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Community Relations Plan
for
J.C. Pennco Waste Oil Service

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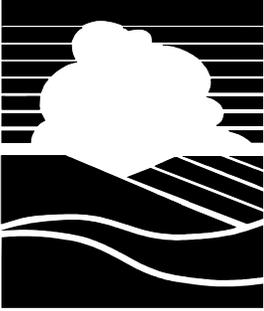
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February 2004

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TCEQ

**J.C.Pennco Waste
Oil Service
State Superfund Site
Bexar County, Texas**

Community Relations Plan

On the Web:

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Community Relations Plan
for
Remedial Design
and
Remedial Action

J.C. Pennco Waste Oil Service
Proposed State Superfund Site
4927 Higdon Road
Bexar County, Texas

Updated: February 2004

Inquiries relating to the J.C. Pennco Waste Oil Service
Proposed State Superfund Site should be directed to:

John Flores, Community Relations Coordinator
Remediation Division
Texas Commission on Environmental Quality
Physical Address: 12100 Park 35 Circle MC-225
Austin, Texas 78753

Mailing Address: P.O. Box 13087 MC-225
Austin, Texas 78711-3087

Telephone: 1.800.633.9363

<http://www.tnrcc.state.tx.us/permitting/remed/superfund/jcpennco.html>

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Public Notice of Proposal to List the J.C. Pennco site to the State Registry of Superfund Sites published in <u>San Antonio Express-News</u> (August 28, 1997).	
Public Notice of State Superfund Registry in order of Hazard Ranking Score published in the <u>Texas Register</u> (May 22, 1998).	
Public Notice of State Superfund Registry in order of Hazard Ranking Score published in the <u>Texas Register</u> (November 20, 1998).	
Public Notice of State Superfund Registry in order of Hazard Ranking Score published in the <u>Texas Register</u> (June 4, 1999).	

Public Notice of State Superfund Registry in order of Hazard Ranking Score published in the Texas Register (May 26, 2000).

Public Notice of State Superfund Registry in order of Hazard Ranking Score published in the Texas Register (November 24, 2000).

Public Notice of State Superfund Registry in order of Hazard Ranking Score published in the Texas Register (May 18, 2001).

Public Notice of State Superfund Registry in order of Hazard Ranking Score published in the Texas Register (November 23, 2001).

Public Notice of State Superfund Registry in order of Hazard Ranking Score published in the Texas Register (May 24, 2002).

Public Notice of State Superfund Registry in order of Hazard Ranking Score published in the Texas Register (November 29, 2002).

Public Notice of State Superfund Registry in order of Hazard Ranking Score published in the Texas Register (March 7, 2003).

Public Notice of State Superfund Registry in order of Hazard Ranking Score published in the Texas Register (September 19, 2003).

Overview of Community Relations Plan

This Community Relations Plan (CRP) identifies issues of community concern regarding the J.C. Pennco Waste Oil Service Proposed State Superfund Site, located at 4927 Higdon Road, Bexar County, Texas. It also outlines the anticipated community relations activities to be conducted during each phase of the cleanup at the J.C. Pennco site.

The J.C. Pennco CRP 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 J.C. Pennco site. The TCEQ will conduct community relations activities to ensure that the local public has input regarding decisions and access to information about Superfund activities at the J. C. Pennco site.

The information in this plan is based primarily on the Resource Conservation Recovery Act (RCRA) 3012 Preliminary Assessment, the Hazard Ranking System (HRS) package, the Pre-Statement of Work, Remedial Investigation Report and the Proposed Remedial Action Document for the J.C. Pennco site.

Site Profile

A. Site Location and Description:

(Note: The state predecessor agencies: Texas Water Quality Board (TWQB), Texas Department of Water Resources (TDWR), Texas Water Commission (TWC), Texas Air Control Board (TACB), and the Texas Natural Resource Conservation Commission (TNRCC) referred to throughout this document are now known as the Texas Commission on Environmental Quality (TCEQ). The new agency name, TCEQ, became effective September 1, 2002, as mandated under State House Bill 2912 of the 77th Regular Legislative Session.)

The J.C. Pennco site is located at 4927 Higdon Road, approximately 1/4 mile east of the intersection of Higdon Road and South W.W. White Road in southeast Bexar County. The site is on the north side of Higdon Road; the approximate geographic coordinates for the site are Latitude: 29°19'15" N, Longitude 98°23'30" W.

The J.C. Pennco site is an abandoned used drum and waste oil recycling facility that occupies five acres. The property was purchased on May 10, 1984 by J C Pennington and the facility operated from 1984 until April 23, 1992. During its eight years in operation, the site received an unknown quantity of used barrels and various chemicals, including used oil, antifreeze, and solvents. Most of the oil and other chemicals were sold to recyclers. The drums were sold for use as animal feeders, trash barrels, and barbeque pits. Pollution at the site resulted from spills and discharges from the oil storage tanks and from the barrel cleaning activities.

In 1991, TNRCC investigators discovered that the same types of solvents spilled on the ground at the J. C. Pennco site were present in one of the nearby residential water wells. Contaminants of concern associated with the site include chlorinated and non-chlorinated solvents, metals, polycyclic aromatic hydrocarbons (PAHs), and total petroleum hydrocarbon (TPH). In May 1992, the owner filed bankruptcy and abandoned the site. In 1994, the TNRCC fenced the site and began providing bottled water to residents whose wells had been contaminated. During 1995 and 1996, in cooperation with the TNRCC and the San Antonio Water System (SAWS), the U.S. Environmental Protection Agency (EPA) extended city water lines into the area.

The EPA removed approximately 4,000 drums, 120 cubic yards of soil and debris, 31,500 gallons of liquid wastes, and 23 tanks from the site to eliminate potential sources of surface and groundwater contamination. In November 1996, the EPA referred the J.C. Pennco site to the state for possible further remedial action.

The Hazard Ranking System (HRS) is the principal screening tool used by the TCEQ to evaluate risks to public health and the environment associated with abandoned or uncontrolled waste sites. The HRS is used to calculate a score based on a formula that is the primary factor in deciding if a site should be on the state Superfund registry. The J.C. Pennco site scored 42.68 and was proposed as a state Superfund site on August 28, 1997.

B. Background and Site Chronology

A copy of the complete Background and Site Chronology, is outlined in the July 1994 Hazard Ranking System Assessment. Highlights of that report are included in this section.

1984 - J.C. Pennco Company began operations as a waste oil recycling and drum recycling facility. The facility was owned and operated by Mr. John C. Pennington.

February 25, 1985 - District 8 Field Office of the TDWR received a complaint alleging that the facility was receiving hazardous waste. Another complaint was received the same day regarding two dead Hereford cattle adjacent to the J.C. Pennco site. Autopsies were performed on the cattle. According to the veterinarian that performed the autopsies, internal hemorrhaging caused by ingestion of oil was the cause of death.

February 25, 1985 - TDWR District 8 field investigators inspected the J.C. Pennco site. Samples were collected from three different surface storage tanks to determine if hazardous wastes were present. Wastes generated during blending were burned, drummed or discharged to the ground on site.

May 24, 1985 through February 13, 1987 - various actions were taken by the District 8 office, while pursuing enforcement against J.C. Pennco. A February 13, 1987 memo from Jim Martin in the District 8 Solid Waste office indicated that the site “showed substantial overall improvement over previous inspections.” At this time all enforcement action against J. C. Pennco was terminated by the TWDR central office.

May 7, 1991 through June 1991 - multiple attempts were made by District 8 personnel to visit the site and to contact Mr. Pennington. The attempts were unsuccessful.

June 5, 1991 - a citizen complaint was received about the site. Mr. Pennington was not available, but because of indications of the threat of imminent discharge, the District inspected the site. Samples were collected and analyzed. On June 10, 1991, two water wells near the site were sampled and analyzed.

June 27, 1991 - District 8 representatives and Mr. Pennington conducted a solid waste inspection at the site. During the inspection it was determined that approximately 70,800 gallons of waste oil, 18,000 gallons of diesel fuel, 1,500 gallons of used brake fluid, and 2,000 gallons of ethylene glycol in 17 different tanks were stored on site. Non-registered aboveground storage tanks were discovered at the site and it was estimated that 7,000 drums were stored throughout the facility. Since the June 5, 1991 investigation, Mr. Pennington had sold or removed drums and had covered many areas of contamination that had been photographed during the complaint investigation. Areas of contamination had been pushed into a waste pile against the property fence line or were covered with fresh caliche. Very little, if any, contaminated soils or wastes were placed in drums for proper disposal.

