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Community Relations Plan

for

James Barr Facility

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November 2002

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James Barr Facility Proposed State Superfund Site

Community Relations Plan

**Texas Commission on
Environmental Quality
Austin, Texas**

November 2002

www.tnrcc.state.tx.us/permitting/remed/superfund/index.html

Texas Commission on Environmental Quality

COMMUNITY RELATIONS PLAN

for the

James Barr Facility Proposed State Superfund Site
Pearland, Brazoria County, Texas

November 2002

Inquiries relating to the James Barr Facility Proposed State Superfund Site should be directed to:

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Austin, Texas 78711-3087

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Site Location Map

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COMMUNITY RELATIONS PLAN
for
James Barr Facility Proposed State Superfund Site
Pearland, Brazoria County, Texas

November 2002

Overview of Community Relations Plan

This community relations plan (CRP) identifies issues of community concern regarding the James Barr Facility Proposed State Superfund Site located south of the city of Pearland, Brazoria County, Texas. This CRP also outlines the anticipated community relations activities to be conducted during each phase of the cleanup at the James Barr facility.

The James Barr facility (JBF) community relations plan has been prepared to aid the Texas Commission on Environmental Quality (TCEQ) in developing a community relations program tailored to the needs of the community affected by the James Barr facility. The TCEQ will conduct community relations activities to ensure that the local public has input to decisions and access to information about Superfund activities at the JBF site.

The TCEQ has the responsibility for managing the cleanup of this site, and the TCEQ Remediation Division will oversee all community relations activities at the site.

Site Profile

Site Location: 29E 31' 48.43" North Latitude, 95E 15' 41.85" West Longitude

3300 Block of Industrial Drive
Pearland, Brazoria County, Texas 77581

Site background and operating history:

James Barr operated the JBF site as a storage facility for hazardous waste transported in by vacuum trucks and unloaded into the various aboveground storage tanks located on the property. Additionally, wash water generated from the transport vehicles was reportedly stored in two on-site surface impoundments. The time span of the storage operation is unknown at the time. Barr reportedly went bankrupt sometime in the 1980's.

On December 5, 1995, Brazoria County auctioned the property due to unpaid taxes. Janice Walker purchased the property from Brazoria County. According to Samuel Gage, a welding contractor, he was authorized by Walker to cut open the aboveground storage tanks and salvage the steel. Gage apparently salvaged several aboveground tanks adjacent to Industrial Drive. On April 11, 1997, a spill of oily material onto the ground occurred while Gage began salvage operations on a skid-mounted horizontal tank. The spilled material was hazardous due to concentrations of benzene and 1,2-dichloroethane reported in samples collected from the spill site. In addition, the sample results also showed detectable levels of hazardous metals and several organic constituents.

In July 1997, Walker hired a contractor to clean up the spilled material. The spilled material was put back into the horizontal tank and the tank secured. The contaminated soil was excavated and placed into 55-gallon metal drums on pallet support. Microbes were reportedly used during the cleanup actions for treating the contaminated soil. No confirmation samples were collected following remediation of the spill. However, the nineteen (19) 55-gallon drums containing the contaminated soil from the April 1997 spill were left on-site. In August 2001 the nineteen (19) drums were removed from the property by the Texas Natural Resource Conservation Commission (TNRCC), predecessor agency to the TCEQ. On May 6, 1997, Walker and James Barr signed a notarized redemption agreement that returned the property back to Barr.

The site contains one (1) skid mounted horizontal tank, three (3) unusable vertical tanks, two (2) surface impoundments, and the remains of two (2) additional vertical tanks. Two surface impoundments are also located at the JBF site. One surface impoundment (North Surface Impoundment) covers an area of approximately 2350 square feet, with a depth of approximately two (2) to three (3) feet. The second surface impoundment (South Surface Impoundment) covers an area of approximately 1250 square feet with an unknown depth. Wash water from the transport vehicles was reportedly stored in these surface impoundments. The material in the North Surface Impoundment is a brownish/black clear liquid with a slight oily sheen, whereas the material in the South Surface Impoundment appears as a blackish sludge with a definite oily sheen and hydrocarbon odor.

During the week of May 24, 1999, the TNRCC Superfund Site Discovery and Assessment Team (SSDAT) conducted a U. S. Environmental Protection Agency (EPA) Screening Site Inspection (SSI) sampling event at the JBF site. The primary objective of the sampling event was to document the release(s) or potential release(s) of hazardous substances from the site to the Chicot/Evangeline Aquifer and surface waters downstream from the JBF site. Source areas evaluated during the SSI included on-site contaminated soils, and the two surface impoundments. Laboratory results from samples collected from source areas reported concentrations of inorganic and organic hazardous substances greater than three (3) times background levels. (For a complete listing of the hazardous substances reported in samples collected from onsite sources at the JBF site, see page 7 of the James Barr Facility Hazardous Ranking System Documentation Record.)

