

The following is an Adobe Acrobat reproduction of the official
Notice of Proposed Selection of Remedy

for

Baldwin Waste Oil

as published in the

Texas Register

(24 TexReg 3245-3246)

on

April 23, 1999

**A portion of the records for this site, including documents
pertinent to the TNRCC selection of remedy, is available for
viewing with the site repository records**

at

Nueces County Library

710 E. Main Street

Robstown, Texas

and/or

TNRCC Records Management Center

Austin, Texas

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brated and properly operating continuous emission monitoring system (CEMS) for opacity; 30 TAC §101.20(1), 40 CFR §60.49b(a) and (e), 60.46b(e), 60.48b(b), and the Act, §382.085(b), by failing to submit notifications of construction and actual start-up dates for Boiler 30-B-02 and by failing to conduct performance testing and install, calibrate, maintain, and operate a CEMS for measuring nitrogen oxides emissions for Boilers 30-B-02 and 03; 30 TAC §101.20(1), 40 CFR §60.105(a)(2), (4), (5), and (9), and the Act, §382.085(b), by failing to properly conduct span calibration drift test on CEMS for carbon monoxide and sulfur dioxide on the Belco Scrubber, hydrogen sulfide on plant fuel gas, and sulfur dioxide on the Sulfur Recovery Unit (SRU) Tail Gas Incinerator stack; 30 TAC §116.115(a), §101.20(1), 40 CFR §60.105(b), §60.106, Permit Number 8373, and the Act, §382.085(b), by failing to conduct performance testing on the Sulften Tail Gas Incinerator, within 180 days of start-up, to establish the actual pattern and quantities of air contaminants being emitted into the atmosphere and by failing to conduct performance evaluation for the CEMS installed on the Sulften/SRU within 30 days of start-up; 30 TAC §101.20(1), 40 CFR §60.505(b), and the Act, §382.085(b), by failing to ensure that tank trucks loading at the facility met the vapor tightness requirements; 30 TAC §101.20(1), 40 CFR §60.503(a), and the Act, §382.085(b), by failing to provide the TNRCC 30 days prior notice of the initial performance testing on the truck loading rack vapor combustor and by failing to submit a written report of the results within 60 days of achieving the maximum production rate, but no later than 180 days after initial start-up of the facility; and 30 TAC §101.20(1), 40 CFR §60.698(c), and the Act, §382.085(b), by failing to report dry water seals on process wastewater drains and corrective actions taken; PENALTY: \$111,000; ENFORCEMENT COORDINATOR: Carl Schnitz, (512) 239-1892; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5503, (512) 980-3100.

(17) COMPANY: Valley By Products Incorporated; DOCKET NUMBER: 98-1212-MLM-E; IDENTIFIER: Account Number EE-1074-H and Water Quality Permit Number 01243-000; LOCATION: Canutillo, El Paso County, Texas; TYPE OF FACILITY: rendering plant; RULE VIOLATED: 30 TAC §101.4 and the Act, §382.085(a) and (b), by failing to prevent a discharge of a contaminant that adversely affects human health or welfare and interferes with the normal use and enjoyment of property; and 30 TAC §305.125(11) and (17) and Water Quality Permit Number 01243-000, Section V, by failing to monitor the flow of wastewater to the pond series to ensure a daily average discharge of 1000 gallons per day with a maximum discharge of 2100 gallons per day and by failing to maintain records for all sludge removed from the wastewater treatment process; PENALTY: \$8,125; ENFORCEMENT COORDINATOR: Victor Ayala, (915) 783-6640; REGIONAL OFFICE: 7500 Viscount Boulevard, Suite 147, El Paso, Texas 79925-5633, (915) 778-9634.

(18) COMPANY: Wharton County Water Control and Improvement District No. 1; DOCKET NUMBER: 1998-1247-MWD-E; IDENTIFIER: Permit Number 10849-001; LOCATION: Louise, Wharton County, Texas; TYPE OF FACILITY: wastewater treatment; RULE VIOLATED: Permit Number 10849-001 and the Code, §26.121, by failing to comply with the daily average ammonia nitrogen effluent limits and dissolved oxygen minimums; PENALTY: \$3,750; ENFORCEMENT COORDINATOR: Merrilee Gerberding, (512) 239-4490; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(19) COMPANY: Village Farms of Delaware, L.L.C., Cogentrix of Marfa, Inc., dba Village Farms of Texas; DOCKET NUMBER: 1998-1372-PWS-E; IDENTIFIER: Public Water Supply Number 1220011; LOCATION: Fort Davis, Jeff Davis County, Texas; TYPE

OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §290.46(e), (f)(2)(B), and (t), by failing to employ a certified water works operator, repair a leaking water valve located near the service pumps, and conduct the required monitoring and testing for chlorine residual; 30 TAC §290.106(a)(1) and the Code, §341.033(d), by failing to collect the required bacteriological samples; 30 TAC §290.41(c)(1)(F) and (3)(M), by failing to obtain a sanitary easement for the public water supply well and by failing to provide a suitable sampling tap on the well discharge to facilitate the collection of samples for chemical and bacteriological analysis directly from the well; and 30 TAC §290.43(c), by failing to provide the ground storage tank with a properly designed overflow pipe; PENALTY: \$2,625; ENFORCEMENT COORDINATOR: Terry Thompson, (512) 239-6095; REGIONAL OFFICE: 7500 Viscount Boulevard, Suite 147, El Paso, Texas 79925-5633, (915) 778-9634.

TRD-9902153

Paul Sarahan

Director, Litigation Division

Texas Natural Resource Conservation Commission

Filed: April 13, 1999



Notice of Proposed Selection of Remedy

The executive director of the Texas Natural Resource Conservation Commission (TNRCC or commission) is issuing this public notice of a proposed selection of remedy for the Baldwin Waste Oil state Superfund site. In accordance with the Texas Health and Safety Code, Chapter 361.187 of the Solid Waste Disposal Act, concerning the proposed remedial action, a public meeting regarding the TNRCC's selection of a proposed remedy for the Baldwin Waste Oil state Superfund site shall be held. The statute requires that the Commission shall publish notice of the meeting in the *Texas Register* and in a newspaper of general circulation in the county in which the facility is located at least 30 days before the date of the public meeting. This notice will also be published in the April 22, 1999, issue of the *Record Star*.

The public meeting is scheduled at the Nueces County Auditorium, 710 East Main in Robstown, Texas, Tuesday, May 25, 1999, beginning at 6:30 p.m. The public meeting will be legislative in nature and is not a contested case hearing under the Texas Government Code 2001.

Contemporaneously with this notice, the executive director of the TNRCC hereby makes available to all interested parties the public records he has regarding the facility. A portion of the records for this site, including documents pertinent to the proposed remedy, is available for review during regular business hours at the Nueces County Public Library, 710 East Main St., Robstown, Texas, telephone (512) 767-5228. Copies of the complete public record file may be obtained during business hours at the TNRCC, Central Records Center, Building D, North Entrance, Room 190, 12100 Park 35 Circle, Austin, Texas 78753, telephone (512) 239-2920. Photocopying of file information is subject to payment of a fee. A brief summary of those public records follows.

The site for which a remedy is being proposed, the Baldwin Waste Oil state Superfund site, was proposed for listing on the state registry of Superfund sites in the October 16, 1987, issue of the *Texas Register* (15 TexReg 3858). The Baldwin Waste Oil state Superfund site is located on the south side of County Road 44, approximately one mile north of State Highway 44 and about 1,000 feet west of Farm Road 1889, in Robstown. The property was leased for use as a waste oil processing facility to the Baldwin Waste Oil Company and became

operational in early 1978. Mr. Baldwin operated the plant until 1984, when he leased the facility to another company, which operated until their lease expired in 1986.

The facility as inspected by the Texas Water Commission, predecessor agency of the TNRCC, in November 1986, and found to be abandoned. A number of limited site investigations were performed at the facility, including a TNRCC inspection in October 1988. These site investigations primarily concentrated on sampling liquid materials present within site tanks, drums, containers, and sampling surface soils. Analyses of soil samples indicated elevated lead, chromium, barium, and arsenic concentrations.

At the request of the U. S. Environmental Protection Agency (EPA) On-Site Coordinator, the EPA Technical Assistance Team conducted additional site assessments in August 1990, and in March 1991. These site assessments were conducted to determine imminent threats to public health and the environment and to characterize the extent of contamination. The Technical Assistance Team site assessments primarily evaluated soil contamination and the possible migration of absorbed-phase contamination. Offsite and background soil samples did not contain total lead in detectable concentrations. Some on-site soil samples did indicate elevated total lead concentrations. Almost half of the on-site soil samples also had detectable concentrations of volatile organic compounds.

