

The following is an Adobe Acrobat reproduction of the official
Notice of Proposed Selection of Remedy

for

Jerrell B. Thompson Battery

as published in the

Texas Register

(22 TexReg 9348-9349)

on

September 12, 1997

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

at

Van Zandt County Library

317 First Monday Lane

Canton, Texas

and/or

TNRCC Records Management Center

Austin, Texas

Scroll Down to View

Provisionally-Issued Temporary Permits to Appropriate State Water

Permits issued during the period of September 5, 1997.

Application Number TA-7855 by Cox Paving Company for diversion of 2 acre-feet in a three-month period for industrial (road construction) use. Water may be diverted from the North Fork Guadalupe Rive, approximately 22 miles west of Kerrville, Kerr County, Texas, Guadalupe Rive Basin.

Application Number TA-7859 by Odell Geer Construction Co., Inc. for diversion of 1 acre-feet in a one-year period for industrial (road construction) use. Water may be diverted from Coryell Creek, approximately seven miles east of Gatesville, Coryell County, Texas at the crossing of US Hwy. 84 and Coryell Creek, Brazos River Basin.

Application Number TA-7860 by Iowa Bridge & Culvert for diversion of 1.0 acre-feet in a one year period for industrial use. Water may be diverted from Hutton Branch, Trinity River Basin, at the Jackson Street crossing, located approximately 12 miles north of Dallas, Dallas County, and 1 mile east of Carrollton, Texas.

Application Number TA-7863 by Ballenger Construction Co. for diversion of 1 acre-foot in a one year period for industrial (road construction) use. Water may be diverted from the ditch near the intersection of FM 1018 and 1420, seven miles southeast of Raymondville, Willacy County, Texas, Nueces-Rio Grande Coastal.

Application Number TA-7864 by Driver Pipeline Company, Inc. for diversion of 5 acre-feet in a six-month period for industrial (hydrostatic testing) use. Water may be diverted from the San Bernard River, approximately 10 miles southwest of Angleton, Brazoria County, Texas near the intersection of C.R. 510 and C.R. 314 at the crossing of Phillips pipeline and the San Bernard River, Brazos-Colorado Coastal Basin.

Application Number TA-7865 by Enerpipe Corporation for diversion of 5 acre-feet in a six-month period for industrial (hydrostatic testing) use. Water may be diverted from the Lavaca River, approximately 2.5 miles southwest of Edna, Jackson County, Texas, Lavaca River Basin.

Application Number TA-7867 by Torres Ready-Mix for diversion of 10.0 acre-feet in a one year period for mining purposes. Water may be diverted from the Nueces River, Nueces River Basin, at a point approximately 25 miles north of Crystal City, Zavala County, and seven miles north of La Pryor, Texas.

Application Number TA-7868 by Texas Parks and Wildlife Dept. for diversion of 10.0 acre-feet in a six month period for industrial use. Water may be diverted from the Sabine River, Sabine River Basin, at a point approximately 13.5 miles north of Tyler, Smith County and 5.2 miles northeast of Lindale, Texas.

The Executive Director of the TNRCC has reviewed each application for the permits listed and determined that sufficient water is available at the proposed point of diversion to satisfy the requirements of the application as well as all existing water rights. Any person or persons who own water rights or who are lawful users of water on a stream affected by the temporary permits listed above and who believe that the diversion of water under the temporary permit will impair their rights may file a complaint with the TNRCC. The complaint can be filed at any point after the application has been filed with the TNRCC and the time the permit expires. The Executive Director shall make

an immediate investigation to determine whether there is a reasonable basis for such a complaint. If a preliminary investigation determines that diversion under the temporary permit will cause injury to the complainant the commission shall notify the holder that the permit shall be canceled without notice and hearing. No further diversions may be made pending a full hearing as provided in Section 295.174. Complaints should be addressed to Water Rights Permitting Section, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, Telephone (512) 239-4433. Information concerning these applications may be obtained by contacting the Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, Telephone (512) 239-3300.

Issued in Austin, Texas, on September 5, 1997.

TRD-9711767

Eugenia K. Brumm, Ph.D.

Cheif Clerk

Texas Natural Resource Conservation Commission

Filed: September 5, 1997



Public Notices

The executive director of the Texas Natural Resource Conservation Commission (TNRCC or commission) has issued a public notice of a proposed selection of remedy for the Jerrell B. Thompson (JBT) State Superfund Site, which constitutes an imminent and substantial endangerment due to a release or threatened release of hazardous substances into the environment. In accordance with 30 Texas Administrative Code (TAC) §335.349(a) concerning requirements for the remedial action, and the Texas Health and Safety Code, Chapter 361.187 of the Solid Waste Disposal Act concerning the proposed remedial action, a public meeting regarding the proposed remedy for the Jerrell B. Thompson State Superfund Site shall be held. The statute requires that the Commission 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 45 days before the date of the public meeting.

The public meeting is scheduled at the Phalba Community Center, located on State Highway 198 in Phalba on Thursday, October 30, 1997 beginning at 8:00 p.m. The public meeting will be legislative in nature and is not a contested case hearing under the Texas Government Code 2001.

The site for which a remedy is being proposed, the Jerrell B. Thompson State Superfund Site, was proposed for listing on the State Registry of Superfund Sites at a public meeting in Canton, Texas on October 26, 1990, and originally appeared on the State Registry of Superfund Sites published in the October 1, 1991, edition of the *Texas Register* (16 TexReg 5420-5421).

The JBT State Superfund 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 State Highway 198.

