

The following is an Adobe Acrobat reproduction of the official

Notice of Final Deletion

of

Melton Kelly Property

from the

Texas Superfund Registry

as published in the

Texas Register

(29 TexReg 1439-1440)

on

February 13, 2004

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

at

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

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Information concerning any aspect of this order may be obtained by contacting EDWARD MODEROW, Enforcement Coordinator at (361) 825-3275, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding MINESH PATEL, Docket No. 2003-0859-PST-E on January 22, 2004 assessing \$1,600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting MERRILEE GERBERDING, Enforcement Coordinator at (512) 239-4490, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding DAN'S TEXACO SERVICE, INC., Docket No. 2003-0867-PST-E on January 22, 2004 assessing \$1,050 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting CARI BING, Enforcement Coordinator at (512) 239-1445, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding COLUMBUS INDEPENDENT SCHOOL DISTRICT, Docket No. 2003-0961-PST-E on January 22, 2004 assessing \$3,150 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting MICHAEL MEYER, Enforcement Coordinator at (512) 239-4492, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding EASTERN DHAKA, INC. DBA PAKS FOOD STORE, Docket No. 2003-0965-PST-E on January 22, 2004 assessing \$1,640 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting KIMBERLY MCGUIRE, Enforcement Coordinator at (713) 422-8938, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding CYN-GAIL PARTNERS, Docket No. 2003-0966-PST-E on January 22, 2004 assessing \$1,600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting SUBHASH JAIN, Enforcement Coordinator at (512) 239-5867, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding KHALID M. HASHMI DBA CFM, Docket No. 2003-0975-PST-E on January 22, 2004 assessing \$2,400 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting CARI BING, Enforcement Coordinator at (512) 239-1445, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding MICHAEL MEADOWS DBA INDEPENDENCE FOOD CENTER, Docket No. 2003-0982-PST-E on January 22, 2004 assessing \$1,600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting SUBHASH JAIN, Enforcement Coordinator at (512) 239-5867, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding AJAY & ANIL INTERESTS, INC., Docket No. 2003-1049-PST-E on January 22, 2004 assessing \$1,600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting SUZANNE WALRATH, Enforcement Coordinator at (512) 239-2134, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding CITY OF PORT ARTHUR, Docket No. 2002-0995-PWS-E on January 22, 2004 assessing \$1,125 in administrative penalties with \$225 deferred.

Information concerning any aspect of this order may be obtained by contacting KIMBERLY MCGUIRE, Enforcement Coordinator at (713) 422-8938, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding THE CONSOLIDATED WATER SUPPLY CORPORATION, Docket No. 2003-1256-PWS-E on January 22, 2004 assessing \$765 in administrative penalties with \$153 deferred.

Information concerning any aspect of this order may be obtained by contacting LAURA CLARK, Enforcement Coordinator at (409) 898-3838, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding RAYMOND MARTIN DBA MARTIN OIL COMPANY DBA IN-N-OUT GROCERY #1, Docket No. 2003-1071-PST-E on January 22, 2004 assessing \$2,100 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting CHRISTINA MCLAUGHLIN, Enforcement Coordinator at (512) 239-6589, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding SAINT-GOBAIN VETROTEX AMERICA, INC., Docket No. 2002-1076-AIR-E on January 22, 2004 assessing \$13,125 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting VANESSA DAVIS, Enforcement Coordinator at (512) 239-1993, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding M&M INNOVATIONS, INC., Docket No. 2003-0226-PST-E on January 23, 2004 assessing \$2,100 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting LINDSAY ANDRUS, Staff Attorney at (512) 239-4761, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-200400565

LaDonna Castañuela

Chief Clerk

Texas Commission on Environmental Quality

Filed: January 29, 2004

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Notice of Deletion of the Melton Kelly Property, a Proposed State Superfund Site, from the State Superfund Registry

The executive director (ED) of the Texas Commission on Environmental Quality (TCEQ or commission) is issuing this final notice of deletion of the Melton Kelly Property (the site) from its proposed for listing status on the state Superfund Registry. The state Superfund 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 Superfund registry in the July 27, 2001 issue of the *Texas Register* (26 TexReg 5703). The site, including all land, structures, appurtenances, and other improvements, is located on County Road 3250, near Chatfield, Navarro County, Texas. The coordinates of the site are 32 degrees 17 minutes 13 seconds north latitude and 96 degrees 22 minutes 12 seconds west longitude. In addition, the site included any areas where hazardous substances came to be located as a result, either directly or indirectly, of releases of hazardous substances from the site.

