

The following is an Adobe Acrobat reproduction of the official

**Notice of Intent to Propose
Crim-Hammett**

for listing on the

Texas Superfund Registry

and to

Propose Non-Residential Land Use

as published in the

Texas Register

(25 TexReg 7039-7040)

on

July 21, 2000

A portion of the records for this site, including documents pertinent to the TNRCC determination of eligibility, is available for viewing with the site repository records

at

**Rusk County Library
106 E. Main Street
Henderson, Texas**

and/or

**TNRCC Records Management Center
Austin, Texas**

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Paso County, Texas, approximately 2.5 miles east of the intersection of IH-10 and FM-1110. This application was submitted to the TNRCC on August 5, 1999. The TNRCC executive director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The executive director has made a preliminary decision to issue this draft permit. The permit application, executive director's preliminary decision, and draft permit are available for viewing and copying at the El Paso Public Library, Clardy Fox Branch, 5515 Robert Alva Avenue, El Paso, Texas 79905. The telephone number of the library is (915) 772- 0501. MAILING LISTS. You may ask to be placed on a mailing list to obtain additional information regarding this application by sending a request to the Office of the Chief Clerk at the address below. You may also ask to be on a county-wide mailing list to receive public notices for TNRCC permits in the county. PUBLIC COMMENT / PUBLIC MEETING. The TNRCC held a public meeting at 7:00 pm on March 2, 2000, at 290 North Nevarez Street, Socorro, Texas. You may submit additional public comments or request another public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comment or to ask questions about the application. The TNRCC will hold a public meeting if the executive director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing. You may submit additional written public comment to the Office of the Chief Clerk, MC 105, TNRCC, P.O. Box 13087, Austin, Texas 78711-3087 within 30 days from the date of newspaper publication of this notice. OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for public comments, the executive director will consider the comments and prepare a response to all relevant and material or significant public comments. The response to comments, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments or who requested to be on a mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the executive director's decision. A contested case hearing is a legal proceeding similar to a civil trial in a state district court. A contested case hearing will only be granted based on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on issues that were raised during the public comment period and not withdrawn. Issues that are not raised in public comments may not be considered during a hearing. EXECUTIVE DIRECTOR ACTION. The executive director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the executive director will not issue final approval of the permit and will forward the application and requests to the TNRCC Commissioners for their consideration at a scheduled Commission meeting. INFORMATION. If you need more information about this permit application or the permitting process, please call the TNRCC Office of Public Assistance, Toll Free, at 1-800-687-4040. General information about the TNRCC can be found at our web site at www.tnrcc.state.tx.us. Further information may also be obtained from Mr. Deering Brunson, OK Pump Company, at the address stated above or by calling Mr. Brunson at (915) 858-2317.

TRD-200004779
LaDonna Castañuela
Chief Clerk
Texas Natural Resource Conservation Commission
Filed: July 11, 2000



Proposal for Decision

The State Office Administrative Hearing issued a Proposal for Decision and Order to the Texas Natural Resource Conservation Commission on July 7, 2000. Executive Director of the Texas Natural Resource Conservation Commission v. Dalworth Oil Co., Inc.; SOAH Docket No. 582-99-2449; TNRCC Docket No. 1999-0406-PST-E. In the matter to be considered by the Texas Natural Resource Conservation Commission on a date and time to be determined by the Chief Clerk's Office in Room 201S of Building E, 12100 N. Interstate 35, Austin, Texas. This posting is Notice of Opportunity to Comment on the Proposal for Decision and Order. The comment period will end 30 days from date of publication. Written public comments should be submitted to the Office of the Chief Clerk, MC-105 TNRCC P.O. Box 13087, Austin, Texas 78711-3087. If you have any questions or need assistance, please contact Doug Kitts, Chief Clerk's Office, (512) 239-3317.

