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**Notice of Intent to Delete**

**Hi-Yield**

from the

**Texas Superfund Registry**

as published in the

***Texas Register***

**(23 TexReg 7136-7137)**

on

**July 3, 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

**Commerce Public Library**

**1210 Park Street**

**Commerce, Texas**

**and/or**

**TNRCC Records Management Center**

**Austin, Texas**

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for deletion from the list of sites proposed for the state Superfund registry in accordance with 30 Texas Administrative Code (TAC), §335.344(c).

In accordance with 30 TAC §335.344(b), the TNRCC shall hold a public meeting to receive comment on this intended deletion. This meeting is not considered a contested case hearing within the meaning of Texas Government Code, Chapter 2001. This meeting shall be held upon initiation by the executive director or by requests filed with the executive director before 5:00 p.m., August 3, 1998. At least 30 days prior to the date set for the meeting, notice shall be provided by first class mail to all Potentially Responsible Parties and other interested persons, and by publication in a newspaper of general circulation in the county where the facility is located. The person submitting the request shall bear the cost of publication of this notice. The executive director does not intend to initiate a public meeting. If a public meeting challenging this intention to delete by the executive director is not requested by a potentially responsible party or any interested person(s) before the designated date, the Aztec Mercury State Superfund Site will be deleted from the state Superfund registry.

All inquiries regarding the Aztec Mercury State Superfund Site should be directed to Carol Boucher, TNRCC Project Manager, at (800) 633-9363 (within Texas only) or (512) 239-2501. A portion of the record for this site, including documents pertinent to the executive director's determination, is available for inspection and copying at the following location: Alvin Branch Library, 105 South Gordon Street, Alvin, Texas 77511, (713) 388-4300. 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, (800) 633-9363 or (512) 239-2920. Copying of file information is subject to payment of a fee.

TRD-9810067

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Filed: June 24, 1998



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 Hi-Yield State Superfund Site that was originally proposed for listing as a Superfund site on September 21, 1993 (18 TexReg 6486-6487). The Hi-Yield State Superfund Site is in northeast Texas, in and near the Norris community, Commerce, Hunt County, Texas. This site lies in the vicinity of Ross, Sycamore, and Johnson Streets. The former Hi-Yield Chemical plant began operations in the early 1950s, which included the distribution of insecticides and cotton defoliants, the formulation and packaging of such products, and the manufacture of arsenic acid and monosodium methyl-arsenate. The operations continued until 1972. Releases of arsenic from the former plant resulted in elevated levels of arsenic on the former Hi-Yield Chemical plant, in Sayle Creek, and in the surrounding residential areas.

On July 9, 1993, the TNRCC began the sampling and study of residential soils. The TNRCC documented, from an extensive sampling effort, elevated levels of arsenic and pesticides both on and off the Hi-Yield site, including residential lots in the surrounding

Norris community. Elevated levels of arsenic were also found in stream sediment in nearby portions of Sayle Creek and at its confluence with the South Sulphur River. Site characterization was accomplished through an Immediate Removal Action Investigation, the purpose of which was to determine the nature and extent of off-site related contamination and define the off-site characteristics for the Immediate Removal.

The investigation revealed approximately 200 acres of surface soil contamination surrounding the former Hi-Yield Chemical plant. The primary contaminant of concern was arsenic that was used in the manufacture of cotton defoliant. Arsenic concentrations in surface soils ranged from 0.5 to 550mg of arsenic per kilograms of soil (ppm). Additionally, background levels of arsenic were established for a radius between approximately 2400 and 9600 feet from the former Hi-Yield Chemical plant. The background level of seven ppm was determined in a study entitled *Determination of Background Arsenic Concentration in Surface Soils in the Vicinity of Commerce, Texas*.

On September 6, 1994, a legal notice was published in the *Texas Register* and the *Commerce Journal* stating that more than 3,300 laboratory analyses on 2,000 samples showed that arsenic in the soil posed a threat to public health and safety on the approximate 200 acres of residential and commercial property surrounding the former chemical plant site. The threat was considered too serious to delay action. The notice announced a public meeting at the City Hall in Commerce on October 25, 1994 to receive comments on a proposed immediate remedial action which was excavation and off-site disposal of contaminated soil. In October 1994 the Texas Natural Resource Conservation Commission asked the U. S. Environmental Protection Agency (EPA) to accept responsibility for the removal action at the Hi-Yield Site. In November 1994, the EPA took over responsibility for remediation of the site. In 1995 and 1996, EPA conducted removal actions for the nearby residential areas by removing surface soils (to a depth of 2 feet) with arsenic concentrations in excess of 20 ppm. The removal action included portions of Sayle Creek. To complete the removal, contaminated soil was concentrated in a pile on the former Hi-Yield Chemical Site, surrounded by a ditched slurry wall and then capped with clean soil and vegetation.

As a result of this study and removal action, the executive director has determined that this site no longer presents an imminent and substantial endangerment to public health and safety and the environment and is therefore eligible for deletion from the list of sites proposed for the state Superfund registry in accordance with 30 TAC §335.344(c).

