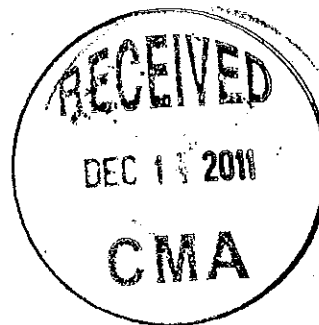




REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
ANTILLES OFFICE  
400 FERNANDEZ JUNCOS AVENUE  
SAN JUAN, PUERTO RICO 00901-3299



December 12, 2011

Antilles Regulatory Section  
SAJ-2010-03574 (IP-CGR)

Mr. Cristophe Jacquet  
Total Petroleum Puerto Rico Corporation  
Galeria San Patricio  
Suite 202, Tabonuco Street B-5  
Guaynabo, Puerto Rico 00968

Dear Mr. Jacquet:

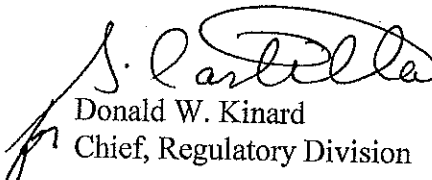
The U.S. Army Corps of Engineers (Corps) is pleased to enclose the Department of the Army permit, which should be available at the construction site. Work may begin immediately but the Corps must be notified of:

- a. The date of commencement of the work,
- b. The dates of work suspensions and resumptions of work, if suspended over a week, and
- c. The date of final completion.

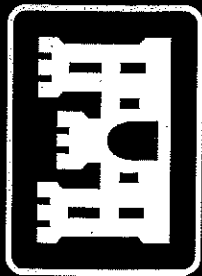
This information should be mailed to the Special Projects and Enforcement Branch of the Regulatory Division of the Jacksonville District at the Antilles Regulatory Section, 400 Fernández Juncos Avenue, San Juan, Puerto Rico 00901-3299. The Special Projects and Enforcement Branch is also responsible for inspections to determine whether Permittees have strictly adhered to permit conditions.

IT IS NOT LAWFUL TO DEVIATE FROM  
THE APPROVED PLANS ENCLOSED.

Sincerely,

  
Donald W. Kinard  
Chief, Regulatory Division

Enclosures



This notice of authorization must be  
conspicuously displayed at the site of work.

United States Army Corps of Engineers

**EXPIRES: November 1, 2014**

A permit to Perform maintenance dredging of approx. 26,913 cubic yards of sediments to the West and East of Cataño Oil Dock in approx. 17,234 square meters of navigable waters of US and the transportation of the dredged material to the EPA designated San Juan Harbor ODMS

at San Juan Bay, Old San Juan, Puerto Rico

has been issued to

Mr. Cristophe Jacquet c/o Total Petroleum Puerto Rico Corporation

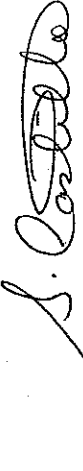
Address of Permittee

Galeria San Patricio, Suite 202, Tabonuco Street B-5

Guaynabo, Puerto Rico 00968

Permit Number

**SAJ-2010-03574(IP-CGR)**



Alfred A. Pantano, Jr.

Colonel, U.S. Army

District Commander

# DEPARTMENT OF THE ARMY PERMIT

**Permittee:** Mr. Cristophe Jacquet c/o Total Petroleum Puerto Rico Corporation  
Galería San Patricio  
Suite 202, Tabonuco Street B-5  
Guaynabo, Puerto Rico 00968

**Permit No:** SAJ-2010-03574(IP-CGR)

**Issuing Office: U.S. Army Engineer District, Jacksonville**

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

**Project Description:** To perform a maintenance dredging of approximately 26,913 cubic yards of unconsolidated sediments (mud, sand and gravel) on two areas located to the West and East side of Cataño Oil Dock. The total area of navigable waters of the U.S. to be impacted by proposed dredging is approximately 17,234 square meters. A barge with mechanical equipment such as a clamshell bucket or a drag line would be used to perform the work. Another barge will receive the dredged material and once the barge is filled, the dredged material will be transported to the Environmental Protection Agency (EPA) designated San Juan Harbor, Puerto Rico Ocean Dredged Materials Disposal Site (ODMDS).

The work described above is to be completed in accordance with the 9 pages of drawings and 6 attachments affixed at the end of this permit instrument.

**Project Location:** The project will be located the berthing areas of Cataño Oil Dock, San Juan Bay, Municipality of San Juan, Puerto Rico.

