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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 13, 2022

Kristina R. Ramsey, Counsel  
Baker & Hostetler LLP  
200 South Orange Avenue  
Suite 2300  
Orlando, Florida 32801-3432

Via email

Re: Star Lake Canal Superfund Site Natural Resource Damage Assessment and Restoration  
Early Restoration Credit Transfer to the Chevron TDPI Port Arthur Surplus Parcels Site

Dear Ms. Ramsey:

The Texas Commission on Environmental Quality, Texas Parks and Wildlife Department, and the Texas General Land Office (collectively, the State Trustees), National Oceanic and Atmospheric Administration on behalf of the United States Department of Commerce, and the United States Fish and Wildlife Service on behalf of the United States Department of the Interior (collectively, the Federal Trustees; with the State Trustees and the Federal Trustees together referred to as the Trustees) provide this letter regarding early restoration activities associated with the Star Lake Canal Superfund (Star Lake) site pursuant to a 2011 Memorandum of Agreement (MOA) between the Trustees and Chevron Environmental Management Company on behalf of Texaco, Inc. (CEMC) (with Texaco, Inc. and CEMC collectively referred to herein as Chevron). The 2011 MOA provides for early restoration activities undertaken by CEMC for potential restoration credits to offset natural resource damage liability at the Star Lake site.

The Trustees also entered a 2009 MOA with Texaco, Inc. and Huntsman Petrochemical Corporation concerning a cooperative natural resource damage assessment and restoration (NRDAR) process at the Star Lake site. The Trustees then entered a 2020 MOA with a larger group of potentially responsible parties, including Chevron, to conduct a cooperative NRDAR for the Star Lake site, effectively superseding the 2009 MOA between the Trustees and Chevron.

In 2019, Chevron requested a transfer of the restoration credits generated from the early restoration projects pursuant to the 2011 MOA for the Star Lake site to the Texaco Downstream Properties, Inc. (TDPI) site located in Port Arthur, Texas. CEMC is currently coordinating with the State Trustees on a potential Ecological Service Analysis for the TDPI site.

The Trustees hereby authorize the release of the early restoration credits generated pursuant to the 2011 MOA from their potential application at the Star Lake site. Note that these restoration credits cannot be transferred back to the Star Lake site.

In addition, the State Trustees approve the transfer of these credits for potential application at the TDPI site under the same terms that previously applied at the Star Lake site, pursuant to the 2011 MOA.

The following estimated Forecast Settlement Credit Value, provided in wetland Discounted-Service-Acre-Years (DSAYs), may be considered for the early restoration projects:

- Construction of 4,752 linear feet of breakwater along the south bank of the Gulf Intercoastal Waterway (GIWW) as described in the May 2013 Construction Completion Report and September 18, 2013, Trustee project completion certification letter – approximately 277 DSAYs
- Pond 5 levee and water control structures as described in the June 2012 Construction report and October 1, 2012, Trustee project completion certification letter – approximately 803 DSAYs
- Perfection of the acquisition and transfer of approximately 290 acres (Star Lake Hunting Lodge) located approximately five miles west of Clam Lake in Jefferson County, Texas, to the USFWS McFaddin National Wildlife Refuge – approximately 200 DSAYs, or more if funding is provided for habitat management activities on the property

The State Trustees, in consultation with CEMC, will determine a Final Settlement Credit Value for these early restoration projects and memorialize these credits in an Ecological Services Analysis Report, subject to approval by the State Trustees.

With the transfer of early restoration credits to the TDPI site, no further obligations remain from the 2009 and 2011 MOAs. If we receive no objections within 30 days, the Trustees will provide a notice of intent to terminate the 2009 and 2011 MOAs.

The Trustees look forward to continuing the cooperative NRDAR for the Star Lake site. If you have any questions concerning this letter, please do not hesitate to contact me at (512) 239-4772.

Sincerely,



Michael Cave  
Superfund Section  
Remediation Division  
Texas Commission on Environmental Quality

MC/cw

cc: Mr. Jason Michelson, Chevron  
Ms. Peipey Tang, TCEQ  
Ms. Allison Fischer, GLO  
Mr. Andrew Hawkins, GLO  
Ms. Angela Schrift, TPWD  
Ms. Shannon Love, TPWD  
Ms. Denise Ruffino, USFWS  
Ms. Amy Horner Hanley, DOI Solicitor's Office  
Ms. Stephanie Powers, NOAA  
Mr. Christopher Plaisted, NOAA