

June 22, 2016

Chief Clerk of the TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Docket No. 2016-0666-IWD
Clean Harbors San Leon, Inc.
Permit No. WQ0004086000

CHIEF CLERKS OFFICE

2016 JUN 22 PM 2:12

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

To Whom it may concern:

I am responding to the reply I received from the Executive Director of the TCEQ regarding the pending permit for the corporation Clean Harbors San Leon, Inc. I appreciated being acknowledged as an affected person from issuance of the permit by the Executive Director. As I have stated before, it is not just me and my family but the entire community being affected by this permit. The first issue regarding the replies from the director I want to address involves the Save Our Shores organization of San Leon. They were not recognized as an affected person/persons due to the fact they didn't have a confirmed affected person in their membership. I am an active member of Save Our Shores and due to the fact I am an acknowledged affected person by the Executive Director they should have the right to address the TCEQ committee as such.

The next subject I would like to address is the fact that since the process started with this permit request, our area has suffered greatly from a huge influx of fresh water. The oyster production will be non existent this year due to the fact there is no salinity in the bay system. We are at a critical phase of working to save the oysters we can, and to not cause any additional stress to the bays. There was news over the weekend of the Galveston area reporting a case of bacterial infection in a person from the water, a serious case that could possibly result in death. In areas that people are known to be in the water, whether to swim, fish, paddle board or whatever their passion is, we have to do what we can to insure they are in as safe an environment as possible. We already know that areas of Dickinson Bayou have high levels of bacteria that aren't safe to get into. So far, Dickinson Bay has not had that high of a concern but I fear we will get to that with the additional pollution from Clean Harbors. We have been working with the Galveston Bay Foundation to try to help increase oyster population by encouraging spat development (baby oysters) from our piers. There are oyster reefs in Dickinson Bay that do get fished periodically. My point of bringing up these issues is to reinforce the importance of maintaining the delicate balance of the bay system to help it stay healthy.

Probably the main issue I have with Clean Harbors is the fact they will bring toxic substances into our community, emit toxic wastewater into our bay system and have no economic benefit to the community it affects the most. San Leon has zero to gain from this situation and everything to lose. We could potentially lose our fishing, shrimping, oyster harvesting, kayaking, paddle boarding, skiing, swimming, everything that is loved about this area. Due to the fact Clean Harbors will test maybe a couple of times a week, the potential is there for irreparable damage to be done. They could be emitting toxins into the bay for days unknown to anyone in the area. We could be swimming, fishing whatever, in substances that should not be ingested, or allowed onto your skin. Not to mention the seafood that could be caught and sold to the public not knowing of the risks. It is the seafood and fishing industries that support our community, not Clean Harbors.

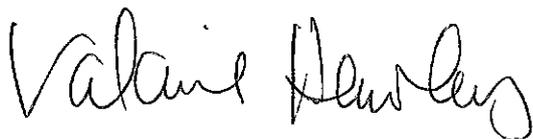
The map that was included in the documents I received from the TCEQ showed a circle outlining how the affected people of the area was determined. I don't know what calculation this sphere was

based upon, but it is grossly inaccurate as to who the facility pollution will affect. Winds in the area can alter the direction and strength of the tides, and that small circle is simply ridiculous. A strong west wind would definitely push the tide in the direction of our house. The affected area would be much greater than it reflects, it should be redone due to inaccuracy. It is undoubtedly in favor of the Clean Harbors facility which is highly suspect. There are populated canal communities just around the corner from the facility that are not included in the designated circle that should be.

We have many fishing tournaments hosted on Dickinson Bay each year supporting interests such as Sisters Helping Sisters, a breast cancer fund raiser held at the Lazy Lizard Restaurant, and on July 16th there will be one held at the Sunset Lounge called the First Responders Tournament. These are examples of events sponsored to support people in our area because we care for each other and our community. They could be affected if the water is too polluted to support fishing.

