CITY OF HOUSTON
OLIVER STREET MUNICIPAL SETTING DESIGNATION (MSD) APPLICATION

DESIGNATED PROPERTY:

Harcros Chemicals, Inc.
1701 Oliver Street
Houston, Texas 77007
Acreage: 2.75 Acres

Union Pacific Railroad Company
1610 Oliver Street
Houston, TX 77077
Acreage: 1.37 Acres

Prepared For:

HARCROS CHEMICALS INC

5200 Speaker Road, P.O. Box 2930
Kansas City, KS 66110

UNION PACIFIC

24125 Aldine Westfield Road
Spring, TX 77373

Prepared by

BROWN AND CALDWELL

1415 Louisiana Street, Suite 2500
Houston, Texas 77002

and

Pastor, Behling & Wheeler, LLC
2201 Double Creek Drive, Suite 4004
Round Rock, Texas 78664

June 24, 2009

BC Project No. 136908

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CITY OF HOUSTON

PUBLIC WORKS AND ENGINEERING
PLANNING & DEVELOPMENT DIVISION

Application for Approval of Municipal Setting Designation

APPLICANT INFORMATION

Applicant's Name: Harcros Chemicals, Inc.

☐ Individual ☒ Private Entity ☐ Public Entity ☐ Non-Profit Entity ☐ Other

Address: 5200 Speaker Rd., PO Box 2930 Kansas City KS 66110-2930
(Street) (City) (State) (Zip)

Phone No.: (913)621-7717 Fax No.: (913)621-7822

Email: joneill@harcros.com

Contact Information

Name of Contact: Jeff O'Neill

Title: Senior Vice President

Address: 5200 Speaker Rd., PO Box 2930 Kansas City KS 66110-2930
(Street) (City) (State) (Zip)

Phone No.: (913)621-7717 Fax No.: (913)621-7822

Email: joneill@harcros.com

SITE INFORMATION

Site Name: Oliver Street MSD

Site Size: Approximately 4.12 acres

Site Address: 1701 and 1610 Oliver Street, Houston, TX 77007

Latitude/Longitude Coordinates: 29 degrees 46' 23.2" N / 95 degrees 23' 10.7" W

(List all owners – additional sheet is attached, if needed)

Owner: Harcros Chemicals, Inc.

Owner Address: 5200 Speaker Rd., PO Box 2930 Kansas City KS 66110-2930
(Street) (City) (State) (Zip)

Name of Contact: Jeff O'Neill

Title: Senior Vice President

Organization: Harcros Chemicals, Inc.

Phone No.: (913)621-7717 Fax No.: (913)621-7822

Email: joneill@harcros.com

Additional Owner List

(Cont'd from pg. 1)

Owner: Union Pacific Railroad Company

Owner Address: 24125 Aldine-Westfield Rd. Spring TX 77373-9015

(Street) (City) (State) (Zip)

Name of Contact: Geoffrey Reeder, P.G.

Title: Manager, Environmental Site Remediation

Organization: Union Pacific Railroad Company

Phone No.: (281)350-7197 Fax No.: (402)233-2351

Email: gbreeder@up.com

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: _____

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. ***Label "Appendix A" - Cross Reference with TCEQ's # 3***	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. ***Label "Appendix B" - Cross Reference with TCEQ's # 1, 2 & 4***	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. ***Label "Appendix C"***	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). ***Label "Appendix D" - Cross Reference with TCEQ's # 5***	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). ***Label "Appendix E" - Cross Reference with TCEQ's # 5***	x			

ITEM	YES	NO	N/A	COH Use Only
6. A table displaying the following information for each contaminant of concern, to the extent known: 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. b. The critical protective concentration level without the municipal setting designation, highlighting any exceedences. ***Label "Appendix F" - Cross Reference with TCEQ's # 5***	x			
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. ***Label "Appendix G"***	x			
8. A statement as to whether contamination on and off the designated property without a municipal setting designation exceeds 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. ***Label "Appendix H"***	x			
9. A statement as to whether contamination on and off the designated property with a municipal setting designation will exceed 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. ***Label "Appendix I"***	x			
10. Identification of the points of origin of the contamination and the persons responsible for the contamination, to the extent known. ***Label "Appendix J"***	x			
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. ***Label "Appendix K"***	x			
12. A listing of all existing state or EPA registrations, permits, and identification numbers that applies to the designated property. ***Label "Appendix L"***	x			
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 & 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. ***Label "Appendix M"***	x			
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. ***Label "Appendix N"***	x			

