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Community Relations Plan
for
Stoller Chemical Company

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September 2000

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COMMUNITY RELATIONS PLAN
for
Stoller Chemical Proposed State Superfund Site

Plainview, Hale County, Texas

September 2000

Overview of Community Relations Plan

This community relations plan (CRP) identifies issues of community concern regarding the Stoller Chemical Proposed State Superfund Site located north of the city of Plainview in Hale County, Texas. This CRP also outlines the anticipated community relations activities to be conducted during each phase of the cleanup at the Stoller Chemical site.

The Stoller Chemical community relations plan has been prepared to aid the Texas Natural Resource Conservation Commission (TNRCC) in developing a community relations program tailored to the needs of the community affected by the Stoller Chemical site. The TNRCC will conduct community relations activities to ensure that the local public has input to decisions and access to information about Superfund activities at the Stoller Chemical site.

The TNRCC has the responsibility for managing the cleanup of this site, and the TNRCC Remediation Division will oversee all community relations activities at the site.

Site Profile

Site Location:

34E 13' 45" N Latitude, 101E 42' 35" W Longitude

The Stoller Chemical Company, Inc. site occupies 4.99 acres at 5200 North Columbia, north of Plainview, Texas.

Site background and operating history:

Stoller Chemical Company, Inc. is currently a debtor in a pending Chapter 7 bankruptcy proceeding before the United States Bankruptcy Court for the Southern District of Texas, Houston Division. Attorney Pamela Gale Johnson has been appointed by the U. S. Bankruptcy Court to serve in the capacity of Trustee, for the purpose of liquidating Stoller's estate.

It is unknown when Stoller began operations at the 5200 North Columbia location. At the time of the first inspection by Texas Water Commission (TWC), predecessor agency to the TNRCC, in April, 1993 Stoller had already filed for Chapter 7 bankruptcy protection. During the inspection, an 8 part composite soil sample was collected along the south side of the metal warehouse and submitted for pesticide and metals analysis. Sampling results indicated contamination by 4,4'-DDE and heavy metals. The TWC inspector cited Stoller for a violation of rules relating to proper notification of industrial and hazardous waste activities. The TWC inspector was contacted on May 20, 1993, by Stoller

Enterprises that the facility mixed micro-nutrients for agricultural production and was in the process of placing the property for sale.

On December 20, 1993, the Texas Natural Resource Conservation Commission (TNRCC) discovered that Regional Waste Company (RWC) was operating an illegal container storage area at the Stoller site. The container storage area consisted of a bob-tail cattle trailer holding 25 drums of hazardous waste, as well as numerous crushed drums, behind the Stoller warehouse. The TWC inspector documented that some of the drums were rusting out and in advanced stages of deterioration. The TWC inspector instructed RWC, to overpack the deteriorating drums and properly dispose of the waste. This trailer of 25 drums came to be located on the Stoller site in the following manner: The trailer was found parked behind an inactive cotton gin at the intersection of FM 788 and IH-20 on February 25, 1988. Three of the of the 20 drums of waste found on it had hazardous waste labels identifying the start date of accumulation as March 8, 1984. Analytical results, as well as records seized from RWC, indicated that these drums contained hazardous waste. RWC was then instructed to overpack the leaking drums and arrange for proper disposal of the waste. RWC claimed financial inability to do so and on March 6, 1988, transported the trailer to their warehouse, located at 6th and Fir, Plainview, Texas, where they were re-packed into 22 55-gallon drums. Three more drums of hazardous waste were received by Ted Herring (date unknown), operator of RWC, and the load of 25 drums were transported to the Stoller site sometime prior to March 11, 1991 -- the date when Mr. Herring lost the lease at his warehouse at 6th and Fir.

On May 16, 1994, the TNRCC referred RWC to the U.S. Environmental Protection Agency (EPA) for enforcement action for illegal tank cleaning activity at the Stoller site.