August 16, 1991 - a Facts Meeting was held in Austin between representatives of the TWC and J.C. Pennco. An Executive Director's Preliminary Report to the Commission was prepared recommending penalties in the amount of \$88,800 for violations described in the report.

August 20, 1991 - letter from Hazardous and Solid Waste Division, TWC, to Mr. Courtney Pennington was sent, notifying of Notice of Solid Waste Violations and Requirements for Emergency Actions.

January 7, 1992 - a Notice of Violation was issued to Alamo Drum Company concerning violations noted in the June 27, 1991 inspection of the J.C. Pennco site. Alamo Drum Company used the J.C. Pennco site as a drum storage area. In response to the alleged violations, the TWC instituted enforcement action against Alamo Drum Company.

February 24, 1992 - letter from Don Lindsey, Alamo Drum Company, responding to the TWC stating that his company was in the process of removing the drums it had formerly stored at the J.C. Pennco site.

April 7, 1992 - letter was mailed to J.C. Pennco and Alamo Drum Company outlining the commission report and administrative hearing scheduled for May 20, 1992. J.C. Pennco did not consent to the penalty. The response included that Pennington had ceased operation of his business and had required his tenants to cease their operations as of April 23, 1992. On May 20, 1992, J.C. Pennco filed for bankruptcy. Alamo Drum reported to have removed all their drums from the site on May 29, 1992. In the ensuing bankruptcy proceedings, the Attorney General's Office requested three cost estimates for cleanup at the site. On October 14, 1992, the TWC provided the estimates of the potential costs of remediating the site. In an October 21, 1992 letter to the Enforcement Section, TWC, the Attorney General's office recommended J.C. Pennco Waste Oil Service case be transferred to the State Superfund section.

March 1 & 4, 1993 - site inspections were conducted by the TWC.

May 26, 1994 - an Immediate Removal Action was initiated at the site. A fence was constructed around the site to provide site security, leaking drums were stabilized, and warning signs were provided.

July 1994 - the Hazard Ranking System Assessment for the J.C. Pennco site was completed.

February 1995 - the TNRCC requested that EPA Region 6 conduct an emergency response action at the site.

May 1995 through May 1996 - the EPA connected residents with affected wells to the San Antonio Water System. Drums, tanks, waste and contaminated soil were removed from the site.

August 22, 1997 - TNRCC sent Potential Responsible Party (PRP) notification and request for Good

Faith Offer letters to 280 PRPs.

August 26, 1997 - TNRCC published notice in the *Texas Register* that the J.C. Pennco site was being proposed for listing on the superfund registry. On August 28, 1997 the notice was published in the *San Antonio Express-News*.

October 9, 1997 - TNRCC held a public meeting in San Antonio to announce intentions to propose the J.C. Pennco site to the State Superfund Registry.

March 1999 - TNRCC sent water well survey questionnaires to residents and businesses in the immediate vicinity of the site to help determine who had water wells, the depth and construction of the wells, and whether water from the well was being utilized.

January 2001 - TCEQ's contractor completed Phase I Remedial Investigation Report. During this phase a total of 156 soil borings were completed, and 514 soil samples were collected for analyses of the site's chemicals of concern. In addition, 10 shallow groundwater monitor wells were installed, and groundwater samples were collected and analyzed.

October 2002 - TCEQ's contractor completed the second phase of the investigation and issued a Technical Memorandum. During this phase the contractor collected seven soil and sediment samples which were analyzed for lead and selenium. Three additional monitor wells were installed and analyzed for heavy metals and volatile organic constituents.

January 2003 - Groundwater Resource Classification report issued that contained a determination of the classifications of the shallow groundwater found at the site.

October 2003 - TCEQ's contractor completed the Remedial Investigation Report, which contains a detailed summary of all phases of the RI and included an evaluation of the critical protective concentration levels at the site.

Community Profile

The J.C. Pennco site is located at 4927 Higdon Road in southeast Bexar County, approximately 1/4 mile east of the intersection of Higdon Road and South W.W. White Road. The site is located outside the southeast fringe of the San Antonio city limits and is in a rural area with moderate population.

