

The following is an Adobe Acrobat reproduction of the official

**Notice of Final Deletion**

of

**Higgins Wood Preserving**

from the

**Texas Superfund Registry**

as published in the

***Texas Register***

**(27 TexReg 5014-5015)**

on

**June 7, 2002**

**The records for this site, including documents  
pertinent to the determination to delete, are  
available for viewing and copying**

**at**

**TNRCC Records Management Center  
12100 Park 35 Circle, Bldg E  
Austin, Texas**

**Scroll Down to View**

### Third Party Administrator Applications

The following third party administrator (TPA) applications have been filed with the Texas Department of Insurance and are under consideration.

Application for admission to Texas of United Life Agency Services, LLC, (using the assumed name of Paylogix), a foreign third party administrator. The home office is Garden City, New York.

Application for admission to Texas of Synergence Group, Inc., a foreign third party administrator. The home office is Chicago, Illinois.

Any objections must be filed within 20 days after this notice was filed with the Secretary of State, addressed to the attention of Charles M. Waits, MC 107-5A, 333 Guadalupe, Austin, Texas 78714-9104.

TRD-200203326

Lynda H. Nesenholtz  
General Counsel and Chief Clerk  
Texas Department of Insurance  
Filed: May 29, 2002

### Manufactured Housing Division

Notice of Administrative Hearing (MHD2002000835-DT)

Thursday, June 20, 2002, 1:00 p.m.

State Office of Administrative Hearings, William P. Clements Building,  
300 West 15th Street, 4th Floor,

Austin, Texas

#### AGENDA

Administrative Hearing before an administrative law judge of the State Office of Administrative Hearings in the matter of the complaint of the Manufactured Housing Division of the Texas Department of Housing and Community Affairs vs. Texas Manufactured Homes, Inc. to hear alleged violations of Sections 7(b), 8(b), 8(d), 13(e), 14(m), 18(b), and 20(a) of the Act, Sections 80.121(a), 80.123(b), and 80.180(b)(1) of the Rules, and Sections 17.46(b)(1), (5), (12), (14), and (23) of the Business and Commerce Code regarding the selling of a manufactured home from an unlicensed or bonded location, selling a used manufactured home without giving a written warranty that the manufactured home was habitable, selling a used manufactured home without the appropriate, timely transfer of a good and marketable title, selling a used manufactured home without giving the home owner a written warranty that the installation of the home was done in accordance with all standards, rules, regulations, administrative orders, and requirements of the Department, not delivering the Formaldehyde Health Notice, not retaining and maintaining all verifications and copies of notices in the retailer's sales files for a period of not less than six years from the date of sale, and misrepresenting the authority of a salesman, representative, or agent to negotiate the final terms of a consumer transaction. SOAH 332-02-2989 Department MHD2002000835-DT.

Contact: Jerry Schroeder, P.O. Box 12489, Austin, Texas 78711-2489,  
(512) 475-2894, jschroed@tdhca.state.tx.us

TRD-200203314

Bobbie Hill  
Executive Director  
Manufactured Housing Division  
Filed: May 29, 2002

### Texas Natural Resource Conservation Commission

#### Correction of Error

The Texas Natural Resource Conservation Commission submitted an In Addition item entitled "Request for Comments on the 2002 Integrated Water Quality Monitoring and Assessment Report formally the Clean Water Act (CWA) §305(b) Water Quality Inventory and §303(d) List of Impaired Water Bodies" for the May 24, 2002, issue of the *Texas Register*. The notice as submitted contained two errors.

On page 4632, third paragraph, the wording should be corrected to read, "Beginning June 13, and continuing through July 15, 2002...."

Also, on page 4633, second full paragraph, eighth line, the sentence should be corrected to read, "Comments must be received by 5:00 p.m. on July 15, 2002."

TRD-200203376

#### Extension of Deadline for Written Comments (Chapter 101)

In the April 26, 2002 issue of the *Texas Register*, the Texas Natural Resource Conservation Commission (commission) published proposed amendments to 30 TAC Chapter 101, General Air Quality Rules (27 TexReg 3475) concerning upset maintenance and emissions events. The preamble to the proposed rules stated that comments must be received by 5:00 p.m., May 28, 2002. The commission has extended the deadline for receipt of written comments to 5:00 p.m., June 10, 2002 for these proposed amendments and the associated state implementation plan (SIP) revisions.

Comments may be mailed to Lola Brown, 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 2001-075-101-AI. Comments must be received by 5:00 p.m., June 10, 2002. For further information, please contact Alan Henderson, Policy and Regulations Division, (512) 239-1510. Copies of the proposed amendments can be obtained from the commission's web site at <http://www.tnrcc.state.tx.us/oprd/rules/propadop.html>.