In July 1992, the EPA under their enforcement action, began emergency on-site removal and remediation activities. The wastes from the tanks and sludge were removed to an offsite incineration facility and the tanks were cut up and removed offsite for scrap metal. A bio-remediation cell was constructed in the former tank farm area and was operated and maintained by Suntide Environmental. This cell has since been removed and is no longer located on the property.

The TNRCC conducted an environmental investigation at the site from June 1995 through June 1996. Another round of sampling was conducted in February 1998, to obtain additional subsurface soil data and groundwater data to evaluate the horizontal extent of chemicals of concern. This investigation included 12 direct push soil borings, the installation of a down-gradient monitor well, and the collection and analysis soil and groundwater samples. Another sampling round was conducted by the TNRCC in February 1999, to determine background concentrations and to further delineate the metal concentrations in the surface soils on and off site. The concentrations of metals in the soils were determined to be below the soil remediation goals. Using the data collected during the remedial investigation, a Baseline Risk Assessment was conducted and finalized in April 1999.

The TNRCC prepared the Proposed Remedial Action Document in April 1999. This document presents the proposed remedy and justification for how this remedy demonstrates compliance with the relevant cleanup standards. Because the soils contaminated with volatile organics, semi-volatile organics and metals were below the remediation goals, the threat to public health, safety and the environment at the Baldwin Waste Oil site was eliminated; therefore, the TNRCC's proposed Remedial Action for the soils is no further action. The TNRCC through EPA's removal action proposes that natural attenuation, confirmed by additional groundwater monitoring, and deed recordation constitute the Remedial Action for the groundwater at the site. The TNRCC considers these actions to be adequate to protect human health and the environment.

The TNRCC is proposing that the existing monitor wells be sampled at a frequency of twice yearly for a period of three years. After this period the TNRCC proposes that the existing monitor wells be sampled at a frequency of once per year until sample results show

that natural attenuation has occurred as evidence by groundwater concentrations below the remediation goals.

Persons desiring to make comments on the proposed remedial action or the identification of potentially responsible parties may do so at the meeting or in writing prior to the public meeting. Written comments may be submitted to Ms. Diane Poteet, Project Manager, TNRCC, Remediation Division, MC 143, P.O. Box 13087, Austin, Texas 78711-3087. All comments must be received by the close of the public meeting on May 25, 1999.

TRD-9902181

Margaret Hoffman

Director, Environmental Law Division

Texas Natural Resource Conservation Commission

Filed: April 14, 1999



Notice of Public Hearing (Chapter 115)

Notice is hereby given that under the requirements of Texas Health and Safety Code, §382.017; Texas Government Code, Subchapter B, Chapter 2001; and 40 Code of Federal Regulations (CFR), §51.102 of the United States Environmental Protection Agency regulations concerning State Implementation Plans (SIP), the Texas Natural Resource Conservation Commission (TNRCC or commission) will conduct a public hearing to receive testimony concerning revisions to 30 TAC Chapter 115, Subchapter F, and to the SIP.

The commission proposes amendments to §§115.510, 115.512, 115.513, 115.515, and 115.516, concerning Miscellaneous Industrial Sources, Division 1: Cutback Asphalt. The commission proposes to add a definition for alternative asphalt. In addition, the commission proposes the amendments to substitute the term "alternative asphalt" for the phrase "emulsified asphalt" to give flexibility to industry as to the type of asphalt it may use during the peak ozone generating period, update the rules to match current scientific knowledge, and continue to ensure volatile organic compound reductions in Nueces County and in nonattainment areas. The volume limit on cutback use in Nueces County is changed from 8.0% to 7.0% to be consistent with the volume limitations that exist in other regulated areas.

A public hearing on the proposal will be held May 19, 1999 at 10:00 a.m. in Building F, Room 5108 of the TNRCC complex, located at 12100 Park 35 Circle, Austin. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not occur during the hearing; however, an agency staff member will be available to discuss the proposal 30 minutes prior to the hearing and answer questions before and after the hearing.

Comments may be submitted to Lisa Martin, Office of Environmental Policy, Analysis, and Assessment, MC 205, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. All comments should reference Rule Log Number 98082-115-AI. Comments must be received by 5:00 p.m., May 24, 1999. For further information, please contact Terry Leifeste, Office of Environmental Policy, Analysis, and Assessment, (512) 239-1873.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-4900. Requests should be made as far in advance as possible.

TRD-9902142

Margaret Hoffman