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**Community Relations Plan**

for

**Poly-Cycle Industries, Inc. - Tecula**

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**Austin, Texas**

**May 2004**

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# **Poly-Cycle Industries, Inc.- Tecula State Superfund**

## **Community Relations Plan** May 2004

**On the Web:**

[www.tnrcc.state.tx.us/permitting/remed/superfund/polycycl-tecula.html](http://www.tnrcc.state.tx.us/permitting/remed/superfund/polycycl-tecula.html)

COMMUNITY RELATIONS PLAN  
for Proposed State Superfund Site  
Poly-Cycle Industries, Inc., Tecula  
Cherokee County, Texas  
May 2004

Remediation Division  
Texas Commission on Environmental Quality  
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[www.tnrcc.state.tx.us/permitting/remed/superfund/polycycl-tecula.html](http://www.tnrcc.state.tx.us/permitting/remed/superfund/polycycl-tecula.html)

**COMMUNITY RELATIONS PLAN**  
**for**  
**POLY-CYCLE INDUSTRIES, INC., TECULA**  
**May 2004**

Inquiries relating to the Poly-Cycle Industries, Inc., Tecula proposed state Superfund Site should be directed to:

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- I. *Texas Register* public notice regarding proposal of the Poly-Cycle Industries, Inc., Tecula site to the state Superfund registry and appropriate land use designation. Published July 25, 2003.
- II. *Jacksonville Daily Progress* public notice regarding proposal of the site to the state Superfund registry and appropriate land use designation. Published July 25, 2003.
- III. Site Location Map  
Site Map

# **Community Relations Plan for Poly-Cycle Industries, Inc., Tecula Cherokee County May 2004**

## **Overview of Community Relations Plan**

This Community Relations Plan (CRP) identifies issues of community concern regarding Poly-Cycle Industries, Inc., Tecula (Poly-Cycle) proposed state Superfund site, in Cherokee County, Texas. It also outlines the anticipated community relations activities to be conducted during each phase of the Remedial Investigation/Feasibility Study for the Poly-Cycle site.

The Poly-Cycle site 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 site. The TCEQ will conduct community relations activities to ensure that the local public has input to decisions and access to information about Superfund activities at the Poly-Cycle site.

This plan is based primarily from the information from the TCEQ hazard ranking system package prepared for the site.

# Site Profile

## Site Location and Description

Latitude 32°01' 23" North and Longitude 95°11'23" West, 1.25 miles northeast of Tecula, Cherokee County, Texas.

The entire site is approximately 35 acres. Approximately nine acres were excavated during the removal action that began during March 1991. The site is northeast of Tecula on the southeast corner of the intersection of Farm-to-Market 2064 and County Road 4216, in Cherokee County. The Union Pacific Railroad makes up the southern boundary of the 35 acre site.

## Site Background

Poly-Cycle operated a lead battery recycling operation. The facility first operated under the name New Rocky Point International, then changed its name to Poly-Cycle Industries, with no change in operations. The facility came under intense scrutiny after 1983 when a physician notified the U.S. Occupational Safety and Health Administration (OSHA) of a worker seriously ill with lead intoxication. OSHA documented approximately 24 cases of lead poisoning between October 1983 and August 1989. In 1983, the site received contaminated soil from a nearby Poly-Cycle operation in Jacksonville. In 1984 lead contamination was documented in soils at 281,000 parts per million (ppm). Additional analysis in 1986 documented 350,000 ppm of lead in soils. Although numerous violation notices were issued, the owner failed to abide by orders or agreements to cease operations or to reduce the hazard. Finally, in 1991, the U. S. Environmental Protection Agency (EPA) was granted court authority to enter the site and abate the substantial endangerment. EPA excavated nine acres of contaminated soil, constructed two temporary buildings and filled them with 2, 200 bags, each with 1.7 cubic yards of contaminated soil. The remaining contaminated soil was consolidated in a stockpile and covered with a two-foot soil cap that was seeded. A portion of the soil cap has since eroded. The results of February 2000 soil sampling showed lead still to be a matter of concern.

# Site Chronology

[Note: The state agencies referred to in this chronology as the 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), are now known as the Texas Commission on Environmental Quality. The name change to Texas Commission on Environmental Quality, became effective September 1, 2002, under State House Bill 2912 of the 77<sup>th</sup> Regular Legislative Session.]

September 14, 1982, the TACB documented on-site soil containing 35.23% lead by weight.

