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Notice of Intent to Delete

La Pata Oil

from the

Texas Superfund Registry

as published in the

Texas Register

(23 TexReg 6771-6772)

on

June 26, 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

Smith Branch Library

3624 Scott Street

Houston, Texas

and/or

TNRCC Records Management Center

Austin, Texas

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The Executive Director may approve this application unless a written hearing request is filed in the Chief Clerk's Office of the TNRCC within 10 days of this *Texas Register* posting.

Individual members of the public who wish to inquire about the information contained in this notice, or to inquire about other agency permit applications or permitting processes, should call the TNRCC Office of Public Assistance, Toll Free, at 1-800-687-4040.

TRD-9809642

Eugenia K. Brumm, Ph.D.

Chief Clerk

Texas Natural Resource Conservation Commission

Filed: June 16, 1998



Proposal for Decision

The State Office Administrative Hearing has issued Proposal for Decision and Order to the Texas Natural Resource Conservation Commission on June 10, 1998 on QUADVEST, INC.; SOAH Docket No. 582-97-1704; TNRCC Docket No. 96-0819-PWS-E. This posting is Notice of Opportunity to comment on Proposal for Decision and Order. Comment period will end 30 days from date of publication.

The State Office Administrative Hearing has issued Proposal for Decision and Order to the Texas Natural Resource Conservation Commission on June 12, 1998 on Executive Director's Preliminary Report Assessing Administrative Penalties and Requiring Certain Actions of Jerry House dba House-Corral Street Water System; SOAH Docket No. 582-97-2171; TNRCC Docket No. 96-0995-PWS-E. This posting is Notice of Opportunity to comment on Proposal for Decision and Order. Comment period will end 30 days from date of publication.

TRD-9809643

Douglas A. Kitts

Agenda Coordinator

Texas Natural Resource Conservation Commission

Filed: June 16, 1998



Public Notice

The executive director of the Texas Natural Resource Conservation Commission (TNRCC) by this notice is issuing a public notice of intent to delete (delist) 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 La Pata Oil Company, Inc. State Superfund Site that was originally placed on the state Superfund list in the January 22, 1988, issue of the *Texas Register* (13 TexReg 427-428).

The La Pata Oil Company, Inc. State Superfund Site is within the city limits of Houston, Harris County, Texas at 1403 Ennis Street (near the U.S. 59 and Interstate 45 interchange). The site is a former waste oil recycling operation and is surrounded by properties the use of which includes light industrial and residential. The site is currently vacant with an abandoned warehouse enclosed by a chain link fence with a locked gate. The fence and gate have been inspected and maintained monthly.

From June 30, 1952 to the late 1970's the site at 1403 Ennis Street was a former Texaco bulk station. From the late 1970's to June 1981 the site was operated as a waste oil recycler by Southwest Oil Service. The La Pata Oil Company operated the site as a waste oil recycling business from June 1981 until March 1982. Texas Department of Water Resources (predecessor agency to the TNRCC) investigation reports noted that wastewater discharge violations and oil spills had occurred on the site during 1981. The wastewater and oil spills were from trucks loading and unloading these substances into the above ground storage tanks located at the facility.

In 1982, Exxon Chemicals America (ECA) performed several removal actions at the La Pata site in response to the violations noted by the Texas Department of Water Resources. Included in these actions were removal of atactic polypropylene and associated above ground tanks. These hazardous substances were characterized prior to removal and disposed at an approved facility.

By 1990, several investigations and removals were performed on behalf of ECA. These removals included removal of an existing railroad spur, miscellaneous waste, and two underground storage tanks. Waste characterization was completed in July 1990 and the waste (both hazardous and non-hazardous) were disposed of by Rollins Environmental Services. Work was suspended in August 1990 due to discovery of three additional underground tanks located beneath the on-site building.

In July 1994, the TNRCC entered into an Agreed Order with ECA to perform a Remedial Investigation/Feasibility Study (RI/FS) for the La Pata Oil Company site. A Remedial Investigation work plan was submitted in July 1995 and the final Remedial Investigation Report was submitted on March 21, 1998.

Based on the results of the RI, it was concluded that the only remaining constituent of concern found above risk-based levels in the soils and groundwater at the La Pata site was benzene, the source of which was determined to be from the remaining underground storage tanks. Due to the source, benzene is not a hazardous substance under the state Superfund program. Therefore, these site conditions were used in the preparation of a response action document for the La Pata Oil State Superfund Site, finalized on April 10, 1997, in which risk-based action levels were developed using TNRCC's Leaking Storage Tank Programs (LSTP) document "Risk-Based Corrective Action for Leaking Storage Tank Sites, January 1994, RG-36," rather than the Texas Risk Reduction Rules. The LSTP criteria were used in establishing action levels and the remedial action to be performed at the site due to the fact that the constituents of concern were determined to be exclusively from the underground tanks at the site.

