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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 22, 2021

Mr. Mark Pattillo, Project Manager  
Galveston District CESWG-PE-RE  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: USACE Permit Application No. SWG-1995-02221

Dear Mr. Pattillo:

This letter is in response to the Statement of Findings (SOF) dated April 13, 2021, for the Joint Public Notice dated February 6, 2020, on the proposal by the applicant, Moda Ingleside Oil Terminal, LLC, to perform the following regulated activities necessary to make improvements to Berth 2A within the existing East Basin: increase the permitted width of the West Ship Basin from 390 feet wide to 475 feet to allow construction of new barge docks (Berths 7A, 7B, 7C, 8, and 9); add a 1,700-foot-diameter turning basin at the West Ship Basin entrance to the Corpus Christi Ship Channel; add a new deep-water ship dock in the West Ship Basin; and conduct maintenance dredging operations in both the East and West Ship Basins. The overall dredge footprint will be approximately 43 acres including side slopes, of which 32.8 acres will be at the proposed finished depth. Impacts are proposed to 8.86 acres of seagrass and 0.95 acre of emergent wetlands. The project is located on the north side of the Corpus Christi Ship Channel at 262 Coral Sea Road (formerly Naval Station Ingleside), Ingleside, San Patricio County, Texas.

The Texas Commission on Environmental Quality (TCEQ) has reviewed the public notice and related application information along with the SOF. On behalf of the Executive Director and based on our evaluation of the information contained in these documents, the TCEQ certifies that there is reasonable assurance that the project will be conducted in a way that will not violate water quality standards. General information regarding this water quality certification, including standard provisions of the certification, is included as an attachment to this letter.

To mitigate for the proposed impacts, the applicant will construct approximately 2,000 feet of rock breakwater to provide protection from high wave energy to a shoreline that supports more than five acres of adjacent estuarine wetlands as well as create conditions conducive to seagrass establishment. Following construction of the breakwater, the applicant will plant 20 acres of seagrass landward of the structure within the vegetated bay bottom that historically supported dense seagrass beds. Additionally, the applicant will preserve 70 acres of on-site forested land that includes a mosaic of pothole wetlands.

April 22, 2021


The TCEQ has reviewed this proposed action for consistency with the Texas Coastal Management Program (CMP) goals and policies in accordance with the CMP regulations (Title 31, Texas Administrative Code (TAC), Section (§)505.30) and has determined that the action is consistent with the applicable CMP goals and policies.

This certification was reviewed for consistency with the CMP's development in critical areas policy (31 TAC §501.23) and dredging and dredged material disposal and placement policy (31 TAC §501.25). This certification complies with the CMP goals (31 TAC §501.12(1, 2, 3, 5)) applicable to these policies.

No review of property rights, location of property lines, nor the distinction between public and private ownership has been made, and this certification may not be used in any way with regard to questions of ownership.

If you require additional information or further assistance, please contact Mr. C. Brad Caston, Water Quality Assessment Section, Water Quality Division (MC-150), at (512) 239-4711 or by email at [Charles.Caston@tceq.texas.gov](mailto:Charles.Caston@tceq.texas.gov)

Sincerely,



Erika Crespo, Acting Deputy Director  
Water Quality Division  
Texas Commission on Environmental Quality

EC/CBC/sea

Attachment

ccs: Mr. Clayton Curtis via email at [Clayton.Curtis@modamidstream.com](mailto:Clayton.Curtis@modamidstream.com)  
Ms. Sara Flaherty via email at [sflaherty@belaireenv.com](mailto:sflaherty@belaireenv.com)  
Mr. Jesse Solis via e-mail at Federal [Federal.Consistency@GLO.TEXAS.GOV](mailto:Federal.Consistency@GLO.TEXAS.GOV)

**WORK DESCRIPTION:** As described in the public notice dated February 6, 2020, and the April 13, 2021, Environmental Assessment and Statement of Findings.

**SPECIAL CONDITIONS:** None

**GENERAL:** This certification, issued pursuant to the requirements of Title 30, Texas Administrative Code, Chapter 279, is restricted to the work described in the April 13, 2021, Environmental Assessment and Statement of Findings and shall be concurrent with the Corps of Engineers (COE) permit. This certification may be extended to any minor revision of the COE permit when such change(s) would not result in an impact on water quality. The Texas Commission on Environmental Quality (TCEQ) reserves the right to require full joint public notice on a request for minor revision. If this application is a modification of an original permit or any modification thereof for which a special condition was cited by the Commission or a predecessor agency, such conditions shall remain valid. The applicant is hereby placed on notice that any activity conducted pursuant to the COE permit which results in a violation of the state's surface water quality standards may result in an enforcement proceeding being initiated by the TCEQ or a successor agency.

