

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 28, 2017



CERTIFIED MAIL

9489 0090 0027 6009 9311 74

Mr. Luis Perez Garcia III, P.E., C.F.M.
Webb County Department of Engineering
1620 Santa Ursula, 2nd Floor
Laredo, Texas 78040

Re: *Final Request for Remediation Status Update*
TCEQ Directive dated May 8, 2014 to Proceed with the Texas Risk Reduction Program Rules
Notification of Release associated with Former Dipping Vat, dated July 27, 2005
Former U.S. Department of Agriculture Quarantine and Tick Eradication facility located on Mines Road in Laredo (Webb County), Texas;
TCEQ Facility ID No. T2031; Customer No. CN600612758; Regulated Entity No. RN104712708

Dear Mr. Garcia:

On November 3, 2016, the Texas Commission on Environmental Quality (TCEQ) issued a letter regarding required environmental corrective actions to address releases at the above referenced site. The reported releases associated with the site are regulated in response to 30 Texas Administrative Code (TAC) §350.2(l) and Texas Water Code-Section 26.121 (Unauthorized Discharge Prohibited). To date, the TCEQ has not received a response indicating that the required regulatory response actions to address the release have been initiated or performed. The TCEQ has attached a copy of TCEQ's letter dated November 3, 2016 for your reference. *Based on our review, the submittal of an Affected Property Assessment Report (APAR) documenting the assessment of the environmental contamination associated with the cattle dip vat AOC as previously directed by the TCEQ in our letter dated November 3, 2016 and May 8, 2014 continues to remain outstanding. As such, the TCEQ requires the submittal of a response from representatives of Webb County providing a schedule for submittal of the required APAR submittal within forty-five (45) days of the date of this letter.*

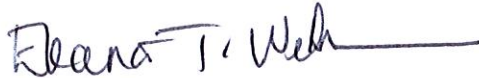
Documents and work related to addressing the above referenced release should be scheduled and completed within agency, prescribed time frames. Failure to submit a response within the schedule set by the TCEQ is a violation of agency regulations and may result in the issuance of a Notice of Violation potentially including the initiation of enforcement actions under Chapter 7 of the Texas Water Code for the site.

An original and one copy of your response providing a schedule for submittal of the required APAR to assess the environmental contamination associated with the cattle dip vat AOC associated with the above referenced property in accordance with the requirements of 30 TAC

Mr. Luis Perez Garcia III, P.E., C.F.M.
Page 2
September 28, 2017
TCEQ Facility ID No. T2031

350 must be submitted to the TCEQ Remediation Division at the letterhead address using Mail Code MC-127. An additional copy should be submitted to the TCEQ Region 16 Office in Laredo. *Your response must be submitted within forty-five (45) days from the date of this letter.* The facility name, location and identification number(s) in the TCEQ reference line above should be included in your response. Questions concerning this letter should be directed to me at (512) 239-6542.

Sincerely,



Eleanor T. Wehner, P.G.
Sr. Project Manager
VCP-CA Section
Remediation Division
Texas Commission on Environmental Quality

ETW/mdh

Enclosure: Copy of TCEQ letter November 3, 2016 letter, addressed to representatives of Webb County's Department of Engineering

cc: Mr. Jim Major, P.G., Investigation/Remediation Group Manager, Terracon Consultants, Inc., 615 Gale Street, Building B, Laredo, TX 78041 (w/Enclosure)

Mr. Arnaldo Lanese, Air/Water/Waste Section Manager, TCEQ Region 16 Office, Laredo

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 3, 2016

CERTIFIED MAIL

91 7199 9991 7033 2869 7807

Mr. Luis Perez Garcia III, P.E., C.F.M.
Webb County Department of Engineering
1620 Santa Ursula, 2nd Floor
Laredo, Texas 78040

COPY

Re: *Initial Request for Remediation Status Update*
TCEQ Directive dated May 8, 2014 to Proceed with the Texas Risk Reduction Program Rules
Notification of Release associated with Former Dipping Vat, dated July 27, 2005
Former U.S. Department of Agriculture Quarantine and Tick Eradication facility located on Mines Road in Laredo (Webb County), Texas;
TCEQ Facility ID No. T2031; Customer No. CN600612758; Regulated Entity No. RN104712708

Dear Mr. Garcia:

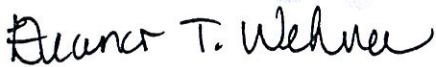
The Texas Commission on Environmental Quality (TCEQ) has conducted a review of our Central Records file to determine the status of environmental activities associated with the above referenced release associated with the operation of a former cattle dip vat associated with the above referenced property. According to our file review, TCEQ issued a letter dated May 8, 2014 directing representatives of Webb County to proceed with assessment and cleanup actions to address the reported environmental contamination associated with the former operations associated with a cattle dip vat area of concern (AOC) associated with the above referenced property in accordance with the requirements of 30 Texas Administrative Code 350 (Texas Risk Reduction Program Rules). The TCEQ's May 8, 2014 letter specifically required the submittal of an *Affected Property Assessment Report* (APAR) to document the assessment of the contamination associated with the former cattle dip vat AOC within 180 days of receipt of the TCEQ's May 8, 2014 letter. A copy of the TCEQ's May 8, 2014 letter (and supporting TCEQ letter dated December 20, 2013 are attached for reference). *Based on our review, the submittal of the APAR documenting the assessment of the environmental contamination associated with the cattle dip vat AOC as directed by the TCEQ in our letter dated May 8, 2014 remains outstanding.* As such, the TCEQ requires the submittal of a response from representatives of Webb County providing a schedule for submittal of the required APAR submittal within forty-five (45) days of the date of this letter.

Please note that it is the continuing obligation of persons associated with a site or facility to ensure that municipal hazardous waste and/or industrial solid waste are managed in a manner which does not cause the discharge or imminent threat of discharge of waste into or adjacent to waters in the state, a nuisance, or the endangerment of the public health and welfare as required by 30 TAC §335.4. As such, representatives of Webb County must comply with all TCEQ corrective action directives and subsequent requests referenced in TCEQ letters dated May 8, 2014 and December 20, 2013 to address the environmental contamination issues associated with the referenced property.

Mr. Luis Perez Garcia III, P.E., C.F.M.
Page 2
November 3, 2016
TCEQ Facility ID No. T2031

An original and one copy of your response providing a schedule for submittal of the required APAR to assess the environmental contamination associated with the cattle dip vat AOC associated with the above referenced property in accordance with the requirements of 30 TAC 350 must be submitted to the TCEQ Remediation Division at the letterhead address using Mail Code MC-127. An additional copy should be submitted to the TCEQ Region 16 Office in Laredo. *Your response must be submitted within forty-five (45) days from the date of this letter.* The facility name, location and identification number(s) in the TCEQ reference line above should be included in your response. Questions concerning this letter should be directed to me at (512) 239-6542.

Sincerely,



Eleanor T. Wehner, P.G.
Sr. Project Manager
VCP-CA Section
Remediation Division
Texas Commission on Environmental Quality

ETW/mdh

Enclosures: Copy of TCEQ letter dated May 8, 2014, and December 20, 2013, addressed to representatives of Webb County's Department of Engineering

cc: Mr. Jim Major, P.G., Investigation/Remediation Group Manager, Terracon Consultants, Inc., 615 Gale Street, Building B, Laredo, TX 78041

Mr. Arnaldo Lanese, Air/Water/Waste Section Manager, TCEQ Region 16 Office, Laredo

Bryan W. Shaw, Ph.D., P.E., *Chairman*
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 8, 2014

Mr. Luis Perez Garcia III, P.E., C.F.M.
Webb County Department of Engineering
1620 Santa Ursula, 2nd Floor
Laredo, Texas 78040

Re: TCEQ Acknowledgement of *Response to TCEQ Letter dated December 20, 2013*, dated February 17, 2014
Notice to Proceed with the Texas Risk Reduction Program Rules
Notification of Release associated with Former Dipping Vat, dated July 27, 2005
Former U.S. Department of Agriculture Quarantine and Tick Eradication facility located on Mines Road in Laredo (Webb County), Texas;
TCEQ Facility ID No. T2031; Customer No. CN600612758; Regulated Entity No. RN104712708

Dear Mr. Garcia:

The Texas Commission on Environmental Quality (TCEQ) Remediation Division has received correspondence submitted by representatives of Terracon Consultants, Inc. on behalf of Webb County Department of Engineering on December 20, 2013. The February 17, 2014 letter was submitted in response to TCEQ letter dated December 20, 2013, requesting a status update of assessment/response actions to address release(s) associated with the operation of a former cattle dip vat associated with the above referenced facility. The February 17, 2014 response indicated that an affected property assessment plan was prepared; however, the subsequent investigation and remediation work that was recommended to achieve regulatory closure of the area of contamination was not conducted.

