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**Notice of Intent to Perform
A Removal Action**

at

Melton Kelly Site

as published in the

Texas Register

(28 TexReg 1970-1971)

on

February 28, 2003

A portion of the records for this site, including documents pertinent to the TCEQ intent to perform a removal action, is available for viewing with the site repository records

at

Corsicana Public Library

100 North 12th Street

Corsicana, Texas

and/or

TCEQ Records Management Center

Austin, Texas

Scroll Down to View

at the commission's Records Management Center, Building E, First Floor, North Entrance, Room 190, 12100 Park 35 Circle, Austin, Texas 78753, telephone numbers (800) 633-9363 or (512) 239-2920. Photocopying of file information is subject to payment of a fee. Handicapped parking is available on the east side of Building D, convenient to access ramps that are between Buildings D and E.

For further information, please contact Mr. Dan Switek, project manager, TCEQ, Remediation Division, at (512) 239-4132, or Mr. Bruce McAnally, Community Relations coordinator, TCEQ, at (512) 239-2141.

TRD-200301202
Paul C. Sarahan
Director, Litigation Division
Texas Commission on Environmental Quality
Filed: February 18, 2003

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**Notice of Intent to Perform Removal Action at the El Paso
Plating Works State Superfund Site**

The executive director of the Texas Commission on Environmental Quality (TCEQ or commission) hereby issues public notice of intent to perform a removal action, as provided by Texas Health and Safety Code (THSC), §361.133, for the El Paso Plating Works state Superfund site (the site). The site, including all land, structures, appurtenances, and other improvements, is approximately 1/4 acre, located at 2422 Wyoming Avenue in El Paso, El Paso County, Texas. The site also includes any areas where hazardous substances have come to be located as a result, either directly or indirectly, of releases of hazardous substances from the site.

The facility was in operation from approximately 1955 through 1995, during which time the facility plated chromium, zinc, nickel, and copper to metal parts. The contaminants of concern at the site are metals.

The site is proposed for listing under THSC, Chapter 361, Subchapter F. A removal can be completed without extensive investigation and planning and will achieve a significant cost reduction for the site. The remedial objectives of the site can be achieved through a technically uncomplicated removal action. The removal action will consist of excavation of contaminated soils. Thus, a detailed and extensive design process is unnecessary in this case, and the significant costs associated with that process can be averted.

A portion of the records for this site is available for review during regular business hours at the El Paso Public Library, 501 North Oregon, El Paso, Texas 79901, phone number (915) 543-5433. 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, North Entrance, Room 190, 12100 Park 35 Circle, Austin, Texas 78753, telephone numbers (800) 633-9363 or (512) 239-2920. Photocopying of file information is subject to payment of a fee. Handicapped parking is available on the east side of Building D, convenient to access ramps that are between Buildings D and E.

For further information, please contact Ms. Carol Dye, project manager, TCEQ, Remediation Division, at (512) 239-1504 or Ms. Janie Montemayor, Community Relations Coordinator, TCEQ, Remediation Division, at (512) 239-3844.

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Paul C. Sarahan
Director, Litigation Division
Texas Commission on Environmental Quality
Filed: February 18, 2003

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**Notice of Intent to Perform Removal Action at the Kingsbury
Metal Finishing State Superfund Site**

The executive director of the Texas Commission on Environmental Quality (TCEQ or commission) hereby issues public notice of intent to perform a removal action, as provided by Texas Health and Safety Code (THSC), §361.133, for the Kingsbury Metal Finishing state Superfund site (the site). The site, including all land, structures, appurtenances, and other improvements, is approximately 14.9 acres, located at 1720 Farm-to-Market Road 1104, in Kingsbury, Guadalupe County, Texas. The site also includes any areas where hazardous substances have come to be located as a result, either directly or indirectly, of releases of hazardous substances from the site.

The facility was in operation from approximately 1986 through 1997, during which time the facility plated zinc and chromium to metal parts. The contaminants of concern at the site are metals.

The site is proposed for listing under THSC, Chapter 361, Subchapter F. A removal can be completed without extensive investigation and planning and will achieve a significant cost reduction for the site. The remedial objectives of the site can be achieved through a technically uncomplicated removal action. The removal action will consist of excavation of contaminated soils. Thus, a detailed and extensive design process is unnecessary in this case, and the significant costs associated with that process can be averted.

A portion of the record for this site is available for review during regular business hours at the Seguin-Guadalupe County Public Library, 707 East College Street, Seguin, Texas 78155, (830) 401-2422. 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, North Entrance, Room 190, 12100 Park 35 Circle, Austin, Texas 78753, telephone numbers (800) 633-9363 or (512) 239-2920. Photocopying of file information is subject to payment of a fee. Handicapped parking is available on the east side of Building D, convenient to access ramps that are between Buildings D and E.

For further information, please contact Ms. Carol Dye, project manager, TCEQ, Remediation Division, at (512) 239-1504 or Ms. Janie Montemayor, Community Relations Coordinator, TCEQ, Remediation Division, at (512) 239-3844.

