

The following is an Adobe Acrobat reproduction of the official
Notice of Proposed Selection of Remedy

for

Hi-Yield

as published in the

Texas Register

(29 TexReg 4911)

on

September 9, 1994

A portion of the records for this site, including documents
pertinent to the TNRCC selection of remedy, 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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Public Notice

The Executive Director (E.D.) of the Texas Natural Resource Conservation Commission (TNRCC) has issued a public notice of the proposed remedial action for a portion of a State Superfund site. This portion of the site constitutes an imminent and substantial endangerment due to a release or threatened release of hazardous substances into the environment. The notice is being published in the Commerce Journal Newspaper and the Texas Register.

In accordance with 31 Texas Administrative Code (TAC) sec.335.349(a) and the Texas Health and Safety Code, Chapter 361.187, Solid Waste Disposal Act (Act), a public meeting regarding the proposed remedial action for arsenic in soils at the Hi-Yield site must be held no sooner than 45 days after publishing a notice in the Texas Register and a local newspaper. The public meeting will be held in the Council Chambers at City Hall, 1119 Alamo Street, in Commerce, Texas, on October 25, 1994, at 7:00 p.m.

The area for which a remedial action is being proposed is a portion of the Hi-Yield site. The Hi-Yield site was originally proposed for listing on the State Superfund list in September 21, 1993, issue of the Texas Register (18 TexReg 6486). It is located in northeast Texas in and near the Norris community, a section of the City of Commerce, Hunt County, Texas. The site lies in the vicinity of Ross, Sycamore, and Johnson Streets. This portion of the Hi-Yield Superfund site to which this notice refers has elevated levels of arsenic in soils on approximately 200 acres of residential and commercial property that surrounds the former Hi-Yield Chemical plant. Nearby Sayle creek has also been impacted by arsenic.

A risk evaluation was conducted for each of the remedial alternatives considered for this portion of the Hi-Yield site. Five remedial action alternatives were developed, along with the associated risks. As a result of those evaluations, the TNRCC is proposing excavation and off-site disposal for the remedial action, specifically alternative #4 as set out in the Hi-Yield State Superfund Site Remedial Action which can be examined in the following records described.

The TNRCC previously has authorized the E.D. to conduct an immediate removal pursuant to the Act, sec.361.191. An immediate removal includes taking necessary action to monitor, assess, and evaluate a release or threat of release. Pursuant to this authorization, the E.D. has conducted over 3,300 laboratory analyses on approximately 2,000 samples taken from the site. These analyses have provided guidance of the extent to which removal and disposal of contaminated soil is necessary for purposes of the immediate removal. Coincidentally, these samples also have provided information relating to this proposed remedial action.

The TNRCC has determined that the immediate removal and remedial action for soils at this portion of the site should proceed simultaneously so as to avoid

duplicate actions which would result in greater costs, continued exposure to hazardous substances and multiple disturbances of residents. Therefore, the TNRCC is utilizing its immediate removal investigation as a remedial investigation/feasibility study or similar study for the purpose of this proposed remedial action.

The public meeting will be legislative in nature and not a contested case hearing under the Administrative Procedure Act (Texas Government Code, Chapter 2001). Persons desiring to make comments on the proposed remedial action may do so in writing prior to the public meeting or orally or in writing at the public meeting. All comments concerning the proposed remedial action and requests for information (copy of the Proposed Remedial Action) should be submitted to Alonzo G. Arredondo, Superfund Investigation Section, Pollution Cleanup Division, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2145.

The public records for this site are available for inspection and copying from 8:00 a.m. to 5:00 p.m., Monday-Friday. The records are located in the TNRCC Central Records Center, Building D, Room 190, 12118 North Interstate 35, Austin, Texas 78753, (512) 239-2920. Copying of file information is subject to payment of a fee. The Proposed Remedial Action Document also will be available for review at the local repository on September 8, 1994. The repository is in the Public Library, 1210 Park Street, Commerce, Texas, (903) 886-6858.

Issued in Austin, Texas, on September 2, 1994.

TRD-9447526

Mary Ruth Holder

Director, Legal Division

Texas Natural Resource Conservation Commission

Filed: September 2, 1994