On January 4, 1994 a black substance was discovered on the ground in front of the Stoller warehouse which Mr. Herring stated was fertilizer. No documentation could be provided by Mr. Herring to prove this statement. Mr. Herring was contacted by telephone on January 5, 1994, at which time he again stated that the material on the ground at the Stoller warehouse was fertilizer but could provide no documentation to prove this. He also stated that he had been contracted by Mr. Earl James of DBJ Enterprises to empty the tanks at the Stoller site and transport them to the Texas Rio Grande valley (receiving facility unknown). Mr. Herring was directed by a TNRCC inspector to remediate the spill and collect verification samples from the area. Mr. Earl James was contacted by telephone on January 5, 1994 and verified that he had contracted Mr. Herring to clean the tanks for transportation to the Texas valley but that dumping the contents of the tanks onto the ground was not part of the contract. On January 9, 1994, a TNRCC inspector documented that some work had been done to clean up the spill.

On June 7, 1994, the TNRCC Region 2 office referred RWC for enforcement based on analysis of samples collected from the spill area of the unauthorized tank washing. Sample results indicated the following hazardous substances to be present at the Stoller site: Arsenic, zinc, copper, nickel, chromium, copper, iron, chloromethane and acetone. On July 28, 1994, the Stoller site was referred to the state Superfund program.

On April 21, 1995, Mr. Herring was notified by letter that RWC was under enforcement for violations of solid waste regulations and was invited to Austin for a meeting to discuss the facts of the case. On June 30, 1995, Mr. Herring was notified by letter that the TNRCC was assessing civil penalties and requiring that he take remedial action at the Stoller site.

On September 11, 1995 the TNRCC Region 2 office requested a state-funded removal of the drums of hazardous waste stored at the Stoller site; however a removal was not conducted at this time. Sample results from the drums indicated that they held methyl parathion, ethyl parathion, lead, Disyston, Sevin and arsenic. Sample results from soil under the leaking drums indicated contamination by arsenic and lead and methyl parathion, permethrin, 1,3,5-trimethyl benzene, 1,3-diethyl benzene, 4-ethyl-1,2-dimethyl benzene, 2-ethyl naphthalene (tentatively identified compounds). On September 27, 1996, the TNRCC Industrial and Hazardous Waste Enforcement Screening Committee met and determined that enforcement was no longer an appropriate route of remedy and referred RWC to the Pollution Cleanup Division.

On October 5, 1995, Mr. Earl James, Stoller Enterprises, was notified by letter that the TNRCC would perform a Preliminary Assessment (PA) at the Stoller site. On October 24, 1995, TNRCC personnel performed a PA at the Stoller site and identified wastes both inside and outside the warehouse. Inside the warehouse were eleven 55-gallon drums and various 5-gallon buckets of unknown materials, four pallets of liquid sodium sulfate fertilizer, six pallets of pelham phosphate, six pallets of liquid sulfur, fertilizer and kickoff seed treatment. Outside the warehouse in a fenced area (unlocked) were seven 5,500-6,000 gallon storage tank tanks (contents unknown) and approximately fifteen 55-gallon product/waste drums and numerous 5-gallon buckets. All drums and buckets appeared to be in poor condition. Another drum storage area east of the fenced area contained approximately 54 product/waste drums and numerous 5-gallon buckets. All drums and buckets in this area appeared to be in poor condition and leakage was documented throughout the area. A cattle trailer containing 25 drums of hazardous and unknown wastes with a drip pan placed underneath for secondary containment was documented on the east side of the site. Potentially responsible party (PRP) information related to these drums was collected during the PA. Additional observations made during the PA were the presence of an abandoned well approximately 62 feet northwest of the warehouse (a bucket of lubrication oil sat immediately adjacent to it), an abandoned well or septic tank opening approximately 150 feet northeast of the warehouse and three more drum storage areas containing empty agricultural product drums on the east and southeast sides of the site.

On November 13, 1995, the TNRCC notified Mr. Herring by letter that: Previously submitted financial disclosure forms were incomplete and would have to be resubmitted to reflect his spouse/community property status; RWC was required by law to notify the TNRCC of drum recycling activities; and the TNRCC would be canceling RWC's hazardous waste registration to prevent future instances of hazardous waste acceptance.

