



# Public Notice

**U.S. Army Corps  
Of Engineers**

**Galveston District**

Permit Application No: SWG-2007-01401

Date Issued: 30 July 2019

Comments

Due: 29 August 2019

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**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 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

**APPLICANT:** Sunoco Partners Marketing & Terminals L.P.  
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15645 West Port Arthur Road  
Beaumont, Texas 77705  
Email: [Justin.minter@energytransfer.com](mailto:Justin.minter@energytransfer.com)  
Phone: 409-749-3902

**AGENT:** Lanier & Associates Consulting Engineers, Inc.  
POC: Joanne Scarf  
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**LOCATION:** The project site is located in the Neches River, approximately 2.5 miles north of Nederland, within Jefferson County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Terry, Texas.

**LATITUDE & LONGITUDE (NAD 83):**

Latitude: 30.00952778 ° North; Longitude: 093.9940556° West

**PROJECT DESCRIPTION:** The applicant proposes to combine several previously authorized permits (see attached list) under one authorization, maintenance dredge for 10-years, and modify the following existing structures. Additionally, the applicant is requesting new authorization to permanently fill 0.695-acres of palustrine forested wetland (PFO) and 317-linear feet (0.170-acres) of perennial stream in order to construct a Butane Chiller Facility. Please see the attached permit history document for a description of the permits to be consolidated.

Dock 1 Modification Request (SWG-1998-01773):

- **DEMOLITION/REMOVAL WORK:** The removal of 10 existing breasting dolphins, removal of the existing Dock 1 platform, removal of existing walkways, removal of existing pipelines, removal of existing approachway and the removal of the existing dock house. See attached drawing set for details.
- **CONSTRUCTION WORK:** The installation of 123-ft x 60-ft pile supported dock platform, four ship breasting dolphins with walkways, two monopile breasting dolphins, six onshore mooring dolphins, new approachway, a 60-ft by 40-ft valve containment, 60-ft x 30-ft firewater intake structure, 40-ft x 40-ft firewater intake structure, dock house, a 12-ft x 15-ft hose tower with hydraulic crane, gangway tower, dock safety unit skid, product loading arms, piperack, and installation of approximately 1,989-linear feet of sheetpile bulkhead (existing bulkhead to be abandoned in place).

Dock 2 Modification Request (SWG-1998-01773):

- **DEMOLITION/REMOVAL WORK:** The removal of two existing product loading arms, removal of existing product piping, removal of existing gangway support structure, removal of existing MLA control tower, removal of existing sump pile, and removal of existing fender panels.
- **CONSTRUCTION WORK:** The installation of 15-ft x 20-ft gangway tower foundation extended from the previously authorized platform, gangway tower, 12-ft x 45-ft-tall hose tower with hydraulic crane on previously authorized platform, five new product loading arms on previously authorized platform, two 54-inch-diameter monopile breasting dolphin, four 5.5-ft x 12-ft breasting fenders on existing dolphins, piperack with nine 24-ft-wide bents spaced every 20-ft.

Dock C Request to Modify and Retain:

- **DEMOLITION/REMOVAL WORK:** The removal of nine existing breasting dolphins, removal of existing Dock C platform, removal of two firewater pump foundations and associated firewater equipment, removal of firewater intake support piles, removal of existing approachway, removal of existing dock house, removal of a section of the existing bulkhead, removal of existing product piping, and the removal of the 6-inch-diameter Sunoco LP pipeline.

- **CONSTRUCTION WORK:** The installation of 100-ft x 60-ft pile supported platform, new gangway tower, hose tower with hydraulic crane, four product loading arms, four ship breasting dolphins with walkways, two monopile breasting dolphins, six onshore mooring dolphins, onshore valve containment foundation, firewater intake structure and equipment, dock house, piperack, product piping, and installation of approximately 1,160-ft of sheetpile bulkhead. The project will also include dredging of approximately 330,000 CY of material to a depth of (-)43.0-ft with 1' advanced maintenance and 1' allowable overdepth. The dredge area is 6.5 acres and all dredged material will be placed in Placements Area 18, 21, 22, 23, 24, or 25.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by employing appropriate Best Management Practices into their construction plan (silt fences, mulch logs, etc.), minimizing the building footprint needed to safely operate facilities, and reducing impacts to aquatic resources. The proposed dock modifications will not permanently fill any wetlands or special aquatic sites. The proposed butane chiller has been oriented on the project site to minimize permanent fill of adjacent wetlands and streams.

**MITIGATION:** The applicant has proposed to mitigate the permanent loss of 0.695-acres of wetlands by the purchase of in-kind mitigation credits from Graham Creek Mitigation Bank.

**CURRENT SITE CONDITIONS:** The proposed dock modifications will take place in a heavily developed, industrial portion of the Neches River. The proposed butane chiller facility is located within a Texas-Louisiana Coastal Marsh in the Western Gulf Coastal Plain. The dominant communities within the project area are upland forests and PFO wetlands. Common wetland vegetation consists of Chinese tallow (*Triadica sebifera*), Chinese privet (*Ligustrum sinense*), common reed (*Phragmites australis*), American buckwheat vine (*Brunnichia ovata*), and muscadine grape (*Vitis rotundifolia*). The subject wetlands are adjacent to the Neches River.

**NOTES:** This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. The applicant's plans are enclosed in 34 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.

The return water from the upland contained dredge material placement area(s) requires an independent certification by the Texas Commission on Environmental Quality (TCEQ). The applicant must obtain a Section 401 water quality certification from the TCEQ for the effluent or return water discharge. A copy of the 401 certification must also be furnished to the Corps prior to the Corps making a decision on the proposed project.

Pursuant to 33 USC 408, the proposed project will require Section 408 coordination and review. This is a requirement for activities that seek permission, to temporarily or permanently, alter, occupy, or use a federally authorized United States Army Corps of Engineers civil works project. Changes to the proposed project, from the Section 408 process, may warrant additional coordination.

**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 has been so extensively impacted by industrial development and previous dredging that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to effect historic properties.

**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.

**ESSENTIAL FISH HABITAT:** This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

**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.

**SOLICITATION 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 **29 August 2019**. 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-2007-01401**, and should be submitted to:

North Unit  
Regulatory Division, CESWG-RDE  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229  
409-766-3869 Phone  
409-766-3931 Fax  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS