CITY OF HOUSTON

Public Works and Engineering Department

Bill White

Mayor

Michael S. Marcotte, P.E., D.WRE, BCEE
Director
P.O. Box 1562
Houston, Texas 77251-1562

T. (713) 837-0037
F. (713) 837-0040
www.houstontx.gov

December 10, 2009

RE: MSD Application #2009-019-Oliver Street
1701 and 1610 Oliver Street, Houston, TX 77007

Dear Recipient:

Enclosed is a public meeting notice about an upcoming meeting in your area. This is an informational meeting about a property at 1701 and 1610 Oliver Street, Houston, TX 77007 that has contaminated groundwater. We welcome you to attend the public meeting, but it is not mandatory that you come.

The public meeting will be held at:
1/13/2010
6:30:00 PM
West End Multi Service Center
170 Heights Blvd., Houston, TX 77007

The following notice will give you additional details about the type of contamination that has been found at the site. Please note: the groundwater contamination at the site is very shallow and is not the groundwater that the City of Houston uses for some of its drinking water. Most of the City's drinking water is now from surface water (Lakes Houston, Conroe, and Livingston).

The purpose of this public meeting is to inform you, the nearby neighbors and well owners, about the Municipal Settings Designation (MSD) program and the application. During the meeting a representative from the city will talk about the MSD program and then the MSD applicant will talk about the site. You may come to the meeting just to listen or you can share a comment. Comments can be given in person at the meeting or you can send them to the State of Texas and/or to the City of Houston at the following addresses.

Mr. Scott Settemeyer
Remediation Division
Texas Commission on Environmental Quality
P.O. Box 13087, MC-225
Austin, Texas 78711.

Richard Chapin
Public Works and Engineering Department
City of Houston
611 Walker, 19th Fl.
Houston, Texas 77002
msd@cityofhouston.net
(713) 837-0928

A MSD is the way the city can legally say that the contaminated ground water at a property cannot be used for drinking water now or in the future, thereby protecting public health. It may also help a contaminated site develop or redevelop because the state's requirements to clean up contaminated groundwater may be set at levels based on this restriction. The MSD does not excuse the applicant from clean up activities such as removing the surface soil or reducing other risks to the public.

Council Members: Toni Lawrence Jarvis Johnson Anne Clutterbuck Wanda Adams Mike Sullivan M.J. Khan, P.E. Pam Holm Edward Gonzalez
James G. Rodriguez Peter Brown Sue Lovell Melissa Noriega Ronald C. Green Jolanda "Jo" Jones Controller: Annise D. Parker

At many sites with historic contamination, the owner/operator was following the standard practice at that time. As knowledge grew the standard practices changed. The State now regulates businesses to keep this type of contamination from happening now or in the future. A MSD reduces the risk to people living and working in the area by preventing the use of the contaminated ground water. Only sites that are already participating in a State or Federal clean up program can apply for a MSD.

You are invited to this meeting because you either own property that is within ½ mile of the site, or you own a water-well that is within 5 miles of the site. Other cities and interested groups have also been invited to attend. If you received this letter by mistake, please ignore it.

If you received a certified letter it is because public record shows that you own a water well within 5 miles of the site. You may have been notified even if you no longer use the well or it has been abandoned. If you received the notice through the regular mail it is because you own property within a ½ mile of the site.

If you have any questions, please contact Richard Chapin or Jed Greenfield at (713) 837-0928 or email them at MSD@cityofhouston.net.

Sincerely,

Carol Ellinger Haddock, P.E.
Sr. Assistant Director
Planning and Development Services Division
Department of Public Works and Engineering

CEH:rc

NOTICE OF PUBLIC MEETING

REQUEST FOR SUPPORT OF
MUNICIPAL SETTING DESIGNATION

An application has been filed with the City of Houston for the city's support of a Municipal Setting Designation (MSD) for the Applicant/location listed below. You are receiving this notification because, according to the last approved city tax roll, you are in one of the following categories: an owner of real property lying within ½ mile, owner/operator of water wells within 5 miles, municipality within ½ mile, municipality owning/operating a groundwater supply well within 5 miles, Harris-Galveston Subsidence District, or any other interested group registered with the Planning & Development Department within ½ mile of this Site. This notice implies no legal obligation upon you. If you have received this notice in error, please disregard it.

