

Land Farming

Permit

0032

(18)

TEXAS

RAILROAD COMMISSION OF TEXAS  
OIL AND GAS DIVISIONOIL AND GAS DOCKET  
NO. 3-87,766

NEWTON COUNTY, TEXAS

## FINAL ORDER

APPROVING THE APPLICATION OF VERGO PATIO GARDENS, INC.  
FOR A COMMERCIAL LANDFARMING PERMIT  
ON THE A. E. LONGRON, JR. PROPERTY  
NEWTON COUNTY, TEXAS

The Commission finds that after statutory notice in the above-numbered docket heard on May 7, 1986, the examiner has made a report and recommendation containing findings of fact and conclusions of law, which was served on all parties of record; that the proposed application is in compliance with all statutory requirements; and that this proceeding was duly submitted to the Railroad Commission of Texas at conferences held in its offices in Austin, Texas.

The Commission, after review and due consideration of the examiner's report and recommendation, the findings of fact and conclusions of law contained therein, and exceptions and replies thereto, hereby adopts as its own the findings of fact and conclusions of law contained therein, and incorporates said findings of fact and conclusions of law as if fully set out and separately stated herein.

Therefore, it is ordered by the Railroad Commission of Texas that effective October 27, 1986, the application of Vergo Patio Gardens, Inc. to conduct commercial landfarming operations on the A. E. Longron, Jr. property Newton County, Texas, be and it is hereby approved. A permit (LF-0032) is hereby granted in accordance with Statewide Rule 8 of the Railroad Commission to conduct commercial landfarming operations subject to the following provisions:

1. Commercial landfarming operations authorized under this permit shall be restricted to the SIX HUNDRED AND THIRTY TWO (632) acres of the A. E. Longron, Jr. property Newton County, Texas as outlined on applicant's Exhibit No. 7.
2. No oil and gas waste other than freshwater base drilling mud and fluid originating within Railroad Commission District 3 may be landfarmed on the approved landfarm site.
3. No freshwater base drilling mud and fluid with a chloride concentration in excess of 3,000 mg/l may be accepted by the operator or landfarmed on the approved landfarm site.
4. No oil base drilling mud or fluid may be accepted by the operator or landfarmed on the approved landfarm site.
5. The A. E. Longron, Jr. landfarm site shall have a fence and a lockable gate to prevent unauthorized access. Fencing is required around the entire approved landfarm site except to the extent that terrain, levees, dikes or vegetation prevent truck access to the approved landfarm site.
6. Permittee shall construct levees and/or "dikes" to completely surround the approved disposal site and thereafter maintain such dikes so that no stormwater runoff may enter or exit the approved landfarm site. After cessation of use of the approved landfarm site, permittee shall remove these levees and/or dikes.
7. Freshwater base drilling mud and fluid must be landfarmed in such a manner that the fluid will not migrate off the approved landfarm site or enter any water course or drainage way, including any drainage ditch, dry creek, flowing creek, river, or any other body of surface water.
8. Permittee shall insure that the landfarmed mud and fluid is dispersed in an even manner, and at a one-time rate of application not to exceed 120 barrels of freshwater base drilling mud and fluid per 3,000 square feet of land surface such that an accumulation of no more than 2.7" may occur over any one portion of the approved landfarm site.
9. The total volume of freshwater base drilling mud and fluid to be accepted for landfarming on the A. E. Longron, Jr. property consisting of 632 surface acres, shall not exceed 1,101,200 barrels.
10. This permit does not authorize the use or maintenance of any pit in connection with the approved landfarm site.

