STATE OF TEXAS           §
                         §
COUNTY OF JEFFERSON      §


## ORDINANCE OF SABINE NECHES NAVIGATION DISTRICT REQUIRING A PERMIT FOR USING DREDGE MATERIAL DISPOSAL AREAS, REQUIRING AN APPLICATION, REQUIRING FEES, REQUIRING INSURANCE, REQUIRING SAMPLE TESTING, TESTING RESULTS AND IMPOSING PENALTIES FOR FAILURE TO COMPLY WITH THE ORDINANCE

Be it ordained by the Navigation Canal Commissioners of the Sabine Neches Navigation District that

**WHEREAS** the Sabine Neches Navigation District ("the District") is an Article 16, Section 59, Navigation District created under the laws of the State of Texas; and

**WHEREAS** one of the duties of the Navigation District is to own, monitor and maintain Dredge Material Disposal Areas ("Disposal Areas") along the Sabine Neches Waterway for use by the Corps of Engineers in dredging the Waterway, and use of terminal operator, and

**WHEREAS** the Sabine Neches Navigation District is the local sponsor for the Corps of Engineers of the Sabine Neches Ship Channel on the Sabine and Neches Rivers, and

**WHEREAS** Terminal Owners with docks on the Waterway use the District's Disposal Areas to dredge their docks, and

**WHEREAS** the Navigation District Commissioners has determined that it is important that the District know not only the quantity but also the quality and contents of the materials that is put into its Disposal Areas ("Facilities") for which the District is responsible, to maintain the Disposal Areas that are necessary for navigation in good order, and

**WHEREAS** many of these disposal areas are held by the District as easements and it is important that the fee owners of the property know what materials are being placed on their property, and

**WHEREAS** in order to carry out the District's responsibility it is necessary for the District to pass and publish an Ordinance and Rule to require that Terminal Owners or others who use those placement areas obtain a District permit separate and apart from the permit obtained from the Corps of Engineers, pay an application fee, obtain certain tests to the materials placed in the Facility, pay a replacement fee to use the Facility, and to pay a fine as penalty if the permit is not obtained or is violated.

**WHEREAS** pursuant to §60.075 Texas Water Code, a descriptive caption of the Ordinance shall be published in a local newspaper as Notice to the Public.

**NOW** be it Ordained and resolved by the Board of Commissioners of the Sabine Neches Navigation District that before any dredged material is placed in any Disposal Area on the Sabine Neches Waterway, that the entity wishing to

place such material obtain from the Navigation District a permit, the form of which will be designated by the Manager of the District which permit shall have the following particulars and require the following testing to be done on the dredged material.
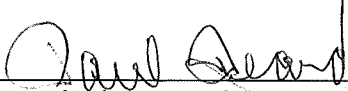
(1)  Obtain, complete and file a District Placement Permit Application.

(2)  Supply District with a copy of the TCEQ Clean     Water Act Section 401, Water Quality Certificate and US Army Corps of Engineers Section 10 of the Rivers & Harbors Act of 1899 Permit.

(3)  Pay a Facility Replacement Fee as set by the District on estimated volume.

(4)  Complete the District Insurance Requirements.

(5)  Complete Pre Dredge Sampling as required by the Fee Schedule.

(6)  Complete Dredge Sample Reports.

(7)  Supply Test Results & final payment of the Replacement Fee.


Dredge Materials placed without the proper permits or not in compliance with the TCEQ Standards, Section 401, shall be removed at the Material Owners expense, in addition to an $8.00/cubic yard removal fee.   A violation of this Ordinance shall be a class C misdemeanor pursuant to §60.078 of the Texas Water Code.

Pursuant to §60.075(c) of the Texas Water Code, the Caption of this Ordinance shall be published daily for ten (10) days immediately following the adoption of this Ordinance.

Notice of this Ordinance shall also be mailed to any person that has used the Disposal Areas in the last 5 years and mailed copies to all entities that pay the terminal use fee to the District.

DONE at Nederland, Texas, November 9 2010.

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Commission President