Enclosed with this letter are items you may not have seen previously. I wanted to point out where affected businesses are located in relation to the Clean Harbors facility. Also included is a copy of my husband's fishing map that show the reefs where people come to fish because it is an optimal place to do just that. I certainly appreciate your time and consideration in this matter. Please know that I am not a person who is usually so vocal as I have been on this issue. This community is unique, we love it and would hate to see it get destroyed by additional pollution. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Valarie Hawley". The signature is written in a cursive, flowing style.

Valarie Hawley
1202 12th Street
San Leon, Texas 77539
(281)339-7277
vghawley@yahoo.com

January 23, 2016

I am sending a typed copy of an article in the June 15th Statesman newspaper out of Austin, Texas/Associated Press. I couldn't get it to print without all the ads.

Galveston County judge declares local disaster over oysters

GALVESTON The leader of a Southeast Texas County has declared a disaster in an effort to assist oyster farmers struggling following recent heavy rain and flooding. Galveston County Judge Mark Henry on Tuesday announced the local declaration as a step to help oyster business owners get financial help. A state declaration for Galveston County would be necessary before oyster harvesters could get government assistance. Henry signed the Galveston County disaster declaration on Saturday. The judge says oyster harvesters are still recovering from Hurricane Ike, drought and recent freshwater from storms. Rain and flooding along the Brazos River sent freshwater draining into Galveston Bay, diluting the saltwater needed by oysters.

The Houston Chronicle reports that Texas Parks and Wildlife deputy division director for coastal fisheries Lance Robinson said that some oystermen who lease bay bottom from the state are reporting that entire banks of oysters have died.

Raz Halili, junior vice president at Prestige Oysters, one of the largest shippers of fresh oysters in the country said his company is facing difficult times. "Last year we had heavy floods, and it killed an entire crop," Halili said. "We're looking at the same thing happening this year."

Henry says a large part of the state's \$30 million oyster industry relies on Galveston Bay.

"These oyster farmers endured Hurricane Ike, algae, red tide, drought and now an influx of freshwater from flooding," Henry said. "My hope is that by making a declaration here, our state and federal partners can see that we're behind our small business owners during this difficult time."

Businesses on Dickinson Bay and Dickinson Bayou Dependent on Fishing and Seafood Production

