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**Notice of Intent to Delete  
Hagerson Road Drums**

from the

**Texas Superfund Registry**

as published in the

***Texas Register***

**(21 TexReg 77136-7137)**

on

**November 12, 1996**

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

at

**George Memorial Library**

**1001 Gulfview**

**Richmond, Texas**

**and/or**

**TNRCC Records Management Center**

**Austin, Texas**

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## PUBLIC NOTICE

The Executive Director of the Texas Natural Resource Conservation Commission (TNRCC) by this notice is issuing a public notice of intent to delete (delist) a facility from the list of sites proposed for the state registry (*State Superfund Registry*). The *State Superfund Registry* contains the list of 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 site proposed for delisting is Hagerson Road Drums State Superfund Site, Dewalt, Texas. This site was published in the July 26, 1996, issue of the *Texas Register* (16 TexReg 4102) as a site proposed for listing on the *State Superfund Registry*.

Hagerson Road Drums State Superfund Site is located in the community of Dewalt, Fort Bend County, Texas. This site consists of two areas: Area A and Area B. Area A, which is approximately 250 ft. south of Hagerson Road, is adjacent to 1215 Hagerson Road, Dewalt. Area B is located approximately 1.25 miles south of Area A. Areas A and B are undeveloped land where drummed paint waste was illegally dumped during the 1970's. Records indicate that approximately 50 drums were disposed within a 2,500 square foot area in Area A and another 100 drums in a 4,800 square foot area of Area B. Site records indicate that the condition of the drums had deteriorated, and the contents of some of the drums leaked and/or were emptied onto the ground over a period of time.

The period from 1980 to 1990, the site was investigated on six occasions by EPA and the predecessor agencies to the TNRCC. In April 1992, the TNRCC removed all the drums from Area A and Area B. At the same time (April 1992), Area A was excavated to a depth of approximately 18 inches and Area B

to a depth of approximately 48 inches in one section and 18 inches in another section. When the excavation at Area B failed to remove all visually apparent contamination, the 48 inch (four-foot) excavation was backfilled with the excavated soil while the TNRCC initiated a remedial investigation. OHM Remediation Services Corp. (OHM) was contracted by the TNRCC in October 1993 to conduct a Remedial Investigation/Feasibility Study (RI/FS), including a Baseline Risk Assessment at the Hagerson Road State Superfund Site in Dewalt, Texas.

The purpose of the remedial investigation was to determine the nature and extent of contamination present at the site. The Baseline Risk Assessment evaluates potential risk to human health and the environment attributable to the contaminants discerned from the remedial investigation. Following the remedial investigation, only paint waste impacted soil, lead, and Total Petroleum Hydrocarbon (TPH) warranted further consideration in the risk assessment. All other analytes either showed levels of contamination below the instrument detection limit (typically a smaller value than the action level) or the prescribed federal and TNRCC action levels. The quantitative and qualitative evaluation of risk associated with the levels of lead and TPH present at the site demonstrate that both constituents do not pose unacceptable risk to human health and the environment even under the most conservative, residential future land use scenario. No health based risk is attributable to the paint waste impacted soil.

Because both the Remedial Investigation and Risk Assessment conducted at this site support the conclusion that the site does not currently pose an unacceptable risk to human health and safety or the environment, no further action is required. Available data supports the conclusion that this site is usable for residential development without any further remediation.

The executive director has determined that this site does not present an imminent and substantial endangerment to public health and safety or the environment, and is therefore eligible for deletion from the list of sites proposed for the *State Superfund Registry* in accordance with 30 TAC §335.344(c).

In accordance with 30 TAC §335.344(b), “the commission shall hold a public contested case hearing....., provided that a written request for hearing is filed with the Chief hearings examiner of the commission by any Potential Responsible Party (PRP)..... or any interested party, within 30 days after receipt of a determination by the executive director ..... At least 30 days prior to the date set for hearing, notice shall be provided by first class mail to all other PRPs and other interested persons, and by publication in a newspaper of general circulation in the county where the facility is located. The person submitting the request shall bear the cost of publication of this notice”. The cost of publication may vary depending on the newspaper.

Hagerson Road Drums State Superfund Site will be delisted from the *State Superfund Registry* if a contested public hearing, challenging this determination by the executive director, is not requested by any interested party(ies) before the designated date.

All inquiries regarding the Hagerson Road Drums State Superfund Site should be directed to Bruce McAnally, TNRCC, Community Relations Unit at 1-800-633-6393. Documents and testing results pertinent to this determination by the executive director are available at the following repositories for inspection and copying during regular business hours; George Memorial Library, 1001 Gulfview, Richmond, Texas 77469-5199, telephone (713) 341-2640, and TNRCC Central Records, Building D, First

Floor, 12100 Park 35, Austin, Texas 78753, telephone (512)239-2920.

Issued in Austin, Texas, on November 6, 1996.

Kevin McCalla  
Director  
Legal Services Division,  
Texas Natural Resource Conservation Commission