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**Notice of Intent to Propose
Poly-Cycle Industries**
for listing on the
Texas Superfund Registry

as published in the

Texas Register

(23 TexReg 2621-2622)

on

March 6, 1998

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

**City of Palmer City Hall
113 W. Jefferson Street
Palmer, Texas**

and/or

**TNRCC Records Management Center
Austin, Texas**

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Notice is hereby given that pursuant to the requirement of the Texas Government Code, Subchapter B, Chapter 2001, and the Texas Health and Safety Code, §382.017, the Texas Natural Resource Conservation Commission (TNRCC or commission) will conduct a public hearing to receive testimony concerning 30 TAC Chapter 330, relating to Municipal Solid Waste.

The proposed amendments §330.4 and new §330.26, will establish additional general rules for the storage and disposal of litter generated and disposed of on an individual's property. The statutory basis for the rules is found in House Bill (HB) 717, 75th Legislature, which amended the Texas Health and Safety Code, Chapter 365, the Texas Litter Abatement Act, §365.011 and §365.012; Senate Bill (SB) 1782, 75th Legislature, which amended the Texas Health and Safety Code, Chapter 361, the Solid Waste Disposal Act, §361.116; and the Texas Health and Safety Code, Chapter 361, the Solid Waste Disposal Act, §361.011. HB 717 directs the commission to establish rules to regulate temporary storage for future disposal of litter or other solid waste by a person on land owned by the person or the person's agent. These proposed rules establish a permit exemption following the directive from HB 717 that a landowner may dispose of litter or other solid waste on his own land without commission authorization if the litter or other solid waste is generated and disposed of on land the individual owns, and the disposal is not for commercial purposes. Additionally, these rules follow direction from SB 1782 by adding a permit exemption to new §330.4(u) regarding the disposal of animal carcasses for roadway maintenance.

A public hearing on this proposal will be held on March 26, 1998 at 2:00 p.m. in Room 2210 of Texas Natural Resource Conservation Commission (TNRCC) Building F, located at 12100 Park 35 Circle, Austin. The hearing is structured for the receipt of oral and/or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience 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 will answer questions before and after the hearing.

Written comments regarding this proposal may be mailed to Bettie Bell, TNRCC Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-4808. All comments should reference Rule Log Number 97153-330-WS. Comments must be received by 5:00 p.m., April 5, 1998. For further information, please contact Wayne Lee, Waste Policy and Regulations Division, (512) 239-6815.

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-9802791
Kevin McCalla
Director, Legal Division
Texas Natural Resource Conservation Commission
Filed: February 25, 1998



Notice of Public Hearing on Proposed 30 TAC Chapter 321

Notice is hereby given that pursuant to the requirement of the 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 Chapter 321, §§321.31-321.46, concerning the updating of technical requirements

and simplifying administrative procedures related to authorizations of concentrated animal feeding operations (CAFOs).

The purpose of the proposed rules is to create, together with proposed general permit, a variety of vehicles available for the regulation and authorization of air emissions and water discharges by CAFOs, tailored according to regulatory needs including the sizes and natures of the facilities and their discharges, statutory requirements, and the necessary administrative burdens both on the commission and on the dischargers. As amended, this subchapter will offer or require, as appropriate, authorization by individual permit or by registration under a permit by rule. In combination with the general permit, these regulatory options will provide a full spectrum of options for the commission to regulate CAFOs by suitable and efficient means.

A public hearing on the proposal will be held April 7, 1998 at 2:00 p.m. in Room 201S of the Commission Building E, located at 12100 Park 35 Circle, Austin. The hearing is structured to receive oral or written comments by interested persons. Individuals may present oral statements, when called upon, in the order of registration. Open discussion will not occur during the hearing; however, a commission staff member will be available to discuss the proposal 30 minutes prior to the hearing and will answer questions before and after the hearing.

Written comments on the proposal should refer to Rule Log No. 97152-321-WT and may be submitted to Lutrecia Oshoko, Texas Natural Resource Conservation Commission, Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4640. Comments may be faxed to (512) 239-5687, but must be followed up with the submission and receipt of the written comments within three working days of when they were faxed. Written comments must be received by 5:00 p.m., April 13, 1998. For further information concerning this proposal, please contact Darrell Williams, Texas Natural Resource Conservation Commission, Water Quality Division, (512) 239-5768.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-1459. Requests should be made as far in advance as possible.

TRD-9802776
Kevin McCalla
Director, Legal Services
Texas Natural Resource Conservation Commission
Filed: February 25, 1998



Public Notice

The Texas Natural Resource Conservation Commission (TNRCC or the 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. The most recent registry listing was published in the April 18, 1997, issue of the *Texas Register* (22 TexReg 3631).

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 was published in the Ellis County Press on March 5, 1998.