The JBT Site was the location of an automotive battery reclamation operation that began in 1970. In 1978, a waste battery processing facility was built on site. The tops of the batteries were cut off with a saw. Anhydrous ammonia was used to wash sulfuric acid from the battery cells, creating a neutralized or basic wash that was collected in stainless steel troughs. In November 1980, Mr. Jerrell B. Thompson filed a Part A Permit Application as an interim status hazardous waste

management facility. In April 1981, the facility became inactive. In May 1982 and November 1982, the Texas Department of Health (TDH) inspected the site and collected soil samples and found total lead concentrations as high as 329,000 mg/kg. On April 5, 1984, the TDH sent a Notice of Violation letter to Mr. Thompson. No response was received. On August 20, 1984, a letter was sent to Mr. Thompson terminating interim status.

Between 1984 and 1987, the Texas Water Commission (TNRCC predecessor agency) District 5 office inspected the site, noted several violations, and filed several enforcement actions against the operators of the site. During this time, the TWC collected surface soil, pond and liquid waste samples, and based on the collected information, a Site Inspection Report was completed. The following investigations were conducted at the site from 1987 to 1990: Comprehensive Groundwater Monitoring Evaluation (1987); Solid Waste Compliance Monitoring Inspection (1987); RCRA Facility Assessment PR/VSI Report (1988); and Solid Waste Inspection (1989).

From 1993 to 1994, the TNRCC performed a Remedial Investigation and Baseline Risk Assessment. In May 1997, the TNRCC completed the Presumptive Remedy Document. The Presumptive Remedy Document sets out the site remedy selection process. The Remedial Investigation results indicate that metals contamination (lead, arsenic, cadmium, and antimony) exists at the site at levels which threaten human health and the environment. A Baseline Risk Assessment concluded that further action was needed to eliminate any imminent and substantial endangerment to human health and the environment from the contamination at the site.

Based on the calculated volume of contaminated soil and the requirement for protection of groundwater, the recommended remedial alternative from the Presumptive Remedies Guidance is on-site containment with stabilization. The recommended alternative is the most cost effective, reasonable and appropriate remedy to address the site.

Persons desiring to make comments 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 concerning the remedial action proposed may be submitted to Ms. Luda Voskov, C.P.G., Project Manager, TNRCC, Pollution Cleanup Division, MC 143, P.O. Box 13087, Austin, Texas 78711-3087. All comments must be received by the close of the public meeting on October 30, 1997.

A brief summary of the commission's records regarding this site is available for public review and copying during regular business hours at the Van Zandt County Public Library, 317 First Monday Lane, Canton, Texas, telephone 903/567-4276. Copies of the complete public record file may be obtained during business hours at the by contacting the TNRCC, Central Records Center, Building D, North Entrance, Room 190, 12100 Park 35 Circle, Austin, Texas 78753, telephone 512-239-2920. Photocopying of file information is subject to payment of a fee.

For further information, please call: 1-800-633-9363 (within Texas only) or 512/239-2141.

Issued in Austin, Texas, on September 5, 1997.

TRD-9711753

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Filed: September 5, 1997

◆ ◆ ◆
The executive director of the Texas Natural Resource Conservation Commission (TNRCC or commission) has issued a public notice of a proposed selection of remedy for the JCS Company State Superfund Site, which constitutes an imminent and substantial endangerment due to a release or threatened release of hazardous substances into the environment. In accordance with 30 Texas Administrative Code (TAC) §335.349(a) concerning requirements for the remedial action, and the Texas Health and Safety Code, Chapter 361.187 of the Solid Waste Disposal Act concerning the proposed remedial action, a public meeting regarding the proposed remedy for the JCS Company State Superfund Site shall be held. The statute requires that the Commission 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 45 days before the date of the public meeting.

The public meeting is scheduled at the Phalba Community Center, located on State Highway 198 in Phalba on Thursday, October 30, 1997 beginning at 7:00 p.m. The public meeting will be legislative in nature and is not a contested case hearing under the Texas Government Code 2001.

The site for which a remedy is being proposed, the JCS Company State Superfund Site, was proposed for listing on the State Registry of Superfund Sites at a public meeting in Canton, Texas on October 26, 1990, and originally appeared on the State Registry of Superfund Sites published in the October 1, 1991, edition of the *Texas Register* (16 TexReg 5420-5421).

The JCS Company (JCS) State Superfund Site is located north of Phalba, Texas on Van Zandt County Road 2415 approximately one and one-half miles west of the intersection of County Road 2403 and State Highway 198.

The JCS Site was the location of an automotive battery reclamation operation that began in 1970. Between 1978 and 1981, the JCS Company purchased used batteries and stored them in the battery processing building. The tops of the batteries were cut off with a saw. Anhydrous ammonia was used to wash sulfuric acid from the battery cells, creating a neutralized or basic wash that was collected in stainless steel troughs. In November 1980, the JCS Company filed a Part A Permit Application as an interim status hazardous waste management facility. In October 1981, the facility became inactive. In March 1984, the Texas Department of Health (TDH) inspected the site and collected soil samples and found total lead concentrations as high as 329,000 mg/kg. On April 5, 1984, the TDH sent a Notice of Violation letter to the JCS Company and no response was received. On August 20, 1984, a letter was sent to the JCS Company terminating interim status. Between 1986 and 1987, the Texas Water Commission (TWC), TNRCC predecessor agency, District 5 office inspected the site, noted several violations, and filed several enforcement actions against the operators of the site. During this time, the TWC collected surface soil, pond and liquid waste samples and based on the collected information, a Site Inspection Report was completed. The following investigations were conducted at the site from 1987 to 1990: Comprehensive Groundwater Monitoring Evaluation (1987); Solid Waste Compliance Monitoring Inspection (1987); RCRA Facility Assessment PR/VSI Report (1988); and Solid Waste Inspection (1989).

From 1993 to 1994, the TNRCC performed a Remedial Investigation and Baseline Risk Assessment. In May 1997, the TNRCC completed