11. This permit is not transferable without the consent of the Commission. Any request for permit transfer should be filed with the Director of Underground Injection Control.
12. This permit does not authorize the discharge of any freshwater base drilling muds or fluids or mineralized waters from the approved landfarm site to the natural drainage of the area immediately surrounding or in the vicinity of the approved landfarm site.
13. The operator shall maintain a permanent record of the activity and freshwater base drilling mud and fluid volumes accepted for landfarming as permitted on the A. E. Longron, Jr. property in accordance with Exhibits No. 14 and 15 submitted at hearing in this docket. These records shall be maintained for the life of the project and will be routinely available at the approved landfarm site for inspection and review by Commission personnel during normal business hours.
14. The operator shall file an annual report to the Director of Underground Injection Control detailing the following information:
- a. The volume of freshwater base drilling mud and fluid accepted for landfarming on the A. E. Longron, Jr. property during the previous year.
  - b. The cumulative volume of freshwater base drilling mud and fluid accepted for landfarming on the A. E. Longron, Jr. property as of the date of the report.
  - c. A map of the A. E. Longron, Jr. property which depicts the surface area on which freshwater base mud and fluid has been landfamed and that area remaining to be landfamed as of the date of the report.
- The first such report shall be submitted to the Director of UIC in Austin within 30 days after the first anniversary date of this permit and annually thereafter. A duplicate copy of each report shall be provided to the Director of Commission District 3.
15. The operator shall inform the Director of Underground Injection Control in writing when the permitted total volume of freshwater base drilling mud and fluid for acceptance and landfarming on the approved landfarm site has been reached.
16. This permit to landfarm freshwater base drilling mud and fluid upon the A. E. Longron, Jr. property Newton County, Texas expires on November 1, 1996 or at such time as the volume of freshwater base drilling mud and fluid accepted for landfarming totals 1,101,200 barrels.

Non-compliance with the terms of this order and the Statewide Rules of the Commission in the exercise of this grant of authority may result in further Commission action pursuant to TEX. NAT. RES. CODE ANN. §91.101 to revoke this grant of authority.

Done this 27th day of October, 1986.

RAILROAD COMMISSION OF TEXAS

*James H. Stewart*  
CHAIRMAN

*Mark Wallace*  
COMMISSIONER

*Carl P. [unclear]*  
COMMISSIONER

ATTEST  
*Ann Williamson*  
Secretary  
DCT/YDD:as

VICTOR G. CARRILLO, CHAIRMAN  
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RICHARD A. VARELA  
DIRECTOR, OIL AND GAS DIVISION  
STEVEN J. SENI  
ASSISTANT DIRECTOR FOR ENVIRONMENTAL SERVICES

# RAILROAD COMMISSION OF TEXAS

## OIL AND GAS DIVISION

April 23, 2004

VERGO PATIO GARDENS INC  
PO BOX 1322  
ORANGE TX 77630

Re: Permit to Landfarm  
and Closure Cost Estimate  
(Rule 78)  
Vergo Patio Gardens, Inc.  
A.E. Longron Jr. Property  
Newton County, Texas  
Permit No. LF0032

On March 16, 2004, we received your letter requesting amendment of the referenced landfarm permit to delete the requirement that a sample be taken from each load of mud received. Our review indicates that the permit has been pending renewal based on the letter dated August 4, 1998, submitted on your behalf by HLP Engineering, Inc. The letter included information on management of stormwater runoff from the landfarm area. An amendment request, dated October 5, 1998, to delete the analyses of weekly composite samples of incoming waste for organic halides and oil and grease is also pending.

We have completed our review and investigation on the management of stormwater runoff from the referenced landfarm site.

The application to renew the landfarm permit cannot be approved administratively because the facility discharges stormwater that has contacted oil and gas waste. An inspection of the facility on November 3, 1998, and November 4, 1998, determined that stormwater was being pumped over the facility dikes following large rain events. Such a discharge is a violation of Statewide Rule 8(d)(1) and Condition Nos. 8 and 10 of Permit No. LF-0032. Although HLP, Engineering, Inc. provided stormwater calculations showing that stormwater could be managed on site, with no discharge, the calculations included a pond water percolation rate estimate of 0.12 feet per day. This assumption appears inappropriate because ponds in the area stand full of water. In fact, Mr. Lloyd Muennink's letter of February 5, 1998, states that "...the impervious layer of twenty eight (28) feet of clay which Mr. Longren uses as the bottom of his tanks holds water like a jug."

During the November 1998, inspection, an 8-cylinder diesel engine attached to a large pump with approximately a 36-inch diameter discharge pipe was discovered near the southern permit boundary (see the attached photographs). The discharge line crosses the southern

perimeter dike into a non-permitted area. When questioned on the use of the diesel-powered pump, Mr. A. E. Longren, Jr. stated that stormwater must be periodically pumped out after heavy rains, and that this had been done for the preceding 12 years (the life of the permit to that point.)

The initial permit application to conduct commercial landfarming operations of fresh water based drilling mud went to hearing on May 7, 1986. During the discussion of the plan of operation for the proposed landfarm area, the applicants representing Vergo Patio Gardens indicated that they intend to pump out excess rainwater that had come in contact with landfarmed waste into the surrounding natural drainage. The examiners pointed out to the applicants' representatives that such discharges of mineralized waters would not be allowed under routine operations of any landfarm and would be a violation of Statewide Rule 8(d)(1). This was reiterated in the examiners proposal for decision.