ITEM	YES	NO	N/A	COH Use Only
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. ***Label "Appendix O" - Cross Reference with TCEQ's # 2. 1st bullet***	x			
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. ***Label "Appendix P" - Cross Reference with TCEQ's # 8 & 9***	x			
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. ***Label "Appendix Q" - Cross Reference with TCEQ's # 7, 3rd bullet***	x			
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. ***Label "Appendix R" - Cross Reference with TCEQ's # 7, 2nd bullet***	x			
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. ***Label "Appendix S" - Cross Reference with TCEQ's # 7, 4th bullet***	x			
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) ***Label "Appendix T"***	x			

ITEM	YES	NO	N/A	COH Use Only
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' ***Label "Appendix U"***	x			
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: a. Specify the name and address of the owner of each property. b. Send a copy of the application to the owner of the property with the notice of the public meeting. 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 exceedence 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). d. Provide documentation upon completion of the state or federal program showing that the non-ingestion protective concentration level exceedences have been addressed to the satisfaction of the agency administering the program. ***Label "Appendix V"***			x	
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'. ***Label "Appendix W"***	x			
24. A copy of the TCEQ application, if it has been filed, excluding attachments. ***Label "Appendix X"***			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. ***Label "Appendix Y"***	x			
26. The initial filing fee of $2,000.00 payable to "City of Houston". ***Label "Appendix Z"***	x			
27. Any additional information. ***Label "Appendix AA"***	x			

EXECUTIVE SUMMARY

The designated property for this Municipal Setting Designation (MSD) application consists of the Harcros Chemicals, Inc. (Harcros) site located at 1701 Oliver Street (northern portion of the designated property) and the Union Pacific Railroad (UPRR) site located at 1610 Oliver Street (southern portion of the designated property).

The Harcros portion is rectangular in shape and is currently vacant and inactive with one large warehouse structure. It has been occupied by Harcros and its predecessors since 1955 and was historically used for chemical warehousing and distribution. The UPRR portion of the proposed MSD property was originally purchased by Southern Pacific Transportation Company (SPTC) in 1935 and was leased to the United Creosoting Company (UCC) in 1937 where creosote wood-treating operations were conducted until 1958. UCC leased the UPRR site until 1960, when the lease with SPTC was terminated. SPTC records show that the UPRR site was leased to the General Supply Company for warehouse storage and retail sales of building materials from 1962 through 1991. UPRR acquired the UPRR site as part of its acquisition of the SPTC in 1996. The two building structures that were located at the UPRR site during the period when General Supply Company leased the site were removed between 1996 and 1998. The UPRR site has been unused and entirely abandoned since September 1991. The site has been leased to Glazier Foods since 1993 for parking of delivery vehicles, and is primarily covered by the parking area.

Future land use at the Harcros site is anticipated to remain commercial/industrial. In response to data requested in this application, it is noted data collected at the site indicate groundwater COCs currently exceed residential assessment levels (RALs) for ingestion both onsite and offsite *without* an MSD. With the exception of vinyl chloride, the maximum groundwater COC concentrations at the Harcros site do not exceed the RAL *with* an MSD. It is noted that *current* vinyl chloride concentrations do not exceed the RAL *with* an MSD. Soil source areas have been removed and COC trends in groundwater are currently being monitored at the site.

Data collected at the UPRR site indicate soil and groundwater COCs currently exceed RALs for ingestion both onsite and offsite *without* an MSD. Groundwater COCs will not exceed a RAL *with* an MSD onsite or offsite. Offsite soil COCs will not exceed the RALs *with* an MSD. Onsite soil COCs will exceed applicable RALs *with* an MSD; however, it is anticipated that soil exceedences will be addressed subsequent to approval of the MSD and Affected Property Assessment Report (APAR).

By applying an MSD to the designated property, COCs in soil and groundwater offsite are not expected to exceed the applicable non-ingestion RALs.