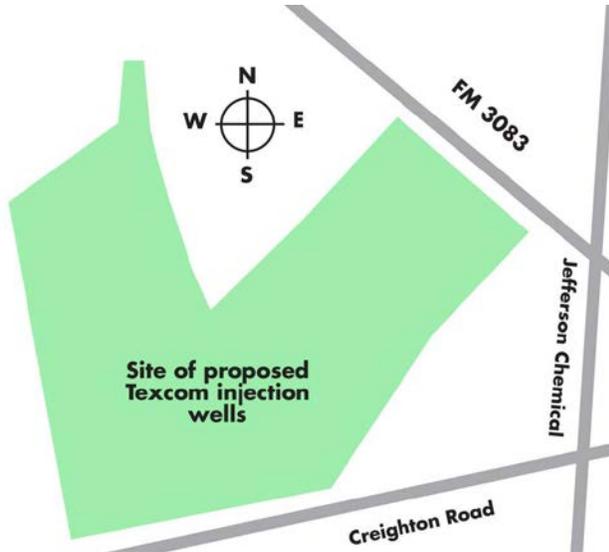


TexCom begins construction; injection wells still on hold

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Photo: Michael Minasi, Staff Photographer



Construction continues on the TexCom site on Monday, Feb. 13, 2017, off of FM 3083 and Jefferson Chemical Road.



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Houston-based TexCom Gulf Disposal LLC has been granted permits to construct a driveway and three buildings on its property off FM 3083 in Conroe after a federal judge ruled in favor of Montgomery County and required the company to reapply for the permits.

However, the company's authority to begin injecting wastewater into underground wells is still up in the air. According to County Attorney J D Lambright, a trial regarding the wells is set for June 1 in Travis County's 345th state District Court in Austin.

As part of the permit approval process, the Texas Department of Transportation is requiring the company to fund \$300,000 in improvements to add a turn lane to FM 3083. The company received the approval in September 2016. "For obvious safety reasons, that's what TxDOT's requirement was," Lambright said. "Taxpayers are not footing any of the bill; TexCom is."

The permit issue started several years ago.

In April 2013, TexCom applied to Montgomery County for a building permit to construct the surface facility in accordance with the ISW permit issued by the TCEQ. But the county engineer advised the company that it needed to seek a new driveway permit after purchasing the additional 3.5 acres of land on FM 3083 from Bryan Poage, who used the property as a commercial access driveway. The Poage permit, issued in September 2012, specifically stated that a new access driveway permit could be required "in the event of a material change in land use or change in driveway traffic volume or vehicle types."

TexCom advised the county that it intended to rely on the driveway permit issued to Poage and should not be required to obtain a new permit, but the county disagreed.

TexCom filed a lawsuit against the county in September 2013 claiming county commissioners violated the company's rights by requiring TexCom to apply for a new driveway permit after purchasing an additional 3.5 acres of land giving the company about 30 consolidated acres off FM 3083. A U.S. District Court judge granted the county's motion to dismiss the claim on June 27, 2014, then denied TexCom's request for reconsideration Oct. 9, 2014.

In August 2015, the U.S. Court of Appeals for the Fifth Circuit upheld the lower court's decision and dismissed the suit. "Since that time, they reapplied for their driveway access permit," Assistant County Attorney B.D. Griffin said.

TexCom officials could not be reached before press time.

Town Hall

Jennifer Real, spokesperson for Citizen Residents Opposed to Well, said the group is hosting a town hall meeting at 7 p.m. Tuesday to update residents on the status of TexCom's development. Real said because the issue with TexCom has been ongoing for several years, she wants people to know the fight is not over and residents need to be concerned. "(TexCom) is moving forward," she said. "So we need to keep moving forward."

For more information, call Real at 936-499-7173.

Background

In 2005, TexCom acquired a 27-acre tract of land in Conroe for the purpose of developing a wastewater injection well facility and had planned to access the property from Creighton Road rather than FM 3083. TexCom applied to the TCEQ in August 2005 for an underground

injection control permit to allow it to "re-complete the existing well" and to drill up to three future wells.

Despite widespread opposition, the Texas Commission on Environmental Quality voted in January 2011 to issue TexCom a permit to operate an underground landfill that opponents said could contaminate aquifers which provide drinking water to millions of people in the region.

TexCom's plan was to bury liquid commercial waste that is classified as nonhazardous into a well thousands of feet underground. Critics, however, believe the waste could include trace amounts of cancerous and toxic chemicals.

Even the TCEQ's administrative panel of judges advised against the move and the state's railroad commission said oil and gas resources could be harmed. The permit was approved, despite the agency's two-member panel advising against it and the railroad commission saying the oil and gas resources could be harmed.

Oil company Denbury Onshore LLC motioned to intervene, asserting that the TexCom wastewater wells could interfere with its plans to conduct oil recovery operations in the Conroe oil field. That case is still pending.