TCEQ Enforcement:

The site was identified to the TCEQ on April 11, 1997, because of a complaint to the City of Pearland Fire Marshal to investigate possible hazardous substances leaking from a 20,000 gallon skid mounted aboveground storage tank. The TCEQ Houston Regional Office investigators inspected the property on July 1, 1997 (Complaint # 129700466). The investigators confirmed the release and collected samples of the unknown oily substance. Analytical results of the samples revealed high concentrations of benzene (3.09 mg/l) and dichloroethane (6.71 mg/l). On July 30, 1997, a limited cleanup was conducted by a local excavation crew that Janice Walker hired. At this time, Janice Walker owned this facility. Discolored soil was put in 55 gallons, pools of liquid were put back into the storage tank and microbes were introduced into the area. No investigation or waste characterization was conducted. The excavated material was left on-site in the 55-gallon containers.

After the initial inspection conducted with the City of Pearland Fire Marshal, a follow-up inspection was conducted on September 9, 1997, and a Notice of Violation (NOV) was sent to Janice Walker and James Barr. On August 21, 1998, an Executive Director's Preliminary Report and Petition was mailed to Janice Walker and James Barr and was approved by the commission on June 8, 1999. The Order was seeking penalties and remediation of the property. On August 17, 1999, an NOV of Commission Order was sent to Walker and Barr concerning payment of administrative penalties and remediation of the property. The NOV sent to James Barr was returned as no such address and Walker's was unclaimed.

On December 21, 1999, the Office of the Attorney General (OAG) was requested by the TNRCC to enforce the Commission's Order. The OAG requested that Janice Walker be removed from the action because James Barr was the responsible party. After exhausting all methods of locating James Barr by the OAG, the OAG filed a Notice of Non-Suit on April 6, 2001.

On April 4, 2001, staff of the TNRCC Enforcement Division and the Litigation Division reviewed potential remediation actions in relation to the James Barr facility. A determination was made that all enforcement actions have been exhausted and that the facility should be referred to the Remediation Division for appropriate resolution.

Community Profile

In 2000 the U.S. Census Bureau estimated the population of Brazoria County at 241,767, a 26.1% increase from the 1990 U.S. Census estimate. The 2000 ethnicity estimates of Brazoria County by the U.S. Census were: white, 77.1%; black, 8.5%; Hispanic, 22.8%; American Indian, 0.5%; Asian, 2% and other, 9.6%.

Pearland is located in far north Brazoria County. Pearland is considered part of the Houston metropolitan area. Many Pearland residents commute to jobs in Houston.

The JBF site is approximately 5 miles from a former state Superfund site, the Harkey Road site. The Harkey site is located at 17111 Harkey Road in an unincorporated section of Brazoria County, approximately 2 miles south of the City of Pearland. The site, approximately 2/3 acre in size, was contaminated with lead, believed to be from the lead-acid battery chips placed on the property in the mid-1970's to backfill low areas.

The TNRCC remediated the site in 2001, and it was officially deleted from the state Superfund registry in July 2002.

Community Involvement and Concerns

There have been no inquiries from area residents regarding the JBF at this time.

Specific Objectives of the Community Relations Program

- A. Maintain open communications between the Texas Commission on Environmental Quality, City of Pearland, Brazoria County, State officials and concerned citizens.
- B. Continue to expand the mailing list to include additional agencies, organizations, and residents that are interested in the project.
- C. Provide a central information contact from whom interested parties can receive information on site activities, project status, and study results.
- D. Provide all information, especially technical findings, in a language that is understandable to the general public and in a form useful to interested citizens and elected officials through the preparation of fact sheets and news releases, when major findings become available during project phases.
- E. Monitor community concerns and information requirements as the project progresses by monitoring the community response to news releases and community meetings.
- F. Modify the community relations plan as changes in community attitudes and needs occur and maintain accuracy during different project phases.

Community Relations Techniques

- A. Project Status Briefings for community groups and concerned citizens (may include public meetings, if needed) - To periodically inform the general community of significant project developments and findings; to respond to inquiries accordingly and incorporate local concerns into the decision making process as appropriate.
- B. Project Mailing List - To provide the means through which press releases, project status reports and other significant communications can be distributed to concerned groups and individuals.
- C. Public Consultations - To conduct informal meetings (if needed) with residents. To provide an opportunity for affected residents to express any concerns and to make inquiries to insure effective two-way communication.
- D. Program Document Repository - To maintain an easily accessible repository through which the public may review project outputs. The public will be periodically informed of the availability of project documents and the location of the repository via techniques A through C.
- E. TCEQ State Superfund Internet Homepage - provide current, timely information on state Superfund activities on the World Wide Web at: www.tnrcc.state.tx.us/permitting/remed/superfund
- F. Revise CRP - To reflect changes in site activities or local concerns. After the Proposed Remedial Action Document (PRAD) has been issued, the CRP will be revised to address implementation of the selected remedial action alternative.

