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TEXAS WATER QUALITY BOARD



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GEN. MANAGER
J. B. GIBBLETT
W. C. GANTT, JR.
ENGINEERING DIRECTOR

1100 LAVACA ST. 676-6001
AUSTIN, TEXAS 78701

December 15, 1970

RE: Aluminum Company of America
Point Comfort, Texas
Texas Water Quality Board
Permit No. 00394

Mr. E. L. Wahlsten
Operations Manager
Aluminum Company of America
Point Comfort, Texas 77978

Dear Mr. Wahlsten:

This letter relates to this agency's views regarding the effect of waste discharges from Alcoa's facilities at Point Comfort, Texas upon the waters of the state. Specifically, this letter relates to whether, in our view, Alcoa's discharges are compatible with the established State (and Federal) water quality standards. Because of the complex history surrounding this matter, it is deemed advisable to set forth the following facts:

1. Permit No. 00394 was issued in 1962 pursuant to the Texas Water Pollution Control Act and was to continue in effect until cancelled or amended. The permit as originally issued contained nine pages, there being a separate page for each authorized point of discharge, so that each discharge could be dealt with as an independent point.
2. In 1963, the permit was amended deleting some pages and adding Outlet No. 11 and Outlet No. 8-A.
3. In 1965, the permit was amended by replacing original Page 4 with a new Page 4.
4. In January 1969, an interim permit valid until June 30, 1969 was issued to cover start-up operations of a new chlor-alkali plant. The interim permit temporarily superseded Page 6 of the original permit.

Plaintiffs' Exhibit
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Mr. E. L. Wahlsten
Page 2
December 15, 1970

5. In July 1969, the permit was further amended by adding Page No. 7-A. This page reflected the projected on-going quality from this outfall serving the chlorine and alkali plant, criolite plant, and aluminum fluoride plant. The special provisions required that the company conduct an ecological study prepared with the approval of the Texas Water Quality Board and further required that a complete review of the entire Alcoa waste discharge permit would be made.
6. In June 1967, after public hearings, water quality standards were formally adopted by the Texas Water Pollution Control Board for all areas of the state. The Lavaca Bay-Matagorda Bay Coastal area was, of course, included in the setting of water quality standards. These water quality standards were routinely filed pursuant to Federal Act with the Secretary of the Interior and were in due course approved by the Secretary of the Interior. The established Texas Water Quality Standards, therefore, are also the established Federal Water Quality Standards.
7. In late 1969, the ecological evaluation and proposed survey for Alcoa was presented to the Texas Water Quality Board. The proposal was reviewed and on January 7, 1970, preliminary approval was given. Final approval was to relate to the results of the study and not to the study itself.
8. On July 31, 1970, the staff of the Texas Water Quality Board reported on mercury containing wastes entering Lavaca Bay and by emergency order 70-5-E, Alcoa was directed to further control its mercury bearing discharges and to report to the Board on August 28, 1970.
9. On August 28, 1970, Alcoa reported on a successful program for controlling the discharge of mercury bearing wastes.

The foregoing history is set forth in order to indicate that to some degree the presently held Permit No. 00394 for Alcoa reflects the Board's awareness that further conditions should be placed upon Alcoa's waste discharges in order to more truly reflect presently recognized water quality needs. However, pending completion and evaluation of the ecological study, it will not be possible to compose a permit responsive to the technical factors involved. The ecological study is to be completed shortly,

A 1604
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Mr. E. L. Wahisten
Page 3
December 15, 1970

however, and a completely new set of waste discharge conditions is then expected to be adopted by the Board with regard to Alcoa at Point Comfort.

Considering all of the foregoing, it is the opinion of the Executive Director that Alcoa is complying with the orders and instructions of the Texas Water Quality Board as they are embodied either in the presently held waste discharge permit or later orders or instructions from the Board, explicit or implicit, in the Board's consideration in June 1969 when the permit was last amended and when the ecological study was ordered. Alcoa's present control of mercury is fully adequate and analyses of the effluent indicate levels well below those specified by the Board in its Hazardous Metals Order. Field investigations indicate that mercury levels in the water environment thought to have resulted from past Alcoa discharges are declining and a return to satisfactory conditions is expected.

In conclusion, the Executive Director considers that Alcoa is presently complying with the orders of this Board and is not currently, through present discharge, violating either State or Federal water quality standards.

Very truly yours,

Hugh E. Yantis, Jr.
Hugh E. Yantis, Jr.
Executive Director

HCYjr:go

ccs: Mr. Clois L. Green, Administrative and
Technical Manager, ALCOA, Point Comfort
Mr. Gordon Fulcher, Chairman
Texas Water Quality Board
Texas Water Quality Board District 8

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