Please be aware that 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 §350. *As the February 17, 2014 response did not provide the requested schedule for submittal of the required supporting investigation/closure documentation, the TCEQ requires the submittal of the initial Affected Property Assessment Report (APAR) to address the releases(s) associated with the former cattle dip vat within 180 days of receipt of this letter.*

As a reminder, upon completion of the assessment activities one of the following Remedy Standards must be selected:

- A. According to 30 TAC §350.32(d), activities conducted to achieve Remedy Standard A do not require TCEQ approval prior to implementation; however, the Affected Property Assessment Report (APAR), any Response Action Effectiveness Reports (RAER), and the Response Action Completion Report (RACR) are subject to TCEQ technical review. A Self-

Mr. Luis Perez Garcia III, P.E., C.F.M.

Page 2

May 8, 2014

TCEQ Facility ID No. T2031

Implementation Notice (SIN) form should be submitted no later than 10 days prior to conducting the response action(s). Please use the standard reporting forms found at <http://www.tceq.state.tx.us/remediation/trrp/trrp.html>.

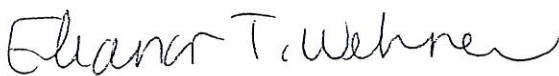
- B. In accordance with 30 TAC §350.33(d), Remedy Standard B is not a self-implementing standard. TCEQ written approval of the APAR and the Response Action Plan (RAP) must be obtained before commencing corrective action; however, interim corrective measures are authorized and required wherever necessary to protect human health and the environment. Standard reporting forms are available for Remedy Standard B at the web page referenced above.

Reports documenting closure and/or remediation activities for this release should also be submitted according to the time frames provided in 30 TAC §350.31(e) and (f). In accordance with 30 TAC §350.31(d), the TCEQ Central Office and the appropriate TCEQ Regional Office must be notified in writing at least 10 days prior to any confirmation sampling that is done to demonstrate that a response action is complete and a remedy standard has been attained. More detailed information regarding TRRP is available on the TCEQ web page noted above.

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 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.

An original and one copy of the referenced APAR must be submitted to the TCEQ Remediation Division at Mail Code MC-127. An additional copy of the APAR should be submitted to the local TCEQ Region 16 Office located in Laredo. *The APAR must be submitted within 180 days of receipt of this letter.* The facility name, location and identification number(s) in the TCEQ reference line above should be included in your response. Questions concerning this letter should be directed to me at (512) 239-6542.

Sincerely,



Eleanor T. Wehner, P.G.
Project Manager
VCP-CA Section
Remediation Division
Texas Commission on Environmental Quality
ETW/mdh

cc: Mr. Jim Major, P.G., Terracon Consultants, Inc., 615 Gale Street, Building B, Laredo, TX 78041

Mr. Arnaldo Lanese, Air/Water/Waste Section Manager, TCEQ Region 16 Office, Laredo

IHW.REG./IHWI/IHWF T2031
CD/RP/DATE 2/17/14
DOC.NAME/DESC.
ARTS COMM# 17964219
PROJ. MGR. E. Wehner

February 17, 2014

Ms. Eleanor T. Wehner, P.G.
Texas Commission on Environmental Quality
Team 3, VCP-CA Section
Remediation Division
Mail Code MC 127
P.O. Box 13087
Austin, Texas 78711-3087

Re: Request for Remediation Status Update (Webb County Dept. of Engineering)
Notification of Release Associated with Former Dipping Vat, dated July 27, 2005
Former U.S. Department of Agriculture Quarantine and Tick Eradication facility
Mines Road, Laredo, Webb County, Texas
TCEQ Facility ID No. T2031; Customer No. CN600612758;
Regulated Entity No. RN104712708

Dear Ms. Wehner:

In response to your letter dated December 20, 2013, to the Webb County Department of Engineering regarding the above-referenced facility, we have been contacted by the current Webb County Engineer, Mr. Luis Perez Garcia III, P.E., C.F.M., to look into this matter. Drash Consulting Engineers, a Terracon subsidiary at the time, conducted the work you referenced on behalf of Webb County in 2005 and 2006.

Based on our preliminary review of these 2005 and 2006 files, a Limited Subsurface Investigation (LSI) was conducted and an Affected Property Assessment Plan was prepared. For whatever reason, the subsequent investigation and remediation work that was recommended to achieve regulatory closure was not conducted.

We have been requested by the Webb County Department of Engineering to provide a Scope of Services and cost proposal to conduct the required closure/remediation activities for this site. Terracon is currently following up on this matter. Thank you.

Sincerely,
Terracon Consultants, Inc.