1. Topwater Grill Restaurant

pay per use boat ramp

bait shop

fishing guides operate out of location

hosts fishing tournaments

2. Mishos Oyster Company

oyster sales

oyster boat docks

3. Sunset Lounge

pay per use fishing pier

RV slip rental

hosts fishing tournaments

4. Lazy Lizard Restaurant

free boat ramp

bait shop

fishing guides operate out of location

RV slip rental

hosts fishing tournaments

5. Shrimp boat docks – predominately Vietnamese

6. Hillmans Seafood

fresh seafood for sale

bait shop

boat repair

7. Waterman's Marina

boat slip rental

CLEAN HARBORS

⑤ SHRIMP BOATS

④ LAZY LIZARD

HAWLEY HOUSE

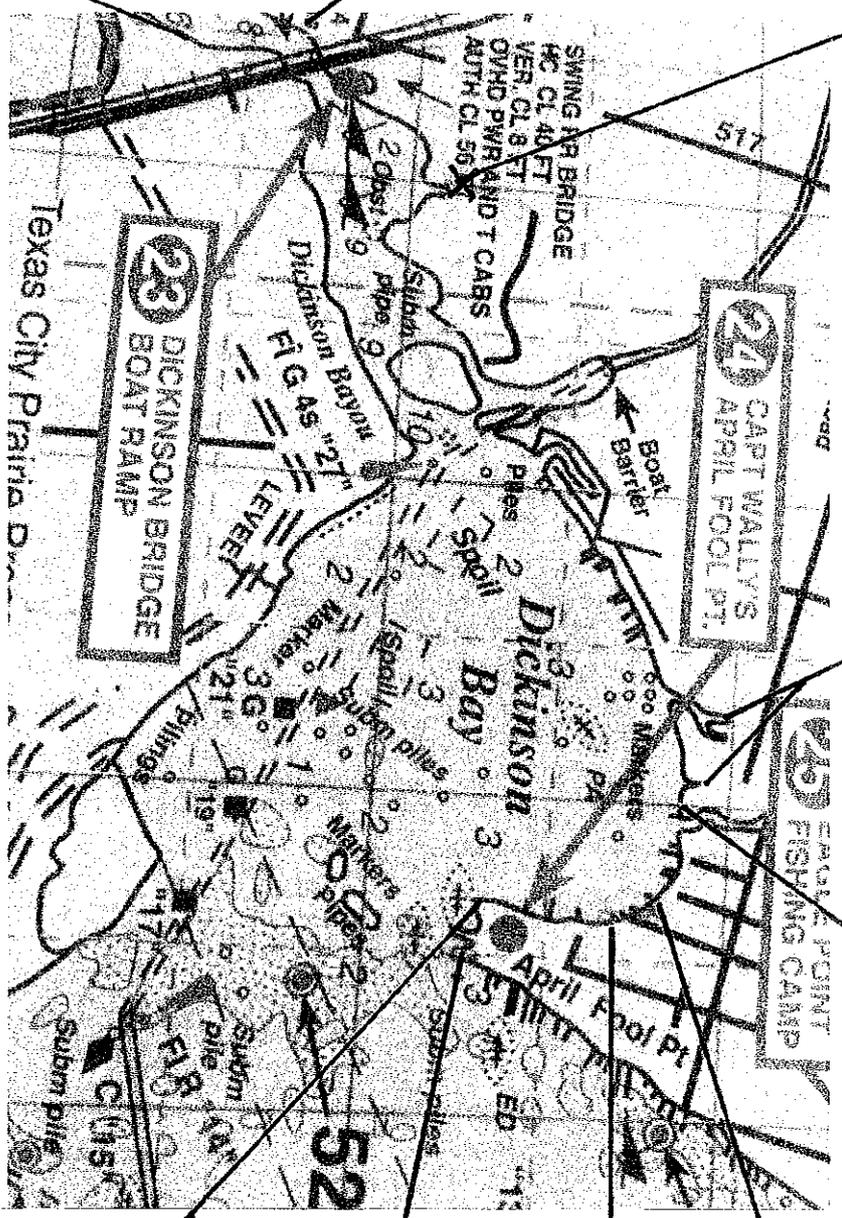
③ SUNSET LOUNGE

① TOPWATER GRILL

② MISHO'S OYSTER CO.

⑥ HILLMAN'S SEAFOOD

⑦ WATERMAN'S MARINA



②① CAPT WALLY'S APRIL FOOL PT.

②③ DICKINSON BRIDGE BOAT RAMP

②④ FISHING CAMP

APRIL FOOL PT.

52

517

SWING NET BRIDGE
HC CL 40 FT
VER. CL. 8 FT
OVID PWR AND T CABS
AUTH. CL. 56

Dickinson Bay
Sill
Pipes
Fig 4s
LEVER

Texas City Prairie D...

