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**Notice of Final Deletion**

of

**Waste Oil Tank Services**

from the

**Texas Superfund Registry**

as published in the

***Texas Register***

**(22 TexReg 10819-10820)**

on

**October 31, 1997**

**The records for this site, including documents  
pertinent to the determination to delete, are  
available for viewing and copying**

**at**

**TNRCC Records Management Center  
12100 Park 35 Circle, Bldg E  
Austin, Texas**

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small business exemption; STAFF ATTORNEY: Kathy Keils, Litigation Support Division, MC 175, (512) 239-0678; REGIONAL OFFICE: 1921 Cedar Bend, Suite 150, Austin, Texas 78758-5336, (512) 339-2929.

Issued in Austin, Texas, on October 15, 1997.

TRD-9713635

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Filed: October 15, 1997



## Public Notices

Public Notice: Re-posted Positions - Request for Nominations to Appoint Two Individuals to the Municipal Solid Waste Management and Resource Recovery Advisory Council

The Texas Natural Resource Conservation Commission (TNRCC) is soliciting nominations for the following two individuals to serve on the Municipal Solid Waste Management and Resource Recovery Advisory Council:

1. An elected official from a municipality with a population of 750,000 or more (Un-expired Term Ends August 31, 1999)
2. A registered waste tire processor (Term Ends August 31, 2003)

The Municipal Solid Waste Management and Resource Recovery Advisory Council was mandated by the 69th Legislature (1983) and is composed of 18 members representing various segments of the regulated community; i.e., city and county solid waste agencies, a commercial solid waste landfill operator, solid waste districts/authorities, an environmentalist, city and county officials, a tire processor, a financial advisor, a professional engineer, a solid waste professional, a composting/recycling manager or educator, and two general public representatives.

The Council reviews and evaluates the effect of state policies and programs on municipal solid waste management; makes recommendations to the TNRCC Commissioners on matters relating to municipal solid waste management; recommends legislation to the Commissioners to encourage the efficient management of municipal solid waste; recommends policies to the Commissioners for the use, allocation, or distribution of the planning fund; and recommends to the Commissioners special studies and projects to further the effectiveness of municipal solid waste management and recovery for the state of Texas.

Council meetings are held a minimum of four times per year and committee meetings as needed. The meetings usually last one full day and are held in Austin, Texas. Members are not reimbursed for expenses incurred to attend meetings and do not receive financial compensation.

**To nominate an individual:** (a) identify which position the individual is interested in representing and, (b) ensure that the person meets the qualifications.

**Each nominee should:** (a) submit a biographical summary including the individual's experience and qualifications, and (b) submit a letter indicating their agreement to serve, if appointed.

Appointments will be made by the TNRCC Commissioners.

Written nominations are to be received in the TNRCC Municipal Solid Waste Division by 5:00 p.m., on November 7, 1997. Nominations should be directed to: Gary W. Trim, Special Programs Director, Municipal Solid Waste Division, TNRCC, P.O. Box 13087, MC 124, Austin, Texas 78711-3087 or fax to (512) 239-6717. Questions regarding the Municipal Solid Waste Management and Resource Recovery Advisory Council can be directed to Mr. Trim at (512) 239-6708.

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TRD-9713662

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Filed: October 15, 1997



The executive director of the Texas Natural Resource Conservation Commission (TNRCC) by this notice is issuing a public notice of deletion (delisting) a facility from the State Registry (State Superfund Registry) of sites which may constitute an imminent and substantial endangerment due to a release or threatened release of hazardous substances into the environment.

The site which has been delisted is the Waste Oil Tank Service State Superfund site which was originally placed on the State Superfund Registry list on January 22, 1988 (13 TexReg 427-428). The site is located on a one-half acre lot in north-central Houston near the intersection of Aldine Westfield Road and Hartwick Road (2010 Hartwick Road). The site has been cleared and currently is vacant and enclosed by a chain-link fence with a locked gate. The fence and gate have been inspected and maintained on a monthly basis.

In 1975, the site was developed to operate as a waste oil collection and transfer facility and stored waste oil collected from various sources in the greater Houston area. The primary source of waste oil was gasoline retail stations; however, waste oil was also reportedly collected from nearly every significant waste oil generator in the Houston area. In addition, paint thinner, transformer oil, lubricating oil, diesel fuel, compressor oil, crude-slop, mineral spirits, methyl ethyl ketone, trichloroethylene, xylene, naptha, spent acid solution, antifreeze, hydraulic oil, solvents with organic residues, and miscellaneous chemicals were handled at the site. Activities at the site decreased in magnitude between 1984 and 1991, and ceased in 1991.

A waste characterization study was completed during July and August, 1995 to characterize the nature and volume of wastes present at the site. Subsequent to the completion of the waste characterization study, a waste removal action was performed during October and November, 1995. A total of 58,476 gallons of oily water, oily water/sludge, rainwater, and oil and water were removed from the site and either injected into a permitted deep well, properly disposed of at a permitted landfill, or treated. A total of 748 cubic yards of soil, oily sludge and water, concrete and debris were also removed and properly disposed of at a permitted landfill. A total of sixty five 55-gallon drums were cleaned, crushed, and combined with the on-site debris and disposed of at a permitted landfill. A previously-unreported 2,000 gallon underground storage tank was removed and cleaned and transported to a recycling center along with 67 used automobile tires.