Statewide Rule 8(d)(1) prohibits the unpermitted discharge of oil field brines, geothermal resource waters, or other mineralized waters, or drilling fluids into any watercourse or drainageway, including any drainage ditch, dry creek, flowing creek, or any other body of surface water. Therefore, it was the clear intent of Condition No. 12 of the original permit dated October 28, 1986, and each subsequent renewed and/or amended permit issued that stormwater which has contacted waste is prohibited from discharge.

Condition No. 8 of the permit dated July 15, 1998, prohibits the discharge of any freshwater-based drilling mud or freshwater-based drilling fluid or mineralized waters from the approved landfarm area to the natural drainage of the area immediately surrounding or in the vicinity of the approved landfarm area.

During a telephone conversation with Peter Fisher on November 6, 1998, Mr. Longren indicated that Vergo Patio Gardens, Inc. has always had verbal permission from the Commission to discharge stormwater after a big storm. Our records indicate that no verbal or written authority has been issued to Vergo Patio Gardens, Inc. to discharge stormwater from the landfarm area.

Permit Condition No. 10 states that the waste shall be landfarmed in such a manner that the waste will not migrate off the approved landfarm site or enter any water course or drainageway, including any drainage ditch, dry creek, flowing creek, river, or any other body of surface water.

The closure cost estimate dated November 6, 2000, submitted on behalf of Vergo Patio Gardens, Inc. by Lester A. Saucier, Jr., P.E. appears to be too low and does not address disposal of stormwater nor soil sampling and analyses that would be required if the permit were renewed. A draft estimate that includes these costs has been prepared by Environmental Services and is attached for your reference. Note that this estimate is only a draft and can be refined based on actual local costs.

Statewide Rule 8(d)6(D) states that if an application is denied administratively, an applicant has a right to a hearing upon request. Any requests for a hearing must be received within 30 days of the date of this letter. Because offset surface owners were last notified of the

renewal application over five years ago, should you request a hearing, you must re-notify all offset surface owners and submit a copy of each letter sent, as well as a map or plat showing the facility and all offset surface owners.

If you decide not to request a hearing, the facility must be closed. Condition No. 7 of the permit requires removal of the dikes, however, a written request to leave the dikes in place will be considered. As stated in the application dated November 18, 1985, final closure of the landfarm area will include disk and seeding the land surface with bermuda. Please provide a timetable for closure of the site to this office and the District office within 30 days of the date of this letter.

The request to delete the requirement to sample each incoming load cannot be approved administratively, as the requirement to sample and analyze each incoming load is a standard requirement in all commercial landfarm permits issued by the Commission. The chloride analyses serve to prevent the application of fluids with a chloride concentration of greater than 3,000 mg/l. Deletion of the requirement to analyze each sample for pH and the requirement to analyze weekly composite samples for organic halides and oil and grease will be considered if a hearing is requested.

You may contact me at (512) 463-6797 should you have any questions.

