

The following is an Adobe Acrobat reproduction of the official

Notice of Intent to Propose

Materials Recovery Enterprises

for listing on the

Texas Superfund Registry

as published in the

Texas Register

(22 TexReg 6970-6971)

on

July 25, 1997

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

at

Tuscola City Hall Mayor's Office

418 Graham Street

Tuscola, Texas

and/or

TNRCC Records Management Center

Austin, Texas

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24, 1997. Section 382.096 also requires that the TNRCC promptly consider any written comments received and that the TNRCC may withhold approval of an AO if a comment indicates the proposed AO is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Additional notice is not required if changes to an AO are made in response to written comments.

A copy of each of the proposed AOs is available for public inspection at both the TNRCC's Central Office, located at 12124 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-1864 and at the applicable Regional Office listed as follows. Written comments about these AOs should be sent to the Enforcement Coordinator designated for each AO at the TNRCC's Central Office at P.O. Box 13087 Austin, Texas 78711-3087 and must be received by 5:00 p.m. on August 24, 1997. Written comments may also be sent by facsimile machine to the Enforcement Coordinator at (512) 239-1893. The TNRCC Enforcement Coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, §382.096 provides that comments on the AOs should be submitted to the TNRCC in writing.

(1) COMPANY: Mr. Sulaiman Thobani; DOCKET NUMBER: 96-1422-PST-E; ACCOUNT NUMBER: E11671; LOCATION: Frank's Mean Gas, Inc. 3601 East University, Denton, Denton County, Texas; TYPE OF FACILITY: underground storage tank facility; RULE VIOLATED: failure to install by November 15, 1994 an approved Stage II vapor recovery system which is certified to reduce the emissions of VOCs to the atmosphere by at least 95%; 30 TAC §115.241 and §115.249 and the Act, §382.085(b); PENALTY: \$10,000; ENFORCEMENT COORDINATOR: Adele Noel, (512) 239-1045; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas 76010, (817) 469-6750.

Issued in Austin, Texas, on July 18, 1997.

TRD-9709396

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Filed: July 18, 1997



Provisionally-Issued Temporary Permits to Appropriate State Water

Listed below are permits issued during the period of July 18, 1997.

Application Number TA-7836 by Sun Pipeline Company for diversion of 3 acre-feet in a 6-month period for industrial (hydrostatic testing) use. Water may be diverted from the Sabine River, approximately 6.0 miles west-southwest of Longview, Gregg County, Texas approximately 1 mile south of the intersection of River Road and Highway 42 on River Road, Sabine River Basin.

Application Number TA-7838 by Lone Star Pipeline for diversion of 2 acre-feet in a 3-month period for industrial purposes. Water may be diverted from the Blindsay Road crossing of the Trinity River, approximately 22 miles southeast of Dallas, Dallas County, Texas, Trinity River Basin.

Application Number TA-7840 by APAC - Texas, Inc. for diversion of 3.0 acre-feet during a 1 year period for industrial purposes. Water may be diverted from Cow Bayou, Sabine River Basin, approximately 200 yards south of the intersection of State Highway 105 and Cow

Bayou, and 2 miles east of Orangefield, Orange County, Texas, Sabine River Basin.

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 July 18, 1997.

TRD-9709411

Eugenia K. Brumm, Ph.D.

Chief Clerk

Texas Natural Resource Conservation Commission

Filed: July 18, 1997



Texas Natural Resource Conservation Commission

Public Notice

The Texas Natural Resource Conservation Commission (TNRCC or Commission) is required under the Texas Solid Waste Disposal Act, Health and Safety Code Chapter 361, as amended (the "Act"), to identify and assess 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. Pursuant to §361.184(a), the Commission must publish in the *Texas Register* those facilities which are identified as eligible for listing on the registry of state Superfund sites. The most recent registry listing was published in the April 18, 1997, issue of the *Texas Register* (22 TexReg 3631).

The following is 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 Materials Recovery Enterprises, Inc. (MRE) facility is an abandoned commercial Class I hazardous waste disposal 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 facility coordinates are 32° 07' 53" north latitude and 99° 51' 17" west longitude.

The primary waste storage unit was a decommissioned Atlas missile silo complex which MRE, Inc converted to receive wastes. The facility also contained a truck unloading platform, two evaporation ponds, a drum storage area and the buried remnants of the liner from one of the evaporation ponds.

The main silo is approximately 52 feet in diameter and extends approximately 174 feet below ground surface. The silo is constructed of reinforced concrete varying from 30 inches to 9 feet thick. Electrical conduits penetrate the concrete walls at several locations. The Air Force decommissioned the silo and sold the property in 1968.

