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**Notice of Final Deletion**

of

**Butler Ranch**

from the

**Texas Superfund Registry**

as published in the

***Texas Register***

**(25 TexReg 5742-5743)**

on

**June 9, 2000**

**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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your property relative to the proposed activity. You may also submit any proposed conditions to the requested amendment which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the TNRCC Office of the Chief Clerk at the address provided in the information section below. If a hearing request is filed, the Executive Director will not issue the requested amendment and may forward the application and hearing request to the TNRCC Commissioners for their consideration at a scheduled Commission meeting.

Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TNRCC, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103 at the same address. For additional information, individual members of the general public may contact the Office of Public Assistance at 1 (800) 687-4040. General information regarding the TNRCC can be found at our web site at [www.tnrcc.state.tx.us](http://www.tnrcc.state.tx.us).

TRD-200003838

LaDonna Castañuela

Chief Clerk

Texas Natural Resource Conservation Commission

Filed: May 30, 2000



#### Proposal for Decision

The State Office Administrative Hearing issued a Proposal for Decision and Order to the Texas Natural Resource Conservation Commission on May 26, 2000. Assessing Administrative Penalties Against and Ordering Corrective Action by Bell Point Refining, L.L.C. SOAH Docket No.582-99-1126;TNRCC Docket No. 1998-1507-IHW-E. In the matter to be considered by the Texas Natural Resource Conservation Commission on a date and time to be determined by the Chief Clerk's Office in Room 201S of Building E, 12100 N. Interstate 35, Austin, Texas. This posting is Notice of Opportunity to Comment on the Proposal for Decision and Order. The comment period will end 30 days from date of publication. Written public comments should be submitted to the Office of the Chief Clerk, MC-105 TNRCC PO Box 13087, Austin Texas, 78711-3087. If you have any questions or need assistance, please contact Doug Kitts, Chief Clerk's Office, (512) 239-3317.

TRD-200003834

Douglas A. Kitts

Agenda Coordinator

Texas Natural Resource Conservation Commission

Filed: May 30, 2000



#### Public Notice

The executive director of the Texas Natural Resource Conservation Commission (TNRCC) is issuing a notice of deletion (delisting) of the Butler Ranch state superfund site (the site) 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.

TNRCC is delisting the site because pursuant to 30 TAC §335.344(c), the executive director has determined that the site no longer presents such an endangerment due to the removal or remedial actions that have been performed at the site.

In accordance with §335.334(b), the TNRCC held a public meeting to receive comment on this intended deletion on April 13, 2000, at the City Hall of Falls City, Texas. No challenges were received to the proposal to delete the site from the state superfund registry.

The site was originally proposed for listing on the state registry on January 16, 1987 (12 TexReg 205-206). The site, including all land, structures, appurtenances, and other improvements, is located approximately 12 miles west of Falls City, Karnes County, Texas. In addition, the site includes any areas outside the property boundary where hazardous substance(s) came to be located as a result, either directly or indirectly, of releases of hazardous substance(s) from the site property.

The site consists of two abandoned uranium mining pits that were used for the disposal of hazardous substances in the early to mid 1970's. The TNRCC designated these pits as Pit 1 and Pit 2. Pit 1 is located 11.1 miles west of Falls City, and immediately south of Farm-to-Market Road 791. Pit 2 is located 11.8 miles west of Falls City, and immediately south of Farm-to-Market Road 791.

From 1993 to 1995, the TNRCC performed a remedial investigation at the site to determine the nature and extent of contamination. The remedial investigation included the collection and analysis of surface and subsurface soils, the installation of groundwater monitoring wells, and the collection of surface water samples. From 1995 to 1996, the TNRCC performed a removal action that entailed the removal of 276 55-gallon drums containing hazardous substances and the excavation and disposal of approximately 820 cubic yards of contaminated soil. Surface soil samples were collected after the removal action was completed that indicated residual chemical constituents remain in the bottom of both pits.

The on-site shallow groundwater has been affected by the chemical constituents at the site; however, the shallow groundwater zone beneath the site is not a current source of drinking water and is incapable of supplying water in useable quantities. The TNRCC equates "useable quantities" as 150 gallons per day. For these reasons, existing concentrations of the chemical constituents found in the groundwater do not pose a threat to human health. In 1997, all site monitoring wells were properly plugged and abandoned.

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 chemical constituents. The future land use in Pit 1 and Pit 2 is considered to be commercial/industrial. Both pits contain very limited areas of chemical constituents that are at concentrations greater than their respective remediation goals. The risk assessment concluded that because of exposure and future land use considerations, adverse health effects are not expected at the site. The TNRCC will place a deed recordation on the site in order to document the levels of chemical constituents remaining at the site in the soils and groundwater.

