

TCEQ Interoffice Memorandum

To: Commissioners

Thru: Kelly Keel
Executive Director

Beth Seaton, Director 
Office of Waste

From: Merrie Smith, P.G., Deputy Director
Remediation Division

Date: April 24, 2026

Subject: Docket No. 2026-0386-SPF
Consideration of an Administrative Order
City View Road Groundwater Plume State Superfund Site
Midland County, RN105167084
(Scott Settemeyer, P.G., Peipey Tang)

I. Overview

The City View Road Groundwater Plume proposed state Superfund site (the Facility) is an approximately 107-acre groundwater contamination plume located approximately two miles east of downtown Midland in Midland County, Texas. The Facility is primarily located northeast of the intersection of Cloverdale Road aka Farm-to-Market (FM) 307 and South Fairgrounds Road, bounded by East County Road 90 to the north, and Midland Trail Park to the east. A small portion of the Facility extends west of South Fairgrounds Road bounded by East New York Avenue to the north, South Webster Street to the west, and East California Avenue to the south. The majority of the Facility is outside the Midland city limits. The surface property overlying the groundwater contamination plume is predominantly occupied by oil field-related service companies, along with some vacant land, residential properties, small businesses, and light industrial companies.

II. Facility History

In November 2003, a local pipeline company reported to TCEQ that it had detected tetrachloroethylene (PCE), a hazardous substance, in domestic water wells and monitoring wells near the intersection of Cloverdale Road (aka FM 307) and South Fairgrounds Road while investigating a release of crude oil in the vicinity. TCEQ performed an investigation, which included a water well survey and groundwater sampling from domestic water wells in the area of the identified PCE plume. Based on this investigation, TCEQ confirmed the presence of PCE in 24 domestic water wells at concentrations above Texas Risk Reduction Program (TRRP) critical protective concentration levels for groundwater ingestion. TCEQ was unable to determine the source of contamination.

In August 2004, TCEQ evaluated the Facility using the U.S. Environmental Protection Agency (EPA) Hazard Ranking System (HRS). The resulting HRS score of 7.06 was not high enough to qualify the Facility for inclusion on the National Priorities List as a federal Superfund site, but it was sufficient to qualify the Facility for inclusion on the state Superfund registry as a facility that may constitute an imminent or substantial endangerment to public health and safety or

the environment due to a release or threatened release of hazardous substances into the environment. On April 22, 2005, TCEQ proposed the Facility to the state Superfund registry. TCEQ held a public meeting on October 27, 2005, to receive comments on the proposal to the state registry and the identification of potentially responsible parties. During this time, TCEQ also equipped the domestic water wells at some properties in the Facility's area of investigation with activated carbon filtration systems and conducted quarterly groundwater sampling on domestic water wells to monitor Facility conditions and plume migration.

Beginning in October 2005, TCEQ's Superfund program performed Facility investigation activities with the purpose of determining the nature and extent of contamination at the Facility and to identify remedial alternatives to evaluate potential options for addressing contamination at the Facility. These investigations included the collection and analysis of surface soil, subsurface soil, groundwater, and surface water samples. TCEQ also worked to identify the source of the contamination, however, no source was identified.

From 2008 to 2009, TCEQ performed a removal action in coordination with the City of Midland consisting of the construction of public water supply lines to impacted properties within the Facility's area of investigation. Following the installation of the public water supply lines and the connection of impacted properties to those water supply lines, TCEQ plugged and abandoned associated domestic water wells. Shortly thereafter, the groundwater elevation and flow direction returned to natural conditions and were able to stabilize. Since the removal action, the groundwater plume has remained north of Cloverdale Road and does not impact the properties to the south of Cloverdale Road.

In 2011, TCEQ conducted a pilot study to evaluate in-situ chemical oxidation (ISCO) technology as a means to address Facility contamination. While initial results of the pilot test were favorable, the contamination quickly returned to the test area. Thus, TCEQ determined the implementation of a large-scale ISCO remedy to be infeasible until a plume source was identified.

Over the following years, TCEQ continued to assess the extent of the groundwater contamination, and in 2024, TCEQ completed delineation of the entire extent of the plume.

III. Characterization of the Nature and Extent of Contamination

In August 2024, an Affected Property Assessment Report (APAR) was completed to summarize the findings of the Remedial Investigation. These findings are summarized below.

Soil

No chemicals of concern (COCs) are present in surface or subsurface soil. Therefore, no response actions are required for soil at the Facility.

Surface Water and Sediment

COCs were not detected in any surface water or sediment samples. Therefore, no response actions are required for surface water or sediment at the Facility.

Groundwater

The uppermost Ground Water Bearing Unit (GWBU) is impacted with PCE at concentrations that exceed the TRRP Protective Concentration Level (PCL) for groundwater ingestion. Based on the aerial extent of groundwater contamination, as well as the thickness and porosity of the groundwater bearing unit, the estimated volume of contaminated groundwater is approximately 472.4 million gallons. By comparing the contaminant levels over time, TCEQ determined that the groundwater plume is stable and not expanding. Additionally, based on recent aquifer testing and modeling, TCEQ determined that the groundwater plume is predicted to remain stable in the future.

Ecological Risk

TCEQ evaluated ecological risk at the Facility and concluded that surface water and associated sediments have not been impacted by, nor are they a threat from COCs; the affected property is not attractive to wildlife or livestock; and the Facility is located in a highly developed mixture of residences, light commercial, and industrial development. Furthermore, no ecological receptors were identified on or within ¼-mile of the Facility. Therefore, no ecologically-based TRRP PCLs were necessary for the Facility.

IV. Evaluation of Remedial Action Alternatives

Following completion of the Facility investigation activities, TCEQ concluded that no response actions were required for soils, sediments, or surface water. However, groundwater at the Facility requires a response action to address the presence of PCE at concentrations greater than the critical PCL.

In November 2025, TCEQ completed a Focused Feasibility Study , which evaluated potential remedial action alternatives for the Facility. Evaluation of remedial alternatives was based on the following criteria: cost; feasibility; reliability (including long-term effectiveness and permanence); overall protection of human health and the environment; and compliance with applicable regulations. The evaluation and scoring of the remedial alternatives are documented in Table 2 of the Remedy Selection Document (i.e., Exhibit C to the proposed Administrative Order (Order)).

V. Selected Remedy

Groundwater Remedial Action Alternative GW-4: Plume Management Zone (PMZ) was selected for the remedy based upon the evaluation criteria listed in Section IV above and the evaluation criteria established in Title 30 Texas Administrative Code (30 TAC) Section 335.348(l), which states that “the remedial action for a particular facility shall be selected based on the remedial alternative that the executive director determines to be the lowest cost alternative which is technologically feasible and reliable, effectively mitigates and minimizes damage to the environment, and provides adequate protection of the public health and safety and the environment.” The Remedy Selection Document for the Facility is attached as Exhibit C to the Order, and describes the remedy selected for remediating groundwater at the Facility in accordance with 30 TAC Section 335.348(l) and the requirements of Texas Health & Safety Code Section 361.193.

The selected remedy for groundwater is a Plume Management Zone (PMZ) to control and prevent exposure to groundwater contamination. Potential exposure to groundwater contamination will be controlled through institutional controls, such as legal restrictions on exposure to groundwater within the PMZ. The groundwater will be sampled periodically to monitor the stability of the groundwater contamination and ensure that the contamination remains within the PMZ.

Institutional controls will be filed in accordance with TRRP to establish the PMZ. The institutional control(s) for the PMZ will remain in place until it is demonstrated that COCs in groundwater no longer exceed the applicable PCLs.

The cost to implement Groundwater Remedial Action Alternative GW-4 is \$750,000. On December 5, 2025, notice was published in the *Texas Register* and the *Midland-Reporter Telegram* informing the public of the proposed remedy and requesting public comment. In addition, a public meeting was conducted on January 15, 2026, to present the proposed remedy to the public. No written comments opposing or recommending modification to the proposed remedy were received during the comment period. TCEQ received one comment during the public meeting requesting to modify the scope of the proposed remedy. The commenter requested that their property, which is located outside of and upgradient from the groundwater plume, be included within the groundwater remedy. After considering the comment in the context of Facility data gathered to date and the applicable requirements of the Texas Health & Safety Code, the executive director determined that no revision to the proposed remedy or its scope is warranted.

VI. Efforts to Identify Potentially Responsible Parties (PRPs)

TCEQ has conducted an exhaustive search to identify persons who are responsible for the solid waste and/or hazardous substances at the Facility, as defined in Texas Health & Safety Code Section 361.271. To date, no PRPs have been identified for the Facility.

VII. Staff Recommendation

The Remediation Division recommends that the Commission issue this Order to require Respondents to implement the selected remedial action, which is cost effective and protective of public health and safety and the environment, and to reimburse TCEQ for remedial investigation/feasibility study and remediation costs, as authorized by Texas Health & Safety Code Section 361.188. This Order will also make a determination as to responsible parties.

If there are any questions, please contact Scott Settemeyer, P.G., Project Manager, Remediation Division, at 512-239-3429 or Peipey Tang, Staff Attorney, Litigation Division, at 512-239-0654.

CAPTION for AGENDA:

Docket No. 2026-0386-SPF, Consideration of a Final Administrative Order, as authorized under Subchapter F of the Texas Solid Waste Disposal Act (Act), Tex. Health & Safety Code Chapter 361, with additional authorities from Subchapters I, K, and L of the Act, for the City View Road Groundwater Plume State Superfund site (the Facility), Midland County, RN105167084. The Order includes the description of the selected remedial action, the listing of the Facility on the Texas state Superfund registry, and a determination of responsible parties. The Order also requires the Respondents to remediate the Facility. Remedial action is necessary at the Facility to address groundwater that is contaminated with tetrachloroethylene and associated degradation products. The proposed remedy is a Plume Management Zone to control and prevent exposure to contaminated groundwater. The Facility is an approximately 107-acre groundwater contamination plume located approximately two miles east of downtown Midland in Midland County, Texas. The Facility is primarily located northeast of the intersection of Cloverdale Road aka Farm-to-Market 307 and South Fairgrounds Road, bounded by East County Road 90 to the north, and Midland Trail Park to the east. A small portion of the Facility extends west of South Fairgrounds Road, bounded by East New York Avenue to the north, South Webster Street to the west, and East California Avenue to the south. (Scott Settemeyer, P.G., Peipey Tang)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



TCEQ DOCKET NO. 2026-0386-SPF

**IN THE MATTER OF THE
CITY VIEW ROAD
GROUNDWATER PLUME
STATE SUPERFUND SITE;
RN105167084**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

FINAL ADMINISTRATIVE ORDER

INTRODUCTION

1. On May 13, 2026, the Texas Commission on Environmental Quality ("Commission" or "TCEQ")¹ considered the allegations of its Executive Director ("ED") regarding the existence of a release or threat of release of solid wastes and hazardous substances into the environment on, at, or from the City View Road Groundwater Plume proposed state Superfund site (the "Facility") that poses an imminent and substantial endangerment to the public health and safety or the environment pursuant to TEX. HEALTH & SAFETY CODE ch. 361.
2. The ED's requested relief includes issuance of a Commission order, pursuant to TEX. HEALTH & SAFETY CODE ch. 361, Subchapter F, with additional authorities from Subchapters I, K, and L, requiring persons responsible for such solid wastes or hazardous substances to perform or undertake the activities as required by and in accordance with this Order (the "Work").
3. Respondents to this Order are those persons that fund or perform the Work after the issuance of this Order ("Performing Parties").

After proper notice, the Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Facility is an approximately 107-acre groundwater contamination plume located approximately two miles east of downtown Midland in Midland County, Texas. The Facility is primarily located northeast of the intersection of Cloverdale Road aka Farm-to-Market (FM) 307 and South Fairgrounds Road, bounded by East County Road 90 to the north, and Midland Trail Park to the

¹ For greater ease in reference, select terms, abbreviations, and acronyms defined and used in this Order are listed in the Glossary of Terms, Abbreviations, and Acronyms attached hereto as Exhibit A. In the event the definition of any term, abbreviation, or acronym in this Order conflicts with that listed in Exhibit A, the definitions in this Order shall control.

east. A small portion of the Facility extends west of South Fairgrounds Road, bounded by East New York Avenue to the north, South Webster Street to the west, and East California Avenue to the south. In accordance with TEX. HEALTH & SAFETY CODE § 361.181(c)(1), the Facility also includes any additional areas where hazardous substances have been deposited, stored, disposed of, or placed or have otherwise come to be located.

2. In August 2004, the Facility was evaluated for ranking on the state registry of Superfund sites and received a Hazard Ranking System ("HRS") score of 7.06.²
3. On April 22, 2005, the Facility was proposed for listing on the state registry of Superfund sites in Volume 30, Page 2439 of the *Texas Register*.
4. As of the date of this Order, TCEQ has not identified any parties determined to be responsible for the solid wastes and/or hazardous substances at the Facility, as defined by TEX. HEALTH & SAFETY CODE § 361.271.
5. There are no *de minimis* potentially responsible parties (PRPs) to this Order.
6. No PRPs have agreed to fund or perform the Work, nor have any PRPs consented to the provisions of this Order as of the date of its issuance.
7. Chemicals of Concern, defined by 30 TEX. ADMIN. CODE § 350.4(11) to mean a chemical that has the potential to adversely affect ecological or human receptors due to its concentration, distribution, and mode of toxicity, are located at the Facility and include those substances ("the COCs") listed on the Exhibit B attached hereto and incorporated herein by reference. The COCs are:
 - A. Substances designated under Section 311(b)(2)(A) of the Federal Water Pollution Control Act, as amended (33 U.S.C. § 1321);
 - B. Elements, compounds, mixtures, solutions, or substances designated under Section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") (42 U.S.C. § 9601 *et seq.*, as amended);
 - C. Hazardous wastes having the characteristics identified under or listed under Section 3001 of the Federal Solid Waste Disposal Act, as amended (42 U.S.C. § 6921), excluding wastes, the regulation of which has been suspended by Act of Congress;
 - D. Toxic pollutants listed under Section 307(a) of the Federal Water Pollution Control Act (33 U.S.C. § 1317);
 - E. Hazardous air pollutants listed under Section 112 of the Federal Clean Air Act, as amended (42 U.S.C. § 7412); or

² The Hazard Ranking System is the method used by the U.S. Environmental Protection Agency ("EPA") and the TCEQ to evaluate the relative potential of hazardous substance releases to cause health or safety problems, ecological or environmental damage. 30 TEX. ADMIN. CODE § 335.342(6).

- F. Any imminently hazardous chemical substances or mixtures with respect to which the administrator of the EPA has taken action under Section 7 of the Toxic Substances Control Act (15 U.S.C. § 2606).
8. The COCs have been processed, deposited, stored, disposed of, or placed or have otherwise come to be located on and in groundwater at the Facility.
 9. The COCs include: garbage; rubbish; refuse; sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility; or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations and from community and institutional activities, or hazardous substances, for the purposes of TEX. HEALTH & SAFETY CODE §§ 361.271 through 361.277 and §§ 361.343 through 361.345.
 10. The COCs are solid wastes or hazardous substances.
 11. The COCs are, or potentially are, spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment at the Facility.
 12. Potential pathways for human exposure to the COCs at the Facility include ingestion of groundwater.
 13. Human exposure to levels of tetrachloroethylene (PCE) found at the Facility poses an unacceptable carcinogenic risk or an unacceptable toxicity risk.
 14. No voluntary removal actions have been undertaken at the Facility by any PRPs.
 15. From 2008 to 2009, TCEQ performed a removal action including the construction of public water supply lines to provide drinking water from the City of Midland to impacted properties within the Facility's area of investigation which previously relied on groundwater.
 16. In August 2024, the ED completed a remedial investigation and documented the results in the Affected Property Assessment Report. In November 2025, the ED completed a Focused Feasibility Study.
 17. The remedy selected in the Remedy Selection Document ("RSD") for the Facility ("Remedy"), attached hereto as Exhibit C and incorporated herein by reference, is selected as the remedy to be implemented in accordance with this Order.
 18. The COCs are not capable of being managed separately at the Facility under the remedial action plan (*i.e.*, the Remedy).
 19. On December 5, 2025, the Commission provided notice of a public meeting to discuss the proposed remedial action and to obtain additional information regarding the Facility and the identification of additional potentially responsible parties. The notice was published in the December 5, 2025, Volume 50, Page 7934 issue of the *Texas Register* and the *Midland Reporter Telegram* newspaper. The public meeting was held on January 15, 2026.

20. After the public meeting held on January 15, 2026, no offers to perform the proposed remedial action were received, and no voluntary actions have been undertaken at the Facility since that date by any person.

CONCLUSIONS OF LAW

1. The COCs are hazardous substances, as defined by TEX. HEALTH & SAFETY CODE § 361.003(11).
2. The COCs are solid wastes, as defined in TEX. HEALTH & SAFETY CODE § 361.003(34).
3. The COCs were deposited, stored, processed, disposed of, discarded, or placed or otherwise came to be located at the Facility.
4. The Facility is a facility, as defined by TEX. HEALTH & SAFETY CODE § 361.181(c)(1).
5. A danger is imminent if, given the entire circumstances surrounding each case, exposure of persons or the environment to hazardous substances is more likely than not to occur in the absence of preventive action. A danger is substantial if, given the current state of scientific knowledge, the harm to public health and safety or the environment which would result from exposure could cause adverse environmental or health effects. 30 TEX. ADMIN. CODE § 335.342(9).
6. There has been a release, as defined in TEX. HEALTH & SAFETY CODE § 361.003(28), or a threatened release of the COCs into the environment at the Facility that poses an imminent and substantial endangerment, as defined in 30 TEX. ADMIN. CODE § 335.342(9), to the public health and safety or the environment; therefore, the Facility shall be listed on the state registry of Superfund sites.
7. The release or threatened release of the COCs into the environment at or from the Facility has not been proven to be divisible pursuant to TEX. HEALTH & SAFETY CODE § 361.276.
8. The actions required by this Order are reasonable and necessary to protect public health and safety or the environment.
9. The Facility is ineligible for listing on the National Priorities List (NPL) because the HRS score was below 28.5.
10. Funds from the federal government are unavailable for Remedial Activities because the Facility is ineligible for listing on the NPL.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Facility will be listed on the state registry of Superfund sites.

2. The ED has selected residential land use as appropriate for the Facility for purposes of selecting a proposed remedial action. Any substantial change in the manner in which any part of the Facility is used shall require written approval of the ED, in accordance with TEX. HEALTH & SAFETY CODE § 361.190.
3. Nothing in this Order shall be interpreted to prevent the ED from amending this Order or seeking a separate order to include any potentially responsible parties newly identified after the issue date of this Order, including pursuant to TEX. HEALTH & SAFETY CODE § 361.188(c).
4. Respondents shall reimburse the Hazardous and Solid Waste Remediation Fee Account for (i) all of the ED's costs of remedial investigations and feasibility studies at the Facility, including the oversight costs of these activities; (ii) all of the ED's costs of removal actions at the Facility, including the oversight costs of these activities; and (iii) all of the ED's uncompensated pre-remedial investigation costs at the Facility, including oversight costs of these activities.

Additionally, the responsible parties (RPs), and any Performing Party who fails to comply with the provisions of this Order ("Defaulting Performing Party") shall reimburse the Hazardous and Solid Waste Remediation Fee Account for all costs incurred by the ED in implementing and in overseeing the Work and for any costs incurred by the ED for activities other than the remedial investigation and feasibility studies to the extent that such costs have not been paid.

Reimbursement shall be paid by cashier's check or money order within 45 days after the ED provides a demand letter stating the amount owed. All payments and any accompanying letters or documentation shall be made out to TCEQ and shall be sent with the notation "Re: City View Road Groundwater Plume State Superfund Site; Cost Recovery Funds for the Hazardous and Solid Waste Remediation Fee Account (Fund 550) of the State of Texas; Docket Number 2026-0386-SPF; TCEQ Project Manager" to:

Financial Administration Division, Revenue Operations Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

This Ordering Provision shall survive the termination of this Order.

5. This Order applies to and is binding upon Respondents and upon Respondents' agents, successors, and assigns. Respondents are jointly and severally responsible for performing the Work, and performance of any or all of the Work by any Respondent shall not excuse any other Respondent from such performance. Upon performance by any Respondent of the Remedial Design, Remedial Action, and Operations and Maintenance ("O&M") phases of the Remedial Activities, and any other actions required to implement and maintain the Remedy pursuant to the RSD and 30 TEX. ADMIN. CODE ch. 335, Subchapter K, and ch. 350 (collectively, the "Remedial Activities"), either alone or in conjunction with other RPs and/or Performing Parties, such Respondent shall, from such performance forward, be considered a Performing Party.

Performance by a Respondent of some of the Remedial Activities does not excuse the Respondent from performance of those Remedial Activities that took place prior to the Respondent becoming a Performing Party or any other preexisting requirement of this Order. No change in the ownership or corporate status nor acquisition of a Respondent will alter its respective responsibilities under this Order.

6. Each Respondent that owns real property at the Facility shall comply with the following notice requirements:
 - A. Immediately provide a copy of this Order to any person that leases any part of the Facility from Respondent;
 - B. Within 45 days after the effective date of this Order, record a copy of this Order, including all exhibits, in the county real property records where land ownership and transfer records are filed or recorded and ensure that the recording of this Order is properly indexed in the county real property records to each and every property comprising any part of the Facility so as to provide notice to third parties of the issuance and terms of this Order with respect to those properties;
 - C. Within 60 days after the effective date of this Order, submit to the ED notice of recording and indexing described in Ordering Provision No. 6.B. The obligations and restrictions of this Order run with the land and are binding upon any and all persons who acquire any interest in any real property comprising all or any part of the Facility;
 - D. Not later than 90 days before any transfer of Respondent's interest in real property comprising all or any part of the Facility, submit to the ED notice of each instrument effecting the transfer of interest and a copy of each instrument upon execution; and
 - E. Before any transfer of all or substantially all property rights, stock, or assets, provide a copy of this Order to any prospective owner or successor to Respondent's interest in the Facility.
7. Each Respondent that leases real property at the Facility shall comply with the following notice requirements:
 - A. Immediately provide a copy of this Order to any person that subleases any part of the Facility from Respondent;
 - B. Not later than 90 days before any transfer of Respondent's interest in real property comprising all or any part of the Facility, submit to the ED a notice of each instrument effecting the transfer of interest and a copy of each instrument upon execution; and
 - C. Before any transfer of all or substantially all property rights, stock, or assets, provide a copy of this Order to any prospective owner or successor to Respondent's interest in the Facility.
8. Each Respondent shall provide a copy of this Order to all persons retained by Respondent to perform any or all of the Work, including contractors, subcontractors, laboratories, and consultants, either within 30 days after the

effective date of this Order or on the date such services are retained, whichever occurs later. Notwithstanding the terms of any contract or arrangement for performance of the Work, Respondents remain responsible for compliance with this Order and for ensuring that their contractors, subcontractors, laboratories, consultants, and agents comply with this Order.

