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July 20, 2011

John F. Cermak, Jr.
direct dial: 310.442.8885
jcermak@bakerlaw.com

VIA E-MAIL AND CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

Mr. Gary Miller, Remedial Project Manager
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Mail Code: 6SF-RA
Dallas, TX 75202-2733

Mr. Stephen Tzhone, Remedial Project Manager
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Mail Code: 6SF-RA
Dallas, Texas 75202-2733

Ms. Barbara A. Nann, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Mail Code: 6RC-S
Dallas, TX 75202-2733

Re: San Jacinto River Waste Pits Superfund Site, Unilateral Administrative Order No.06-03-10 ("UAO") – Preliminary Site Characterization Report ("PSCR")

Dear Messrs. Miller and Tzhone and Ms. Nann:

The PSCR is being submitted today on behalf of International Paper Company ("International Paper") and McGinnes Industrial Maintenance Corporation ("MIMC," and collectively with International Paper, "Respondents"). The PSCR summarizes information developed to date as part the remedial investigation ("RI") undertaken pursuant to the UAO, including information regarding the "South Impoundment" (an area located to the south of Interstate 10) that EPA previously directed be included in the RI.

9549614

This letter is submitted on behalf of International Paper to address MIMC's position, in a letter submitted today, that the submission of the PSCR on behalf of MIMC is not intended to waive MIMC's objections to EPA's decision to include the "South Impoundment" in the RI. The letter also reiterates MIMC's contention that is not a responsible party with respect to the "South Impoundment."

As you know, International Paper elected to comply with the UAO and to conduct the investigation of the area located south of Interstate 10 that includes the above-referenced "South Impoundment" (the "South Area Investigation"). International Paper has also funded all of the costs to date of the South Area Investigation.

International Paper agreed to perform the South Area Investigation after EPA determined, over Respondents' objections, that the South Area Investigation was required under the UAO and after being informed by MIMC that it would not participate in or fund the cost of the South Area Investigation. International Paper notified EPA that it would perform the South Area Investigation in a letter dated October 18, 2010 ("Letter"), a copy of which is attached for your information and marked as Exhibit A. As noted in the Letter, MIMC declined to perform the South Area Investigation, notwithstanding that (1) the area in question is located within the area identified in the UAO to be part of the RI (that is, the "preliminary perimeter" referenced in Appendix B to the UAO), and (2) the existence of historical information suggesting that MIMC was involved in managing that area.

EPA had previously cited to historical documentation, some of it from MIMC's own records, regarding MIMC's activities related to the "South Impoundment." That documentation was addressed in an email dated July 8, 2010 from Barbara Nann to MIMC's counsel, a copy of which is attached as Exhibit B. The documents referenced in that email include a May 1996 memorandum from the Texas Department of Health ("TDH") and a subsequent letter from MIMC to TDH, copies of which are attached as Exhibit C ("MIMC Letter").[1] Two additional historical documents related to MIMC's communications with TDH regarding the "South Impoundment" during that same time frame are attached as Exhibit D.

[1] MIMC has sought to argue with EPA's interpretation of these historical documents and the extent to which they tie MIMC to activities associated with the "South Impoundment," but EPA has not to International Paper's knowledge changed its position that the historical records tie MIMC to the area in question and require that MIMC participate in the RI with respect to that area pursuant to the terms of the UAO.

Please let me know if you have any questions regarding the above.

Sincerely,

John F. Cermak, Jr.

Enclosures

cc: Albert R. Axe Jr.
David Keith

EXHIBIT A

9549614

Baker Hostetler

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October 18, 2010

VIA E-MAIL AND CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

Mr. Stephen Tzhone
Remedial Project Manager
United States Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Mail Code: 6SF-RA
Dallas, TX 75202-2733

Ms. Barbara A. Nann, Assistant Regional Counsel
United States Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Mail Code: 6SF-RA
Dallas, TX 75202-2733

Re: San Jacinto River Waste Pits Superfund Site, Unilateral Administrative Order No. 06-03-10 ("UAO") – Response of Respondent International Paper Company ("International Paper") to Notice of Deficiency dated October 7, 2010 (South Pit Investigation

Dear Mr. Tzhone and Ms. Nann:

This letter is the response of International Paper to the above-referenced Notice of Deficiency, which addresses EPA's request to include investigation of an area south of Interstate 10 in the remedial investigation/feasibility study ("RI/FS") work plan (the "South Area Investigation"). We have been informed by McGinnes Industrial Maintenance Corporation ("MIMC") that it will not perform the South Area Investigation. This is notwithstanding the fact that there is a basis for requiring MIMC to also perform the South Pit Investigation under the UAO, given (among other things) the historical information that suggests that MIMC was involved in managing area known as the "south pit" and that the "south pit" area is within the area identified to be part of the RI/FS.

