

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



COMBINED

NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN (NORI) A WATER QUALITY PERMIT

AND

NOTICE OF APPLICATION AND PRELIMINARY DECISION (NAPD) FOR TPDES PERMIT FOR INDUSTRIAL WASTEWATER

AMENDMENT

Permit No. WQ0001215000

APPLICATION AND PRELIMINARY DECISION. Exxon Mobil Corporation, **P.O. Box 4004, Baytown, Texas 77522**, which operates the Baytown Chemical Plant, a petrochemical manufacturing plant, has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment with renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0001215000 to add Outfall 007 to authorize the discharge of stormwater, including construction stormwater and stormwater that may contain deicing chemicals, and de minimis quantities of other facility wastewaters on an intermittent and flow-variable basis; increase the daily average limit for total suspended solids at Outfall 003; remove internal Outfalls 103 and 203 that discharge to Outfall 003, and monitor for all applicable parameters at Outfall 003; modify the daily average report requirement for all pollutants that are sampled once per year at Outfall 003 so the daily average limit only needs to be calculated when more than one sample is collected in a given month; add the discharge of additional wastestreams (construction stormwater and stormwater that may contain deicing chemicals) via Outfall 003; and modify the description of emergency firefighting wastewaters that is listed in Other Requirement No. 4 to include fire prevention actions taken to control other dangerous high heat conditions such as smoldering and emergency cooling of equipment. The draft permit authorizes the discharge of stormwater and facility wastewaters on an intermittent and flow-variable basis via Outfalls 003 and 007. **The applicant also requested water quality-based effluent limits for application screening for total copper following approval to extend the boundary of the existing water-effect ratio of 1.8 for total copper in the Houston Ship Channel/San Jacinto River Tidal system to apply to the discharge at Outfall 003.** The TCEQ received this application on January 25, 2018.

This combined notice is being issued to correct the permittee's mailing address and the facility location description listed in the original NORI and add the permittee's request for a water-effect ratio for total copper for Outfall 003.

The facility site is located at **5000 Bayway Drive**, in the City of Baytown, Harris County, Texas 77520. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.
<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-95.025555%2C29.742222&level=12>

The effluent discharge routes are via Outfall 003 to an unnamed tidal inlet, thence to Scott Bay in Segment No. 2429 of the the Bays and Estuaries and via Outfall 007 to Harris County Flood Control District (HCFCD) ditch O107-00-00, thence to West Fork Goose Creek, thence to Goose Creek, thence to Tabbs Bay in Segment No. 2426 of the Bays and Estuaries. The unclassified receiving water uses are high aquatic life use for the unnamed tidal inlet; minimal aquatic life use for HCFCD ditch O107-00-00 and West Fork Goose Creek; and limited aquatic life use for Goose Creek. The designated uses for Segment Nos. 2429 and 2426 are primary contact recreation and high aquatic life use.

In accordance with Title 30 Texas Administrative Code Section 307.5 and TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in the unnamed tidal inlet, Tabbs Bay, and Scott Bay, which have been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The TCEQ executive director reviewed this action for consistency with the Texas Coastal Management Program (CMP) goals and policies in accordance with the regulations of the General Land Office and has determined that the action is consistent with the applicable CMP goals and policies.

The TCEQ executive director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The executive director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, executive director's preliminary decision, and draft permit permit is currently available for viewing and copying online at <https://corporate.exxonmobil.com/Locations/United-States/Baytown-environmental-permits> which is also accessible via the Sterling Municipal Library webpage. Subject to county/city public access restrictions, the documents will be made available for viewing and copying at the Sterling Municipal Library, 1 Mary Elizabeth Wilbanks Avenue, Baytown, Texas.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit written or oral comment or to ask questions about the application. Generally, the TCEQ will hold a public meeting if the executive director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for public comments, the executive director will consider the comments and prepare a response to all relevant and material, or significant public comments. **The response to comments, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments or who requested to be on a mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the executive director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the executive director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

EXECUTIVE DIRECTOR ACTION. The executive director may issue final approval of the application unless a timely contested case hearing request or a timely request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the executive director will not issue final approval of the permit and will forward the application and requests to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the executive director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be added to: (1) the permanent list for a specific applicant name and permit number; and (2) the mailing list for a specific county. If you wish to be placed on the permanent and the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <http://www14.tceq.texas.gov/epic/eComment/> within 30 days from the date of newspaper publication of this notice.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at <http://www14.tceq.texas.gov/epic/eComment/> or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address, and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Exxon Mobil Corporation at the address stated above or by calling Ms. Mesha Gardner at 346-259-1113.

Issued Date: May 22, 2020