The dredged material would be discharged at the Environmental Protection Agency (EPA) designated San Juan Harbor, Puerto Rico Ocean Dredge Materials Disposal Site (ODMDS), which is located 2.2 nautical miles north-northwest of the entrance of the San Juan Harbor, positioned at two rectangles bounded by the following coordinates:

Latitude	Longitude
18°30'10"N	66°09'31"W
18°30'10"N	66°08'29"W
18°31'10"N	66°08'29"W
18°31'10"N	66°09'31"W

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**Directions to site:** From San Juan take Expressway PR-22 then turns right to reach PR-165. Then turns right to reach PR-28 up to the Army terminal. The project is located west of the PREPA Thermoelectric Plant.

**Latitude & Longitude:** Latitude: 18°25'44.09" North  
Longitude: 66° 06'26.87" West

### **Permit Conditions**

#### **General Conditions:**

1. The time limit for completing the work authorized ends on November 1, 2014. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

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**Special Conditions:**

1. Reporting Address: All reports, documentation and correspondence required by the Conditions of this permit shall be submitted to the following addresses:

- a. U.S. Army Corps of Engineers, Antilles Regulatory Section, Special Projects and Enforcement Branch, 400 Fernández Juncos Avenue, San Juan, Puerto Rico 00901-3299.
- b. U. S. Environmental Protection Agency (EPA)  
Mr. Mark Reiss  
Region II  
290 Broadway  
New York, New York 10007-1866

The Permittee shall reference this permit number, SAJ-2010-03574(IP-CGR), on all submittals.

2. The Permittee shall comply with the attached National Marine Fisheries Service's "Sea Turtle Construction Conditions", revised on 28 January 2009

3. The permittee shall implement the following standard manatee conditions for in-water work:

- a. The permittee shall instruct all personnel associated with the proposed work of the potential presence of manatees and the need to avoid collisions with manatees.
- b. All construction personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Endangered Species Act of 1973 and the Marine Mammal Protection Act of 1972. The permittee and/or contractor will be held responsible for any manatee harmed, harassed, or killed as a result of construction of the project.
- c. Siltation barriers shall be made of material in which manatee cannot become entangled, are properly secured, and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry or exit from essential habitat.
- d. All vessels associated with the project construction will operate at 'no-wake/idle' speeds at all times while in water where the draft of the vessel provides less than a 4-foot clearance from the bottom, and that vessels will follow routes of deep water whenever possible.
- e. The permittee shall have a marine mammal observer at the site during the project construction.

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f. If manatees are seen within 100 yards of the dredging area, all appropriate precautions shall be implemented to ensure protection of the manatees, which include operating all equipment in such a manner that moving equipment does not come any closer than 50 meters of any manatee, and operation of any equipment closer than 50 meters to a manatee, shall necessitate immediate shutdown of that equipment.

g. Report any collision with and/or injury to a manatee immediately to the Department of Natural and Environmental Resources law enforcement (787-724-5700) and the U.S. Fish and Wildlife Service, Caribbean Field Office (787-851-7297).

h. The permittee shall keep a log detailing sightings, collisions or injury to manatees, which have occurred during the contract period. Following project completion, a report summarizing the above incidents and sightings will be submitted to the Corps and USFWS Caribbean Field Office, P.O. Box 491, Boquerón, P.R. 00622.

i. Temporary manatee awareness construction signs/buoys labeled "Manatee Habitat-Idle Speed In Construction Area" shall be installed and maintained in prominent locations with the construction area prior to initiation of construction. Temporary signs will be removed by the permittee upon completion of construction.

j. Permanent bilingual manatee awareness sign shall be installed at the pier within 60 days from the issuance of the permit and maintained at docking and launching facilities. The location of the "Caution Manatee Area" sign and "Information Display" sign will be coordinated with US FWS prior to its installation. The permanent "Caution Manatee Area" sign will be three feet by four feet, 125 gauge 61TS aluminum, covered with white, engineer grade, reflective sheeting; black painted lettering; black screened design; and orange, engineer grade, reflective grade border. Sign installation specifications and permanent awareness sign criteria shall be coordinated with US FWS prior to commence the project.

k. A notarized verification letter stating that a permanent sign has been installed with plan view drawing illustrating its location regarding the authorized pier shall be submitted to the Corps as soon it is installed. Signs and pilings remain the responsibility of the permittee and are to be maintained for the life of the pier in a manner acceptable by the Corps of Engineers.

4. The permittee shall contact the U.S. Coast Guard prior to commence the authorized project to comply with their requirements.

5. Commencement Notification: The Permittee shall provide to the Corps and EPA a written notification of the date of commencement of work authorized by this permit at least 15 days prior to initiating dredging operations authorized by this permit.

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6. Turbidity Barriers: The Permittee shall install floating turbidity barriers with weighted skirts that extend to within one foot of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all erodible materials have been stabilized.