TRD-200004780
Douglas A. Kitts
Agenda Coordinator
Texas Natural Resource Conservation Commission
Filed: July 11, 2000



Proposal for Decision

The State Office Administrative Hearing issued a Proposal for Decision and Order to the Texas Natural Resource Conservation Commission on July 7, 2000. Executive Director of the Texas Natural Resource Conservation Commission v. Richard Dinscore. SOAH Docket No.582-00-1285; TNRCC Docket No.1999- 1386-OSS-E. In the matter to be considered by the Texas Natural Resource Conservation Commission on a date and time to be determined by the Chief Clerk's Office in Room 201S of Building E, 12100 N. Interstate 35, Austin, Texas. This posting is Notice of Opportunity to Comment on the Proposal for Decision and Order. The comment period will end 30 days from date of publication. Written public comments should be submitted to the Office of the Chief Clerk, MC-105 TNRCC P.O. Box 13087, Austin, Texas 78711-3087. If you have any questions or need assistance, please contact Doug Kitts, Chief Clerk's Office, (512) 239-3317.

TRD-200004781
Douglas A. Kitts
Agenda Coordinator
Texas Natural Resource Conservation Commission
Filed: July 11, 2000



Public Notice

The Texas Natural Resource Conservation Commission (TNRCC or commission) is required under the Texas Solid Waste Disposal Act, Health and Safety Code, Chapter 361, as amended (the Act), to annually publish a state registry that identifies facilities that may constitute an imminent and substantial endangerment to public health and safety or the environment due to a release or threatened release of hazardous substances into the environment. The most recent registry listing of these facilities was published in the May 26, 2000, issue of the *Texas Register* (25 TexReg 4944).

Pursuant to the Act, §361.184(a), the commission must publish in the *Texas Register* and in a newspaper of general circulation in the county in which the facility is located, a notice of intent to list a facility on the state registry of state Superfund sites. With this publication, the

TNRCC hereby gives notice of a facility or area that the executive director has determined eligible for listing, and which the executive director proposes to list on the state registry. By this publication, the TNRCC also gives notice pursuant to the Act, §361.1855, that it proposes a land use other than residential as appropriate for the facility identified below. The TNRCC proposes a commercial/industrial land use designation. Determination of future land use will impact the remedial investigation and remedial action for the site.

This notice also specifies the general nature of the potential endangerment to public health and safety or the environment as determined by information currently available to the executive director. The notice of intent to list this facility also appears in the July 21, 2000, edition of the *Henderson Daily News*.

The property proposed for listing is known as the Crim-Hammett site, 801 Highway 64, located in Rusk County, Henderson, Texas. The approximate geographic coordinates of the site are 32 degrees, 10 minutes, 03 seconds, North Latitude and 94 degrees, 48 minutes, 01 seconds, West Longitude.

The site was used as a truck, tractor, and automobile dealership from 1947 - 1961. From 1961 - 1986, the site was the location of an International Harvester franchise.

There is an alleged landfill on the site. Observations and photos taken at the site indicate that the landfill was used for the burial of waste oil, oil filters, fuel tanks, tires, wood chips, drums, and battery chips. The landfill is located at the west and southwest areas of the site. Sample analysis results from the TNRCC Screening Site Inspection (SSI) conducted at the site in February 1996 indicated metals, pesticides, and PCBs in the soil.

The February 1996 SSI sampling event also documented hazardous substances in Thompson Lake and Hardy Creek wetlands areas. Sediment samples were collected downstream from the site. Metals, one pesticide, and one semi-volatile organic compound were detected in the sediment samples.

Releases of hazardous substances to the surface water pathway are the major concern for this site. Lead has been documented in the sediment approximately 2.0 miles downstream of the site. No drinking water intakes are located within 15 miles of the site. Neither Thompson Lake, nor any other lakes within 15 miles are considered fisheries.

