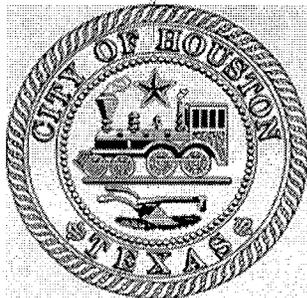


CITY OF HOUSTON



**PUBLIC WORKS AND  
ENGINEERING**  
PLANNING & DEVELOPMENT  
DIVISION

Application for Approval of Municipal Setting Designation

**APPLICANT INFORMATION**

Applicant's Name: Union Pacific Railroad Company  
 Individual  Private Entity  Public Entity  Non-Profit Entity  Other \_\_\_\_\_  
Address: 1400 Douglas Street, Omaha NE 68179  
(Street) (City) (State) (Zip)  
Phone No.: (402) 544-5000 Fax No.: \_\_\_\_\_  
Email: \_\_\_\_\_

*Contact Information*

Name of Contact: Geoffrey Reeder  
Title: Manager, Environmental Site Remediation  
Address: 24125 Aldine Westfield Road, Spring TX 77373  
(Street) (City) (State) (Zip)  
Phone No.: (281) 350-7197 Fax No.: (402) 233-2351  
Email: gbreeder@up.com

**SITE INFORMATION**

Site Name: See Executive Summary and Appendix A for property  
Site Size: descriptions "  
Site Address: \_\_\_\_\_  
Latitude/Longitude Coordinates: (1) Latitude 29° 43' 17.48" N  
Longitude 95° 33' 47.84" W  
(List all owners – additional sheet is attached, if needed)  
Owner: Union Pacific Railroad Company  
Owner Address: 1400 Douglas Street, Omaha NE 68179  
(Street) (City) (State) (Zip)  
Name of Contact: Geoffrey Reeder  
Title: Manager, Environmental Site Remediation  
Organization: Union Pacific Railroad Company  
Phone No.: (281) 350-7197 Fax No.: (402) 233-2351  
Email: gbreeder@up.com

Additional Owner List

(Cont'd from pg. 1)

Owner: Crystal Chemical Co.

Owner Address: 14331 Carolcrest Street, Houston, TX 77079-6607  
(Street) (City) (State) (Zip)

Name of Contact: Additional information unknown

Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Email: \_\_\_\_\_

Owner: City of Houston

Owner Address: Harris County, Texas  
(Street) (City) (State) (Zip)

Name of Contact: Senior Assistant Director

Title: \_\_\_\_\_

Organization: Real Estate Division, Department of Public Works and

Phone No.: Engineering Fax No.: \_\_\_\_\_

Email: \_\_\_\_\_

Owner: \_\_\_\_\_

Owner Address: \_\_\_\_\_  
(Street) (City) (State) (Zip)

Name of Contact: \_\_\_\_\_

Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Email: \_\_\_\_\_

Owner: \_\_\_\_\_

Owner Address: \_\_\_\_\_  
(Street) (City) (State) (Zip)

Name of Contact: \_\_\_\_\_

Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Email: \_\_\_\_\_

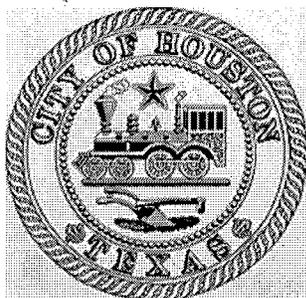
ITEM	YES	NO	N/A	COH Use Only
**Executive Summary (Use Sheet Attached)	X			
1. Provide a legal description of the boundaries of the designated property and a copy of the deed for the designated property. <b><u>Label "Appendix A" - Cross Reference with TCEQ's # 3</u></b>	X			
2. A site map showing: a. The location of the designated property. b. The topography of the designated property as indicated on publicly available sources, which must note the watershed and whether the designated property is located in a floodplain or floodway, as those terms are defined in Chapter 19 of the Code. c. The detected area of groundwater contamination. d. The location of all soil sampling locations and all groundwater monitoring wells. e. Groundwater gradients, to the extent known, and direction of groundwater flow. f. The ingestion protective concentration level exceedence zone for each contaminant of concern, to the extent known. <b><u>Label "Appendix B" - Cross Reference with TCEQ's # 1, 2 &amp; 4</u></b>	X			
3. A description of the current use, and, to the extent known, the anticipated uses, of the designated property and properties within 500 feet of the boundary of the designated property. <b><u>Label "Appendix C"</u></b>	X			
4. For each contaminant of concern within the ingestion protective concentration level exceedence zone, to the extent known, provide the following: a. A description of the ingestion protective concentration level exceedence zone and the non-ingestion protective concentration level exceedence zone, including a specification of the horizontal area and the minimum and maximum depth below ground surface. b. The level of contamination, the ingestion protective concentration level, and the non-ingestion protective concentration level, all expressed as mg/L units. c. Its basic geochemical properties (e.g., whether the contaminant of concern migrates with groundwater, floats or is soluble in water). <b><u>Label "Appendix D" - Cross Reference with TCEQ's # 5</u></b>	X			
5. For each contaminant of concern within the designated groundwater, to the extent known: a. A description of the ingestion protective concentration level exceedence zone and the non-ingestion protective concentration level exceedence zone, including a specification of the horizontal area and the minimum and maximum depth below ground surface. b. The level of contamination, the ingestion protective concentration level, and the non-ingestion protective concentration level, all expressed as mg/L units. c. Its basic geochemical properties (e.g., whether the contaminant of concern migrates with groundwater, floats or is soluble in water). <b><u>Label "Appendix E" - Cross Reference with TCEQ's # 5</u></b>	X			

