

The following is an Adobe Acrobat reproduction of the official

Notice of Intent to Propose

McNabb Flying Service

for listing on the

Texas Superfund Registry

as published in the

Texas Register

(24 TexReg 10233-10234)

on

November 12, 1999

A portion of the records for this site, including documents pertinent to the TNRCC determination of eligibility, is available for viewing with the site repository records

at

Alvin Branch Library

105 South Gordon Street

Alvin, Texas

and/or

TNRCC Records Management Center

Austin, Texas

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3. D's Pond: on an unnamed tributary of Nails Creek, tributary of Yegua Creek, tributary of the Brazos River, Brazos River Basin, Lee County. The reservoir will be 12 miles northeast of Giddings and the centerline of the dam will be N 49° W, 3498 feet from the East corner of the Anderson Estes Original Survey, Abstract Number 98, Lee County, also being 30.2727° N Latitude and 96.7065° W Longitude. The reservoir will impound 40 acre-feet of water and will have a surface area of 30 acres.

4. Flippan Pond: on an unnamed tributary of Middle Yegua Creek, tributary of Yegua Creek, tributary of the Brazos River, Brazos River Basin, Lee County. The reservoir will be 13 miles northeast of Giddings and the centerline of the dam is N 37.67° W, 1729 feet from the South corner of the Edward H. Hall Survey, Abstract Number 152, Lee County, also being 30.3202° N Latitude and 96.7599° W Longitude. The reservoir will impound 30 acre feet and will have a surface area of 30 acres.

5. Kite Pond: on an unnamed tributary of East Yegua Creek, tributary of Yegua Creek, tributary of the Brazos River, Brazos River Basin, Burleson County. The reservoir will be 13 miles south of Caldwell, and the centerline of the dam will be S 42.25° W, 9943 feet from the East corner of the E. H. Hall Survey, Abstract Number 134, Burleson County, also being 30.3245° N Latitude and 96.7410° W Longitude. The reservoir will impound 38 acre-feet of water and will have a surface area of 25 acres.

6. Zgabay Pond: on an unnamed tributary of East Yegua Creek, tributary of Yegua Creek, tributary of the Brazos River, Brazos River Basin, Burleson County. The reservoir will be 13 miles south of Caldwell, and the centerline of the dam will be S 60° W, 7703 feet from the East corner of the E.H. Hall Survey, Abstract Number 134, Burleson County, also being 30.3373° N Latitude and 96.7429° W Longitude. The reservoir will impound 60 acre-feet of water and will have a surface area of 30 acres. As during construction of Lake Somerville, the dam for Flag Pond was breached and all water control within the pond was lost, the applicant also seeks authorization to repair the breach site. In addition, the applicant seeks to remove a man-made earthen plug at the end of an excavated high-flow channel connecting Yegua Creek to Flag Pond, and clear an existing 300 foot channel reconnecting the high-flow channel between Flag Pond and Yegua Creek thereby re-establishing water control for Flag Pond by creating a reservoir that will impound 900 acre feet of water and will have a surface area of 350 acres. The reservoir will be located 18 miles northeast of Giddings and the centerline of the dam will be S 27° E, 8550 feet from the Northwest corner of the John Chesney Original Survey, Abstract Number 10, Burleson County, also being 30.3° N Latitude and 96.6875° W Longitude. Water will be provided to Flag Pond via surface runoff, overland flood flow through the "high-flow" channel from Yegua Creek, and gravity-fed back water from the conservation and flood pool of Lake Somerville. Water may also be pumped from Lake Somerville to Flag Pond if necessary.

The TNRCC may grant a contested case hearing on this application if a written hearing request is filed within 30 days from the date of newspaper publication of this notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed within 30 days after newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not

common to the general public; and (5) the location and distance of 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, Texas, 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.

TRD-9907434

LaDonna Castañuela

Chief Clerk

Texas Natural Resource Conservation Commission

Filed: November 2, 1999



Public Notices

The Texas Natural Resource Conservation Commission (TNRCC or the Commission) is required under the Texas Solid Waste Disposal Act, Health and Safety Code, Chapter 361, as amended (the "Act"), to identify and assess facilities that 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 most recent registry listing of these sites was published in the June 4, 1999 issue of the *Texas Register* (24 TexReg 4303).

Pursuant to Health and Safety Code, §361.184(a), the Commission must publish in the *Texas Register* and in a newspaper of general circulation in the county in which the facility is located a notice of intent to list a facility on the state registry of state Superfund sites. This is a notice of a facility or area that the executive director of the TNRCC has determined eligible for listing, and which the executive director proposes to list on the state registry. Also specified is the general nature of the potential endangerment to public health and safety or the environment as determined by information currently available to the executive director. The notice of intent to list this facility will also be published in *The Alvin Sun* on November 8, 1999.

The site being proposed to be added to the state Superfund registry is the McNabb Flying Service facility located at the southeast corner of County Road 146 and County Road 539, Alvin, Brazoria County, Texas. The property is bordered by undeveloped agricultural land on all sides except to the northwest, which borders County Road 146. Light industrial/commercial/residential property is across County Road 146. There is a golf course located northeast (caddy-corner to) the McNabb site. There are two residences, three large buildings, including two airplane hangers, and one storage/maintenance building located at the facility.

McNabb Flying Service was initially operated as a pilot school. After the flying school ceased operations, an aerial pesticide application service began operating at the site.

