



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
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DALLAS, TEXAS 75270-2102

January 21, 2021

Mr. Bradley McKittrick
Project Manager
USCG Vessel and Facility
Operating Standards Division (CG-OES-2)
U.S. Coast Guard Headquarters
2703 Martin Luther King Jr Avenue, SE
Washington DC 20593-7509

Dear Mr. McKittrick:

Pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500 – 1508), and our NEPA review authority under Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the Texas GulfLink (TGL) Deepwater Port Application Draft Environmental Impact Statement (EIS) (CEQ No. 20200239).

The proposed project evaluates the construction, operation and decommission of a deepwater port in federal waters southeast of Freeport, Texas. Crude oil would be pumped through a proposed 36-inch pipeline that would originate at the existing 40-inch leased pipeline within the property of the Department of Energy Bryan Mound Strategic Petroleum Reserve. This pipeline would extend to a new onshore storage and pumping facility TGL Jones Creek Terminal pumping facility that would be constructed on approximately 262 acres in Brazoria County, Texas. From the proposed TGL Jones Creek Terminal, the crude oil would be transferred to the proposed deepwater port through a proposed 42-inch pipeline. The deepwater port would include a fixed platform and two single point mooring buoy systems, sited approximately 26.6 nautical miles off the coast of Brazoria County, Texas within the Galveston Area Lease Blocks GA 423 and GA A 36 at a water depth of approximately 104 feet. The single point mooring buoys would allow tankers as large as Very Large Crude Carriers to moor and receive shipments of up to 2 million barrels of crude oil at flow rates of up to 85,000 barrels per hour. A shoreside support facility would be located at an established marine facility with warehouse access and berths for support vessels, in the Freeport, Texas area.

Together, the U.S. Coast Guard (USCG) and Maritime Administration (MARAD) are the lead federal agencies responsible for processing the license application for the proposed project. EPA is assisting as a cooperating agency in the development of the EIS. For your consideration, the enclosed recommendations are provided and focus on improving the clarity of the Draft EIS.

We appreciate the opportunity to review the Draft EIS and look forward to reviewing the Final EIS related to this project. If you have any questions on our recommendations, please contact Kimeka Price of my staff at (214) 665-7438 or by e-mail at price.kimeka@epa.gov.

Sincerely,

Robert Houston
Acting Director
Office of Communities, Tribes and
Environmental Assessment

Enclosure

Detailed Comments – Draft EIS for Texas Gulflink Deepwater Port Application

The EPA has included the following recommendations for consideration in the Final EIS.

Water Resources

EPA recommends the estimated wetland impacts be identified for each alternative and considered to assist with a least environmentally damaging practical alternatives (LEDPA) determination as part of the CWA 404 permitting process, which is referenced throughout the Draft EIS.

The Draft EIS expects there would be no direct impacts to wetlands due to decommissioning activities as decommissioning would take place largely within the permanent right-of-way. Implementation of monitoring, success criteria and potential mitigation may be appropriate as those activities may result in future temporal losses to the re-established wetlands.

As the Appendix O Compensatory Mitigation Plan (CMP) proposes a dual track approach with an option for Permittee Responsible Mitigation (PRM) due to the potential for insufficient mitigation bank credits being available, a CMP still needs to be provided for the PRM. EPA recommends the PRM be consistent with the 2008 Mitigation Rule to ensure adequate compensatory mitigation will be provided for the proposed wetland impacts.

For the waters of the U.S. crossing impacts identified on the Wetland Map Sheets, it is unclear how the applicant intends to address compensatory mitigation requirements for these features. The map legend for the Wetland Map Sheets reflects total acreages of 629.8 acres of wetlands and 55.3 acres of WOUS identified within the 716.1-acre project area. These acreages do not match the project acre impacts identified within the text of the mitigation plan. EPA recommends clarification for consistency.

There are numerous references to the Appendix P Habitat Restoration Plan as a component to minimize the loss of biological, chemical and physical function within the impacted aquatic resources. However, the Habitat Restoration Plan includes minimal details related to wetland restoration activities to help ensure the restoration of impacted wetland areas. EPA recommends additional details be incorporated regarding the pre- and post-construction survey requirements along with specific and meaningful success criteria and monitoring requirements. Doing so will help ensure the direct impacts of the construction activity and the noted potential indirect effects of altered natural hydrologic and soil conditions are addressed in the EIS.

Air Quality

The collection of the ship onboard transfer crude oil volatile organic compound (VOC) emissions and the transfer of the collected VOC emissions to a platform-based compressor to send the VOC emissions through a pipeline to the shore for processing should be considered. Regarding the conformity analysis, the EIS states that three support vessels will be utilized; however, it is unclear if three vessels were used in the conformity component analysis, and the hours of operation should be greater during the period estimated. The oil spill analysis mentions that tugboats will be used to position the Very Large Cargo Carriers; however, the conformity analysis does not mention tugboats.

Environmental Justice

In Section 3.15, the EIS discusses impacts to minority and low-income populations. In Appendix M, the EIS lists best management practices and recommended mitigation measures the Lead Federal Agencies would implement. EPA recommends the Lead Federal Agencies commit to implementing mitigation measures for adverse impacts.