

8.0 TCEQ TIER II CHECKLIST:**401 Certification Questionnaire**

The following questions seek to determine how adverse impacts will be avoided during construction or upon completion of the project. If any of the following questions are not applicable to your project, write NA ("not applicable") and continue.

Please include the applicant's name as it appears on the Corps of Engineers' permit application (and permit number, if known) on all material submitted.

Permit No. TBD
Moda Ingleside Oil Terminal, LLC
1000 Louisiana, Suite 7100
Houston, TX 77002

The material should be sent to:

Texas Commission on Environmental
Quality Attn: 401 Coordinator (MC-150)
P.O. Box 13087 Austin, TX 78711-
3087

I. Impacts to surface water in the State, including wetlands

- A. What is the area of surface water in the State, including wetlands, that will be disturbed, altered or destroyed by the proposed activity?

An approximate 43-acre area (including side slopes) is proposed for dredging. Of the 43 acres approximately 42.2 acres are submerged bay bottom and approximately 0.80 acres are considered estuarine emergent wetland. An additional 0.15 acres of estuarine emergent wetland will be lost due to indirect impacts resulting from the project.

- B. Is compensatory mitigation proposed? If yes, submit a copy of the mitigation plan. If no, explain why not.

Yes, compensatory mitigation is proposed.

- C. Please complete the attached Alternatives Analysis Checklist.

II. Disposal of waste materials

- A. Describe the methods for disposing of materials recovered from the removal or destruction of existing structures.

No existing structures will require removal or demolition work to support proposed construction activity. There will be no structures or debris requiring disposal.

- B. Describe the methods for disposing of sewage generated during construction. If the proposed work establishes a business or a subdivision, describe the method for disposing of sewage after completing the project.

Construction activity related sewage will be collected and disposed by a state approved contracting service, i.e. Waste Management Service or approved equal.

- C. For marinas, describe plans for collecting and disposing of sewage from marine sanitation devices. Also, discuss provisions for the disposing of sewage generated from day-to-day activities.

N/A

III. Water quality impacts

- A. Describe the methods to minimize the short-term and long-term turbidity and suspended solids in the waters being dredged and/or filled. Also, describe the type of sediment (sand, clay, etc.) that will be dredged or used for fill.

Dredging will result in temporary and localized increase in total suspended solids (TSS) concentrations, which will temporarily increase turbidity in the water column. To minimize impacts resulting from this increase, the applicant will require that the contractor utilize turbidity curtains during dredging activities. To aid in the long-term minimization of increased turbidity resulting from erosion, the applicant proposes to stabilize the dredge side slope utilizing an articulated block mattress.

The dredge area is comprised predominately of sandy substrate with some areas containing clayey sand.

- B. Describe measures that will be used to stabilize disturbed soil areas, including: dredge material mounds, new levees or berms, building sites, and construction work areas. The description should address both short-term (construction related) and long-term (normal operation or maintenance) measures. Typical measures might include containment structures, drainage modifications, sediment fences, or vegetative cover. Special construction techniques intended to minimize soil or sediment disruption should also be described.

The applicant proposes to utilize existing dredge material placement areas (DMPAs) with sufficient available capacity. These DMPAs include DMPAs 6, 7, 8, 9, 10, 13, 14 A/B, 15 A/B, Good Hope, Berry Island, Dagger Island, and Beneficial Use Sites as available. The final selection of DMPAs will be coordinated with the appropriate agencies and owners to ensure that the infrastructure including levees and berms are good repair and that sufficient capacity is available for the placement of material.

- C. Discuss how hydraulically dredged materials will be handled to ensure maximum settling of solids before discharging the decant water. Plans should include a calculation of minimum settling times with supporting data (Reference: Technical Report, DS- 7810, Dredge Material Research Program, GUIDELINES FOR

DESIGNING, OPERATING, AND MAINTAINING DREDGED MATERIAL CONTAINMENT AREAS). If future maintenance dredging will be required, the disposal site should be designed to accommodate additional dredged materials. If not, please include plans for periodically removing the dried sediments from the disposal area.

