



TEXAS DEPARTMENT OF STATE HEALTH SERVICES

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DAVID L. LAKEY, M.D.
COMMISSIONER

February 7, 2011

Ms. Jacquelyn Rodriguez
MC 127
Project Manager
Corrective Action, Team 1, CA-VCP Section
Remediation Division
Office of Compliance & Enforcement
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Subject: Request for Assistance at the ASARCO Encycle Facility, Corpus Christi, Texas

Dear Ms. Rodriguez:

This letter is in response to the request for assistance and coordination from the Texas Commission on Environmental Quality (TCEQ) to the Department of State Health Services (DSHS) regarding the proposed clean up and closure project for the American Smelting and Refining Company (ASARCO) Encycle Facility in Corpus Christi, Texas. On Friday, January 21, 2011 at 2:00 PM, a teleconference meeting was held between you and Daniel Long of TCEQ and several members of our DSHS Asbestos program staff to discuss TCEQ's involvement with the project and possible collaboration with DSHS.

TCEQ staff is requesting assistance because there is a large amount of asbestos-containing material (ACM) to be removed from the Encycle/ASARCO plant facility before the contaminated soil clean-up can begin and potential redevelopment of the site can occur. The ACM is located throughout the 108 acre facility and includes 51 buildings. While TCEQ is responsible for overseeing the clean up and signing off on the proposed project work plan, your agency would like to coordinate with DSHS on the asbestos remediation portion of the project, the regulation of which is under DSHS jurisdiction. Specifically, TCEQ requested that DSHS review and provide feedback on the proposed work plan for the asbestos abatement project and demolition. TCEQ also inquired as to whether DSHS would perform periodic compliance inspections that are normally required for this type of asbestos abatement project to ensure that public exposure is minimized.

During the teleconference it was agreed that, pending upper management approval, DSHS could coordinate with TCEQ and provide assistance in reviewing the work plan and conducting

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inspections of the project. Also, prior to the start of the asbestos removal, it would be beneficial for DSHS staff to meet on-site with the general contractor, the asbestos abatement contractor, the asbestos consultant agency, and representatives from TCEQ and possibly EPA to review the project site and provide feedback on the project work plan. Our agencies may also develop a coordinated inspection schedule to ensure that the project is monitored throughout the various stages of work.

At this time, DSHS management has approved the allocation of staff resources to perform the following activities:

- 1) DSHS Central Office (Austin) staff and DSHS Regional Inspector(s) will visit the Encycle/ASARCO facility and meet with the project's general contractor, asbestos abatement contractor, asbestos consultant, the trustee in control of the site, TCEQ staff and possibly EPA staff. The DSHS staff will review the project plan and photograph the facility to evaluate any possible on-site problems that could arise from the project specifications that were provided to DSHS. Due to the size of the facility and scope of work, the on-site visit and evaluation is estimated to take at least two days. The expected timeline for the on-site visit is within the next two to three weeks.
- 2) After the on-site visit, DSHS will write a summary report and another teleconference with TCEQ will be scheduled to discuss any problems or issues that may be identified during the site visit.
- 3) After the project has started, DSHS will provide normal compliance inspections periodically during the length of the project to ensure compliance with the federal National Emission Standards for Hazardous Air Pollutants (NESHAP) asbestos regulations. The expected timeline for the asbestos abatement project and demolition is six months.
- 4) Additional conference calls with TCEQ may be scheduled if significant deficiencies are identified during the inspections.

We appreciate the opportunity to be of assistance to the TCEQ in this vital area of environmental protection within the State of Texas. If you have any questions or need additional information, please contact Ms. Roxanna Guerrero, Asbestos Programs Coordinator, at (512) 834-6787, extension 2198, or by email at Roxanna.Guerrero@dshs.state.tx.us or Mr. Terry W. Collins, Asbestos & NESHAP Specialist, at (512) 834-6787, extension 2454, or by email at TerryW.Collins@dshs.state.tx.us.

Sincerely,



Annabelle R. Dillard, Manager
Environmental Hazards Group
Policy Standard & Quality Assurance Unit
Division for Regulatory Services
Texas Department of State Health Services