Area Elected Officials

State

The Honorable J.E. Brown
State Senate
12603 Southwest Fwy., Suite 621
Stafford, Texas 77477
Telephone: 281/494-7799
Fax: 281/494-7810

The Honorable J.E. Brown
State Senate
P.O. Box 12068
Austin, Texas 78711
Telephone: 512/463-0117
Fax: 512/463-0639

The Honorable Dennis Bonnen
Texas House of Representatives
122 East Myrtle Street
Angleton, Texas 77515
Telephone: 979/848-1770
Fax: 979/849-3169

The Honorable Dennis Bonnen
Texas House of Representatives
P.O. Box 2910
Austin, Texas 78768-2910
Telephone 512/463-0564

County

The Honorable John Willy
Brazoria County Judge
111 Locust
Angleton, Texas 77515
Fax: 979/849-4655

The Honorable Jack Harris
Brazoria County Commissioner, Pct. 3
111 Locust
Angleton, Texas 77515
Fax: 979/849-4655

City

Tom Reid
Mayor
City of Pearland
3519 Liberty Drive
Pearland, Texas 77581
Telephone: 281/652-1600

Council Members:
Woody Owens, Mayor Pro-Tem
Richard Tetens
Larry Marcott
Klaus Seegar
Charles Viktorin

Area News Media

Pearland Journal

Attn. City Editor
P.O. Box 1830
Pearland, Texas 77588
Telephone: 281/485-2785
Fax: 281/485-4464

Pearland Reporter News

Attn. City Editor
2404 South Park
Pearland, Texas 77581
Telephone: 281/485-7501
Fax: 281/485-6397

Houston Chronicle

Attn. City Editor
P.O. Box 4260
Houston, Texas 77210
Telephone: 713/220-7491
Fax: 713/220-6806

KHOU-TV

ATTN: News, Assignments Editor
1945 Allen Parkway
Houston, Texas 77001
Telephone: 713/521-4384
Fax: 713/521-4326

KPRC-TV

ATTN: News, Assignments Editor
8181 Southwest Freeway
Houston, Texas 77252
Telephone: 713/771-9194
Fax: 713/270-9334

KRIV-TV

ATTN: News, Assignments Editor
3935 Westheimer Road
Houston, Texas 77227
Telephone: 713/625-1897
Fax: 713/625-1809

KTMD-TV

ATTN: News, Assignments Editor
3903 Stoney Brook
Houston, Texas 77063
Telephone: 713/783-5863
Fax: 713/974-5875

KTRK-TV

ATTN: News, Assignments Editor
3310 Bissonet St
Houston, Texas 77001
Telephone: 713/666-8711
Fax: 713/664-0013

KXLN-TV

ATTN: News, Assignments Editor
9440 Kirby Drive
Houston, Texas 77054
Telephone: 713/349-2911
Fax: 713/668-9057

KLAT/KRTX-AM

ATTN: News Director
1415 North Loop West #400
Houston, Texas 77008
Telephone: 713/407-1415
Fax: 713/407-1400

KPRC-AM

ATTN: News Director
11767 Katy Freeway #1170
Houston, Texas 77079
Telephone: 281/599-4800
Fax: 281/588-4820

KTRH-AM

ATTN: News Director
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Key Project Personnel

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Project Document Repositories

(Physical Address)

Texas Commission on Environmental Quality
Records Management Center
Building E, First Floor
12100 Park 35 Circle
Austin, Texas 78753
Telephone: 512/239-2920

(Mailing Address)

Texas Commission on Environmental Quality
Records Management Center
MC-199
P.O. Box 13087
Austin, Texas 78711-3087

Pearland Library
3522 Liberty Drive
Pearland, Texas 77581
Telephone 281/485-4876

Appendices

Text of public notice announcing the James Barr Facility proposal to the state Superfund Registry public meeting; published in the November 6, 2002, *Pearland Journal* and *Pearland Reporter News*, and in the November 8, 2002, *Texas Register*

Site Location Map

Site Features Map

NOTICE OF PUBLIC MEETING TO PROPOSE THE JAMES BARR FACILITY FOR LISTING ON THE TEXAS SUPERFUND REGISTRY AND TO DETERMINE APPROPRIATE LAND USE

The Texas Commission on Environmental Quality (TCEQ or commission) is required under the Texas Solid Waste Disposal Act, Health and Safety Code, Chapter 361, as amended (the Act), to annually publish a state registry that identifies facilities that 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 most recent registry listing of these facilities was published in the May 24, 2002 issue of the *Texas Register* (27 TexReg 4633-4634).