9. Within 10 days after the effective date of this Order, each Respondent shall submit to the ED written notice of intent to perform the Work.
10. Within 10 days after the effective date of this Order, Respondents shall submit to the ED in writing the name, title, qualifications, relevant licenses, and permits of a Remedial Activities Contractor proposed to be retained to complete the Remedial Activities. Respondents shall demonstrate that each proposed Remedial Activities Contractor has all licenses necessary to do business in the State of Texas and any permits necessary to perform any or all of the Remedial Activities. If at any time Respondents propose to use a different Remedial Activities Contractor, Respondents shall notify the ED before the new Remedial Activities Contractor performs any of the Remedial Activities. A qualified Remedial Activities Contractor shall direct and supervise all aspects of the Remedial Activities.
11. Within 10 days after the effective date of this Order, Respondents shall submit to the ED in writing the name, title, qualifications, relevant licenses, and permits of a Site Coordinator and the Site Coordinator's physical address, phone number, and/or e-mail address at which he or she may be contacted at any time in case of emergency. The Site Coordinator shall be the point of contact between the ED and Respondents. Notices, submissions, and other documents and communications provided or submitted to the Site Coordinator shall be deemed provided or submitted to Respondents.
12. Respondents shall provide all necessary information and assistance requested by the ED to implement the Community Relations Plan.
13. Upon approval by the ED, all submittals, documents, plans, and reports required to be developed and approved by the ED pursuant to this Order shall be incorporated in and enforceable under this Order. Upon approval by the ED, any amendments or revisions to any of such submittals, documents, plans, and reports the ED shall control.
14. In performing the Work, Respondents shall at all times comply with the requirements of TEX. HEALTH & SAFETY CODE ch. 361 and 30 TEX. ADMIN. CODE ch. 335, Subchapter K, and ch. 350, as applicable.
15. Respondents shall undertake and complete the Remedial Activities in the following phases: Remedial Design; Remedial Action; and O&M.
16. The ED may, in his or her sole discretion, waive in writing a requirement to submit any report, submittal, document, or plan otherwise required to be submitted by this Order.
17. Respondents shall ensure that the following requirements are met in regard to any laboratories retained to carry out the Work and any laboratory analysis conducted in furtherance of the Work:

- A. All contracts with laboratories for analysis of samples shall provide the ED and the ED's authorized representatives with access to those laboratories to assure the accuracy of laboratory results related to the Facility.
 - B. Each laboratory shall be qualified to conduct the proposed work, including use of methods and analytical protocols for the COCs in the media of interest employing method detection and quantitation limits consistent with quality assurance and quality control procedures that meet the project measurement quality objectives.
 - C. All laboratories used for analysis of samples shall be acceptable to the ED. A laboratory may be deemed unacceptable for reasons including:
 - i. Repeated or numerous deficiencies in the laboratory's quality assurance program identified in inspections by the ED or the EPA;
 - ii. Repeated or numerous deficiencies in laboratory performance;
 - iii. Debarment by EPA; or
 - iv. Failure to comply with any requirement or criteria of the TCEQ Remediation Division Brownfields Program Quality Assurance Project Plan ("QAPP") current at the time of the relevant phase of the Remedial Activities or this Order. The current QAPP may be obtained by contacting the TCEQ Project Manager.
 - D. All data submitted to the ED shall be produced by laboratories accredited by TCEQ in accordance with 30 TEX. ADMIN. CODE ch. 25.
18. Respondents shall undertake and complete the following Remedial Design requirements:
- A. Within 90 days after the effective date of this Order, submit a Conceptual Design to the ED for review, comment, and approval that includes:
 - i. Identification and description of key elements of the Remedy;
 - ii. Descriptions of key performance and design criteria necessary to meet the requirements of the RSD;
 - iii. Identification of all significant design options that may be considered by the design professional to meet the required performance and design criteria and the proposed option(s) to meet those criteria;
 - iv. Identification of potential obstacles and unresolved issues which may affect the timely completion of the Remedial Activities, along with proposed solutions and resolutions; and
 - v. Drawings showing location and scale of the Remedy with a general view of key components.
 - B. Within 90 days after the ED provides comments on the Conceptual Design to Respondents, submit Draft Design documents to the ED for

review, comment, and approval. The Draft Design documents shall address all comments of the ED on the Conceptual Design and include:

- i. A summary note which clearly and explicitly indicates how each comment by the ED on the Conceptual Design has been satisfactorily addressed;
 - ii. Identification of all other revisions or changes from the Conceptual Design.
 - iii. Proof of written landowner consent for any institutional control to be placed in the land records for the entire Facility or any portion of the Facility as required by this Order or under TCEQ rules;
 - iv. A clear description of all design components and associated design calculations for the Remedy, including the site plan, and as appropriate, drainage, grading, structural, electrical, plumbing and architectural components;
 - v. Drawings to scale that illustrate the project as it would look when constructed; and
 - vi. A list of specifications and drawings.
- C. Within 90 days after the ED provides comments on the Draft Design documents to Respondent, submit to the ED for review, comment, and approval a Pre-Final Design document, which includes all construction plans and specifications necessary to describe sequences and procedures, to obtain required building permits, and to otherwise conduct Remedial Activities in a manner protective of human health and the environment.
- D. Within 30 days after the ED provides comments on the Pre-Final Design to Respondents, address the comments in writing and resubmit the Pre-Final Design documents for ED approval.
- E. Within 30 days after the ED provides approval of the Pre-Final Design to Respondents, submit to the ED, in an electronic format, the approved Final Design documents that have been signed and sealed by the design professional.
- F. Within 90 days after the ED provides approval of the Final Design document to Respondents, submit to the ED for review, comment, and approval, the Preconstruction Plan for the Remedial Activities. The Preconstruction Plan shall include:
- i. A schedule for the Remedial Action describing the sequence of activities, dependency on other activities, and duration of each activity to be conducted during the Remedial Action, including the specific mobilization date for the commencement of the Remedial Action and project milestones;

- ii. A Remedial Action Sampling and Analysis Plan describing the means of assuring quality during the Remedial Action. The Remedial Action Sampling and Analysis Plan shall include:
 - a. A designation of a Respondent Quality Assurance Official, independent of the Remedial Activities Contractor, to conduct a quality assurance program during the Remedial Action;
 - b. The unaltered text of the current QAPP; and
 - c. A Remedial Action Field Sampling Plan ("RA FSP"), which shall include all data required by the current QAPP and the contents outlined in the Remedial Action Field Sampling Plan Table of Contents, attached hereto as Exhibit D and incorporated herein by reference. Alterations to the requirements of the QAPP required due to project-specific circumstances shall be effected by appropriate notation in Section 6.0 of the RA FSP;
- iii. A Construction Quality Assurance/Quality Control Plan ("C-QA/QC Plan") describing the activities necessary to ensure that the Remedy is constructed to meet or exceed all design criteria, plans, specifications, and applicable cleanup standards or other measures of achievement of the goals of the Remedy, consistent with TEX. HEALTH & SAFETY CODE ch. 361 and 30 TEX. ADMIN. CODE ch. 335, Subchapter K, and ch. 350, determined by the ED to be necessary at the Facility to achieve and to maintain the Remedy (the "Remediation Goals"). The C-QA/QC Plan shall address sampling and analysis relating to physical properties of constructed engineered controls which must meet specified criteria to ensure the long-term performance of these features (e.g., physical soil properties of soil backfill or constructed clay caps, physical properties of geotextiles and liner materials, leak testing of piping systems and containment vessels, etc.). The C-QA/QC Plan shall include:
 - a. The responsibility and authority of organizations and key personnel involved in designing and constructing the Remedy;
 - b. The qualifications of the Respondent Quality Assurance Official and supporting inspection personnel;
 - c. The observations and tests that will be used to ensure that the construction meets or exceeds all design criteria, plans and specifications, and all applicable Remediation Goals;
 - d. The quality control sampling activities, sample size, methods for determining locations, frequency of sampling, acceptance and rejection criteria, and methods for

- ensuring that corrective measures are implemented; and
- e. Detailed requirements for reporting to the ED;
 - iv. A Remedial Action Health and Safety Plan ("RA HASP") specifying the procedures that are sufficient to protect on-site personnel and the public from physical, chemical, and biological hazards of the Facility. The RA HASP shall address all requirements of all applicable safety regulations, ordinances, and statutes pertaining to the safety of on-site personnel and the public, including but not limited to 29 Code of Federal Regulations (C.F.R.) §§ 1910.120, 29 C.F.R. Part 1926, 40 C.F.R. § 35.6015(a)(20) "Health and Safety Plan," and all applicable safety regulations, ordinances, and statutes pertaining to the safety of on-site personnel and the public. The RA HASP and any revisions or addenda must be reviewed and signed by a Board-Certified Industrial Hygienist.

TCEQ relies on the Respondent to prepare an adequate RA HASP. However, TCEQ reserves the right to review and provide comments on the RA HASP. Any TCEQ comments constitute only general safety guidelines which are not intended to cause the Respondent to reduce the level of protection. Any language in the comments or in this Order which appears to give TCEQ the right to direct or control the Respondent's means, methods and details of the Work shall be deemed to mean that the Respondent will follow TCEQ's desires only as to the results of the Work. The Respondent is solely responsible for preparing an adequate RA HASP, for complying with the Remedial Design and the applicable safety laws and regulations, for performing the Work in a safe manner, and for protecting the health and safety of on-site personnel and the public. The Respondent shall address TCEQ's comments and concerns and, if necessary, submit a revised RA HASP. Any notation by the ED of "approval," "acceptance," or similar language in response to a RA HASP submittal for review shall not alter the responsibilities of the parties as described in this Ordering Provision. In the event that the ED notes that a RA HASP is "approved" or "accepted" or uses similar language to indicate that there are no further comments, such notation shall be deemed to mean only:

We have reviewed your RA HASP under the Order provision reserving the right for TCEQ to review and provide comments constituting general safety guidelines (not intended to cause the Respondent to reduce the level of protection). The reviewer may not be a Board-Certified Industrial Hygienist or any other type of safety professional. We have no comments (or further comments) at this time on your RA HASP. We recognize this RA HASP as your final RA HASP. If you change this RA HASP you

must submit a revision or addendum for review and potential comment in accordance with this Order.

Do not rely on TCEQ review of or comments (or lack thereof) on your RA HASP for any purposes.