International Paper will perform the South Area Investigation and we request that all communications regarding the South Area Investigation be directed to International Paper. We will be using Anchor and Integral for the performance of the South Area Investigation work.

International Paper will perform the South Area Investigation subject to its sufficient cause defenses. In performing the South Area Investigation, International Paper reserves and is not waiving its objections (1) as to the need for or appropriateness of requiring a further investigation with respect to that area, as were set forth in the letter submitted on behalf of Respondents dated September 3, 2010, and (2) with respect to the scope and extent of the South Area Investigation.

Sincerely,

John F. Cermak, Jr.

JFC:nlw

cc: Steven J. Ginski
Albert R. Axe Jr.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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1. Article Addressed to:

Mr. Stephen Tzhone
US EPA
1445 Ross Avenue, Suite 1200
Mail Code: 6SF-RA
Dallas, TX 75202-2733

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X EPA REGION 6 ☐ Agent ☐ Addressee

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1. Article Addressed to:

Barbara A. Nann
US EPA
1445 Ross Avenue, Suite 1200
Mail Code: 6SF-RA
Dallas, TX 75202-2733

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X EPA REGION 6 ☐ Agent ☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

OCT 21 2010

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7004 2510 0004 0568 2291

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

EXHIBIT B

Cermak, John F.

From: Nann.Barbara@epamail.epa.gov
Sent: Thursday, July 08, 2010 1:26 PM
To: Axe, Al
Cc: Cermak, John F.; Inglin, Sonja A.
Subject: RE: San Jacinto Document

I don't think that the agency needs to hash out whether MIMC operated the pits south of 1-10. The documents speak for themselves. Though I would like to add that I don't think there is a disagreement that waste stopped being placed in the southern pit in September 1965. The issue hinges on whether there was some maintenance of the pits south of 1-10/site operations from September 1965 until August or September 1966 by MIMC. The May 1966 TDH Memo does mention that the pits no longer took waste but it also documents TDH discussion with MIMC regarding MIMC's request to discharge of wastewater from the pits directly into the waterway as opposed to boating it offsite for disposal. TDH mentioned that MIMC not Champion would have to apply for the discharge permits. The May 1965 memo also documents the sampling of the wastewater of the 3 pits. Then 2 months later there is a document from MIMC requesting a discharge permit from the waste pond south of 1-10 citing the sampling from the May 1966 TDH Memo. I also wanted to correct the impression your email made that the MIMC connection with the waste pit south of 1-10 is limited to the discharge permit request. At this point, EPA has 7 documents showing a link between MIMC and the pits south of 1-10 many of them from MIMC's business records. At this point there is enough information to justify looking for the pit south of 1-10. We can discuss MIMC's relationship with the southern pit at a later date.

Barbara A. Nann
Assistant Regional Counsel
EPA Region 6 (6RC-S)
1445 Ross Avenue
Dallas, TX 75202
phone: (214) 665-2157
fax: (214) 665-6460
nann.barbara@epa.gov

RE: FW: San Jacinto Document

Axe, Al to: Barbara Nann 07/07/2010 10:21 AM

Cc: "'Cermak, John F.'", "'Inglin, Sonja A.'"

Barbara,

The only information that we are aware of relative to a connection between MIMC and the pond south of I-10 are the 3 documents that you have seen - (1) the July 21, 1966 application to discharge from the pond; (2) TWPCD's July 29, 1966 authorization to discharge; and (3) the August 5, 1966 internal TWPCB memorandum that I sent you yesterday.

The only other document that mentions MIMC and the pond south of I-10 is the May 1966 Texas Department of

Health memorandum which describes the southern pond as the "older site" and states on page 2 that the "older site was used prior to McGinnes Corp. taking over the operation ....". The TDH memo also states on page 1 that the waste disposal "operation has been carried out since approximately 1 year ago with the first operation begun in June of 1965. This work was done by Ollie Peterson Construction Co., with the McGinnes Corp. taking over and beginning operation on September 13, 1965." Thus, a fair reading of this TDH memo is that Ollie Peterson operated the south pond and MIMC operated the north ponds. If the TDH had any information indicating that MIMC was involved in operations south of I-10, the agency could have easily said so in the May 1966 report but instead, they seemed to say just the opposite.

