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**Notice of Proposed  
Non-Residential Land Use**

for

**Materials Recovery Enterprises**

as published in the

***Texas Register***

**(24 TexReg 5594-5595)**

on

**July 16, 1999**

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

at

**Tuscola City Hall  
418 Graham Street  
Tuscola, Texas**

**and/or**

**TNRCC Records Management Center  
Austin, Texas**

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of these sites was published in the June 4, 1999, issue of the *Texas Register* ( 24 TexReg 4303-4305).

Pursuant to §361.184 (a), the commission must publish in the Texas Register and in a newspaper of general circulation in the county in which the facility is located a notice of intent to list a facility on the state registry of state Superfund sites. This is a notice of a facility or area that the executive director of the TNRCC has determined eligible for listing, and which the executive director proposes to list on the state registry. Also specified is 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 will also be published in the Orange Leader on July 16, 1999.

The site being proposed to the state Superfund registry is the Spector Salvage Yard facility located at Tenth and Jackson Streets, Orange, Texas. The property is bordered on the north and east sides by railroad tracks. The City of Orange sewage treatment plan is located west of the property. The Evergreen Cemetery is located south of the site. Tenth Street divides the property into two parts approximately four acres in total size. A chain-link fence with warning signs restricts access to the property by the public. The lots contain several warehouse buildings as well as vehicles, mechanical parts and scrap metal. Spector Salvage Yard conducted general salvage operations at the site before ceasing operations in 1971.

The TNRCC inspected the site and noted several unmarked drums, used oil drums, and assorted solid waste material stockpiled on the property. Several drums at the site appeared to be leaking and piles of burned materials, including insulated electrical wire, were noted on the ground. Soil samples collected on both lots indicated elevated levels of barium, cadmium, chromium and lead. During subsequent inspections, soil and sediment samples from suspected source areas on site and adjacent ditches detected heavy metals, polychlorinated biphenyls (PCB's), pesticides, and volatile and semi-volatile organic compounds. These substances in the amounts detected at the site may constitute an imminent and substantial endangerment to public health and safety or the environment.

The executive director is also issuing a notice of a proposed commercial/industrial land use designation for the site. Determination of future land use will impact the remedial investigation and remedial action for the site. In accordance with Chapter 361.1855 of the Texas Health and Safety Code, the TNRCC shall hold a public meeting to obtain comments on the proposed future land use.

The public meeting will be held on Thursday, August 19, 1999 at 7:00 p.m. at the Library Council Chambers of the Orange Public Library, 220 North Fifth Street in Orange, Texas. The public meeting will be legislative in nature and not a contested case hearing under the Administrative Procedure Act (Texas Government Code, Chapter 2001). This public meeting is for the executive director to receive information regarding the proposed listing of the site, including information regarding the facility and identification of potentially responsible parties (PRP's), and comments regarding the appropriate use of the land.

Persons desiring to comment on the proposed listing, identification of PRP's and future land use determination of the Spector Salvage Yard site may do so in the context of the public meeting either orally or in writing. Written comments may also be submitted to the attention of Mr. Mike Garrigan, TNRCC, Remediation Division, MC-143, P.O. Box 13087, Austin, Texas 78711-3087; telephone (800) 633-9363 (within Texas only) or (512) 239-2493.

The executive director has prepared a brief summary of the commission's records regarding this site. A portion of the records for this site, including documents pertinent to the executive director's determination of eligibility, is available for review, during regular business hours, at the Orange Public Library, 220 North Fifth Street in Orange, Texas. Copies of the complete public record file may be obtained during regular business hours at the TNRCC, Central Records Center, Building D, Room 190, 12100 Park 35 Circle, Austin, Texas 78753; telephone (800) 633-9363 (within Texas only) or (512) 239-2920. Photocopying of file information is subject to payment of a fee.

TRD-9904066

Margaret Hoffman

Director, Environmental Law Division

Texas Natural Resource Conservation Commission

Filed: July 7, 1999



The executive director of the Texas Natural Resource Conservation Commission (TNRCC) has issued a public notice of the determination of the proposed non-residential future land use for the **Materials Recovery Enterprises, Inc. (MRE) facility**, located approximately 0.25 mile north of FM 604 and 0.5 mile east of US 83 about 4 miles southwest of Ovalo, Taylor County, Texas. The TNRCC is proposing a non-residential (industrial) future land use determination for consideration in implementing the human health risk assessment, ecological risk assessment and feasibility study.

Determination of future land use will impact the remedial action proposed for the site. Consequently, the TNRCC will hold a public meeting to obtain comments on the proposed future land use before evaluating remedial actions for the site. The public meeting will be held at the Tuscola Community Center, 702 Graham Street, Tuscola, Texas on Thursday, August 26, 1999, beginning at 7:00 p.m. This public meeting will not be a contested case hearing under the Administrative Procedure Act (Texas Government Code, Chapter 2001). After the subject meeting is held and future land use has been determined, a Phase 2 Remedial Investigation, Baseline Risk Assessment and Feasibility Study may be performed to evaluate various remedial action proposals. The TNRCC will then propose a selected remedy and hold another public meeting pursuant to the Texas Health and Safety Code, Chapter 361.187.

In accordance with 30 Texas Administrative Code (TAC) §§361.1855 of the Texas Health and Safety Code, the TNRCC shall publish notice of a public meeting in the Texas Register and in a newspaper of general circulation in the county in which the facility is located at least 31 days before the date of the public meeting.

The MRE Site was originally proposed to the state Superfund registry on July 25, 1997 as announced in that issue of the *Texas Register* (22 TexReg 6970-6971). The company received a permit in 1978 from the Department of Water Resources to use a former Atlas missile silo to operate a class I industrial solid waste management facility. MRE received waste from 1978 to 1982. A Phase I Remedial Investigation draft report was submitted to the TNRCC for review on June 4, 1999.

