

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 14, 2021

Transmitted via email

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

Re: Approval of *Response to Comments* dated September 3, 2021 which contains the revised *July 8, 2021 Dust Control and Air Monitoring Plan, August 31, 2021 Stormwater Pollution Prevention Plan, and September 3, 2021 Soil Management Plan*
Englewood North Bypass Rail Construction Project,
Acknowledgment of Receipt and Notice to Proceed
Union Pacific Railroad (UPRR) Houston Wood Preserving Works Facility
4910 Liberty Rd., Houston (Harris County)
TCEQ SWR No. 31547; CN600131098; RN100674613
TCEQ Permit No. 50343; EPA ID No. TXD000820266

Dear Mr. Peterburs:

The Texas Commission on Environmental Quality (TCEQ) has completed review of the above-referenced documents for the Englewood North Bypass Rail Construction Project.

UPRR submitted the revised July 8, 2021, *Dust Control and Air Monitoring Plan (D&A Plan)* in response to TCEQ's comments during the June 28, 2021 phone call. In addition, UPRR submitted the revised *Stormwater Pollution Prevention Plan (SWPPP)*, and the *September 3, 2021 Soil Management Plan (SMP)* in response to the TCEQ's August 10, 2021 Comment letter and August 12, 2021 phone call. The revised D&A Plan, SWPPP and SMP includes the updated information to address TCEQ Comments. UPRR must ensure adequate air monitoring and dust suppression, stormwater protection and soil management activities are implemented in accordance with the final versions of the D&A Plan, SWPPP and SMP during excavation and construction activities. The final versions of these plans are hereby approved.

All closure/remediation activities associated with this site must be conducted in accordance with the directives contained in this correspondence, 30 TAC §335.8 and 30 TAC Chapter 350.

Please note that it is the continuing obligation of persons associated with a site or facility to ensure that industrial solid waste and/or municipal hazardous waste are

Mr. Kevin Peterburs
Page 2
October 14, 2021
TCEQ SWR No. 31547

managed in such a way that it does not cause a discharge of waste or an imminent threat of discharge, nor a nuisance or an endangerment to either human health or the environment as required by 30 TAC §335.4. Be advised that the burden remains upon the owner to take necessary and authorized action to correct such conditions whenever they exist.

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. 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. The information in the reference block should be included in all submittals. The Correspondence ID Form helps ensure that your documents are identified correctly and are routed to the applicable program for a timely response

Sincerely,

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

MMH/mmh

cc: Ms. Alma Jefferson, TCEQ, Waste Section Manager, Houston Regional Office, MC-R12 (email)
Mr. Eric Matzner, Golder Associates Inc., (email)