Jose Torres/R6/USEPA/US
11/07/2007 09:26 AM To
Larry Wright/R6/USEPA/US@EPA
cc
Philip Dellinger/R6/USEPA/US@EPA, Ray Leissner/R6/USEPA/US@EPA
bcc

Subject
Re: Fw: Texcom Toxic Well Site Near Conroe, TX-Reply - RESEND

TCEQ's attorney's reply attached below
---
When I asked Jim Neeley for information on the applications, he replied
that he thought we needed to go through TCEQ's attorney to get this information because of the pending litigation. I then asked him if he could at least tell us whether the applications were for hazardous or non-hazardous wells, and he said he was going to look into it, but I have not heard back from him yet. In the meantime, since Phil suggested we may
need to be prepared to conduct a file review on the applications, I contacted TCEQ's attorney (Diane Goss) on the issue of accessibility to the application packages. Her reply, which I shared with Phil yesterday afternoon, appears below. I take it to mean that we have access to the information. I was waiting to hear back from Jim and Diane to ask about the hearing date.

Larry Wright/R6/USEPA/US
11/07/2007 07:28 AM
To
Jose Torres/R6/USEPA/US@EPA, Ray Leissner/R6/USEPA/US@EPA
cc
Philip Dellinger/R6/USEPA/US@EPA
Subject
Fw: Texcom Toxic Well Site Near Conroe, TX-Reply

We ever get answers to the two questions in my email? 12/2 hearing set?, well is haz or non-haz? others updates/info?

----- Forwarded by Larry Wright/R6/USEPA/US on 11/07/2007 07:24 AM -----
Larry Wright/R6/USEPA/US
11/05/2007 09:10 AM
To
Ray Leissner/R6/USEPA/US
cc
Philip Dellinger/R6/USEPA/US@EPA, Jose Torres/R6/USEPA/US@EPA
Subject
Re: Fw: Texcom Toxic Well Site Near Conroe, TX-Reply

OK, Ray, don't worry about the first email. I gave a copy of the most recent reply (11/1) to Bill this morning and told him what the situation was and that we were trying to confirm more of the details ( 12/12 hearing
set?; well is haz or non-haz?; etc.).

Ray Leissner/R6/USEPA/US
11/05/2007 08:32 AM
To
Wright.Larry@EPA.GOV
cc

Subject
Fw: Texcom Toxic Well Site Near Conroe, TX-Reply

Larry

I'm still looking for the first response I did on Conroe. It might have been on regular email but it reads very much like this one without the reference to hazardous wastes or TCEQ. Below is the article I discussed.

http://biz.yahoo.com/iw/070501/0246536.html

Ray Leissner, Env. Eng.
Ground Water / UIC Section (6WQ-SG)
(214) 665 - 7183
USEPA, Region 6
----- Forwarded by Ray Leissner/R6/USEPA/US on 11/05/2007 08:03 AM -----
Region 6 Internet Feedback - http://www.epa.gov/earth1r6
Subject: Texcom Toxic Well Site Near Conroe, TX-Reply
Author: (b) (6) [redacted]
Thursday 11/01/2007 at 09:58 AM

Originator's E-mail: (b) (6) [redacted]

Response Message:
Mr. Williams:

Hello. My name is Ray Leissner. I am with the Environmental Protection Agency's (EPA) Underground Injection Control (UIC) Program. In response
to your email on the proposed Texcom Class I injection wells I would like to provide you information on the applicable permitting agency and convey to you some common practices in evaluating injection well permit

applications and advice on how to approach a proposed injection activity.

In the State of Texas, the primary authority to permit Class I injection wells "primacy" is delegated to the Texas Commission on Environmental Quality (TCEQ). The Environmental Protection Agency acts only in an oversight capacity, periodically reviewing the TCEQ's UIC program for adequacy. EPA does not intervene in a state permitting action unless we find the action was inconsistent with the agency's approved permitting process.

The first thing a primacy agency must do with an application is review it for completeness. A letter typically known as a notice of deficiency is sent to applicants to complete incomplete applications.