The applicant will complete the dredging via mechanical or hydraulic methods. Hydraulically dredged material will be placed in a currently permitted confined upland placement area(s) as indicated above and will comply with all permit conditions. If hydraulic dredging is conducted and once the precise site(s) are selected the applicant will provide settling calculations.

- D. Describe any methods used to test the sediments for contamination, especially when dredging in an area known or likely to be contaminated, such as downstream of municipal or industrial wastewater discharges.

The need for a Sampling and Analysis Plan (SAP) will be coordinated as appropriate prior to undertaking any dredging efforts.



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Tier II Alternatives Analysis Checklist

I. Alternatives

A. How could you satisfy your needs in ways which do not affect surface water in the State?

The proposed project cannot be constructed without impacting surface waters. The applicant is committed to using existing DMPAs to avoid additional impacts to surface waters.

B. How could the project be re-designed to fit the site without affecting surface water in the State?

The proposed project cannot be re-designed to fit the site without affecting surface water in the state. Every effort has been made to reduce the size of the project and minimize impacts.

C. How could the project be made smaller and still meet your needs?

The footprint of the proposed project has been optimized to the smallest extent practicable. Added water depth is a requirement to support the increasing draft requirements of vessels entering the berths.

D. What other sites were considered?

1. What geographical area was searched for alternative sites?

All tracts within San Patricio County were considered for alternatives. Moda was unable to locate alternative offsite tracts that were available with water access.

2. How did you determine whether other non-wetland sites are available for development in the area?

No potential alternative sites were available that meet the goals of the project and resulted in reduced impacts.

3. In recent years, have you sold or leased any lands located within the vicinity of the project? If so, why were they unsuitable for the project?

No.



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Tier II

E. What are the consequences of not building the project?

The consequences of not building the project would result in potential loss of economic growth within the surrounding area and would not meet the needs of Moda's existing and committed future client base.

II. Comparison of alternatives

A. How do the costs compare for the alternatives considered above?

Not applicable. There were no practicable alternative offsite locations available that reduced the proposed impacts.

B. Are there logistical (location, access, transportation, etc.) reasons that limit the alternatives considered?

Potential alternative sites which meet the intended goal of Moda are limited by several factors which include the availability of waterfront footage, existing adjacent deep water, the ability to practicably install maritime and inland infrastructure such as pipelines and other components necessary to tie a remote facility to Moda's existing onshore terminal.

C. Are there technological limitations for the alternatives considered?

Yes, as stated above the ability to build at an offsite location and create pipelines and other infrastructure to tie into the existing onshore terminal would create technological limitations dependent upon the location of the offsite alternative.

D. Are there other reasons certain alternatives are not feasible?

N/A

III. If you have not chosen an alternative which would avoid impacts to surface water in the State, please explain:

A. Why your alternative was selected, and

The applicant has selected its alternative because it is the only feasible alternative that minimizes impacts to the maximum extent practicable while still meeting the purpose and need of the project.

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Tier II

B. What do you plan to do to minimize adverse effects on the surface water in the State impacted?

The project site selected is adjacent to Moda's existing upland and marine facility with extensive infrastructure and readily available transportation access reducing the need for additional support to be added for project implementation. Moda has proposed to stabilize the dredge side slope to prevent further erosion and impacts to nearby sensitive resources. Further, Moda will require that all contractors utilize all appropriate Best Management Practices (BMPs) during construction.

IV. Please provide a comparison of each criteria (from Part II) for each site evaluation in the alternative analysis.

Moda did not locate any feasible offsite tracts available for consideration.

V. Please provide a comparison of each criteria (from Part II) for each site evaluation in the alternative analysis.

Moda did not locate any feasible offsite tracts available for consideration.