December 17, 1982, the TDH and TACB conducted an investigation resulting in a notice of violation (NOV) letter being issued on December 21, 1982, for constructing a grinding facility without a permit and not paving its parking lot with asphalt as represented in its application.

October 1983, OSHA began inspecting the facility after a physician notified them of an employee seriously ill with lead intoxication. OSHA has documented approximately 24 cases of lead poisoning, between October 17, 1983 and August 25, 1989.

September 21 and October 3, 1984, the TACB documented lead contaminated soil, up to 281,000 ppm. A NOV was issued November 19, 1984.

January 4, 1985, Wesley Ray, facility owner, met with the TACB and submitted a compliance plan.

February 7 and 14, 1986, the TACB documented lead concentrations up to 350,000 ppm in soil. NOV's were issued on February 19 and March 19, 1986.

April 3 and August 13, 1986, the TWC conducted sampling inspections. Soil samples were hazardous, exhibiting the characteristics for toxicity for cadmium and lead.

October 1986, the TACB requested the Office of the Texas Attorney General to file suit to close the facility due to illegal emissions and lack of required permits.

November 11, 1986, the TWC received a complaint from a former employee that he observed Poly-Cycle burying lead contaminated soil beneath a concrete slab.

November 24, 1986, the TWC conducted a Compliance Evaluation Inspection (CEI). twenty-one violations of solid waste regulations were noted. On February 17, 1987, the TWC issued a NOV as result of the November 24, 1986 CEI inspection.



December 12, 1986, the TWC submitted the case to enforcement.

January 15, 1987, the TWC confirmed a complaint from an adjoining property owner that plastic and soil was being dumped at night near his property.

March 28, 1987, the TWC found lead contaminated storm water discharging from the southeast corner of the site.

August 1987, the TWC issued a Resource Conservation Recovery Act Administrative Order to Poly-Cycle. The case was referred to the Attorney General when Poly-Cycle did not comply.

September 4, 1987, the TWC sent Mr. Wesley Ray a "Notice to Executive Director's Preliminary Report and Petition for a Texas Water Commission Order Assessing Administrative Penalties and Requiring Certain Actions at Poly-Cycle Industries, Tecula Facility."

June 20, 1988, OSHA measured lead concentrations in the air from 102 to 360 ug/m<sup>3</sup>. The permissible exposure limit for lead is 50 ug/m<sup>3</sup>.

April 18, 1989, the EPA issued an Administrative Order Docket No. VI-89-1039 for violations of discharging into the waters of the United States without permits. The order required Poly-Cycle to cease and desist from all discharge into waters of the United States.

May 4, 1989, the TWC referred Poly-Cycle to the Office of the Texas Attorney General for litigation. This referral was the result of several TWC inspections, conducted January 15 and 21, 1987; March 24, 1987; December 29, 1987; February 13, 1988; March 4, 1988; December 2, 1988. The Attorney General's Office filed a lawsuit to prevent Poly-Cycle from operating until all discharges of industrial wastes were stopped.

July 27, 1989, a modified settlement injunction, based on negotiations between Poly-Cycle and TWC, was issued by a Cherokee County District Judge.

July 31 and October 11, 1989, TWC continued to note Poly-Cycle's failure to comply with the Agreed Temporary Injunction.

October 30, 1989, the EPA issued Administrative Order Docket No. VI-89-288 for violations of the Clean Water Act.

November 15, 1989, Mr. Wesley Ray was indicted for illegal dumping of hazardous substance by the Cherokee County District Court.

January 31, 1990, the TWC and Internal Revenue Service inspectors noted much of the process equipment had been removed from the site. The sulfuric acid tanks, piles of processed battery components, waste piles of lead sludge, and surface impoundments remained. The facility did not

have an approved closure plan.

March 7, 1990, TWC was denied access to the site. Further attempts to gain access by the TWC were also unsuccessful.

August 31, 1990, the site was referred to the EPA's Emergency Response Branch, by OSHA.

February 20, 1991, the EPA was unsuccessful in their attempts to contact the owner/operators to negotiate an Administrative Order.

March 8, 1991, the EPA signed an Action Memorandum approving a Removal Action at the site.

March 11, 1991, the U. S. Department of Justice filed an application for an Administrative Search Warrant, which was approved and granted authority to any agent of the EPA and their designated contractors, agents, and employees for search and entry to abate imminent and substantial endangerment at the site.

March 12, 1991, the warrant was served. No owner or operator was present at the time.

