David know about the concerns that our clients have. Those clients are the Port Aransas Conservancy, whose website is https://portaransasconservancy.com/

I have attached a letter explaining the concerns, of which I want Mr. Gray to be aware.

Please let me know if I can provide you with any additional information or answer any questions about the issues discussed below.

Sincerely,

Richard Lowerre

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