Sincerely yours,

Jill Hybner, Manager  
Surface Waste Management Section  
Environmental Services

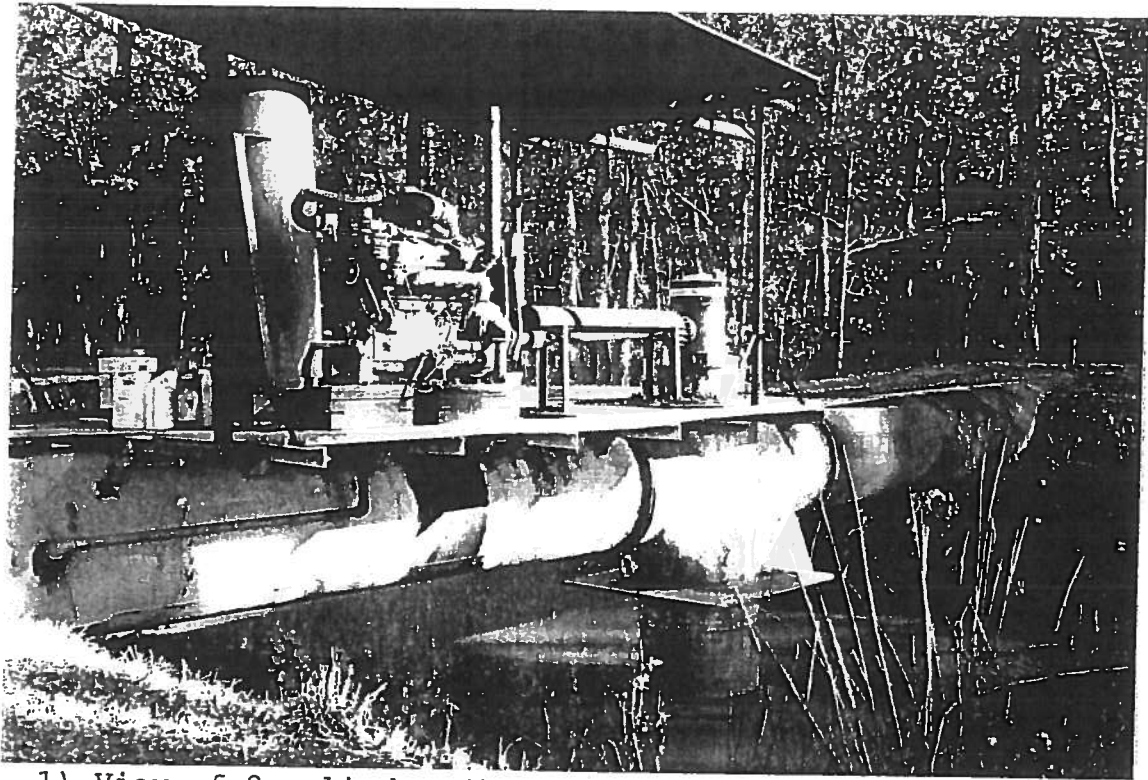
JMH/DRE

Attachment

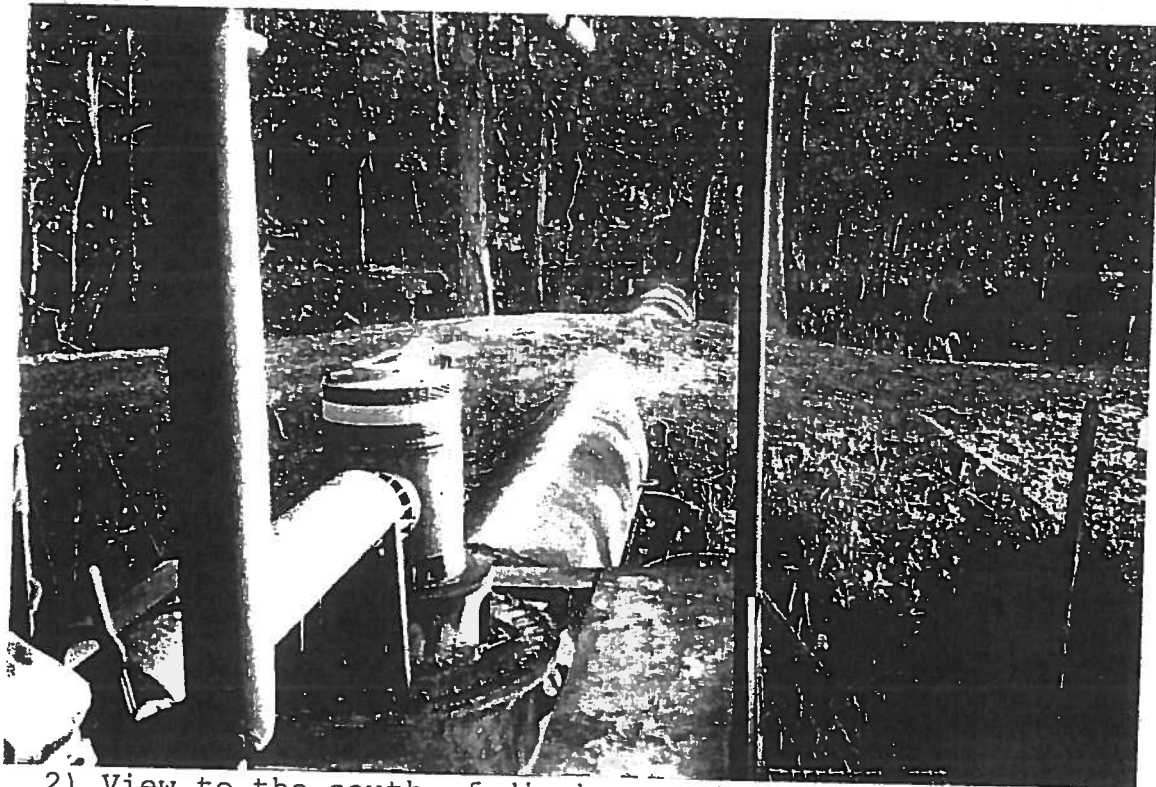
cc: RRC - Gabe Macias, Houston/03 (w/attachment)