March 14, 1991, the theft of Poly-Cycle business and financial records was reported. Also the EPA contracted twenty-four hour site security and began assessing lead levels in soil, which were found to range from 2,830 to 365,000 ppm. Air lead levels ranged up to 166.0 ug/m. 3,740 ppm lead concentration was found in the off-site fishery, Russell's Pond.

April 2, 1991, Carl Hickman of the Agency for Toxic Substances and Disease Registry recommended cleaning up surface soils to 1,000 ppm and drainage pathways to 500 ppm.

April 5, 1991 to January 2, 1992, the EPA's contractors removed site structures and contaminated soil and sediment from the site and from off-site Russell's Pond. They conducted confirmation sampling and backfilled the excavated areas. Two temporary buildings were constructed for storage of highly-contaminated waste. Buildings A and B were filled with a total of 2,200 1.7 cubic yard bags of highly contaminated waste, 1,100 bags per building. Remaining lead-contaminated soil was consolidated in a stockpile. The soil was compacted and covered with a geomembrane underliner, a 40 mil high density polyethylene liner, two foot cap of clean material, and a pre-seeded straw and coconut grass mat. A silt fence was installed in two concentric rings to reduce erosion. A six-foot security fence was built around the stockpile, foundations of the dismantled process buildings, and the two locked temporary storage buildings.

October 1994, the EPA's Technical Assistance Team conducted a follow-up inspection and found that additional response actions were necessary due to erosion of the stockpile's cap and the fence was in need of repair. The additional response actions were approved on December 19, 1994.

February 24, 2000, the TNRCC conducted a soil and sediment sampling event. Sample analysis results revealed lead concentrations ranging from 98 ppm to 290 ppm.

August 2000, notification letters were issued to potential responsible parties Exide Corporation, GNB Technology, and RSR Corporation, which expressed interest in working with the TNRCC Voluntary Cleanup Program to remediate the Jacksonville and Tecula Poly-Cycle sites.

April 15, 2002, Exide Technologies filed Chapter 11 bankruptcy.

August 15, 2002, a hazard ranking system (HRS) documentation record was prepared for the Poly-Cycle site by the TCEQ. The complete HRS is available as part of official repository records at the Jacksonville Public Library and at the TCEQ Records Management Center.

September 30, 2002, Exide Corporation acquired GNB Technologies and was renamed Exide Technologies.

July 25, 2003, a legal notice was published in the *Texas Register*, (28TexReg 5910-5911) and in the *Jacksonville Daily Progress* describing the site, proposing the site for listing on the state Superfund registry and proposing nonresidential land use for the site.

August 28, 2003, a public meeting to obtain additional information regarding the site relative to its eligibility for listing on the state registry, identify additional potentially responsible parties, and obtain public input and information regarding the appropriate use of land on which the facility is located was held at the Jacksonville Public Library Auditorium, 502 South Jackson, Jacksonville, Texas.

# Community Profile

Tecula, formerly known as Reynolds, is a farming community on Farm Road 2064, that is located fifteen miles north of Rusk in northern Cherokee County. It is located in central East Texas, bordered on the north by Smith County, on the east by Rusk and Nacogdoches counties, on the south by Angelina County, and on the west by Anderson and Houston counties. It was named for the Cherokee Indians, who lived in the area before being expelled in 1839. Rusk, the county seat, is 130 miles southeast of Dallas and 160 miles north of Houston.

Tecula was settled before the Civil War, but a community did not develop at the site until the early 1870s, when the International and Great Northern Railroad was built through the vicinity. In 1873 a post office named Reynolds was established, and in 1875 a depot was built. The post office closed in 1875 but reopened in 1900, when Reynolds had a mill, a gin, and several businesses. The post office was suspended in 1926, but the community kept the name.

The soil surface in Cherokee County consists of sandy and clay loams interspersed with alluvial bottoms. Redlands cover a fourth of the county. A forest of shortleaf and loblolly pine with mixed hardwoods covers 57.6 percent of the land. Timber, rich soils, abundant water, oil, natural gas, clays, and iron ore lead the list of natural resources. The hilly terrain ranges from 250 to 570 feet above sea level. The Neches River forms the western boundary of the county and the Angelina River the southeastern boundary. Three major reservoirs lie wholly or partly within the county: Lake Palestine, Stiker Creek Reservoir, and Lake Jacksonville. The underlying Carrizo-Wilcox aquifer provides much of the water supply to municipalities. Average annual rainfall is 44.26 inches. The temperature ranges from an average low of 30° F in January to an average high of 94° F in July. The average growing season extends 258 days.