We are not aware of any document that states that MIMC operated a pond south of I-10. The only basis upon which EPA could take the position that MIMC operated the southern pond is the submittal of the July 21, 1966 one page letter to the TWPCB requesting authorization to discharge water from the pond. The letter does not state that water had already been discharged from the pond or that MIMC was involved in operations at the pond. The letter indicates that the owner of the property on which the pond was located had requested MIMC to dewater the pond because the owner wanted to use the property for some other purpose. This statement in the letter does not say anything about past operations at the site. The most direct statement about past operations at the site is contained in the TDH report, which states that operations south of 1-10 had ceased "prior to McGinnes Corp. taking over the operation." This statement is further supported by (1) the statement in the July 29, 1966 TWPCB letter that "It is our firm understanding that the pond will not be used again for the storage of waste material" and (2) the statement in the August 5, 1966 internal TWPCB memo that water had not been discharged from the pond south of I-10 pursuant to the July 29, 1966 authorization.

EPA's current position that the pond south of I-10 was operated by MIMC is merely speculation. A 1966 letter requesting authorization to discharge water is not equivalent to actually carrying out any operations at the site. MIMC was a construction contractor and there is no reason to believe that MIMC had not simply been asked by the owner of the property south of I-10 to seek an authorization to dewater the pond, particularly since MIMC had experience in working with the state agency. The best evidence is that MIMC had absolutely no involvement in waste operations at the site south of I-10.

We appreciate in advance your thoughtful consideration of this matter. Please do not hesitate to call if you have any questions. Al

Albert R. Axe, Jr.
Direct: (512) 370-2806
Fax: (512) 370-2850
profile link: http://www.winstead.com/Attorneys/aaxe

From: Nann.Barbara@epamail.epa.gov [mailto:Nann.Barbara@epamail.epa.gov]
Sent: Wednesday, July 07, 2010 7:35 AM
To: Axe, Al
Cc: 'Cermak, John F.'; 'Inglin, Sonja A.'
Subject: Re: FW: San Jacinto Document

Thanks Al for the letter. It still doesn't relieve MIMC from operations of the south pit. The 8/5/66 interoffice communication memo at the Texas Pollution Water Control Board last sentence refers that no discharge should be made from MIMC's holding pond (pond south of 1-10). It doesn't seem to indicate that MIMC had no control of the holding pond south of 1-10. The 7/21/66 letter that you are referring to that you believe shows MIMC acting on behalf of the owner to discharge into the waterway in fact states "The owner of the property has requested the early return of this facility for his own use and we need to take advantage of the hot summer months for maximum drying of the contents." That statement indicates that the owner of the property has not used the facility. There is no connection that the owner has requested the discharge. The only thing that the owner has requested is the return of the use of facility for his own use. You can infer from the letter and the statement made by Virgil McGinnes that MIMC had some sort of right to use the facility or control of this facility in 1966 (prior to turning it back over to the owner) otherwise they would not have the capacity to ask for authorization to discharge from the facility (impoundment south of 1-10).

These are not the only MIMC documents which reference the southern pit. Frankly, most all MIMC documents turned over to EPA reference this third pit. Initially when EPA reviewed the documents, EPA was confused that the three pits mentioned in the documents were referencing 3 pits north of 1-10. Based on aerial photos, EPA thought there are 3 pits north of 1-10. It was only after review of the business records and the government records did it become clear that the documentation of the three pits was for the 2 pits north of 1-10 and the 1 pit south of 1-10.

If you have any other documentation that you believe to further illuminate the issue, I encourage you to turn over the document.

Barbara A. Nann
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nann.barbara@epa.gov

FW: San Jacinto Document

Axe, Al to: Barbara Nann 07/06/2010 06:41 PM

Cc: "'Cermak, John F.'", "'Inglin, Sonja A.'"

Barbara,

In response to your email, attached please find a TWPCB interoffice memo regarding a telephone discussion between the writer (an employee of the TWPCB) and Lawrence McGinnes during which the writer directed him to not make any discharges from the impoundment south of I-10 to Old River until the matter had been discussed further with the TWPCB. In the attached memo, the writer notes that Mr. McGinnes represented to him during the call that no discharges had been made pursuant to the authorization granted by the TWPCB. We have found no MIMC record indicating that any discharge was ever made to Old River from this impoundment. We have also not found any documents indicating that this impoundment was involved in any joint operations between Champion and MIMC. In fact, the letter submitted by MIMC requesting authorization to release water from this impoundment indicates that MIMC had been requested to submit the application by the owner of the property on which the impoundment was located (not Champion) because the owner wanted to return his property to another use.

