

TCEQ DOCKET NO. 2020-1351-MIS

IN THE MATTER OF THE SECTION	§	
401 WATER QUALITY	§	BEFORE THE
CERTIFICATION ON U.S. ARMY	§	
CORPS OF ENGINEERS SECTION	§	TEXAS COMMISSION ON
404 PERMIT APPLICATION NO.	§	
SWG-1995-02221 FOR MODA	§	ENVIRONMENTAL QUALITY
INGLESIDE OIL TERMINAL, LLC	§	

**SIERRA CLUB’S JOINDER TO IOBCWA’S MOTION TO OVERTURN THE
EXECUTIVE DIRECTOR’S 401 CERTIFICATION**

TO THE HONORABLE COMMISSIONERS:

Pursuant to 30 Tex. Admin Code § 50.139(b), Sierra Club hereby joins Ingleside on the Bay Coastal Watch Association’s (“IOBCWA”) Motion to Overturn the Executive Director’s 401 Certification filed on May 14, 2021. As described in detail in IOBCWA’s Motion, the Executive Director (“ED”) erred in several steps of the permitting process and the 401 Certification should be overturned, or remanded to the Executive Director with additional instructions. Specifically, the ED erred both in finding the proposed dredge and fill activities consistent with the Tier II anti-degradation policy and in determining that the proposed project is consistent with the Texas Coastal Management Plan; the ED neglected to consider cumulative and secondary impacts and practicable alternatives; and finally, the ED failed to require appropriate and practicable compensatory mitigation for all unavoidable adverse impacts that remain.

Sierra Club respectfully requests that the Commission grant IOBCWA and Sierra Club’s Motion to overturn the Executive Director’s April 22, 2021 decision granting the 401 Certification. Alternatively, IOBCWA and Sierra Club request that the 401 Certification be remanded to the Executive Director with instructions for further review.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrea Issod". The signature is fluid and cursive, with the first name "Andrea" and last name "Issod" clearly distinguishable.

Andrea Issod
Senior Attorney
Sierra Club Law Program
2101 Webster St., Suite 1300
Oakland, CA 94612
(415) 977-5544
andrea.issod@sierraclub.org

CERTIFICATE OF SERVICE

By my signature below, I, Andrea Issod, certify that on May 17, 2021, a true and correct copy of the foregoing document was electronically served on the Chief Clerk in accordance with the Texas Administrative Code.

/s/ Andrea Issod
Andrea Issod

For the Chief Clerk:

Via E-Filing

Office of the Chief Clerk, MC 105

TCEQ

PO Box 13087

Austin, TX 78711-3087

Telephone: (512) 239-3300