All persons desiring to make comments regarding appropriate future land use may do so prior to or at the public meeting. All comments submitted prior to the public meeting should be sent in writing to Mr. Jeffrey E. Patterson, TNRCC Project Manager, Superfund Investigation Section, MC- 143, P.O. Box 13087, Austin, Texas 78711-3087. A portion of the records for this site are available for public review during regular business hours at the Abilene Public Library, 202 Cedar Street, Abilene, Texas 79601, 915/677-2474, Tuscola City Hall, Mayor's Office, 418 Graham Street, Tuscola,

Texas 79562, 915/554-7766, or at the TNRCC 12100 Park 35 Circle, Building D, Austin, Texas 78753, (512) 239-2920. Copying of file information is subject to payment of a fee. For further information, please call 1-800-633-9363 (within Texas calls only) or 512-239-0341.

TRD-9904067

Margaret Hoffman

Director, Environmental Law Division

Texas Natural Resource Conservation Commission

Filed: July 7, 1999



The executive director of the Texas Natural Resource Conservation Commission (TNRCC) by this notice is issuing a public notice of intent to delete (delist) a facility from the state registry (*Texas Superfund Registry*) 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 deletion is the Double R Plating State Superfund site that was originally proposed for listing on the *Texas Superfund Registry* in the September 10, 1991, issue of the *Texas Register* (16 Tex Reg 4989).

The Double R Plating State Superfund site, including all land, structures, appurtenances, and other improvements, is a 15-acre site located on County Road 3544, approximately three miles northwest of Queen City in Cass County, Texas. In addition, the site includes any areas outside the site property boundary where hazardous substance(s) came to be located as a result, either directly or indirectly, of releases of hazardous substance(s) from the site property.

The site was used for filter cleaning and metal cutting operations in the early 1970's and for electroplating operations from the late 1970's to 1987. The site included an electroplating building, large and small storage sheds, two protective sheds housing the on-site water wells, a waste-water treatment facility, and various areas of scattered debris. As part of the waste-water treatment facility, four connected concrete settling tanks were located just behind (to the west) of the electroplating building.

The eastern half of the site is relatively clear of trees, while the remainder is fairly densely vegetated. Land use in the vicinity of the site is both residential and agricultural, with agricultural land consisting primarily of pasture used for grazing.

Various operations have been conducted at the site since the 1970's. Early in the 1970's, the land was first used for cattle grazing, a lint filter cleaning operation using high-pressure steam cleaners, storage, cutting, and selling of scrap metal. In the mid

to late 1970's, the site was used as an electroplating operation, known as BBC Plating. BBC Plating used hydroxide and hydrochloric acid-based metal cleaners, zinc chloride solution, and chromate solution to plate metal parts. In 1985, the electroplating operation was sold and renamed Double R Plating or R&R Plating. Electroplating operations at this time consisted of zinc/chromate conversion process to plate metal parts and resulted in the generation of electroplating waste-water and sludge containing zinc and chromium. Metal plating operations continued at the site until 1987.

In 1986, Double R Plating applied to the TNRCC (formerly the Texas Water Commission) for a waste-water discharge permit, which included the design and construction of a waste-water treatment facility at the site. The TNRCC did not approve the discharge permit, although the treatment facility was constructed in late 1986

and operated for a short while. In April of 1987, the facility was bought and renamed Best Texas Plating. In October of 1987, the facility was found to be abandoned by a TNRCC inspector. After a series of foreclosures by Atlanta National Bank, the property was bought by the current owners in April of 1989.

During the operations of the facility, untreated electroplating sludge containing zinc, chromium, and other metals was discharged onto a hillside behind the electroplating building and adjacent to an unnamed creek. Between 1984 and 1987, the TNRCC's Tyler Regional office inspected the site, found many violations, and filed several enforcement actions against the operators of the site. During this time, both the TNRCC and the Texas Department of Health collected groundwater samples from local domestic wells. In 1987, the TNRCC found the site abandoned. In 1989 and 1990, the U. S. Environmental Protection Agency (EPA) performed a Preliminary Assessment and Site Inspection at the site. As a result of these investigations, the EPA determined that the site was not eligible for listing on the National Priorities List (Federal Superfund Program).

The site was referred to the Texas State Superfund Program and proposed for listing on the State Registry in 1991. In 1992, the TNRCC performed a Removal Action to stabilize the site. From 1994 to 1996, the TNRCC performed a Remedial Investigation/Baseline Risk Assessment. From 1996 to 1997, the TNRCC performed a Supplementary Remedial Investigation. In March of 1997, the TNRCC completed the Presumptive Remedy Report. A public meeting regarding the selection of the remedy was held on May 20, 1997 at the Queen City City Hall. There were no changes to the proposed remedy during the public comment period. The remedial action was conducted from mid- 1997 to the end of 1998.

The remedial action included the removal of over 210 cubic yards of chromium contaminated soil; cleaning of the electroplating building; removal of 183 drums (containing both sludge waste and investigative derived waste); removal of 16 small containers; and the plugging and abandonment of the on-site industrial (shallow) well and five monitoring wells.

No post-closure care or engineered control is required and no continued monitoring is required by the remediation plan. Future use of the property is considered appropriate for residential use according to 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, upon a request filed with or initiated by the executive director, hold a public meeting to receive comment on this intended deletion. This meeting is not considered a contested case hearing within the meaning of Texas Government Code, Chapter 2001. Requests for a public meeting must be filed with the executive director before 5:00 p.m., August 16, 1999. 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 executive director does not intend to initiate a public meeting.

If a public meeting challenging this determination of eligibility for deletion by the executive director is not requested by a Potentially Responsible Party or any