The major components of the response action included removal of the remaining three underground storage tanks and contents, over excavation of all impacted soil above the risk-based levels, and a groundwater monitoring program to demonstrate natural attenuation of contaminants in the groundwater and to ensure the effectiveness of the selected remedy.

From June 1997 through April 28, 1998, ECA conducted a response action for the La Pata Oil State Superfund Site. The response action included removal and disposal of three 20,000 gallon underground tanks and their contents, excavation and disposal of 2,144 cubic yards of contaminated soils and investigation derived waste, quarterly monitoring of groundwater for demonstration of natural attenuation of groundwater contaminants, and backfilling of all excavations with approved fill material. All removed materials were transported off-site to a permitted disposal facility.

Contaminants and waste deposited at the site have been remediated to meet non-residential (i.e., industrial/commercial) criteria according to a plan designed to meet the requirements of "Risk-Based Corrective Action for Leaking Storage Tanks, RG-36," pursuant to Texas Administrative Code (TAC), Chapter 334, which mandates that the remedy be designed to eliminate or reduce to the maximum extent practicable, substantial present or future risk. The remediation plan does not require continued post-closure care or engineering or institutional control measures. Future use of the property is considered appropriate for industrial use according to risk reduction standards applicable at the time of this filing. The executive director has determined that this site does not present 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., July 27, 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 La Pata Oil Company, Inc. State Superfund Site will be deleted from the state Superfund registry if a public meeting challenging this determination by the executive director is not requested by any interested person(s) before the designated date.

All inquiries regarding the La Pata Oil Company, Inc. State Superfund Site should be directed to Dean Perkins, TNRCC Project Manager, at (800) 633-9363 (within Texas only) or (512) 239-2482. 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 Smith Branch Library, 3624 Scott Street, Houston, Texas 77004, telephone (713) 741-6220. 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-9809666

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Filed: June 17, 1998



Response to Public Comment

The Texas Natural Resource Conservation Commission (TNRCC) publishes this notice to provide a summary of the response to public comments received on the State of Texas 1998 Clean Water Act §303(d) List of Impaired Water Bodies.

On April 23, 1998 TNRCC submitted to the U.S. Environmental Protection Agency (U.S. EPA) its final 1998 303(d) List of water bodies that do not meet or are not expected to meet applicable water quality standards. This list was prepared in compliance with the federal Clean Water Act Section 303(d). The following table summarizes comments received on the 303(d) list prior to final submission as well as TNRCC responses (action taken, justification, etc.) to those comments.

All supporting materials associated with the final 1998 303(d) list, including the following response to comments, can be viewed on the TNRCC Internet site at the following URL: <http://www.tnrcc.state.tx.us/water/quality/data/wmt/tmdl.html>.

Notice to Readers

The "State of Texas 1998 Clean Water Act Section 303(d) List" was revised on June 15 to include a listing of Segment 2425, Clear Lake, for tri-butyltin in water. Segment 0802, Trinity River Below Lake Livingston, was revised to show a listing of nonsupport of contact recreation (partial support was shown in the April 23, 1998 List, due to a typographic error).

The "List of Water Bodies and Constituents Considered But Not Listed on the 1998 §303(d) List" (original date April 23, 1998) was revised on June 15, 1998, to include six corrections as outlined below.

In Segment 0503, Sabine River below Toledo Bend Reservoir, under the reason for not listing, the Considered List should have said that there was insufficient data to support listing for lead in the upper 25 miles (rather than the lower 25 miles).

Segment 0831, Clear Fork Trinity River below Lake Weatherford, has been removed from the Considered List, because the segment is on the 1998 303(d) List for dissolved lead. Segment 0831 should not have been included in the Considered List.

Segment 1006-A, Patrick Bayou, should have shown dioxin as one of the constituents considered.

Segment 1007, Houston Ship Channel, should have shown copper as one of the constituents considered for listing.

Segment 2425, Clear Lake, was added to the 1998 303(d) List for tri-butyltin in water.

Segment 2484, Corpus Christi Inner Harbor, should have shown zinc as one of the constituents considered for listing.

Both lists can be viewed on the TNRCC's Internet site at <http://www.tnrcc.state.tx.us/water/quality/data/wmt/tmdl.html>.