Please let me know if you have any questions regarding this matter. Thanks. Al

Albert R. Axe, Jr.
Direct: (512) 370-2806
Fax: (512) 370-2850

profile link: http://www.winstead.com/Attorneys/aaxe

From: Nann.Barbara@epamail.epa.gov [mailto:Nann.Barbara@epamail.epa.gov]
Sent: Wednesday, June 30, 2010 4:08 PM
To: Axe, Al
Subject: San Jacinto Document

Al,

On today's call you referenced a communication between the state of Texas to MIMC documented in a letter regarding the discharge of wastewater from the second pond where MIMC states they had not yet discharged the wastewater from the pond. Could you please provide me that document? I don't believe EPA is in possession of that communication.

Thanks,
Barbara

Barbara A. Nann
Assistant Regional Counsel
EPA Region 6 (6RC-S)
1445 Ross Avenue
Dallas, TX 75202
phone: (214) 665-2157
fax: (214) 665-6460
nann.barbara@epa.gov

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Exhibit C

STATE DEPARTMENT OF HEALTH

AUSTIN TEXAS

INTER-OFFICE

FROM Stanley W. Thompson, P.E. Regional Engineer

TO D.F. Smithhorst, P.E., Director Division of Water Pollution Control

SUBJECT Investigation of Industrial Waste Disposal - Champion Paper, Inc., Pasadena

Following a request from High Yantis, Assistant Executive Secretary of the Water Pollution Control Board, the writer and Sanitarian John Nidd contacted officials of the Champion Paper, Inc., Pasadena, Texas, and made an investigation of the present waste disposal practices of the company. This investigation was made on April 22, 1966.

Persons contacted during the course of the investigation included:

Mr. J.L. Henderson	- Champion Paper	
Mr. A.J. Navarro	- " "	
Mr. V.C. McGinnes	- McGinnes Industrial Maint. Corp.	
Mr. George Lourie	- " " " "	(Secry-Treas)
A.E. Kimball	- " " " "	(Gen. Manager)

The mailing addresses of the companys are:

Champion Papers, Inc., P.O. Box 872, Pasadena, Texas 77501

McGinnes Ind. Maint. Corp., 201 N. Richey, Pasadena, Tex 77502

In addition to the above, Sanitarian Bob Douglass of the Harris County Health Department, Air and Stream Pollution Section, was contacted in the absence of Dr. W.A. Quebedeaux, Chief of the Section. Mr. Douglass was unable to assist in the inspection.

General

The investigation covered the present practice of disposal of settled solids from the Champion Paper processes, a practice which is carried out by the McGinnes Ind. Maint. Corp. This practice consists of the removal of the settled material from the secondary ponds at Champion plant, the transporting of the material by barge to an area adjacent to the San Jacinto River (Near Hwy. 73), and the unloading from the barge into ponds which have been formed by levees. This operation has been carried out since approximately 3 years ago with the first operation begun in June of 1965. This work was done by the Ollie Peterson Construction Co., with the McGinnes Corp. taking over and beginning operation on September 13, 1965.

This particular type of operation is carried out in a cycle of sorts. The ponds at Champion are allowed to fill with the material (or one full and the other approaching it) and hauling is then begin on the full pit. At the time of the inspection, both pits had been cleaned with about 5 barge loads (est. by Mr. McGinnes) left to remove. This would complete the operation until the ponds are again full - which is expected to be sometime later this year.

SIGNED

Quality of Material Removed

An analysis of the material was not available, but officials of Champion indicated that the material was neutral in pH, non-toxic, and primarily fibrous. The dried material resembled a cheaper grade of cardboard - such as used in egg cartons, etc. Mr. McGinnes reported that he had used it successfully for matting for his equipment in the disposal site.

The material appears to solidify rapidly and Mr. Henderson reported that a vertical wall can be cut in the ponds while removing it and that the wall will stand. It was also reported that after the material has set a short time, that water will not penetrate it - that rain water will stand over it. It was further reported that grass can be started on the dry material and that it will spread rapidly, thus further cutting off water.

The material is removed by use of jetting (using waste water from the third set of ponds) and is reported to be removed with a solid content of 25% to 30%.

Quantity of Material

It was estimated by Mr. Henderson that complete cleaning of the two ponds would result in removal of about 135,000 cubic yards of the material. The barges used in the operation will hold about 1000 yards and three barges are used. This allows one barge to be in the process of being filled, one to bein the process of being unloaded, and one to be in transit. About 6 hours is required for for the complete operation. Two shifts have been in operation to allow an average of 6 barge loads per day to be hauled.

Mr. Henderson stated that the material was accumulating at Champion at an estimated rate of 1 barge load per day.

