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**Notice of Intent to Delete  
Melton Kelly Property**

from the

**Texas Superfund Registry**

as published in the

***Texas Register***

**(28 TexReg 10330)**

on

**November 14, 2003**

**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**

**Corsicana Public Library  
100 North 12<sup>th</sup> Street  
Corsicana, Texas**

**and/or**

**TCEQ Records Management Center  
Austin, Texas**

**Scroll Down to View**

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Notice of Public Meeting on December 18, 2003, in Chatfield, Navarro County, Texas Concerning the Melton Kelly Property 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 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 Melton Kelly Property proposed state Superfund site (the Site) and to delete the Site from its proposed-for-listing status on 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 ED has determined that due to removal actions that have been performed, the Site no longer presents such an endangerment. This combined notice was also published in the *Corsicana Daily Sun* on November 14, 2003.

The Site, including all land, structures, appurtenances, and other improvements, is approximately 46 acres, located north of the intersection of Timothy Road and County Road 3250 and south of Farm-to-Market 85, outside of Chatfield, Navarro County, Texas. The Site also included 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 an unauthorized wire burning location used in or before 1994. As a result of the burning activities, various compounds came to be deposited, above the allowable concentrations, at the Site. The following chemicals were detected above the allowable concentrations: arsenic, barium, cadmium, copper, nickel, lead, selenium, silver, and zinc. During the week of August 4, 2003, TCEQ conducted an action to remove all chemicals, above regulatory limits, that were detected during the remedial investigation at this Site. During the removal action, 4,980 cubic yards of impacted soil and sediment were removed and treated to meet Class 2 waste characterization and deposited in an approved landfill. All compounds remaining were below the Texas Risk Reduction Program commercial/industrial criteria. Twenty-three confirmation samples were collected and analyzed to confirm that none of the contaminants of concern left on site exceeded the regulatory limits. Notice has been filed with the deed for the Site on the real property records in Navarro County that provides notice and information regarding use of the property. The Site is not appropriate for residential land use according to state risk reduction regulations applicable to the Site.

As a result of the removal action that has 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 as provided by 30 TAC §335.344(c).

The commission will hold a public meeting to receive comments 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 Thursday, December 18, 2003, at the Chatfield-Tupelo Community Center, located in the community of Chatfield on FM 1603, approximately 5-1/2 miles east of IH-45.

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., December 18, 2003, and should be sent

in writing to Barry Lands, Project Manager, TCEQ, Remediation Division, MC 143, P.O. Box 13087, Austin, Texas 78711-3087 or by facsimile at (512) 239-2450. The public comment period for this action will end at the close of the public meeting of December 18, 2003.

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 Corsicana Public Library, 100 North 12th Street, Corsicana, Texas, (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, Records Customer Service, 12100 Park 35 Circle, MC 199, Austin, Texas 78753, (800) 633-9363 or (512) 239-2920. Photocopying of file information is subject to payment of a fee. Parking for persons with disabilities is available on the east side of Building D, convenient to access ramps that are between Buildings D and E.

For further information regarding this meeting or the Site, please call Bruce McAnally, TCEQ Community Relations, at (800) 633-9363 or Barry Lands, TCEQ Project Manager, at (512) 239-2450.

TRD-200307569  
Paul C. Sarahan  
Director, Litigation Division  
Texas Commission on Environmental Quality  
Filed: November 4, 2003

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Notice of Water Rights Application

Notices mailed October 22, 2003 through October 27, 2003.

PROPOSED TEMPORARY PERMIT NO. TP-8239; Lone Star Infrastructure Joint Venture, 1421 Wells Branch Parkway, Building 2, Suite 200, Pflugerville, Texas 78660, has requested authorization to divert and use, within a 3-year period, not-to-exceed 150 acre-feet of water from Brushy Creek, tributary of the San Gabriel River, tributary of the Little River, tributary of the Brazos River, Brazos River Basin for industrial (dust suppression) purposes during the construction of proposed State Highway 130. Water will be diverted from a point in Williamson County near the intersection of the proposed SH-130 (currently CR 685) and Brushy Creek, approximately 7 miles southeast of Georgetown and 2 miles southwest of Hutto, Texas. The application was received on August 1, 2003, and additional information was received on September 2, 2003. The Executive Director reviewed the application and determined it to be administratively complete on September 11, 2003. 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, by November 12, 2003.

PROPOSED TEMPORARY PERMIT NO. TP-8241; Lone Star Infrastructure Joint Venture, 1421 Wells Branch Parkway, Building 2, Suite 200, Pflugerville, Texas 78660, has requested authorization to divert and use, within a 3-year period, not-to-exceed 120 acre-feet of water from Decker Creek, a tributary of the Colorado River, Colorado River Basin, for industrial (dust suppression) purposes during the construction of proposed State Highway 130. Water will be diverted from a point in Travis County near the intersection of FM 973 and Decker Creek, approximately 10 miles southeast of Austin and 6 miles south of Manor, Texas. The application was received on August 1, 2003, and additional information was received on September 2, 2003. The Executive Director reviewed the application and determined it to be administratively complete on September 11, 2003. 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, by November 12, 2003.