

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 9, 2024

Via email

Mr. Kevin Peterburs
Manager, Environmental Site Remediation
Union Pacific Railroad
4823 N 119th Street
Milwaukee, WI 53225

RE: Approval Conditional
Revised Interim Measures Work Plan - Englewood Intermodal Yard (EIY), October 20, 2023
Union Pacific Railroad (UPRR) Company - Houston Wood Preserving Works
4910 Liberty Road, Houston (Harris County)
Post-Closure Care Permit No. HW-50343; Solid Waste Registration No. 31547;
CN600131098, RN100674613, EPA ID No. TXD000820266

Dear Mr. Peterburs:

The Texas Commission on Environmental Quality (TCEQ) has completed review of the *Revised Interim Measures Work Plan* (Revised IMWP), which UPRR submitted in response to the TCEQ's July 5, 2023 comment letter. The Revised IMWP includes a phased approach to address non-aqueous phase liquid (NAPL) seeps in the EIY. It also includes updates to the dust control and air monitoring plan (DC&), soil/waste management plan (SWMP), and stormwater management plan (SMP). The TCEQ understands that under the Revised IMWP, UPRR proposes to:

1. Conduct an initial phase of focused excavations at 12 locations where recent NAPL seeps have been observed and in areas where total petroleum hydrocarbon (TPH) concentrations in surface soils exceed 10,000 mg/kg. The proposed focused excavations will be conducted within both the former lagoon and former Aboveground Storage Tank source areas. During this initial phase, the proposed extent of the excavations may be expanded based on field conditions and visual observations of NAPL in the sidewalls or floor of the excavations. A second phase of focused excavations or other interim measure alternatives may be proposed following the completion and evaluation of the effectiveness of the initial excavations. UPRR will submit an amended Revised IMWP for the TCEQ's review prior to implementing any subsequent excavation phases.
2. Evaluate the overall condition of the Concrete Cap Area within the EIY. UPRR will inspect the joints and cracks in the concrete/asphalt cap area where NAPL seeps occur. Upon completion, UPRR will submit an IMWP Addendum to

propose alternative remedies to address the cracks as potential areas for future NAPL seeps in the Concrete Cap Area.

3. Evaluate the on-site storm sewer system and utilities in a phased approach. This will also be done in conjunction with the required activities under the United States Environmental Protection Agency's (USEPA) Administrative Settlement Agreement and Order on Consent (ASAOC) dated February 24, 2023. The focused excavations detailed in this Revised IMWP will serve as an initial phase of the evaluation by providing information on the extent of subsurface NAPL and the potential for NAPL extending to the on-site storm sewer system. UPRR will also evaluate the potential of groundwater and NAPL discharges to the on-site storm sewer system. Following completion of activities detailed in the Revised IMWP and the ASAOC, UPRR will prepare a feasibility study to address the on-site storm sewer system, if necessary.

Please be aware that all closure/remediation activities associated with this site must be conducted in accordance with the directives contained in this correspondence, Title 30 Texas Administrative Code (TAC) §335.8, 30 TAC §350, and Section IX (Interim Corrective Measures) of the above-referenced permit. Authorization to proceed with the above-referenced Revised IMWP is granted with the following conditions:

- As part of the Monthly Updates, include weekly summaries to demonstrate that adequate air monitoring and dust suppression, stormwater protection, and soil management activities are implemented during the interim measure activities, in accordance with the final versions of the DC&, SWMP, and SMP. Also, provide a discussion of any changes made from prior version of the approved DC&, and include those changes in a redline-strikeout version of the document;
- The phased excavation approach must include evaluations of all NAPL seep areas in the EIY; and
- All activities associated with EIY Concrete Cap Area inspections, evaluations, remedial design, and the implementation of any alternative remedies must be conducted under the supervision of, and the documents sealed and signed, by a Professional Engineer licensed in the State of Texas.

Questions concerning this letter should be directed to me at (512) 239-2034. When responding by mail, please submit one paper copy and one electronic copy (on USB or disc) of all correspondence and reports to the TCEQ Remediation Division at Mail Code MC-127. An additional copy should be submitted in electronic format to the local TCEQ Region Office. The information in the reference block should be included in all submittals. Note that the electronic and hard copies should be identical, complete copies. A Correspondence ID Form (TCEQ Form 20428) must accompany each document submitted to the Remediation Division and should be affixed to the front of your submittal.

Mr. Kevin Peterburs
Page 2
January 9, 2024
TCEQ SWR No. 31547

The Correspondence ID Form helps ensure that your documents are identified correctly and are routed to the applicable program for a timely response.

Sincerely,

A handwritten signature in blue ink, appearing to read "Maureen M. Hatfield".

Maureen M. Hatfield, P.G., Project Manager
VCP-CA Section, Remediation Division
Texas Commission on Environmental Quality

MMH/mmh

cc: Ms. Karina Rocha, TCEQ, Waste Section Manager, Houston Regional Office, MC-R12 (email)
Mr. Eric Matzner, Sr. Project Manager, WSP USA, Inc. (email)