



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

Office of the Regional Administrator

January 19, 2023

Jon Niermann, Chairman
Office of Commissioners
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Re: TPDES Permit No. TX0138347 (WQ0005253000)
Port of Corpus Christi Authority of Nueces County

Dear Chairman Niermann:

The U.S. Environmental Protection Agency, Region 6 is in receipt of TPDES Permit No. TX0138347 (WQ0005253000), issued by the Texas Commission on Environmental Quality to the Port of Corpus Christi Authority of Nueces County on December 20, 2022. The Environmental Protection Agency sent the attached Interim Objection to the Texas Commission on Environmental Quality's issuance of this permit on December 15, 2021, and our objection remains unresolved.

The Texas Commission on Environmental Quality's issuance of TPDES Permit No. TX0138347 without responding to the Environmental Protection Agency's Interim Objection is a violation of Clean Water Act § 402, the Environmental Protection Agency's regulations at 40 C.F.R. § 123.44 and 40 C.F.R. § 122.4(c), and the Memorandum of Agreement between the Environmental Protection Agency and the Texas Commission on Environmental Quality. Until such time as the Texas Commission on Environmental Quality responds to the Interim Objection to address the Environmental Protection Agency's concerns, the Environmental Protection Agency continues to view this permit as a draft permit and not an effective National Pollutant Discharge Elimination System permit for CWA purposes. Thus, it does not provide CWA authorization for the discharge of pollutants to waters of the United States from the Port of Corpus Christi Authority of Nueces County facility. Under CWA § 301, it is unlawful for any person to discharge any pollutant to waters of the United States without authorization under specific provisions of the CWA, including the section 402 National Pollutant Discharge Elimination System permitting program.

We appreciate your time and attention to this important matter, and we continue to be open to dialogue on the topics addressed in this letter and in previous correspondence. A copy of this letter has also been forwarded to the POCC. If you have any questions, please feel free to contact Charles Maguire at (214) 665-8138 or maguire.charles@epa.gov.

Sincerely,

Earthea Nance, PhD, PE
Regional Administrator

Attachment

cc: Erin Chancellor, Interim Executive Director
TCEQ

Mary Smith, General Counsel
TCEQ

Charmaine Backens, Acting Director, Office of Legal Services
TCEQ

Vic McWherter, Public Interest Counsel
TCEQ

Sean Strawbridge, Chief Executive Officer
Port of Corpus Christi Authority

Eric Allmon
Perales, Allmon & Ice, P.C., representing
Port Aransas Conservancy