

The following is an Adobe Acrobat reproduction of the official
Notice of Proposed Selection of Remedy

for

Texas American Oil

as published in the

Texas Register

(25 TexReg 6220-6221)

on

June 23, 2000

**A portion of the records for this site, including documents
pertinent to the TNRCC selection of remedy, is available
for viewing with the site repository records**

at

A.H. Meadows Public Library

921 S. Ninth Street

Midlothian, Texas

and/or

TNRCC Records Management Center

Austin, Texas

Scroll Down to View

Division, MC 175, (512) 239-6224; REGIONAL OFFICE: 401 East Franklin, Suite 560, El Paso, Texas 79901- 1206, (915) 834-4949.

(4) COMPANY: Prime Time Enterprises, Incorporated; DOCKET NUMBER: 1999-0811-PST- E; TNRCC ID NUMBER: 0006400; LOCATION: 13334 Chiswick, Houston, Harris County, Texas; TYPE OF FACILITY: underground storage tanks; RULES VIOLATED: 30 TAC §115.241 and THSC, §382.085(b) by failing to install a Stage II vapor recovery system; PENALTY: \$6,250; STAFF ATTORNEY: I-Jung Chiang, Litigation Division, MC 175, (512) 239-3400; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(5) COMPANY: Douglas J. Smith, Sr.; DOCKET NUMBER: 1999-1506-OSI-E; TNRCC ID NUMBER: OS4458; LOCATION: HCR 02 Box 467-A, Bay City, Texas; TYPE OF FACILITY: on- site sewage facility (OSSF); RULES VIOLATED: 30 TAC §285.58(a)(3) and (10) and THSC, §366.051(c) and §366.054 by installing two OSSF systems on properties that had no permits issued and no authorizations to construct and by failing, without just cause, to perform work for thirty or more consecutive days an OSSF installation site; PENALTY:\$1,125; STAFF ATTORNEY: Camille Morris, Litigation Division, MC 175, (512) 239-3915; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(6) COMPANY: Martin Steele dba Steele Lawn Sprinklers; DOCKET NUMBER: 1999-0740- LII-E; TNRCC ID NUMBER: NONE; LOCATION: 410 East Springdale, Grand Prairie, Dallas County, Texas; TYPE OF FACILITY: irrigation systems installer; RULES VIOLATED: 30 TAC §344.57(d) and the Code, §34.007(a) by selling, designing, and installing a landscape irrigation system without a license; PENALTY: \$625; STAFF ATTORNEY: Joshua Olszewski, Litigation Division, MC 175, (512) 239-3645; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas 76010-6499, (817) 469-6750.

(7) COMPANY: Roden Dairy, Incorporated; DOCKET NUMBER: 1999-0721-AGR-E; TNRCC ID NUMBER: 03258; LOCATION: 9500 County Road 1006, Godley, Johnson County, Texas; TYPE OF FACILITY: dairy; RULES VIOLATED: the Code, §26.121 and Water Quality Permit Number 03258, Special Provision Number 2.2.1 by failing to prevent the discharge of irrigated wastewater into waters in the state; the Code, §26.121 and Water Quality Permit Number 03258, Special Provision Number 2.2.5 by failing to properly maintain irrigation equipment in order to prevent any unauthorized discharge into waters in the state; and the Code, §26.039 and Water Quality Permit Number 03258, Standard Provision Number 2 by failing to report an unauthorized discharge of wastewater to the local TNRCC district office within 24 hours of the discharge; PENALTY: \$8,500; STAFF ATTORNEY: John Sumner, Litigation Division, MC 175, (512) 239-0497; REGIONAL OFFICE: 1101 East Arkansas Lane, Arlington, Texas 76010-6499, (817) 469-6750.

TRD-200004103

Paul C. Sarahan

Director, Litigation Division

Texas Natural Resource Conservation Commission

Filed: June 12, 2000



Notice of Proposed Selection of Remedy

The executive director of the Texas Natural Resource Conservation Commission (TNRCC) is issuing this public notice of a proposed selection of remedy for the Texas American Oil (TAO) State Superfund site. In accordance with 30 TAC §335.349(a) concerning requirements for the remedial action, and the Texas Health and Safety

Code, §361.187 of the Solid Waste Disposal Act concerning the proposed remedial action, a public meeting regarding the TNRCC's selection of a proposed remedy for the Texas American Oil State Superfund site shall be held. Section 361.187 requires that the TNRCC shall publish notice of the meeting in the *Texas Register* and in a newspaper of general circulation in the county in which the facility is located at least 30 days before the date of the public meeting. This notice also appears in the June 22, 2000, publication of the *Midlothian Mirror* newspaper.