The TNRCC inspected the site and noted numerous drums and other containers of various sizes containing pesticides, solvents, paint and other unknown materials. In addition to the drums and containers, the soil appeared to be impacted. TNRCC collected several soil and ground-water samples. The results of the soil samples indicated that the site was impacted by various pesticides and heavy metals. These substances in the amounts detected at the site may constitute an imminent and substantial endangerment to public health and safety or the environment.

A public meeting may be requested regarding the proposed listing of the McNabb Flying Service site on the State registry. The public meeting must be requested by submitting a written request by 5:00 p.m., December 13, 1999. Interested parties may submit a written request for a public meeting or may submit written comments to the commission relative to the proposed listing of the McNabb Flying service site to the attention of Ms. Carol Boucher, TNRCC, Remediation Division, MC-143, P.O. Box 13087, Austin, Texas, 78711-3087; telephone 1-800-633-9363 (within Texas only) or (512) 239-2501.

If a public meeting is requested regarding the proposed listing of this facility on the State Registry, the commission is required to publish general notice of the time, date and location of the public meeting in the Texas register and in *The Alvin Sun*. The public notice must be provided not later than the 31st day before the date of the meeting. Notice of any such meeting will be provided by certified mail, return receipt requested, to each identified potentially responsible party at the party's last known address. If a public meeting is requested, it will be legislative in nature and not a contested case hearing under Texas Administrative Procedure Act (Government Code, Chapter 2001).

The executive director prepared a brief summary of the Commission's records regarding this site. This summary and a portion of the records for this site, including documents pertinent to the executive director's determination of eligibility for listing on the state registry, is available for review, during regular business hours, at the Brazoria County Alvin Branch Library, 105 South Gordon Street, Alvin, Texas. Copies of the complete public record file may be obtained during regular business hours at the Commission's record management center, Building D, Room 190, 12100 Park 35 Circle, Austin, Texas, 78753; telephone 1-800-633-9363 (within Texas only) or (512) 239-2920. Photocopying of file information is subject to payment of a fee.

TRD-9907453

Margaret Hoffman

Director, Environmental Law Division

Texas Natural Resource Conservation Commission

Filed: November 3, 1999



The Texas Natural Resource Conservation Commission (TNRCC or the Commission) is required under the Texas Solid Waste Disposal Act, Health and Safety Code, Chapter 361, as amended (the "Act"), to identify and assess facilities that 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 most recent registry listing of these sites was published in the June 4, 1999 issue of the *Texas Register* (24 TexReg 4303).

Pursuant to Texas Health and Safety Code, §361.184 (a), the Commission must publish in the *Texas Register* and in a newspaper of general circulation in the county in which the facility is located a notice of intent to list a facility on the state registry of state Superfund

sites. This is a notice of a facility or area that the executive director of the TNRCC has determined eligible for listing, and which the executive director proposes to list on the state registry. Also specified is the general nature of the potential endangerment to public health and safety or the environment as determined by information currently available to the executive director. The notice of intent to list this facility will also be published in the *San Antonio Express News* on November 12, 1999.

The site being proposed to be added to the state Superfund registry is the First Quality Cylinder site located at 931 West Laurel Street, San Antonio, Texas. The property is bordered on the north and south sides by Fredericksburg Road and Laurel Street, and North Comal Street on the west side. The site has a security fence and consists of an inactive plating facility on approximately 1.3 acres of property, and contains a warehouse building as well as groundwater collection and containment system. Operations at the First Quality Cylinder site included the rebuilding of aircraft cylinders utilizing a chromium plating process from 1986 until abandonment in January of 1994.

In April of 1988, during renovation of a plating line, workers at the site discovered subsurface leakage of chromium plating solution, and on March 19, 1993, a spill of approximately 200 gallons of chromium-contaminated wastewater occurred at the site. Releases of hazardous substances to the groundwater pathway are the major concern for this site. Hazardous substances have been documented in the subsurface soils and shallow groundwater beneath the site. These substances in the amounts detected at the site may constitute an imminent and substantial endangerment to public health and safety or the environment.

The executive director is also issuing a notice of a proposed commercial/industrial land use designation for the site. Determination of future land use will impact the remedial investigation and remedial action for the site. In accordance with Texas Health and Safety Code, §361.1855 the TNRCC must hold a public meeting to obtain comments on the proposed future land use, when, as in this case, a land use other than residential is proposed.

The public meeting will be held on Thursday, December 16, 1999 at 7:00 p.m. at the Eskridge Community Room, 1021 San Pedro, of the VIA Metro Center in San Antonio, Texas. The public meeting will be legislative in nature and not a contested case hearing under the Administrative Procedure Act (Texas Government Code, Chapter 2001). This public meeting is for the executive director to receive information regarding the proposed listing of the site, including information regarding the facility and identification of potentially responsible parties (PRP's), and comments regarding the appropriate use of the land. Notice of this meeting will also be provided by certified mail, return receipt requested, to each identified potentially responsible party at the party's last known address.

Persons desiring to comment on the proposed listing, identification of PRP's and future land use determination of the First Quality Cylinder site may do so in the context of the public meeting either orally or in writing. Written comments may also be submitted to the attention of Mr. Alonzo G. Arredondo, TNRCC, Remediation Division, MC-143, P.O. Box 13087, Austin, Texas, 78711-3087; telephone 1-800-633-9363 (within Texas only) or (512) 239-2145.

The executive director has prepared a brief summary of the Commission's records regarding this site. A portion of the records for this site, including documents pertinent to the executive director's determination of eligibility for listing on the State Registry, is available for review, during regular business hours, at the Central Library, 600 Soledad, in San Antonio, Texas. Copies of the complete public record file may be obtained during regular business hours at the Commis-