

Notice of Availability and Request for Comments Draft Restoration Plan/Environmental Assessment Former Kerr-McGee Chemical Corporation Wood-Treating Facility (Tronox LLC) in Texarkana, Bowie County, Texas

AGENCIES: The Texas Commission on Environmental Quality (TCEQ); the Texas Parks and Wildlife Department; the Texas General Land Office; and the United States Fish and Wildlife Service, acting on behalf of the United States Department of the Interior (collectively, the Trustees).

ACTION: Notice of availability of a Draft Restoration Plan/Environmental Assessment (Draft RP/EA) for natural resource damages resulting from the former Kerr-McGee Chemical Corporation (Kerr-McGee) wood-treating facility (the Facility) in Texarkana, Bowie County, Texas, and of a public comment on the Draft RP/EA beginning on October 26, 2018 and concluding on November 26, 2018.

SUMMARY: This notice serves to inform the public that the Trustees have developed a Draft RP/EA to address natural resource damages associated with the Facility. The Draft RP/EA describes how the Trustees propose to use recovered funds to address natural resources (including associated ecological services) that were injured, lost, or destroyed due to releases of hazardous substances at or from the Facility. The Draft RP/EA presents the restoration alternatives considered and identifies the preferred restoration alternatives to compensate for injuries to natural resources at or downstream from the Facility.

The opportunity for public review of and comment on the Draft RP/EA announced in this notice is pursuant to Section 107(f) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 United States Code (USC) §9607(f), and related provisions of 43 Code of Federal Regulations (CFR) §11.81(d).

ADDRESSES: The Draft RP/EA is available at

https://www.cerc.usgs.gov/orda_docs/CaseDetails?ID=1064. Interested members of the public may also request to receive a copy of the Draft RP/EA by contacting Mike Cave at the TCEQ, Remediation Division, MC-136, P.O. Box 13087, Austin, Texas 78711-3087; by phone at (512) 239-4772; or by email at michael.cave@tceq.texas.gov.

DATES: Comments must be submitted in writing on or before November 26, 2018 to Mike Cave of the TCEQ at the address listed in the previous paragraph. The Trustees will consider all written comments received during the comment period prior to finalizing the Draft RP/EA.

SUPPLEMENTARY INFORMATION: The Facility property includes approximately 500 acres of upland and bottomland hardwoods, including the floodplains of Days, Howard, and Waggoner creeks. The Facility was built in 1905 and operated under various companies, including Kerr-McGee, until operations ceased in 2003. In 2005, Kerr-McGee transferred its chemical business, including the Facility, to Tronox LLC (Tronox).

Facility operations included the treatment of railroad ties and other railroad timber products with a creosote-based preservative. The operations area of the Facility

consisted of a drip pad, treated and untreated wood storage areas, wood-treating cylinders, chemical storage tanks, and six surface impoundments. The wood-treating process used at the Facility included a drying phase which used an aqueous solution containing 0.25% sodium fluoride and 1.75% arsenic trioxide. The chemicals used in the preservation process included creosote, which contained polycyclic aromatic hydrocarbons and 2% pentachlorophenol (PCP). The Facility discontinued use of PCP in the wood preservation process in 1984. The treatment of wastewater during the wood-preserving process generated bottom sediment and sludge that contained hazardous substances. The waste generated at the Facility was held in six surface impoundments located west of Waggoner Creek.

In 1985, the Texas Water Commission (TWC), now TCEQ, identified the presence of creosote constituents in the upper aquifer and a discharge of constituents to Waggoner Creek. Facility operations resulted in the release of creosote to the surface soil and groundwater. The creosote traveled off-site into the nearby creeks by overland flow and by groundwater discharge. In accordance with a TWC Compliance Plan, Kerr-McGee completed corrective measures, including closure of the six surface impoundments, groundwater monitoring, groundwater corrective action, and recovery of dense non-aqueous phase liquid at the Facility. Kerr-McGee also implemented subsurface barriers and a groundwater pump-and-treat system to remove creosote and other hazardous substances from the groundwater. After Tronox's bankruptcy, a court-appointed trustee was established to oversee corrective actions at the Facility, including operation of the groundwater pump-and-treat system.

The Trustees are designated under Section 107(f) of CERCLA, 42 USC §9607(f); Section 311 of the Federal Water Pollution and Control Act (Clean Water Act), 33 USC §1321;

Subpart G of the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR §300.600 and §300.605; and other applicable federal and state laws. Under these authorities, the Trustees are authorized to act on behalf of the public to protect and restore natural resources injured or lost as a result of releases of hazardous substances.

On May 20, 2008, the Trustees and Tronox entered into a memorandum of agreement to perform a cooperative restoration-based assessment to address potential natural resource damage liability for releases of hazardous substances at or from the Facility. In 2009, Tronox declared bankruptcy. The Trustees determined, as part of the bankruptcy claim for natural resource damages, that injury to benthic and freshwater aquatic habitats occurred at three perennial streams at or downstream of the Facility: Days Creek, Howard Creek, and Waggoner Creek. In addition, there was potential injury to riparian and bottomland hardwood habitats adjacent to Days Creek and Howard Creek.

On January 26, 2011, the United States Bankruptcy Court, Southern District of New York, approved a consent decree and environmental settlement agreement. On November 10, 2014, the United States District Court, Southern District of New York, approved a settlement agreement in a related fraudulent conveyance lawsuit. As a result of these two settlements, the Trustees received \$21,292,395.06 for natural resource damages.

In accordance with CERCLA regulations, the Trustees evaluated a reasonable range of restoration alternatives to compensate the public for injuries to natural resources and

associated lost services. The proposed restoration alternatives are located in the northeast and east Texas ecoregion associated with the Facility. After examining restoration alternatives and potential restoration sites, the Trustees propose to use the recovered natural resource damages to implement the following identified projects: 1) acquisition of tracts associated with Caddo Lake; 2) acquisition of tracts along the Neches River; 3) acquisition of tracts within the Talbot Prairie; 4) restoration and enhancement of bottomland hardwoods within the Mineola Nature Preserve; and 5) construction of wetlands; preservation of forested habitats; and stabilization, restoration, and enhancement of freshwater streams in the Texarkana area.

The Draft RP/EA provides information on the restoration alternatives considered and describes the methods used to select the preferred restoration actions that will be implemented to restore, replace, or acquire the resources or services equivalent to those lost.

For further information, contact Mike Cave at (512) 239-4772 or via email at michael.cave@tceq.texas.gov.