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Notice of Public Hearing (§106.261, §106.262)

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 106.

The commission proposes amendments to §106.261, concerning Facilities (Emission Limitations) and §106.262, concerning Facilities (Emission and Distance Limitations). The amendment to §106.261 is proposed to require persons to register their claim of exemption under that section. The amendment to §106.262 is proposed to update the emission limitations contained in that section to incorporate 1997 toxicological information.

A public hearing on the proposal will be held July 14, 1998, at 2:00 p.m. in Room 2210 of TNRCC Building F, located at 12100 Park 35 Circle, Austin. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not occur during the hearing; however, an agency staff member will be available to discuss the proposal 30 minutes prior to the hearing and answer questions before and after the hearing.

Comments may be submitted to Lisa Martin, Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-4808. Comments must be received by 5:00 p.m., July 20, 1998, and should reference Rule Log Number 98019-106-AI. For further information, please contact Susana Hildebrand, New Source Review Permits Division, (512) 239-1562, Dale Beebe-Farrow, New Source Review Permits Division, (512) 239-1310, or Jim Dodds, Air Policy and Regulations Division, (512) 239-0970.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-4900. Requests should be made as far in advance as possible.

TRD-9808965
Kevin McCalla
Director, Legal Division
Texas Natural Resource Conservation Commission
Filed: June 3, 1998

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Proposal for Decision

The State Office Administrative Hearing has issued Proposal for Decision and Order to the Texas Natural Resource Conservation Commission on June 2, 1998 on Executive Director's Report and Petition Assessing Administrative Penalties and Requiring Certain Actions of Friend Enterprises, Inc.; SOAH Docket Number. 582-98-0190; TNRCC Docket Number. 96-0945-PST-E. This posting is Notice of Opportunity to comment on Proposal for Decision and Order. Comment period will end 30 days from date of publication.

TRD-9809318
Douglas A. Kitts
Agenda Coordinator
Texas Natural Resource Conservation Commission

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Public Notices

The executive director of the Texas Natural Resource Conservation Commission (TNRCC) has issued a public notice of the amended selection of a remedy for the Jerrell B. Thompson Battery State Superfund Site (JBT Site), a site which constitutes an imminent and substantial endangerment due to a release or threatened release of hazardous substances into the environment. The public notice was published in the June 18, 1998, edition of the Canton Herald.

In accordance with 30 Texas Administrative Code (TAC) §335.349(a), and §361.187 of the Texas Health and Safety Code, Solid Waste Disposal Act as amended, a public meeting regarding the amended proposed remedy for the JBT Site must be held 30 days after publishing a notice in the Texas Register and a newspaper of general circulation in the county in which the facility is located.

The public meeting is scheduled for Thursday, July 23, 1998, beginning at 7:00 p.m. at the Canton City Hall, Council Chambers, 290 East Tyler Street, Canton, 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 the remedy is being amended is the JBT Site, proposed for listing on the State Registry of Superfund Sites in the September 25, 1990, issue of the *Texas Register* (15 TexReg 5623).

The JBT Site is located north of Phalba, Texas on Van Zandt County Road 2410, approximately one mile north of the intersection of County Road 2410 and Texas State Highway 198. The site was used for automotive battery reclamation operations beginning in 1970. From 1993 to 1994, the TNRCC performed a remedial investigation and baseline risk assessment. The remedial investigation results indicate that metal contamination (lead, arsenic, cadmium, and antimony) exists at the site at levels which may threaten human health and the environment. A baseline risk assessment concluded that further action was needed to eliminate any potential imminent and substantial endangerment to human health and the environment from the contamination at the site.

In May 1997, the TNRCC completed the Presumptive Remedy Document. The Presumptive Remedy Document was prepared to screen and evaluate technologies that could be used to remediate the JBT Site based on the TNRCC's Presumptive Remedies Guidance Document for Soils at Texas State Superfund Sites. In the September 11, 1997, edition of the Canton Herald and the September 12, 1997, issue of the Texas Register (22 TexReg 9348), the TNRCC initially proposed on-site containment with stabilization as the remedy. A public meeting was held on October 30, 1997, in Phalba, Texas, to discuss public comments concerning the originally proposed remedy for the JBT Site.

From September 1997 through February 1998, additional field sampling activities were conducted to further characterize and identify the contamination in surface water, sediments, and soils. Additional field sampling included properties adjacent to the JBT Site and soils underneath the on-site structures which were not investigated previously. After review of the results from the additional sampling and further consideration of the remedial investigation results, the estimated volume of contaminated materials requiring treatment and the estimated volume of contaminated material that may be considered as characteristically hazardous waste is significantly less than previously indicated in the Presumptive Remedy Document.

Soil contaminated with arsenic, cadmium and lead is classified as a hazardous waste if the samples fail the Toxicity Characteristic Leaching Procedure (TCLP) test with levels equal or greater than the regulatory limits listed in 40 CFR Part 261. Soil exceeding such criteria must be treated prior to disposal while soils that are not classified as hazardous waste can be disposed of without treatment. The reduction in volume suggests that off-site disposal rather than the originally selected remedy of on-site stabilization and consolidation is the preferred remedial alternative. Off-site disposal is the preferred remedial alternative because it is more economical and it will eliminate the need for engineering controls and future monitoring. In May 1998, the Amended Presumptive Remedy Document was completed and detailed the development and evaluation of the remedial alternatives based on the newly defined volume of contaminated materials.