Vincent S. Palumbo, II PE (w/attachment)  
HLP Engineering, Inc.  
P.O. Box 52805  
Lafayette, Louisiana 70505-2805

Lloyd A. Muennink, Atty. (w/attachment)  
101 W. Sixth Street, Ste. 605  
Austin, Texas 78701



1) View of 8-cylinder diesel motor and pump.



2) View to the south of discharge pipe through perimeter dike. The discharge point is located in a non-permitted area.





**Oil & Gas Docket No. 03-0286285**  
**PFD Attachment No. 3**

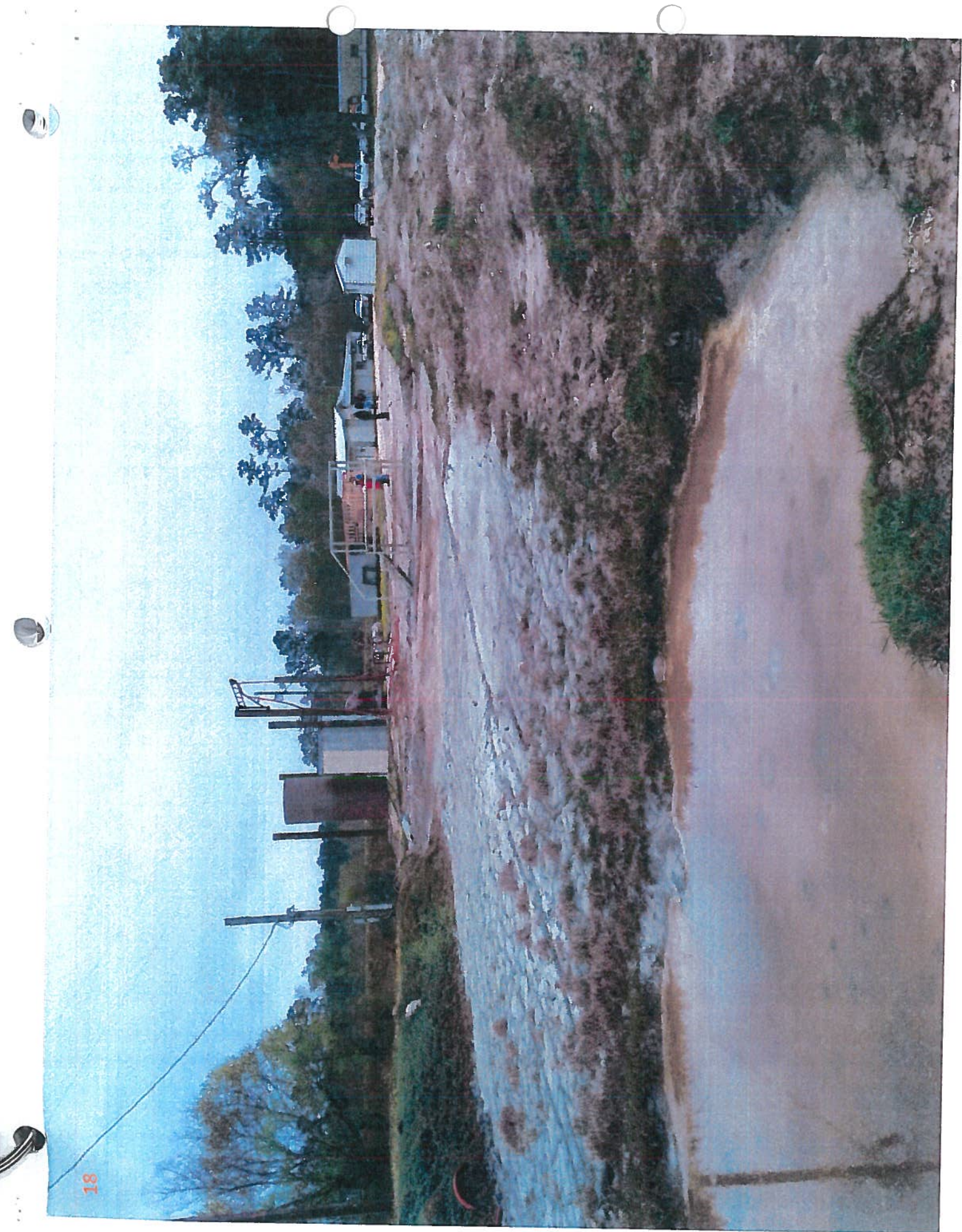
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Imagery Date: 2/28/2013 lat 30.304375° lon -93.833370° elev 321m