The Melton Kelly Property Site is located in a rural, agricultural area, approximately four miles northeast of Chatfield, Texas. The site is located on a 46-acre tract of pastureland and consists of a single area that was used for metal salvage operations. On or before February 1, 1994, salvage material (insulated copper wire, tubing, electrical parts, switches, and circuit cards) was transported to the site, placed in piles, and burned using automobile tires to ignite the debris. Recoverable metals were removed from the ash piles and presumably sold for salvage value. Remaining scrap and ash-like wastes, in addition to 4,000 cubic yards of impacted soil, were removed by TCEQ in August 2003. The removed material was deposited in an approved landfill located outside Ennis, Texas. The site was then regraded with clean soil and reseeded with appropriate vegetation. A land use of commercial/industrial was filed with the county records of Navarro County.

The site is not appropriate for residential use according to protective concentration levels in the Texas Risk Reduction Program.

A deed notice on commercial/industrial use only was filed with the deed of the site in the real records of Navarro County. The temporary fence that surrounded the remediated area of the site was dismantled and properly disposed.

In accordance with 30 TAC §335.344(b), the commission held a public meeting on December 18, 2003 at the Chatfield Community Center located in Chatfield, Texas to receive comments on the intended deletion of the site. No 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, Records Customer Service, MC 199, 12100 Park 35 Circle, Austin, Texas 78753, (800) 633-9363 or (512) 239-2920. Fees are charged for photocopying file information.

In accordance with 30 TAC §335.344(c), the ED determined that due to the removal actions that have been performed, the site no longer presents an imminent and substantial endangerment to public health and safety or the environment.

In accordance with Texas Health and Safety Code, §361.188(d) a notice will be filed in the real property records of Navarro County, Texas stating that the site has been deleted from the state Superfund registry.

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

TRD-200400665

Paul C. Sarahan

Director, Litigation Division

Texas Commission on Environmental Quality

Filed: February 3, 2004



Notice of Water Quality Applications

The following notices were issued during the period of December 31, 2003 through January 26, 2004.

The following require the applicants to publish notice in the newspaper. The public comment period, requests for public meetings, or requests for a contested case hearing may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087, **WITHIN 30 DAYS OF THE DATE OF NEWSPAPER PUBLICATION OF THIS NOTICE.**

CITY OF ABERNATHY has applied for a renewal of Permit No. WQ0010774001, which authorizes the disposal of treated domestic wastewater at a volume not to exceed a daily average flow of 380,000 gallons per day via surface irrigation of 180 acres of agriculture land. This permit will not authorize a discharge of pollutants into waters in the State. The wastewater treatment facilities and disposal site are located northeast of the City of Abernathy, approximately 1.5 miles north and 0.2 miles east of the intersection of the Interstate Highway 27 and Farm-to-Market Road 2060 in Hale County, Texas.

ACTON MUNICIPAL UTILITY DISTRICT has applied for a major amendment to TPDES Permit No. 14212-001 to authorize an increase in the discharge of treated domestic wastewater from a daily average flow not to exceed 487,000 gallons per day to a daily average flow not to exceed 820,000 gallons per day. The facility is located on the north bank of the Brazos River approximately 13.5 miles downstream of the De Cordova Bend Reservoir Dam and approximately 0.5 mile due west of the Pecan Plantation Airport in Hood County, Texas.

ASH GROVE TEXAS, L.P. which operates a Portland cement manufacturing plant, has applied for a major amendment to TPDES Permit No. 02427 to remove daily maximum flow limitations at Outfall 001 during the 10 year, 24 hour rainfall event; remove dissolved oxygen effluent limitations at internal Outfall 101; remove the daily maximum chlorine residual effluent limitations at internal Outfall 101; and a reduction in monitoring frequency for biochemical oxygen demand (5-day) and total suspended solids at internal Outfall 101. The current permit authorizes the discharge of wash water, process wastewater, cooling system cleaning wastes, storm water, and previously monitored effluents (domestic wastewater via internal Outfall 101) at a daily maximum flow not to exceed 150,000 gallons per day via Outfall 001. The facility is located adjacent to GIFCO Road, one and one half miles west of U.S. Highway 67, and north of the City of Midlothian, Ellis County, Texas.

BASTROP COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 3 has applied for a major amendment to TPDES Permit No. 12963-001 to authorize an increase in the discharge of treated domestic wastewater from a daily average flow not to exceed 55,000 gallons per day to a daily average flow not to exceed 210,000 gallons per day and to re-rate the existing facility from a daily average flow not to exceed 55,000 gallons per day to a daily average flow not to exceed 85,000 gallons per day. The facility is located approximately 400 feet north of Pearce Lane, 6 miles north of the intersection of Pearce Lane and State Highway 21 and 18 miles west of the City of Bastrop in Bastrop County, Texas.

CITY OF BORGER has applied for a major amendment to TPDES Permit No. 10535-001 to remove effluent limitations for Total Mercury. The facility is located at 1302 West Third Street in the City of Borger in Hutchinson County, Texas.

CA NEW PLAN FLOATING RATE PARTNERSHIP, L.P. has applied for a renewal of TPDES Permit No. 14144-001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 99,000 gallons per day. The facility is located approximately 680 feet north of the intersection of U.S. Highway 59 and Mount Houston Road in Harris County, Texas.