ITEM	YES	NO	N/A	COH Use Only
<p>6. A table displaying the following information for each contaminant of concern, to the extent known:</p> <ul style="list-style-type: none"> <li>a. The maximum concentration level for soil and groundwater, the ingestion protective concentration level, and the non-ingestion protective concentration level, all expressed as mg/L units.</li> <li>b. The critical protective concentration level without the municipal setting designation, highlighting any exceedences.</li> </ul> <p><b><u>Label "Appendix F" - Cross Reference with TCEQ's # 5</u></b></p>	X			
<p>7. A statement as to whether the plume of contamination is stable, expanding, or contracting, with the basis for that statement. If this information is not known, a statement of why the information is not known should be attached.</p> <p><b><u>Label "Appendix G"</u></b></p>	X			
<p>8. A statement as to whether contamination on and off the designated property without a municipal setting designation <u>exceeds</u> a residential assessment level as defined in the Texas Risk Reduction Program or analogous residential level set by EPA, if known, and the basis for that statement.</p> <p><b><u>Label "Appendix H"</u></b></p>	X			
<p>9. A statement as to whether contamination on and off the designated property with a municipal setting designation <u>will exceed</u> a residential assessment level as defined in the Texas Risk Reduction Program or analogous residential level set by EPA, if known, and the basis for that statement.</p> <p><b><u>Label "Appendix I"</u></b></p>	X			
<p>10. Identification of the points of origin of the contamination and the persons responsible for the contamination, to the extent known.</p> <p><b><u>Label "Appendix J"</u></b></p>	X			
<p>11. A description of any environmental regulatory actions that have been taken within the past five years in connection with the designated property, to the extent known.</p> <p><b><u>Label "Appendix K"</u></b></p>	X			
<p>12. A listing of all existing state or EPA registrations, permits, and identification numbers that applies to the designated property.</p> <p><b><u>Label "Appendix L"</u></b></p>	X			
<p>13. A statement as to whether the designated property has been admitted to the Texas Voluntary Cleanup Program (section 361.601 of the Texas Health &amp; Safety Code, as may be amended from time to time) or similar state or federal programs, and a description of the status of the designated property in the program.</p> <p><b><u>Label "Appendix M"</u></b></p>	X			
<p>14. A summary of any environmental site assessment reports filed with TCEQ regarding any site investigations or response actions that are planned, ongoing or completed related to the designated property.</p> <p><b><u>Label "Appendix N"</u></b></p>	X			

ITEM	YES	NO	N/A	COH Use Only
<p>15. A statement as to whether any public drinking water supply system exists that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying drinking water to the designated property and property within one-half mile of the designated property and the identity of each supply system.  <u>Label "Appendix O" - Cross Reference with TCEQ's # 2, 1<sup>st</sup> bullet</u></p>	X			
<p>16. The name and address of each owner or operator of a water well registered or permitted by the state or the Houston-Galveston Subsidence District that is located within five miles of the boundary of the designated property, along with:  a. A map showing the location of each well and, to the extent known, a notation of whether each well is used for potable water.  b. A statement as to whether the applicant has provided notice to each owner in compliance with section 361.805 of the Texas Health and Safety Code.  <u>Label "Appendix P" - Cross Reference with TCEQ's # 8 &amp; 9</u></p>	X			
<p>17. The name and address of each retail public utility, as defined in section 13.002 of the Texas Water Code, that owns or operates a groundwater supply well within five miles of the boundary of the designated property, along with a statement as to whether the applicant has provided notice as required by section 361.805 of the Texas Health and Safety Code.  <u>Label "Appendix Q" - Cross Reference with TCEQ's # 7, 3<sup>rd</sup> bullet</u></p>	X			
<p>18. A listing of each municipality, other than the city of Houston, with a corporate limit within one-half mile of the boundary of the designated property, and a statement as to whether the applicant has provided notice as required by section 361.805 of the Texas Health and Safety Code.  <u>Label "Appendix R" - Cross Reference with TCEQ's # 7, 2<sup>nd</sup> bullet</u></p>			X	
<p>19. A listing of each municipality, other than the city of Houston, that owns or operates a groundwater supply well within five miles of the boundary of the designated property, and a statement as to whether the applicant has provided notice as required by section 361.805 of the Texas Health and Safety Code.  <u>Label "Appendix S" - Cross Reference with TCEQ's # 7, 4<sup>th</sup> bullet</u></p>	X			
<p>20. A listing of owners of real property within 2,500 ft. of the boundary of the designated property as indicated by the most recent appraisal district records. (Include pre-printed mailing labels)  <u>Label "Appendix T"</u></p>	X			

