



February 2005

Bailey Metal Processors Proposed State Superfund Site

Community Relations Plan

On the Web:

www.tnrcc.state.tx.us/permitting/remed/superfund

REMEDICATION - SUPERFUND

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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Appendices

Public notice announcing the Bailey Metal Processors, Inc., proposal to the state Superfund registry and land use public meeting; published in the Brady Herald Standard, March 31, 2005 and the Texas Register, April 1, 2005

Site Location Map

COMMUNITY RELATIONS PLAN

for

Bailey Metal Processors Proposed State Superfund Site Brady, McCulloch County, Texas

February 2005

Overview of Community Relations Plan

This community relations plan (CRP) identifies issues of community concern regarding the Bailey Metal Processors proposed state Superfund site, located in Brady, McCulloch County, Texas. This community relations plan also outlines the anticipated community relations activities to be conducted during each phase of the cleanup at the Bailey Metal Processors site.

The community relations plan has been prepared to aid the Texas Commission on Environmental Quality (TCEQ) in developing a community relations program tailored to the needs of the community affected by the Bailey facility. The TCEQ will conduct community relations activities to ensure that the local public has input to decisions and access to information about Superfund activities at the Bailey site.

The TCEQ has the responsibility for managing the cleanup of this site, and the TCEQ Remediation Division will oversee all community relations activities at the site.

(Note: The state predecessor agencies: Texas Water Quality Board (TWQB), Texas Department of Water Resources (TDWR), Texas Water Commission (TWC), Texas Air Control Board (TACB), and the Texas Natural Resource Conservation Commission (TNRCC), referred to throughout this document are now known as the Texas Commission on Environmental Quality (TCEQ). The new agency name, TCEQ, became effective September 1, 2002, as mandated under House Bill 2912 of the 77th Regular Legislative Session.)

Site Profile

Site Location:

31° 08' 21.15" North Latitude
99° 20' 51.75" West Longitude
US Highway 87, one mile northwest of Brady, Texas

Site background and operating history:

The Bailey Metal Processors site is a five acre site located on Highway 87, one mile northwest of Brady, Texas. The Site was operated as a scrap metal dealer, primarily conducting copper and lead reclamation operations. Paper, plastic and lead coatings were removed from wires to reclaim the metals. Two furnaces at the site were used to burn off the plastic insulation on the wire.

The land use in the vicinity of the site includes residential, agricultural and municipal. The site is bordered to the south by a railroad, bordered to the north by the Brady Independent School District bus barn and two mobile homes.

On June 7, 1995, an inspection conducted at the Bailey Metal Processors site by the TNRCC, documented releases of ash and metallic residues to the soil. Analytical results for a soil sample collected from around the furnaces indicated the soil contain elevated levels of lead, up to a total concentration of 67,400 parts per million. Analytical results from an additional soil sample collected from the north end of the former lead casing stripping building also indicate the presence of elevated levels of lead up to a total concentration of 74,900 ppm. Additional soil samples collected during a May 24, 1999, inspection indicated lead levels up to 122,000 ppm with a leachable concentration of 517 ppm, exceeding the regulatory limit of 5 ppm. During the June 2001 inspection, it was observed that no remedial activities had occurred. The investigator documented stained soil and soils contaminated with fluff, plastic chips and incinerator ash, and documented that fluff and plastic chips were stockpiled onsite.

June 17, 1998, Bailey Metal Processors and the TNRCC entered into an Agreed Order due to contamination at the site.

April 29, 1999, Bailey Metal Processors, Inc. filed for Chapter 7 bankruptcy. After the bankruptcy filing, Brady National Bank assumed control of the site through a lien and have sold assets from the site. The bank employed John Ed Weaver to oversee the selling of site assets. The bank never foreclosed upon its lien on the real property.

May 24, 1999, the TNRCC conducted a multi-media investigation was conducted to determine compliance with applicable Agreed Order technical requirements. BMPs failure to comply with the requirements was documented during the investigation. During the investigation, John Ed Weaver, a Brady National Bank employee, and Kim King, President and Chief Executive Officer of Brady National Bank, were present due to the bankruptcy filing.