The facility known as the Poly-Cycle Industries, Inc. (Palmer), covers approximately 10 acres and is west of State Highway 75, 0.5 miles north of Palmer, Ellis County, Texas, at the northern end of Main Street. The Poly-Cycle (Palmer) facility previously operated under three separate identities: as the Stripling Sales Group until 1981, the New Rocky Point Foundation in 1982 and most recently as Poly-Cycle Industries. From approximately 1929 until the early 1960s, the site was a brick manufacturing facility. Beginning in the late 1970's until 1983, the site was used as lead battery treatment/recycling facility. Operations at the facility ceased in 1983.

Waste piles consisting of approximately 80 million pounds of lead battery chips, a waste lead sulphate sludge pile and two surface impoundments are the identified sources of hazardous substances at the site. Historic and current analyses of soil samples collected indicate heavy contamination with lead.

A public meeting may be requested regarding the proposed listing of the Poly-Cycle (Palmer) facility on the state registry. The public meeting must be requested by submitting a written request not later than the 30th day after the date on which this notice is issued. If a public meeting is requested regarding the proposed listing of this facility on the state registry, the *Commission shall publish general notice of the date, time, and location of the public meeting in the Texas Register and in the Ellis County Press.* The public meeting notice shall be provided not later than the 31st day before the date of the meeting. If a public meeting is requested, it will be legislative in nature and not a contested case hearing under the Texas Administrative Procedure Act (Government Code, Chapter 2001).

Interested parties may submit a written request for a public meeting or may submit written comments to the Commission relative to the proposed listing of the Poly-Cycle (Palmer) site to the attention of Michael Bame CPG, TNRCC, Pollution Cleanup Division, MC-143, P.O. Box 13087, Austin, Texas 78711-3087; telephone (800) 633-9363 (within Texas only) or (512) 239-5658.

The Executive Director of the TNRCC prepared a brief summary of the Commission's records regarding this site. This summary, and a portion of the records for the site, is available for inspection and copying during the business hours of the City of Palmer, 113 Jefferson, Palmer, Texas, (972) 845-3288. 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.

Copying of file information is subject to payment of a fee.

TRD-9802790
Kevin McCalla
Director, Legal Division
Texas Natural Resource Conservation Commission
Filed: February 25, 1998

Texas Parks and Wildlife Department

Annual Meeting of Gulf States Fisheries Commission

The Gulf States Marine Fisheries Commission will hold its 47th Annual Spring Meeting March 16-20, 1998. Florida is the host state and arrangements have been made to convene at the Sandestin Beach

Hilton Golf and Tennis Resort, 4000 Sandestin Blvd. South, Destin Fl. (904) 267-9600.

All persons interested in the Gulf States Marine Fisheries Commission are invited to attend. For additional information please call Virginia K. Herring (601) 875-5912.

TRD-9802455
Bill Harvey
Regulatory Coordinator
Texas Parks and Wildlife Department
Filed: February 18, 1998

Public Utility Commission of Texas

Notice of Application for Amendment to Service Provider Certificate of Operating Authority

On February 18, 1998, State Discount Telephone filed an application with the Public Utility Commission of Texas (PUC) to amend its service provider certificate of operating authority (SPCOA) granted in SPCOA Certificate Number 60147. Applicant intends to expand its geographic area to include the entire state of Texas.

The Application: Application of State Discount Telephone for an Amendment to its Service Provider Certificate of Operating Authority, Docket Number 18853.

Persons with questions about this docket, or who wish to intervene or otherwise participate in these proceedings should make appropriate filings or comments to the commission at the Public Utility Commission of Texas, at P.O. Box 13326, Austin, Texas 78711-3326 no later than March 11, 1998. You may contact the PUC Office of Customer Protection at (512) 936-7120. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136. All correspondence should refer to Docket Number 18853.

TRD-9802521
Rhonda Dempsey
Rules Coordinator
Public Utility Commission of Texas
Filed: February 20, 1998

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 February 20, 1998, for a service provider certificate of operating authority (SPCOA), pursuant to §§54.154 - 54.159 of the Public Utility Regulatory Act (PURA). A summary of the application follows.

Docket Title and Number: Application of Cellufone of Texas, Inc. for a Service Provider Certificate of Operating Authority, Docket Number 18860 before the Public Utility Commission of Texas.

Applicant intends to provide resold local switched services. This includes, but may not be limited to, monthly recurring, flat-rate local exchange service, extended area service, extended metro service, foreign exchange service, foreign business office service, toll restriction, call control options, tone dialing, custom calling services, Caller ID and any other services which are available for resale from the underlying incumbent local exchange carriers (ILECs) authorized to do business within the proposed service area.

Applicant's proposed service area includes the entire state of Texas.