ITEM	YES	NO	N/A	COH Use Only
<p>21. The following statement signed and sealed by a licensed professional engineer or licensed professional geoscientist authorized to practice in the State of Texas with expertise in environmental remediation:            'To the best of my knowledge and belief, based upon a review of all public and private records and other information sources available to me in the exercise of due diligence, the opinions stated and conclusions made in this application are supported by such information, and the technical and scientific information submitted with the application is true, accurate and complete. Based on such review, the contaminants of concern from sources on the designated property or migrating from or through the designated property more likely than not do exceed or do not exceed a non-ingestion protective concentration level on property beyond the boundaries of the designated property'</p> <p style="text-align: center;"><b><u>Label "Appendix U"</u></b></p>	X			
<p>22. If the licensed professional engineer or licensed professional geoscientist determines that contaminants of concern from sources on the designated property are migrating from or through the designated property more likely than not do exceed a non-ingestion protective concentration level on property beyond the boundary of the designated property, then the applicant must:</p> <ol style="list-style-type: none"> <li>a. Specify the name and address of the owner of each property.</li> <li>b. Send a copy of the application to the owner of the property with the notice of the public meeting.</li> <li>c. Provide documentation that the designated property has been included in a state or federal program that requires that the entire non-ingestion protective concentration level exceedance zone be addressed to the satisfaction of the agency administering the program, along with documentation of the estimated time period in which it is to be addressed. An example of such a program is the Texas Voluntary Cleanup Program (section 361.501 of the Texas Health and Safety Code, as may be amended from time to time).</li> <li>d. Provide documentation upon completion of the state or federal program showing that the non-ingestion protective concentration level exceedances have been addressed to the satisfaction of the agency administering the program.</li> </ol> <p style="text-align: center;"><b><u>Label "Appendix V"</u></b></p>			X	
<p>23. The following statement certified by the applicant and any authorized representatives of the applicant(s) listed in the application:            'I certify under penalty of law that this application and all attachments were prepared under my direction or supervision in a manner designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the persons responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violation'.</p> <p style="text-align: center;"><b><u>Label "Appendix W"</u></b></p>	X			
<p>24. A copy of the TCEQ application, if it has been filed, excluding attachments.</p> <p style="text-align: center;"><b><u>Label "Appendix X"</u></b></p>			X	

25. The signature of the applicant and proof that the applicant has the legal authority to restrict the use of the groundwater on the designated property. <u><b>Label "Appendix Y"</b></u>	X			
26. The initial filing fee of \$2,000.00 payable to "City of Houston". <u><b>Label "Appendix Z"</b></u>	X			
27. Any additional information. <u><b>Label "Appendix AA"</b></u>			X	



**EXECUTIVE SUMMARY**

Pursuant to City of Houston Ordinance 2007-959, Union Pacific Railroad Company (“UPRR”) files this application seeking a Municipal Setting Designation (“MSD”) for the approximately 27-acre property located in Houston, Texas and described as follows: 10200 Westpark Drive, Lot No. 011-132-000-0086, 6.7900 Ac.; 10965 Westpark Drive, Lot No. 011-132-000-0065/011-132-000-0096, 5.2419 Ac.; Lot No. 123-753-001-0002, 3.8001 Ac.; Lot No. 011-129-000-0066, 11.3195 Ac., A 1.1078 Ac. Tract of land being a portion of Westpark Drive, a 100-foot right-of-way recorded under Harris County Clerk’s File Number F324484 in the Henry Woodruff Survey, Abstract 844.

From approximately 1968 to 1981, a portion of the property was operated by Crystal Chemical Company which produced herbicides at the site. As a result of those operations, the groundwater was impacted with arsenic. Records show that in 1981, Crystal Chemical Company filed for bankruptcy and abandoned the site. The Environmental Protection Agency (“EPA”) undertook certain cleanup measures, evaluated the site and approved a remedy for addressing the contamination. Although it did not cause the contamination, Southern Pacific Transportation Company, now UPRR, undertook responsibility for designing and implementing the remediation for impacted soil and groundwater, because it previously owned the land on which Crystal Chemical was located. The remediation was completed in 2003. In 2005, EPA completed a second five-year review for the site and found that the remedy for the site is protective of human health and the environment.

UPRR is seeking a Municipal Setting Designation (“MSD”) for this property to restrict access to groundwater to protect the public against exposure to contaminated groundwater. There is a public drinking water supply system that meets state requirements that supplies or is capable of supplying drinking water to the MSD property and all properties within one-half mile of the MSD property.