TRD-200203315

Stephanie Bergeron  
Director, Environmental Law Division  
Texas Natural Resource Conservation Commission  
Filed: May 29, 2002

#### Notice of Deletion of the Higgins Wood Preserving Site from the State Superfund Registry

The executive director (ED) of the Texas Natural Resource Conservation Commission (TNRCC or commission) is issuing this notice of deletion of the Higgins Wood Preserving site (the site) from the state registry, the list of proposed state Superfund sites. The state registry lists the contaminated 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 was originally proposed for listing on the state registry on September 25, 1990. The site, including all land, structures, appurtenances, and other improvements is approximately 31 acres, located in the 400 block of North Timberline Drive (U.S. Hwy. 59) in Lufkin,

Angelina 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.

Historical records indicate that the present location of the site was developed as a lumber mill by the Lufkin Land & Lumber Company as early as 1906. The property was occupied by various commercial wood creosoting ventures from 1937 to 1973. The creosoting facility was reportedly demolished in 1974, and the property was subsequently purchased for development as a commercial retail center. Towne Square Shopping Center was constructed in 1976, and the commercial retail facility has been in continuous operation on the western portion of the site, with various expansions completed during the period between 1977 and 1986. The eastern, undeveloped portion of the property has been inactive since 1974. Residual creosote constituents consisting of volatile and semi-volatile compounds along with non-aqueous phase liquid (NAPL) have been found at the site.

The site is not appropriate for residential use according to the Risk Reduction Rules, 30 TAC Chapter 335, Subchapter S.

In accordance with 30 TAC §335.344(b), the commission held a public meeting to receive comments on the proposed deletion of the site on April 25, 2002, at the TNRCC Park 35 Complex, Building D, Room 264, 12100 Park 35 Circle in Austin. Favorable comments regarding the proposed deletion were received at the public meeting. The complete public file, including a transcript of the public meeting, may be viewed during regular business hours at the commission's Records Management Center, Building E, First Floor, 12100 Park 35 Circle, Austin, Texas 78753, telephone numbers (800) 633-9363 or (512) 239-2920. Fees are charged for photocopying file information.

Because the site has been accepted into the TNRCC Voluntary Cleanup Program, it may now be delisted from the state registry as provided by Texas Health and Safety Code §361.189(a) and 30 TAC §335.344(c)(5).

All inquiries regarding the deletion of the site should be directed to Mr. Bruce McAnally, TNRCC Community Relations, telephone numbers (800) 633-9363 or (512) 239-2141.

TRD-200203272  
Paul Sarahan  
Director, Litigation Division  
Texas Natural Resource Conservation Commission  
Filed: May 28, 2002



#### Notice of District Petition

Notices mailed during the period May 20, through May 28, 2002.

TNRCC Internal Control No. 03272001-D02 PETITION. Jonah Water Special Utility District of Williamson County (The District) has filed an application with the Texas Natural Resource Conservation Commission (TNRCC) for authority to levy impact fees of \$3,000 per equivalent single family connection for new connections to the water service within or near the service area of Jonah Water Special Utility District. The District's boundaries are shown on the map which is attached to this notice and marked as Exhibit "A". The District files this application under the authority of Chapter 395 of the Local Government Code, 30 Texas Administrative Code Chapter 293 and the procedural rules of the TNRCC. The purpose of impact fees is to generate revenue to recover the costs of capital improvements and facility expansions made necessary by and attributable to serving new development in the District's service area. At the direction of the District, a registered engineer has prepared a capital improvements plan for the system which identifies the capital improvements or facility expansions and their costs for

which the impact fees will be assessed. The impact fee application and supporting information are available for inspection and copying during regular business hours in the Utilities and Districts Section of the Water Supply Division, Third Floor of Building F (in the TNRCC Park 35 Office Complex located between Yager & Braker Lanes on North IH-35), 12100 Park 35 Circle, Austin, Texas 78753. A copy of the impact fee application and supporting information, as well as the capital improvement plan, is available for inspection and copying at the Jonah Water Special Utility District's office during regular business hours. The TNRCC may grant a contested case hearing on this application if a written hearing request is filed within 30 days after the newspaper publication of this notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice.

The TNRCC may grant a contested case hearing on these petitions if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the petitioner and the TNRCC Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed district's boundaries. You may also submit your proposed adjustments to the petition which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

The Executive Director may approve the petitions unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of the notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TNRCC Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TNRCC, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, the same address. For additional information, individual members of the general public may contact the Office of Public Assistance, at 1-800-687-4040. General information regarding the TNRCC can be found at our web site at [www.tnrcc.state.tx.us](http://www.tnrcc.state.tx.us).

TRD-200203269  
LaDonna Castañuela  
Chief Clerk  
Texas Natural Resource Conservation Commission  
Filed: May 28, 2002



#### Notice of Intent to Delete The Avinger Development Company (ADCO) Site from the State Superfund Registry

The executive director (ED) of the Texas Natural Resource Conservation Commission (commission) is issuing a notice of intent to delete the Avinger Development Company (the site) site from the state registry, 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 site has been accepted into the Voluntary Cleanup Program