Disposal Site

As mentioned, the disposal site is adjacent to the San Jacinto River at the Hwy 73 Bridge with the older site on the south side of the Highway and the newer site on the North side. The older site was used prior to McGinnes Corp taking over the operation and appears to consist of a pond covering between 15 and 20 acres. The new (and present) site consists of an estimated 20+ acres, of which slightly less than 15 are being used. This area contains two ponds.

One of the ponds has been filled and the second is nearly full. Levees on the first pond appear to be in good shape, with possibly slight seepage, while the second pond needs additional work on the levees. According to Mr. McGinnes, wet weather has prohibited the proper completion of the levees and additional work is to be done as soon as possible.

The two new ponds are connected with a drain line to allow the flow of excess water (including rain water) from pond #1 to pond #2, where it collects near the barge unloading area. At the present time, this water is pumped back into the barges and returned to the Champion Paper plant where it is passed through the last settling ponds and discharged to the Channel with the rest of the plant effluent. This particular operation will be mentioned later in the report.

Danger to River

According to available information, the river is not subject to flooding which might wash out the levees -- that is, subject to flooding from rainfall without the aid of a storm such as Carla. In that event, the disposal area might well be covered with water.

It also appears that the material will solidify after being in the ponds a short time and there would be no danger of pollution from seepage. The only water is that which does separate from the solid material and rainfall.

Excess Water & Its Disposal

At the present time, the excess water plus rainfall which collectes in the pond area is pumped into the barges and is carried back to Champion Paper and discharged through the final settling ponds. According to Mr. Henderson and Mr. McGlamer, this operation is not economical and they are very interested in finding out if the water could be discharged into the River at the disposal site. The main thrust in the removal of water being that the solidification of the material and the draining of the top water would allow the discharge of more wastes to the area.

An example of this is the older area (South of the Hwy), where the water ranges from 3 - 5 feet deep. Mr. Kimball had a minnow bucket type of container submerged in this water with fish in it and reported that they had been there for several weeks. These fish (or minnows) were in good condition.

Quality of Excess Water

Samples were collected of the water in the various pits and submitted to the Austin State Dept of Health Laboratory for analysis. The samples and their results are as follows:

Point of coll	pH	BOD	Sulphates	Chlorides	S.S	D.O.	Colo
#1 - New Pond #2 - near pt of return to barge	7.8	1590	5	790	213	0	220
#2 - New Pond #1	7.4	> 2,500	31	470	524	0	110
#3 - San Jacinto River - near barging pt	7.3	2.5	78	465	36	4.4	
#4 - Old Pond - South of Hwy 73	8.3	8.0	50	2060	20	2.2	110

In general appearance, samples #1 and #2 were very dark with #4 somewhat lighter. The water from the older pond (Sample #4) had been undisturbed for some 6 to 7 months.

Generally

Officials of both companies were most anxious to work something out regarding this method of waste disposal. It appears that several things are to be considered in the matter.

1. The type of waste involved is not easy to get rid of, there is a large amount of the waste, and there will be an even larger amount in the future. This larger amount will be due to the new, and more efficient, waste treatment equipment that is to be provided by Champion Paper.

2. Very large tracts of land would be required for extended operation of this type, and this land would need to be accessible to barges - so on major rivers or streams. Apparently, the company officials feel that they can return to the areas after a period of time and deposit additional material. This would be necessary to get the full benefit from the land.

3. There is no market for such material for use as fill material.

4. It also appears that continued operation would depend on the ability to return the water off the ponds to the adjacent stream rather than return it to the plant.

