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**Notice of Intent to Delete  
Bestplate**

from the

**Texas Superfund Registry**

as published in the

***Texas Register***

(23 TexReg 4683-4684)

on

**May 8, 1998**

**A portion of the records for this site, including documents pertinent to the TNRCC determination to delete, is available for viewing with the site repository records**

at

**Hutchins-Atwell Library  
300 N. Denton Street  
Hutchins, Texas**

**and/or**

**TNRCC Records Management Center  
Austin, Texas**

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authorities regarding emergency response procedures, and by failing to maintain a written contingency plan for the facility; PENALTY: \$14,560; ENFORCEMENT COORDINATOR: Anne Rhyne, (512) 239-1291; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3756, (903) 535-5100.

(3)COMPANY: H & B Contractors, Incorporated; DOCKET NUMBER: 97-1130-AIR-E; IDENTIFIER: Account Number MB-0055-U; LOCATION: Waco, McLennan County, Texas; TYPE OF FACILITY: asphalt concrete plant; RULE VIOLATED: 30 TAC §116.115(a), Permit Number 2345, and the Act, §382.085(b), by exceeding the permitted 5.0% opacity limit; and 30 TAC §101.20(1), Code of Federal Regulations (CFR) §60.92(a)(2), and the Act, §382.085(b), by exceeding the 20% opacity limit for hot mix asphalt facilities; PENALTY: \$720; ENFORCEMENT COORDINATOR: Suzanne Walrath, (512) 239-2134; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7807, (254) 751-0335.

(4)COMPANY: Harrisburg Water Supply Corporation; DOCKET NUMBER: 97-0974-PWS-E; IDENTIFIER: Public Water Supply Number 1210013; LOCATION: Jasper, Jasper County, Texas; TYPE OF FACILITY: public drinking water; RULE VIOLATED: 30 TAC §290.106(a)(1), by failing to prepare a plan showing the sites at which samples for bacteriological analysis will be collected; 30 TAC §290.46(i), (m), (n), and (p), by failing to have an agreement with each customer with provisions to prevent cross-connections, by failing to initiate a maintenance program to facilitate cleanliness, improve general appearance of all plant facilities, and reduce costly repairs, by failing to maintain an up-to-date map of the distribution system, and by failing to inspect and maintain records of inspections for ground storage and pressure tanks on an annual basis; 30 TAC §290.43(c), by failing to provide a water storage reservoir in compliance with American Water Works Association and commission standards; 30 TAC §290.43(c)(1), (2), (3), and (4), by failing to equip the system's water storage reservoir with an acceptable roof vent and with a 30-inch diameter roof hatch and by failing to provide the overflow on the water storage reservoir with a hinged flap valve and with a satisfactory means of easily determining the amount of water in storage; 30 TAC §290.43(d)(2) and (3), by failing to equip the pressure tank with an easily readable pressure gauge, by failing to provide a method of determining the air to water ratio in the pressure tanks, and by failing to equip the compressor with a filter to prevent the entrance of contaminants to the pressure tank; 30 TAC §290.46(j)(3), by failing to maintain copies of customer service inspection certifications for new customers; 30 TAC §290.42(e)(8), by failing to completely cover the top of the hypochlorinator solution container; 30 TAC §290.45(b)(1)(B)(iii), by failing to provide two or more service pumps; 30 TAC §290.41(c)(1)(D), by failing to prevent the pasturing of livestock within 50 feet of the well; 30 TAC §290.41(c)(3)(J), (K), and (N), by failing to provide the well with a concrete sealing block, by failing to seal the well head with gaskets or a pliable crack-resistant caulk, and by failing to provide the well with a flow measuring device; 30 TAC §290.41(c)(1)(F), by failing to protect the system's facilities by establishing a 150-foot radius sanitary control easement; 30 TAC §291.76 and the Code, §5.235, by failing to pay regulatory assessment fees; and Commission Order Number 9842-C and the Code, §5.102(b), by failing to repair or replace both the pressure and ground storage tanks and by failing to submit quarterly reports outlining its efforts to make the necessary improvements to the system; PENALTY: \$600; ENFORCEMENT COORDINATOR: Tom Napier, (512) 239-6063; REGIONAL OFFICE: 3870 Eastex Freeway, Suite 110, Beaumont, Texas 77703-1892, (409) 898-3838.