By telling you we have no comments (or further comments), we do not assume responsibility for your means, methods, details or sequences, nor do we assume any duty of protection to you, your employees, your subcontractors or suppliers, or their employees, or to any third party. Any language in the comments or in this Order which appears to give TCEQ the right to direct or control your means, methods and details of the Work shall be deemed to mean that you will follow TCEQ's desires only as to the results of the Work. You are solely responsible for preparing and implementing an adequate RA HASP, for complying with the RD and the applicable safety regulations, ordinances and statutes, for performing the Work in a safe manner, and for protecting the health and safety of on-site personnel and the public; and

- v. An O&M Plan describing all sequences, procedures, and requirements for implementing the O&M. The O&M Plan shall include:
 - a. The name, title, qualifications, relevant licenses and permits of those persons proposed to be retained to complete the O&M;
 - b. The unaltered text of the current QAPP;
 - c. An O&M Field Sampling Plan that will address all sampling to be conducted during the O&M and which shall include all data required by the current QAPP and the contents outlined in the Remedial Action Field Sampling Plan Table of Contents, attached hereto as Exhibit D and incorporated herein by reference. Alterations to the requirements of the current QAPP required due to project-specific circumstances shall be effected by appropriate notation in Section 6.0 of the RA FSP;
 - d. An O&M Schedule describing the sequence, dependency on other activities, and duration of each activity to be conducted during the O&M, including project milestones and the specific mobilization date to begin the O&M;
 - e. An O&M Cost Estimate providing an estimate for a qualified third party to perform all of the tasks necessary for O&M for as long as O&M is needed, in accordance with the O&M Schedule and the basis and backup as to why the estimate is reasonable and reliable; and

- f. An O&M HASP which meets all of the requirements specified above for the RA HASP but which is appropriate to protect on-site personnel and the public from any physical, chemical and/or biological hazards of the Facility relating to the O&M phase and activities.
 - G. Within 30 days after the ED provides written comments to Respondents on the Preconstruction Plan, submit the revised Preconstruction Plan to the ED for review, comment, and approval. The revised Preconstruction Plan must address the ED's comments on the first submittal and contain a summary note clearly and explicitly indicating how each comment by the ED has been satisfactorily addressed. The summary note must also identify all other revisions or changes from the initial submittal of the Preconstruction Plan.
 - H. Within 20 days after the ED provides written comments on the revised Preconstruction Plan to Respondents, submit to the ED the final Preconstruction Plan, prepared and sealed by a Professional Engineer licensed in the State of Texas. The Professional Engineer shall include a certification that the design was prepared to attain the Remediation Goals, upon implementation. Respondents shall address the ED's comments on the revised Preconstruction Plan and submit a summary note clearly and explicitly indicating how each of the ED's comments on the revised Preconstruction Plan has been satisfactorily addressed and which will also identify all other revisions or changes from the revised Preconstruction Plan.
 - I. The ED will provide Respondents with approval or disapproval with written comments of the sealed final Preconstruction Plan and any subsequent resubmittals of the sealed final Preconstruction Plan. Within 15 days after the ED provides written comments to Respondents, Respondents shall resubmit the final Preconstruction Plan, in both clean and redline, strikeout format, with a summary note which clearly and explicitly indicates how each of the ED's comments on the previous draft of the final Preconstruction Plan has been satisfactorily addressed and which will also discuss all other revisions or changes from the previous draft of the final Preconstruction Plan.
19. Respondents shall undertake and complete the following Remedial Action requirements:
 - A. Respondents shall not mobilize to the Facility until the Preconstruction Plan is approved by the ED.
 - B. Within 60 days after the award of any contract to ship solid wastes from the Facility, and before any such actual shipment, Respondents shall submit to the ED a written certification containing all relevant information regarding such shipments, including:
 - i. The name and location of any facility to which solid wastes from the Facility is to be shipped;

- ii. The type and quantity of each of the solid waste to be shipped;
 - iii. The expected schedule for the shipment of the solid wastes;
 - iv. The method of transportation and the name, address, and phone number of the transporter;
 - v. Statements that:
 - a. No enforcement order is currently imposed on any selected receiving facility or transporter by any regulating authority;
 - b. The selected receiving facility and transporter are authorized to accept the specific solid wastes from the Facility by all appropriate regulating authorities; and
 - c. After an appropriate inquiry, Respondents have no knowledge that either the selected receiving facility or transporter is non-compliant with any federal, state, or local requirement.
- C. No later than 10 days before the expected date of achieving Substantial Completion of the Remedial Action, the Respondents shall:
- i. Conduct an inspection of the Facility and submit to the ED in writing an itemized list identifying any instances of noncompliance with the requirements of the Preconstruction Plan; and
 - ii. Schedule an inspection of the Facility by the ED for which the Site Coordinator shall accompany the ED.
- For purposes of this Order, "Substantial Completion" shall mean the point, as determined by the ED in his or her sole discretion, at which the Work (or a specified part thereof) has been substantially completed in accordance with any work plans or documents required to be developed pursuant to this Order.
- D. Within 10 Days after the ED's inspection of the Facility required under Ordering Provision No. 19.C.ii., the Respondents shall submit to the ED in writing a revised itemized list incorporating any instances of noncompliance with the requirements of the Preconstruction Plan identified by the ED during the inspection. This revised list shall indicate which deficiencies have been completely addressed and shall provide a proposed schedule and list of activities necessary to complete the Remedial Action. The ED will provide the Respondents with written approval or disapproval with comments of the revised list.
- E. Within 10 days after the ED provides any disapproval with written comments in accordance with Ordering Provision No. 19.D., Respondents shall submit a final list, in both clean and redline formats, including a summary note that clearly and explicitly indicates how each of the ED's comments on the revised list has been satisfactorily

addressed. The ED will provide Respondents with written approval or disapproval with comments of the final list. Within 15 days after the ED provides any written disapproval with comments, Respondents shall resubmit a revised, final list. The ED will provide the Respondents with either written approval or disapproval with comments of each resubmittal of the final list.

- F. When Respondents, in good faith, believe that they have completed the Remedial Action, Respondents shall submit to the ED written certification that the Remedial Action is complete. If the ED identifies outstanding Remedial Action requirements to be corrected or completed, the ED will notify Respondents in writing. The work necessary to correct or complete issues identified by the ED must be completed no later than 30 days after the ED provides written notice.
- G. Within 60 days after Respondents submit written certification pursuant to Ordering Provision No. 19.F., Respondents shall submit to the ED a draft report on the Remedial Action ("Remedial Action Report"). The Remedial Action Report shall include:
 - i. Certification from a Professional Engineer licensed in the State of Texas that the Remedial Action has been completed in accordance with the Construction Plans and Specifications, Preconstruction Plan, and this Order;
 - ii. All data collected during the Remedial Action and documentation of compliance with the terms of the current QAPP and the C-QA/QC Plan;
 - iii. Copies of waste manifests for all Class 1, Class 2, and hazardous wastes and hazardous substances disposed of off-site;
 - iv. A complete set of final construction documents signed and sealed by the design professionals;
 - v. Photographs of progress at the Facility;
 - vi. Proposed areas for soil and groundwater that will require land use restrictions and/or other institutional controls; and
 - vii. Proposed drafts for any institutional controls, in accordance with and as required by this Order and 30 TEX. ADMIN. CODE § 350.111.
- H. The ED will provide Respondents either written approval or written disapproval with comments of the draft Remedial Action Report.
- I. No later than 15 days after the ED provides written comments on the draft Remedial Action Report, Respondents shall submit a final Remedial Action Report, in both clean and redline, strikeout format, with a summary note which clearly and explicitly indicates how each of the ED's comments on the draft Remedial Action Report has been addressed and which also explains any other revisions to the draft Remedial Action Report.

- J. The ED will provide Respondents either written approval or written disapproval with comments of the final Remedial Action Report and any subsequent resubmittals of the final Remedial Action Report.
 - K. Within 15 days after the ED provides any written disapproval with comments, Respondents shall resubmit to the ED a revised, final Remedial Action Report, in both clean and redline, strikeout format, with a summary note which clearly and explicitly indicates how each of the ED's comments on the previous submittal of the final Remedial Action Report has been addressed and which also explains any other revisions to the previous submittal.
 - L. Within 30 days after the ED provides approval of the final Remedial Action Report, and after obtaining any required written landowner consent, Respondents shall:
 - i. Record any required institutional controls, in accordance with 30 TEX. ADMIN. CODE § 350.111, in the appropriate local or county office where land ownership and transfer records are filed or recorded;
 - ii. Ensure that the institutional controls are properly indexed and recorded to each property at the Facility in the appropriate office where land ownership and transfer records are filed so as to provide notice to third parties concerning those properties; and
 - iii. Submit to the ED evidence of recording, landowner consent, and indexing of any required institutional controls.
 - M. After the ED approves the final Remedial Action Report, receives evidence of the filing of all required institutional controls, and determines that the financial assurance requirements of this Order have been satisfied, the ED will issue an Approval of Remedial Action Completion to Respondents.
20. Respondents shall undertake and complete the following O&M Activities:
- A. No later than 10 days before the expected date of achieving Substantial Completion of the Remedial Action, and concurrent with the submittal of the itemized list required under Ordering Provision No. 19.C., Respondents shall submit:
 - i. A list of the names, titles, qualifications, relevant licenses, and permits of any Remedial Activities Contractor proposed to be retained by Respondents in carrying out any of the O&M; and
 - ii. A draft revised O&M Plan.
 - B. The ED will provide written approval or disapproval with comments of the draft revised O&M Plan to Respondents.
 - C. No later than 15 days after the ED provides approval or disapproval with comments, Respondents shall submit a final revised O&M Plan, in both clean and redline formats, with a summary note which clearly and

explicitly indicates how each of the ED's comments on the revised O&M Plan has been satisfactorily addressed and which also discusses all other substantive revisions or changes from the revised O&M Plan.

- D. The ED will provide his or her approval or disapproval of the submittal and each resubmittal of the final revised O&M Plan to Respondents. Each resubmittal shall be submitted in both clean and redline formats, with a summary note which clearly and explicitly indicates how each of the ED's comments on the revised O&M Plan has been satisfactorily addressed and which also discusses all other revisions or changes from the previous submittal.
- E. Upon the ED's approval of the final revised O&M Plan, Respondents shall implement the O&M in accordance with the approved plan.
- F. Respondents shall submit a Five-Year Review Report to the ED for approval no later than five years after the date the ED issues Approval of Remedial Action Completion for the Facility. The Five-Year Review Report shall be conducted in accordance with the U.S. Environmental Protection Agency's "Comprehensive Five-Year Review Guidance."³ Respondents shall submit Five-Year Review reports for the Facility to the TCEQ five years from the due date of the previous report unless and until the ED notifies Respondents, in writing, that additional reports are no longer required.
- G. Respondents shall provide financial assurance in the minimum amount of the approved O&M Cost Estimate, maintain such financial assurance for the full duration of the O&M, and comply with the following process for ED approval of financial assurance:
 - i. Within 10 days after the ED approves the O&M Plan, Respondents shall submit to the ED for approval a written proposal for providing financial assurance required under this Ordering Provision.
 - ii. Subject to ED approval, financial assurance may be demonstrated by one or a combination of the following mechanisms: letter of credit, surety bond guaranteeing payment, or fully funded trust established and maintained in accordance with 30 TEX. ADMIN. CODE ch. 37, Subchapter C. In addition to, but not in combination with the mechanisms listed in the sentence prior, a Respondent may submit for ED approval a financial test or a corporate guarantee consistent with the requirements of 30 TEX. ADMIN. CODE ch. 37.
 - iii. Within 15 days after the ED provides written approval of the proposed financial assurance to Respondents, Respondents shall submit all documents effecting the approved financial assurance to the ED for approval.