The U.S. Census estimates the 2000 population for the area at the following:

	Bexar County	San Antonio	Census Tract 1417 (location of the site)
RACE			
Total Population	1,392,931	1,144,646	3,875
One Race	1,342,208	1,102,775	
White	959,122	774,708	3,109
Black or African American	100,025	78,120	96
American Indian and Alaska Native	11,193	9,584	12
American Indian	5,601	4,622	
Alaska Native	56	48	
Both American Indian and Alaska Native	2	2	
American Indian or Alaska Native, not specified	5,534	4,912	
Asian	22,437	17,934	11
Asian Indian	3,781	3,378	
Chinese	3,753	3,271	
Filipino	5,074	3,815	
Japanese	1,655	1,267	
Korean	2,812	2,102	
Vietnamese	2,809	2,168	
Other Asian category	2,154	1,602	
Two or more Asian categories	399	331	
Native Hawaiian and Other Pacific Islander	1,452	1,067	
Native Hawaiian	412	306	7
Samoaan	209	133	
Guamanian or Chamorro	496	363	
Other Pacific Islander category	307	253	

Two or more Native Hawaiian or Other Pacific Islander categories	28	12	
Some other race	247,979	221,362	523
Two or more races	50,723	41,871	117
Two races including Some other race	34,767	29,638	
Two races excluding Some other race, and three or more races	15,956	12,233	
Two races excluding Some other race	13,947	10,641	
Three or more races	2,009	1,592	
HISPANIC OR LATINO			
Total Population	1,392,931	1,144,646	3,875
Hispanic or Latino (of any race)	757,033	671,394	1,850
Mexican	531,069	473,420	
Puerto Rican	10,135	7,774	
Cuban	1,770	1,491	
Other Hispanic or Latino	214,059	188,709	
Not Hispanic or Latino	635,898	473,252	
RACE AND HISPANIC OR LATINO			
Total Population	1,392,931	1,144,646	3,875
One race	1,342,208	1,102,775	
Hispanic or Latino	722,664	642,044	
Not Hispanic or Latino	619,544	460,731	
Two or more races	50,723	41,871	
Hispanic or Latino	34,369	29,350	
Not Hispanic or Latino	16,345	12,521	

Bexar County is located in south central Texas with San Antonio serving as the county seat and largest city in the area. San Antonio is a governmental center with a large federal payroll. Tourism is the second largest industry. Other major businesses include a research center, numerous colleges, oil and gas management, wholesale and retail activities and a developing high-tech industrial park. Livestock production and varied agriculture activities are also commercial interests in Bexar County.

Community Involvement and Concerns

The TNRCC held a public meeting on October 9, 1997, at the Salado Intermediate School Cafetorium, regarding the proposed listing of the J.C. Pennco facility on the State Superfund Registry. Ninety-three people signed the public registration card for the meeting. Citizens that were named as potentially responsible parties expressed concern regarding their liability for the cleanup.

After the public meeting, community interest remained high with residents wanting information about health effects of the contaminants. TCEQ continues to monitor the site, and keeps area residents informed of the sampling and progress of the investigation.

Specific Objectives of the Community Relations Program

1. Maintain open and ongoing two-way communications between the TCEQ; city, county and state officials; and area residents.
2. Continue to expand the mailing list to include additional agencies, organizations, and residents that are interested in the project.
3. Provide a community relations contact from whom interested parties can receive information on site activities, project status, and study results.
4. Provide citizens, involved agencies, elected officials, civic leaders, and the media with accurate, timely information about site-related activities through fact sheets/newsletters, press releases, and community meetings.
5. Provide for and attend public meetings.
6. Respond to telephone inquiries and written correspondence in a timely, accurate manner.
7. Provide all information, especially technical findings, in 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, newsletters, and news releases when major findings are made available during project phases.
8. Monitor community concerns and information requirements as the project progresses.
9. Modify the Community Relations Plan to address changes in community needs and to maintain accuracy during different project phases.

Community Relations Techniques & Tools

1. Project mailing list - to provide the means through which press releases, project status reports and other significant communications can be distributed to elected officials, community groups, and citizens.
2. Project status briefing for state and local officials - to periodically inform them of project developments over the course of the project.
3. Project status briefing for community groups and concerned citizens (may include public meetings, if needed) - to periodically inform the community of significant project developments and findings, to respond to inquiries accordingly, and incorporate local concerns into the decision-making process as appropriate.
4. Informal meetings (if needed) with residents - to provide an opportunity for affected residents to express concerns and to make inquiries to ensure effective two-way communication.
5. Program document repository - to maintain an easily accessible repositories through which the public may review project outputs.
6. State Superfund Internet Homepage - to provide timely, current information on state Superfund activities on the World Wide Web at the following web address:

www.tnrcc.state.tx.us/permitting/remed/superfund/index.html
7. Community Relations Plan - to reflect changes in site activities or local concerns. After the Proposed Remedial Action Document has been issued, the CRP will be revised to address implementation of the selected remedial action.

