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**Notice of Proposed Selection of Remedy**

for

**Toups State Superfund Site**

as published in the

***Texas Register***

**(25 TexReg 7040-7041)**

on

**July 21, 2000**

**No graphic illustrations are included with this electronic version, but graphics are available with the print versions as part of the repository records**

at

**Alma M. Carpenter Public Library**

**300 S. Ann Street**

**Sour Lake, Texas**

**and/or**

**TNRCC Records Management Center**

**Austin, Texas**

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TNRCC hereby gives notice of a facility or area that the executive director has determined eligible for listing, and which the executive director proposes to list on the state registry. By this publication, the TNRCC also gives notice pursuant to the Act, §361.1855, that it proposes a land use other than residential as appropriate for the facility identified below. The TNRCC proposes a commercial/industrial land use designation. Determination of future land use will impact the remedial investigation and remedial action for the site.

This notice also specifies the general nature of the potential endangerment to public health and safety or the environment as determined by information currently available to the executive director. The notice of intent to list this facility also appears in the July 21, 2000, edition of the *Henderson Daily News*.

The property proposed for listing is known as the Crim-Hammett site, 801 Highway 64, located in Rusk County, Henderson, Texas. The approximate geographic coordinates of the site are 32 degrees, 10 minutes, 03 seconds, North Latitude and 94 degrees, 48 minutes, 01 seconds, West Longitude.

The site was used as a truck, tractor, and automobile dealership from 1947 - 1961. From 1961 - 1986, the site was the location of an International Harvester franchise.

There is an alleged landfill on the site. Observations and photos taken at the site indicate that the landfill was used for the burial of waste oil, oil filters, fuel tanks, tires, wood chips, drums, and battery chips. The landfill is located at the west and southwest areas of the site. Sample analysis results from the TNRCC Screening Site Inspection (SSI) conducted at the site in February 1996 indicated metals, pesticides, and PCBs in the soil.

The February 1996 SSI sampling event also documented hazardous substances in Thompson Lake and Hardy Creek wetlands areas. Sediment samples were collected downstream from the site. Metals, one pesticide, and one semi-volatile organic compound were detected in the sediment samples.

Releases of hazardous substances to the surface water pathway are the major concern for this site. Lead has been documented in the sediment approximately 2.0 miles downstream of the site. No drinking water intakes are located within 15 miles of the site. Neither Thompson Lake, nor any other lakes within 15 miles are considered fisheries.

A public meeting will be held Thursday, August 31, 2000, 7:00 p.m., in Council Chambers of Henderson City Hall, located at 400 West Main Street, Henderson, Texas. The purpose of this meeting is to obtain additional information regarding the site relative to its eligibility for listing on the state registry, identify potentially responsible parties, and obtain public input and information regarding the appropriate use of land on which the facility subject of this notice is located. The public meeting will be legislative in nature and not a contested case hearing under the Texas Administrative Procedure Act (Government Code, Chapter 2001).

Written comments may also be submitted to the attention of Dan Switek, Superfund Cleanup Section, Remediation Division, MC-143, P.O. Box 13087, Austin, Texas, 78711-3087, telephone number (512) 239-4132. All comments must be received by the commission on or before August 31, 2000.

The executive director of the TNRCC prepared a brief summary of the commission's records regarding this site. This summary and a portion of the records for this site, including documents pertinent to the executive director's determination of eligibility, are available for review at the Rusk County Library, 106 East Main Street, Henderson, Texas, telephone number (903) 657-8557, during regular business hours. Copies

of the complete public record file may be obtained during regular business hours at the TNRCC Records Management Center, Building D, Room 190, 12100 Park 35 Circle, Austin, Texas 78753; telephone numbers 1-800-633-9363 (within Texas only) or (512) 239- 2920. Photocopying of file information is subject to payment of a fee.