(5)COMPANY: Merichem Company and Merichem-Sasol USA LLC; DOCKET NUMBER: 97-1024-AIR-E; IDENTIFIER: Account Num-

ber HG-0486-G; LOCATION: Houston, Harris County, Texas; TYPE OF FACILITY: petrochemical plant; RULE VIOLATED: 30 TAC §116.115(a), Permit Number 20120, §101.20(1), 40 CFR §60.8, §60.664(b) and (d), and the Act, §382.085(b), by failing to conduct initial performance tests on distillation columns; 30 TAC §116.115(a), Permit Numbers 7358 and 6890, §101.20(2), 40 CFR §61.355(a)-(c), and the Act, §382.085(b), by failing to determine the annual waste quantity or the flow-weighted annual average benzene concentration at the point of generation; 30 TAC §115.122(a)(2) and the Act, §382.085(b), by failing to operate the Process Air Heat Recovery Unit (PAHR) at the minimum temperature and by failing to meet control requirements for vent streams; and 30 TAC §115.126(a)(1) and the Act, §382.085(b), by failing to maintain continuous records of exhaust gas temperature of the PAHR; PENALTY: \$18,535; ENFORCEMENT COORDINATOR: Miriam Hall, (512) 239-1044; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(6)COMPANY: Segovia Enterprises, Inc.; DOCKET NUMBER: 97-0910-PST-E; IDENTIFIER: Petroleum Storage Tank Facility Identification Number 48709; LOCATION: Junction, Kimble County, Texas; TYPE OF FACILITY: retail service station; RULE VIOLATED: 30 TAC §334.54(d)(1)(B), by failing to properly upgrade or permanently remove from service underground storage tanks which have been temporarily out of service for longer than 12 months; PENALTY: \$2,600; ENFORCEMENT COORDINATOR: Carolyn Lind, (512) 239-0417; REGIONAL OFFICE: 301 West Beauregard Avenue, Suite 202, San Angelo, Texas 76903-6326, (915) 655-9479.

(7)COMPANY: Shintech Inc.; DOCKET NUMBER: 97-0935-AIR-E; IDENTIFIER: Account Number BL-0051-F; LOCATION: Freeport, Brazoria County, Texas; TYPE OF FACILITY: petrochemical plant; RULE VIOLATED: 30 TAC §116.115(a), Permit Number 20014, and the Act, §382.085(b), by failing to annually test boiler for nitrogen oxides emissions; PENALTY: \$1,440; ENFORCEMENT COORDINATOR: Miriam Hall, (512) 239-1044; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(8)COMPANY: U.S. Rentals, Incorporated; DOCKET NUMBER: 97-1109-AIR-E; IDENTIFIER: Account Number EE-1203-U; LOCATION: El Paso, El Paso County, Texas; TYPE OF FACILITY: equipment rentals; RULE VIOLATED: 30 TAC §115.252(1) and the Act, §382.085(b), by placing, storing, or holding in any stationary tank, reservoir, or other container any gasoline which may ultimately be used in a motor vehicle in the El Paso area with a Reid Vapor Pressure greater than 7.0 pounds per square inch absolute; and 30 TAC §114.13(a) and the Act, §382.085(b), by offering for sale gasoline for use as motor vehicle fuel with an oxygen content of less than 2.7% by weight; PENALTY: \$2,500; ENFORCEMENT COORDINATOR: Stacey Young, (512) 239-1899; REGIONAL OFFICE: 7500 Viscount Boulevard, Suite 147, El Paso, Texas 79925-5633, (915) 778-9634.

TRD-9805930

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Filed: April 28, 1998



Notice of Proposed Delisting - Bestplate, Inc. State Superfund Site

The Executive Director of the Texas Natural Resource Conservation Commission (TNRCC) by this notice is issuing a public notice of intention to delete (delist) a facility from the State Registry (State Superfund List) of 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 proposed for delisting is the Bestplate, Inc. State Superfund Site which was originally placed on the State Superfund Registry list in the January 22, 1988, issue of the *Texas Register* (13 Tex Reg 427).

The Bestplate, Inc. State Superfund site occupies approximately three acres at 1090 South Interstate 45 in the city of Hutchins, Dallas County, Texas. The site is a former nickel and chrome plating facility and is in an area zoned as light industrial by the city of Hutchins. The adjoining properties are light industrial or commercial in nature.

Bestplate, Inc., a metal plating business, operated from 1976 to 1986 manufacturing and plating metal accessories for trucks. The operation consisted of several cleaning, stripping, and plating vats using nickel, chromium, caustic soda and various organic solvents. All the wastewater from each phase of the plating process was discharged to a ditch located along the north side of the site.

In 1987, a preliminary assessment was performed by a U.S. Environmental Protection Agency (EPA) field investigation team. In 1988, the U.S. EPA cleaned the site of waste products found in the vats under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The product and containers removed were disposed of as hazardous waste at a permitted hazardous waste treatment, storage, and disposal facilities. Liquid waste streams less than 1,000 gallons were pumped into drums, along with solids, and shipped to Chemical Waste Management, Inc. Liquid waste streams containing more than 1,000 gallons were bulked into liquid vacuum trucks and shipped to Empak, Inc.

