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| **What is a Water Rights Permit?** | Enbridge Ingleside Oil Terminal, LLC seeks a water use permit to divert 500 acre-feet of water per year from a reach on Corpus Christi Bay, for industrial purposes in San Patricio County |
| **Why did we request a public meeting?** | At the request of IOBCWA, Sen. LaMantia and Rep. Lozano wrote letters asking TCEQ for this public meeting so we can learn about why Enbridge is requesting so much water from the Corpus Christi Bay. |
| **How will the meeting be conducted?** | TCEQ will manage the hearing. An Enbridge representative will be in attendance. The meeting will consist of two parts.   * Part 1: Informal Discussion Period - the public is encouraged to ask questions to Enbridge and TCEQ. This is off record so there will be no formal response in writing from TCEQ unless the same questions are asked during Part 2. * Part 2: Formal Complaint Period - members of the public are encouraged to state their formal comments which will be on the record. The TCEQ Executive Director will oversee the summarization of the formal comments and will approve the preparation of a written response which will be considered by the Commissioners before they reach a final decision on the permit application. |
| **How long can I speak?** | 3 minutes per person for each part. However, it is possible that Part 1 will be timed out at 30 minutes, and if it is, it will be stopped then. |
| **What should I say during Part 1: Off-Record Q&A?** | * Try to keep Part 1 to a minimum, since it’s only for 30 minutes and off-record and doesn’t require TCEQ written response. * Ask questions about the [Enbridge Water Rights Permit Application](https://www.iobcwa.org/uploads/1/2/7/6/127667617/enbridge_permit_application.pdf) that you need/want clarified. |
| **What should I say during Part 2: On-Record Statements?** | 1. Always say **“I oppose this permit”** and “**I request a Contested Case Hearing**.” 2. Water Rights are everlasting. They can be transferred, sold and modified by industry with TCEQ approval. **“I** **Request the application be modified to say that this permit application will NEVER be modified for any other uses other than firewater safety.” We do not want them to amend the water permit later for a proposed ammonia plant on same property.** 3. Make statements about answers given during Q&A that cause you concern so that they will be on record, and thus TCEQ will be required to address them. 4. Describe your personal experience and knowledge related to Enbridge and feel free to use any of the talking points next. |
| **What are some additional talking points?** | * Listed below are additional talking points you may use. * The proposed water permit will be unenforceable due to its lack of details. * 500-acre feet of water is equal to almost 163 million gallons – that is excessive. * TCEQ used boilerplate language in the permit. Our community deserves more. * No details on pipe sizes & pumps–Enbridge & TCEQ are guessing about impacts. * This appears to be a State of Texas-sanctioned legal water grab for expansion. * Enbridge can pledge not to sell its water rights and allow TCEQ to add to permit. * There are no details about flow measurements and recordkeeping requirements. * No details on reasonable measures to reduce impacts to aquatic environments. * TCEQ needs to add/reference regulations on selling water rights in permit. * Enbridge says it will be 98% water efficient – needs to be measured & regulated. * Enbridge claims a 5-10% water savings over-time – need details on calculations. * This water permit took a very long time to process with a missing year – why? * Enbridge provided no information on mechanical integrity and leak checks. * Because there are so few details in the permit-gives appearance of hiding things. * Permit will allow Enbridge to use/sell ̴13.5 million gallons of water a month. * Enbridge must use a firewater system now from Naval Base – please describe. * What is Enbridge’s firefighting capability now – they should describe. * Enbridge owns storage tanks and pipelines – it should firewater in tanks. |
| **What happens after the meeting?** | * The TCEQ Executive Director will oversee a written “Response to Comments” process after the public meeting that will include comments made online.   TCEQ will likely eventually approve the permit, though it will hopefully identify technical changes that will strengthen it with leverage from our community. |

* **Water Rights are forever.** They can be transferred, sold, or modified by the applicant with TCEQ approval. The permit should have limited use for firewater testing only for the Enbridge Oil Terminal facility, and it should **NOT include the statement “the purpose is for industrial use BUT NOT LIMITED TO firewater and firewater pump tests,”** **nor should it allow for “additional pump systems for future expansion.”** Any use outside of this facility for any other purpose should require additional permitting. The proposed use is not being limited to testing and emergency operation of fire suppression systems. The applicant may therefore, at any time in the future, use the water for other uses as it deems appropriate, such as for cooling water. The permit allows the applicant to sell the diverted water to another entity that could use the water for cooling water purposes. In so much as the intake of cooling water is not prohibited, the water of interest should be subject to the requirements of federal regulations implementing CWA 316 (b). According to those regulations, impingement and entrainment of aquatic life must be minimized wherever an intake structure is proposed to be located.
* Enbridge has already initiated construction and are continuing to seek permits for carbon dioxide (CO2) pipelines, as proposed expansion is ongoing. See [San Patricio County Commissioners agenda](https://destinyhosted.com/agenda_publish.cfm?id=72672&mt=ALL&vl=true&get_month=2&get_year=2024&dsp=min&seq=315) item 2.4.L.