Based on a detailed analysis of the alternatives, the most favorable alternative for the JBT Site is excavation, treatment (as required for disposal), and off-site disposal of contaminated material above action levels. No long-term maintenance or monitoring would be required because all contaminated materials above action levels will be removed. The proposed amended remedy will change the remedy from on-site containment with stabilization to off-site disposal with treatment as required for disposal.

The public comment period for this amended proposed remedy will begin June 19, 1998, and end at the completion of the public meeting on July 23, 1998. Written comments concerning the amended remedial action may be submitted to Fay Duke, Project Manager, Superfund Cleanup Section, MC 144, TNRCC, P.O. Box 13087, Austin, Texas 78711-3087.

A portion of the public records for this site are available for public review during regular business hours at the Van Zandt County Library 317 First Monday Lane, Canton, Texas, telephone (903) 567-4276, or at the TNRCC Central Records Center, 12100 Park 35 Circle, Building D, North entrance, Room 190, Austin, Texas 78753, (512) 239-2920. Copying of file information is subject to payment of a fee.

For further information, please call: (800) 633-9363 (within Texas only) or (512) 239-2463.

TRD-9809295
Kevin McCalla
Director, Legal Division
Texas Natural Resource Conservation Commission
Filed: June 10, 1998

The executive director of the Texas Natural Resource Conservation Commission (TNRCC) by this notice is issuing an official public notice of deletion of a facility from the state registry (state Superfund registry) of sites which may constitute an imminent and substantial endangerment due to a release or threatened release of hazardous substances into the environment.

The site which has been deleted 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 TexReg 427-428). This notice is issued to finalize the deletion process which began on May 8, 1998, when the executive director of the TNRCC issued a public notice in the Texas Register (23 TexReg 4683-4684) of TNRCC's intent to delete the Bestplate, Inc., site from the list of sites proposed for listing on the state Superfund registry, following the determination made pursuant to 30 TAC §335.344(c), that the site does not present an imminent and substantial endangerment to public health and safety. The notice further indicated that the TNRCC shall

hold a public meeting, as required in 30 TAC §335.344(b), if a written request is filed with the executive director of the TNRCC within 30 days, challenging the determination by the executive director made pursuant to 30 TAC §335.344(c). Equivalent publication of the notice was also published in the May 8, 1998 edition of the Dallas Morning News.

The TNRCC did not receive a request for a public meeting from any interested persons during the request period (within 30 days of publication of notice); therefore, the Bestplate, Inc. site is hereby deleted from the Texas state Superfund registry. In accordance with §361.188(d) of the Health and Safety Code, a notice was filed in the real property records of Dallas County, Texas stating that Bestplate, Inc. state Superfund site has been deleted from the state Superfund registry.

All inquiries regarding the deleting of this site should be directed to Barbara Daywood, TNRCC Community Relations, 1-800-633-9363 (within Texas only) or (512) 239-2463.

TRD-9809302
Kevin McCalla
Director, Legal Division
Texas Natural Resource Conservation Commission
Filed: June 10, 1998

◆ ◆ ◆ Plateau Water Planning Group

Notice of Application for State Financial Assistance for the Development of a Scope of Work for a Regional Water Plan

The Upper Guadalupe River Authority (UGRA), on behalf of the Region "J" Regional Water Planning Group (RWPG) for the Senate Bill 1 Regional Water Planning Program, is providing notice that it will submit an application for financial assistance for the development of a Scope of Work for a Regional Water Plan to the Texas Water Development Board (TWDB). The Region "J" has been established under provisions of Texas Senate Bill 1 to develop a regional water plan for the TWDB Region "J", which includes the following counties: Bandera, Edwards, Kerr, Kinney, Real, and Val Verde. The Regional Water Plan for this area will identify specific strategies to meet the water demands of all categories of water use for the next 30 years, and identify options to meet these water needs 30 to 50 years into the future.

The first task in the planning process is the development of a scope of work for the water plan. Notice is hereby given that a public hearing of the Region "J" RWPG will be held on Thursday, June 25th, 1998, beginning at 2:00 p.m., at the American Legion Park Building in Rocksprings, Edwards County, Texas, to receive public comment on the items that may be included in the scope of work and to gather suggestions and recommendations as to issues that should be addressed or provisions included in the regional water plan.

The Region "J" RWPG has designated the UGRA to make application to the TWDB for state financial assistance for the development of the scope of work. Copies of the application may be obtained from the UGRA offices at the address listed as follows. Any comments on the application must be filed with the Executive Administrator of the TWDB (see address listed) and the UGRA within 30 days of either the date of publication of this notice or the postmark date of this notice.

Rules for the Senate Bill 1 State and Regional Water Planning Program are contained in 31 Texas Administrative Code, Chapter 355, 357, and 358. Additional information may be obtained from