

August 19, 2021

Project No. 20144747

Mr. Scott Green

MC-130

Industrial and Hazardous Waste Permits Section – Technical Analysis Group
Waste Permits Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

**HOUSTON, TX – ENGLEWOOD YARD – NORTH BYPASS PROJECT – RETRACTION OF CONTAINED-IN
DETERMINATION REQUEST FOR ENVIRONMENTAL MEDIA – EXCAVATED SOIL
HOUSTON WOOD PRESERVING WORKS FACILITY
4910 LIBERTY ROAD FACILITY, HOUSTON, TEXAS
POST-CLOSURE CARE PERMIT NO. HW-50343; INDUSTRIAL SWR NO. 31547**

Dear Mr. Green:

Golder Associates Inc. (Golder), a member of WSP, on behalf of Union Pacific Railroad Company (UPRR), submits this letter to retract the request for concurrence from the Texas Commission on Environmental Quality (TCEQ) on a “contained-in” determination for environmental media (soils) to be generated as part of the UPRR Engineering Englewood Yard - North Bypass Project (the Project Area) located in Houston, Texas submitted on May 3, 2021.

The TCEQ issued a comment letter dated July 1, 2021, detailing the reasons the TCEQ did not concur with the “contained-in” determination. A conference call was held on July 13, 2021, with representatives from the TCEQ, UPRR, and Golder to discuss the TCEQ comment letter. As indicated in the July 1st letter and discussed during the July 13th conference call, the TCEQ stated that the lowest applicable Tier 1 Protective Concentration Levels (PCLs) must be used rather than the site-specific Tier 2 PCLs for the “contained-in” determination. Even though the TCEQ Texas Risk Reduction Program (TRRP) Guidance Document “TRRP Compatibility with RCRA” (RG-366/TRRP-03, Revised March 2009) discusses the option of using Tier 2 PCLs for the “contained-in” determination, TCEQ indicated that they were not aware of a precedent in using Tier 2 PCLs for a “contained-in” determination and was uncertain how Tier 2 PCLs would apply for this determination.

As a result, UPRR has decided not to further pursue the request for concurrence from the TCEQ for the “contained-in” determination. Therefore, the soils to be generated at the former Houston Wood Preserving Works for the areas specifically detailed in the Soil Management Plan (SMP) dated April 12, 2021 for the Project Area and submitted to the TCEQ on April 23, 2021 will be conservatively managed assuming to contain wastes associated with U.S. Environmental Protection Agency (EPA) Waste Codes F034 and K001. As detailed in the aforementioned SMP,

soils generated from the specific areas within the Project Area will be restricted to off-site disposal at a TCEQ-permitted disposal facility that is approved by the agency to receive the excavated soils impacted with wastes associated with Waste Codes F034 and K001.

If you have any questions or need additional information, please feel free to call me at (512) 671-3434 or Mr. Kevin Peterburs of UPRR at (414) 267-4164.

Sincerely,

Golder Associates Inc.



Patrick Marty, PMP
Senior Environmental Scientist



Eric C. Matzner, PG
Practice Leader, Principal

CC: Mr. Kevin Peterburs, UPRR
Ms. Maureen Hatfield, TCEQ
Ms. Sarah Schreier, TCEQ