①②

③④

⑤⑥

⑦⑧

⑨⑩

⑪⑫

⑬⑭

⑮⑯

⑰⑱

⑲⑳

㉑㉒

㉓㉔

㉕㉖

㉗㉘

㉙㉚

㉛㉜

㉝㉞

㉟㊱

㊲㊳

㊴㊵

㊶㊷

㊸㊹

㊺㊻

㊼㊽

㊾㊿

①

②

③

④

⑤

⑥

⑦

⑧

⑨

⑩

⑪

⑫

⑬

⑭

⑮

⑯

⑰

⑱

⑲

⑳

㉑

㉒

㉓

㉔

㉕

㉖

㉗

㉘

㉙

㉚

㉛

㉜

㉝

㉞

㉟

㊱

㊲

㊳

㊴

㊵

㊶

㊷

㊸

㊹

㊺

㊻

㊼

㊽

㊾

㊿

①

②

③

④

⑤

⑥

⑦

⑧

⑨

⑩

⑪

⑫

⑬

⑭

⑮

⑯

⑰

⑱

⑲

⑳

㉑

㉒

㉓

㉔

㉕

㉖

㉗

㉘

㉙

㉚

㉛

㉜

㉝

㉞

㉟

㊱

㊲

㊳

㊴

㊵

㊶

㊷

㊸

㊹

㊺

㊻

㊼

㊽

㊾

㊿

①

②

③

④

⑤

⑥

⑦

⑧

⑨

⑩

⑪

⑫

⑬

⑭

⑮

⑯

⑰

⑱

⑲

⑳

㉑

㉒

㉓

㉔

㉕

㉖

㉗

㉘

㉙

㉚

㉛

㉜

㉝

㉞

㉟

㊱

㊲

㊳

㊴

㊵

㊶

㊷

㊸

㊹

㊺

㊻

㊼

㊽

㊾

㊿

①

②

③

④

⑤

⑥

⑦

⑧

⑨

⑩

⑪

⑫

⑬

⑭

⑮

⑯

⑰

⑱

⑲

⑳

㉑

㉒

㉓

㉔

㉕

㉖

㉗

㉘

㉙

㉚

㉛

㉜

㉝

㉞

㉟

㊱

㊲

㊳

㊴

㊵

㊶

㊷

㊸

㊹

㊺

㊻

㊼

㊽

㊾

㊿

①

②

③

④

⑤

⑥

⑦

⑧

⑨

⑩

⑪

⑫

⑬

⑭

⑮

⑯

⑰

⑱

⑲

⑳

㉑

㉒

㉓

㉔

㉕

㉖

㉗

㉘

㉙

㉚

㉛

㉜

㉝

㉞

㉟

㊱

㊲

㊳

㊴

㊵

㊶

㊷

㊸

㊹

㊺

㊻

㊼

㊽

㊾

㊿

①

②

③

④

⑤

⑥

⑦

⑧

⑨

⑩

⑪

⑫

⑬

⑭

⑮

⑯

⑰

⑱

⑲

⑳

㉑

㉒

㉓

㉔

㉕

㉖

㉗

㉘

㉙

㉚

㉛

㉜

