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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 16, 2005

Mr. Mike Boudloche
 Trustee
 555 North Carancahua Suite 600
 Corpus Christi, Texas 78478

Re: Reissue of Approval of Encycle's *Corrective Measures Study and Corrective Measures Implementation Workplan* Dated May 27, 2005
 TCEQ SWR No. 30003
 TCEQ Hazardous Waste Permit No. HW-50221
 EPA ID No. TXD008117186
 Civil Action No. H-99-1136, Enf. ID No. 1017
 Agreed Consent Decree Entered October 7, 1999

Dear Mr. Boudloche:

The Texas Commission on Environmental Quality (TCEQ) reviewed Encycle's *Corrective Measures Study and Corrective Measures Implementation Workplan* dated May 27, 2005. The TCEQ approved the conceptual Corrective Measures Implementation Plan for Encycle with a letter dated December 5, 2005, however, that letter inadvertently left a Solid Waste Management Unit (SWMU) off the summary list. This letter is being reissued to include that SWMU. Encycle is required to submit a Corrective Measures Implementation Report verifying the remediation is completed. The following is a summary of the approved remedy:

<u>Solid Waste Management Unit (SWMU)</u>	<u>Remedy</u>
01 Landfill	Propose excavation of soils and repair Landfill cap
East and West Lagoons	Contaminated waste and soils have been excavated
Waste Pile	Propose excavate soils

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Boneyard Area	Propose excavate soils
Railroad Tracks Area	Propose excavate soils
Feed Tanks 1 and 2	Soil concentrations below risk base cleanup standards
Road Leading to the West of Building C	Propose excavate soils
Grain Elevator	Soil concentrations below risk base cleanup standards
Former Sludge Drying Beds	Soil concentrations below risk base cleanup standards
Reactor Clarifier	Propose excavate soils
Facilities 1, 2, and 3	Soil concentrations below risk base cleanup standards
West Cell House	Soil concentrations below risk base cleanup standards
NOR 43	Soil concentrations below risk base cleanup standards
Product Storage Building (Building C)	Propose excavate soils
Product Storage Bins	Soil concentrations below risk base cleanup standards
Building North of Facility 2 (3-sided bin)	Soil concentrations below risk base cleanup standards
Old Casting Building	Soil concentrations below risk base cleanup standards
Storm sewer system	Propose excavate soils
Corpus Christi Ship Channel	Corrective measures not proposed in this document developing risk base cleanup values.

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Please be aware 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. If the actual closure fails to comply with these requirements, the burden remains upon Encycle to take any necessary and authorized action to correct such conditions. A TCEQ field inspector may review your Final Report and conduct a closure inspection of the site.

To document compliance with the Texas Professional Geoscience Act, the Remediation Division will not review reports and documents received on or after October 1, 2004 that contain unsealed geoscience services or work. Reports and documents with unsealed geoscience services or work will be returned to the submitting party. For further information, see the Texas Board of Professional Geoscientists website (<http://www.tbpg.state.tx.us>). Please direct all questions regarding what constitutes geoscience to the Board (512/936-4400).

Questions concerning this letter should be directed to me at (512) 239-2350. When responding by mail, please submit an original and one copy of all correspondence and reports to the Corrective Action Section at Mail Code MC-127 with an additional copy submitted to the TCEQ Region 10 Office in Beaumont. The TCEQ Solid Waste Registration Number and unit description should be referenced in all submittals.

Sincerely,



Brad Wilkinson, P. G.
Project Manager
Team 4, Environmental Cleanup Section I
Remediation Division
Texas Commission on Environmental Quality

BW/bw

cc: Waste Program Manager, TCEQ Region 14 Office, Corpus Christi