On May 30, 1996, Environmental & Safety Services, Inc. responded to the TNRCC's letter, dated May 16, 1996, regarding the responsibility of the Edmonson Coop Gin for waste found at the Stoller site. The response stated that the Edmonson Coop Gin was no longer in business since it had merged with United Farm Industries, Inc. in 1993 and that their liability was only for the three drums that had been taken by RWC. Receipts included with the response showed that Edmonson Coop Gin paid RWC \$2,899.66 to take 3 drums of waste from their site in Edmonson, Texas in 1984.

On November 14, 1996, the TNRCC notified all PRPs by letter that the Stoller site was under state Superfund evaluation and requested information regarding their relationships to the site as well as material or waste shipped there. PRPs included: Stoller Enterprises; Mr. Ted Herring, RWC; FMC Corporation; United Farm Industries; Ms. Pamela G.

Johnson, U.S. Bankruptcy Trustee (NOTE: As a trustee, Ms. Johnson is considered a property owner); and Terra International, Inc. (NOTE: Terra International, Inc. and FMC Corporation were identified as PRPs by the presence of drums with their labels on them at the Stoller site).

Environmental & Safety Services Inc. responded on behalf of United Farm Industries on December 2, 1996, and claimed that no one at TNRCC could show specific evidence where the waste was onsite nor that it belonged to United Farm Industries. Dames & Moore responded on behalf of Stoller Enterprises on December 10, 1996, that they intended to take the Stoller site into the TNRCC Voluntary Cleanup Program. McDermott, Will & Emery responded on behalf of Terra International on December 17, 1996, and stated that Terra International believed they had no liability for any material at the Stoller site and they were not interested in performing any waste removal. FMC Corporation responded on December 30, 1996, and objected to the TNRCC's request for information because it considered the request overly broad and called for the disclosure of privileged and confidential information. No file information could be located regarding any response from Ms. Pamela G. Johnson, Trustee or Mr. Ted Herring, RWC.

On April 17, 1997, Stoller Enterprises submitted an application to the TNRCC Voluntary Cleanup Program (VCP) for the Stoller site. This application included a Phase I site investigation and requested a signed agreement and acknowledged receipt of the VCP application by Stoller Enterprises. On May 23, 1997, the TNRCC Assessment Prepared by Dames & Moore. schedule of submittals. On August 30, 1997 the TNRCC notified Stoller Enterprises that more than 30 days had passed since their acceptance into VCP and that an agreement must be received within 20 days or the TNRCC may elect to withdraw from VCP negotiations.

On September 18, 1997, the TNRCC conducted a follow-up inspection at the Stoller site to determine if RWC was continuing to store hazardous waste in an unauthorized manner. The TNRCC inspector documented that releases of hazardous substances continued from the trailer storing drums of hazardous waste and requested a state-funded removal of the drums.

On October 30, 1997, the TNRCC VCP Program notified Earl James that unless a signed agreement was reached between Stoller Enterprises and the TNRCC within 20 days, the TNRCC would withdraw from VCP negotiations. On December 11, 1997 the TNRCC notified Mr. Earl James that the TNRCC was formally withdrawing from VCP negotiations regarding the Stoller site.

On January 6, 1998, the TNRCC began a state-funded removal action of the twenty five (25) drums contained in the cattle trailer at the Stoller site. The removal action was completed on January 9, 1998.

On September 8, 1998, the TNRCC conducted a Case Development Inspection at the Stoller site and documented that numerous containers were missing from the site, tank valves were leaking, 55-gallon drums were without covers and stained soil was documented from around missing containers.

Community Profile

Hale County, located in northwest Texas, has an economy supported by agriculture, food-processing plants and manufacturing.

In 1998 the State Data Center of the Texas Department of Commerce estimated the population of Hale County at 35,461 an 2.3% increase from the 1990 U.S. Census estimate.

