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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 5, 2017

Mr. Geoffrey Reeder
Manager, Site Remediation
Union Pacific Railroad
24125 Aldine Westfall Drive
Spring, Texas 77373

Re: TCEQ Approval of *Affected Property Assessment Report* and *Response Action Completion Report*, dated November 14, 2016
Union Pacific Railroad (UPRR) Former Oglebay-Norton Minerals, Inc. (ONMI) Lease Site, El Paso, Texas
TCEQ Facility ID No. T3252; Customer No. CN600131098; Regulated Entity No. RN108873415

Dear Mr. Reeder:

The Texas Commission on Environmental Quality (TCEQ) has reviewed the above referenced reports submitted by representatives of Pastor, Behling & Wheeler, LLC (PBW) on behalf of Union Pacific Railroad (UPRR). The November 14, 2016 *Affected Property Assessment Report* (APAR) and *Response Action Completion Report* (RACR) were submitted by representatives of UPRR to document the completion of affected property assessment activities and response actions for slag and slag-containing materials associated with the above referenced property in accordance with the requirements of 30 Texas Administrative Code (TAC) 350. Response actions were initially proposed in a November 13, 2015 *Self-Implementation Notice* (SIN) and *SIN Supplemental Amendment* dated April 7, 2016. The TCEQ provided UPRR representatives with notice to proceed with the implementation of the removal of slag and slag-containing materials from the UPRR Former ONMI Lease site (Site) in letter issued November 25, 2015 and April 13, 2016, respectively. Remedial actions documented in the November 14, 2016 RACR noted the subsequent transition of response actions to TRRP Remedy Standard B. Residual slag-containing soils associated with the Site as documented in the RACR included the construction and installation of a soil cover (i.e., physical control) to protect on-site commercial-industrial receptors and address the soil and residual slag PCLE zone for the Site. The UPRR Site is surrounded by properties formerly owned by ASARCO and are currently managed by the Texas Custodial Trust (TCT) with regulatory oversight of the TCEQ and USEPA. As such several aspects of the assessment and response action activities documented in the APAR and RACR for the UPRR Former OMNI Lease Site were conducted with regulatory oversight in coordination with the TCT. The implementation of final, regulatory approved, response actions to address the groundwater PCLE zone associated with the TCT properties surrounding the UPRR Site are currently being coordinated with UPRR by TCT representatives. The UPRR project was also coordinated with the construction and relocation of railroad tracks in and around the Site as part of the Border Highway Project (BHP) being implemented by Texas Department of Transportation (TxDOT).

Based on our review, the TCEQ concurs that the investigation activities, as documented in the November 14, 2016 APAR for the UPRR Former ONMI Lease Site, have been completed in accordance with 30 Texas Administrative Code (TAC) §350.51. In addition, the TCEQ hereby approves the November 14, 2016 RACR as documenting the achievement of TRRP Remedy Standard B human health and ecological based standards and criteria as specified in 30 TAC

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§350.33 to address the soil and residual slag PCLE zone for the Site. Post-response action care, institutional controls and engineering control measures are required for the Site.

The November 14, 2016 *RACR* contains a document proposed to fulfill the institutional control (IC) requirements of 30 Texas Administrative Code (TAC) §350.111. Proof of filing the institutional control in the El Paso county records for the Site must be submitted to the TCEQ within 90 days of the date of this letter. ***As specified in §350.111, please submit proof of filing of the IC for the Site to the TCEQ within ninety (90) days from the date of this letter.***

Please initiate the approved post-response action care activities. Post-Response Action Care Reports (PRACRs) must be submitted in accordance with the schedule provided in Worksheet 7.0 of the *RACR*.

Please be aware that it is the continuing obligation of persons associated with a site to ensure that municipal hazardous waste and industrial solid waste are managed in a manner which does not cause the discharge or imminent threat of discharge of waste into or adjacent to waters in the state, a nuisance, or the endangerment of the public health and welfare as required by 30 TAC §335.4. If the actual response action documented in the November 14, 2016 *RACR* for the Site fails to comply with these requirements, please take any necessary and authorized action to correct such conditions. A TCEQ field inspector may conduct an inspection of your site to determine compliance with the November 14, 2016 *RACR*.

Questions concerning this letter should be directed to me at (512) 239-6542. When responding by mail, please submit an original and one copy of all correspondence and reports to the TCEQ Remediation Division at Mail Code MC-127 with an additional copy submitted to the local TCEQ Region Office. The information in the reference block should be included in all submittals.

Sincerely,



Eleanor T. Wehner, P.G.
Project Manager
VCP-CA Section
Remediation Division
Texas Commission on Environmental Quality

ETW/bk

cc: Mr. Eric Pastor, Pastor, Behling & Wheeler, LLC, 2201 Double Creek Drive, Suite 4004, Round Rock, TX 78664

Mr. Scott M. Brown, P.E., Project Manager, Arcadis U.S., Inc., 410 N. 44th Street, Suite 1000, Phoenix, AZ 85008

Mr. Roberto Puga, P.G., Trustee, Texas Custodial Trust, Project Navigator, Ltd.
One Pointe Drive, Suite 320, Brea, CA 92821

Mr. Chuck Barnes, Enforcement Division, U.S. EPA Region 6, 1445 Ross Avenue
Suite 1200, Mail Code: 6EN, Dallas, TX 75202-2733

Ms. Lorinda Gardner, Region Director, TCEQ Region 6 Office, El Paso