

**Harris County Archives
Houston, Texas**

Finding Aid

**HARRIS COUNTY ATTORNEY RECORDS
HARRIS COUNTY v. TEXAS WATER COMMISSION
CR044
(1966-1995; Bulk 1988-1990)**

Size: 8 cubic feet

Restrictions on Access: None

Restrictions on Use: None

Acquisition: Harris County Attorney
Office, 2010

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Citation: [Identification of Item], Harris County v. Texas Water Commission, Harris County Attorney Records, Harris County Archives, Houston, Texas.

Agency History:

Harris County, in its ongoing efforts to scrutinize numerous permit applications for hazardous waste facilities, filed suit in the 331st Judicial District Court in Travis County, Texas, against the Texas Water Commission for its issuance of a permit for Houston Chemical Services, Inc. Houston Chemical Services, Inc. applied to the Texas Water Commission to construct and operate a commercial hazardous and industrial waste incineration facility in a previous Quaker Oaks plant off Fairmont Parkway near the City of La Porte in East Harris County. The Hearings Examiner recommended that the permit application be denied based on design problems, siting problems, waste analysis problems, operating financial assurance uncertainties, and uncertainties about air emissions. Harris County Attorney Mike Driscoll, an advocate for clean air, saw issues with air pollution not addressed in the original application. The hearing began on October 11, 1988, and concluded on February 9, 1990. The Texas Water Commission granted approval for the permit on October 10, 1990, with the recommended revisions to the application. A joint motion for rehearing was filed by Harris County and the City of La Porte on November 6, 1990. The motion was denied and the original ruling stood.

Collection Summary:

Eight cubic feet of legal records, correspondence, methods for evaluating emissions and hazardous wastes, calculations, drawings, hearing transcripts, and depositions document Harris County v. Texas Water Commission, 1966-1995. Of particular interest are the

testimonies of witnesses Clark Hickman, President of Houston Chemical Services, Inc.; Fred Dalbey, environmental project manager; Kenneth Schiffner, air pollution project manager; Curtis Black, hydrogeologist; and Thomas Benke, responsible for permitting activities for hazardous waste storage and processing for the Texas Water Commission within the sixty-nine volumes of hearing transcripts. Consult the indices for names and organizations of all witnesses. There are four series: Administrative, 1988-1995; Trial records, 1966-1995; Hearing transcripts, 1989-1990; Depositions, 1989-1990.

Archivist's Note:

Original order was retained with minor alterations. Original folders were kept when appropriate and duplicates were discarded.

Inventory

Series: Administrative
Range of Dates: 1988-1995

Title	Range of Dates	Location
Case chronology	1992	3084-X-01
Correspondence: Attorneys	1989-1991	3084-X-02
Correspondence: Miscellaneous	1988-1990	3084-X-03
Correspondence: Miscellaneous	1990-1994	3084-X-04
Correspondence, news clips	1990	3084-X-05
Expenses of case	1990-1994	3084-X-06
Filing for rehearing	1994-1995	3084-X-07

Series: Trial records
Range of Dates: 1966-1995

Pleadings: Texas Water Commission	1990-1994	3084-X-08
Pleadings: Travis County District Court	1990-1992	3084-X-09
Pleadings: Texas Supreme Court	1994-1995	3084-X-10
Pleadings: Court of Appeals	1992-1994	3085-X-01
Pleadings: Miscellaneous	1992-1993	3085-X-02
Attorney's notes	n.d.	3085-X-03/04
Reference material: Hazardous waste	1966-1989	3085-X-05
Application of Cougar Disposal, Inc. for landfill in Harris County	1989-1991	3085-X-06
Houston Chemical Services, Inc. permit application fees	1986	3085-X-07

Houston Chemical Services, Inc. financial assurance	1988	3085-X-08
Houston Chemical Services, Inc. Articles of Incorporation	1985-1988	3085-X-09
Houston Chemical Services, Inc. unit closure/post-closure plans	n.d.	3085-X-10
Executive summary of permit application	1990	3085-X-11
Incinerator permit applications calculations	n.d.	3085-X-12
Calculations, diagrams/drawings	1980s	3085-X-13
Plaintiff's original petition and notice of hearing	1991	3085-X-14
Texas Air Control Board exceptions to proposal for decision in application permit	1990	3085-X-15
Harris County reply to examiner's ruling	1989	3085-X-16
Final argument of Harris County for Houston Chemical Services, Inc. application	1990	3085-X-17
Motion of Harris County for summary judgment	1989-1990	3085-X-18
Permit acceptance by Texas Water Commission	1989	3085-X-19
Texas Water Commission order denying permit	1990	3085-X-20
Quality Assurance Project Plan Res (TX) incinerator, rotary reactor, Deer Park, TX, Volume 1	1988	3086-X-01
Quality Assurance Project Plan Res (TX) incinerator, rotary reactor, Deer Park, TX, Volume 2	1988	3086-X-02
Res (TX) trial burn program, incinerator train II, emissions test results, final report Volume 1	1988	3086-X-03
Res (TX) trial burn program, incinerator train II, emissions test results, final report Volume 2-A	1988	3086-X-04
Res (TX) trial burn program, incinerator train II, emissions test results, final report Volume 2-B	1988	3086-X-05
Test Methods for Evaluating Solid Waste	1989	3086-X-06
Visit to proposed Houston Chemical Services, Inc. facility site	1989	3086-X-07
Emissions from similar facilities	1988	3086-X-08
Quaker Oats Company, Bayport, TX evaluation	1972-1988	3086-X-09

reports and data

Houston Chemical Services, Inc. Scott Humphrey's computer run on emissions	1987-1988	3086-X-10
Trial Burn Protocol Verification at a Hazardous Waste Incinerator	1984	3086-X-11