Using site conditions and established assumptions on exposure, a risk assessment was conducted to estimate the potential adverse effects to human health and the environment resulting from exposure to the contaminants. The risk assessment for this site, completed in February 1995, included an evaluation of the health risk to trespassers, on-site workers, and on-site construction workers resulting from exposure to contaminants. The risk assessment determined that there were four metals found on the site that could pose a potential risk to individuals which might come in contact with them. The metals of concern at the site included arsenic, chromium, lead, and nickel. The exposure to these metals could conceivably increase the probability of developing cancer or other non-carcinogenic illnesses.

In December 1995, the Chairman of the TNRCC issued an Administrative Order to contract and conduct the Remedial Design and Remedial Action at the site using State Fund 550 money as authorized by the Texas Solid Waste Disposal Act, Texas Health & Safety Code Annotated §§361.188, .201 (Vernon 1992). The major components of the selected remedial action included decontamination of the concrete floor throughout the building on the property, removal and disposal of concrete in the plating line area that contains elevated levels of heavy metals, decontamination of the plating vats by acid treatment and disposal of the cleaning solution, and deed recordation.

From September through December 1997, the TNRCC conducted a remedial action in accordance with the Administrative Order. The remedial action included removal of approximately 100 tons of contaminated concrete, disposal of all debris and investigation derived wastes, and pressure washing of the interior of the main building. All removed materials were transported off-site to a permitted disposal facility. On January 6, 1998, a substantial completion inspection was held which confirmed that all remedial action activities instituted under the Administrative Order were completed.

Contaminants and waste deposited at the site have been remediated to meet non-residential (i.e., industrial/commercial) criteria in accordance with a plan designed to meet the requirements of 30 Texas Administrative Code (TAC) §335.561 (Risk Reduction Standard Number 3), which mandates that the remedy be designed to eliminate or reduce to the maximum extent practicable, substantial present or future risk. The remediation plan does not require continued post-closure care or engineering or institutional control measures. Future use of the property is considered appropriate for industrial use in accordance with risk reduction standards applicable at the time of this filing.

The Executive Director has determined that this site no longer presents an imminent and substantial endangerment to public health and safety and the environment and is therefore eligible for deletion from the list of sites proposed for the State Superfund Registry in accordance with 30 TAC §335.344(c).

In accordance with 30 TAC §335.344(b), the TNRCC shall hold a public meeting to receive comment. This meeting is not considered a contested case hearing within the meaning of Texas Government Code, Chapter 2001. This meeting shall be held upon initiation by the executive director or by requests filed with the executive director before 5:00 p.m., June 8, 1998. At least 30 days prior to the date set for the meeting, notice shall be provided by first class mail to all Potentially Responsible Parties and other interested persons, and by publication in a newspaper of general circulation in the county where the facility is located. The person submitting the request shall bear the cost of the publication of the notice.

The Bestplate, Inc. State Superfund site will be delisted from the State Superfund Registry if a public meeting challenging this determination by the executive director is not requested by any interested person(s) before the designated date.

All inquiries regarding the Bestplate, Inc. State Superfund site should be directed to Alvie L. Nichols, Project Manager, at (800) 633-9363 (within Texas only). A portion of the record for this site, including documents pertinent to the executive director's determination, is available for inspection and copying at the Hutchins Atwell Library, 300 North Denton, Hutchins, Texas 75141, telephone (972) 225-4711. Copies of the complete public file may be obtained during regular business hours at the TNRCC, Central Records, Building D, North Entrance, Room 190, 12100 Park 35 Circle, Austin, Texas 78753, telephone (800) 633-9363 or (512) 239-2920. Copying of file information is subject to payment of a fee.

TRD-9806018  
Kevin McCalla  
Director, Legal Division  
Texas Natural Resource Conservation Commission  
Filed: April 29, 1998



### Notice of Public Hearing

Notice is hereby given that under the requirements of Texas Health and Safety Code, §382.017 and Texas Government Code, Subchapter B, Chapter 2001, the Texas Natural Resource Conservation Commission (TNRCC or commission) will conduct a public hearing to receive testimony concerning revisions to 30 TAC Chapter 90.

The commission proposes new Chapter 90, concerning Regulatory Flexibility, to implement the provisions of Senate Bill 1591, 75th Legislature, 1997. Senate Bill 1591 allows the commission to authorize an alternative method or standard for the control or abatement of pollution if it is at least as protective of public health and the environment as the current method or standard.