³ Available at: <https://semspub.epa.gov/work/HQ/128607.pdf> (last accessed 2/12/2026).

- iv. Within 15 days after the ED provides any written disapproval and comments regarding the financial assurance to Respondents, Respondents shall resubmit the financial assurance documents, in both clean and redline formats, with a summary note clearly and explicitly indicating how each of the ED's comments on the previous draft of the financial assurance documents has been satisfactorily addressed and which also discusses all other revisions or changes from the previous draft of the financial assurance documents.
- 21. If, at any point in the performance of the Remedial Activities, the Performing Parties either conclude that the Remedial Activities, as implemented in accordance with this Order, will not accomplish the Remediation Goals, or find that conditions at the Facility differ from those that form the basis of the Remedy and significantly change the scope, performance, or costs of the Remedial Activities, then the Respondents shall:
 - A. Within 10 days after initially reaching the conclusions described in Ordering Provision No. 21, submit notification to the ED of that determination with a description of its basis; and
 - B. Within 60 days after the notification provided in Ordering Provision No. 21.A., submit a Failure Evaluation Report to the ED for approval. The Failure Evaluation Report shall substantiate the notification provided in Ordering Provision No. 21.A. by including and elaborating on:
 - i. The data and related conclusions forming the basis of the assertions made therein;
 - ii. Any known causes; and
 - iii. A recommendation for any necessary additional studies.

The ED will not consider the failure of a design element or remedial activity that is not required by this Order to be sufficient basis for a failure to accomplish the Remediation Goals. The ED will consider differences in the quantity or extent of contaminants to be the basis for a determination of a significant difference in scope, performance, or cost of the Remedial Activities only when such differences are so significant as to cause the Remedy not to be the lowest cost alternative that is technologically feasible and reliable and that effectively mitigates and minimizes damage to and provides adequate protection of the public health and safety or the environment.
- 22. The ED will provide the Performing Parties written approval or disapproval with comments of any Failure Evaluation Report submitted or resubmitted pursuant to Ordering Provision No. 21.B.
- 23. Unless the ED approves a draft Failure Evaluation Report submitted pursuant to Ordering Provision No. 21.B. or directs continuation of Remedial Activities, within 30 days after the ED provides written comments to the Site Coordinator, the Respondents shall resubmit the Failure Evaluation Report, in both clean and redline formats, with a summary note which clearly and explicitly indicates how each of the ED's comments on the previous draft of the Failure Evaluation

Report has been satisfactorily addressed and which identifies all other revisions or changes from the previous submitted draft of the Failure Evaluation Report.

24. Within 90 days after the ED determines that the Remedial Activities, as implemented in accordance with this Order, will not accomplish the Remediation Goals, or finds that conditions at the Facility differ from those that form the basis of the Remedy and significantly change the scope, performance, or costs of the Remedial Activities, Respondents shall submit to the ED for approval a written report evaluating alternatives to the Remedial Activities and may submit a proposal for such alternative Remedial Activities as may be necessary to achieve the Remediation Goals. Any proposed alternative must meet the remedy selection criteria contained in 30 TEX. ADMIN. CODE ch. 335, Subchapter K and 30 TEX. ADMIN. CODE ch. 350. The Remedial Activities may be modified only as specified in 30 TEX. ADMIN. CODE § 335.349.
25. No later than the effective date of this Order, the ED will designate a Project Manager and an Alternate Project Manager to oversee implementation of the Work and to coordinate communication between the ED and Respondents. Respondents shall, at a minimum, direct all communications to the ED regarding the Remedial Activities, whether written or oral, to the attention of the Project Manager or to the Alternate Project Manager if the Project Manager is unavailable. The ED may assign persons other than the Project Manager and Alternate Project Manager, including TCEQ employees or contractors, to serve as his or her site representative and may temporarily delegate the responsibilities of the Project Manager and Alternate Project Manager to another site representative. The ED will notify Respondents orally or in writing of such delegation.
26. Respondents shall notify the ED in writing at least seven days before the start date of any on-site activities associated with the Remedial Activities.
27. The ED may direct a suspension or cessation of the performance of all or any part of the Remedial Activities that, in the ED's opinion:
 - A. May present or contribute to an imminent and substantial endangerment to public health, welfare, or the environment because of an actual or threatened release of solid waste or hazardous substances from the Facility;
 - B. Does not meet the requirements of any work plan developed in accordance with this Order; or
 - C. Violates any work plan developed in accordance with this Order, HASP, or QAPP.

No later than 24 hours after the ED directs a suspension or cessation of any of the Remedial Activities, if time permits, the ED will provide a brief explanation of the basis for the suspension or cessation. As soon as possible, but no later than 14 days after the initial direction to suspend or cease any or all of the Remedial Activities, the ED will provide a written explanation of the basis for the direction to Respondents. The Remedial Activities ceased or suspended may be resumed only after the basis for the direction to cease or suspend

Remedial Activities has been corrected and the ED has instructed Respondents to proceed. Respondents shall be responsible for any costs associated with the cessation or suspension of Remedial Activities.

28. During the Remedial Design and Remedial Action phases of the Remedial Activities, the Site Coordinator shall meet at least once per month with the Project Manager to review the progress and details of the Remedial Activities and to review and resolve any discrepancies in data. At the ED's discretion, these meetings may be held by telephone or videoconference. No later than seven days before each meeting, Respondents shall ensure that the Project Manager has received an agenda for the meeting and any documents to be discussed.
29. The ED and Respondents may change their respective designations of Project Manager, Alternate Project Manager, or Site Coordinator by written notice to the other of the name, physical address, email address, and telephone number of the new Project Manager, Alternate Project Manager, or Site Coordinator at least seven days before the change, or, as soon as possible if seven days' notice is not feasible.
30. In the event any action or occurrence during the performance of the Remedial Activities which causes or threatens to cause a release of a solid waste or hazardous substances which may present an immediate threat to public health or welfare or the environment, Respondents shall immediately take all appropriate action to prevent, abate, or minimize such release or threat and shall immediately notify the Project Manager. Respondents shall also notify the State of Texas Spill-Reporting hotline at 1-800-832-8224. Respondents shall take such action in accordance with all applicable provisions of the HASP. If Respondents fail to meet the requirements of this Ordering Provision and the ED takes such action instead, Respondents shall reimburse the ED for all costs of the response action within 45 days after the ED submits a demand letter stating the amount owed. Nothing in this ordering provision shall be deemed to limit any authority of the State of Texas to take, direct, or order any appropriate action to protect human health and the environment or to prevent, abate, or minimize an actual or threatened release of solid wastes or hazardous substances to the environment on, at, or from the Facility.
31. Upon ED approval of a submittal made pursuant to the terms of this Order, Respondents shall implement all actions required by the submittal according to the schedule approved by the ED.
32. Submittals which have received ED approval may be modified upon agreement of the ED and Respondents. The Respondents shall submit proposed modifications and obtain approval in accordance with the process for submittals specified in this Order generally. Upon approval of any modification, the modification is incorporated into the original submittal for all purposes.
33. ED approval of submittals or modifications to submittals is administrative in nature and allows the Respondents to proceed to the next steps in the Remedial Activities. The ED's approval does not imply any warranty of

performance, does not imply that the Remedy, when constructed, will meet the Remediation Goals, nor does it imply that the Remedy will function properly and ultimately be accepted by the ED.

34. Respondents shall provide to the ED all data, information, documents, or records related to the Facility which are generated or obtained by any Respondent within 20 days after any written request from the ED. Respondents shall provide written notice to the ED immediately upon generating or obtaining any such data, information, document, or record pursuant to the requirements of this Order.
35. Except as otherwise provided under TEX. GOV'T. CODE ch. 552, all data, information, documents, and records developed or submitted by Respondents to the ED pursuant to this Order shall be available to the public. Respondents may, in good faith, assert confidentiality of certain of such data, information, documents, and/or records upon submission and in accordance with 30 TEX. ADMIN. CODE § 1.5(d).
36. The ED may split or duplicate any samples obtained by any Respondent from the Facility at any time, including during the implementation of the Remedial Activities. Respondents shall assist as necessary for the ED to split or duplicate samples.
37. Within 30 days before any routine sampling is to occur at the Facility, Respondents shall provide the ED with a schedule of routine sampling and notify the ED no later than seven days before any non-routine sampling is conducted at the Facility unless otherwise required or allowed in this Order. Respondents shall collect and analyze all samples in accordance with approved work plans developed pursuant to this Order and shall handle all samples in accordance with the current QAPP.
38. Respondents shall provide an electronic copy of draft submittals and an electronic copy of final submittals of all data, information, reports, schedules, and other documents required by this Order. Respondents shall also provide submittals in additional formats (e.g., specified electronic formats), as requested by the ED.
39. Receipt by the Site Coordinator of any notice or communication from the ED relating to this Order will be deemed by the ED to be receipt by all Respondents. Unless otherwise expressly authorized or designated by the ED in writing to all other parties, all information required to be submitted to the ED under this Order, including notices, data, documents, plans, records, reports, approvals, and other correspondence, shall be addressed to:

For Mail or fax:

Project Manager
City View Road Groundwater Plume State Superfund Site
Remediation Division, Superfund Section
Texas Commission on Environmental Quality
MC-136, P.O. Box 13087
Austin, Texas 78711-3087

Fax: 512-239-2450

For overnight express mail or courier or delivery service:

Project Manager
City View Road Groundwater Plume State Superfund Site
Remediation Division, Superfund Section
Texas Commission on Environmental Quality
MC-136, Building D
12100 Park 35 Circle
Austin, Texas 78753

40. Respondents shall provide the following written progress reports to the ED on the Remedial Activities:
- A. By the 10th day of the month following the effective date of this Order, and of every additional month, Respondents shall submit written progress reports regarding the Remedial Design and Remedial Action phases of the Remedial Activities which shall include:
 - i. A description of the actions taken pursuant to this Order during the previous month;
 - ii. A general description of activities and progress during the previous month, activities projected to be commenced or completed during the next month, and any problems encountered or anticipated by Respondents in commencing or completing the Remedial Activities;
 - iii. An updated schedule of progress;
 - iv. A summary of facility-related data collected pursuant to this Order and received during the previous month; and
 - v. Identification of any deviations and/or violations of this Order.

Within 30 days of a request by the ED, Respondents shall submit the actual data summarized in the progress report for any reporting period. The requirement to submit these monthly progress reports shall terminate upon ED approval of the O&M plan, or if no O&M plan is required, upon termination of the Order.
 - B. By the 10th day of the month following the ED's approval of the final revised O&M Plan obtained in accordance with Ordering Provision No. 20.E., and of every additional month, Respondents shall submit written progress reports regarding the O&M which shall include:
 - i. A description of the actions taken pursuant to this Order during the previous month;
 - ii. A general description of activities and progress during the previous month, activities projected to be commenced or completed during the next month, and any problems encountered or anticipated by Respondents in commencing or completing the

O&M Activities;

- iii. All data received during the previous month;
- iv. An updated schedule of progress; and
- v. Identification of any violations of this Order.