* **Where is Enbridge’s emergency plan to justify the 476,371 gallons per day of Corpus Christi Bay water use?**
* **Where does wastewater go during emergency use?** The permit is incomplete as it does not demonstrate a safe discharge plan into CC Bay. In the event of a fire, how will the applicant guarantee that wastewater during a fire, which would most likely include a leak or spill of product, would not contaminate Corpus Christi Bay and what is the emergency plan when it does? Can Enbridge share with the community in full transparency to foster a better relationship?
* **What is the intake velocity and expected marine mortality through impingement entrainment?** Proximity of intake to seagrasses increases marine mortality risks. In the map provided in the [permit application](https://www.iobcwa.org/uploads/1/2/7/6/127667617/enbridge_permit_application.pdf), the location of the intake is within the definition of the littoral zone, near shore, within the tidal range, and adjacent to seagrass beds. Therefore, it has the highest incidences of impingement and entrainment, and thus the greatest negative impact to aquatic life in the area.
* **Upstream and Downstream flow direction is not accurate in the permit application.** Predominate tidal flow direction is towards the west & towards IOB. Therefore, the risks to the public and local marine environments have not been accurately or thoroughly considered by Enbridge and TCEQ.
* Enbridge has not provided the information necessary to evaluate the impact that the impingement and entrainment resulting from the diversion of 500-acre feet per year. This portion of Corpus Christi Bay has contact recreation, boating and fishing, as well as primary recreation in the manner of swimming and beach going. Under Texas Water Quality Standards, the source waters have been characterized as used for exceptional aquatic life uses. Issuance of the draft permit fails to protect the ecology and productivity for the impacted bay and estuary system and fails to maintain existing uses of the impacted source water. The potential impingement and entrainment impacts of the intake will endanger the ecology and productivity of the source waters, and would prevent maintenance of existing uses of the source waters. The water will be withdrawn at a rate of 100,000 gallons per minute. If Enbridge installed a 48” diameter intake pipe (which is a VERY large pipe) to withdraw the water, the velocity of the water would still be 17.73 feet per second. This is more than 35 times the EPA recommended intake velocity of 0.5 feet per second in a littoral zone. Under applicable statute and rules, Enbridge is required to demonstrate that its facility will take reasonable measures to minimize impingement and entrainment. NO such measure has been thoroughly or reasonably described or undertaken as part of this permitting process.
* Enbridge currently has firewater provided by the City of Ingleside, and as such, it has not met the burden of proof that no feasible alternative to the appropriation exists or that the requested amount of appropriation is necessary and reasonable for the proposed use. Analysis, calculations and infrastructure details have not been provided for the fire suppression system to quantify need based upon facilities to be protected and system capabilities. Therefore, Enbridge has not adequately demonstrated a need for water.
* This permit requests a diversion of 500-acre feet per year for fire water testing and emergency use. The applicant has not justified the use as there is no description of the fire suppression system. Fire suppression of oil storage tanks are suppressed with foam per “Fire Prevention Science and Technology” and “The Journal of the Institute of Petroleum.” What other facilities does the applicant need to protect that would include that amount of water? The proposed Enbridge water permit is lacking in technical details in this area for TCEQ to properly regulate water usage.
* This water rights permit will allow Enbridge to pump water from the bay, for free, every week, for testing of their fire system. Therefore, the need for the water is simply to save money at the expense of aquatic resource and to the detriment of the public, specifically the community of Ingleside on the Bay and the commercial and recreational shrimpers and anglers that regularly fish this area. As an alternative, Enbridge could recirculate, recycle and store the potable water currently provided by the City of Ingleside at each testing cycle, and therefore it would only need the additional water from the City in an emergency event. Regular testing of equipment can be conveniently scheduled, and thus conservation and recycling efforts should be required of the system currently in place, not at the expense of the natural environment.
* **What is the volume of the fire water lines? Where are they located on the property?** Enbridge does not specify the size of pipe so that the intake velocity can be determined, but at the rate of 100,000 gallons per minute, it is most definitely going to be well above the recommended velocity to be protective of aquatic life. Enbridge did not provide adequate information regarding presence or the configuration of the screens that will be used to protect aquatic life. The permit must stipulate the velocity of the intake flow in a littoral zone to be protective of aquatic life. The location of the proposed withdrawal within an estuary triggers the consideration of specific additional criteria under TCEQ rules. Pursuant to 30 TAC § 297.55(b), the Commission is to consider the ecology and productivity of the affected bay and estuary system in determining whether to issue a water right.
* The conservation plan does not describe the best available technology in leak detection. Leak detection in a timely manner is an inadequate definition and should be expeditious and corrected within an hour of detection. Water flow should be stopped upon detection of any leak. Visual inspection is rudimentary and does not meet conservation goal requirements #4 regarding leak detection and repair, and water-loss accounting measures to be using the best available technology.
* Freshwater pot-hole wetlands are located throughout the Live Oak Peninsula and would be threatened with saltwater inundation. How will the applicant protect the pot-hole wetlands and the wildlife they support? And how will TCEQ regulate such intrusion?
* Last thought, Moda only pursued the Water Rights permit after they were in negotiations with Enbridge to sell the facility. What other use of the large volume of water could Enbridge be considering?