In 1978 the Texas Department of Water Resources (TDWR) issued a commercial Class I permit to MRE for an industrial solid waste management facility. MRE commenced operations at the facility in March 1979. Inspections by TDWR from 1980 to 1982 revealed that MRE was not operating in compliance with their permit. Therefore in 1982 the TDWR suspended MRE's permit for accepting, storing, treating or disposing of any additional waste materials. The last reported acceptance of waste was in May 1982.

From 1982 through 1988 the TDWR and its successor agency the Texas Water Commission (TWC) pursued legal efforts at proper closure of the facility. MRE apparently abandoned the facility sometime in late 1987.

Most recent estimates are that the waste silo contains approximately 1 million gallons of wastes associated primarily with metal finishing, electroplating and paint manufacturing activities. Additional wastes disposed in the evaporation ponds may have been pumped back into the waste silo or evaporated, therefore the amount of waste in the evaporation ponds and with the buried remnants of the evaporation pond liner is unknown. Organic and inorganic contaminants have been documented in the shallow on-site monitor wells.

A public meeting has been scheduled regarding the proposed listing of the site. The public meeting will be legislative in nature and not a contested case hearing under the Texas Administrative Procedure Act (Government Code, Chapter 2001). Persons desiring to comment on the proposed listing of this 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 Jeffrey E. Patterson, TNRCC, Pollution Cleanup Division, MC-143, P. O. Box 13087, Austin, Texas 78711-3087. All comments must be received by the Commission by the end of the public meeting on September 4, 1997.

The public meeting has been scheduled for: 7:00 p.m., Thursday, September 4, 1997, at Jim Ned High School Cafetorium, 830 Garza Avenue, which is just off Highway 83 at the north edge of the City of Tuscola, Texas.

The Executive Director of the TNRCC prepared a brief summary of the Commission's records regarding this site. This summary, as well as a portion of the records for the site, are available for inspection and copying during the business hours of 9:00 a.m. to 4:00 p.m. at Tuscola City Hall, 418 Graham Street, Tuscola, Texas, 79562, telephone (915) 554-7766. A duplicate file of the summary and public records is also available at the Abilene Public Library, 202 Cedar Street, Abilene, Texas 79601, telephone (915) 677-2674. The Abilene library is open from 10:00 a.m. to 9:00 p.m. Monday through Thursday, from 10:00 a.m. to 6:00 p.m. on Friday and Saturday and from 1:00 p.m. to 5:00 p.m. on Sunday.

Copies of the complete public record file may be obtained during regular business hours at the TNRCC Central Records Center, Building D, North Entrance, Room 190, 12100 Park 35 Circle, Austin, Texas 78753; telephone 1 (800) 633-9363, extension 2920 (within Texas only). Copying of file information is subject to payment of a fee.

Issued in Austin, Texas, on July 21, 1997.

TRD-9709433

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Filed: July 21, 1997

Public Utility Commission

Notice of Application for Service Provider Certificate of Operating Authority

Notice is given to the public of the filing with the Public Utility Commission of Texas an application on July 16, 1997, for a service provider certificate of operating authority (SPCOA), pursuant to §3.2532 of the Public Utility Regulatory Act of 1995. A summary of the application follows.

Docket Title and Number: Application of Preferred Payphone, Inc. for a Service Provider Certificate of Operating Authority, Docket Number 17697 before the Public Utility Commission of Texas.

Applicant intends to provide local services as well as operator assisted calls for collect calls.

Applicant's requested SPCOA geographic area includes the geographic regions currently serviced by Southwestern Bell Telephone Company.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at P.O. Box 13326, Austin, Texas 78711-3326, or call the commission's Office of Consumer Affairs at (512) 936-7120 no later than July 30, 1997. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136.

Issued in Austin, Texas, on July 17, 1997.

TRD-9709329

Rhonda Dempsey

Rules Coordinator

Public Utility Commission of Texas

Filed: July 17, 1997

Public Notice of Interconnection Agreement

On July 10, 1997, Southwestern Bell Telephone Company (SWB) and Network Operator Services (Network) collectively referred to as Applicants, filed a joint application for approval of an interconnection agreement under the federal Telecommunications Act of 1996 (FTA) (47 United States Code, §§151 et. seq.) and the Public Utility Regulatory Act of 1995 (PURA) (Texas Revised Civil Statutes Annotated, Article 1446c-0, Vernon 1997). The joint application has been designated Docket Number 17681. The joint application