June 8 and 12, 2001, the TNRCC performed a Case Development Investigation (CDI) to determine compliance with applicable requirements. Observations noted by the investigators indicated no remedial activities had occurred.

September 7, 2001, staff of the TNRCC Enforcement Division conducted a record review of the enforcement documents related to Bailey Metal Processors site, and determined that enforcement was no longer an effective remedy for the site.

September 19, 2001, the TNRCC Enforcement Division referred the Bailey Metal Processors site to the Remediation Division for evaluation by the Superfund Program. Enforcement Division staff made the following site determinations : (1) documented releases of hazardous substances had occurred; (2) the site is inactive; (3) Bailey Metal Processors filed for Chapter 7 bankruptcy and there are no funds in the estate to address the cleanup; and, (4) enforcement is no longer an effective option for addressing the contamination at the site.

In a letter dated April 24, 2002, from Combest Geoscience on behalf of Brady National Bank, Combest Geoscience indicated that Brady National Bank would like to submit an application to the TNRCC Voluntary Cleanup Program to proceed with a voluntary cleanup at the site. An application for the Voluntary Cleanup Program was never received by the TNRCC.

December 16, 2002, TCEQ investigators performed a complaint and Compliance Evaluation Investigation at the site due to the alleged burning of copper wire. It was determined that a Brady National Bank employee had allowed individuals access to the site and burning activities had occurred. Brady National Bank was referred for formal enforcement since the bank was in control of the site when burning activities caused further heavy metal hazardous waste contamination of the site.

In conversations held with Mr. and Mrs. Bailey, Deputy Susan Price, Mr. King, and Mr. Prentis Smith on December 16 and 17, 2002, the follow activities have been identified:

December 14, 2002: Mr. Weaver, bank employee, allowed access to the site by opening the gates for Mr. Smith; Mr. Smith was to remove plastic and metal from the site; After completion, Mr. Weaver would return to lock the gates. However, after obtaining access, Mr. Smith began to burn

copper wire he had obtained from Borden in Brady, Texas.

While returning home from Abilene, the Bailey's came upon their site and noticed smoke billowing from the back building. The Bailey's entered the site and photographed the smoke and burning wire in the building. These photographs are utilized in Deputy Price's report. After documenting the burning, the fire department and sheriff's office were requested to respond.

Upon arrival, the fire department extinguished the fire and flushed the waste ash across the floor and outside the building. Access to the property for all individuals was at that time prohibited by the Baileys.

During the investigation on December 16, 2002, the investigators photographed the areas still wet from the extinguishing of the fire. The investigators also sampled several waste ash locations to determine compliance with industrial solid and municipal hazardous waste regulations. Analyses indicate the waste ash is hazardous for lead and chromium.

June 27, 2003, the TCEQ Enforcement Division notified the Brady National Bank that enforcement actions would be pursued against them.

August 19, 2003, the TCEQ Enforcement Division determined that formal enforcement action was not warranted against Brady National Bank at this time. All of the violations documented in the Notice of Enforcement letter dated February 13, 2003, and the Proposed Agreed Order, were withdrawn.

March 1, 2004, the TCEQ San Angelo Region 8 Office referred the site back to the Remediation Division, Superfund Site Discovery and Assessment Team. In May 2004, the TCEQ, Superfund Site Discovery and Assessment Program (SSDAP) conducted sampling activities at the Bailey site. The purpose of this investigation was to document the release or potential release, of hazardous substances from the site. Releases of hazardous substances to the soil exposure pathway were documented in nearby residential and commercial surface soils, and a release of hazardous substances to the air migration pathway was documented in an observed release to air by direct observation.

Immediate removal actions planned for July 2004 were cancelled due to access problems. These actions were to consist of the on-site treatment of approximately 500 cubic yards of wire cutting wastes – determined hazardous for lead and cadmium – off-site disposal of the treated wastes, the disposal of 500 gallons waste oil, and the installation of a security fence around the perimeter of the site.