A remedial investigation work plan was developed and submitted to the TNRCC for review. The purpose of the remedial investigation was to characterize the current condition of the surface soils, subsurface soils, surface water, and groundwater at the site. The scope of work included the collection and analysis of surface and subsurface soils, the installation of groundwater monitoring wells and the collection and analysis of surface water samples from the ditch located directly in front of the site. The remedial investigation work plan was approved by the TNRCC on April 25, 1996.

The remedial investigation was completed and a report dated August 7, 1996, was submitted to the TNRCC for review. Based on an evaluation of all identified media of concern at the site, lead in surface soil and benzene, iron and manganese in groundwater were identified as requiring further evaluation at the site. To further evaluate groundwater, a quarterly groundwater sampling and monitoring program was initiated. The remedial investigation report was approved by the TNRCC on September 30, 1996.

Site risks were evaluated through the preparation of a human health risk assessment which used facts and assumptions to estimate potential adverse effects on human health from exposure to the existing contamination at the site. A draft risk assessment dated December 2, 1996 was prepared and submitted to the TNRCC for review. The draft risk assessment concluded that there were three areas at the site that had concentrations of polynuclear aromatic hydrocarbons (PAHs) above background concentrations in the surface soils. Therefore, on March 10, 1997, a supplemental removal action was conducted in an attempt to remove the surface soils down to background levels in the aforementioned three areas of concern. A total of 30 cubic yards of soil was removed and transported off-site for disposal at a permitted landfill.

Subsequent to the completion of a supplemental removal action report, the human health risk assessment was revised to incorporate current site conditions. The constituent database for surface soils was revised by substituting the results associated with the soil removed during the supplemental removal action with the confirmatory samples. The confirmatory test results indicated that there are surface soils with concentrations slightly above background concentrations but well below residential cleanup standards. The final human health risk assessment dated June 3, 1997, was submitted to the TNRCC for review. The final human health risk assessment concluded the evaluation of potential future exposure of on-site residents or workers to surface soils, subsurface soils, and groundwater indicates the site no longer poses an unacceptable risk to human health and therefore no further action is warranted. The site specific analytical data for the site supports the conclusion that this site is usable for residential development without any further remedial action. A deed recordation has been placed on the site in order to document the levels of constituents which are slightly above background concentrations.

This notice is issued to finalize the delisting process which began on August 8, 1997, when the Executive Director of the TNRCC issued a public notice in the *Texas Register* (22 TexReg 7418) of TNRCC's intent to delist the Waste Oil Tank site from the List of Sites Proposed For Listing on the State Superfund Registry, following the determination made pursuant to 30 TAC §335.344(c), that the site does not present an imminent and substantial endangerment to public health and safety. The notice (22 TexReg 7418) further indicated that the TNRCC shall hold a public meeting, as required in 30 TAC §335.344(b), if a written request is filed with the executive director of the commission within 30 days, challenging the determination by the

executive director made pursuant to 30 TAC §335.344(c). Equivalent publication of this notice (22 TexReg 7418) were also published in the three local newspapers: Houston Chronicle of August 8, 1997, Northeast News of August 5, 1997, and Forward Times of August 6, 1997. The TNRCC did not receive any request for a public meeting from any interested persons during the request period (within 30 days of publication of notice); therefore, the Waste Oil Tank Services, of Houston, Texas, is hereby delisted from the Texas State Superfund Registry. In accordance with §361.188(d) of the Health and Safety Code, a notice was filed in the real property records of Harris County, Texas stating that the facility (Waste Oil Tank Services State Superfund site) has been deleted from the State Superfund Registry.

All inquiries regarding the delisting of the Waste Oil Tank Services State Superfund site should be directed to Barbara Daywood, TNRCC, Community Relations Unit, at 1-800-633-9363.

Issued in Austin, Texas, on October 22, 1997.

TRD-9714045

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Filed: October 22, 1997

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## Texas Parks and Wildlife Department

### Request for Proposals for Section 6 Funding

The Texas Parks and Wildlife Department (TPWD) is requesting proposals for fiscal year 1999. The Section 6 grants (money allotted to states from the Endangered Species Act) must concern a species (or a suite of species) that is federally listed as threatened or endangered or that is a federal candidate for listing. For FY 99, we are estimating up to \$120,000 in new project money. Due to the reduced amount of new project funds available, most (but not all) of the money will fund TPWD projects.

General TPWD priorities for proposal selection include; 1) projects that contribute to conservation solutions with an emphasis on public lands; 2) projects that contribute technical assistance information that can be used by landowners and managers; and 3) projects that generate new education and outreach materials and programs to reach the Texas public. Within the general priorities listed above, a variety of criteria are used to select projects, including the rarity of the species, the degree of threat, whether a void of information exists concerning it, whether the project will accomplish significant recovery for the species, and whether the project will have benefit to more than one species. To assist in developing relevant proposals, the Endangered Resources Branch (ERB) has prepared A Plan for Action to Conserve Rare Resources in Texas, which includes priority ranks and species conservation needs for each major taxonomic group. The Plan is available from the ERB. Additional guidance may be obtained from recovery actions listed in U.S. Fish and Wildlife Service recovery plans.

The amount of funding available for individual projects varies; however, most projects average \$10,000 to \$20,000 per year and 1-4 years in length. Section 6 funds are made available on 3:1 matching basis from the U.S. Fish and Wildlife Service. TPWD requires its contractors to provide the 25% match. The match may be in the form of salaries, in-kind services, etc., and may exceed 25%. TPWD may circulate proposals received (without author's name if requested)