TRD-200004712

Margaret Hoffman

Director, Environmental Law Division

Texas Natural Resource Conservation Commission

Filed: July 7, 2000



### Public Notice - Selection of Remedy for the L.J. (Toups) State Superfund site.

The executive director of the Texas Natural Resource Conservation Commission (TNRCC) is issuing this public notice of a proposed selection of remedy for the L.J. Toups (Toups) state Superfund site. In accordance with §335.349(a), concerning requirements for the proposed remedial action, and Texas Health and Safety Code, the Solid Waste Disposal Act, §361.187, concerning the proposed remedial action, a public meeting regarding the TNRCC's selection of a proposed remedy for the Toups state Superfund site shall be held. The statute requires that the TNRCC shall publish notice of the meeting in the *Texas Register* and in a newspaper of general circulation in the county in which the facility is located at least 30 days before the date of the public meeting. This notice appeared in the July 19, 2000, edition of the *Hardin County News* and in the July 20, 2000, edition of the *Silsbee Bee*.

The public meeting is scheduled for Thursday, August 24, 2000, 7:00 p.m., in the cafeteria of Sour Lake Elementary School, 1055 Highway 326 South, Sour Lake, Texas. The public meeting will be legislative in nature and is not a contested case hearing under the Texas Government Code, Chapter 2001.

The site for which a remedy is being proposed, the Toups state Superfund site, was proposed for listing on the state registry of Superfund sites in the December 17, 1993, issue of the *Texas Register* (18 TexReg 9793). The Toups state Superfund site is located on the west side of Highway 326, 2.1 miles north of the intersection of Highway 326 and Highway 105, Hardin County, Sour Lake, Texas. The site consists of two adjacent tracts of land being 19.015 acres and 2.52 acres for a total of 21.535 acres. The site is bordered by Highway 326 on the east and by residential areas on the west, north and south. Mr. Toups operated the site simultaneously as a pentachlorophenol (PCP) fencepost treating facility and a municipal waste dump from 1957 until the early 1970's. The fencepost treating facility ceased operations in the late 1960s and the municipal waste dumping ceased in approximately 1972. During the fencepost treating operation, the land was cleared and fenceposts were stacked from the north entrance front gate to the back of the property. The facility was closed down because of the short supply of fenceposts and difficulty obtaining employees to work at a remote site.

In March 1992, the Texas Water Commission (TNRCC predecessor agency) responded to a public request to investigate the site. During this investigation and subsequent investigations, approximately 35 drums of an oil/tar substance were found south and west of the barn located on the site. Drums containing a dark substance were found in a flatbed truck. Approximately three fiberpack drums containing what was identified as a herbicide were found inside the barn, and approximately seventy 55-gallon drums containing paint waste were discovered in the central west area of the property. This site was approved for an immediate removal action under the Texas Solid Waste Disposal Act. The immediate removal activities were conducted from March

1993 until May 1993 and consisted of staging and overpacking drums and constructing a security fence around the site.

The remedial investigation (RI) at the Toups site was conducted in two phases. Based on its history, the site was divided into 22 Areas of Concern (AOCs). These AOCs represent the areas believed to be most likely impacted by the operations that were conducted at the site. The AOCs were initially sampled during Phase I of the field investigation conducted in July 1998. As applicable, surface soil, surface water, sediment, or water well samples were collected from each AOC. In November 1998, a Phase II field investigation was initiated to confirm and further delineate detected contamination from the Phase I RI and to install five ground water monitor wells. In April 1999, the on-site water well adjacent to the landfill was overdrilled and plugged and replaced with a properly constructed monitor well. The final RI report, dated August 1999, contains a complete discussion of RI activities conducted at the site.

A baseline risk evaluation (BRE) was completed for the Toups site in September 1999. This evaluation was performed using a residential future land use scenario. Based on the results of this risk evaluation, the surface and subsurface soils (to a depth of approximately two-feet below grade) in the fencepost treating area exceed both the human health and groundwater protection cleanup goals for both semivolatile organic constituents (SVOCs) and dioxin. While lead is widespread across the site at low concentrations, lead does not exceed the site-specific cleanup goal for groundwater protection. The site was found not to pose unacceptable excess risk to environmental receptors.