Applicant Information:

Name: Harcros Chemicals, Inc. and Union Pacific Rail Road (MSD# 2009-019-Oliver Street)

Location (the Site): 1701 and 1610 Oliver Street Houston, TX 77007

Legal Description: RES A BLK 1 HARCROS

The property is within the corporate limits or ETJ of a municipality authorized by statute. A public drinking water supply system exists that satisfies the requirements of Chapter 341. This system supplies or is capable of supplying drinking water to the property for which the MSD is sought and to property within one-half mile of the Site.

The purpose of the public meeting is for the Applicant to provide information to the community about the Site, the Applicant's request for an MSD, and to obtain community input prior to a public hearing at City Council. Public viewing of this application is available at the City's: Houston Public Library located at 500 McKinney Houston, TX 77002

PUBLIC MEETING
Date – Time: 1/13/2010 – 6:30:00 PM Place: West End Multi Service Center Address: 170 Heights Blvd. Houston, Texas 77007

If you are unable to attend and have questions or comments, please contact the City of Houston Public Works and Engineering Department at:
Phone: 713-837-0928 email msd@cityofhouston.net
website: http://www.publicworks.houstontx.gov/planning/plan/msd.htm

The purpose of an MSD is to create a means by which the TCEQ may limit the scope of investigations and response actions for groundwater contamination at a site, if the groundwater is prohibited for use as a source of potable water. Any person owning, operating or controlling the designated property remains responsible for complying with all applicable federal and state laws and regulations and all ordinances, rules, and regulations of the City. If the City Council approves the application, it will enact an ordinance prohibiting the use of designated groundwater beneath the site for potable purposes and supporting the application to the TCEQ. "Potable water" means water used for irrigation, production of food or drink products intended for human consumption, drinking, showering, bathing, or cooking purposes.

Type of Contaminants Found: arsenic, pentachlorophenol, trichloropropane, benzene, tetrachloroethene (PCE), trichloroethene (TCE), 1,1-dichloroethylene (1,1-DCE), cis-1,2-dichloroethene (cis-1,2-DCE), trans-1,2-dichloroethene (trans-1,2-DCE), and vinyl chloride (VC)

State law provides that the following persons may give written comments to the TCEQ on any information relevant to the TCEQ Executive Director's consideration of an MSD for the Site: (1) each municipality in which the Site is located, with a boundary located not more than ½ mile from the Site, or that owns or operates a groundwater supply well located not more than 5 miles from the Site; (2) each retail public utility that owns or operates a groundwater supply well located not more than 5 miles from the Site; and (3) each owner of a state-registered private water well located within 5 miles of the Site. Comments must be submitted no later than 60 days after the date of receipt of this notice to:

Mr. Scott Settemeyer
Remediation Division
Texas Commission on Environmental Quality
P.O. Box 13087, MC-225
Austin, Texas 78711.

The Executive Director of the TCEQ will certify or deny the application filed with TCEQ or request additional information from the Applicant no later than 90 days after receiving such application.

AVISO DE REUNIÓN PÚBLICA

SOLICITUD PARA VINDICACIÓN DE
DESIGNACIÓN DE SEÑALAMIENTO MUNICIPAL

Una aplicación ha sido presentada a la Ciudad de Houston para la aprobación de Designación de Señalamiento Municipal (MSD) por el/la Solicitante o localidad que aparece abajo. Usted está recibiendo este aviso por una de las siguientes razones: de acuerdo a la última lista de impuestos de la Ciudad, usted es dueño de la propiedad real situada a ½ milla, dueño/operador de pozos de agua dentro de un límite de 5 millas, Distrito de Hundimiento Harris-Galveston, cualquier otro grupo interesado registrado con el Departamento de Planeamiento y Desarrollo dentro de un límite de ½ milla de este sitio. Este aviso no implica una obligación legal para usted. Si ha recibido este aviso por error, por favor haga caso omiso de él.

Información del Solicitante:

Nombre: Harcros Chemicals, Inc. and Union Pacific Rail Road (MSD# 2009-019-Oliver Street)

Localidad (del Sitio): 1701 and 1610 Oliver Street Houston, TX 77007

Descripción Legal: RES A BLK 1 HARCROS

La propiedad está entre los límites corporativos o ETJ de una municipalidad autorizada por el estatuto y que un sistema de suplemento de agua potable existente que satisface los requisitos del Capítulo 341 y que suple o es capaz de suplir con agua potable a la propiedad que designa el MSD y a la propiedad hasta la media milla de la propiedad que designa el MSD.

