

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF APPLICATION AND PRELIMINARY DECISION (NAPD) FOR TPDES PERMIT FOR A MUNICIPAL SEPARATE STORM SEWER SYSTEM

RENEWAL

PERMIT NO. WQ0004200000

POSTED
8/12/2020 8:19:15 AM
Rebecca Huerta
City Secretary

APPLICATION AND PRELIMINARY DECISION The City of Corpus Christi, P.O. Box 9277, Corpus Christi, Texas 78469; Del Mar College District, 101 Baldwin Boulevard, MD 106, Corpus Christi, Texas 78404; Port of Corpus Christi Authority, P.O. Box 1541, Corpus Christi, Texas 78403; and Texas A&M University – Corpus Christi, 6300 Ocean Drive Unit 6876, Corpus Christi, Texas 78412, which operate the City of Corpus Christi Municipal Separate Storm Sewer System (MS4), have applied to the Texas Commission on Environmental Quality (TCEQ) to renew TPDES Permit No. WQ0004200000. The permit authorizes stormwater point source discharges to surface water in the state from the MS4 located within the corporate boundary of the City of Corpus Christi, except agricultural lands and lands owned by the federal government that are under the jurisdiction of other stormwater permits, in Nueces, Kleberg, San Patricio, and Aransas Counties, Texas. TCEQ received this application on February 11, 2013. The Texas Department of Transportation (TXDOT) – Corpus Christi will not continue as a co-permittee in this renewal of TPDES Permit No. WQ0004200000. TXDOT is now operating its Phase I MS4 Corpus Christi District facilities under the TXDOT statewide individual permit TPDES Permit No. WQ0005011000.

The MS4 is located in the City of Corpus Christi, in Nueces, Kleberg, San Patricio, and Aransas Counties, Texas 78368, 78370, 78373, 78380, 78401, 78402, and 78404 thru 78419. The discharge route is from the MS4 to Nueces River Tidal, Nueces River Below Lake Corpus Christi, Corpus Christi Bay, Nueces Bay, Corpus Christi Inner Harbor, Oso Bay, Oso Creek, Laguna Madre, and the Gulf of Mexico, Segments Nos. 2101 and 2102 of the Nueces River Basin, and Segments Nos. 2481, 2482, 2484, 2485, 2485A, 2491, and 2501 of the Bays and Estuaries, to various ditches and tributaries that eventually reach Nueces River Tidal, Nueces River Below Lake Corpus Christi, Corpus Christi Bay, Nueces Bay, Corpus Christi Inner Harbor, Oso Bay, Oso Creek, Laguna Madre, and the Gulf of Mexico. The unclassified receiving waters have a presumed minimum aquatic life use of high for perennial streams, limited aquatic life use for intermittent streams with perennial pools, and no significant life use for intermittent streams. The designated uses for Segment No. 2101 are primary contact recreation and high aquatic life. The designated uses for Segment No. 2102 are primary contact recreation, high aquatic life and public water supply. The designated uses for Segment No. 2481, 2482, 2485, 2491, and 2501 are primary contact recreation, exceptional aquatic use, and oyster water. The designated uses for Segment No. 2484 are noncontact recreational and intermediate aquatic life use. The following unclassified Segment No. 2485A Oso Creek has been evaluated as a perennial stream with a presumed primary contact recreation and high aquatic life use.

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 are available for viewing and copying at the City of Corpus Christi, City Hall, City Secretary's office, 1201 Leopard Street, Corpus Christi, Nueces, Texas 78401.

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 comments or to ask questions about the application. TCEQ holds 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 submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the 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 permit number; the location and distance of your property/activities relative to the 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 germane 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 will 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 comments period. TCEQ may act on an application to renew a permit for discharge of wastewater without providing an opportunity for a contested case hearing if certain criteria are met.**

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or 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 request 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 placed on: (1) the permanent mailing list for a specific applicant name and permit number; (2) the mailing list for a specific county; or (3) the permanent mailing list for a specific applicant name and permit number and the mailing list for a specific county. If you wish to be placed on the permanent or 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 <https://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 <https://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. Any personal information you submit to the TCEQ will become part of the agency records; this includes email addresses. 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. General information about the TCEQ can be found at our web site at www.tceq.texas.gov.

Further information may also be obtained from the City of Corpus Christi at the address stated above or by calling Mr. Jeff Turner at (361) 826-1240.

Issuance Date: July 8, 2020