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**Notice of Intent to Consider**  
**Non-Residential Land Use to Design a Remedy**  
for  
**American Zinc**  
as published in the  
***Texas Register***  
**(24 TexReg 5068-5069)**  
on  
**July 2, 1999**

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

at  
**Killgore Memorial Library**  
**124 South Bliss Avenue**  
**Dumas, Texas**  
**and/or**  
**TNRCC Records Management Center**  
**Austin, Texas**

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Comment period will end 30 days from date of publication.

If you have any questions or need assistance, please contact Doug Kitts, Chief Clerk's Office, (512) 239-3317.

TRD-9903732

Doug Kitts

Agenda Coordinator

Texas Natural Resource Conservation Commission

Filed: June 22, 1999



### Public Hearing Notice

Notice is hereby given that pursuant to the requirements of the Texas Water Code, §5.103 and §5.105, which provide the commission with the authority to adopt any rules necessary to carry out its powers and duties under the provisions of the Texas Water Code or other laws of this state; Texas Water Code, §5.122, which provides the commission with the authority to delegate to the executive director the commission's authority to act on certain matters; Texas Health and Safety Code, Solid Waste Disposal Act, §361.017 and §361.024, which authorize the commission to regulate industrial solid waste and municipal hazardous waste and to adopt rules consistent with the general intent and purposes of the Act; and General Appropriations Act, Article IX, §167, 75th Legislature, 1997. The Texas Natural Resource Conservation Commission (commission) will conduct a public hearing to receive testimony regarding rule for Voluntary Cleanup Program.

The General Appropriations Act, Article IX, §167, requires state agencies to review and consider for re-adoption rules adopted under the Administrative Procedure Act. The review must include, at a minimum, an assessment that the reason for the rules continues to exist. The commission has reviewed Chapter 333 and determined that the reason for their adoption continues to exist.

These rules are necessary to effectively administer, manage, and implement the Brownfields Initiatives (Subchapter A - Voluntary Cleanup Programs and Subchapter B - Innocent Owner/Operator Certification) in the state. These rules provide for the implementation and clarification of requirements set forth in the Voluntary Cleanup Program (VCP) and Innocent Owner/Operator Program (IOP) laws. The VCP rules establish procedures for the VCP including eligibility, public participation, partial cleanups, and effects on other program areas, and the IOP rules establish procedures for the IOP including eligibility, application requirements, information provided by adjacent owners/operators, withdrawal/denial of a certificate, and access.

The commission believes the rules affecting the VCP and IOP meet the commission's regulatory reform goals of clear succinct standards that establish appropriate administrative procedures, important flexibility, and necessary interpretation of statutory requirements. Therefore, the commission is not proposing any amendments to Chapter 333 as part of this rules review. In a separate action, however, the commission notes that amendments to Chapter 333, Subchapter A, were proposed on March 26, 1999 (24 TexReg 2186) to conform with the proposed Texas Risk Reduction Program (TRRP). If adopted, the proposed TRRP rule would guide the investigation, development of cleanup levels, and response actions for most remediations conducted under the agency's Office of Waste Management. The comment period for the proposed amendments to Chapter 333, Subchapter A, closed May 11, 1999.

A public hearing on this proposal will be held on July 13, 1999, at 10:00 a.m. in Room 254S of Texas Natural Resource Conservation Commission, Building E, located at 12100 Park 35 Circle, Austin.

The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not occur during the hearing; however, an agency staff member will be available to discuss the proposal 30 minutes prior to the hearing and will answer questions before and after the hearing.

Written comments should be mailed to Ms. Bettie Bell, Office of Environmental Policy, Analysis, and Assessment, MC 205, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Comments must be received by 5:00 p.m., August 2, 1999, and should reference Rule Log Number 99005-333-WS. For further information on the proposed review, please contact Pharr Andrews, Regulations Development Section, at (512) 239-6124 or Charles Epperson, Voluntary Cleanup Program at (512) 239-2498. Copies of the proposed review can be obtained via the commission's Web Site at [www.tnrcc.state.tx.us/oprd/rules/propadop.html](http://www.tnrcc.state.tx.us/oprd/rules/propadop.html), or by calling (512) 239-0028.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-4900. Requests should be made as far in advance as possible.

TRD-9903746

Margaret Hoffman

Director, Environmental Law Division

Texas Natural Resource Conservation Commission

Filed: June 23, 1999



### Public Notices

The Executive Director of the Texas Natural Resource Conservation Commission (TNRCC) has issued a public notice of the determination of the proposed non-residential future land use for the American Zinc Proposed State Superfund Site, located near the city of Dumas, approximately 3.5 miles north on U.S. 287 and 5 miles east on Farm Road 119.

Future land use determination will subsequently impact the remedial investigation and remedial action for the site. Consequently, the TNRCC will hold a public meeting to obtain comments on the proposed future land use and take comments on the facility before completing the remedial investigation and evaluating remedial actions for the site. The public meeting will be held in Council Chambers of Dumas City Hall located at 124 West 6th in Dumas, Texas on Thursday, August 5, 1999, beginning at 7:00 P.M. This public meeting will not be a contested case hearing under the Administrative Procedure Act (Texas Government Code, Chapter 2001). After the subject meeting is held and future land use has been determined, a human health risk assessment, ecological risk assessment, and a feasibility study, or similar study, will be performed to evaluate various remedial action proposals. The TNRCC will then propose a selected remedy and hold another public meeting pursuant to the Texas Health and Safety Code, Chapter 361.187.