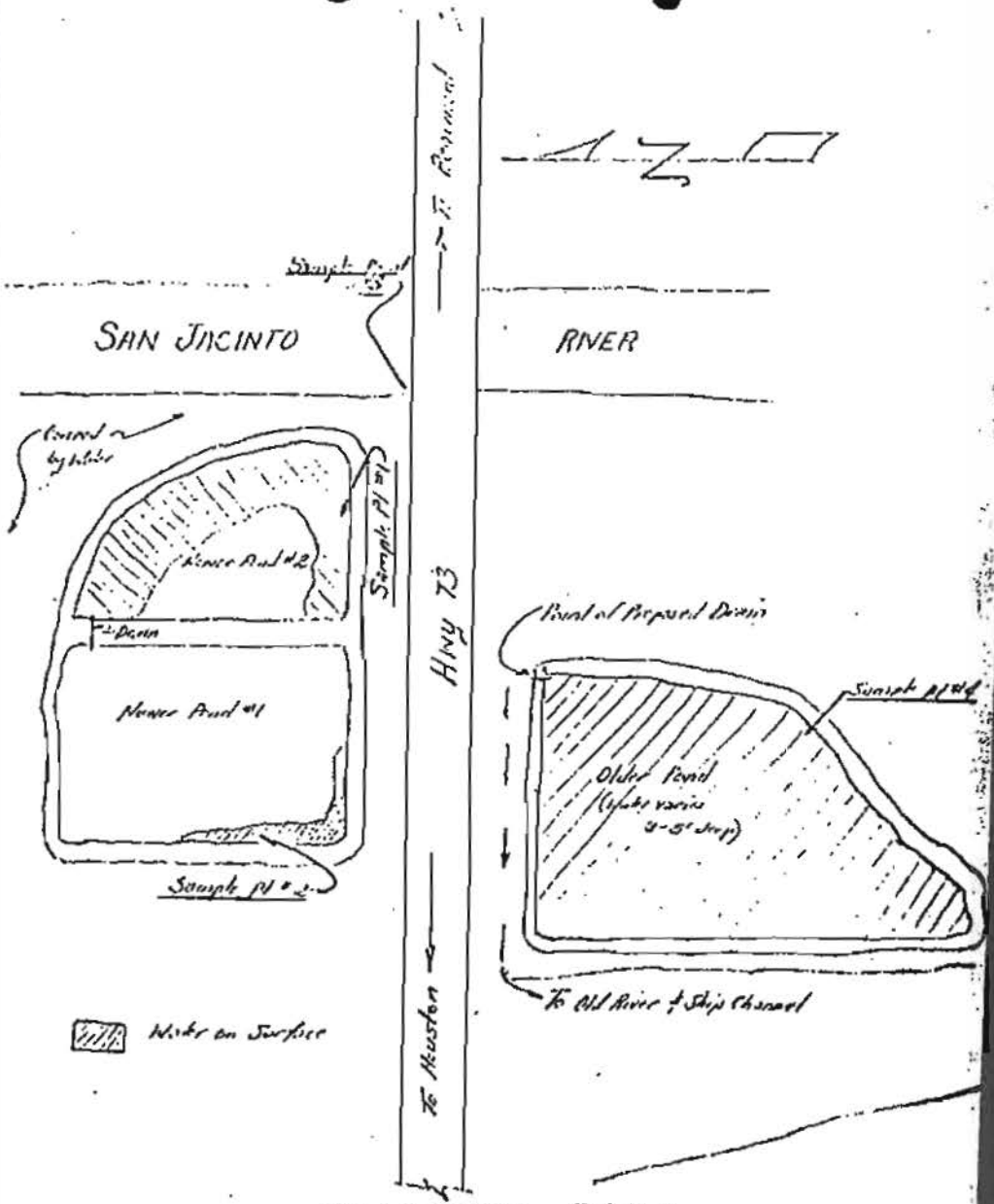
The operation and the need for submitting an application for a permit from the WPCB was discussed with Mr. Henderson and Mr. McGinnes, and it is understood that such a permit would be obtained by Mr. McGinnes rather than by Champion. There is apparently the thought, or plan, that Mr. McGinnes would obtain the permit and handle the wastes from Champion under contract (the present set-up) and then also take care of such other industrial wastes that he might be able to handle (not from Champion).

It is the writer's understanding that nothing was to be done in the way of a permit application until the results of the sample analyses were received. At that time, the company officials would get in touch with the WPCB and its staff to discuss the matter further and get the thinking of the Board in light of the sample results. By that time, the companies should also have information regarding the chemical content of the material. It was felt that this would be the best approach to the matter since the present cycle of operation was essentially completed and time would be available to either obtain a permit for the operation - or work out a different method of disposal- prior to the need for renewed removal of the waste material.

Respectfully submitted,

Stanley W. Thompson

Stanley W. Thompson, P.E.
May 6, 1966



DISPOSAL AREA
WASTE FROM CHAMPION PAPER, INC

McGinnes Industrial Maintenance Corporation

201 NORTH RICHEY • PASADENA, TEXAS 77502 • GR 3-8587

JUL 1966
WATER POLLUTION
CONTROL

July 21, 1966

Texas Water Pollution Control Board
1100 West 49th Street
Austin, Texas 78756

Attn: Mr. Hugh C. Yantis, Assistant Executive Secretary

Gentlemen:

In line with our recent discussion, permission is hereby requested for the release of a combination of stabilized waste water and rain water accumulated in a holding pond adjacent to Old River and Interstate Highway 10.

Attached is a tabulation showing the characteristics of the water to be released and a map giving the location of the pond.