**STANDARD PROVISIONS:** These following provisions attach to any permit issued by the COE and shall be followed by the permittee or any employee, agent, contractor, or subcontractor of the permittee during any phase of work authorized by a COE permit.

1. The water quality of wetlands shall be maintained in accordance with all applicable provisions of the Texas Surface Water Quality Standards including the General, Narrative, and Numerical Criteria.
2. The applicant shall not engage in any activity which will cause surface waters to be toxic to man, aquatic life, or terrestrial life.
3. Permittee shall employ measures to control spills of fuels, lubricants, or any other materials to prevent them from entering a watercourse. All spills shall be promptly reported to the TCEQ by calling the State of Texas Environmental Hotline at 1-800-832-8224.
4. Sanitary wastes shall be retained for disposal in some legal manner. Marinas and similar operations which harbor boats equipped with marine sanitation devices shall provide state/federal permitted treatment facilities or pump out facilities for ultimate transfer to a permitted treatment facility. Additionally, marinas shall display signs in appropriate locations advising boat owners that the discharge of sewage from a marine sanitation device to waters in the state is a violation of state and federal law.
5. Materials resulting from the destruction of existing structures shall be removed from the water or areas adjacent to the water and disposed of in some legal manner.

6. A discharge shall not cause substantial and persistent changes from ambient conditions of turbidity or color. The use of silt screens or other appropriate methods is encouraged to confine suspended particulates.
7. The placement of any material in a watercourse or wetlands shall be avoided and placed there only with the approval of the Corps when no other reasonable alternative is available. If work within a wetland is unavoidable, gouging or rutting of the substrate is prohibited. Heavy equipment shall be placed on mats to protect the substrate from gouging and rutting if necessary.
8. Dredged Material Placement: Dredged sediments shall be placed in such a manner as to prevent any sediment runoff onto any adjacent property not owned by the applicant. Liquid runoff from the disposal area shall be retained on-site or shall be filtered and returned to the watercourse from which the dredged materials were removed. Except for material placement authorized by this permit, sediments from the project shall be placed in such a manner as to prevent any sediment runoff into waters in the state, including wetlands.
9. If contaminated spoil that was not anticipated or provided for in the permit application is encountered during dredging, dredging operations shall be immediately terminated and the TCEQ shall be contacted by calling the State of Texas Environmental Hotline at 1-800-832-8224. Dredging activities shall not be resumed until authorized by the Commission.
10. Contaminated water, soil, or any other material shall not be allowed to enter a watercourse. Noncontaminated storm water from impervious surfaces shall be controlled to prevent the washing of debris into the waterway.
11. Storm water runoff from construction activities that result in a disturbance of one or more acres, or are a part of a common plan of development that will result in the disturbance of one or more acres, must be controlled and authorized under Texas Pollutant Discharge Elimination System (TPDES) general permit TXR150000. A copy of the general permit, application (notice of intent), and additional information is available at:  
[http://www.tceq.texas.gov/permitting/stormwater/wq\\_construction.html](http://www.tceq.texas.gov/permitting/stormwater/wq_construction.html) or by contacting the TCEQ Stormwater Team at (512) 239-4671.
12. Upon completion of earthwork operations, all temporary fills shall be removed from the watercourse/wetland, and areas disturbed during construction shall be seeded, riprapped, or given some other type of protection to minimize subsequent soil erosion. Any fill material shall be clean and of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters.

13. Disturbance to vegetation will be limited to only what is absolutely necessary. After construction, all disturbed areas will be revegetated to approximate the pre-disturbance native plant assemblage.
14. Where the control of weeds, insects, and other undesirable species is deemed necessary by the permittee, control methods which are nontoxic to aquatic life or human health shall be employed when the activity is located in or in close proximity to water, including wetlands.
15. Concentrations of taste and odor producing substances shall not interfere with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish including shellfish, result in offensive odors arising from the water, or otherwise interfere with reasonable use of the water in the state.
16. Surface water shall be essentially free of floating debris and suspended solids that are conducive to producing adverse responses in aquatic organisms, putrescible sludge deposits, or sediment layers which adversely affect benthic biota or any lawful uses.
17. Surface waters shall be essentially free of settleable solids conducive to changes in flow characteristics of stream channels or the untimely filling of reservoirs, lakes, and bays.
18. The work of the applicant shall be conducted such that surface waters are maintained in an aesthetically attractive condition and foaming or frothing of a persistent nature is avoided. Surface waters shall be maintained so that oil, grease, or related residue will not produce a visible film of oil or globules of grease on the surface or coat the banks or bottoms of the watercourse.
19. This certification shall not be deemed as fulfilling the applicant's/permittee's responsibility to obtain additional authorization/approval from other local, state, or federal regulatory agencies having special/specific authority to preserve and/or protect resources within the area where the work will occur.