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Paul C. Sarahan
Director, Litigation Division
Texas Commission on Environmental Quality
Filed: February 18, 2003

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**Notice of Intent to Perform Removal Action at the Melton
Kelly Property State Superfund Site**

The executive director of the Texas Commission on Environmental Quality (TCEQ or commission) hereby issues public notice of intent to perform a removal action, as provided by Texas Health and Safety Code §361.133, for the Melton Kelly Property state Superfund site (the site). The site, including all land, structures, appurtenances, and other improvements, is approximately 46 acres located at County Road 3250 in Chatfield, Navarro County, Texas. The site also includes any areas where hazardous substances have come to be located as a result, either directly or indirectly, of releases of hazardous substances from the site. The site is a rural ranch where an illegal wire burning operation took place. Construction material was carted to the site and burned with the purpose of collecting the metal deposited after the burning of the

material. The contaminants of concern are metals (principally arsenic, lead, copper, cadmium, barium, manganese, nickel, selenium, silver, and zinc). The groundwater and surface water have not yet been impacted.

The site is proposed for listing under 30 TAC Chapter 350, Subchapter F. In order to be sure that the metals do not impact the groundwater in the future, a removal of the metal contamination will be appropriate. A removal can be completed without extensive investigation and planning and will achieve a significant cost reduction for the site. The remedial objectives of the site can be achieved through a technically uncomplicated removal action. The removal action will consist of excavation of contaminated soils. Thus, a detailed and extensive design process is unnecessary in this case, and the significant costs associated with that process can be averted.

A portion of the record for this site is available for review during regular business hours at the Corsicana Public Library, 100 North 12th Street, Corsicana, Texas 75110, (903) 654-4810. Copies of the complete public record file may be obtained during business hours at the commission's Records Management Center, Building E, First Floor, North Entrance, Room 190, 12100 Park 35 Circle, Austin, Texas 78753, telephone numbers (800) 633-9363 or (512) 239-2920. Photocopying of file information is subject to payment of a fee. Handicapped parking is available on the east side of Building D, convenient to access ramps that are between Buildings D and E.

For further information, please contact, Barry Lands, project manager, TCEQ, Remediation Division, at (512) 239-6547.

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Paul C. Sarahan

Director, Litigation Division

Texas Commission on Environmental Quality

Filed: February 18, 2003



Notice of Opportunity for Comments

The Texas Commission on Environmental Quality (TCEQ), under 30 TAC Chapter 116, is providing an opportunity for public comment in order to receive comments concerning a proposed amendment to the List of De Minimis Facilities or Sources authorized by 30 TAC §116.119.

The TCEQ received a request to add crude oil pipeline segment isolation valve sites to the List of De Minimis Facilities or Sources. Section 116.119 allows for amendments to the list by the executive director for facilities which do not require authorization from the TCEQ. Since pipelines carry crude oil, refinery raw materials, fuel, and lubricating products normally handled in bulk volumes through the same pipeline, the TCEQ evaluated other liquids and gases. These liquids and gases include: sweet and sour crude oil, sweet and sour natural gas, and liquid petroleum gas. The TCEQ also evaluated the following commercial bulk fuel and lubricating oil refinery products: kerosene, diesel, fuel oil, lubricating oils, and gasoline with up to 10% benzene and up to 15% methyl tertiary-butyl ether (MTBE).

Pipeline isolation valve sites which meet the following four criteria and are one of the liquids or gases listed as follows are de minimis. The criteria are: 1) the sites may have a maximum of three valves; 2) the site is not otherwise authorized for air emissions; 3) the site is located more than 50 feet from any other stationary volatile organic compound source of the de minimis pollutant; and 4) the pipeline does not contain a pollutant specified in an area on the TCEQ air pollutant watch list. The liquids or gases are: gasoline ≤10% by weight benzene and ≤15% by weight MTBE; diesel; fuel oil; liquid petroleum gas; sweet

crude oils; lubricating oils; weathered/processed crude; water/light oil; sweet natural gas; sour natural gas ≤23,100 parts per million by volume hydrogen sulfide; sour crude ≤39,300 parts per million by weight hydrogen sulfide; and mixtures of the previously listed items.

The addition or deletion of a category of facilities, sources, or groups of facilities or sources to the List of De Minimis Facilities or Sources is subject to the procedural requirements of 30 TAC §116.119, which include a 30-day public comment period. The List of De Minimis Facilities and Sources is located on the TCEQ Web site at: http://www.tnrcc.state.tx.us/permitting/airperm/nsr_permits/demlist.pdf. Any person who may be affected by the addition or deletion of a category of facilities, sources, or groups of facilities or sources to the List of De Minimis Facilities or Sources has the opportunity to provide written comments.

Comments may be mailed to Mr. Steven Hagood, Texas Commission on Environmental Quality, Office of Permitting, Remediation and Registration, Air Permits Division, MC 163, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-1070. Comments must be received by 5:00 p.m., March 31, 2003. To inquire about the technical review of the de minimis request, contact Mr. John Gott at (512) 239-1238.

TRD-200301207

Stephanie Bergeron

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: February 18, 2003



Notice of Opportunity to Comment on Default Orders of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Default Orders (DOs). The commission staff proposes a DO when the staff has sent an executive director's preliminary report and petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; and the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director (ED) of the commission in accordance with Texas Water Code (TWC), §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **March 31, 2003**. The commission will consider any written comments received and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate a proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

A copy of each proposed DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Comments about the DO should be sent to the attorney designated for the DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on March 31, 2003**. Comments may also be sent by facsimile machine to the attorney at (512) 239-3434. The commission's attorneys are available to discuss the DOs and/or the