The owner of the property has requested the early return of this facility for his own use and we need to take advantage of the hot summer months for maximum drying of the contents.

Your early consideration of this request will be appreciated.

Yours very truly,

MCGINNES INDUSTRIAL MAINTENANCE CORP.

V. C. MCGINNES
Vice President

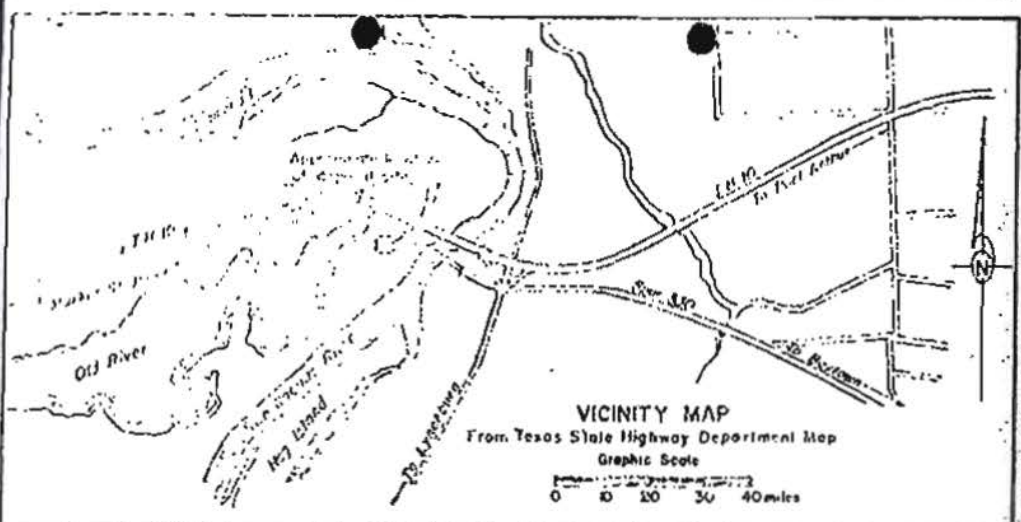
VCM:bgt
Enclosures

CHARACTERISTICS OF WASTE WATER
ORIGINAL DISPOSAL SITE
South of Highway 10

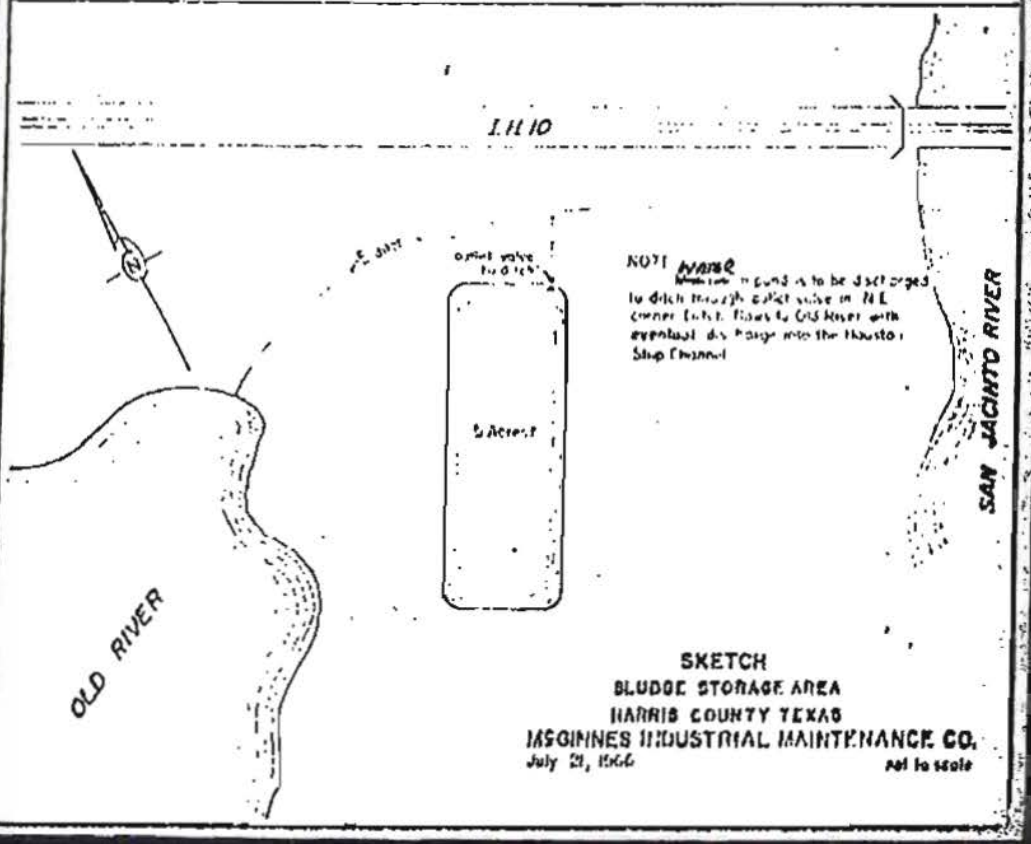
Characteristic	12-29-65	4-22-66	State Test 4-22-66	5-23-66	6-29-66	Zone 1 Objectives
pH	7.9	8.2	8.3	7.7	7.3	6.5 - 10.5
BOD, ppm	79	< 14	8	35	13	50
Chloride, ppm	3056	2070	2040	1664	1935	-
Alkalinity, ppm	800	-	-	-	525	-
Dissolved Oxygen, ppm	0.4	7.8	2.2*	0.3	6.3	-
Total Suspended Solids, ppm	114	16	20	140	50	105
Volatile Suspended Solids, ppm	-	10	13	-	44	52
Dissolved Solids, ppm	-	4224	4871	3364	4232	-
Sulfate, ppm	-	54	50	43	43	-
COD, ppm	-	196	-	-	283	320
Color, ppm	-	65	110	138	150	-
Temperature, °F					94	

Disposal operations terminated at this location about September 14, 1965.

*Sample not fixed in field at time of collection.



VICINITY MAP
From Texas State Highway Department Map
Graphic Scale
0 10 20 30 40 miles



SKETCH
BLUDGE STORAGE AREA
HARRIS COUNTY TEXAS
McGINNES INDUSTRIAL MAINTENANCE CO.
July 21, 1966
not to scale

Exhibit D

Kirkwood
afternoon 5 Aug 66

Texas Water Pollution Control Board

JOE G. MOORE, JR., CHAIRMAN
T. F. ANDERSON, VICE-CHAIRMAN
BEN RAMSEY
HOWARD V. ROSE

1100 WEST 49TH STREET
AUSTIN, TEXAS 78756

SAM E. WOHLFORD
J. E. PEAVY, M.D.
J. WELDON WATSON

July 29, 1966

Re: Holding Pond
Harris County, Texas

McGinnes Industrial Maintenance Corporation
201 North Richey
Pasadena, Texas 77502

Attention: Mr. V. C. McGinnes

Gentlemen:

This is in response to your letter of July 21, 1966 whereby you have requested permission to release a combination of stabilized waste water and rain water from a holding pond adjacent to Old River and Interstate Highway 10.

Based on our observation of the area from the air, and on the analytical data submitted with your letter, this Board would not oppose the emptying of the ponds in any reasonable manner. It is our firm understanding that the pond will not be used again for the storage of waste material.

In view of the fact that those ponds are located in Harris County, you may wish to ascertain whether local county officials have any interest in your proposed waste discharge.

We trust the above is satisfactory to you, and if you have any questions, please let us know.

Very truly yours,

Hugh C. Yantis, P.E.
Assistant Executive Secretary

HCY:eb

ccs: Brown & Root
State Health Department
Region IV
Joe Resweber
Harris County Health Department
Local Health Services

TEXAS WATER POLLUTION CONTROL BOARD
AUSTIN TEXAS

INTER-OFFICE

FROM: Kinnan Golemon TO: Files

SUBJECT: McGinnes Industrial Maintenance Corporation

Acting on verbal order of D. F. Smallhorst, Executive Secretary of the Texas Water Pollution Control Board, the writer called McGinnes Industrial Maintenance Corporation concerning this office's letter of July 29, 1966. Mr. V. C. McGinnes was out of the office and the writer talked to Mr. Lawrence McGinnes. The writer informed Mr. McGinnes that no further discharges should be made from the holding pond located adjacent to Old River and Interstate Highway 10 until this matter has been discussed fully with the TWPCB. Mr. McGinnes stated that no discharges had been made pursuant to the July 29, 1966 letter.

Pursuant to the request of Mr. D. F. Smallhorst, Executive Secretary of the TWPCB, the writer called Dr. W. A. Quebedeaux of the Harris County Health Department informing him of this writer's telephone conversation with Mr. Lawrence McGinnes, in which Mr. McGinnes was informed that no further discharges should be made from the McGinnes Industrial Maintenance Corporation's holding pond located adjacent to Old River and Interstate Highway 10 in Harris County, Texas.

RKG:lg

Signed: RKG

Date: August 5, 1966