Pursuant to §361.184 (a) of the Act, the commission must publish a notice of intent to list a facility on the state registry of state Superfund sites in the *Texas Register* and in a newspaper of general circulation in the county in which the facility is located. With this publication, the commission hereby gives notice of a facility 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 commission 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 commission proposes a commercial/industrial land use designation. Determination of appropriate land use may impact the remedial investigation and remedial action for the site. The TCEQ is proposing a land use designation of commercial/industrial based on the existing land use of the property, as is prescribed in the Texas Risk Reduction Program rule at 30 Texas Administrative Code (TAC) §350.53.

This publication 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. This notice was also published on November 6, 2002, in the *Pearland Journal* and *Pearland Reporter News*.

The facility proposed for listing is the James Barr Facility (JBF), located in the 3300 block of Industrial Drive, in the southern part of the corporate boundary of the City of Pearland, Brazoria County, Texas. The site is located on a two (2) acre tract and is owned by James Barr. The site is bound on the north by undeveloped land, on the east by the Kneeland Construction Company and several sand pits filled with water, on the west by businesses along Industrial Drive, and to the south by industrial businesses, areas of sand mining and oil field production facilities.

The geographic coordinates of the site are 29E 31' 48.43" North Latitude and 95E 15' 41.85" West Longitude. The description of the site is based on information available at the time the site was evaluated with the Hazard Ranking System (HRS). The HRS is the principal screening guide used by the commission to evaluate potential, relative risk to public health and the environment from releases or threatened releases of hazardous substances. The description may change as additional information is gathered on the sources and extent of contamination.

Presently, the site consists of contaminated soil and two surface impoundments. The contaminated soil originated from a spill from a skid-mounted horizontal tank located at the site. Both of the surface impoundments were observed containing liquids with a slightly oily sheen and black liquid/sludge type wastes. During the Site Screening Inspection, conducted in May 1999, inorganic and organic hazardous substances were reported in sediment samples collected from the two surface impoundments. Additionally, there are three (3) unusable Above Ground Storage Tanks (ASTs) and the remains of two (2) additional ASTs on the James Barr Facility. All the wastes stored in the ASTs were removed in August 2001 by the Texas Natural Resource Conservation Commission (TNRCC), predecessor agency of the TCEQ.

Mr. James Barr operated the JBF site as a storage facility for hazardous waste transported by vacuum trucks and unloaded into the various AST's located on the property. Additionally, wash water generated from the transport vehicles was reportedly stored in two on-site surface impoundments. The time span of the storage operation is presently unknown.

On December 5, 1995, Brazoria County auctioned the property due to unpaid taxes. Ms. Janice Walker purchased the property from Brazoria County. According to Mr. Samuel Gage, a welding contractor, he was authorized by Ms. Walker to cut open the AST's and salvage the steel. Mr. Gage apparently salvaged several AST's adjacent to Industrial Drive. On April 11, 1997, a spill of oily material onto the ground occurred while Mr. Gage began salvage operations on a skid-mounted horizontal tank. The spilled material was hazardous samples collected from the spill site.

On May 6, 1997, Ms. Walker and Mr. James Barr signed a notarized redemption agreement that returned the property back to Mr. Barr.

In July 1997, Ms. Walker hired a contractor to clean up the spilled material. The spilled material was put back into the horizontal tank and the tank secured. The contaminated soil was excavated and placed into 55-gallon metal drums on pallet support. Microbes were

reportedly used during the cleanup actions for treating the contaminated soil. No confirmation samples were collected following remediation of the spill. The nineteen (19) 55-gallon drums containing the contaminated soil from the April 1997 spill were left onsite. In August 2001, the drums were removed from the property by the TNRCC.

A public meeting will be held Thursday, December 19, 2002, 7:00 p.m. in Council Chambers of Pearland City Hall, 3519 Liberty Drive in Pearland 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 additional potentially responsible parties, and obtain public input and information regarding the appropriate use of land on which the facility that is the 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 (Texas Government Code, Chapter 2001).

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 19, 2002, **and should be sent in writing** to Ms. Carol Boucher, TCEQ, Superfund Cleanup Section, Remediation Division. MC-143, P. O. Box 13087, Austin, TX 78711-3087 or facsimile at (512) 239-2450. The public comment period for this action will end at the close of the public meeting of December 19, 2002.

A portion of the record for this site, including documents pertinent to the executive director's determination of eligibility, is available for review at the Pearland Library, 3522 Liberty Drive, Pearland TX 77581, telephone 281-485-4876, during regular business hours. 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, 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.

Information is also available regarding the state Superfund program at www.tceq.state.tx.us/permitting/remed/superfund/index.html

For further information about this site or the public meeting, please call Mr. Bruce McAnally, TCEQ Community Relations, at 1-800-633-9363, extension 2141.