The public meeting is scheduled on July 31, 2000, at the City Hall Chambers, located at 104 West Avenue E, Midlothian, Texas. The public meeting will be legislative in nature and is not a contested case hearing under the Texas Government Code, §2001.

The site for which a remedy is being proposed, the Texas American Oil state Superfund site, was proposed for listing on the state registry of superfund sites in the October 16, 1987, edition of the *Texas Register* (12 TexReg 3858). The TAO site is located three miles north of Midlothian on Old State Highway 67, Ellis County, Texas. The site covers eight acres, and land use in the vicinity of the site is primarily rural. Old Highway 67 borders the eastern site boundary. Residential areas are located south and west of the site, and commercial properties are present along the northern site boundary. The property is currently inactive. No buildings are present, however, several large concrete slabs are located on-site.

Prior to 1970, the TAO site was used as a limestone quarry. From 1970 to 1978, the site was a used crankcase and transmission oil refinery. During the operation, the used wastes were placed in three unlined pits located on the western portion of the site. The Texas Air Control Board received numerous complaints about the facility. When the refinery closed, the waste pits were pumped out, and the sludge remaining in the pits was mixed with soil. Reportedly, the pits were then covered with a three inch layer of asphalt in compliance with an order from the Texas Department of Water Resources.

A site inspection was conducted for the Texas Water Commission (predecessor agency of the TNRCC) in 1987. Soil and sediment samples were collected and analyzed for total metals (barium, lead, and chromium) and volatile organic compounds. Results indicated elevated levels of metals. A remedial investigation (RI) of the TAO site was conducted between 1992 and 1994, and the RI identified barium, chromium, lead, chloroform and polychlorinated bi-phenyls (PCB) as potential chemicals of concern (COC) at the site. Based on the RI data, a risk assessment (RA) study was performed on the site. The objective of the RA was to characterize potential human risks that might result from exposures to site-related contaminants under current and expected future land-use scenarios. The risk calculations indicated a cumulative risk for on-site residents and workers. Prior to the beginning of a treatability study in December 1998, additional sampling and analyses of soil and groundwater at the site were completed and confirmed lead, PCBs, and chloroform as the appropriate COCs for the site. In May 2000, the presumptive remedy document (PRD) was prepared, describing the remedy selection process for closure of the site. The PRD evaluated three containment options and an off-site disposal option. The TNRCC prepared a proposed remedial action document in June 2000. This document presented the proposed remedy and justification for how this remedy demonstrated compliance with the relevant cleanup standards.

Based on the calculated volume of contaminated soil and the requirement for protection of groundwater, the recommended remedial alternative from the TNRCC's *Presumptive Remedies Guidance for Soils at Texas State Superfund Sites* is on-site containment with stabilization. The recommended alternative is the most cost effective,

reasonable and appropriate remedy to address the site. Containment with in-situ stabilization will significantly reduce the mobility and toxicity of the contaminants, which will reduce the threat to groundwater from the treated soil as well as reduce seepage from the stabilized materials from the pit area. In addition to stabilization, the construction of a clay cap will prevent direct contact with potential receptors to the impacted soil and will provide a barrier to the infiltration of storm-water and surface water. In-situ stabilization is also most cost effective.

A small volume of soil having PCB concentrations of more than 100 mg/kg will be excavated and disposed of off-site. The area surrounding the waste pits will be fenced and groundwater monitoring wells will be installed. After closure, the cap area and remaining site areas with constituents exceeding background concentrations will be deed recorded. Long-term maintenance and groundwater monitoring of the cap system will be conducted.

Persons desiring to make comments on the proposed remedial action or the identification of potentially responsible parties may do so at the meeting or in writing prior to the public meeting. Comments may be submitted to Michael Garrigan, Project Manager, Superfund Cleanup Section, Remediation Division, MC 143, P.O. Box 13087, Austin, Texas 78711-3087. All comments must be received by the close of the public meeting on July 31, 2000.