Once complete, the primacy agency will examine the area of review (AOR) which is typically ¼ to ½ mile around the proposed injection well. They examine the wells in that area to determine if any of those wells would act as a conduit for saline fluids to migrate up to fresh water formations near the surface. Any wells in the AOR that penetrate the injection zone that are not constructed in a manner to prevent fluid migration are examined further for their potential to act as a conduit.

When a well injects fluid it increases pressure in the injection zone. This pressure radiates outward from the injection well, decreasing with distance. If a poorly constructed wellbore is found in the AOR, the reviewing agency will typically either require the well to be fixed or examine the proposed injection to see if the pressure influence to be created by the injection at the wellbore is enough to push fluids into fresh water aquifers. If the pressure is expected to be high enough, the wellbore must be fixed or the injection rate reduced to the point the pressure at the wellbore is no longer high enough to cause contamination. In addition to the wellbores in the AOR, the injection zone itself must have a confining layer above it to hold the fluids below fresh water aquifers. This is usually demonstrated either through well logs provided in the application or by the agency’s records reflecting the geological setting.
In addition to the AOR review, the injection well itself must be constructed and tested to ensure no injected fluids escape except into the permitted injection zone. The typical injection well is constructed with multiple concentric strings of steel pipe called casing (large diameter) and tubing (small diameter). The outer casings are cemented to the surrounding formation. The applicant must show, either through testing or documentation, that enough cement exists in the well to prevent upward migration of fluids around the outside of the injection well. In addition, the inside of the well is equipped with tubing set with a packer which allows the well to be tested for integrity and monitored to ensure it does not release fluids anywhere except into the permitted injection zone.

In addition to the basic physical requirements for an injection well

described above, the applicant is required to provide notice to affected parties of his intent to construct and operate an injection well. Notice requirements often require published notice in a local newspaper and individual notice to the surface owner on which the well is to reside and all adjacent oil field operators. Notice typically informs people that they have 15 to 30 days in which to protest the application and how to do so if that is what they choose to do. The Director of the permitting agency has the authority to call for a hearing if enough people protest an application. At the hearing, which itself is noticed, protestants and the applicant have the right to raise their concerns.

If the concerns raised at the hearing do not bring new information to the attention of the permitting agency, information that causes the agency to doubt the suitability of the proposed injection, the proposed injection is likely to be approved. Such information would have to cast doubt on the technical merit of the application. Simply stating that one does not want the injection well near them or stating traffic concerns does not provide any evidence of an improper application. The application must be shown to be technically inadequate and below the regulatory standards set for the proposed injection in order for the agency to deny the permit. Even if the agency rules that the application is inadequate, if the issue can be corrected, and the applicant corrects the issue, the applicant can still resubmit the improved application.

Your email implies the proposed injected waste to be hazardous. A review of a May 2007 article on Texcom at http://biz.yahoo.com/iw/070501/0246536.html indicates the permitting action in question is for nonhazardous waste. If TexCom plans to dispose of hazardous waste, in addition to the State permitting action described above, they will need to apply to EPA for an exemption to the land disposal restrictions. An application for such an exemption includes a detailed and complex technical demonstration that the hazardous waste will remain where it is injected for as long as it remains hazardous. This demonstration period has been defined by regulation to be 10,000 years. This application includes detailed geologic and modeling information. It also includes an evaluation of any wells in the area that penetrate the geologic interval where the waste is injected. This evaluation will ensure these wells are constructed or plugged properly to avoid the possibility of any contamination. This process also includes a public comment period where any interested party can submit comments on the demonstration which will be considered by EPA in the final determination.

As part of my response to inquiries such as yours, I like to provide some advice. Join or create a group with similar opinion. As a group resources are always improved. Gain the services of a consultant, one

that knows the agency's permitting process and can provide an independent technical evaluation on the merit of the application. If no technical issue can be raised, consider negotiations with the applicant to improve the conditions surrounding your concerns. Some applicants may elect to address concerns such as traffic, lighting, security, noise, spill prevention, etc., in exchange for dropping a hearing request.