The 2000 census data for the nearest town, Jacksonville, showed a population of 13,868. The racial makeup of the City of Jacksonville, from the 2000 census, was

White	62.60 %
African American	21.70%
Native American	0.48%
Asian	0.68%
Pacific Islander	0.13%
Other races	12.72 %
Two or more races	1.69%
Hispanic or Latino of any other race	made up 23.04%

# Community Involvement

Most of the area residents are aware of the Poly-Cycle, Tecula site, as well as a second Poly-Cycle site on the south side of Jacksonville. On January 28, 2003, TCEQ staff met in Jacksonville with City of Jacksonville and County officials, plus the Jacksonville ISD Superintendent, representatives from the Neches River Authority and representatives from Texas Farm Products/Lone Star Feed and Seed Store to update them on the Poly-Cycle, Tecula and Poly-Cycle, Jacksonville sites. The TCEQ project manager gave a brief presentation on the Superfund process and scoring of the sites.

During this briefing, some participants questioned the listing of the Poly-Cycle, Jacksonville site to the state Superfund registry. Their concern centered on the fact that the Jacksonville site had received a letter from TDH in December 1984 saying that TDH considered the facility properly decontaminated and closed. In addition, participants pointed out that the person responsible for the contamination at the sites had served time in prison for his actions.

The Nichols Intermediate School is to the west of the Poly-Cycle, Jacksonville site Superfund site. The site is now owned Texas Farm Products Inc., which operates the Lone Star Feed and Seed Store. Texas Farm Products Inc., bought the 7.006 acre site on December 6, 1984 and sold 1.86 acres to Dement Fitness Center in 1999. The Jacksonville Independent School District Superintendent requested that TCEQ test the Nichols School property for lead. The school district also hired a contractor to do additional testing on the school property.

On August 23, 2003, at 7:00 p.m., the TCEQ conducted a public meeting in Jacksonville to propose the Tecula Poly-Cycle site to the state Superfund registry and to propose nonresidential land use. The public meeting attendees consisted of representatives of potentially responsible parties, Angelina and Neches River Authority officials, and city and county officials. After the public meeting, the TCEQ received a number of inquiries about the site.

## **Specific Objectives of 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 and our communications 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, 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 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 CRP to address changes in community needs and to maintain accuracy during different project phases.

# Community Relations Techniques & Tools

1. Project Status Briefing, for state and local officials - to periodically inform them of project developments over the course of the project.
2. 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.
3. Public Consultation - to conduct informal meetings (if needed) with residents to provide an opportunity for affected residents to express any concerns and to make inquiries to ensure effective two-way communication.
4. Program Document Repository - to maintain an easily accessible repository through which the public may review project outputs.
5. TCEQ 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](http://www.tnrcc.state.tx.us/permitting/remed/superfund/index.html)
6. Community Relations Plan - to reflect changes in site activities or local concerns. After the Proposed Remedial Action Document has been issued, the Community Relations Plan will be revised to address implementation of the selected remedial action.

# Elected Officials

## State

The Honorable Todd Staples  
Texas State Senator  
P.O. Box 12068  
Austin, TX 78711

District address:

P. O. Box 2208  
Palestine, TX 75802

The Honorable Chuck Hopson  
Texas House of Representative  
P. O. Box 2910  
Austin, TX 78768-2910

District address:

215035 Jackson, Ste 6  
Jacksonville, TX 75766

## City

The Honorable Kenneth Durrett  
Mayor, City of Jacksonville  
P. O. Box 1390  
Jacksonville, TX 75766

## County

The Honorable Chris Davis  
Cherokee County Judge  
County Courthouse  
502 N. Main St.  
Jacksonville, TX 75785

The Honorable Moody Glass  
Cherokee County Commissioner  
County Courthouse  
502 N. Main St.  
Jacksonville, TX 75785



# Area News Media

*Jacksonville Daily Progress*  
525 E. Commerce  
Jacksonville, TX 75766

# Key Project Personnel

Mr. Alonzo Arredondo, Project Manager

TCEQ Remediation Division

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# Program Document Repositories

Texas Commission on Environmental Quality  
Records Management Center

Physical Address: Building E, First Floor  
12100 Park 35 Circle  
Austin, TX 78753

Mailing Address: P.O. Box 13087, Mail Code 199  
Austin, TX 78711-3087

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Jacksonville, TX 77566  
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