Former uranium mining Pit 1 and Pit 2 are associated with the TNRCC and also the Railroad Commission of Texas (RRC). The RRC has and currently tracks these former mining pits as the J. M. Hackney site. The J. M. Hackney site has been listed on the RRC's list for consideration for reclamation. Because the residual chemical constituents found in the surface soils are located in the bottom of both former uranium mining pits, and because both pits are on the list for consideration for reclamation using monies from the Abandoned Mine Reclamation Fund, the TNRCC is deferring the Butler Ranch state superfund site to the RRC for further action. The site is not appropriate for residential use according to risk reduction standards applicable at the time of approval of the remediation final report.

In accordance with Texas Health and Safety Code, §361.188(d), a notice will be filed in the real property records of Karnes County, Texas stating that the site has been deleted from the state registry.

All inquiries regarding the deletion of the site should be directed to Bruce McAnally, Texas Natural Resource Conservation Commission, Community Relations, telephone numbers 1-800-633-9363 (within Texas only) or (512) 239-2141.

TRD-200003810

Margaret Hoffman  
Director, Environmental Law Division  
Texas Natural Resource Conservation Commission  
Filed: May 30, 2000



## Public Utility Commission of Texas

Notice of Application for a Good Cause Exception to P.U.C. Substantive Rules §25.141 and §25.142

Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) of an application on May 19, 2000, for good cause exception to P.U.C. Substantive Rules §25.141 and §25.142, pertaining to submetering.

Docket Title and Number: Application of Conrail Capital Management Corp. and American Properties for Good Cause Exception to P.U.C. Substantive Rules §25.141 and §25.142, and Request for Permission to Use Additional Billing Methods. Docket Number 22558.

The Application: Conrail Capital Management Corp. and American Properties (Conrail or Applicants) are property management companies involved in the management of master metered apartment houses primarily in North Texas. The Applicants seek good cause exemptions, and permission to use additional billing methods, in the billing by an apartment house owner of submetered and nonsubmetered master metered electricity to tenants.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas, 78711-3326 or call the commission's Office of Customer Protection at (512) 936-7120. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All comments should reference Docket Number 22558.

TRD-200003827

Rhonda Dempsey  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: May 30, 2000



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

On May 23, 2000, Tel-Save, Inc. filed an application with the Public Utility Commission of Texas (commission) to amend its service provider certificate of operating authority (SPCOA) granted in SPCOA Certificate Number 60118. Applicant intends to revise its certification to include facilities-based services provided through UNE-P arrangements with other certificated local exchange carriers.

The Application: Application of Tel-Save, Inc. for an Amendment to its Service Provider Certificate of Operating Authority, Docket Number 22572.

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 Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326 no later than June 12, 2000. You may contact the commission's 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 22572.

TRD-200003721

Rhonda Dempsey  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: May 25, 2000



Notice of Application for Certificate of Operating Authority

Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) of an application on May 24, 2000, for a certificate of operating authority (COA), pursuant to §§54.101 - 54.105 of the Public Utility Regulatory Act (PURA). A summary of the application follows.

Docket Title and Number: Application of KCC Telcom, Inc. for a Certificate of Operating Authority, Docket Number 22583 before the Public Utility Commission of Texas.

Applicant intends to provide a complete line of telecommunications services, including residential and business dial tone access lines, custom calling, CLASS and Voice Mail features, long distance, ADSL and ISDN, dial-up Internet service and high speed Internet access.

Applicant's requested COA geographic area includes the entire state of Texas.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas at P.O. Box 13326, Austin, Texas 78711-3326 or call the commission's Office of Customer Protection at (512) 936-7120 no later than June 14, 2000. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136.

TRD-200003829

Rhonda Dempsey  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: May 30, 2000



Notice of Application for Sale, Transfer, or Merger

Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) of an application for sale, transfer, or merger on May 23, 2000, pursuant to the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.101 (Vernon 1998).

Docket Style and Number: Application for Sale, Transfer, or Merger of Fort Bend Telephone Company and TXU Corporation. Docket Number 22575.

The Application: Fort Bend Telephone Company (FBTC) seeks approval of the merger of its parent company, Fort Bend Communication Companies, Inc. (FBCC), with TXUCOM Acquisition Co., a second tier subsidiary of TXU Corporation. FBTC will remain an operating subsidiary of FBCC. FBTC asserts that the merger will not result in