7. Site Monitoring and Management Plan: The Permittee shall comply with the monitoring and reporting requirements referenced in the Site Monitoring and Management Plan (SMMP) dated January 6, 2011, for the San Juan Harbor ODMDS.

8. Loss of Material: The Permittee shall not allow water or dredged material placed in a disposal barge or scow to flow over the sides or leak from such vessels during transportation to the San Juan Harbor ODMDS.

9. Disposal Zone: The Permittee shall ensure that the disposal of material occurs within 1 square nautical mile are at the ODMDS defined by the following coordinates:

Degrees, Minutes, Seconds		Degrees, Minutes (decimal)	
18°30'10"N	66°09'31"W	18°30.17'N	66°09.52'W
18°30'10"N	66°08'29"W	18°30.17'N	66°08.48'W
18°31'10"N	66°08'29"W	18°31.17'N	66°08.48'W
18°31'10"N	66°09'31"W	18°31.17'N	66°09.52'W

The Permittee shall ensure the dredge, disposal barge or scow shall be in the closed position and all discharge of material has ceased before the disposal vessel leaves the disposal zone of the San Juan Harbor ODMDS.

10. The permittee shall have a dredged material inspector (DMI) independent of the dredge contractor to document each placement trip on the Transportation and Placement Log Form (Appendix A).

11. For all disposal activities, the permittee shall ensure that the dredge contractor provide an automated system that is operated by the DMI to continuously track the horizontal location and draft condition (vertical) of the disposal vessel from the point of dredging to the disposal area, and return to the point of dredging.

12. Record/Keeping/Documentation/Data Reporting:

a. Navigation logs will be maintained for each vessel (tugboat/barge) used for ocean disposal of dredged material. These logs should include accuracy, calibration methods, and any problems and actions taken associated with navigation. EPA-Region 2 and the Corps of Engineers require that each tugboat/barge used for the ocean disposal of dredged material use D-GPS for navigation purposes.

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- b. The permittee shall ensure that an electronic Transportation and Discharge Log form must be completed by the DMI to provide a record of each voyage involving an actual disposal event at the San Juan Harbor ODMDS. An example of the log form is included in attachment 4 of this permit. The log forms must be emailed to the Corps of Engineers, Special Projects and Enforcement Branch to [Jose.Cedeno@usace.army.mil](mailto:Jose.Cedeno@usace.army.mil) and EPA-Region 2 to Mr. Mark Reiss, [Reiss.Mark@epamail.epa.gov](mailto:Reiss.Mark@epamail.epa.gov) within 2 hours of any discharge at the San Juan Harbor ODMDS. An electronic copy of each log form is to be saved with a filename that includes trip number and retained within dedicated project folder to allow for auditing of information.
- c. The permittee shall ensure that the DMI must also complete, sign and submit an Inspector Checklist of requirements associated with each placement trip (attachment 5). An electronic copy of the checklist for each trip must be retained with the corresponding TDL form in the dedicated project folder to allow for auditing of information. The three sections of the Inspector Checklist are completed by the DMI during the three phases of transportation and discharge. Many checklist items relate to the dredging site.
- d. GPS-based automated disposal surveillance (i.e., vessel draft and position) data must be maintained for each vessel used to transport and dispose of dredged material at the San Juan Harbor ODMDS. Surveillance data is to be submitted to the Corps and EPA-Region 2 on a weekly basis in electronic format. The reports should include views of loaded and unloaded paths taken by vessels used for transportation and disposal of dredged material at the San Juan Harbor ODMDS and the discharge location at the SJHODMDS and a graphical depiction of draft versus time. This information must be superimposed on a figure that includes the dredging area, adjacent shorelines and SJHODMDS boundaries .

Discharge locations must be available for EPA and USACE inspection via a website within 12 hours of discharge. The website must allow several sizes to observe the location of discharge. Vessel draft readings must be clearly discernible; superimposed on a figure that includes the dredging area, adjacent shorelines and SJHODMDS.

13. Disposal Operations Compliance: The Permittee shall ensure the dredged material inspector and/or captain of any tug boat, dredge or other vessel used to transport dredged material to the San Juan Harbor ODMDS complies with the disposal operation conditions defined in the SMMP and/or this permit. If a violation occurs: a) the violation shall be reported to the Corps and to EPA Region 2. b) written notification shall be made by fax to EPA Region 2, Attn: Mr. Mark Reiss and U.S. Army Corps of Engineers, Special Projects and Enforcement Section at the Antilles Regulatory Section at 787-729-6906 within twenty-four (24) hours after the violation occurs.