In accordance with the Texas Health and Safety Code, Chapter 361.1855, the TNRCC shall publish notice of the public meeting in the Texas Register and in a newspaper of general circulation in the county in which the facility is located at least 31 days before the date of the public meeting.

The American Zinc Site was originally proposed to be placed on the State Superfund list in the October 15, 1993, issue of *Texas Register* (18 TexReg 7201). The site was operated as a zinc smelter from the late 1930's until the late 1960's or 1970's, generating heavy metal

waste typical to that process. During World War II and for the major part of its lifetime, the smelting plant was the source of zinc in the United States' defense program. The abandoned smelting plant has been decommissioned since 1957.

The TNRCC is proposing a non-residential (industrial) future land use determination for consideration in implementing the human health risk, ecological risk assessment and feasibility study.

All persons desiring to make comments may do so prior to or at the public meeting. All comments submitted prior to the public meeting should be sent in writing to Mr. Michael Bame, Remediation Division, MC-143, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087. The Repository of Public Records for this site are available for public review during regular business hours at the Killgore Memorial Library, 124 South Bliss Avenue, Dumas, Texas, or at the Texas Natural Resource Conservation Commission, 12100 North Interstate Highway 35, Building D, Austin, Texas 78753, (512) 239-2920. Copying of file information is subject to payment of a fee. For further information, please call 1-800-633-9363.

TRD-9903744

Margaret Hoffman

Director, Environmental Law Division

Texas Natural Resource Conservation Commission

Filed: June 23, 1999



The Executive Director of the Texas Natural Resource Conservation Commission (TNRCC) has issued a public notice of the determination of the proposed non-residential future land use for the McBay Oil & Gas State Superfund Site, located approximately three miles northwest of Grapeland, on FM 1272.

Future land use determination will subsequently impact the remedial investigation and remedial action for the site. Consequently, the TNRCC will hold a public meeting to obtain comments on the proposed future land use and take comments on the facility before completing the remedial investigation and evaluating remedial actions for the site. The public meeting will be held in Council Chambers at Grapeland City Hall, located at 126 South Oak, Grapeland, Texas on Thursday, August 12, 1999, beginning at 7:00 P.M. This public meeting will not be a contested case hearing under the Administrative Procedure Act (Texas Government Code, Chapter 2001). After the subject meeting is held and future land use has been determined, a remedial investigation, human health risk assessment, ecological risk assessment, and a feasibility study, or similar study, will be performed to evaluate various remedial action proposals. The TNRCC will then propose a selected remedy and hold another public meeting pursuant to the Texas Health and Safety Code, Chapter 361.187.

In accordance with the Texas Health and Safety Code, Chapter 361.1855, the TNRCC shall publish notice of the public meeting in the *Texas Register* and in a newspaper of general circulation in the county in which the facility is located at least 31 days before the date of the public meeting.

The McBay Oil & Gas site was originally placed on the State Superfund list in the January 16, 1987, issue of the *Texas Register* (12 TexReg 205). From 1941 to 1959, the site was the location of an oil refinery. It then became a waste oil reclamation plant until all operations ceased in 1987.

The TNRCC is proposing a non-residential (industrial) future land use determination for consideration in implementing the human health risk, ecological risk assessment and feasibility study.

All persons desiring to make comments may do so prior to or at the public meeting. All comments submitted prior to the public meeting should be sent in writing to Mr. Michael Bame, Remediation Division, MC-143, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087. The Repository of Public Records for this site are available for public review during regular business hours at the Crockett Public Library, 708 East Goliad, Crockett, Texas, or at the Texas Natural Resource Conservation Commission, 12100 North Interstate Highway 35, Building D, Austin, Texas 78753, (512) 239-2920. Copying of file information is subject to payment of a fee. For further information, please call 1-800-633-9363.

TRD-9903745

Margaret Hoffman

Director, Environmental Law Division

Texas Natural Resource Conservation Commission

Filed: June 23, 1999

## Public Utility Commission of Texas

### Notice of Application for Amendment to Service Provider Certificate of Operating Authority

On June 17, 1999, U.S. OnLine Communications, Inc. filed an application with the Public Utility Commission of Texas (PUC) to amend its service provider certificate of operating authority (SPCOA) granted in SPCOA Certificate Number 60025. Applicant intends to transfer its SPCOA to USOL, Inc., a non-certificated entity.

The Application: Application of U.S. OnLine Communications, Inc. for an Amendment to its Service Provider Certificate of Operating Authority, Docket Number 20980.

Persons with questions about this docket, or who wish to intervene or otherwise participate in these proceedings should make appropriate filings or comments to the commission at the Public Utility Commission of Texas, at P.O. Box 13326, Austin, Texas 78711-3326 no later than July 7, 1999. You may contact the PUC Office of Customer Protection at (512) 936-7120. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136. All correspondence should refer to Docket Number 20980.

TRD-9903701

Rhonda Dempsey

Rules Coordinator

Public Utility Commission of Texas

Filed: June 22, 1999



### Notice of Application for Approval of IntraLATA Equal Access Implementation Plan Pursuant to P.U.C. Substantive Rule §26.275

Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) an application on June 17, 1999, pursuant to P.U.C. Substantive Rule §26.275 for approval of an intraLATA equal access implementation plan.

Project Number: Application of Intetech, L.C. for Approval of IntraLATA Equal Access Implementation Plan Pursuant to P.U.C. Substantive Rule §26.275. Project Number 20987.

The Application: The intraLATA plan filed by Intetech, L.C. (Intetech) provides a proposal that, upon implementation, would provide customers with the ability to route intraLATA toll calls automatically, without the use of access codes, to the telecommunications services