

The following is an Adobe Acrobat reproduction of the official

**Notice of Intent to Delete
South Texas Solvents**

from the

Texas Superfund Registry

as published in the

Texas Register

(23 TexReg 11243-11244)

on

October 30, 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

**Nueces County Library
710 E. Main Street
Robstown, Texas**

and/or

**TNRCC Records Management Center
Austin, Texas**

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Information concerning any aspect of this order may be obtained by contacting Stacey Young, Enforcement Coordinator at (512) 239-1899, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding DEL VALLE GRAIN, INC., Docket Number 98-0533-AIR-E; Account Number CD-0150-W; Enforcement ID Number 12361 on October 12, 1998, assessing \$1,000 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Martin Ramirez, Enforcement Coordinator at (956) 425-6010 or Carl Schnitz, Enforcement Coordinator at (512) 239-1892, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding ELECTRA RESOURCES, INC., Docket Number 98-0316-AIR-E; Account Number WI-0016-D; Enforcement ID Number 12100 on October 12, 1998, assessing \$6,250 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Connie Basel, Enforcement Coordinator at (915) 698-9674 or Stacey Young, Enforcement Coordinator at (512) 239-1899, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding CONTINENTAL/TAURUS ENERGY CO., L.P., Docket Number 98-0324-AIR-E; Account Number FD-0003-I; Enforcement ID Number 12099 on October 12, 1998, assessing \$9,375 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Rodney Weeks, Enforcement Coordinator at (915) 698-9674 or Stacey Young, Enforcement Coordinator at (915) 698-9674, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding CONTINENTAL/TAURUS ENERGY COMPANY, L.P., Docket Number 98-0323-AIR-E; Account Number SH-0015-C; Enforcement ID Number 12098 on October 12, 1998, assessing \$9,375 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Rodney Weeks, Enforcement Coordinator at (915) 698-9674 or Stacey Young, Enforcement Coordinator at (512) 239-1899, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An order was entered regarding GIBSON RECYCLING, INCORPORATED, Docket Number 97-0254-MSW-E; SOAH Docket Number 582-97-1890 on October 9, 1998, assessing \$53,7600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Tracy Harrison, Staff Attorney at (512) 239-1736 or John Mead, Enforcement Coordinator at (512) 239-6010, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-9816423

LaDonna Castanuela

Acting Chief Clerk

Texas Natural Resource Conservation Commission

Filed: October 20, 1998



Notice of Intent to Delete

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 South Texas Solvents state Superfund site that was originally placed on the state Superfund list on January 16, 1987 (12 TexReg 205).

The South Texas Solvents state Superfund site, including all land, structures, appurtenances, and other improvements, is located approximately four miles south of Banquete at the intersection of FM 666 and Nueces CR 32. 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.

The South Texas Solvents state Superfund site covers approximately five acres of commercial property and was a gasoline blending facility from 1939 until 1968. A waste oil and solvent recovery business was operated on the site from 1980 through 1983. Principal contaminants in soil and groundwater include lead, benzene, toluene, xylene, benzo(a)pyrene, benzo(b)fluoranthene, chrysene, ethylbenzene, 1, 2-dichloroethane, arsenic, and barium.

In February, 1988, the Texas Water Commission (TWC), the predecessor to the TNRCC, issued an administrative order to potentially responsible parties to conduct a Remedial Investigation/Feasibility Study (RI/FS) for the site. The objectives of the Remedial Investigation were to characterize and identify the contamination at the site. The studies and reports required under the administrative order were approved in November, 1995. The resulting baseline risk assessment indicated that further action was necessary to eliminate an imminent and substantial endangerment to human health and the environment from contamination at the site.

In December, 1997, the TNRCC issued an administrative order for the remedial action at the South Texas Solvents state Superfund site. This order required the responsible parties to plug and abandon monitor wells and two on-site water wells. In addition, a concrete sump area was to be filled with clean soil, and deed restrictions were to be placed on the property to prevent exposure to contaminated groundwater. The remedial action was completed by Caleb Brett .S.A., Inc, Corpus Christi Caller-Times, Freeport-McMoRan, Inc., OXY USA, Inc. and Cities Service Company, Saybolt, Inc., and SGS Control Services, Inc. on September 2, 1998.

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 if requests are filed with the executive director before 5:00 p.m., December 1, 1998. This meeting is not considered a contested case hearing within the meaning of Texas Government Code, Chapter 2001. 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.

If a public meeting challenging this determination of eligibility for deletion by the executive director is not requested by a Potentially Responsible Party or any interested person(s) before the designated date, the South Texas Solvents state Superfund site will be deleted from the state Superfund registry.

All inquiries regarding the South Texas Solvents state Superfund site or requests for a public meeting should be directed to Ashby McMullan, Remediation Division, MC-143, P. O. Box 13087, Austin, Texas 78711-3087; telephone (800) 633-9363 (within Texas only) or (512) 239- 2595. A portion of the record for this site, including documents pertinent to the executive director's determination, is available for review during regular business hours at the Nueces County Library, Robstown, Texas, telephone (512) 767-5228. 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. Photocopying of file information is subject to payment of a fee.

