

Appendix C
TCEQ Correspondence

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 2, 2020

Mr. Brad Wilkinson, P.G.
Remediation Leader
The Dow Chemical Company
2301 N. Brazosport Blvd., Bldg B 122
Freeport, Texas 77541-3257

Re: Charlie Burch Pits Site, located at 25529 Richards Road, Spring, Montgomery County, TX;
Voluntary Cleanup Program (VCP) No. 421; Regulated Entity No. RN102970738;
Customer No. CN600356976

Dear Mr. Wilkinson:

The TCEQ has reviewed the December 19, 2019 document entitled "Request to Shut Down the 13 Acre Treatment System", prepared by Dow Chemical Company. The TCEQ does not object to the conditional shutdown of the 13-acre treatment system for an evaluation period, nor the permanent shutdown of the 13-acre system, should the proposed monitoring indicate that continued operation is unnecessary. However, the TCEQ cautions that both the conditional shutdown and the final shutdown should be viewed in the context of the VCP applicant's overall remediation objectives, specifically those related to filing long-term response action deed notices on affected properties pursuant to 30 Texas Administrative Code §350.31(h) and §350.111(b)(1).

The TCEQ has stated in previous correspondence that the 13-acre tract serves as a boundary for the separation of two remediation areas. Correspondingly, the TCEQ recognized two separate 15-year periods for the purpose of evaluating the necessity of long-term response action deed notices. A 2020 endpoint was applied to the northern portion and a 2026 endpoint applied to the southern portion. The VCP applicant has proposed that a 2026 endpoint be applied to the entirety. TCEQ, however, has not concurred with this proposal, electing instead to consider site-specific issues that may allow for a period of time beyond the 15-year window. The VCP applicant should provide a response that addresses how the shutdown will affect attainment of PCLs on both the northern and southern areas of the plume. In addition, if the VCP applicant proposes to use site-specific factors for the northern plume to allow for PCL attainment in an additional time frame, it should supply those and the additional time frame for TCEQ consideration; otherwise, filing of long-term response action deed notices should commence this year.

A response to these comments should be submitted to my attention at the TCEQ at the letterhead address using mail code MC-221. Your response should be received within 90 days of the date of this letter. Please provide one paper copy and one electronic copy (on USB or disc) of all future submittals. Note that the electronic and hard copies should be identical, complete copies. A Correspondence ID Form (TCEQ Form 20428) must accompany each document submitted to the Remediation Division, and should be affixed to the front of your submittal.

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The Correspondence ID Form helps ensure that your documents are identified correctly and are routed to the applicable program for a timely response. Should you need additional information or wish to discuss the above comments, please call me at (512)239-6753.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Joe Bell', is written over the typed name.

Joe Bell, P.G., Project Manager
VCP-CA Section
Remediation Division
Texas Commission on Environmental Quality

JB/jdm

cc: Mr. Rick Wenzel, P.G., The Dow Chemical Company (via email)
Mr. Josh McFarlain, Jacobs (via email)
Mr. Michael Traill, 1014 Forestburg Drive, Spring, TX 77386
Ms. Alma Jefferson, Waste Section Manager, TCEQ Houston Region Office, R-12