El propósito de esta reunión pública es para que el/la Solicitante provea información a la comunidad acerca del Sitio y de la solicitud para un MSD y para obtener la opinión de la comunidad antes de la audiencia frente al Concilio de la Ciudad. Inspección pública de esta aplicación está disponible en: La Biblioteca Houston Public Library en el 500 McKinney Houston, TX 77002.

REUNIÓN PÚBLICA/AUDIENCIA PÚBLICA

Fecha – Hora: 1/13/2010 – 6:30:00 PM
Lugar: West End Multi Service Center
Dirección: 170 Heights Blvd.
Houston, Texas 77007

Si usted está imposibilitado de asistir y tiene preguntas o comentarios, por favor póngase en contacto con el Departamento de Obras Públicas e Ingeniería de la Ciudad de Houston al:

Telefono: 713-837-0928 ó por correo electrónico al: msd@cityofhouston.net
Sitio de internet: http://www.publicworks.houstontx.gov/planning/plan/msd.htm

El propósito de un MSD es crear un medio a través del cual la Comisión de Calidad del Medio Ambiente de Texas (TCEQ) pueda limitar el alcance de la investigación y las acciones de respuesta por contaminación de aguas subterráneas en el sitio, si el uso de las aguas subterráneas está prohibido como fuente de agua potable. Cualquier persona que posea, opere o controle la propiedad designada es responsable del cumplimiento de las leyes y regulaciones federales y estatales y de todas las ordenanzas, reglas y regulaciones aplicables de la Ciudad. Si el Concilio de la Ciudad aprueba la aplicación, decretará una ordenanza prohibiendo el uso de las aguas subterráneas designadas en el sitio como agua potable y apoyando la aplicación al TCEQ. "Agua Potable" significa agua usada para irrigación, producción de productos de comida o bebida para consumo humano, con propósito de beberla, ducharse, bañarse o cocinar.

Tipo de contaminantes encontrados: arsenic, pentachlorophenol, trichloropropane, benzene, tetrachloroethene (PCE), trichloroethene (TCE), 1,1-dichloroethylene (1,1-DCE), cis-1,2-dichloroethene (cis-1,2-DCE), trans-1,2-dichloroethene (trans-1,2-DCE), and vinyl chloride (VC)

