

The following is an Adobe Acrobat reproduction of the official

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

from the

Texas Superfund Registry

as published in the

Texas Register

(29 TexReg 4984-4985)

on

May 14,, 2004

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

at

**Rusk County Library
106 East Main Street
Henderson, Texas**

and/or

**TCEQ Records Management Center
Austin, Texas**

[Scroll Down to View](#)

In accordance with 30 TAC Chapter 213, annual hearings are held on the Edwards Aquifer Protection Program and the TCEQ's rules addressing regulated development over the designated contributing, recharge, and transition zones of the Edwards Aquifer. The hearings for 2004 will be held at the following times and locations: Monday, June 7, 2004, at 7:00 p.m. at the Texas Commission on Environmental Quality Park 35 Office Complex, 12100 Park 35 Circle, Building E, Room 201S, Austin and Wednesday, June 9, 2004, at 7:00 p.m. at the City of San Antonio Municipal Council Chambers, 103 Main Plaza, San Antonio.

These hearings will be structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. There will be no open discussion during the hearing; however, an agency staff member will be available to discuss the program 30 minutes prior to the hearing and will answer questions before and after the hearing.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the Office of Environmental Policy, Analysis, and Assessment at (512) 239-4900. Requests should be made as far in advance as possible.

Comments should reference the Edwards Aquifer Protection Program and may be submitted to Julie Talkington, Texas Commission on Environmental Quality, Field Operations Division, MC 174, P.O. Box 13087, Austin, Texas 78711-3087. Comments must be received by **5:00 p.m., July 9, 2004**. For further information or questions concerning these hearings, please contact Ms. Talkington at (512) 239-0906.

TRD-200403021

Stephanie Bergeron

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: May 4, 2004



Notice of Public Meeting and Proposed General Permit Authorizing Discharges from Concentrated Aquatic Animal Production Facilities

The Texas Commission on Environmental Quality (TCEQ) proposes to issue a general permit, Proposed General Permit Number TXG130000, authorizing eligible discharges of wastewater from concentrated aquatic animal production facilities, into and adjacent to water in the state, under Texas Water Code, §26.040. The proposed general permit applies to the entire state of Texas. Discharges into and adjacent to surface water in the state are allowed by the proposed general permit under Texas Water Code, §26.040, and Clean Water Act, §402.

Proposed General Permit. The executive director has prepared a general permit that provides requirements and conditions for operators based on three levels of successively higher production activities and other criteria related to the facilities and for the potential for pollution. Level I facilities would not be required to submit notice to TCEQ and would operate with minimal requirements. The executive director has based the decision to not require notices for these activities on the determination that these discharges are not significant contributors of pollutants. Level II and Level III facilities are required to submit a notice of intent to obtain authorization, must monitor discharges, and discharges must meet numeric effluent limitations. Facilities that land apply wastewater must make applications at agronomic rates and adhere to permit requirements for the protection of groundwater. No significant degradation of high quality waters is expected.

The executive director has reviewed this action for consistency with the goals and policies of the Texas Coastal Management Program according to Coastal Coordination Council regulations, and has determined that the action is consistent with applicable Coastal Management Program's goals and policies.

A copy of the proposed general permit and fact sheet are available for viewing and copying at TCEQ's Office of the Chief Clerk, Building F, 12100 Park 35 Circle, Austin, Texas 78753. These documents are also available at TCEQ's 16 regional offices and on the TCEQ Web site at: <http://www.tnrc.state.tx.us/permitting/waterperm/wwperm/tpdes-gen.html>.

Public Meeting/Public Comment. TCEQ will hold a public meeting to receive comments on and answer questions about the proposed general permit. This meeting is not a contested case hearing. The public meeting is scheduled for 7:00 p.m. on Thursday, May 27, 2004, at TCEQ's Central office, Building F, Conference Room 2210, 12100 Park 35 Circle, Austin, Texas 78753. Written public comments must be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 within 30 days from the date this notice is published.