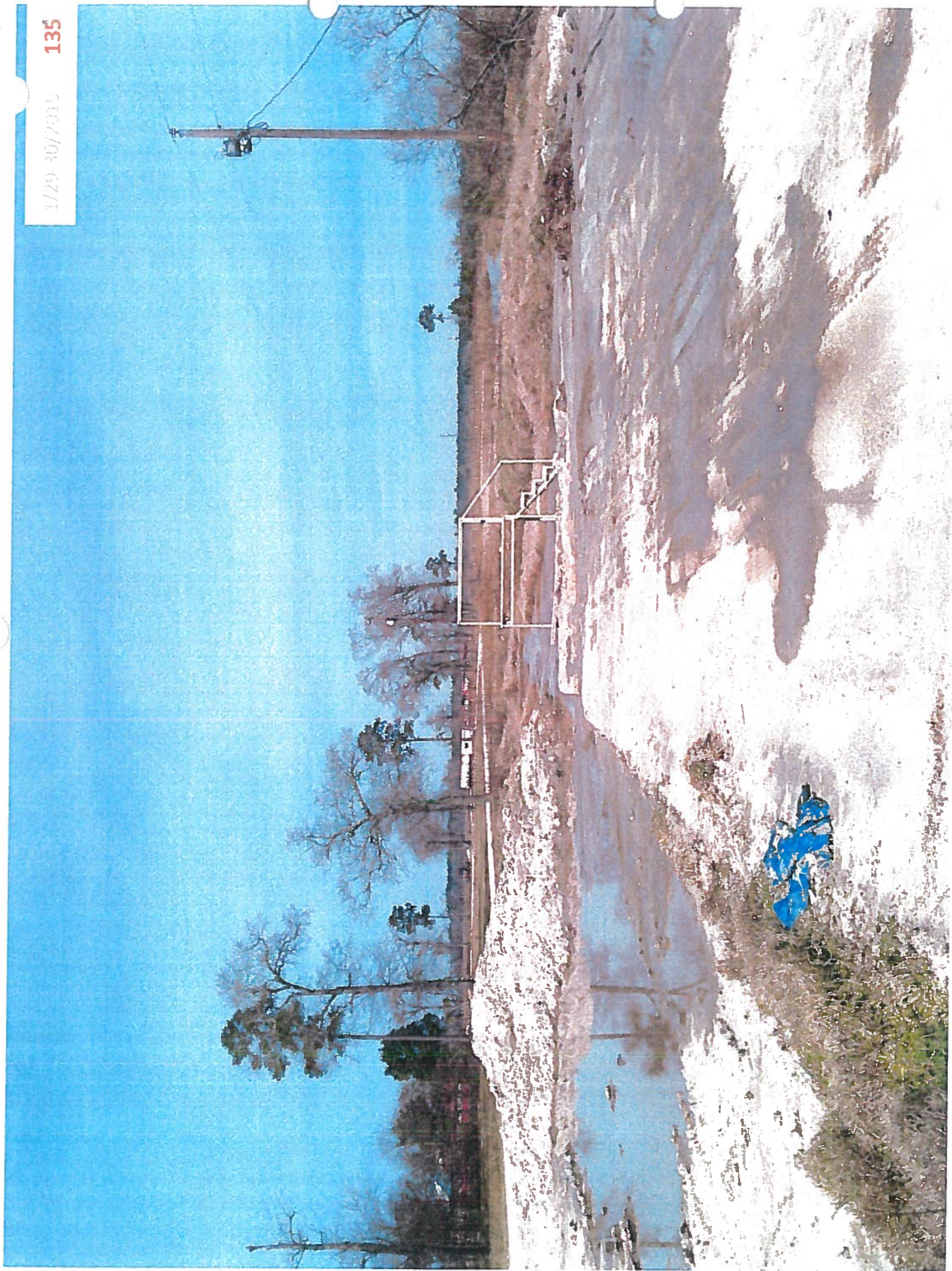
























Oil & Gas Docket No. 03-0286285  
PFD Attachment No. 4

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