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**Notice of Intent to Delete
State Marine**

from the

Texas Superfund Registry

as published in the

Texas Register

(23 TexReg 11859)

on

November 20, 1998

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

at

**Port Arthur Public Library
3601 Cultural Center Drive
Port Arthur, Texas**

and/or

**TNRCC Records Management Center
Austin, Texas**

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recharge feature is largely dependent on local relief and the contour interval accuracy on these maps is only plus or minus one-half of the contour interval....”

On page 10449, there was a typographical error which occurred in the fifth paragraph. The sentence should read: “The City of Austin criteria specifies a one half inch Water Quality Volume (WQV)

On page 10458, there was a typographic error which occurred in the fourteenth paragraph. The sentence should read: “...1) projects for which a preliminary subdivision plat for the project has been filed and approved by the city and/or county...”

On page 10464, there were typographic errors which occurred in the seventh paragraph. The sentence should read: “..., where applicable, exempting smaller development activities with little or no potential for impacting water quality rights, and providing....”

On page 10468, there was typographical error which occurred in the ninth paragraph. The sentence should read: “The commission responds that the scope of regulation suggested by the commenter is under the jurisdiction of the Railroad Commission of Texas.”

On page 10470, there was a typographical error which occurred in the sixth paragraph. The sentence should read: “A contributing zone plan ~~and~~ is required to be submitted and approved and temporary erosion and sedimentation controls are required to be used.”

On page 10471, there was a word inadvertently omitted from the ninth paragraph. The sentence should read: “A motion for reconsideration filed by an individual who is not an affected person will not be granted.”

On page 10473, the incorrect number of days was referenced in the second paragraph. The sentence should read: “The commission agrees with this comment and has revised the rule to allow the executive 16 ~~21~~ days to issue a letter approving or denying an application. If the executive director does not respond within 16 ~~21~~ days, the application shall be deemed to be granted.”

On page 10477, a typographical error occurred in the statutory authority of Subchapter A. The sentence should read: “..., §26.121 prohibits unauthorized discharges, §26.401 gives the goal for ground-water protection in the state,....”

On page 10489, the effective date year was incorrectly referenced as June 1, 1998. The effective date should be June 1, 1999.

On page 10492, typographical errors occurred in §213.24(1)(B)(ii) and §213.24(2)(5)(E), it should read as follows:

“(ii) the layout of the development, and existing and finished contours at appropriate, but not greater than ten foot contour intervals; ~~and~~”

(E) Temporary sediment pond or basin construction plans and design calculation for a proposed temporary BMP or measure must be prepared by or under the direct supervision of a Texas Licensed Professional Engineer. All construction plans and design information must be signed, sealed, and dated by the Texas Licensed Professional Engineer.



Notice of Intent to Delete State Marine State Superfund Site

The executive director of the Texas Natural Resource Conservation Commission (TNRCC) by this notice is issuing a public notice of intent to delete a facility from the state registry (state Superfund list) 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 State Marine state Superfund site that was originally placed on the state Superfund list in January 1987. The site is on Pleasure Islet, on Old Yacht Club Road, in the city of Port Arthur, Jefferson County, Texas.

While the site remained on the state Superfund list, it was proposed to the federal Superfund National Priorities List (NPL) on March 6, 1998 and later finalized as a listed NPL site on September 28, 1998.

The executive director has determined that this site has been accepted under the Federal Superfund program and is therefore eligible for deletion from the list of sites on the state Superfund list in accordance with Texas Health and Safety Code §361.183(d).

In accordance with 30 Texas Administrative Code (TAC) §335.344(b), the TNRCC shall hold a public meeting to receive comment on this intended deletion if requested to do so by the public. This meeting will not be considered a contested case hearing within the meaning of Texas Government Code, Chapter 2001. Section 335.344 (b) of 30 TAC states that a meeting shall be held upon initiation by the executive director or by requests filed with the executive director. Since the executive director does not intend to initiate a public meeting, TNRCC will not hold a public meeting unless the executive director receives a request for such from the public before 5:00 p.m., December 21, 1998.

If a public meeting is requested, at least 30 days before the date set for the meeting, notice shall be provided by first class mail to all Potentially Responsible Parties, and by publication in a newspaper of general circulation in the county where the facility is located. The person submitting the request for a public meeting shall bear the cost of the publication of the notice.

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 interested person(s) before the designated date, the State Marine state Superfund site will be deleted from the state Superfund list.

All inquiries regarding the State Marine state Superfund site or requests for a public meeting should be directed to Alonzo Arredondo, TNRCC, Remediation Division, MC-143, P. O. Box 13087, Austin, Texas, 78711-3087; telephone (800) 633-9363 (within Texas only) or (512) 239-2145. A portion of the record for this site, including documents pertinent to the executive director's determination, is available for review during regular business hours at the Port Arthur Public Library, 3601 Cultural Center Drive, Port Arthur, Texas 77642, (409) 985-8838. Copies of the complete public file may be obtained during regular business hours at the TNRCC, Central Records, Building D, North Entrance, Room 190, 12100 Park 35 Circle, Austin, Texas, 78753, telephone (800) 633-9363 or (512) 239-2920. Photocopying of file information is subject to payment of a fee.

TRD-9817415
Margaret Hoffman
Director, Environmental Law Division
Texas Natural Resource Conservation Commission
Filed: November 10, 1998



Public Notice

The Texas Natural Resource Conservation Commission (TNRCC) is required under the Texas Solid Waste Disposal Act, Texas Health