TRD-9816412

Margaret Hoffman

Director, Environmental Law Division

Texas Natural Resource Conservation Commission

Filed: October 20, 1998



Notice of Opportunity to Comment on Settlement Agreements of Administrative Enforcement Actions

The Texas Natural Resource Conservation Commission (TNRCC or commission) Staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) pursuant to Texas Water Code (the Code), §7.075, which requires that the TNRCC may not approve these AOs unless the public has been provided an opportunity to submit written comments. Section 7.075 requires that notice of the proposed orders and of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is November 29, 1998. Section 7.075 also requires that the TNRCC promptly consider any written comments received and that the TNRCC may withhold approval of an AO if a comment discloses facts or considerations that indicate the proposed AO is inappropriate, improper, inadequate, or inconsistent with the requirements of the Code, the Texas Health and Safety Code (THSC), and/or the Texas Clean Air Act (the Act). Additional notice is not required if changes to an AO are made in response to written comments.

A copy of each of the proposed AOs is available for public inspection at both the TNRCC's Central Office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-1864 and at the applicable Regional Office listed as follows. Written comments about these AOs should be sent to the enforcement coordinator designated for each AO at the TNRCC's Central Office at P.O. Box 13087, Austin, Texas, 78711-3087 and must be received by 5:00 p.m. on November 29, 1998. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The TNRCC enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, §7.075 provides that comments on the AOs should be submitted to the TNRCC in writing.

(1) COMPANY: Accutech Wood Products Incorporated; DOCKET NUMBER: 98-0744-AIR-E; IDENTIFIER: Account Number ED-0309-V; LOCATION: Ennis, Ellis County, Texas; TYPE OF FACILITY: woodworking shop; RULE VIOLATED: 30 TAC §116.110(a) and the Act, §382.085(b) and §382.0518(a), by operating without satisfying all of the conditions for exemption from permitting for woodworking facilities; PENALTY: \$1,440; ENFORCEMENT COORDINATOR: Michael De La Cruz, (817) 469-6750; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas, 76010-6499, (817) 469-6750.

(2) COMPANY: Sulaiman Al-Haddad; DOCKET NUMBER: 98-0646-PST-E; IDENTIFIER: Petroleum Storage Tank Facility Identification Number 46216; LOCATION: Dallas, Dallas County, Texas; TYPE OF FACILITY: retail gasoline sales; RULE VIOLATED: 30 TAC §115.242(3)(A) and the Act, §382.085(b), by failing to install an appropriate system monitor as required by the California Air Resources Board (CARB) executive order; 30 TAC §115.245, §115.246(5), and the Act, §382.085(b), by failing to conduct and provide records of initial and annual testing for the Stage II vapor recovery system; and 30 TAC §115.246(4), §115.248, and the Act, §382.085(b), by failing to ensure employee training and by failing to have records of employee training on site and available for review; PENALTY: \$13,750; ENFORCEMENT COORDINATOR: Gloria Stanford, (512) 239-1871; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas, 76010-6499, (817) 469-6750.

(3) COMPANY: Altura Energy Ltd.; DOCKET NUMBER: 98-0680-AIR-E; IDENTIFIER: Account Number YA-0052-H; LOCATION: Denver City, Yoakum County, Texas; TYPE OF FACILITY: oil and gas plant; RULE VIOLATED: 30 TAC §116.115(a), §101.20(1), 40 Code of Federal Regulations Subparts A and KKK, Permit Number 16754, and the Act, §382.085(b), by failing to conduct the initial performance test on the flare stack; PENALTY: \$1,250; ENFORCEMENT COORDINATOR: Sheila Smith, (512) 239-1670; REGIONAL OFFICE: 4630 50th Street, Suite 600, Lubbock, Texas, 79414-3520, (806) 796-7092.

(4) COMPANY: Bar-B Management, Inc.; DOCKET NUMBER: 98-0483-MWD-E; IDENTIFIER: Enforcement Identification Number 12459; LOCATION: Gordon, Palo Pinto County, Texas; TYPE OF FACILITY: truck stop; RULE VIOLATED: Permit Number 02693-001 and the Code, §26.121, by allowing an unauthorized discharge of wastewater; and 30 TAC §305.125(2), by failing to submit a permit renewal application prior to the expiration date of the permit; PENALTY: \$7,500; ENFORCEMENT COORDINATOR: Craig Carson, (512) 239-2175; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas, 76010-6499, (817) 469-6750.

(5) COMPANY: Steven Carr dba Builders Marble Company; DOCKET NUMBER: 98-0247- AIR-E; IDENTIFIER: Account Number CP-0158-R; LOCATION: Princeton, Collin County, Texas; TYPE OF FACILITY: synthetic marble manufacturing plant; RULE VIOLATED: 30 TAC §116.110 and the Act, §382.0518(a) and §382.085(b), by failing to obtain permit authorization prior to construction of a mold fabrication and repair facility; and 30 TAC §116.115(a), Permit Number T-17208, and the Act, §382.085(b), by failing to construct the marble mixing and grinding areas as represented in the permit application; PENALTY: \$13,125; ENFORCEMENT COORDINATOR: Carl Schnitz, (512) 239-1892; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas, 76010-6499, (817) 469-6750.

(6) COMPANY: Diamond Shamrock Refining Company, L.P.; DOCKET NUMBER: 98-0601- IWD-E; IDENTIFIER: Permit Number 01353; LOCATION: Three Rivers, Live Oak County, Texas;