



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 6  
1201 ELM STREET, SUITE 500  
DALLAS, TEXAS 75270

Office of the Regional Administrator

September 2, 2022

Dear Corpus Christi Area Community:

Thank you for your hospitality and for showcasing the beautiful land, water and people of the Corpus Christi area during my visit in June 2022. During my time in the Corpus Christi area, I heard about your concerns with the Port of Corpus Christi Authority's expansion and potential impacts on the environment and public health. I also learned about the deep-rooted injustices that overburdened communities have faced for generations. I was impressed by the breadth of knowledge and lived experience within your coalition of community partners. I am writing today to follow up with you and provide information on some of our efforts since we traveled to your community.

As I mentioned during my visit, my top priorities are embedding environmental justice and climate change in the EPA's work, as directed by President Joe Biden and EPA Administrator Michael Regan. Region 6 has been firm in our position that we should have the opportunity to review the Texas Commission on Environmental Quality's proposed permit for the Port of Corpus Christi Authority's (Port Authority) Harbor Island facility, TPDES Permit No. TX0138347 (WQ0005253000) – Port of Corpus Christi Authority of Nueces County, prior to its issuance by the TCEQ.

Over the last year, we have repeatedly requested the opportunity to review the Port Authority's permit prior to final action by the TCEQ in accordance with the Clean Water Act, federal regulations and the Memorandum of Agreement signed by the EPA and the TCEQ upon TCEQ's authorization to implement the National Pollutant Discharge Elimination System permitting program in the State of Texas Memorandum of Agreement. By letter dated September 20, 2021, the EPA terminated its waiver of permit review under the Memorandum of Agreement for all desalination facilities in Texas, and specifically requested review of the Port Authority's permit application and draft permit.

After being provided access to the application and draft permit by the TCEQ via the TCEQ's file transfer website, we issued an Interim Objection on December 15, 2021, requesting additional information and asking that the proposed permit be forwarded to the EPA for review following completion of the contested case hearing process. By letter to the TCEQ dated March 1, 2022, we asked again that the proposed permit, pursuant to the completion of the contested case hearing, be forwarded to the EPA for review. These three EPA letters are enclosed for reference. The EPA followed up these letters with an email on August 3, 2022, inquiring about TCEQ's submittal of the proposed permit for review prior to permit issuance. **Despite our many requests, the EPA has not yet received an adequate response on these requests for information and review.**

Region 6 is actively engaging with the Port Authority and community groups concerning this permit. On September 2, 2021, the EPA met with representatives of the Port Aransas Conservancy regarding their concerns over the Port Authority facility and the TCEQ's handling of the permitting action. On October

26, 2021, the EPA participated in a virtual meeting with representatives of the Port Authority to initiate open communications with the technical experts of the facility and to obtain information regarding the proposed project. The EPA participated in a virtual meeting On December 8, 2021, with the Port Aransas Conservancy to further discuss their concerns regarding the Port Authority's application and the TCEQ's draft permit. On June 9, 2022, Region 6 staff and I visited the Port Authority for a meet and greet, in which I relayed my priorities of addressing environmental justice and climate change. The next day on June 10, 2022, we met with community groups to conduct a site tour and community meeting in the Corpus Christi area.

The Port Authority's permit application is scheduled for consideration by the TCEQ Commissioners at the September 7, 2022, Commission Agenda Meeting. In advance of that meeting, the EPA has forwarded the attached letter to Commissioner Niermann, reiterating our request to review the proposed permit prior to final agency action. Please know that we will continue to do whatever we can on this issue. If you have any questions, please reach out to Charles Maguire, Director of our Water Division, at Maguire.Charles@epa.gov or (214) 304-1061.

Thank you for your partnership to protect Texas' ecological and natural resources.

Sincerely,

Earthea Nance, PhD, PE  
Regional Administrator

Enclosures