The requirement to submit these progress reports will be terminated when the ED determines that the conditions specified in Ordering Provision No. 43 have been met.

41. If a progress report submitted pursuant to Ordering Provision No. 40 is deficient, the ED will provide written notice to Respondents, including comments and a description of the deficiencies. No later than 10 days after the ED provides such a notice of deficiency, Respondents shall resubmit a revised progress report addressing the deficiencies.
42. The ED may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions shall be submitted in writing. Extensions are not effective until Respondent receives written approval from the ED. The determination of what constitutes good cause rests solely with the ED.
43. O&M shall not be required upon a demonstration by Respondents to the satisfaction of the ED that all Remediation Goals have been met. The Respondents shall satisfactorily perform O&M for the duration of time specified in the RSD, and the Remediation Goals shall not be deemed achieved before the time specified in the RSD.
44. Respondents shall preserve and retain, and shall instruct all accountants, attorneys, employees, agents, contractors, and subcontractors and anyone else acting on Respondents' behalf in regard to the Facility to preserve and retain, copies of all data, records, documents, and information of whatever kind, nature, or description relating in any way to the Facility, including data, records, documents or information relating to any person's potential responsibility for the Facility under TEX. HEALTH & SAFETY CODE § 361.271, which are now or which may come to be in his or her possession or control. All data, records, documents, and information required to be preserved and retained in accordance with this Ordering Provision shall be preserved and retained for a minimum of 10 years after the ED issues the Approval of Remedial Action Completion, after which Respondents shall notify the ED at least 90 days before any of such data, record, document, or information is destroyed. If the ED requests, Respondents shall, at no cost to TCEQ, provide the ED copies of such data, records, documents, or information.
45. Upon request by the ED, Respondents shall submit to the ED all data, information, records, and documents requested, including information and documents specified in TEX. HEALTH & SAFETY CODE § 361.182(b), for possible inclusion in the administrative record, in accordance with 30 TEX. ADMIN. CODE § 335.345. Additionally, at any time before the completion of the Work, the

ED may contact the Respondents to determine the location and/or to obtain copies of any of the data, records, documents, or information developed in accordance with this Order. In such event, Respondents shall provide copies of any such data, records, documents, and information to the ED at no cost to TCEQ.

46. Any Respondent refusing to provide copies of any data, information, records, or documents based upon a claim of privilege shall identify the data, information, record, or document and explain the basis for the claim. Notwithstanding the immediately preceding sentence, any data, record, information, or document required to be developed or submitted pursuant to this Order will be available to the public. Respondents shall maintain an index of documents that Respondents claim contain privileged information. The index shall contain, for each document, the title, date, author, addressee, and subject of the document. Respondents shall submit a copy of the index to the ED no later than 10 days after the ED submits a written request.
47. The ED may investigate the Remedial Activities and/or the Facility at any time to evaluate compliance with this Order.
48. Any Respondent that owns the Facility, property used to access the Facility, or other properties subject to or affected by the Remedial Activities or where documents generated in accordance with this Order are located shall provide access to such property to the ED, any federal, state or local authorities and their contractors approved by the ED, and any Performing Parties, including authorized representatives and contractors. Failure to provide access may result in the imposition of statutory penalties. Respondents shall indemnify TCEQ, and TCEQ shall not be liable, for any loss or claim arising out of Respondents' activities at the properties covered by any access agreement, the Facility, property used to access the Facility, or other properties subject to or affected by the Remedial Activities or where documents generated in accordance with this Order are located.
49. Where a person other than a Respondent owns the Facility, property used to access the Facility, or other properties subject to or affected by the Remedial Activities or where documents generated in accordance with this Order are located, Respondents shall use their best efforts to obtain access agreements from such persons no later than 90 days after the effective date of this Order. Respondents shall secure agreements to provide access to the ED; federal, state or local authorities and their contractors as approved by the ED; and any Performing Parties, including authorized representatives and contractors. Respondents shall ensure that access agreements specify that TCEQ is not liable for any loss or claim arising out of any activities at the properties covered by any access agreement, the Facility, property used to access the Facility, or other properties subject to or affected by the Remedial Activities or where documents generated in accordance with this Order are located. Respondents shall submit copies of all access agreements to the ED before any on-site activities are initiated. Respondents' best efforts shall include, if necessary, reasonable compensation to any property owner who is not a Respondent.

If access agreements required under this Order are not timely obtained,

Respondents shall immediately notify the ED. If the ED determines, in his or her sole discretion, that the Respondents have used their best efforts to obtain such access, the ED will make appropriate efforts to obtain such access upon terms reasonable to the Respondents. Any revision to the deadlines specified in this Order necessitated by an inability to obtain access may be considered a reasonable ground for extending any affected deadline in this Order.

50. Subject to the Performing Parties' reasonable safety and internal security requirements, the ED may enter, freely move about, and exit the Facility, properties used to access the Facility, or other properties subject to or affected by the Remedial Activities or where documents generated in accordance with this Order are located. Nothing herein shall limit or affect the ED's right of entry or inspection authority under state or federal law. All persons with access to the Facility shall comply with the HASP.
51. No later than 48 hours after Respondents first know or should know that an event might cause a delay in the performance of the Work, Respondents shall notify the ED by telephone of any delay or anticipated delay in achieving compliance with any requirement of this Order. Such notification shall be made to the alternate Project Manager if the Project Manager is unavailable. Within 7 days after notifying the ED by telephone, Respondents shall submit for approval written notification to the ED fully describing the cause of the delay, the anticipated duration of the delay, the measures taken and to be taken by Respondents to prevent or minimize the delay, and the schedule by which these measures have been, are being, and will be implemented. Upon ED approval, Respondents shall implement the revised schedule.
52. Upon failure to comply with the provisions of this Order, any Defaulting Performing Parties shall cease to be Performing Parties; and any rights and privileges of the Performing Parties under this Order shall immediately terminate as to Defaulting Performing Parties. At that time, Defaulting Performing Parties that are RPs shall assume all responsibilities and obligations of RPs and of Performing Parties, including the requirement to pay TCEQ costs.

Performing Parties shall bear no costs for any fines, penalties, or increases in the ED's oversight of the Remedial Activities resulting from action or inaction of any Defaulting Performing Party. Defaulting Performing Parties and the RPs may be assessed the full costs of ED oversight of the Work. If actions required by this Order are delayed or are not timely completed because of acts or omissions of one or more Defaulting Performing Parties, the Performing Parties may request a time extension. Upon such request, the ED will approve or disapprove the time extension or approve such alternative time extension as the ED in his or her sole discretion deems appropriate. Thereafter, Respondents shall adhere to all remaining deadlines in this Order and in any documents developed in accordance with this Order and approved by the ED.
53. Respondents shall perform all actions pursuant to this Order in accordance with the requirements of all applicable or relevant and appropriate federal, state, and local laws. This Order is not, and shall not be construed to be, a permit issued pursuant to any federal or state statute or regulation.

54. All materials removed from the Facility shall be disposed of or treated at an authorized facility which is in compliance with all applicable or relevant and appropriate federal, state, and local laws and shall be disposed of or treated in accordance with all such requirements.
55. Respondents shall indemnify and hold harmless TCEQ and its officers, employees, agents, principals, and assigns from and against all fines, penalties, claims, damages, losses, demands, judgments, settlements, costs of suit, and attorney's fees that arise out of or result from:
 - A. Respondents' performance of an inherently dangerous activity or handling of a solid waste or hazardous substance at or from the Facility;
 - B. Respondents' negligent, reckless, or intentional acts or omissions or such acts or omissions of any of its agents or employees; and
 - C. The negligent, reckless, or intentional acts or omissions of any of the Respondents' contractors or suppliers or their agents or employees.
56. The State of Texas, by issuing this Order, assumes no liability for any injuries or damages to persons or property resulting from acts or omissions of Respondents or representatives of Respondents, including directors, officers, employees, agents, successors, assigns, contractors, or consultants in carrying out any of the Work. Neither TCEQ nor the State of Texas shall be deemed a party to any contract entered into by any Respondent or representative of any Respondent, including or its directors, officers, employees, agents, successors, assigns, contractors, or consultants to perform any or all of the Work or any other activity at the Facility.
57. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
58. Nothing in this Order will constitute or be construed as a covenant not to sue by TCEQ or the State of Texas or a release from any claim, cause of action, or demand in law or equity against any person, firm, partnership, or corporation. The ED reserves, and this Order is without prejudice to, all rights against Respondents with respect to all matters, including:
 - A. Claims based on Respondents' failure to fulfill the requirements of this Order;
 - B. Liability arising from the past, present, or future disposal, release, or threat of release of solid wastes or hazardous substances outside of or not related to the Facility;
 - C. Liability for future disposal of solid wastes or hazardous substances at the Facility, other than as provided in the RSD or in any work plan required to be developed in accordance with this Order;
 - D. Liability for violations of federal or state law which occur during or after implementation of the Remedial Activities;
 - E. Claims based on criminal liability; and

- F. Claims for natural resource damages as defined by CERCLA (42 U.S.C. §§ 9601 *et seq.*), the Oil Pollution Act of 1990 (33 U.S.C. §§ 2701 *et seq.*), the Oil Spill Prevention and Response Act (Texas Natural Resources Code ch. 40), and the Federal Water Pollution Control Act (33 U.S.C. §§ 1251 *et seq.*).
59. TCEQ specifically retains authority over Respondents for the duration of this Order for the purposes of issuing such further orders or directions as may be necessary or appropriate to construe, implement, modify, enforce, terminate, or reinstate the terms of this Order or for any further relief as the interest of the State of Texas may require.
60. This Order in no way obligates the State of Texas to assist Respondents in defending contribution actions brought by other persons or entities.
61. The terms "submit" and "provide" as used in this Order shall refer to the date on which information, data, a document, or a record is to be received by the recipient. Submittals received on the deadline date will be deemed timely.
62. The Performing Parties may, within 20 days after the effective date of this Order, request a conference with the Project Manager. The request shall be submitted in writing to the Project Manager. Any such conference shall occur at TCEQ's main campus in Austin or virtually, if necessary, using a videoconferencing platform designated by the ED. The purpose and scope of the conference shall be limited to issues involving the implementation of the Remedial Activities. The conference is not an evidentiary hearing, does not constitute a proceeding to challenge this Order, and does not give the Performing Parties the right to seek review of this Order.
63. The following provisions govern termination of this Order:
- A. The ED may terminate this Order when he or she determines that alternative or additional work is required at the Facility because the Remediation Goals will not be attained by implementation of the Remedial Activities;
 - B. When the ED determines that the Work has been completed in accordance with this Order, the ED will provide written notice to Performing Parties that Performing Parties have fully satisfied the requirements of this Order. Such notice will be issued within 180 days after the ED determines that the Work has been completed in accordance with this Order. This notice shall not terminate Respondents' obligations to comply with those provisions specified herein that are intended to survive this Order; and
 - C. In the event TCEQ determines that alternate or additional remedial actions are necessary because of the Remedy's failure, TCEQ may terminate this Order.
64. Nothing in this Order waives the State of Texas' sovereign immunity relating to suit, liability, and the payment of damages. Any claims, suits, or obligations arising under or relating to this Order are subject to and limited by the availability of funds appropriated by the Texas Legislature for that respective claim, suit, or obligation.

65. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. The effective date of this Order shall be the date 10 days after it is signed by the Commission.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date Issued

EXHIBIT A
GLOSSARY OF TERMS, ABBREVIATIONS, AND ACRONYMS

EXHIBIT A
GLOSSARY OF TERMS, ABBREVIATIONS, AND ACRONYMS

C-QA/QC Plan: Construction Quality Assurance/Quality Control Plan

CERCLA: The Comprehensive Environmental Response, Compensation, and Liability Act

Chemicals of Concern (the COCs): Chemicals of concern, defined by 30 TEX. ADMIN. CODE § 350.4(11) to mean a chemical that has the potential to adversely affect ecological or human receptors due to its concentration, distribution, and mode of toxicity, which are located at the Facility and are listed on Exhibit B.

Commission: The Texas Commission on Environmental Quality

Defaulting Performing Party: A Performing Party who fails to comply with the provisions of the Order

Effective Date: The date 10 days after the Order is signed by the Commission.

EPA: The U.S. Environmental Protection Agency

Executive Director (ED): The Executive Director of the Texas Commission on Environmental Quality and staff designated to act on his or her behalf, including the Project Manager.

Facility: The City View Road Groundwater Plume state Superfund site is an approximately 107-acre groundwater contamination plume, located approximately two miles east of downtown Midland in Midland County, Texas. The Facility is primarily located northeast of the intersection of Cloverdale Road aka FM 307 and South Fairgrounds Road, bounded by East County Road 90 to the north, and Midland Trail Park to the east. A small portion of the Facility extends west of South Fairgrounds Road, bounded by East New York Avenue to the north, South Webster Street to the west, and East California Avenue to the south. The Facility also includes any additional areas where hazardous substances have been deposited, stored, disposed of, or placed or have otherwise come to be located.

Hazard Ranking System (HRS): Defined by 30 TEX. ADMIN. CODE § 335.342(6) as the method used by the EPA and TCEQ to evaluate the relative potential of hazardous substance releases to cause health or safety problems, ecological or environmental damage.

National Priorities List (NPL): The list of sites of national priority among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States and its territories.

Operations & Maintenance (O&M): The phase of Remedial Activities, primarily outlined in Ordering Provision No. 20, during which the Remedy is operated and maintained

Performing Party: A person who is not named in this Order but that funds or performs the Work. Additionally, upon performance by any Respondent of the

Remedial Activities, either alone or in conjunction with other RPs and/or Performing Parties, such Respondent shall, from such performance forward, be considered a Performing Party.

Potentially Responsible Parties (PRPs): Those persons listed in Finding of Fact No. 4.

Project Manager: The individual designated by the ED to oversee implementation of the Work and to coordinate communications with Respondents.

QAPP: The TCEQ Remediation Division Brownfields Program Quality Assurance Project Plan, which is updated annually and which may be obtained by contacting the Project Manager.

RA FSP: Remedial Action Field Sampling Plan

RA HASP: Remedial Action Health and Safety Plan

Remedial Action: For purposes of this Order, the phase of Remedial Activities, primarily outlined in Ordering Provision No. 19, during which the Remedy is implemented.

Remedial Activities: The Remedial Design, Remedial Action, Operations and Maintenance, and any other actions required to implement and maintain the Remedy pursuant to the Remedy Selection Document and 30 TEX. ADMIN. CODE ch. 335, Subchapter K, and ch. 350.

Remedial Activities Contractor: The person or persons retained by Respondents to undertake, direct, and/or supervise all aspects of the Remedial Activities.

Remedial Design: The phase of Remedial Activities, primarily outlined in Ordering Provision No. 18, during which engineering plans and technical specifications are developed for the Remedy.

Remediation Goals: All design criteria, plans, specifications, and applicable cleanup standards or other measures of achievement of the goals of the Remedy, consistent with TEX. HEALTH & SAFETY CODE ch. 361 and 30 TEX. ADMIN. CODE ch. 335, Subchapter K, and ch. 350, determined by the ED to be necessary at the Facility to achieve and to maintain the Remedy.

Remedy: The selected remedy specified in the Remedy Selection Document, Exhibit C, for the Facility.

Remedy Selection Document (RSD): The document, attached as Exhibit C, which specifies the Remedy for the Facility.

Respondents: Any Performing Parties

Responsible Parties (RPs): Those persons listed in Finding of Fact No. 4.

Site Coordinator: The individual designated by Respondents to serve as the point of contact between the ED and Respondents.

Substantial Completion: The point, as determined by the ED in his or her sole discretion, at which the Work (or a specified part thereof) has been substantially completed in accordance with any work plans or documents required to be developed pursuant to this Order.

**City View Road Groundwater Plume State Superfund Site
Docket No. 2026-0386-SPF**

TCEQ: The Texas Commission on Environmental Quality

Work: The activities to be undertaken or performed in accordance with and as required by this Order.

EXHIBIT B
CHEMICALS OF CONCERN LOCATED AT THE FACILITY

EXHIBIT B
CHEMICALS OF CONCERN LOCATED AT THE FACILITY

Chemicals of Concern in Groundwater

tetrachloroethylene (PCE)
trichloroethylene (TCE)
cis-1,2-dichloroethylene (cis-1,2-DCE)
trans-1,2-dichloroethylene (trans-1,2-DCE)
1,1-dichloroethylene (1,1-DCE)
vinyl chloride

EXHIBIT C
REMEDY SELECTION DOCUMENT

EXHIBIT D
REMEDIAL ACTION FIELD SAMPLING PLAN CONTENT REQUIREMENTS

EXHIBIT D

REMEDIAL ACTION FIELD SAMPLING PLAN CONTENT REQUIREMENTS

1.0 PROJECT SUMMARY

Briefly state the specific purpose of the field sampling plan (FSP) relative to the activities conducted during the Remedial Action. Identify the key individuals and organizations participating in the project with their roles and responsibilities. Provide an organizational chart with lines of communication and authority indicated.

2.0 CONCEPTUAL SITE MODEL

Briefly describe important aspects of the Facility relevant to the sampling to occur during the Remedial Action, including: Facility location, description, relevant features, topography, drainage, history, process knowledge, release history, contaminant sources, regulatory land use selected, surrounding land use, understanding of geology and hydrogeology, previous sampling and analytical results, and ecological issues.

3.0 ANALYTICAL REQUIREMENTS

Summarize the target chemicals of concern, analytes, analytical methods, selected laboratories, action levels, detection and quantitation limits, sample shipment procedures, concentration units, sample holding times, data review and validation procedures, and analytical reporting requirements. (Refer to appropriate tables as needed).

4.0 SAMPLING PLAN DESIGN

Summarize the sampling plan for each media or material type to be sampled (e.g. source/waste, surface soil, subsurface soil, groundwater, air, surface water and sediment). Include a description of the study area (and any sub-areas it is divided into), sample collection, preservation, and container requirements. Describe the methodology and calculations to be used to determine background estimates. Discuss any geotechnical and engineering analyses to be completed. Provide boring and monitor well construction details. Indicate the number of samples for each media and material to be sampled. Describe any geophysical methods to be used. Describe any instrumentation to be used and measurements to be made. Describe procedures for sample collection, tracking, documentation, and handling, including chain-of-custody procedures. List and explain the frequency, purpose, and acceptance criteria of QC samples. Provide standard operating procedures (SOPs) for all activities associated with sampling and data collection.

5.0 ADDITIONAL ACTIVITIES

Describe other activities associated with, or in support of, field sampling and data collection, such as inspections, access agreements, aerial photographs, site clearing and access to sample locations, utility clearance, site restoration, decontamination, handling of investigation derived waste, marking and locating data collection points, GPS surveys, volume estimates, professional land surveys, and other relevant activities.

6.0 EXCEPTIONS, ADDITIONS, AND CHANGES TO THE FSP, QAPP, OR SOPs

Describe project-specific additions to or changes from the requirements of the QAPP. Describe how planned and unplanned deviations from the QAPP, field SOPs, and this FSP will be addressed, documented, and assessed.

TABLES, FIGURES AND APPENDICES

Provide tables, figures, and appendices as necessary to describe the work to be completed under this FSP. Include laboratory certifications, and a summary of QC requirements for non-standard analytical methods in the appendices.

Include a table presenting the laboratory method detection limits, quantitation limits and the preliminary remediation goal for each analyte.

Include a table presenting the laboratory control limits for quality control parameters, (i.e., surrogate recoveries, matrix spike/matrix spike duplicate samples recoveries and precision, and laboratory control samples recoveries.

REMEDY SELECTION DOCUMENT



CITY VIEW ROAD GROUNDWATER PLUME STATE SUPERFUND SITE MIDLAND COUNTY, TEXAS

January 2026

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

**OFFICE OF WASTE,
REMEDIATION DIVISION, SUPERFUND SECTION**

**City View Road Groundwater Plume State Superfund Site
Midland County, Texas
Remedy Selection Document**

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**City View Road Groundwater Plume State Superfund Site
Midland County, Texas
Remedy Selection Document**

1. Introduction

The City View Road Groundwater Plume State Superfund Site (the site) is located in Midland County, Texas, approximately two miles east of downtown Midland (Figure 1, Site Location Map), and is an approximately 107-acre groundwater plume contaminated with tetrachloroethylene (PCE) from an unknown source. The site is primarily located northeast of the intersection of Cloverdale Road aka Farm-to-Market (FM) 307 and South Fairgrounds Road, bounded by East County Road 90 to the north, and Midland Trail Park to the east. A small portion of the site extends west of South Fairgrounds Road bounded by East New York Avenue to the north, South Webster Street to the west, and East California Avenue to the south. The majority of the site is outside the Midland city limits. The site surface is predominantly occupied by oil field-related service companies, while a small portion of the site is occupied by some vacant land, residential properties, small businesses, and light industrial companies.

There is no known source of release. The word "site," used herein with reference to the entire state Superfund facility, is the area of the groundwater plume contaminated with PCE and any degradation products.

The Texas Commission on Environmental Quality (TCEQ) implements state laws relating to the protection of public health and safety and the environment. Through the state Superfund program, TCEQ addresses certain property, such as the site, that may constitute an imminent and substantial endangerment to public health and safety or the environment due to a release or threatened release of solid waste into the environment.

2. Purpose

This Remedy Selection Document (RSD) presents the selected Remedial Action (also known as the remedy) for the site. The Remedial Action is designed to address contamination at the site and provide protection of public health and safety and the environment.

This document describes:

- the actions taken by TCEQ to investigate the contamination and any mitigating actions; and
- the Remedial Action selected to address the contamination at the site.

**City View Road Groundwater Plume State Superfund Site
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Remedy Selection Document**

This document summarizes more detailed information that can be found in other documents pertinent to the site in TCEQ's files. These other documents are listed in Table 1.