The executive director of the TNRCC prepared a brief summary of the TNRCC's records regarding this site. This summary and a portion of the records for this site, including documents pertinent to the proposed remedy, are available for review during regular business hours at the A. H. Meadows School Library, 921 South 9th Street, Midlothian, TX, telephone number (972) 775-3417. Copies of the complete public record file may be obtained during regular business hours at the TNRCC Records Management Center, Building D, North Entrance, Room 190, 12100 Park 35 Circle, Austin, Texas 78753, telephone numbers (800) 633-9363 (within Texas only) or (512) 239-2920. Photocopying of file information is subject to payment of a fee. Questions regarding the public meeting may be directed to Ms. Janie Montemayor, Community Relations Coordinator, telephone number (800) 633-9363 or (512) 239-3844.

TRD-200004101
Margaret Hoffman
Director, Environmental Law Division
Texas Natural Resource Conservation Commission
Filed: June 12, 2000



Notice of Public Meeting and Notice of Receipt of Application and Intent to Obtain a Municipal Solid Waste Permit

APPLICATION. The Applerock Group, LLC, 313 Genoa Red Bluff Road, Houston, Texas 77034, a landfill disposal facility, has applied to the Texas Natural Resource Conservation Commission (TNRCC) for a Type IV Municipal Solid Waste Permit to authorize the disposal of brush, construction-demolition waste, and/or rubbish that are free of putrescible and free of household wastes. The facility is located at 313 Genoa Red Bluff Road, 1/4 mile east of the intersection of State Highway 3 (Old Galveston Highway) and Genoa Red Bluff Road (Fuqua) within the City of Houston in Harris County, Texas. Parts I and II of the application were submitted to the TNRCC on March 18, 1999. Parts III and IV of the application were submitted to the TNRCC on April 3, 2000. Parts III and IV of the permit application are available for viewing and copying at the Pasadena City Hall located at 1211 E. Southmore Ave., Pasadena, Texas, Phone: (713) 477-1511. The application is subject to the goals

and policies of the Texas Coastal Management Program and must be consistent with the applicable Coastal Management Program goals and policies. The TNRCC executive director has determined the application is administratively complete and will conduct a technical review of the application. After completion of the technical review, the TNRCC will issue a Notice of Application and Preliminary Decision. MAILING LISTS. You may ask to be placed on a mailing list to obtain additional information on this application by sending a request to the Office of the Chief Clerk, at the address below. You may also ask to be on a county-wide mailing list to receive public notices for TNRCC permits in the county. PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments on this application. Written public comments should be submitted to the Office of the Chief Clerk, at the address provided below. The TNRCC will hold a public meeting on this application at the following date, time and location: DATE: July 13, 2000 TIME: 7:00PM LOCATION: 313 Genoa Red Bluff Road, Houston, Texas 77034 The purpose of the public meeting is to provide the opportunity to submit comments or ask questions about the application. A public meeting is not a contested case hearing. Written public comments must be submitted to the Office of the Chief Clerk, MC 105, TNRCC, P.O. Box 13087, Austin, TX 78711-3087. ADDITIONAL NOTICE. After technical review of the application is complete, the executive director may prepare a draft permit and will issue a preliminary decision on the application. Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list or the mailing list for this application. That notice will contain the final deadline for submitting public comments. OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for public comments, the executive director will consider the comments and prepare a response to all relevant and material, or significant public comments. The response to comments, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments or who is on the mailing list for this application. The mailing will also provide instructions for requesting reconsideration of the executive director's decision and for requesting a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court. A contested case hearing will only be granted based on issues relevant and material to the executive directors preliminary decision on the application. Further, the Commission will only grant a hearing on issues that were raised during the public comment period and not withdrawn. Any hearings held on this application will only relate to Parts III and IV of the application, relating to the Site Development Plan and the Site Operating Plan. No hearing will be held on Parts I and II of the application, because the Commission has already approved that portion of the application. The Site Development Plan and the Site Operating contains information required in 30 TAC §§330.54, 330.55 and 330.56. This includes the solid waste data, identifying the nature, type and quality of the waste proposed for disposal at the facility, the proposed landfill method, liner construction, cell construction sequences, closure phases, all weather operations, access controls, solid waste deposition and operating life, groundwater protection design and operation, rainfall run-on and run-off controls, drainage structures, drainage calculations, erosion controls, contaminated water controls, final cover design and landfill markers. The Site Operating Plan consists of information required in 30 TAC §330.57 and §330.114. The Site Operating Plan describes the operating procedures to be undertaken to conduct day to day operations. INFORMATION. If you need more information about this permit application or the permitting process, please call the TNRCC Office of Public Assistance, Toll Free, at 1 (800) 687-4040. General information about the TNRCC can be found at our web site at www.tnrcc.state.tx.us. Further information may also be obtained