In accordance with 30 TAC §335.344(b), the TNRCC shall hold a public meeting to receive comment. This meeting is not considered a contested case hearing within the meaning of Texas Government Code, Chapter 2001. This meeting shall be held upon initiation by the executive director or by requests filed with the executive director before 5:00 p.m., August 3, 1998. At least 30 days prior to the date set for the meeting, notice shall be provided by first class mail to all Potentially Responsible Parties and other interested persons, and by publication in a newspaper of general circulation in the county where the facility is located. The person submitting the request shall bear the cost of the publication of the notice. The executive director does not intend to initiate a public meeting. If a public meeting challenging this determination of eligibility for deletion by the executive director is not requested by a potentially responsible party or by any interested person(s) before the designated date, the Hi-Yield State Superfund Site will be deleted from the state Superfund registry.

All inquiries regarding the Hi-Yield State Superfund Site should be directed to Mr. Alonzo Arredondo, TNRCC Project Manager, at

(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 inspection and copying at the Commerce Public Library, 1210 Park Street, Commerce, Texas, (903) 886-6858. 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. Copying of file information is subject to payment of a fee.

TRD-9810070  
Kevin McCalla  
Director, Legal Division  
Texas Natural Resource Conservation Commission  
Filed: June 24, 1998



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 Munoz Borrow Pits State Superfund Site that was originally placed on the state Superfund list on January 16, 1987 (12 TexReg 205). The Munoz Borrow Pits State Superfund Site (the site), including all land, structures, appurtenances, and other improvements, is 0.1 miles south of U.S. Highway 83 on the east side of State Highway 1016, in the City of Mission, Hidalgo County, Texas. In addition, the site includes any areas outside the site 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 is on the southern portion of an approximately 7.86 acre tract of land. During the late 1950's soil contaminated with pesticides and arsenic were deposited on the property.

The Texas Water Commission, predecessor agency to the TNRCC, conducted a remedial investigation/feasibility study at the site in two phases, which were completed in 1991 and 1993. The objectives of the remedial investigation were to characterize and identify the contamination at the site. The Baseline Risk Assessment Report, which measured the degree of hazard at the site, indicated that action was necessary to eliminate an imminent and substantial endangerment to human health and the environment.

From April through July 1997, the TNRCC excavated and removed soils containing concentrations of pesticides and arsenic which represented an endangerment to human health and the environment. All soils found to be above the cleanup goal were transported off-site and disposed of at a permitted disposal facility. The cleanup plan also required that a notice be placed in the deed records for the property, describing the actions taken to reduce the risk to human health and the environment and the condition of the property following the cleanup. The property is considered appropriate for residential use according to the risk reduction standards applicable at the time of this filing. As a result of the removal of the soil contaminated above cleanup levels, the executive director has determined that this site no longer presents an imminent and substantial endangerment to public health and safety and the environment and is therefore eligible for deletion from the list of sites proposed for the state Superfund registry in accordance with 30 TAC §335.344(c).

In accordance with 30 TAC §335.344(b), the TNRCC shall hold a public meeting to receive comment on this intended deletion. This meeting is not considered a contested case hearing within the meaning of Texas Government Code, Chapter 2001. This meeting shall be held upon initiation by the executive director or by requests filed with the executive director before 5:00 p.m., August 3, 1998. At least 30 days prior to the date set for the meeting, notice shall be provided by first class mail to all Potentially Responsible Parties and other interested persons, and by publication in a newspaper of general circulation in the county where the facility is located. The person submitting the request shall bear the cost of the publication of the notice. The executive director does not intend to initiate a public meeting. If a public meeting challenging this intention to delete by the executive director is not requested by a potentially responsible party or any interested person(s) before the designated date, the Munoz Borrow Pits State Superfund Site will be deleted from the state Superfund registry.

All inquiries regarding the Munoz Borrow Pits State Superfund Site should be directed to Jeffrey E. Patterson, TNRCC Project Manager, at (800) 633-9363 (within Texas only) or (512) 239-2489. A portion of the record for this site, including documents pertinent to the executive director's determination, is available for inspection and copying at the following location: Speer Memorial Library, 801 East 12 Street, Mission, Texas 78572-4416, (956) 580-8754. 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. Copying of file information is subject to payment of a fee.

TRD-9810068  
Kevin McCalla  
Director, Legal Division  
Texas Natural Resource Conservation Commission  
Filed: June 24, 1998



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 Wortham Lead Salvage State Superfund Site that was originally placed on the state Superfund list on January 16, 1987 (12 TexReg 205).

The Wortham Lead Salvage State Superfund Site (the "Site"), including all land, structures, appurtenances, and other improvements, is located on the northeast corner of U.S. Highway 175 and County Road 2938 in the northwest portion of Henderson County, Texas. The Site is located midway between Eustace and Mabank, Texas approximately 100 miles southeast of Dallas. In addition, the Site includes any areas outside the site 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 is currently a vacant lot enclosed by a chain link fence with a locked gate.

Lead-acid battery salvaging operations at the Wortham Lead Salvage site were conducted during a nine-month period in 1980. During this period of operation, unauthorized releases of battery acids and