The 1990 ethnicity estimates** of Hale County by the U.S. Census were: white, 68.7%; black, 5.3%; Hispanic, 41.6%; American Indian, 0.4%; Asian, 0.4% and other 25.1%.

The Stoller Chemical site is located north of the city limits of Plainview. Plainview has a population of approximately 22,220.

There are no other state or federal Superfund sites in Hale County.

**** Ethnicity, 1990:** Based on the U.S. Bureau of the Census count of 1990. In many cases the county percentages will total more than 100 for this reason: In the forms used by the bureau, residents are asked to classify themselves according to race as "White"; "Black"; "American Indian, Eskimo and Aleut"; "Asian and Pacific Islander" or "Other".

In another question the bureau asked respondents to mark their ethnic background, such as Mexican, Cuban, Puerto Rican, to be classified by the bureau as "Hispanic". Hispanic people can be of any race, thus their numbers are also included in one of the basic racial categories.

Community Involvement and Concerns

A public notice announcing the Stoller Chemical proposal to the state Superfund Registry and future land use designation public meeting, scheduled for August 16, 2000, was published in the legal notice section of the July 14, 2000, edition of the *Plainview Daily Herald* and in the July 14, 2000, *Texas Register*. A display ad announcing the Stoller proposal public meeting was published in the August 9, 2000, edition of the *Daily Herald*.

At the August 16, 2000, site proposal to the State Superfund Registry and future land use designation public meeting, held at Plainview City Hall, four citizens attended. The concerns raised by the meeting attendees were:

Can the county health department file a warrant to get RWC to vacate the site;

In what ways would a deed restriction on the Stoller site affect the Hamby business regarding the use or non-use of ground water;

Who has jurisdiction over RWC picking up waste and pesticide drums?

Specific Objectives of the Community Relations Program

- A. Maintain open communications between the Texas Natural Resource Conservation Commission, City of Plainview, Hale County and State officials and concerned citizens.
- B. Continue to expand the mailing list to include additional agencies, organizations, and residents that are interested in the project.
- C. Provide a central information contact from whom interested parties can receive information on site activities, project status, and study results.
- D. Provide all information, especially technical findings, in a language that is understandable to the general public and in a form useful to interested citizens and elected officials through the preparation of fact sheets and news releases, when major findings become available during project phases.
- E. Monitor community concerns and information requirements as the project progresses by monitoring the community response to news releases and community meetings.
- F. Modify the community relations plan as changes in community attitudes and needs occur and maintain accuracy during different project phases.

Community Relations Techniques

- A. Project Status Briefings for community groups and concerned citizens (may include public meetings, if needed) - To periodically inform the general community of significant project developments and findings; to respond to inquiries accordingly and incorporate local concerns into the decision making process as appropriate.
- B. Project Mailing List - To provide the means through which press releases, project status reports and other significant communications can be distributed to concerned groups and individuals.
- C. Public Consultations - To conduct informal meetings (if needed) with residents. To provide an opportunity for affected residents to express any concerns and to make inquiries to insure effective two-way communication.
- D. Program Document Repositories - To maintain easily accessible repositories through which the public may review project outputs. The public will be periodically informed of the availability of project documents and the location of repositories via techniques A through C.
- E. TNRCC State Superfund Internet Homepage - provide current, timely information on state Superfund activities on the World Wide Web at the following web address: www.tnrcc.state.tx.us/permitting/remed/superfund
- F. Revise CRP - To reflect changes in site activities or local concerns. After the Proposed Remedial Action Document (PRAD) has been issued, the CRP will be revised to address implementation of the selected remedial action alternative.

Area Elected Officials

State

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State Senate
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The Honorable James E. "Pete" Laney
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County

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Hale County Judge
County Courthouse
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The Honorable Earle McDonough
Hale County Commissioner, Pct. 1
County Courthouse
Hale Center, Texas 79072
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Area News Media

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Fax: 806/296-1315

Lubbock Avalanche-Journal
Attention: City Editor
P.O. Box 491
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Project Document Repositories

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