Jim Major, P.G.
Investigation/Remediation Group Manager


Joe A. Lambert
Senior Project Manager/Principal


Cc: Mr. Luis Perez Garcia III, P.E., C.F.M. Webb County Department of Engineering

Terracon Consultants, Inc. 615 Gale Street, Building B, Laredo, Texas 78041

P [956] 729-1100 F [956] 791-1071 Texas Professional Engineers No. F-3272 terracon.com

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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December 20, 2013

CERTIFIED MAIL

91 7199 9991 7033 2824 1796

Mr. Arturo R. Barrera, Jr.
Webb County Department of Engineering
1620 Santa Ursula, 2nd Floor
Laredo, Texas 78040

Re: *Initial Request for Remediation Status Update*
Notification of Release associated with Former Dipping Vat, dated July 27, 2005
Former U.S. Department of Agriculture Quarantine and Tick Eradication facility located
on Mines Road in Laredo (Webb County), Texas;
TCEQ Facility ID No. T2031; Customer No. CN600612758; Regulated Entity No.
RN104712708

Dear Mr. Barrera:

The Texas Commission on Environmental Quality (TCEQ) Remediation Division has conducted a review of our Central Records file to determine the status of environmental activities associated with the above referenced property located in Laredo, Texas. According to our file review, a copy of a Limited Phase II Environmental Site Assessment (ESA) Report dated July 21, 2005 for a former dipping vat located at the subject property was received by the TCEQ Remediation Division on July 29, 2005. The July 21, 2005 was prepared for Mr. Tomas Rodriguez with the Webb County Department of Engineering by representatives of Drash Consulting Engineers, Inc. (Terracon). According to the Phase II ESA Report a release to soils was identified in the area of the former cattle dip and the report provided a proposal to close/remediate contamination in the area of the former dipping vat in accordance with the Texas Risk Reduction Program (TRRP) rule of 30 Texas Administrative Code (TAC) Chapter 350. The TCEQ Remediation Division issued an acknowledgement of receipt of the Phase II ESA Report and directed Webb County to proceed with the closure/remediation activities and submit the required investigation/closure reports to address the release in accordance with the TRRP rule. Based on our review, the TCEQ has not received any of the required TRRP reports documenting the appropriate remediation/closure of the release from representatives of Webb County. A copy of the TCEQ's letter dated August 26, 2005, and copy of the referenced Phase II ESA dated July 21, 2005, is enclosed for your reference.

Please be advised that it is the continuing obligation of persons associated with a site to ensure that municipal hazardous waste and industrial solid waste are managed in a manner which does not cause the discharge or imminent threat of discharge of waste into or adjacent to waters in the state, a nuisance, or the endangerment of the public health and welfare as required by 30 TAC §335.4. Webb County must comply with all TCEQ corrective action directives and subsequent requests referenced in TCEQ's letter dated August 26, 2005. Webb County is also


Mr. Arturo R. Barrera, Jr.
Page 2
December 20, 2013
TCEQ Facility ID No. T2031

responsible for ensuring that documents and work are scheduled and completed within the prescribed time frames.

The TCEQ hereby requests the submittal of a response providing a status update of investigation, remediation/closure activities associated with the above referenced release in accordance with TRRP within sixty (60) days of the date of the letter. The response should also provide a schedule for submittal of the required supporting investigation/closure documentation using the standard TRRP reporting forms found at <http://www.tceq.state.tx.us/remediation/trrp/trrp.html>.

An original and one copy of the above referenced response must be submitted to the TCEQ Remediation Division at the letterhead address using Mail Code MC-127. An additional copy should be submitted to the TCEQ Region 4 Office in Fort Worth. **Your response must be submitted within sixty (60) days from the date of this letter.** The facility name, location and identification number(s) in the TCEQ reference line above should be included in your response. Questions concerning this letter should be directed to me at (512) 239-6542.

Sincerely,



for Eleanor T. Wehner, P.G.
Project Manager
Team 3, VCP-CA Section
Remediation Division
Texas Commission on Environmental Quality

ETW/mdh

Enclosure(s): Copy of TCEQ letter dated August 26, 2005, issued to Mr. Jack Smitherman with Drash Consulting Engineers Inc. with carbon copy to Mr. Tomas Rodriguez, Webb County Department of Engineering

Copy of Limited Phase II ESA for the Former Dipping Vat, dated July 21, 2005, received by the TCEQ Remediation Division July 29, 2005

cc: Mr. Arnaldo Lanese, Air/Water/Waste Section Manager, TCEQ Region 16 Office, Laredo