

John Hall, Chairman  
B. J. Wynne, III, Commissioner  
John E. Birdwell, Commissioner



## TEXAS WATER COMMISSION

PROTECTING TEXANS' HEALTH AND SAFETY BY PREVENTING AND REDUCING POLLUTION

August 28, 1991

CERTIFIED MAIL

Mr. Jose L. Flores  
Airport Director  
City of Laredo  
International Airport  
518 Flightline, Building No. 132  
Laredo, Texas 78041

Re: Subsurface Release of Jet Fuel at the Laredo International  
Airport Fuel Farm, 518 Flightline, Laredo (Webb County), Texas  
(LPST ID No. 95021)

Dear Mr. Flores:

Reference is made to our letter dated October 9, 1990. To date, we have not received a complete response to the directives outlined in this letter. On November 1, 1990, you prepared a letter to this Office to acknowledge receipt of our October 9, 1990 letter and to inform us that the U.S. Corps of Engineers had indicated that the Laredo International Airport was eligible for funding under the Defense Environmental Restoration Program.

On June 18, 1991, this Office issued a letter to the Army Corps of Engineers requesting a response to our October 9, 1991 letter. On July 5, 1991, this Office received a letter dated July 1, 1991 from Mr. Paul D. Barber of the Corps of Engineers in Kansas City, Missouri. In this letter, Mr. Barber indicated that the Corps had not accepted responsibility for the subsurface contamination which resulted from the above-referenced incident at the Laredo International Airport. On July 8, 1991, Mr. Rick Duarte of the Corps of Engineers contacted Mr. Michael Bame of Remediation Unit 2 and notified him that a meeting was scheduled for late July 1991 between the City of Laredo and the Corps of Engineers to determine the party responsible for addressing the subsurface jet fuel contamination at the Airport. On August 20, 1991, Ms. Anne S. Miller of my staff contacted Mr. Duarte to inquire about the outcome of the July meeting. Mr. Duarte indicated that the Corps of Engineers had determined that the City of Laredo is responsible for addressing the subsurface hydrocarbon contamination since the six (6) underground storage tanks (USTs) were "beneficially used" by the City.

Subsequently, on August 20, 1991, Ms. Miller attempted to contact you by telephone to discuss the outcome of her conversation with Mr. Duarte. On August 23, 1991, Ms. Miller finally contacted and notified you that the Texas Water Commission (TWC) is awaiting a complete response to our October 9, 1990 letter. This Office has patiently extended a generous amount of time for the City of Laredo to negotiate the issue of responsibility with the Corps of Engineers.

RECEIVED AUG 29 1991

Mr. Jose L. Flores  
Page 2

According to our registration records, the USTs at the subject location are owned by the City of Laredo. Per Section 334.12(b) of the Title 31, Texas Administrative Code (TAC), the current UST owner and operator is responsible for ensuring compliance with all applicable provisions of Chapter 334 of TAC. Therefore, this Office considers the City of Laredo as the party responsible for addressing the subsurface contamination at the Airport Fuel Farm.

Although you have suggested that a potential upgradient source of fuel contamination exists, this Office is unable to substantiate your claim based upon the data submitted to date. According to the August 6, 1990 report prepared by Leak-Tec Corporation, Monitor Well No. 4 was installed upgradient of the tankpit area. Laboratory analysis of a groundwater sample collected from this well on July 25, 1990 yielded non-detectable levels of hydrocarbon constituents. Hence, it appears that the source of contamination is located in the immediate vicinity of the USTs.

Per Section 334.79 of TAC, you are required to remove all free product which accumulates in any of the site monitor wells on a continual basis. You were previously notified of this requirement in our April 18, 1990 correspondence.

Pursuant to Section 334.77-334.81 of TAC, you are requested to provide a complete response to our October 9, 1990 letter. Your failure to respond may result in the initiation of formal enforcement action against the City of Laredo. Enforcement options available include enforcement orders, referral to the Office of the Attorney General for litigation, and/or administrative penalties of up to \$10,000 per day for every day of violation.

Your response should be submitted to this Office no later than thirty (30) days from the date of this letter. A copy of your response must be provided to Mr. Jeff Lewellin of our District 11 Field Office in Weslaco. **The LPST ID No. should be included on all correspondence.**

Please be advised that Title 31, Texas Administrative Code (TAC), Chapter 334 authorizes the TWC to undertake corrective action in response to a release from an underground storage tank system if the owner or operator of the system is unwilling or unable to take the corrective action. If you believe that you are financially unable to take the corrective action required to remediate this site, please complete the attached Financial Statement and return it within fourteen (14) working days of receipt of this letter to Ms. Linda Shirck, Fiscal Services Financial Assurance, P. O. Box 13087, Capitol Station, Austin, Texas 78711. Accompanying this Financial Statement, include a brief description of all investigative and remedial activities performed at this facility and the sum total of all expenses incurred to date.

It is important to note that pursuant to Section 26.355 of the Texas Water Code, any costs incurred by the TWC in undertaking corrective action with respect to this release are subject to cost recovery.