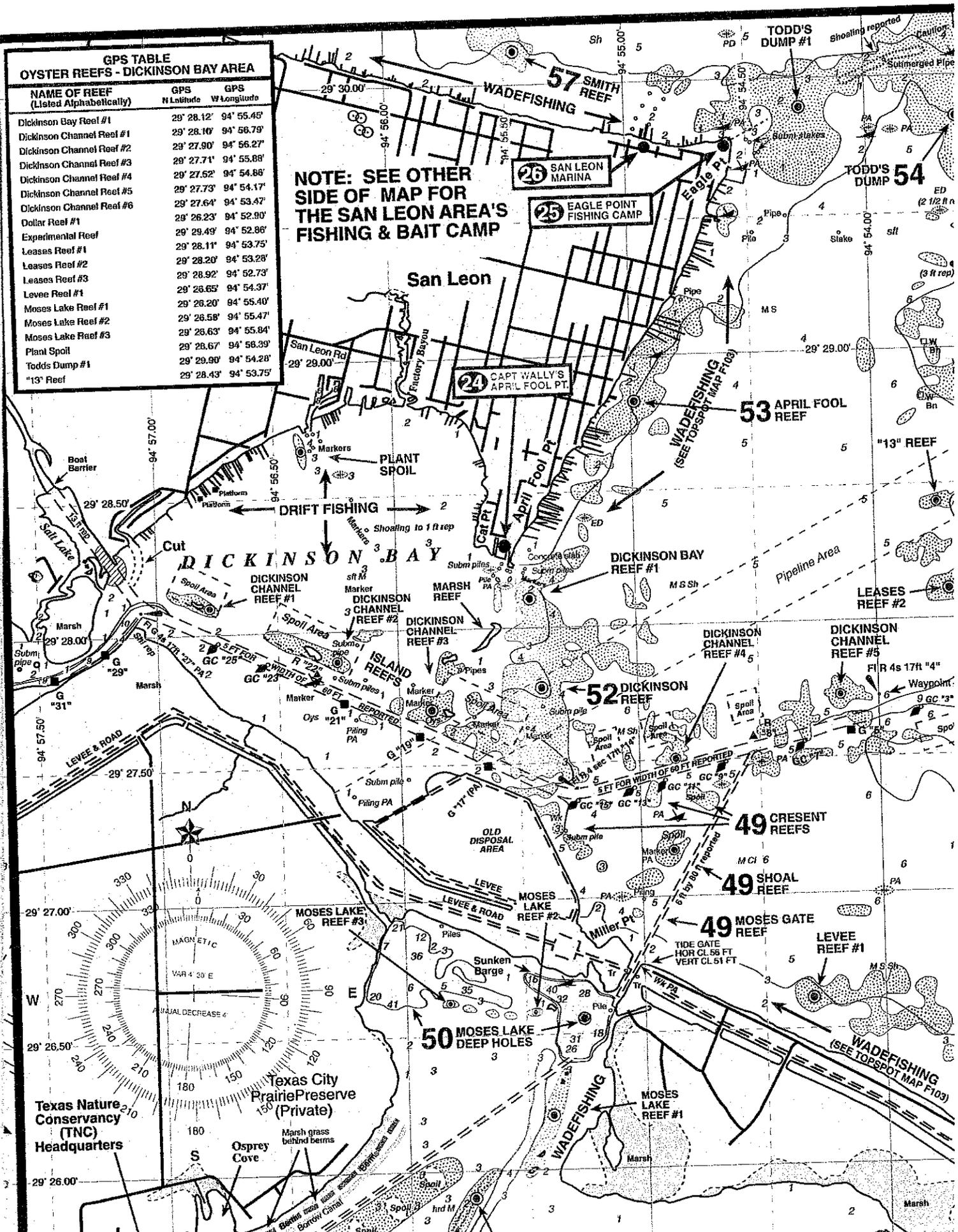
㉝

㉞

**GPS TABLE
OYSTER REEFS - DICKINSON BAY AREA**

NAME OF REEF (Listed Alphabetically)	GPS N Latitude	GPS W Longitude
Dickinson Bay Reef #1	29° 28.12'	94° 55.45'
Dickinson Channel Reef #1	29° 28.10'	94° 56.79'
Dickinson Channel Reef #2	29° 27.90'	94° 56.27'
Dickinson Channel Reef #3	29° 27.71'	94° 55.88'
Dickinson Channel Reef #4	29° 27.52'	94° 54.88'
Dickinson Channel Reef #5	29° 27.73'	94° 54.17'
Dickinson Channel Reef #6	29° 27.64'	94° 53.47'
Dollar Reef #1	29° 26.23'	94° 52.90'
Experimental Reef	29° 29.49'	94° 52.86'
Leases Reef #1	29° 28.11'	94° 53.75'
Leases Reef #2	29° 28.20'	94° 53.28'
Leases Reef #3	29° 28.92'	94° 52.73'
Levee Reef #1	29° 28.65'	94° 54.37'
Moses Lake Reef #1	29° 26.20'	94° 55.40'
Moses Lake Reef #2	29° 26.58'	94° 55.47'
Moses Lake Reef #3	29° 28.63'	94° 55.84'
Plant Spoil	29° 28.67'	94° 58.39'
Todd's Dump #1	29° 29.90'	94° 54.28'
"13" Reef	29° 28.43'	94° 53.75'

