

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## Notice of Application and Preliminary Decision for Hazardous Industrial Waste Permit/Compliance Plan Renewal with Major Amendment

Permit/Compliance Plan No. 50343

**APPLICATION AND PRELIMINARY DECISION.** Union Pacific Railroad Company, owner of the Houston Wood Preserving Works located at 4910 Liberty Road, Houston, 77026, in Harris County, has applied to Texas Commission on Environmental Quality (TCEQ) for a renewal and major amendment of Hazardous Waste Permit/Compliance Plan No. 50343 to authorize: the continued post-closure care and corrective action at the facility; the addition of solid waste management units and areas of concern subject to corrective action; updates to on-site and off-site plume management zones; the addition of a Response Action Plan to address soil and groundwater contamination; the addition of alternate point of exposure wells; a facility name change from Union Pacific Railroad Company, Houston Tie Plant to Union Pacific Railroad Company, Houston Wood Preserving Works; changes in the facility legal description, financial assurance, and to the facility boundary; typographical corrections; and administrative changes. TCEQ received the application on December 10, 2014. The following link to an electronic map of the facility or the facility's general location is provided as a public courtesy and is not part of the application or notice: <https://arcg.is/lizXTy>. For exact location, refer to application.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit/compliance plan that if granted, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that the draft permit/compliance plan, if granted, would meet all statutory and regulatory requirements. The permit application, the Executive Director's preliminary decision, and the draft permit/compliance plan are available for viewing and copying at the Tuttle Branch Library 702 Kress, Houston, Texas 77020.

**PUBLIC COMMENT / PUBLIC MEETING.** You may submit public comments or request a public meeting about this application. The TCEQ will hold a public meeting on this application. A Notice of Public Meeting will be published and mailed to the mailing list for this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. The TCEQ holds a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

**OPPORTUNITY FOR A CONTESTED CASE HEARING.** After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone**

who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision. A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

**TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST:** your name; address, phone; applicant's name and permit number; the location and distance of your property/activities relative to the facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify an individual member of the group who would be adversely affected by the facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission will only grant a contested case hearing on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on issues that were raised in timely filed comments that were not subsequently withdrawn.

**EXECUTIVE DIRECTOR ACTION.** The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

**MAILING LIST.** If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. To be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

**INFORMATION AVAILABLE ONLINE.** For details about the status of the application, visit the Commissioners' Integrated Database at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). Once you have access to the CID using the above link, enter the permit number for this application, which is provided at the top of this notice.

**AGENCY CONTACTS AND INFORMATION** All public comments and requests must be submitted either electronically at [www14.tceq.texas.gov/epic/eComment/](http://www14.tceq.texas.gov/epic/eComment/) or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period will end 45 days after the published date of this notice or at the close of the public meeting, whichever is later. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ's

Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at [www.tceq.texas.gov/goto/pep](http://www.tceq.texas.gov/goto/pep). Si desea información en Español, puede llamar al 1-800-687-4040.

Further technical information may be obtained from Mr. Kevin Peterburs, Union Pacific Railroad Company, Senior Manager, Environmental Site Remediation, by calling 414-267-4164. Information requests associated with general public inquiries may be obtained from Mr. Richard Zientek, Union Pacific Railroad Company, Senior Director Public Affairs, by calling 281-350-7178.

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