Approval Process. After the comment period closes, the executive director will consider all the public comments and prepare a response. The response to comments will be mailed to everyone who submitted public comments or who requested to be on a mailing list for this general permit. The general permit will then be set for the commissioners' consideration at a scheduled commission meeting.

Mailing Lists. In addition to submitting public comments, you may ask to be placed on a mailing list to receive future public notices mailed by the Office of the Chief Clerk. You may request to be added to: 1) the mailing list for this specific general permit; 2) the permanent mailing list for a specific applicant name and permit number; and/or 3) the permanent mailing list for a specific county. Clearly specify which mailing lists to which you wish to be added and send your request to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. Unless you specify otherwise, you will be included only on the mailing list for this specific general permit.

Information. If you need more information about this general permit or the permitting process, please call TCEQ's Office of Public Assistance, Toll Free, at 1-800-687-4040. General information about TCEQ can be found at our Web site at: <http://www.tceq.state.tx.us>. Further information may also be obtained by calling Stephen M. Ligon, TCEQ Water Quality Division, at (512) 239-4527.

TRD-200403025

Stephanie Bergeron

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: May 5, 2004



Notice of Public Meeting on June 17, 2004, Concerning the Crim-Hammett Proposed State Superfund Site

The purpose of the meeting is to obtain public input and information concerning the intent to take no further action at the site and to delete the site from the state Superfund registry.

The executive director (ED) of the Texas Commission on Environmental Quality (TCEQ or commission) is issuing this public notice of intent to take no further action at the Crim-Hammett proposed state Superfund site (the site) and to delete the site from its proposed-for-listing status on the state Superfund registry. The state registry is the list of

state Superfund sites which 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 commission is proposing this deletion because the ED has determined that due to removal actions that have been performed, the site no longer presents such an endangerment. This combined notice is also being published in the *Henderson Daily News* on May 14, 2004.

The site was proposed for listing on the state Superfund registry in the July 21, 2000 issue of the *Texas Register* (25 TexReg 7039-7040). The site, including all land, structures, appurtenances, and other improvements, is located at 801 Highway 64, Henderson, Rusk County, Texas. The site also included any areas where hazardous substances had come to be located as a result, either directly or indirectly, of releases of hazardous substances from the site.

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. Based on analytical results, gathered during the remedial investigation at the site, chemicals of concern were predominantly limited to battery chip material located in the soils of the site. Lead was detected at high concentrations, exceeding Texas Risk Reduction Program Tier 1 commercial/industrial protective concentration levels (PCL). Antimony, arsenic, cadmium, and mercury were also detected above Tier 1 commercial/industrial PCLs in the samples collected from the battery chip material. A removal action was performed at the site during the summer of 2003. Approximately 2,500 cubic yards of material were excavated from the site. This material was treated to comply with the requirements for Class 2 non-hazardous waste and transported to the Pinehill Landfill in Kilgore, Texas. Clean soil was brought in and graded to conform to original site conditions. The soil was then seeded to prevent erosion.

As a result of the removal actions that have been performed at the site, the ED has determined that the site no longer presents an imminent and substantial endangerment to public health and safety and the environment. Therefore, no further action is necessary at the site and the site is eligible for deletion from the state registry of Superfund sites as provided by 30 Texas Administrative Code §335.344(c).

The commission will hold a public meeting to receive comment on the proposed deletion of the site and the determination to take no further action. This public meeting will be legislative in nature and is not a contested case hearing under Texas Government Code, Chapter 2001. The public meeting is scheduled for 7:00 p.m. on June 17, 2004, at the Henderson City Hall Council Chambers, 400 West Main Street, Henderson, Texas. This public meeting was originally scheduled for April 22, 2004. A notice of postponement was published in the April 15, 2004 issue of the *Texas Register* and in the *Henderson Daily News*.