14. Post-Disposal Data: The Permittee shall submit Post-Disposal Data to the Corps and EPA at the address referenced in the Reporting Addresses Special Condition above documenting compliance with all general and special conditions defined in this permit. The Post-Disposal Data shall be sent within 90 days after completion of the disposal operations authorized by this



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permit. The Post-Disposal Data shall consist of four individual reports, which are: Summary Report, Material Discharge Report, Summary Scatter Plot, and Bathymetric Survey Results. The reports shall include, at a minimum, the following information:

a. The Summary Report shall include: dredging project title; DOA permit number and expiration date (if applicable), contract number, name of contractor, name and type of vessel(s) discharging material in ODMDS, disposal timeframes for each vessel, total volume (paid and unpaid in situ dredged quantity) for contract, total volume (paid and unpaid in situ dredged quantity) to each disposal location, total paid volume (paid in situ dredged quantity) to ODMDS, gross volume (reported by contractor) to ODMDS, number of loads to ODMDS, type of material to ODMDS, number of loads placed outside authorized ODMDS release zone, number of loads placed outside ODMDS limits, dates of pre-disposal and post-disposal bathymetric surveys, and a brief narrative discussing any violation(s) of the 103 concurrency and/or DOA permit (if applicable). This narrative shall include a description of the violation, indicate the time it occurred and when it was reported to the EPA, discuss the circumstances surrounding the violation, and identify specific measures taken to prevent reoccurrence.

b. The Material Discharge Report shall include a spreadsheet of all material discharges in the San Juan Harbor ODMDS, in Microsoft Excel format with the load number; disposal vessel name and type, tow vessel name (if applicable), Captain of disposal or tow vessel, estimated volume of load, description of material, source of material, date, time, and exact coordinate location at which discharge was initiated. The state plane coordinate system and horizontal datum used to identify these discharge locations will be indicated on the report.

c. Summary Scatter Plot(s) shall include a summary scatter plot(s), in Adobe Acrobat PDF format for all material discharges in the San Juan Harbor ODMDS which clearly indicates the authorized release zone, ODMDS limits, and exact location at which discharge was initiated. Each discharge will be labeled with the corresponding load number at a small but legible font. No more than fifty discharges may be shown on any individual plot.

15. As-Builts: Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized dredging area, and a completed As-Built Certification Form (Attachment 6) to the Corps. The drawings shall be signed and sealed by a registered professional engineer and include the following:

a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawing should show all "earth disturbance," including open water impacts, water management structures, and any on-site mitigation areas.

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PERMITTEE: Mr. Cristophe Jacquet c/o Total Petroleum Puerto Rico Corporation

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b. List any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form do not constitute approval of any deviations by the U.S. Army Corps of Engineers.

c. The Department of the Army Permit number.

d. Include pre- and post-construction aerial photographs of the project site, if available.

16. Assurance of Navigation and Maintenance: The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

17. Regulatory Agency Changes: Should any other regulatory agency require changes to the work authorized or obligated by this permit, the Permittee is advised that a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Antilles Regulatory Office.

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(x) Section 10 of the Rivers and Harbors Act of 1899  
(33 U.S.C. 403).

( ) Section 404 of the Clean Water Act (33 U.S.C. 1344).

(x) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

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PERMITTEE: Mr. Christophe Jacquet c/o Total Petroleum Puerto Rico Corporation

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a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

PERMIT NUMBER: SAJ-2010-03574(IP-CGR)

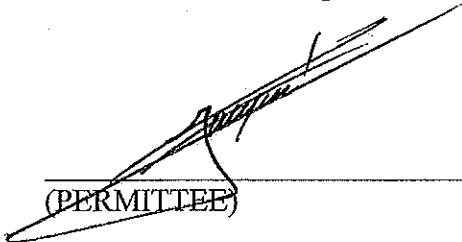
PERMITTEE: Mr. Cristophe Jacquet c/o Total Petroleum Puerto Rico Corporation

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Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

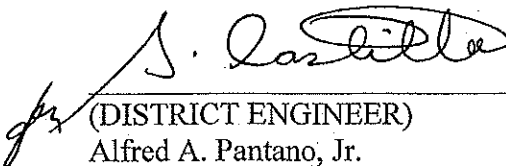
Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

  
\_\_\_\_\_  
(PERMITTEE)

11/14/11  
\_\_\_\_\_  
(DATE)

CHRISTOPHE JACQUET  
(PERMITTEE NAME-PRINTED)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

  
\_\_\_\_\_  
(DISTRICT ENGINEER)  
Alfred A. Pantano, Jr.  
Colonel, U.S. Army  
District Commander

12/12/11  
\_\_\_\_\_  
(DATE)