**NOTE: SEE OTHER
SIDE OF MAP FOR
THE SAN LEON AREA'S
FISHING & BAIT CAMP**



Texas Rookery Islands

Galveston Bay and East Matagorda Bay, Texas

Phase IV Proposed Early Restoration Project

PROJECT DESCRIPTION

The Texas Rookery Islands project would restore and protect three rookery islands in Galveston Bay and one rookery island in East Matagorda Bay. Rookery islands in Galveston Bay include Dickinson Bay Island II, located within Dickinson Bay; Rollover Bay Island, located in East (Galveston) Bay; and Smith Point Island, located west of the Smith Point peninsula. Dressing Point Island lies in East Matagorda Bay and is part of the Big Boggy National Wildlife Refuge. The purpose of the proposed project is to begin to restore and protect bird species injured as a result of the spill. It would include coordination with state and federal agency biologists and with non-governmental organization partners prior to implementation and would be implemented by the Texas Trustees and the U.S. Department of the Interior.

The goal is to increase the numbers of nesting colonial waterbirds by restoring and protecting rookery islands in Galveston and East Matagorda Bays. The design for the restoration and protection of the rookery islands would take into consideration methods to protect the islands from land loss associated with erosion and relative sea level rise. Rollover Bay and Smith Point Islands currently support only limited colonial waterbird nesting due to diminishing size and habitat loss. Dickinson Bay Island II was completely lost to nesting birds several decades ago. Waterbird use of Dressing Point Island has declined as its size has decreased.

Restoration activities at each rookery island would increase the amount of available nesting habitat by expanding the size of the island and enhancing habitat quality by establishing native vegetation. Habitat longevity would be increased by increasing the size of the island, establishing vegetation, and constructing protective features such as breakwaters or levees. The Texas Rookery Islands project would benefit various colonial waterbirds, including brown pelicans, gulls, royal and sandwich terns, and wading birds such as great blue herons, roseate spoonbills, reddish egrets, great egrets, snowy egrets, tricolored herons, and black-crowned night herons.

