

Institutional Controls

Complete this worksheet if an institutional control will be or has been used as part of the response action. Include in Appendix 3 copies of filed institutional controls and drafts of the proposed institutional controls, copies of landowner concurrences, and a list of landowners from whom landowner concurrence will be requested.

Specify the property for which this applies. East Mountain and East Property Assessment Areas

Repeat this worksheet for each different property for which an institutional control will be used.

Institutional Control	Type of Institutional Control ¹				Property Ownership		Anticipated or actual filing date ²
	Deed notice	Restrictive covenant	VCP Certificate of Completion	Equivalent zoning or governmental ordinance	Check if pertinent tract of land is owned by the person	Check if the pertinent tract of land is owned by an innocent owner or operator	
Document use of commercial/industrial land use (§350.31(g))		X			X		3 months after Approval of Soil RACR
Document use of physical or institutional control under Remedy Standard B §350.31(g))		X			X		3 months after Approval of Soil RACR
Document notice of on-going long term response action (§350.31(h))		X			X		3 months after Approval of Soil RACR
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
Document variance from the default exposure factors (§350.74(j)(2)(L))							
Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))							
Document establishing a PMZ (§350.33(f)(4)(C)(l))		X			X		4 months after RAP Approval
Document the demonstration of technical impracticability (§350.33(f)(3)(F))							
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							
Other (specify)							

¹ Check the appropriate box(es) to indicate the type of institutional control required for the response action.

² Specify date or amount of time after RAP approval.

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Specify the property for which this applies. Plant Site, Parker Brothers Arroyo, and Floodplain Assessment Areas

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Document notice of on-going long term response action (§350.31(h))		X			X	(3)	3 months after Approval of Soil RACR
Document use of occupational inhalation criteria as RBELs (§350.74(b)(1))							
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Document the use of a non-default soil exposure area (§350.51(l)(3)&(4))							
Document WCU exclusion area (§350.33(f)(2))		X			X		4 months after RAP Approval
Document establishing a PMZ (§350.33(f)(4)(C)(I))		X			X	(3)	4 months after RAP Approval
Document the demonstration of technical impracticability (§350.33(f)(3)(F))							
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							
Other (specify)							

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³ See IC forms specific to BNSF, UPRR, TxDOT and IBWC indicating landowner status for adjacent parcels.

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Specify the property for which this applies. West Paisano Sliver Parcel

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Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							
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Specify the property for which this applies. TxDOT Property associated with I-10, Hwy 375, and Paisano Drive

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Document the demonstration of technical impracticability (§350.33(f)(3)(F))							
Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							
Other (specify)							

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³ Parcels are adjacent to the Site. TxDOT did not make a claim against ASARCO for impacts to their property during the bankruptcy period. TCT understands parcels were impacted when acquired from ASARCO to facilitate construction of I-10 and HY85 (Paisano Drive). TxDOT is in the process of acquiring Parcels 13 and 83 from the TCT. A deed notice has been recorded restricting Parcel 13 (parts 1 and 2) to commercial/industrial land use. An environmental assessment will be completed on Parcel 83 (parts 1 and 2) to facilitate its conveyance to TxDOT. TCT understands TxDOT is cooperating with TCEQ to place ICs on their property.

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Specify the property for which this applies. Union Pacific Railroad

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Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							
Other (specify)							

¹ Check the appropriate box(es) to indicate the type of institutional control required for the response action.

² Specify date or amount of time after RAP approval.

³ Parcels are adjacent to the Site. UPRR did not make a claim against ASARCO for impacts to their property during the bankruptcy period. TCT understands parcels were leased to a third party for slag processing operations and impacted during this period. Clean-up activities were undertaken by UPRR on these parcels in 2016 as a separate project with TCEQ. UPRR has indicated it is willing to cooperate with TCT to place ICs on their property.

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Specify the property for which this applies. Burlington Northern/Santa Fe Railroad

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Relocation of soils containing COCs for reuse (§350.36(b)(4) and (c)(4))							
Other (specify)							

¹ Check the appropriate box(es) to indicate the type of institutional control required for the response action.

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³ Parcels are adjacent to the Site. BNSF did not make a claim against ASARCO for impacts to their property during the bankruptcy period. TCT understands discussions are ongoing regarding land owner status.

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Specify the property for which this applies. International Boundary Water Commission American Dam Operations Site

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Other (specify)							

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² Specify date or amount of time after RAP approval.

³ Parcels are adjacent to the Site. IBWC did make a claim against ASARCO for impacts to their property during the bankruptcy period and were awarded a settlement. IBWC has indicated it is willing to place ICs on their property.