Series: Hearing transcripts
Range of Dates: 1989-1990

Indices: Volumes 1-10, 11-20, 21-30, 31-39	n.d.	3086-X-12
Volume 1	1989	3086-X-13
Volume 2	1989	3087-X-01
Volume 3	1989	3087-X-02
Volume 4	1989	3087-X-03
Volume 5	1989	3087-X-04
Volume 6	1989	3087-X-05
Volume 7	1989	3087-X-06
Volume 8	1989	3087-X-07
Volume 9	1989	3087-X-08
Volume 10	1989	3087-X-09
Volume 11	1989	3087-X-10
Volume 12	1989	3087-X-11
Volume 13	1989	3087-X-12
Volume 14	1989	3087-X-13
Volume 15	1989	3087-X-14
Volume 16	1989	3087-X-15
Volume 17	1989	3087-X-16
Volume 18	1989	3087-X-17

Volume 19	1989	3088-X-01
Volume 20	1989	3088-X-02
Volume 21	1989	3088-X-03
Volume 22	1989	3088-X-04
Volume 23	1989	3088-X-05
Volume 24	1989	3088-X-06
Volume 25	1989	3088-X-07
Volume 26	1989	3088-X-08
Volume 27	1989	3088-X-09
Volume 28	1989	3088-X-10
Volume 29	1989	3088-X-11
Volume 30	1989	3088-X-12
Volume 31	1989	3088-X-13
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Volume 34	1989	3088-X-16
Volume 35	1989	3088-X-17
Volume 36	1989	3088-X-18
Volume 37	1989	3088-X-19
Volume 38	1989	3088-X-20
Volume 39	1989	3089-X-01
Volume 40	1989	3089-X-02
Volume 41	1989	3089-X-03
Volume 42	1989	3089-X-04
Volume 43	1989	3089-X-05
Volume 44	1989	3089-X-06

Volume 45	1989	3089-X-07
Volume 46	1989	3089-X-08
Volume 47	1989	3089-X-09
Volume 48	1989	3089-X-10
Volume 49	1989	3089-X-11
Volume 50	1989	3089-X-12
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Volume 54	1990	3089-X-16
Volume 55	1990	3089-X-17
Volume 56	1990	3089-X-18
Volume 57	1990	3089-X-19
Volume 58	1990	3089-X-20
Volume 59	1990	3089-X-21
Volume 60	1990	3089-X-22
Volume 61	1990	3090-X-01
Volume 62	1990	3090-X-02
Volume 63	1990	3090-X-03
Volume 64	1990	3090-X-04
Volume 65	1990	3090-X-05
Volume 66	1990	3090-X-06
Volume 67	1990	3090-X-07
Volume 68	1990	3090-X-08
Hearing transcript with multiple appearances	1989	3090-X-09

Series: Depositions
Range of Dates: 1989-1990

Thomas R. Benke	1989	3090-X-10
Fred Dalbey	1989	3090-X-11
Wayne Davison	1989	3090-X-12
Wayne Davison	1989	3090-X-13
Wayne Davison, Volume 1	1990	3090-X-14
Wayne Davison, Volume 2	1990	3090-X-15
Wayne Davison, Exhibits	1990	3090-X-16
Charles Faulds	1989	3090-X-17
Charles R. Faulds	1989	3090-X-18
Clark Hickman, Volume 1	1989	3090-X-19
Clark Hickman, Volume 2	1989	3090-X-20
Clark Hickman, Volume 3	1989	3090-X-21
Clark Hickman, Volume 4	1989	3090-X-22
Clark Hickman, Volume 5	1989	3090-X-23
Clark Hickman, Volume 6	1989	3090-X-24
Clark Hickman, Confidential excerpts	1989	3091-X-01
Scott Humphrey	1989	3091-X-02
Laurie Lewis	1989	3091-X-03
Laurie Lewis, Certified questions	1989	3091-X-04
Laurie Lewis, Confidential portion	1989	3091-X-05
Timothy J. Milburn, Volume 1	1989	3091-X-06
Timothy J. Milburn, Volume 2	1989	3091-X-07
John M. Pardell, Volume 1	1989	3091-X-08
John M. Pardell, Volume 2	1989	3091-X-09

John M. Pardell, Volume 3	1989	3091-X-10
John M. Pardell, Certified questions	1989	3091-X-11
John M. Pardell	1989	3091-X-12
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Ruben Velasquez, Volume 1	1989	3091-X-16
Ruben Velasquez, Volume 2	1989	3091-X-17
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Ruben Velasquez, Exhibits	1989	3091-X-19