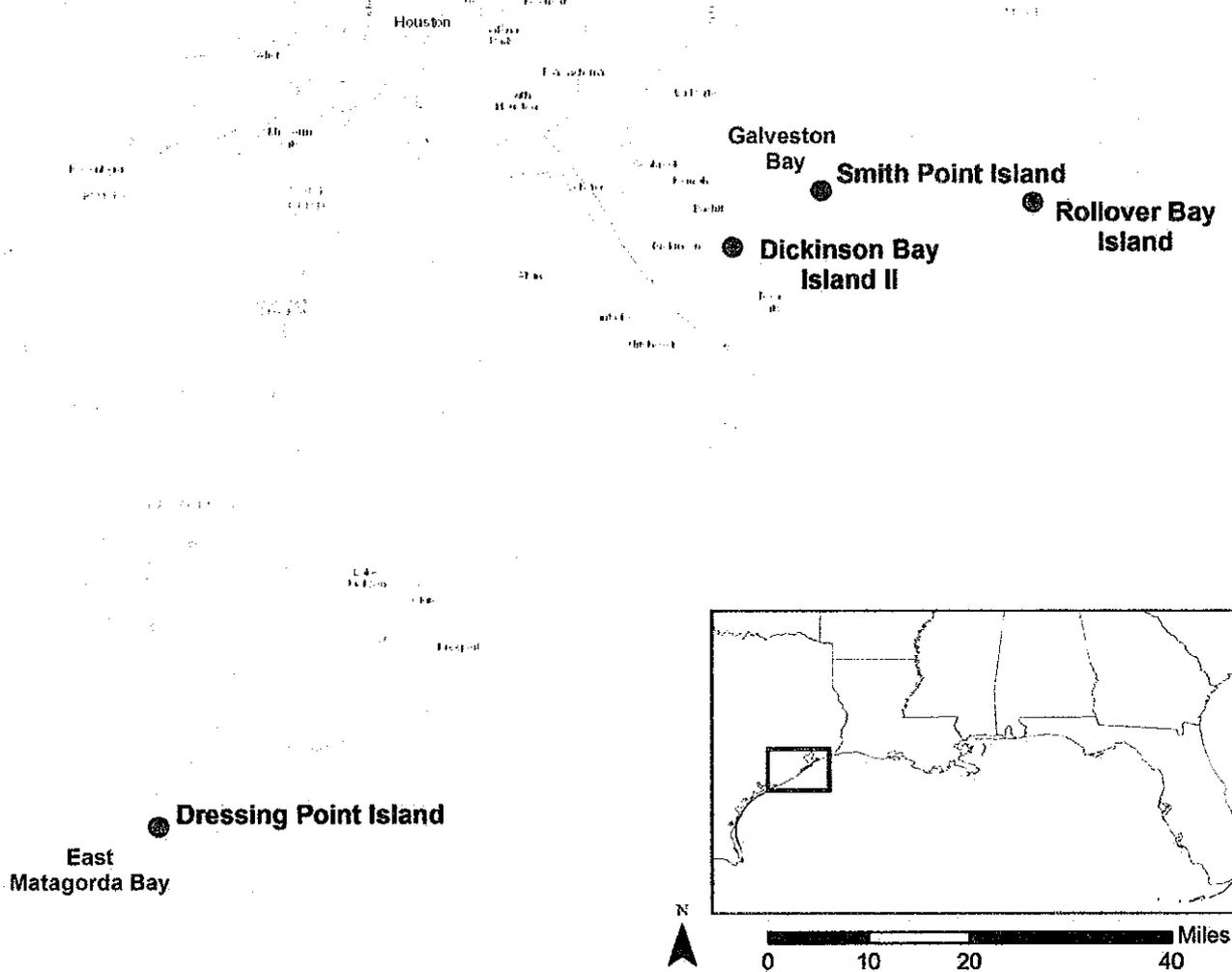
ESTIMATED COST : \$20,603,770



Tri-colored herons, brown pelicans, royal terns, and laughing gulls congregate to nest on Evia Island in Galveston Bay.

USFWS Woody Woodrow

Texas Rookery Islands Project



Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, and the GIS User Community



Woody Woodrow

Roseate Spoonbill is a species that will benefit from the creation of nesting habitat from this project.

FOR MORE INFORMATION, CONTACT:
 Don Pitts
 Texas Parks and Wildlife Department
 512-389-8754
don.pitts@tpwd.texas.gov



Dickinson Bay Bird Nesting Islands Alternatives Analysis



Prepared for:



Galveston Bay Foundation
17330 Highway 3
Webster, Texas 77598



HDR Engineering, Inc.
Texas Registration No. 754
HDR Project No. 209589

October 2014

EXECUTIVE SUMMARY

The Galveston Bay Foundation (GBF) is working with a group of stakeholders to develop several bird rookery islands in the Dickinson Bay area. Three sites were proposed by the stakeholders based upon investigations and site reconnaissance prior to the initiation of this project. Two of the sites were located at the mouth of Dickinson Bay where it connects with Galveston Bay, and the third was within Moses Lake, just to the south. Survey, benthic, and geotechnical investigations were performed to describe the existing conditions at each site. Based on these investigations, Site 3 within Moses Lake was removed from consideration due to the presence of oyster habitat within the project and adjacent areas.

The initial alternatives analysis scope was to create conceptual designs for several islands that would support shore nesting bird habitat for target bird species, which include Black Skimmers, Least Terns, and the American Oystercatcher. The islands would be relatively low in elevation, consist of sand, small stone and/or shell for nesting habitat, and be approximately 2 acres in size. During a meeting with GBF and the U.S. Fish and Wildlife Service (USFWS), the scope for the alternatives analysis was amended to develop a conceptual design for one shore bird nesting island and for one upland bird nesting island that would both be approximately 4 acres in size. In addition, target habitat (elevation) areas for the island were provided.