A public meeting will be held Thursday, August 31, 2000, 7:00 p.m., in Council Chambers of Henderson City Hall, located at 400 West Main Street, Henderson, Texas. The purpose of this meeting is to obtain additional information regarding the site relative to its eligibility for listing on the state registry, identify potentially responsible parties, and obtain public input and information regarding the appropriate use of land on which the facility subject of this notice is located. The public meeting will be legislative in nature and not a contested case hearing under the Texas Administrative Procedure Act (Government Code, Chapter 2001).

Written comments may also be submitted to the attention of Dan Switek, Superfund Cleanup Section, Remediation Division, MC-143, P.O. Box 13087, Austin, Texas, 78711-3087, telephone number (512) 239-4132. All comments must be received by the commission on or before August 31, 2000.

The executive director of the TNRCC prepared a brief summary of the commission's records regarding this site. This summary and a portion of the records for this site, including documents pertinent to the executive director's determination of eligibility, are available for review at the Rusk County Library, 106 East Main Street, Henderson, Texas, telephone number (903) 657-8557, during regular business hours. Copies

of the complete public record file may be obtained during regular business hours at the TNRCC Records Management Center, Building D, Room 190, 12100 Park 35 Circle, Austin, Texas 78753; telephone numbers 1-800-633-9363 (within Texas only) or (512) 239- 2920. Photocopying of file information is subject to payment of a fee.

TRD-200004712

Margaret Hoffman

Director, Environmental Law Division

Texas Natural Resource Conservation Commission

Filed: July 7, 2000



Public Notice - Selection of Remedy for the L.J. (Toups) State Superfund site.

The executive director of the Texas Natural Resource Conservation Commission (TNRCC) is issuing this public notice of a proposed selection of remedy for the L.J. Toups (Toups) state Superfund site. In accordance with §335.349(a), concerning requirements for the proposed remedial action, and Texas Health and Safety Code, the Solid Waste Disposal Act, §361.187, concerning the proposed remedial action, a public meeting regarding the TNRCC's selection of a proposed remedy for the Toups state Superfund site shall be held. The statute requires that the TNRCC 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 appeared in the July 19, 2000, edition of the *Hardin County News* and in the July 20, 2000, edition of the *Silsbee Bee*.

The public meeting is scheduled for Thursday, August 24, 2000, 7:00 p.m., in the cafeteria of Sour Lake Elementary School, 1055 Highway 326 South, Sour Lake, Texas. The public meeting will be legislative in nature and is not a contested case hearing under the Texas Government Code, Chapter 2001.

The site for which a remedy is being proposed, the Toups state Superfund site, was proposed for listing on the state registry of Superfund sites in the December 17, 1993, issue of the *Texas Register* (18 TexReg 9793). The Toups state Superfund site is located on the west side of Highway 326, 2.1 miles north of the intersection of Highway 326 and Highway 105, Hardin County, Sour Lake, Texas. The site consists of two adjacent tracts of land being 19.015 acres and 2.52 acres for a total of 21.535 acres. The site is bordered by Highway 326 on the east and by residential areas on the west, north and south. Mr. Toups operated the site simultaneously as a pentachlorophenol (PCP) fencepost treating facility and a municipal waste dump from 1957 until the early 1970's. The fencepost treating facility ceased operations in the late 1960s and the municipal waste dumping ceased in approximately 1972. During the fencepost treating operation, the land was cleared and fenceposts were stacked from the north entrance front gate to the back of the property. The facility was closed down because of the short supply of fenceposts and difficulty obtaining employees to work at a remote site.

In March 1992, the Texas Water Commission (TNRCC predecessor agency) responded to a public request to investigate the site. During this investigation and subsequent investigations, approximately 35 drums of an oil/tar substance were found south and west of the barn located on the site. Drums containing a dark substance were found in a flatbed truck. Approximately three fiberpack drums containing what was identified as a herbicide were found inside the barn, and approximately seventy 55-gallon drums containing paint waste were discovered in the central west area of the property. This site was approved for an immediate removal action under the Texas Solid Waste Disposal Act. The immediate removal activities were conducted from March