Area Elected Officials

United States

The Honorable John Cornyn
United States Senator
Room C5 Russell Senate Office Bldg
Washington, D.C. 20510
Phone 202.224.2934

The Honorable Kay Bailey Hutchinson
United States Senator
Room 284 Russell Senate Office Bldg
Washington, D.C. 20510
Phone 202.224.5922

The Honorable Ciro D. Rodriguez
U.S. Representative District 28
1507 Longworth House Office Bldg
Washington, D.C. 20515
Phone 202.225.1640

The Honorable Robert Puente
Texas Representative District 119
Capitol Office
P.O. Box 2910
Austin, Texas 78768-2910
Phone 512.463.0452

The Honorable Carlos Uresti
Texas Representative District 118
District Office
1114 SW Military Drive #103
San Antonio, Texas 78221
Phone 210.932.2568

The Honorable Carlos Uresti
Texas Representative District 118
Capitol Office
P.O. Box 2910
Austin, Texas
78768-2910
Phone

State

The Honorable Frank L. Madla
Texas Senate District 19
District Office
1313 SE Military Drive Suite 101
San Antonio, Texas 78214
Phone 210.927.9464

The Honorable Frank L. Madla
Texas Senate District 19
P.O. Box 12068
Austin, Texas 78711-2068
Phone 512.463.0119

The Honorable Robert Puente
Texas Representative District 119
District Office
2823 East Southcross
San Antonio, Texas 78223
Phone 210.532.8899

County

The Honorable Nelson W. Wolff
Bexar County Judge
County Courthouse
San Antonio, Texas 78205
Phone 210.335.2626

The Honorable Tommy Adkisson
Bexar County Commissioner
Precinct 4
Bexar County Courthouse
San Antonio, Texas 78205-3036
Phone 210.335.2614

Area News Media

San Antonio Express News
PO Box 2171
Ave E & 3rd
San Antonio, Texas 78297
Phone 210.225.7411

Southside Reporter
2203 South Hackberry Street
San Antonio, Texas 78210
Phone 210.534.8848

WOAI-TV Channel 4 (NBC)
P.O. Box 2641
1031 Navarro
San Antonio, Texas 78299
Phone 210.233.4742

KENS-TV Channel 5 (CBS)
PO Box TV5
5400 Fredericksburg Road
San Antonio, Texas 78299
Phone 210.366.5001

KSAT-TV Channel 12 (ABC)
P.O. Box 2478
1408 North St. Mary's
San Antonio, Texas 78298
Phone 210.351.1269

KABB-TV Channel 29 (FOX)
4335 North West Loop 410
San Antonio, Texas 78229
Phone 210.442.6318

KRRT-TV Channel 35 (WB)
6218 N.W. Loop 410
San Antonio, Texas 78238
Phone 210.442.6318

KWEX-TV Channel 41 (UNI)
411 East Durango Blvd
San Antonio, Texas 78204
Phone 210.226.6998

KVDA TV Channel 60 (TELE)
6234 San Pedro
San Antonio, Texas 78216
Phone 210.340.8862

KAJA-FM (97.3)
6222 Northwest I-10
San Antonio, Texas 78201
Phone 210.736.9700

KBUC-FM (98.3/103.7)
P.O. Box 39955
San Antonio, Texas 78218
215 North Main
Pleasanton, Texas 78064
Phone 830.281.5282

KCHL AM (1480)
P.O. Box 200880
1211 West Hein Road
San Antonio, Texas 78220
Phone 210.333.0050

KCJZ-FM (106.7)
8122 Datapoint Drive #500
San Antonio, Texas 78229
Phone 210.615.5400

KCOR-AM/KROM-FM (1350/92.9)
1777 N.E. Loop 410 #400
San Antonio, Texas 78217
Phone 210.246.1350

