



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2012-00983
	Date Issued: _____	1 September 2016
	Comments _____	
Galveston District	Due: _____	3 October 2016

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

PURPOSE OF PUBLIC NOTICE: To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. The U.S. Army Corps of Engineers (Corps) is not the entity proposing or performing the proposed work, nor has the Corps taken a position, in favor or against the proposed work.

AUTHORITY: This application will be reviewed pursuant to Section 404 of the Clean Water Act (CWA).

APPLICANT: Celanese, Ltd.
9502 Bayport Boulevard
Pasadena Texas 77507-1402
POC: Christiaan Zemerling
Telephone: 281-474-6201

AGENT: SWCA Environmental Consultants
10245 West Little York Road, Suite 600
Houston, Texas 77040-2937
POC: Kenny Carothers
Telephone: 281-617-3217

LOCATION: The project site is located in wetlands adjacent to Big Island Slough, at 9502 Bayport Boulevard, in Pasadena, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: League City, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.622458° North;

Longitude: 095.068385° West

PROJECT DESCRIPTION: The applicant proposes to discharge 59,735 cubic yards of material in to 18.513 acres of palustrine forested wetlands for the purpose of constructing a new carbon monoxide (CO) unit in an area directly adjacent to the existing Celanese facility. The project is proposed entirely on property owned by the applicant. The total project for the CO unit includes processing equipment, power and control systems, connections to new oxygen, natural gas, nitrogen and hydrogen pipelines, extension and connection of approximately 18 existing utilities and supply lines to the new unit, a high voltage power substation, operational security controls, and extension of existing facility roads.

AVOIDANCE AND MINIMIZATION: Celanese considered on and off-site alternatives to avoid and minimize impacts to waters of the United States including wetlands to the greatest extent practicable. However, because of the size of the infrastructure necessary to fulfill the purpose and need of the Proposed Project, impacts to 18.513 acres of palustrine forested wetlands are unavoidable. To minimize impacts, Celanese plans to reduce the construction footprint by using the existing cleared upland areas directly west of their existing methanol unit. The existing upland areas were cleared in 2013 during the construction of the methanol unit. During construction, this area was used for the materials laydown area and a cooling/break station for construction workers. The elevation/grade is level with the grade of the existing Facility as it was filled and leveled at the same time as the installation of the methanol unit.

MITIGATION: Currently, there are no available USACE approved mitigation banks that are able to provide the specific types and quantities of mitigation offsets in the West Galveston Bay 8-digit hydrologic unit where the Proposed Project occurs (HUC 12040204). As a result, Celanese has solicited proposals from multiple professional mitigation providers to develop off-site, but within primary watershed, Permittee Responsible Mitigation (PRM) solutions specific to the needs of the Proposed Project within HUC 12040204. Celanese is in the process of evaluating the submitted PRM proposals. A detailed PRM plan will be submitted to the District for appropriate evaluation and coordination, and would be finalized prior to a permit decision.

CURRENT SITE CONDITIONS: The project site currently consists of approximately 165 acres of undeveloped forested and areas that have been cleared of trees. The Proposed Project will require approximately 30.86 acres to be graded, raised and will be completed in two phases. Phases 1 and 2 consist of approximately 22.09 and 8.77 acres, respectively. Both Phases are included in this permit application. However, definitive project plans for Phase 2 will be determined as market conditions develop in the reasonably foreseeable future. The area on which Phase 2 is located is in close proximity to the existing plant and the proposed Phase I CO unit plant expansion. This area is the next logical location for any plant expansion in the future. For this reason, impacts to the Phase 2 area are included in this application.

A wetland and waterbody delineation of the entire property that includes the proposed project area has been performed. The delineation identified seven wetlands totaling 93.419 acres within the larger survey area. This includes the 18.513 acres of wetlands proposed to be filled on the project site. Additionally, two waterbodies totaling 0.296 acre and 2,245 feet within the survey area were also delineated.

NOTES: This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. As of the date of this public notice, the Corps has received but not yet verified the wetland delineation. The applicant's plans are enclosed in 4 sheets.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the CWA.

OTHER AGENCY AUTHORIZATIONS: Consistency with the State of Texas Coastal Management Plan is required. The applicant has stated that the proposed activity complies with Texas' approved Coastal Management Program goals and policies and will be conducted in a manner consistent with said program.

This project would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with Corps processing of this application, the TCEQ is reviewing this application under Section 401 of the CWA and in accordance with Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office listed in this public notice. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

AIR CONFORMITY: The project site is located in Harris County, which is in severe non-attainment for the criteria pollutant, Ozone. De minimis level for Harris County is 25 tons per year for the criteria pollutant. A determination that this construction project is in compliance with the required air quality standards may be warranted.

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

The permit area was investigated for historic properties and none were identified, as documented in the technical report titled "Intensive Archaeological Survey of the Proposed Celanese Clear Lake Expansion Project, Harris County, Texas" prepared by SWCA Environmental Consultants and dated May 2016. No sites determined eligible for or listed on the National Register of Historic Places are within the permit area or affected area.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Programs of the Corps, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

ACTION OF COMMENTS: The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an EIS pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: The purpose of a public hearing is to solicit additional information to assist in the evaluation of the proposed project. Prior to the close of the comment period, any person may make a written request for a public hearing, setting forth the particular reasons for the request. The District Engineer will determine if the reasons identified for holding a public hearing are sufficient to warrant that a public hearing be held. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this public notice must reach this office on or before **3 October 2016**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections.** Comments and requests for additional information should reference our file number, **SWG-2012-00983**, and should be submitted to:

Regulatory Division, CESWG-RD-E
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
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swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS