TCEQ DOCKET NO. 2013-2210-IWD

APPLICATION BY WASTE CONTROL SPECIALISTS, LLC AND ANDREWS COUNTY FOR TPDES PERMIT NO. WQ0004857000	**§**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

Executive Director's Response to Hearing Request

I. Introduction

The Executive Director of the Texas Commission on Environmental Quality (the TCEQ or Commission) files this Response to Hearing Request (Response) on the application of Waste Control Specialists, LLC and Andrews County (Applicant) for a new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0004857000. The Office of the Chief Clerk received hearing requests from Rose Gardner and Peggy J. Pryor.

Attached for Commission consideration are the following:

Attachment A – GIS Map
Attachment B – Adjacent Landowners Map and List
Attachment C – Compliance History
Attachment D – Fact Sheet and Draft Permit
Attachment E – Executive Director's Response to Public Comment

II. Description of the Facility

Applicant operates the Byproduct Material Disposal Facility (BMDF), a facility that receives, pretreats, and disposes byproduct material, which is a type of radioactive waste as defined in 30 TAC § 336.1105(4) and the Texas Health and Safety Code § 401.003(3)(B) in a landfill operated under the authority of Radioactive Material License (RML) No. R05807. Currently the only authorized byproduct material disposed in the BMDF is sealed Fernald waste canisters. The Applicant has applied for a major amendment to remove Other Requirement No. 16, which was included in the existing

permit based on an agreement between the Applicant and the State of New Mexico to address New Mexico surface water quality standards.

The draft permit authorizes the discharge of previously monitored effluents from internal Outfall 103, non-contact industrial stormwater, and stormwater associated with construction activities at the BMDF at a daily average dry weather flow not to exceed 0.44 million gallons per day (MGD) via Outfall 005; landfill wastewaters (i.e., landfill leachate, gas collection condensate, drained free liquids, laboratory derived wastewater, contact industrial stormwater, washwater [from washing the surfaces of trucks, equipment, containers, and other items that have come in direct contact with waste at the BMDF and that have not been adequately decontaminated], and personnel decontamination) only from the Byproduct Material Disposal Unit (BMDU), associated with the disposal of Fernald waste containers only in the BMDU, at the BMDF, at a daily average flow not to exceed 0.44 MGD via internal Outfall 103; and non-contact industrial stormwater and stormwater associated with construction activities at the BMDF on an intermittent and flow variable basis via Outfall 004.

The effluent is discharged via Outfalls 004 and 005 to an unnamed ditch in the State of Texas; then to an unnamed ditch in the State of New Mexico; then to Monument Draw in the State of New Mexico; then to Monument Draw in the State of Texas; then to Upper Pecos River in Segment No. 2311 of the Rio Grande Basin.

The unclassified receiving waters have minimal aquatic life use for the unnamed ditch in the State of Texas. The designated uses for Segment 2311 are high aquatic life use and primary contact recreation. An antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has also determined that no water bodies with intermediate, high, or exceptional aquatic life uses are present within the stream reach accessed; therefore, no Tier 2 antidegradation determination is required. No significant degradation of water quality is expected in water bodies with intermediate, high, or exceptional aquatic life uses downstream, and existing uses will be maintained and protected. All determinations are preliminary and subject to additional review and revisions.

The plant site is located at 9998 State Highway 176 West, approximately 1.25 miles north of the intersection of State Highway 176 with the Texas and New Mexico state line, Andrews County, Texas.

III. Procedural Background

The Application was received by the TCEQ on July 27, 2011, and declared administratively complete on August 11, 2011. The Notice of Receipt of Application and Intent to Obtain a Permit (NORI) was published in the *Andrews County News* on August 25, 2011. The NORI was also published in the *Hobbs News-Sun*, Hobbs, New Mexico. The Executive Director completed the technical review of the Application on January 2, 2013, and prepared a draft permit. The Notice of Application and Preliminary Decision (NAPD) was published on June 13, 2013 in the *Andrews County News* and in the *Hobbs News-Sun*. The comment period ended on July 15, 2013. The Executive Director's Response to Public Comment (RTC) was filed on September 13, 2013. The Executive Director's Final Decision Letter was mailed on November 18, 2013 and the period for filing a Request for Reconsideration or Contested Case Hearing ended on December 18, 2013. This application was administratively complete on or after September 1, 1999; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

IV. The Evaluation Process for Hearing Requests

House Bill 801 established statutory procedures for public participation in certain environmental permitting proceedings. For those applications declared administratively complete on or after September 1, 1999, it established new procedures for providing public notice and public comment, and for the Commission's consideration of hearing requests. The Commission implemented House Bill 801 by adopting procedural rules in 30 Texas Administrative Code (30 TAC) Chapters 39, 50, and 55. The application was declared administratively complete on August 11, 2011; therefore it is subject to the procedural requirement of HB 801.

A. Response to Request

The Executive Director, the Public Interest Counsel, and the Applicant may each submit written responses to a hearing request. 30 TAC § 55.209(d).

Responses to hearing requests must specifically address:

a) whether the requestor is an affected person;

b) whether issues raised in the hearing request are disputed;

c) whether the dispute involves questions of fact or of law;

d) whether the issues were raised during the public comment period;

e) whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the Executive Director's Response to Comment;

f) whether the issues are relevant and material to the decision on the application; and

g) a maximum expected duration for the contested case hearing.

30 TAC § 55.209(e).

B. Hearing Request Requirements

In order for the Commission to consider a hearing request, the Commission must first determine whether the request meets certain requirements.

> A request for a contested case hearing by an affected person must be in writing, must be filed with the chief clerk within the time provided...and may not be based on an issue that was raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the Executive Director's Response to Comment.

30 TAC § 55.201(c).

A hearing request must substantially comply with the following:

a) give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime

telephone number, and, where possible fax number, who shall be responsible for receiving all official communications and documents for the group;

b) identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a matter not common to members of the general public;

c) request a contested case hearing;

d) list all relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request. To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the executive director's response to comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law or policy; and

e) provide any other information specified in the public notice of application.

30 TAC § 55.201(d).

C. "Affected Person" Status

In order to grant a contested case hearing, the Commission must determine that a requestor is an "affected person." Section 55.203 sets out who may be considered an affected person.

a) For any application, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest.

b) Governmental entities, including local governments and public agencies, with authority under state law over issues raised by the application may be considered affected persons.

c) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:

1) whether the interest claimed is one protected by the law under which the application will be considered;

2) distance restrictions or other limitations imposed by law on the affected interest;

3) whether a reasonable relationship exists between the interest claimed and the activity regulated;

4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;

5) likely impact of the regulated activity on the use of the impacted natural resource by the person; and

6) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

30 TAC § 55.203.

A group or association may also request a contested case hearing. In order for a group or association to request a contested case hearing, the group or association must show that it meets the following requirements:

a) one or more members of the group or association would otherwise have standing to request a hearing in their own right;

b) the interests the group or association seeks to protect are germane to the organization's purpose; and

c) neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

30 TAC § 55.205(a). In addition the Executive Director, Public Interest Counsel, or the Applicant may request that a group or association provide an explanation of how the group or association meets the above requirements. 30 TAC § 55.205(b).

D. Referral to the State Office of Administrative Hearings (SOAH)

When the Commission grants a request for a contested case hearing, it is required to issue an order specifying the number and scope of the issues to be referred to SOAH for a hearing. 30 TAC § 50.115(b). Subsection 50.115(c) sets out the test for determining whether an issue may be referred to SOAH. "The commission may not refer an issue to SOAH for a contested case hearing unless the commission determines that the issue: 1) involves a disputed question of fact; 2) was raised during the public comment period; and 3) is relevant and material to the decision on the application." 30 TAC § 50.115(c).

V. Analysis of the Requests

A. Analysis of the Hearing Requests

The Executive Director has analyzed the hearing requests to determine whether they comply with Commission rules, who qualifies as an affected person, what issues may be referred for a contested case hearing, and what is the appropriate length of the hearing.

1. Whether the Requestors Complied with 30 TAC §§ 55.201(c) and (d)

a. Rose Gardner

Rose Gardner's hearing request substantially complied with the requirements of 30 TAC §§ 55.201(c) and (d). The public comment period for this permit application ended on July 15, 2013. The Executive Director's Final Decision Letter was mailed on November 18, 2013. The period for timely filing a request for a contested case hearing on this permit application ended on December 18, 2013. The Office of the Chief Clerk received Rose Gardner's hearing request on July 12, 2013. The hearing request provided: 1) the requestor's name, address, daytime phone number, 2) requested a contested case hearing, 3) identified her personal justiciable interest, and 4) listed relevant and material disputed issues of fact that were raised during the public comment

period (i.e., contamination from the discharge entering surface waters and ground water).

The Executive Director recommends that the Commission find that ***Rose Gardner's*** *hearing request* ***substantially complies*** *with the requirements of 30 TAC §§ 55.201(c) and (d).*

b. Peggy J. Pryor

Peggy Pryor's hearing request did not substantially comply with the requirements of 30 TAC §§ 55.201(c) and (d). The public comment period for this permit application ended on July 15, 2013. The Executive Director's Final Decision Letter was mailed on November 18, 2013. The period for timely filing a request for a contested case hearing on this permit application ended on December 18, 2013. The Office of the Chief Clerk received two hearing requests from Peggy Pryor, one on November 9, 2011 and the other on November 10, 2011. The hearing requests provided: 1) the requestor's name, address, daytime phone number, and 2) requested a contested case hearing. However, her requests neither identified a personal justiciable interest, nor listed relevant or material disputed issues of fact. The requests in this case merely indicated that she is "interested in the findings" of the application review.

The Executive Director recommends that the Commission find that ***Peggy J. Pryor's*** *hearing request* ***does not substantially comply*** *with the requirements of 30 TAC §§ 55.201(c) and (d).*

2. Whether the Requestors are Affected Persons

a. Rose Gardner

Rose Gardner did not identify a personal justiciable interest in the Application that is not common to the general public. Ms. Gardner indicated that she is a resident of Eunice, New Mexico, and that her concern "is and always will be for the community of Eunice NM and also my personal property and ground water," and that "our water is at

about 200 ft." Ms. Gardner does not provide the location of her personal property in her request, does not identify how far she is from the facility, and does not indicate how the discharge will affect her interests in a way that is not common to other residents of Eunice. Although Ms. Gardner raised an issue regarding her interest in property and groundwater, the interest she claims is indistinguishable from other residents of Eunice. Eunice, New Mexico is approximately five miles from the facility. Ms. Gardner failed to indicate the location of her property or whether there are wells in her property, and she did not indicate how the activities at the facility are likely to impact groundwater in Eunice.

While Ms. Gardner notes that she is a resident of Eunice, she does not provide the location of her physical address. According to the Adjacent Landowners Map and List from the Application, provided as **Attachment B**, Ms. Gardner does not own property adjacent to the facility or the discharge route. Because Ms. Gardner only provided a post office box number for Eunice, the Executive Director was not able to identify her location in **Attachment A**. However, **Attachment A** indicates that the town of Eunice is approximately 5 miles to the west of the facility.

The Executive Director recommends that the Commission find that ***Rose Gardner is not an affected person*** *under 30 TAC § 55.203.*

b. Peggy Pryor

Peggy Pryor did not identify a personal justiciable interest in the Application and failed to raise any relevant or material issues. Ms. Pryor's correspondence simply requested a contested case hearing and stated a general interest "in the findings as well as the water quality permit ...." Ms. Pryor did not describe a legal right, duty, privilege, power, or economic interest that is potentially affected by the Application.

Ms. Pryor also appears to live approximately 29 miles away from the facility. According to the Adjacent Landowners Map and List from the Application, provided as **Attachment B**, Ms. Pryor does not own property adjacent to the facility or the discharge route. The Executive Director located Ms. Pryor's address when developing **Attachment A**, which indicates that her address is approximately 29 miles to the east

of the facility in Andrews, Texas. Without any further indication of how her interests may be affected by the Application, Ms. Pryor's distance to the facility reduces the likelihood that she will be impacted by the discharge in a manner that is not common to the general public.

The Executive Director recommends that the Commission find that ***Peggy Pryor is not an affected person*** *under 30 TAC § 55.203.*

3. Whether the Issues Raised are Referable to SOAH for a Contested Case Hearing

The ED has analyzed the issues raised in accordance with the regulatory criteria. The issues discussed were raised during the public comment period and addressed in the RTC. None of the issues were withdrawn. All identified issues in this response are considered disputed, unless otherwise noted.

1. Whether the discharge will pollute sources of groundwater in Eunice, New Mexico

This issue was raised and addressed in the Executive Director's Response to Public Comment, Comment 3. It involves a question of fact and it is relevant and material to the decision on this application.

The Executive Director concludes that this issue ***is appropriate*** *for referral to SOAH.*

2. Whether the effluent can be contained in the State of Texas

This issue was raised and addressed in the Executive Director's Response to Public Comment, Comment 4. It involves a question of law and it is not relevant or material to the decision on this application. *See* 30 TAC § 50.115(c).

The Executive Director concludes that this issue ***is not appropriate*** *for referral to SOAH.*

VI. Duration of the Contested Case Hearing

Should the Commission decide to refer this case to SOAH, the Executive Director recommends a nine-month duration for a contested case hearing from the date of the preliminary hearing to the presentation of a proposal for decision.

VIII. Executive Director's Recommendation

The Executive Director recommends the following actions by the Commission:

a) Find that Peggy Pryor's hearing request does not meet the requirements of 30 TAC §§ 55.201(c) and (d)

b) Deny the hearing requests of Rose Gardner and Peggy Pryor

c) Should the Commission find that any of the requestors are affected persons, the following issues should be referred to SOAH for a Contested Case Hearing for a duration of nine months:

   1. Whether the discharge will pollute sources of groundwater

Respectfully submitted,

Texas Commission on Environmental Quality

Richard A. Hyde, P.E.
Executive Director

Robert Martinez, Director
Environmental Law Division

Daniel W. Ingersoll, Staff Attorney
Environmental Law Division
State Bar No. 24062794
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Austin, TX 78711-3087
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Fax: (512) 239-0606

REPRESENTING THE EXECUTIVE
DIRECTOR OF THE TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on January 31, 2014, the original and seven copies of the "Executive Director's Response to Hearing Request" for Waste Control Specialists, LLC and Andrews County TPDES Permit No. WQ0004857000, were filed with the TCEQ's Office of the Chief Clerk and a complete copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, inter-agency mail, electronic submittal, or by deposit in the U.S. Mail.

Daniel Ingersoll, Staff Attorney
Environmental Law Division

MAILING LIST
WASTE CONTROL SPECIALISTS, LLC AND ANDREWS COUNTY
DOCKET NO. 2013-2210-IWD; PERMIT NO. WQ0004857000

FOR THE APPLICANT:
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Environmental Director
Waste Control Specialists, LLC
P.O. Box 1129
Andrews, Texas 79714
Tel: (432) 525-8500
Fax: (575) 394-3427

FOR THE EXECUTIVE DIRECTOR:
Via electronic mail:

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Via electronic mail:

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Via electronic mail:

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Texas Commission on Environmental Quality
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FOR THE CHIEF CLERK:
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MAILING LIST
WASTE CONTROL SPECIALISTS, LLC AND ANDREWS COUNTY
DOCKET NO. 2013-2210-IWD; PERMIT NO. WQ0004857000

REQUESTER(S):
Rose Gardner
P.O. Box 514
Eunice, New Mexico 88231

Peggy J. Pryor
1420 NW 12th Street
Andrews, Texas 79714

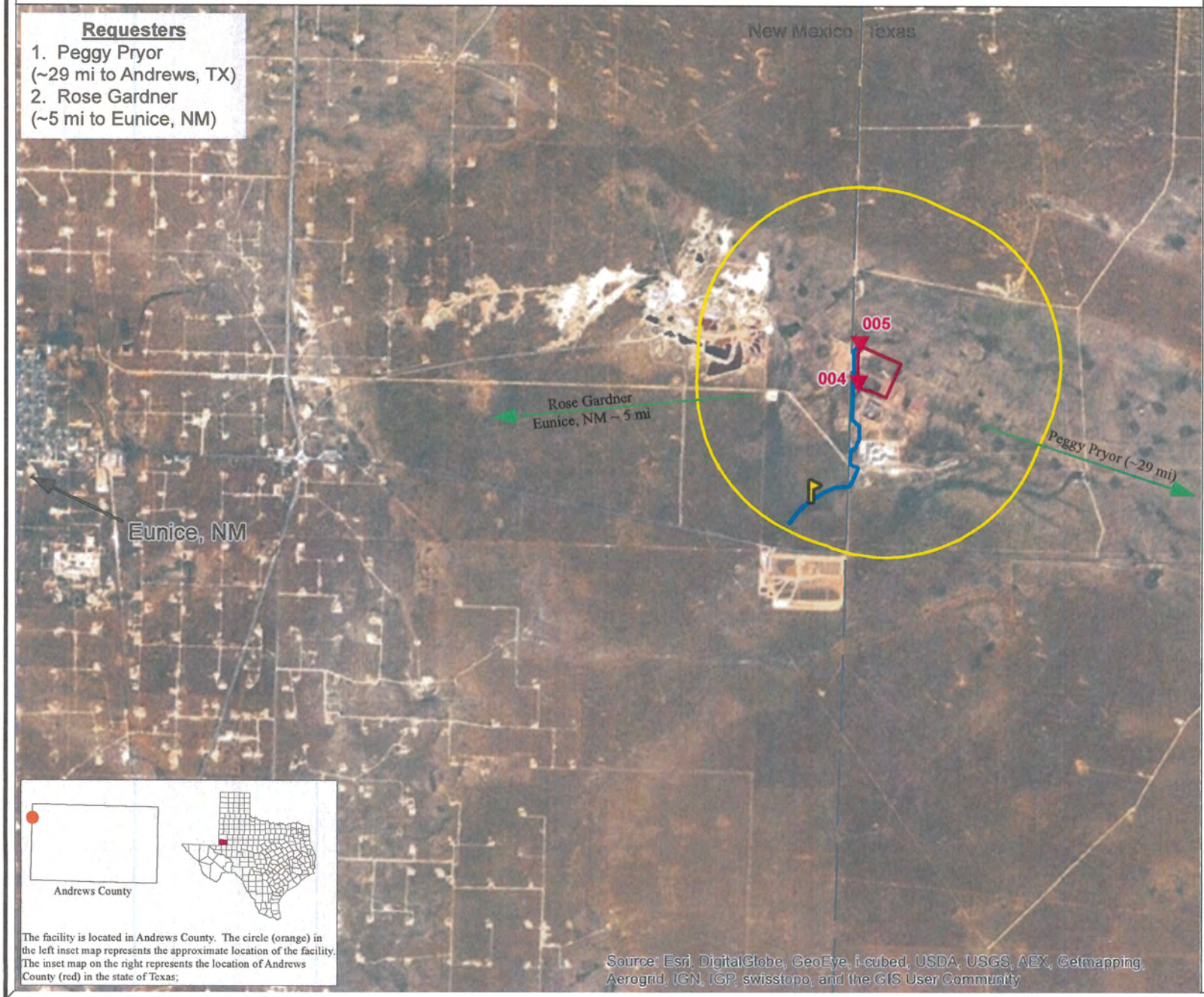
ATTACHMENT A
GIS MAP

Waste Control Specialists, LLC and Andrews County
TCEQ Docket No. 2013-2210-IWD
WQ TPDES Permit No. 4857000

Waste Control Specialists LLC and Andrews County

TPDES Permit No. WQ0004857000

Map Requested by TCEQ Office of Legal Services
for Commissioners' Agenda



Protecting Texas by Reducing and Preventing Pollution

TCEQ

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087

January 30, 2014

0 0.5 1 Miles

Projection: Texas Centric Mapping System
Albers (TCMS-A), meters
Scale 1:55,000

Legend

- Outfall
- 1 mi downstream from 004
- Discharge Route
- Facility Boundary
- 1 mi from facility boundary
- NM / TX State Line

Source: The location of the facility, outfalls, and drainage route was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor. The background imagery of this map is from the current Microsoft Bing map service, as of the date of this map.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.

C Schaefer CRF-412611

ATTACHMENT B
Adjacent Landowners Map and List

Waste Control Specialists, LLC and Andrews County
TCEQ Docket No. 2013-2210-IWD
WQ TPDES Permit No. 4857000

ATTACHMENT C-2
Adjacent Landowner List

The adjacent landowners are cross-referenced by number on the Adjacent Landowners Map, Attachment C-1

1. Margarett Long Alvis
7209 Cottonwood Ct
North Richland Hills , TX 76180-2822

2. American Christian College, Inc.
D/B/A Summit Ministries
P.O. Box 207
Manitou Springs, CO 80829-0207

3. Barrow Ranch LTD
P.O. Box 1703
Andrews, TX 79714

4. Alvin Ward Baum
7209 Cottonwood Ct
North Richland Hills, TX 76180-2822

5. Jerrold Baum
13802 Pinrock
Houston, TX 77079-3317

6. Edward L Baum Estate
11024 Tangleridge Circle
Austin, TX 78736-7600

Marion D Baum Estate
c/o Lisa Jo Portzer
13102 Pollard Dr
Austin, TX 78727

8. Barbara Simon Bierner
6705 Harvest Glen Drive
Dallas, TX 75248-5420

9. D.K. Boyd Oil & Gas
P.O. Box 11351
Midland, TX 79702-1351

10. City of Austin Public Library
Financial Manager
P.O. Box 2287
Austin, TX 78768

11. Emma Darnell
c/o Lisa Jo Portzer
13102 Pollard Dr
Austin, TX 78727

12. Jay Douglas Gilden Ex Trust
4232 Childress
Houston, TX 77005

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ATTACHMENT C-2
Adjacent Landowner List

The adjacent landowners are cross-referenced by number on the Adjacent Landowners Map, Attachment C-1

13. Hirschfeld Family LP
411 Thamer Circle
Houston, TX 77024

14. Human Events Publishing
A Carlson, Controller
1 Massachusetts Ave, NW
Washington, DC 20001-1401

15. Henry R. Matoushek[1]
NO ADDRESS ON FILE

16. Middle East Perspective, Inc.[1]
Dr. Alfred M. Lilienthal
NO ADDRESS ON FILE

17. Gordon Newman
5908 Desco
Dallas, TX 75225

18. Nancy Newman
7708 Park Avenue
North Bergen, NJ 07047-5831

19. Susan Newman
11 Irongate
Metuchen, NJ 08840

20. Willa Pinto
830 Montogmery Avenue, A
Bryn Mawr, PA 19010-3320

21. Lisa Jo Portzer
13102 Pollard Dr
Austin, TX 78727

22. Paul Layne Portzer
c/o Lisa Jo Portzer
13102 Pollard Dr
Austin, TX 78727

23. Moselle Kleeman Rosenthal
1711 Hwy 17, Box 236
Surfside Beach, SC 29575-4433

24. Harold Silberberg
P.O. Box 27529
Austin, TX 78755-7529

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[1] Undeliverable address - no other information on file

ATTACHMENT C-2
Adjacent Landowner List

The adjacent landowners are cross-referenced by number on the Adjacent Landowners Map, Attachment C-1

25. John Mark Simon
2710 Cascade Drive
Austin, TX 78757-2112

26. Stephen M Simon
300 East 32nd Street, #A
Austin, TX 78705-2406

27. Lynne Verner
9912 Harwell Drive
Dallas, TX 75220-1646

28. Walco Ranch
P.O. Box 1289
Hobbs, NM 88241-1289

29. US Department of Interior
Bureau of Land Management
Hobbs Field Office
414 W. Taylor
Hobbs, NM 88240-1157

30. Lea County Manager
Lea County
100 N Main, Suite 4
Lovington, NM 88260

Lea County Manager
Lea County Solid Waste Authority
Lea County Courthouse
Lovington, NM 88260

32. State of New Mexico
New Mexico State Land Office
P.O. Box 1148
Santa Fe, NM 87504-1148

33. Buddy M. Paddack, et.al
1813 Clark Road
Crowley, TX 76036

34. Leo Sims
Leo V Sims LLC & EH Clifford
P.O. Box 2630
Hobbs, NM 88241

35. Wayne C. and William Stephens
P.O. Box 115
Eunice, NM 88231

36. Wallach Concrete
Walco Ranch LLC
P.O. Box 1289
Hobbs, NM 88241

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ATTACHMENT C-2
Adjacent Landowner List

The adjacent landowners are cross-referenced by number on the Adjacent Landowners Map, Attachment C-1

37. Wallach Ranch
P.O. Box 3715
Midland, TX 79702

38. Andrews County Texas
Richard H. Dolgener
Rm 104, Courthouse
Andrews, TX 79714

39. Waste Control Specialists LLC
P.O. Box 1129
Andrews, TX 79714

40. Texas Commission on Environmental Quality
Special Counsel,
Office Of Legal Services
Mail Code 218, P.O. Box 13087
Austin , TX 78711

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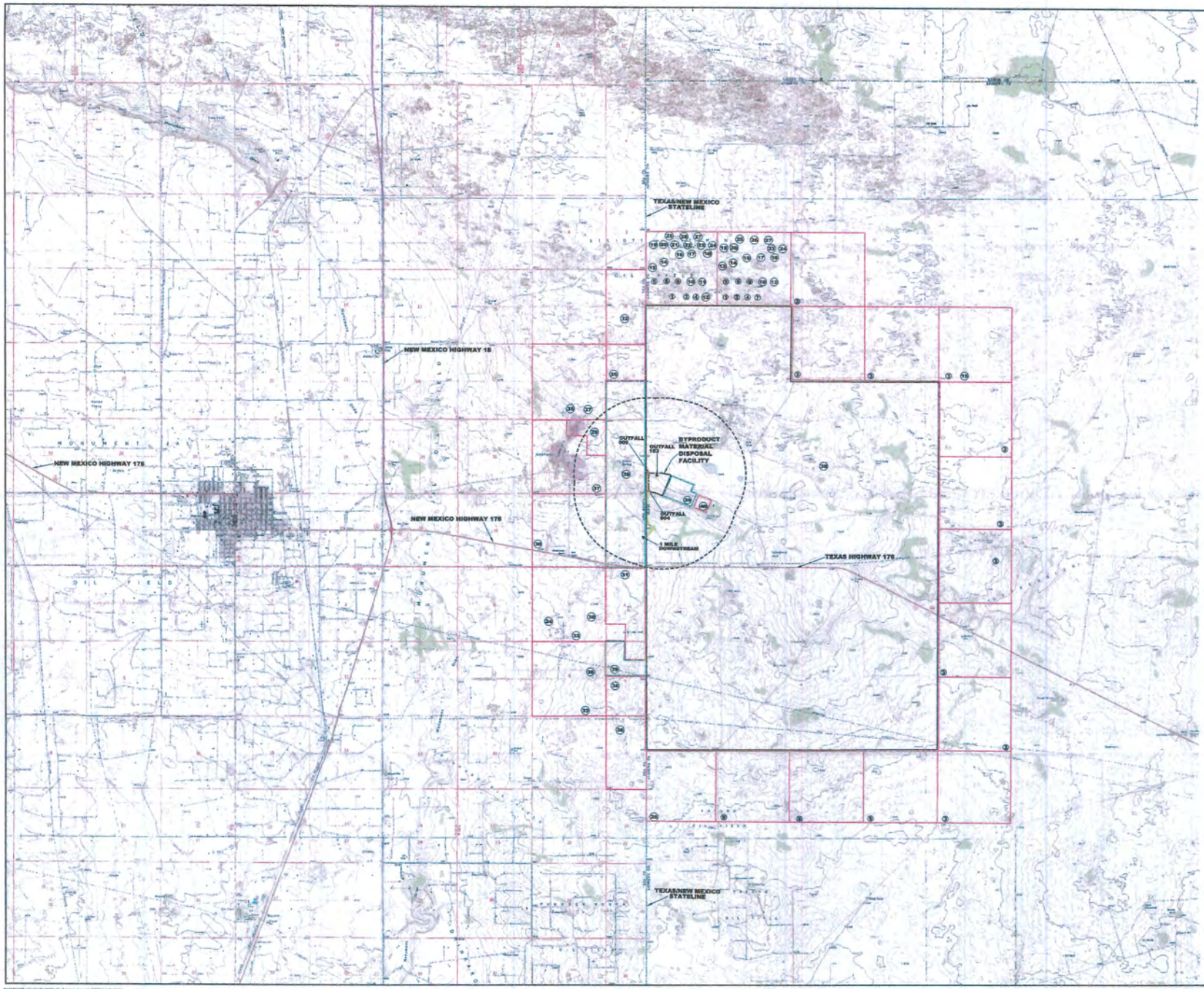

NOTE: EFFLUENT FROM WASTEWATER OUTFALL 103 FLOWS THROUGH STORMWATER OUTFALL 005.

BASE MAP SOURCE: WWW.GEOCOMM.COM

USGS 7.5 MIN. TOPOGRAPHIC QUADRANGLE:
EUNICE NE, 1969, PHOTOREVISED 1979
FRANKEL CITY SW, 1971
JUMBO HILL, 1971
SPRINGER RANCH, 1971
HOBBS SE, 1969, PHOTOREVISED 1979
HOBBS SW, 1969, PHOTOREVISED 1979
EUNICE, 1969, PHOTOREVISED 1979
RATTLESNAKE CANYON, 1969, PHOTOREVISED 1979
EUNICE SE, 1969, PHOTOREVISED 1979

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REV.	DATE	DESCRIPTION	DR BY	APP BY
1	8/11	REMOVED LANDOWNERS 30 & 31 FROM NEW MEXICO SECTION 9	SDB	JJC

WASTE CONTROL SPECIALISTS LLC

COOK-JOYCE INC.
ENGINEERING AND CONSULTING
812 WEST ELEVENTH 512-474-9097
AUSTIN, TEXAS 78701
TEXAS REGISTERED ENGINEERING FIRM F-883

PROJECT:
WASTE CONTROL SPECIALISTS LLC
ANDREWS COUNTY, TEXAS

SHEET TITLE:
ADJACENT LANDOWNERS

DES BY	EIR		SCALE: SEE BAR SCALE
DR BY	SDB		PROJECT NO. 11014.01
CHK BY	JJC		CJI NO. 11014009R1
APP BY	KLM		SHEETS 1 OF 1 SHEETS
DATE ISSUED: 7-22-2011			FIGURE NO. C-1
PURPOSE: PERMIT AMENDMENT			

ATTACHMENT C
Compliance History

Waste Control Specialists, LLC and Andrews County
TCEQ Docket No. 2013-2210-IWD
WQ TPDES Permit No. 4857000

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.

Compliance History Report

PUBLISHED Compliance History Report for CN600688998, RN101702439, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN600688998, Andrews County	**Classification:** SATISFACTORY	**Rating:** 1.16
Regulated Entity:	RN101702439, WASTE CONTROL SPECIALISTS	**Classification:** SATISFACTORY	**Rating:** 1.28
Complexity Points:	40	**Repeat Violator:** NO	
CH Group:	11 - Waste Management (Excluding Landfills)		
Location:	9998 W STATE HIGHWAY 176 ANDREWS, TX 79714-9100, ANDREWS COUNTY		
TCEQ Region:	REGION 07 - MIDLAND		

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000075788
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD988088464
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50358
POLLUTION PREVENTION PLANNING ID NUMBER P04197
WASTEWATER PERMIT WQ0004038000
WASTEWATER PERMIT WQ0004948000
WASTEWATER EPA ID TX0131644
AIR NEW SOURCE PERMITS ACCOUNT NUMBER AB0164V
AIR NEW SOURCE PERMITS PERMIT 72653
AIR NEW SOURCE PERMITS REGISTRATION 90344
AIR NEW SOURCE PERMITS REGISTRATION 86252
RADIOACTIVE WASTE DISPOSAL LICENSE R05807
RADIOACTIVE WASTE DISPOSAL ID NUMBER RDR001
AIR EMISSIONS INVENTORY ACCOUNT NUMBER AB0164V
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 50397
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 50358
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50397
POLLUTION PREVENTION PLANNING ID NUMBER P08489
WASTEWATER EPA ID TX0117005
WASTEWATER PERMIT WQ0004857000
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 73836
AIR NEW SOURCE PERMITS AFS NUM 4800300044
AIR NEW SOURCE PERMITS REGISTRATION 42916
AIR NEW SOURCE PERMITS REGISTRATION 86421
AIR NEW SOURCE PERMITS REGISTRATION 106888
RADIOACTIVE WASTE DISPOSAL LICENSE R04100
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 50358
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0020013

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: January 06, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 20, 2006 to January 06, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: TCEQ Staff Member **Phone:** (512) 239-1000

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period? YES
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3) If **YES** for #2, who is the current owner/operator? N/A
4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 07/02/2011 ADMINORDER 2010-1632-IWD-E (1660 Order-Agreed Order With Denial)

Classification: Major
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Other Requirements No. 16 PERMIT
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	April 24, 2006	(505909)
Item 2	May 23, 2006	(505910)
Item 3	June 26, 2006	(505911)
Item 4	July 20, 2006	(528153)
Item 5	August 21, 2006	(528154)
Item 6	September 20, 2006	(528155)
Item 7	October 20, 2006	(528156)
Item 8	November 20, 2006	(551662)
Item 9	December 20, 2006	(551663)
Item 10	January 18, 2007	(551664)
Item 11	February 26, 2007	(588768)
Item 12	March 19, 2007	(588769)
Item 13	April 23, 2007	(588770)
Item 14	May 21, 2007	(588771)
Item 15	June 22, 2007	(588772)
Item 16	July 20, 2007	(588773)
Item 17	August 20, 2007	(605589)
Item 18	September 20, 2007	(605590)
Item 19	October 19, 2007	(605591)
Item 20	November 20, 2007	(630468)
Item 21	December 20, 2007	(630469)
Item 22	January 10, 2008	(630470)
Item 23	January 16, 2008	(614777)
Item 24	February 18, 2008	(677040)
Item 25	March 20, 2008	(677041)
Item 26	April 18, 2008	(677042)
Item 27	May 20, 2008	(695670)
Item 28	June 20, 2008	(695671)
Item 29	July 18, 2008	(695672)
Item 30	August 20, 2008	(717219)
Item 31	September 19, 2008	(717220)
Item 32	October 20, 2008	(717221)
Item 33	October 21, 2008	(706007)
Item 34	November 20, 2008	(732584)
Item 35	December 19, 2008	(732585)
Item 36	January 20, 2009	(732586)
Item 37	February 19, 2009	(755874)
Item 38	February 25, 2009	(735989)
Item 39	March 16, 2009	(755875)
Item 40	May 15, 2009	(772866)
Item 41	June 11, 2009	(772867)
Item 42	July 24, 2009	(818760)
Item 43	September 17, 2009	(818762)
Item 44	October 20, 2009	(818763)
Item 45	November 19, 2009	(818764)
Item 46	November 23, 2009	(822214)

Item 47	December 15, 2009	(818765)
Item 48	December 21, 2009	(822215)
Item 49	January 18, 2010	(818766)
Item 50	January 20, 2010	(822216)
Item 51	February 19, 2010	(818759)
Item 52	March 19, 2010	(835818)
Item 53	April 14, 2010	(835819)
Item 54	April 15, 2010	(837145)
Item 55	May 20, 2010	(835820)
Item 56	May 21, 2010	(837146)
Item 57	June 16, 2010	(847792)
Item 58	July 20, 2010	(862195)
Item 59	July 23, 2010	(869253)
Item 60	August 20, 2010	(868793)
Item 61	September 20, 2010	(875667)
Item 62	September 24, 2010	(876142)
Item 63	October 19, 2010	(883218)
Item 64	November 16, 2010	(889632)
Item 65	December 20, 2010	(897998)
Item 66	December 23, 2010	(898500)
Item 67	January 20, 2011	(903898)
Item 68	January 21, 2011	(904347)
Item 69	February 17, 2011	(910788)
Item 70	March 18, 2011	(918046)
Item 71	March 25, 2011	(918522)
Item 72	April 18, 2011	(930174)
Item 73	May 16, 2011	(939753)
Item 74	June 15, 2011	(947170)
Item 75	June 20, 2011	(947628)
Item 76	July 11, 2011	(954420)
Item 77	August 16, 2011	(961004)
Item 78	September 16, 2011	(967098)
Item 79	November 16, 2011	(979192)
Item 80	December 19, 2011	(986035)
Item 81	January 06, 2012	(968780)
Item 82	January 20, 2012	(992386)
Item 83	February 16, 2012	(999699)
Item 84	March 12, 2012	(1005244)
Item 85	April 17, 2012	(1011821)
Item 86	May 16, 2012	(1018180)
Item 87	June 20, 2012	(1025921)
Item 88	July 17, 2012	(1033274)
Item 89	September 13, 2012	(1048735)
Item 90	September 14, 2012	(1049310)
Item 91	October 17, 2012	(1069391)
Item 92	November 15, 2012	(1069392)
Item 93	December 14, 2012	(1069393)
Item 94	January 14, 2013	(1082768)
Item 95	February 12, 2013	(1082767)
Item 96	March 13, 2013	(1091135)
Item 97	April 16, 2013	(1097469)
Item 98	May 14, 2013	(1108484)
Item 99	June 20, 2013	(1112071)
Item 100	July 16, 2013	(1119008)
Item 101	August 16, 2013	(1126769)
Item 102	August 22, 2013	(1127274)
Item 103	September 18, 2013	(1131302)
Item 104	September 23, 2013	(1131800)
Item 105	October 17, 2013	(1137056)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 09/30/2013 (1137569) CN600688998
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

Notice of Intent Date: 03/25/2010 (798473)
No DOV Associated

Notice of Intent Date: 01/27/2011 (906519)
Disclosure Date: 03/21/2011
Viol. Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.46(a)
5A THSC Chapter 341, SubChapter A 341.035
Description: Failed to submit plans and specifications for the public water system to the Executive Director for review and approval prior to construction of the system. In addition, it was discovered during the audit that portions of the potable water supply system designed to serve the proposed low-level radioactive waste disposal facility were constructed, and it is uncertain whether the company ensured that they submitted the plans to TCEQ staff for review.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)
Description: Failed to have a licensed water works operator operating the public water system.
Viol. Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)
Description: Failed to maintain internal operating and maintenance records.

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A