Finally, I wish to add that it has been my experience that the injection well itself is rarely if ever the concern that should be addressed. Surface spills are far more likely to occur. Therefore, if added environmental protection becomes the focus of any negotiations, focus on spill prevention. If you maintain a water well in the vicinity of the injection activity, I recommend you have a reputable laboratory collect, test and establish your water's quality prior to any injection. In the unfortunate event your water is impacted by the injection activity, the baseline analysis will allow you to show the water has in fact been impacted. This testing is also something that might be negotiated.

Although this information may not be what you wanted to hear, it is my attempt to provide you with an understanding that allows you to effectively understand and cope with the permitting process on which you have expressed concern. If you wish to discuss further you may contact me
at (214)665-7183. Thank you.

CC to: Diane Smith/R6/USEPA/US, bradley LaGayla
BCC to: Larry Wright, Phil Dellinger, Brian Graves, torres Jose

Original Message:
Dear Mr. Green: My name is (b) (6) [redacted], and I am a homeowner living at (b) (6) [redacted], in a subdivision called Creighton Ridge. I am writing to you with regard to the following project ¦ TexCom is trying to obtain final approval to install 4 class 1 injection wells on Creighton Rd. in Montgomery County. Just a few of the chemicals they plan on dumping are Paint thinners, Antifreeze, Solvents and More. They will be trucking this Hazardous Waste in from FIVE STATES. 50 to 100 tanker trucks unloading at this facility Every day, seven days a week for the next 30 years. Imagine the increase traffic and the road damage. The danger of traffic accidents and spills every day. These spills would cause ground water contamination. With the potential of not only contaminating many local or private wells but our streams and rivers as well. They plan on injecting this waste below our water source. The site location (Conroe Oil Field) has several reasons for concern that this waste will migrate into our Aquifers. Old abandoned oil wells that are rusted and deteriorated (from the 1920-30¦s). Also, the land subsidence from the extraction of oil has caused fissures and fault lines in the formations around the planned injection site. The Aquifer this site has the potential of POSIONING is the Jasper and Evangeline. Affected areas would be my neighborhood of Creighton Ridge, Conroe,The Woodlands, Houston, and Beaumont. One of my concerns is that even though it might appear to be safe today, NOT always safe tomorrow. Tomorrow might be too late. By way of this email, I am on record as strongly

opposing this project, and I hope that prior to making a final decision, you will carefully evaluate the possible long term danger to both the health and safety of the community. Sincerely, (b) (6) [redacted]

Edit History:
07/11/01 11:53 AM Edited by Ray Leissner
07/11/01 09:59 AM Created by Ray Leissner
Mail History:
07/11/01 11:53 AM Mailed by Ray Leissner

----- Forwarded by Jose Torres/R6/USEPA/US on 11/07/2007 09:22 AM -----
"Diane Goss" <DGoss@tceq.state.tx.us>
11/06/2007 04:06 PM
To
Jose Torres/R6/USEPA/US@EPA
cc
"Guy Henry" <GHENRY@tceq.state.tx.us>, "John Williams" <JOHWILLI@tceq.state.tx.us>
Subject
Re: Potential Information Request Re TexCom's Applications

Jose:

I do not anticipate any problems in providing access to these materials to you. Not withstanding that we encourage parties to the State Office of Administrative Hearings, (SOAH) contested case hearing on this permit application to to conduct discovery through the Executive Director's (ED) attorneys, the application is public. Physical copies are available for inspection. The applicant provided an electronic copy of the application on a CD to the ED and all of the parties to the SOAH hearing. The TCEQ Central Records copy and the CD provided by the applicant are located in my office in the Office of Legal Services.

Thank you,

Diane

Diane Goss X 5731
Staff Attorney, Environmental Law Division
Texas Commission on Environmental Quality
AUSTIN, TX 78711-3087
Mail Code 173
dgoss@tceq.state.tx.us
(512) 239-5731, fax (512) 239-0606

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