KCYY-FM (100.3)
8122 Datapoint Drive #500
San Antonio, Texas 78229
Phone 210.615.5400

KDRY-AM (1100)
16414 San Pedro #460
San Antonio, Texas 78232
Phone 210.545.1100

KEDA-AM (1540)
510 South Flores Street
San Antonio, Texas 78204
Phone 210.226.5254

KENS-AM (1160)
5400 Fredericksburg Road
San Antonio, Texas 78229
Phone 210.366.5000

KISS-FM (99.5)
8930 Fourwinds Drive #500
San Antonio, Texas 78239
Phone 210.646.0105

KKYX-AM (680)
8122 Datapoint Drive #500
San Antonio, Texas 78229
Phone 210.615.5400

KLEY-FM (94.1)
7800 I-10 West #330
San Antonio, Texas 78230
Phone 210.340.1234

KLUP-AM (930)
8930 Fourwinds Drive #500
San Antonio, Texas 78239
Phone 210.646.0105

KONO-AM/FM (860/101.1)
8122 Datapoint Drive #500
San Antonio, Texas 78229
Phone 210.615.5400

KQXT-FM (101.9)
6222 Northwest I-10
San Antonio, Texas 78229
Phone 210.736.9700

KSLR-AM (630)
9601 McCallister Frwy #1200
San Antonio, Texas 78216
Phone 210.344.8481

KSMG-FM (105.3)
8930 Fourwinds Drive #500
San Antonio, Texas 78239
Phone 210.646.0105

KTFM-FM (102.7)
4050 Eisenhower
San Antonio, Texas 78218
Phone 210.599.5500

KTKR-AM (760)
6222 North West I-10
San Antonio, Texas 78201
Phone 210.736.9700

KTSA-AM (55)
P.O. Box 18128
San Antonio, Texas 78218
Phone 210.599.5500

KXTN-FM (107.5)
1777 N.E. Loop 410 #400
San Antonio, Texas 78217
Phone 210.829.1075

KXXM-FM (96.1)
6222 Northwest I-10
San Antonio, Texas 78201
Phone 210.736.9700

KZDC-AM (1250)
3737 Broadway #370
San Antonio, Texas 78209
Phone 210.822.2771

KZEP-FM (104.5)
427 East 9th Street
San Antonio, Texas 78215
Phone 210.226.6444

WOAI-AM (1200)
6222 N.W. Loop 410
San Antonio, Texas 78201
Phone 210.736.9700

KEY PROJECT PERSONNEL

Project Manager
Carol Boucher
Texas Commission on
Environmental Quality
PO Box 13087 MC-143
Austin, TX 78711-3087
1.800.633.9363 ext 2501 toll free
or 512.239.2501
e-mail address
cboucher@tceq.state.tx.us

Assistant Project Manager
Alan Etheredge
Texas Commission on
Environmental Quality
PO Box 13087 MC-143
Austin, TX 78711-3087
1.800.633.9363 ext 2139 toll free
or 512.239.2139
e-mail address
aethered@tceq.state.tx.us

Toxicologist
Allison Jenkins
Texas Commission on
Environmental Quality
PO Box 13087 MC-168
Austin, TX 78711-3087
1-800-633-9363 ext 2492 toll free
or 512.239.2492
e-mail address
ajenkins@tceq.state.tx.us

Legal Division
Megan Campbell
Texas Commission on
Environmental Quality
PO Box 13087 MC-175
Austin, TX 78711-3087
1.800.633.9363 ext 0381 toll free
or 512.239.0381
e-mail address
mcampbel@tceq.state.tx.us

Community Relations Coordinator
John Flores
Texas Commission on
Environmental Quality
PO Box 13087 MC-225
Austin, TX 78711-3087
1.800.633.9363 ext 5674 toll free or
512.239.5674
e-mail address
jflores@tceq.state.tx.us

PROGRAM DOCUMENT REPOSITORIES

Texas Commission on Environmental Quality
Records Management Center

Physical Address:
12100 Park 35 Circle
Building E, Central Records
Austin, TX 78753
Phone 512.239.2920

Texas Commission on Environmental Quality
Records Management Center

Mailing Address:
P O Box 13087 MC-199
Austin, TX 78711-3087

San Antonio Public Library
McCreless Branch Library
1023 Ada Street
San Antonio, Texas 78223
Phone 1.210.532.4254