

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF AN AMENDMENT TO A WATER USE PERMIT

### APPLICATION NO. 5206A

Total Petrochemicals & Refining USA, Inc. requests to amend Water Use Permit No.5206 to authorize the diversion of an additional 859.6 acre-feet of water per year from two additional diversion points on the Neches River, Neches River Basin, at a maximum diversion rate of 45.4 cfs (20.375 gpm), for industrial purposes in Jefferson County. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** Total Petrochemicals & Refining USA, Inc., 7600 32<sup>nd</sup> Street, Port Arthur, TX 77642, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) to amend their Water Use Permit pursuant to Texas Water Code (TWC) § 11.122, and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, *et seq.* Notice is being published and mailed to the water right holders of record in the Neches River Basin pursuant to Title 30 TAC §295.158(b(2)).

Water Use Permit No. 5206 authorizes Total Petrochemicals & Refining USA, Inc. to divert and use not to exceed 40.4 acre-feet of water per year from a point on the Neches River, Neches River Basin, at a maximum diversion rate of 20.4 cfs (9,150 gpm) for industrial purposes in Jefferson County.

The time priority for the water right is December 6, 1988;

Applicant seeks to amend Water Use Permit No. 5206 to authorize an additional 859.6 acre-feet of water per year, to increase the diversion rate to a maximum combined rate of 45.4 cfs (20,375 gpm), and to add two diversion points on the Neches River, Neches River Basin for industrial purposes in Jefferson County.

The first proposed diversion point is located at Latitude 29.965094° N, Longitude 93.887750° W on the Neches River, Neches River Basin in Jefferson County in zip code 77642.

The second proposed diversion point is located at Latitude 29.970272° N, Longitude 93.886203° W on the Neches River, Neches River Basin in Jefferson County in zip code 77642.

The application and fees were received on January 10, 2020. Additional information was received on March 24, 2020 and May 18, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on July 1, 2020.

The Executive Director completed the technical review of the application and prepared a draft amendment to the Water Use Permit. The draft Water Use Permit, if granted, would contain special conditions including, but not limited to, installing a measuring device. The application, technical memoranda, and Executive Director's draft amendment 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 by phone 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 amendment 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 amendment 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 <http://www.tceq.texas.gov/about/comments.html> by entering WRPERM 5206 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>.

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