



Public Notice

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

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

SWG-2007-00083

25 September 2018

26 October 2018

**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: Total Petrochemicals & Refining USA, Inc.
1201 Louisiana Street, Suite 1800
Houston, Texas 77002
Telephone: 713-483-5662
POC: Mr. Marc Delaunay

AGENT: ERM
City Centre Four, 840 West Sam Houston Pkwy. North, Suite 600
Houston, Texas 77024-3920
Telephone: 832-730-4404
POC: Mr. Kurtis Schlicht

LOCATION: The project site is located in 0.02 acre of emergent wetlands adjacent to the Neches River and the applicant's facility located at 7600 32nd Street, in Port Arthur, Jefferson County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: West of Greens Bayou, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: West of Greens Bayou, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.959820 ° North; Longitude: 093.879755 ° West

PROJECT DESCRIPTION: The applicant proposes to modify their existing Department of the Army (DA) Permit SWG-2007-00083 to discharge additional fill material into 0.024 acre of emergent wetlands during the expansion of an existing haul road. The expansion of the existing haul road is to support the ingress/egress of equipment used to construct the previously authorized ground flare.

AVOIDANCE AND MINIMIZATION: The applicant has stated they have avoided and minimized the environmental impacts by reducing the expansion of the access road to the minimum needed to accommodate the delivery and transportation of the very large equipment needed to construct the previously authorized ground flare.

MITIGATION: The applicant has proposed to mitigate for the additional project impacts by performing the currently authorized permittee responsible mitigation on a 64.33-acre tract within the Rose City Marsh complex. No additional mitigation for these additional impacts will be provided. The currently authorized permittee responsible mitigation will preserve 58.93 acres of palustrine emergent wetlands and 5.40 acres of open water within the 64.33-acre mitigation area tract via an executed and recorded conservation easement held by Sabine-Neches Conservation, Inc. In addition, the applicant will enhance this mitigation area tract by controlling the herbaceous invasive species to less than 5 percent aerial coverage and the tree invasive species to 0 percent absolute coverage by the end of the five years of monitoring. If it is identified that the native vegetation has not obtained seventy percent aerial coverage, supplemental planting of native vegetation such as marsh hay cord grass (*Spartina patens*), hardstem bulrush (*Schoenoplectus acutus*), cattails (*Typha latifolia*), rushes (*Juncus spp.*), arrowheads (*Sagittaria spp.*), and bulrush species (*Scirpus spp.*) would be selected for planting and/or seeding. The mitigation area tract is located in a locally known area titled the Rose City Marsh Complex, and is situated within this complex in between Star Bayou and Meyer Bayou, near Rose City, in Orange County, Texas. The mitigation area tract can be located on the U.S.G.S. quadrangle map entitled: Beaumont East, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 30.072705° North; Longitude: -94.033863° West

CURRENT SITE CONDITIONS: The project site is an undeveloped tract of land comprised of coastal emergent wetland habitat. This location is situated to the west of State Highway 87, adjacent to a previously permitted access road, and south of the TOTAL Petrochemicals Refinery marine terminal, and to the north of the TOTAL Petrochemicals Refinery existing facility and Navigation District hurricane levee.

BACKGROUND: DA Permit SWG-2007-00083, issued on 4 March 2008, and expired on 31 December 2013, authorized the expansion of the applicant's petrochemical plant by developing the associated Deep Conversion Project which includes the installation of equipment to process heavier, lower quality crude oil and/or increase overall conversion of crude oil to lighter, more valuable distillates. The proposed project will impact 19.42 acres of wetlands that is dominated by coastal emergent wetland habitat. The applicant proposes to mitigate for unavoidable wetland impacts by restoring 40 acres of subsided coastal marsh at the Rose City Marsh Complex. This permit authorized the construction of a haul road, dock, laydown area, a mooring dolphin, four monopiles, a crane slab near the dock, and to dredge to a depth of -15 feet mean low tide and remove an estimated 27,000 cubic yards of material to be placed within dredge material placement area (DMPA) 14.

DA Permit SWG-2007-00083, issued on 5 June 2008, and expired on 31 December 2013, modified the permit special conditions and the mitigation plan.

DA Permit SWG-2007-00083, issued on 8 September 2009, and expired on 8 September 2011, verified the hydraulic dredging of a 1.84 acre area in Star Bayou to obtain additional sediments to build a wetland habitat area as compensatory mitigation associated with DA Permit SWG-2007-00083. The dredging estimated removal of 26,000 cubic yards of material to be placed in the Rose City Marsh Complex habitat restoration area.

DA SWG-2007-00083, issued on 15 October 2008, and expired on 31 December 2013, amended the permit to include DMPAs 13 and 16 for placement of the dredged material.

DA SWG-2007-00083, issued on 29 August 2013, and expired on 31 December 2013, amended the permit to include the as built width of the haul road. The applicant utilized the previously authorized permittee responsible mitigation area of 40 acres at Rose City Marsh Complex for compensatory mitigation.

DA SWG-2007-00083, issued on 6 September 2017, and expiring on 31 December 2022, authorized the discharge of fill material into 8.30 acres of coastal intermediate/brackish emergent and scrub/shrub wetlands during the construction of a ground flare, an access road, and one truss tower supporting a 459-foot-long pipe rack. The access road and pipe rack will connect the ground flare to an existing ethane steam cracker unit within the permittee's existing facility.

DA SWG-2007-00083, issued on 13 June 2018, and expiring on 18 March 2022, verified the maintenance dredging of a 3.1-acre area to a depth of -15 mean lower low water, plus 2 foot over depth, removing approximately 14,000 cubic yards of material to be placed into DMPA 14.

NOTES: This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. A preliminary jurisdictional determination for the aquatic resources within the project boundaries was verified by the Corps on 11 February 2015. 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.

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 is composed of low-lying wetlands with no existing or subsided natural levee landforms and has a low potential for containing cultural deposits that may be eligible for inclusion in the National Register of Historic Places. No cultural resource survey is warranted.

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.

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 **26 October 2018**. 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-2007-00083**, 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
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DISTRICT ENGINEER
GALVESTON DISTRICT
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