All persons desiring to make comments may do so prior to or at the public meeting. All comments submitted prior to the public meeting must be received by 5:00 p.m., June 17, 2004, **and should be sent in writing** to Ms. Kristian Mauricio, Project Manager, TCEQ, Remediation Division, MC 143, P.O. Box 13087, Austin, Texas 78711-3087 or by facsimile to (512) 239-2450. The public comment period for this action will end at the close of the public meeting on June 17, 2004.

A portion of the record for this site, including documents pertinent to the proposed deletion of the site, is available for review during regular business hours at the Rusk County Library, 106 East Main Street, Henderson, Texas, (903) 657-8557.

Copies of the complete public record file may be obtained during regular business hours at the commission's Records Management Center,

Building E, First Floor, Records Customer Service, 12100 Park 35 Circle, Austin, Texas 78753, (800) 633-9363 or (512) 239-2920. Photocopying of file information is subject to payment of a fee.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the meeting should contact the agency at (800) 633-9363 or (512) 239-2463. Requests should be made as far in advance as possible.

For further information regarding this meeting, please contact Bruce McAnally, TCEQ Community Relations, at (800) 633-9363.

TRD-200402911

Paul Sarahan

Director, Litigation Division

Texas Commission on Environmental Quality

Filed: April 30, 2004



Notice of Water Rights Application

Notices mailed April 29, 2004 through April 30, 2004.

APPLICATION NO. 5826; The City of Houston (City), applicant, 611 Walker, 21st Floor, Houston, Texas 77002 seeks a Water Use Permit pursuant to Texas Water Code (TWC) 11.121 & 11.085 (v) and Texas Commission on Environmental Quality (TCEQ) Rules 30 Texas Administrative Code (TAC) 295.1, et seq. Applicant seeks authorization to divert and use not to exceed: 20,000 acre-feet of water per annum from Sims Bayou, 40,000 acre-feet of water per annum from Brays Bayou, 40,000 acre-feet of water per annum from White Oak Bayou, and 60,000 acre-feet of water per annum from Buffalo Bayou for municipal and industrial purposes within the City's service area. Sims Bayou, Brays Bayou, and White Oak Bayou are all tributaries of Buffalo Bayou, San Jacinto River Basin. Applicant also seeks an exempt interbasin transfer to the adjoining coastal basins: San Jacinto-Brazos Coastal Basin and Trinity-San Jacinto Coastal Basin. Water which is diverted, but not consumed will be discharged at various waste water treatment plants. This application is subject to the Texas Coastal Management Program (CMP) and must be consistent with the CMP goals and policies. The Commission will review the application as submitted by the applicant and may or may not grant the application as requested. The application was received on January 14, 2004. Additional information for the application was received on March 9, 2004. The application was accepted for filing and declared administratively complete on March 26, 2004. Written public comments and requests for a public meeting should be submitted to the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice. For a complete version of this notice containing diversion points, diversion rates, and wastewater treatment plants, contact the Office of the Chief Clerk at the address given in the information section below, or telephone 512-239-3300.

APPLICATION NO. 14-5478D; The Lower Colorado River Authority (LCRA), P.O. Box 220, Austin, TX, 78767-0220, applicant, seeks an amendment pursuant to Texas Water Code (TWC) 11.122, 11.042, and 11.046 and Texas Commission on Environmental Quality Rules 30 TAC 295.1, et seq. The LCRA, applicant, owns Certificate of Adjudication No. 14-5478 which authorizes the owner to impound not to exceed 992,475 acre-feet of water in Lake Buchanan and to divert and use not to exceed 1,500,000 acre-feet of water per annum combined from Lake Buchanan and Lake Travis for municipal, industrial, agricultural (irrigation), mining, domestic, recreation, instream flows, bay/estuary, livestock, recharge, and hydroelectric power generation purposes. The owner is also authorized to use the bed and banks of the Colorado River below Lake Buchanan to convey water released from Lake Buchanan for use by the LCRA or its customers. The applicant