Ronnie Bailey, the current site owner, has refused to sign an access agreement to allow the TCEQ to conduct the immediate removal actions. The TCEQ Litigation Division is in the process of referring the site to the Attorney General of Texas to gain access to the site.

Community Profile

In 2000 the U.S. Census Bureau estimated the population of McCulloch County at 8,205, a 6.5% decrease from the 1990 U.S. Census estimate. The 2000 ethnicity estimates of McCulloch County by the U.S. Census were: white, 71%; Black, 1.5%; Hispanic, 27%; other .5%

The 2000 U.S. Census estimated the population of Brady at 5,523.

Brady's economy relies on manufacturing, ranching, oil field equipment, food-processing, tourism.

Community Involvement and Concerns

At this time, there have been no inquiries from the general public or elected officials regarding the Bailey Metals site.

Specific Objectives of the Community Relations Program

- A. Maintain open communications between the Texas Commission on Environmental Quality and area residents, as well as City of Mount Pleasant, Titus County and State officials.
- B. Continue to expand the mailing list to include additional agencies, organizations, and residents that are interested in the project.
- C. Provide a community relations contact from whom interested parties can receive information on site activities, project status, and study results.
- D. Provide all information, especially technical findings, in a language that is understandable to the general public and in a form useful to interested citizens and elected officials through the preparation of fact sheets and news releases, when major findings become available during project phases.
- E. Monitor community concerns and information requirements as the project progresses.
- F. Modify the CRP to address changes in community needs and maintain accuracy during different project phases.
- G. Provide for and attend public meetings.
- H. Respond to telephone inquiries and written correspondence in a timely, accurate manner.

Community Relations Techniques

- A. Project Status Briefings for community groups and concerned citizens (may include public meetings, if needed) - To periodically inform the general community of significant project developments and findings; to respond to inquiries accordingly and incorporate local concerns into the decision making process as appropriate.
- B. Project Mailing List - To provide the means through which press releases, project status reports and other significant communications can be distributed to concerned groups and individuals.
- C. Public Consultations - To conduct informal meetings (if needed) with residents. To provide an opportunity for affected residents to express any concerns and to make inquiries to ensure effective two-way communication.
- D. Program Document Repository - To maintain an easily accessible repository through which the public may review project outputs.
- E. TCEQ State Superfund Internet Homepage - To provide current, timely information on state Superfund activities on the World Wide Web at: www.tnrcc.state.tx.us/permitting/remed/superfund
- F. CRP - To reflect changes in site activities or local concerns. After the Proposed Remedial Action Document (PRAD) has been issued, the CRP will be revised to address implementation of the selected remedial action alternative.

Area Elected Officials

State

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Texas Senate
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The Honorable Harvey Hilderbran
Texas House of Representatives
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The Honorable Harvey Hilderbran
Texas House of Representatives
P.O. Box 2910
Austin, Texas 78768-2910
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County

The Honorable Randy Young
McCulloch County Judge
County Courthouse
Brady, Texas 76825
Telephone: 325/597-0733
Fax: 325/597-2980

City

The Honorable Clarence Friar
Mayor
City of Brady
PO Box 351
Brady, Texas 76825
Telephone: 325/915/597-2152
Fax: 325/597-2068

Area News Media

Brady Herald Standard

Attention: Editor

PO Box 1151

Brady, Texas 76825

Telephone: 325/597-2959

Fax: 325/597-1434

KNEL-AM/FM

Attention: News Director

PO Box 630

Brady, Texas 76825

Telephone: 325/597-2119

Fax: 325/597-1925

Key Project Personnel

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Project Document Repositories

(Physical Address)

Texas Commission on Environmental Quality

Records Management Center

Building E, North Entrance, First Floor

12100 Park 35 Circle

Austin, Texas 78753

Telephone: 512/239-2920

(Mailing Address)

Texas Commission on Environmental Quality

Records Management Center

MC-199

P.O. Box 13087

Austin, Texas 78711-3087

F M Richards Memorial Library

1106 South Blackburn Street

Brady, Texas 76825

Telephone: 325/597-2617