Based on the evaluation of the Toups site using the presumptive remedies process (as presented in the TNRCC guidance document *Presumptive Remedies for Soils at Texas State Superfund Sites*, April 1997), excavation and offsite disposal of soils containing constituents above the cleanup goals is the recommended cleanup alternative. The basis for this decision is that SVOCs (including PCP) are the predominant chemical group in the soils; there are an estimated 250 cubic yards of soil exceeding the cleanup goals; and offsite disposal will adequately address both SVOCs and dioxin in soil above the cleanup goals. The fencepost treatment equipment will be appropriately decommissioned and the drums present at the site will be appropriately consolidated and disposed of as part of the remedy. Based on the evaluation of the Toups site using the presumptive remedies process for groundwater (*Presumptive Remedies for Groundwater at Texas State Superfund Sites*, January 1999), monitored natural attenuation is the recommended cleanup alternative for site groundwater. The basis for this decision is that there is no evidence of offsite groundwater contamination and the limited onsite contamination is located either adjacent to the fencepost treating area, where soils exceeding groundwater protection cleanup will be excavated and disposed of offsite, or adjacent to an improperly completed water well, which is now properly plugged and abandoned (thus removing the lead pathway to the groundwater).

Although the groundwater in the shallow aquifer is not currently being used, a notice will be placed on the deed of the site to prevent use of the contaminated groundwater. An operation and maintenance (O&M) program, consisting of groundwater sampling and analysis, will continue on a semiannual basis for five years. At the end of the five-year period, the groundwater sampling results will be reviewed. If, based on this review, the contaminant levels in the groundwater have been reduced below cleanup levels, the sampling and analysis will be discontinued and the deed notice will be removed. If, however, the results indicate that the contaminant levels still exceed the cleanup goals, the monitoring will continue for another five years. If, at any time during the O&M activities the TNRCC determines that natural attenuation is not reducing the contaminant levels or that the groundwater plume

may migrate offsite, TNRCC will take appropriate remedial action to address the situation.

Persons desiring to comment on the proposed remedial action or the identification of potentially responsible parties may do so at the meeting or in writing prior to the public meeting. Written comments may be submitted to Carol Boucher, TNRCC Project Manager, Superfund Cleanup Section, Remediation Division, MC 143, P.O. Box 13087, Austin, Texas 78711-3087. All comments must be received by the close of the public meeting on August 24, 2000.

The executive director of the TNRCC prepared a brief summary of the commission's records regarding this site. This summary and a portion of the records for this site including documents pertinent to the proposed remedy are available for review during regular business hours at the Alma M. Carpenter Public Library, 300 South Ann Street, Sour Lake, Texas 77659-0536, telephone number (409) 287-3592. Copies of the complete public record file may be obtained during business hours at the TNRCC Records Management Center, Building D, North Entrance, Room 190, 12100 Park 35 Circle, Austin, Texas 78753, telephone numbers 1-800-633-9363 or (512) 239-2920. Photocopying of file information is subject to payment of a fee.

TRD-200004711  
Margaret Hoffman  
Director, Environmental Law Division  
Texas Natural Resource Conservation Commission  
Filed: July 7, 2000

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## North East Texas Workforce Development Board

Invitation for Bid

### Request for Consultant Services

The North East Texas Workforce Development Board is requesting bids to provide Workforce Board Training. The seminar is scheduled for August 9, 2000. Board Training topics include but are not limited to: Mission Statement Development, Goal Setting, and Defining the Role of Workforce Boards.

The proposals will be evaluated upon:

1. Qualifications, Experience and competence.
2. Proposal Cost.
3. Timelines of product delivery.

Bids must be mailed, e-mailed or faxed to the address below prior to July 28, 2000. Bid must include consulting fee, business name, address, phone number, and contact person. Bids may be mailed to: Texarkana Workforce Center, P.O. Box 241, Texarkana, Texas 75504; e-mailed to: [jeanie.callicott@twc.state.tx.us](mailto:jeanie.callicott@twc.state.tx.us); or faxed to (903) 792-2976, Attn: North East Texas Workforce Development Board.

TRD-200004760  
Jeanie S. Callicott  
Interim Executive Director  
North East Texas Workforce Development Board  
Filed: July 10, 2000

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## Texas Department of Protective and Regulatory Services

Request for Proposal for Communities in Schools  
Model-Planning Provider Services