Design criteria for the islands were established for the project sites and consisted of wind, wave, tide, and storm conditions. This information was then utilized to perform stone stability analyses and development of riprap gradations for shoreline protection against 10 and 25-year storm events. Additional geotechnical investigations and analyses were performed to describe the bay soils at the island sites, as well as to develop settlement estimates. Also, shore nesting bird behaviors and habitat requirements were researched and used to guide project design.

The initial shore bird nesting island consisted of a long, narrow, bayward facing beach, with several offshore breakwaters and reef sections between them. The purpose of this layout was to have an open beach area that would receive some wave energy along the shore throughout the year. The wave energy and associated movement of sand along the shoreline would create a dynamic area and inhibit vegetation growth. During the design review meeting, orientation of the island was reversed such that the beach area faced landward with a protective breakwater along the bayward shoreline. Two shallow reef areas were included immediately offshore of the beach to provide additional shoreline protection for the beach along with reef and oyster habitat. It was noted at the meeting that this orientation may require additional vegetation control, particularly along the shoreline.

The upland nesting island was developed to provide habitat for upland and tree nesters, along with some area that could be utilized by ground/shore nesting birds. The island will be oriented along a NW-SE direction and parallel to the existing channel. The narrow shape with an opening at the NW end of the island is similar to an existing island at the northern end of Dickinson Bay. This orientation provides protection against waves from Galveston Bay as well as the Dickinson Ship channel. The opening of the island and beach area will be oriented towards a short fetch that would allow for small wave heights at the shore. There is a proposed submerged reef on the bayward side of the island opening to help break up wave energy into the beach as well as provide oyster habitat.

Due to the large amount of stone utilized in the proposed breakwater sections, an alternative shoreline protection layout using a revetment was developed. The revetment would require the same stone gradation as the breakwaters, but due to the thinner section, would result in a reduced quantity of stone. It should be noted that the proposed construction sequencing for the initial layout with breakwaters would have created a confined area for sand placement. To construct the island with a revetment shoreline protection system, open water placement of the sand/base material would be performed first, and then a revetment would be constructed along the shoreline. The revetment would also need to have a return section at the end of the islands in the shore nesting layout and at the opening section of the upland island.

A conceptual level opinion of probable construction cost was developed for each of the alternatives and the results are provided in the table below.

Alternative	Subtotal	Contingency (20%)	Total
Shore Bird Nesting Island	\$5,288,100	\$1,057,620	\$6,345,720
Shore Bird Nesting Island (revised)	\$4,743,100	\$948,620	\$5,691,720
Shore Bird Nesting Island (revised-revetment)	\$4,110,000	\$822,000	\$4,932,000
Upland Nesting Island	\$6,365,000	\$1,273,000	\$7,638,000
Upland Nesting Island (revetment)	\$4,992,500	\$998,500	\$5,991,000

Based on the design analyses and review meeting, the following recommendations are provided:

- Utilize the revised shore bird nesting island alternative to provide habitat areas with a reduced amount of stone.
- Coordinate with regulatory agencies regarding placement of sediment at the project site, which is adjacent to oyster reef communities. Utilizing the revetment alternative shoreline protection option will require open water placement of sand/base sediment.
- Prepare and submit permit applications for both of the proposed 4 acre bird islands. The application should also contain both shoreline protection options. Projects should be scalable for reduced funding levels.
- Prepare preliminary plans and specifications for the proposed bird island projects. Include both shoreline protection options. The permit and preliminary plans will provide important information when seeking funding for construction from sources such as the RESTORE Act funds, National Resource Damage Assessment, and National Fish and Wildlife Federation.
- Continue to explore beneficial use options for sand/base material within the islands. However, sediment from these sites would need to undergo grain size and contaminants testing.
- Consider the sites, particularly the shore bird nesting island, as receiver sites for oyster shell recycling programs in the Galveston Bay area. The shell provides good nesting habitat and can also help to reduce erosion along the open shorelines of the islands.