00624

Mr. Jose L. Flores  
Page 3

If you have any questions or require guidance regarding this matter, please contact Ms. Anne S. Miller of my staff at 512/371-6241. Specific questions regarding the completion of the Financial Statement should be directed to Ms. Shirck at 512/463-7795.

Sincerely,

*Anne S. Miller*

*for* Chet Clarke  
Head, Remediation Unit I  
Responsible Party Remediation Section  
Petroleum Storage Tank Division

ASM/cma  
95021.od1

cc: Rick Duarte, Special Projects Section, Toxic and Hazardous  
Waste Management Branch, Department of the Army, Kansas City  
District, Corps of Engineers,  
(700 Federal Building, Kansas City, Missouri 64106-2896)  
Jeff Lewellin, TWC District 11 Field Office  
(813 E. Pike Blvd., Weslaco, Texas 78596-4935)  
Tom Bohl, TWC Legal Division  
Linda Shirck, TWC Fiscal Services Section

00625

TO: TEXAS WATER COMMISSION  
 ATTN: Fiscal Services Financial Assurance  
 P.O. Box 13087, Capitol Station  
 Austin, Texas 78711-3087

Confidential  
 Financial Statement as of \_\_\_\_\_

45021

NAME		DATE OF BIRTH	EMPLOYER	YEARS
HOME ADDRESS		PHONE	SOCIAL SECURITY NUMBER	OCCUPATION POSITION
NAME OF SPOUSE (if married see note 1 on page 4)		NO OF DEPENDENTS	DRIVER'S LICENSE NO & STATE	BUSINESS ADDRESS
				PHONE

ASSETS (OMIT CENTS)			LIABILITIES (OMIT CENTS)		
CASH (Schedule 1)	In Bank		MORTGAGES PAYABLE (Schedule 7)	Homestead	
	In Other Institutions			Other Wholly-Owned R/E	
SECURITIES (Schedule 2)	Marketable			Partially Owned R/E	
	Not Publicly Traded		NOTES PAYABLE (Schedule 6)	To Bank	
ACCOUNTS RECEIVABLE				Other Notes Payable	
NOTES RECEIVABLE (Schedule 3)			OIL & GAS RELATED DEBT (Schedule 8)		
NET CASH VALUE OF INS. & ANNUITIES (Schedule 4)			TAXES OWING	Income Taxes	
					Other Taxes
REAL ESTATE (Schedule 7)	Homestead		ACCOUNTS PAYABLE		
	Other Wholly-Owned R/E		ESTIMATED CREDIT CARD BALANCE		
	Partial Ownership in R/E		OTHER LIABILITIES (Itemize on page 4)		
OIL & GAS INTERESTS (Schedule 8)					
EQUIPMENT & OTHER BUSINESS ASSETS					
DEFERRED COMP. & RETIREMENT PLANS (Schedule 5)					
PERSONAL PROPERTY & AUTOMOBILES					
OTHER ASSETS (Itemize on page 4)					
			<b>TOTAL LIABILITIES</b>		
			<b>NET WORTH (Assets less Liabilities)</b>		
<b>TOTAL ASSETS</b>			<b>TOTAL CONTINGENT LIABILITIES (Schedule 9)</b>		

INCOME/EXPENSE INFORMATION						
SOURCES OF CASH (See note 2 on page 4)		LAST YEAR 19 ____	THIS YEAR 19 ____	PROJECTED NEXT YEAR 19 ____	USES OF CASH	
					THIS YEAR 19 ____	PROJECTED NEXT YEAR 19 ____
RECURRING	SALARY & WAGES				EXPENSES	INCOME TAXES & FICA
	COMMISSIONS, BONUS, ETC					OTHER PAYROLL DED.
	INTEREST & DIVIDENDS					LIVING EXP. & MISC.
	RENTAL INCOME					RENTAL EXPENSES
	OIL & GAS REV. AFTER OP. EXP.					OIL/GAS CAP. EXPEND.
	OTHER BUSINESS INCOME					OTHER BUSINESS EXP.
	OTHER:					OTHER:
SUBTOTAL					SUBTOTAL	
NON-RECURRING	COMMISSIONS, BONUS, ETC.				DEBT SERVICE	REG SCHED PYMTS.
	SALE OF ASSETS					OTHER INTEREST
	TAX REFUND					OTHER PRINCIPAL
	OTHER:					CONTINGENT LIAB.
TOTAL CASH SOURCES					TOTAL CASH USES	
					NET CASH FLOW	

I/We furnish the foregoing as a true and accurate statement of my/our financial condition. Authorization is hereby given the Texas Water Commission to verify in any manner it deems appropriate any and all items on this statement. I/We further authorize any and all institutions and/or creditors to provide the Texas Water Commission all information requested by the Texas Water Commission related to any and all items indicated on this statement. I/We agree to notify the Texas Water Commission of any significant change, favorable or adverse, in such financial condition.

Date Signed \_\_\_\_\_, 19 \_\_\_\_ Signature \_\_\_\_\_ Signature \_\_\_\_\_