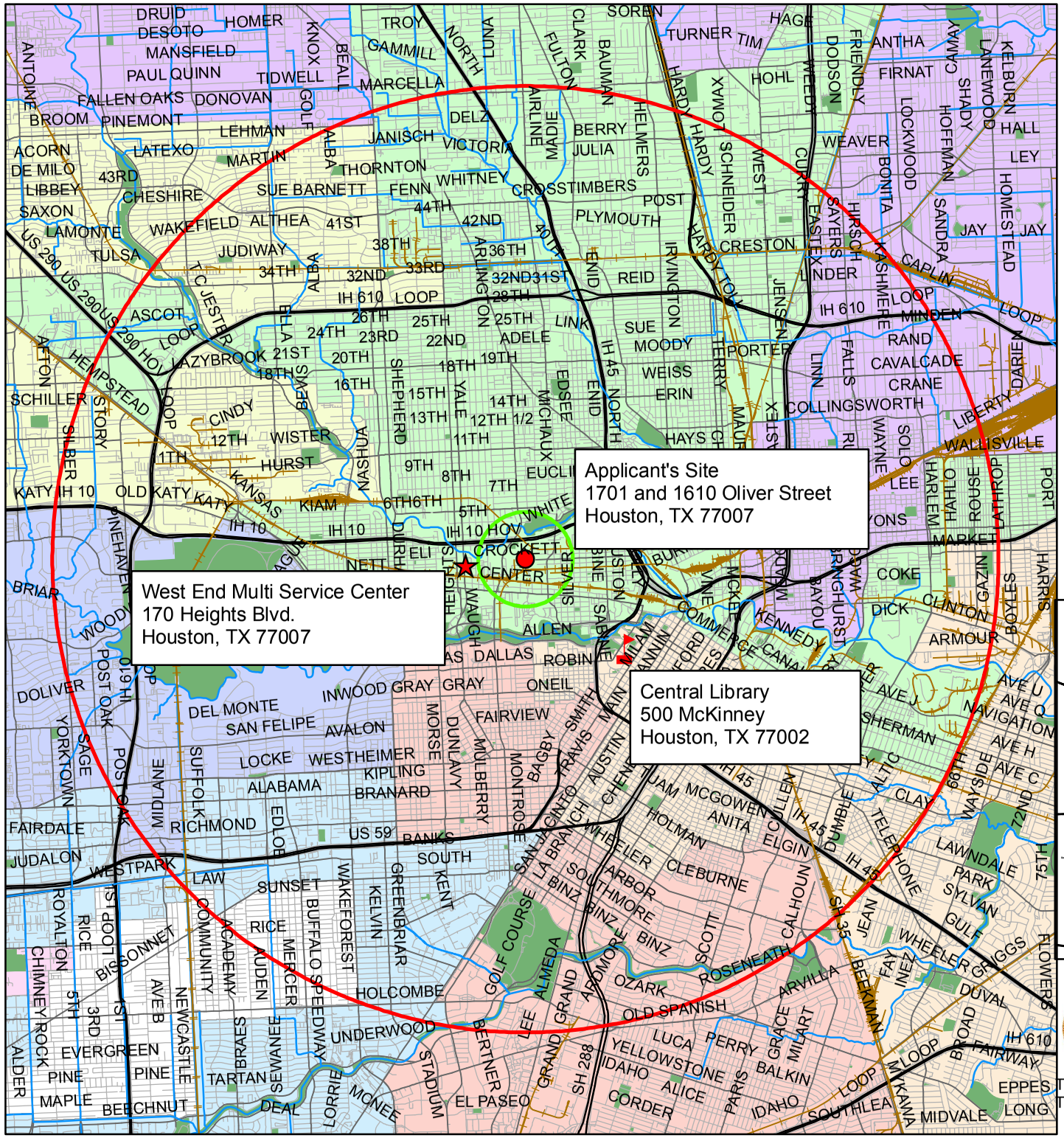
Las leyes estatales estipulan que las siguientes personas puedan dar comentarios escritos a la TCEQ acerca de cualquier información relevante para consideración del Director Ejecutivo de la TCEQ de un MSD para el Sitio: (1) cada municipalidad en la cual está localizado el Sitio, con un límite situado a no más de ½ milla del Sitio o que posea u opere un suministro de aguas subterráneas localizado a no más de 5 millas del Sitio; (2) cada comercio de utilidades públicas que posea u opere un suministro de aguas subterráneas localizado a no más de 5 millas del Sitio; y (3) cada dueño de un pozo de agua privado registrado con el Estado, localizado a no más de 5 millas del Sitio. Los comentarios deben ser entregados antes de los 60 días del recibo de este aviso, a:

Mr. Scott Settemeyer, Remediation Division
Texas Commission on Environmental Quality
P. O. Box 13087, MC-225
Austin, Texas 78711.

El Director Ejecutivo de la TCEQ certificará o rechazará la aplicación presentada con la TCEQ o solicitará información adicional del Solicitante en no más de 90 días de haber recibido dicha aplicación.

Municipal Settings Designation Application

2009-019-Oliver Street Vicinity Map

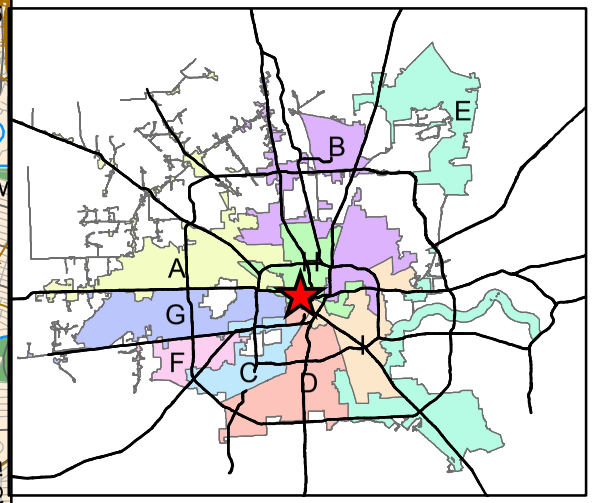


Legend

- MSD Application
- Community Center
- Library
- 5 Mile Notification Area
- 1/2 Mile Notification Area

0 0.3750.75 1.5 Miles

N W E S



This map represents the best information available to the City. The City does not warrant its accuracy or completeness. Field verification should be performed as necessary.