

The following is an Adobe Acrobat reproduction of the official

Notice of Intent to Delete

Hart Creosoting

from the

Texas Superfund Registry

as published in the

Texas Register

(24 TexReg 6574)

on

August 20, 1999

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

Jasper Public Library

175 E. Water Street

Jasper, Texas

and/or

TNRCC Records Management Center

Austin, Texas

Scroll Down to View

◆ ◆ ◆

Notice of Intent to Delete Hart Creosoting Company from the State Superfund Registry

The executive director of the Texas Natural Resource Conservation Commission (TNRCC or commission) is issuing a notice of intent to delete the Hart Creosoting Company state Superfund site from the state registry (state Superfund listing) 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 Hart Creosoting site was originally proposed to the state Superfund list on August 19, 1997 (22 TexReg 8311-8312). The site is located south of the City of Jasper, Jasper County, Texas, on the west side of State Highway 96, approximately one mile south of U.S. 190. While the site remained on the state Superfund list, it was proposed to the federal Superfund National Priorities List (NPL) on April 23, 1999, and later finalized as a listed NPL site on July 22, 1999.

The executive director has determined that this site has been accepted under the federal Superfund program, and is therefore now ineligible for listing on the state Superfund registry as provided by Texas Health and Safety Code, §361.183(d). Accordingly, the executive director is requesting deletion from the registry as authorized by §361.189(a).

In accordance with 30 TAC §335.344(b), the commission will 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. 30 TAC §335.344(b) 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, the commission will not hold a public meeting unless the executive director receives a request for one from the public before 5:00 p.m., Monday, September 20, 1999. If a public meeting is requested, 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, at least 30 days before the date set for the meeting. 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 Hart Creosoting Company state Superfund site will be deleted from the state Superfund list.

All inquiries regarding the Hart Creosoting Company state Superfund site or requests for a public meeting should be directed to Emmanuel Ndam, TNRCC Project Manager, MC-143, Remediation Division, P.O. Box 13087, Austin, Texas 78711-3087, telephone (800) 633-9363 (within Texas only) or (512) 239-2494. 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 Jasper Public Library, 175 East Water Street, Jasper, Texas 75951, telephone (409) 384-3791. Copies of the complete public file may be obtained during regular business hours at the commission's Records Management Center, Building D, North Entrance, Room 190, 12100 Park 35 Circle, Austin, Texas 78753, telephone (800) 633-9363 (within Texas only) or (512) 239-2920. Photocopying of file information is subject to payment of a fee.

TRD-9904977
Margaret Hoffman

Director, Environmental Law Division
Texas Natural Resource Conservation Commission
Filed: August 9, 1999

◆ ◆ ◆

Notice of Opportunity to Comment on Default Orders of Administrative Enforcement Actions

The Texas Natural Resource Conservation Commission (TNRCC or commission) Staff is providing an opportunity for written public comment on the listed Default Orders. The TNRCC Staff proposes a Default Order when the Staff has sent an Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; and the proposed technical requirements necessary to bring the entity back into compliance, and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPR. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the TNRCC pursuant to the Texas Water Code (the Code), §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **September 5, 1999**. The TNRCC will consider any written comments received and the TNRCC may withdraw or withhold approval of a Default Order if a comment discloses facts or considerations that indicate that the proposed Default Order is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the TNRCC's jurisdiction, or the TNRCC's orders and permits issued pursuant to the TNRCC's regulatory authority. Additional notice of changes to a proposed Default Order is not required to be published if those changes are made in response to written comments.

A copy of each of the proposed Default Orders is available for public inspection at both the TNRCC's Central Office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable Regional Office listed as follows. Written comments about the Default Order should be sent to the attorney designated for the Default Order at the TNRCC's Central Office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on September 5, 1999**. Written comments may also be sent by facsimile machine to the attorney at (512) 239-3434. The TNRCC attorneys are available to discuss the Default Orders and/or the comment procedure at the listed phone numbers; however, comments on the Default Orders should be submitted to the TNRCC in **writing**.

(1) COMPANY: Carroll Talent dba Freeway Texaco; DOCKET NUMBER: 1998-0176-AIR-E; TNRCC IDENTIFICATION (ID) NUMBER: EE-0836-F; LOCATION: Fabens, El Paso County, Texas; TYPE OF FACILITY: motor vehicle fuel dispensing; RULES VIOLATED: 30 TAC §114.100(a), formerly §114.13(a), and THSC, §382.085(b) by dispensing motor vehicle fuel that did not contain 2.7% oxygen by weight during the oxygenated fuel control period; PENALTY: \$750; STAFF ATTORNEY: Tracy Harrison Gross, Litigation Division, MC 175, (512) 239-1736; REGIONAL OFFICE: 7500 Viscount Boulevard, Suite 147, El Paso, Texas 79925-5633, (915) 778-9634.

(2) COMPANY: John Roof doing business as John Roof Dairy; DOCKET NUMBER: 1998-0248-AGR-E; TNRCC ID NUMBER: 12283; LOCATION: west side of County Road 1226, four miles north of U.S. Highway 67, Johnson County, Texas; TYPE OF FACILITY: dairy; RULES VIOLATED: 30 TAC §321.35 by failing to provide dewatering equipment at the facility and by failing to maintain adequate storage capacity in the wastewater retention pond to contain