Copies of the documents summarized in this RSD, as well as other relevant information, can be viewed at the local site records repository located at:

Midland County Library
Rosalind Redfern Building
301 West Missouri Avenue
Midland, Texas 79701
432-688-4320

or in Austin at the TCEQ Central File Room located at:

12100 Park 35 Circle
Building E, 1st Floor, Room 103
Austin, Texas 78753
Telephone: (512) 239-2900

3. Legal Authority

TCEQ's investigation of the nature and extent of contamination at the site and the selection of the Remedial Action were completed in accordance with the Solid Waste Disposal Act [codified Texas Health and Safety Code (THSC) Chapter 361]; Hazardous Substance Facilities Assessment and Remediation rules found in Title 30, Texas Administrative Code (TAC), Chapter 335, Subchapter K; and the Texas Risk Reduction Program (TRRP) rules found in 30 TAC Chapter 350.

TRRP rules are a comprehensive program for addressing contamination and apply to many different types of response actions administered by TCEQ. TRRP rules establish procedures for determining the concentrations of chemicals of concern (COCs) to which a person or other environmental receptor can be exposed without unacceptable risk to public health and safety and the environment. These acceptable concentration levels are called protective concentration levels (PCLs).

A risk-based, three-tiered approach may be used under TRRP rules to calculate the PCLs for a site. The tiers represent increasing levels of evaluation using site-specific information to develop a PCL. Tier 1 uses relatively conservative assumptions and default parameters in equations that do not account for site-specific factors; Tier 2 allows for the use of site-

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specific information but requires the use of PCL equations provided by TCEQ; and Tier 3 allows for more detailed and complex evaluations so that PCLs are appropriate for specific site conditions. TCEQ has determined that Tier 1 PCLs are appropriate for this site and has identified critical PCLs for groundwater as defined in 30 TAC Section 350.4(a)(19).

Under TRRP rules, land use is classified as either residential or commercial/industrial. The land use classification is a critical factor in determining PCLs. Remediation to more conservative residential PCLs is required not only for land occupied as a residence, but also for playgrounds, schools, daycare centers, and similar land uses involving regular occupation by children. Sites that have been remediated to commercial/industrial PCLs are restricted to commercial and industrial land uses, unless and until further response actions are implemented to meet residential PCLs. For this site, TCEQ has determined that a residential land use classification is appropriate for the affected property, as defined in the TRRP rules.

TRRP rules allow for the management of risk posed by the presence of contamination by any combination of the following response actions:

1. Removal or decontamination of contaminated media, such as soil removal or treatment of groundwater;
2. Construction and maintenance of physical controls, such as containment cells and caps, which limit exposure to the contaminated media; and/or
3. Institutional controls, such as restrictive covenants or deed notices, filed in the county real property records, to inform future owners and the public of and limit exposure to the contamination on the property.

Remedial Action must meet one of two standards under TRRP: Remedy Standard A or Remedy Standard B. To meet Remedy Standard A, the contaminated media must be removed and/or decontaminated such that physical controls and, in most cases, institutional controls are not necessary to protect human and ecological receptors. To meet the requirements of Remedy Standard B, however, physical controls and institutional controls may be used in addition to removal and/or decontamination. These standards are described in detail in 30 TAC Sections 350.32-33. The selected remedy at the site meets the criteria established for Remedy Standard B.

**City View Road Groundwater Plume State Superfund Site
Midland County, Texas
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4. Site History

In 2003, as a local pipeline company investigated a crude oil release from a pipeline in the vicinity of the site, PCE was detected in domestic water wells and monitoring wells near the intersection of Cloverdale Road (aka FM 307) and South Fairgrounds Road. In November 2003, the pipeline company reported these findings to TCEQ. TCEQ performed an investigation, which included a water well survey and groundwater sampling from domestic water wells in the area of the identified PCE plume. Based on this investigation, TCEQ confirmed the presence of PCE in 24 domestic water wells at concentrations above the TCEQ TRRP Tier 1 residential groundwater ingestion (^{GW}GW_{Ing}) PCL.

The site was subsequently referred to the TCEQ Superfund Site Discovery and Assessment Program (SSDAP) to determine if the site would qualify for Superfund. In August 2004, TCEQ SSDAP prepared the U.S. Environmental Protection Agency (USEPA) Hazard Ranking System (HRS) package for the site. The HRS is a numerical scoring tool that uses information from initial, often limited investigations to assess whether a site qualifies for the state or federal Superfund programs. Sites scoring 28.5 or greater may qualify for the federal Superfund program, while sites scoring 5 or greater may qualify for the state Superfund program. An HRS score of 7.06 qualified the site for the state Superfund program.

Concurrently with the preparation of an HRS package, TCEQ conducted additional sampling of domestic water wells. Based on the results of this sampling, TCEQ equipped the domestic water wells at some residences with activated carbon filtration systems.

TCEQ published a notice of a public meeting, which included notice of intent to list the site on the state registry of Superfund sites in the April 22, 2005, issue of the *Texas Register* (30 TexReg 2439). The public meeting was held on October 27, 2005, to propose the site for listing on the state registry of Superfund sites and to obtain public input concerning the site and its proposal to the state registry and the identification of potentially responsible parties (PRPs).

5. Site Geology

The major hydrogeologic units identified at the site are the Ogallala Formation and the Trinity Sand. The Ogallala Formation is primarily composed of tan and reddish-brown sands, clay, variable sized gravels, with some portions including caliche. The thickness of the Ogallala Formation is

**City View Road Groundwater Plume State Superfund Site
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primarily controlled by the morphology of the eroded pre-Ogallala surface. The Ogallala sediments occupy previously eroded drainage valleys and are not present everywhere. This formation is generally not found below 70 feet below ground surface (bgs). The saturated thickness of the Ogallala Formation has a range from a few feet to more than one hundred feet. Ogallala groundwater is generally fresh, containing between 300 and 1,000 milligrams per liter (mg/L) of total dissolved solids (TDS) of which calcium, magnesium, and bicarbonate are the principal constituents.

The Trinity Sand (Antlers Formation) underlies the Ogallala Formation and is composed of white, gray, yellowish brown to reddish brown loosely cemented sand and sandstone with minor amounts of shale, siltstone, limestone, clay, and gravel. At some locations, there are shale deposits within the Trinity Sand that are described as false red beds. The term false red beds help to distinguish them from the true red beds of the underlying Chinle Formation. Driller's logs in the area also occasionally mention a reddish clay. The Trinity Sand has a relatively thin saturated thickness and low permeability. Water from this sand is only slightly more mineralized than water drawn from the Ogallala Formation. Water quality can be slightly saline, with TDS ranging from 100 to 3,000 mg/L. Where a sufficient saturated thickness of Ogallala sediments overlies the Trinity Sand, the well completion interval (the screen) is likely to encompass both formations. In general, these two units are hydrologically connected when lenses of calcite or cemented sandstone in the Ogallala Formation are discontinuous.

Beneath the Trinity Sand is the Dockum Group of Triassic age, locally known as red beds or true red beds. The upper unit of this group, the Chinle Formation, consists of up to 600 feet of red clays and shales and acts as an aquitard. The top of the underlying affected aquifer is approximately 16 feet bgs in the northwest, west, and southwest portions of the site and 23 feet bgs in the northeastern and southeastern portions. Static groundwater has been encountered between 10 to 20 feet bgs. The groundwater flow direction is to the east-southeast. There is a lack of connectivity of groundwater to surface water. Residential water well completions in the area are likely to encompass both the Ogallala Formation and Trinity Sand and are typically completed in the range of 50 to 60 feet bgs.

TRRP specifies three groundwater resource classifications based on current use, water quality, and sustainable well yield. Following TCEQ removal action efforts detailed in Section 6 below, the groundwater at the site is classified as a Class 2 groundwater resource based on a TDS content of less than 10,000 mg/L and confirmation that there are no water wells within 0.5-mile that currently supply drinking water to a public water system. Class 2

**City View Road Groundwater Plume State Superfund Site
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groundwater resources are considered usable or potentially usable drinking water supplies. TRRP requires that COCs in a Class 2 groundwater resource be removed, decontaminated to the critical PCL, controlled to prevent exposure, or any combination of the above.

6. Summary of Site Activities and Reports

6.1 Remedial Investigation and Removal Actions

During the Remedial Investigation (RI), TCEQ determined the nature and extent of the contamination at the site. RI field work began in October 2005 and included sample collection, laboratory analysis, and interpretation of collected data for the purpose of determining the nature and extent of contamination and an appropriate remedy for the site.

From 2008 to 2009, TCEQ conducted a removal action extending City of Midland public water supply lines to impacted properties within the site's area of investigation to provide property owners with access to the public water supply to use in lieu of domestic groundwater wells.

In 2011, TCEQ conducted a pilot study to evaluate in-situ chemical oxidation (ISCO) technology as a means to address site contamination. While initial results of the pilot test were favorable, the contamination quickly returned to the test area. As such, TCEQ determined the implementation of a site-wide ISCO remedy to be infeasible until a plume source was identified.

From 2005 to 2024, TCEQ also made numerous attempts to identify the source of the contamination. However, despite an exhaustive search, no source was identified. Over the following years, TCEQ continued to assess the extent of the groundwater contamination, and in 2024, TCEQ completed delineation of the entire extent of the plume. In August 2024, TCEQ completed the RI and documented the results in the Affected Property Assessment Report (APAR). The APAR documented relevant information regarding the affected property, identified COCs, described the extent of COC contamination to the TRRP assessment levels, identified transport/exposure pathways, and determined whether a response action was necessary.

6.1.1 Soil

To determine the extent of target COCs in soil, 89 soil samples were collected from surface and subsurface soils during five separate sampling events conducted from November 2006 through June 2014. The samples

**City View Road Groundwater Plume State Superfund Site
Midland County, Texas
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were analyzed for volatile organic compounds (VOCs) by EPA Method 8260B and metals by EPA Method 6020A. No COCs were detected in surface or subsurface soils during any of the sampling events. Therefore, no response actions are required for soil.

6.1.2 Surface Water and Sediment

As part of the remedial investigation, TCEQ concluded that COCs were not detected in any surface water or sediment samples; therefore, no response actions are required for surface water and sediment.

6.1.3 Groundwater

Groundwater ingestion is the only exposure pathway present at the site. No other exposure pathways, including dermal contact or inhalation, present exposure risks.

The nature and extent of contamination in the groundwater at the site has been adequately characterized and delineated. The areal extent of the groundwater plume, and therefore the area of remedial investigation, has changed vastly over the years. The groundwater plume changes could have resulted from a shift in the groundwater gradient, possibly due to the domestic groundwater usage change from groundwater to the public water supply. Prior to the installation of the public water supply line to impacted properties within the site's area of investigation, the extent of the plume was depicted mostly south of Cloverdale Road (aka FM 307). In February 2009, PCE was detected in a groundwater sample collected from a background monitoring well at concentrations greater than the Residential Assessment Level (RAL) based on the TRRP Tier 1 residential groundwater ingestion ($^{GW}GW_{Ing}$) PCL of 0.005 mg/L. Due to the discovery of PCE in this background monitoring well, the plume depiction was extended north of Cloverdale Road (aka FM 307) and mostly west of South Fairgrounds Road. Following the installation of the public water line and eventual plugging and abandonment of the associated domestic wells, the groundwater elevation and flow direction returned to natural conditions and were able to stabilize. Shortly thereafter, the plume depiction shifted to as it is to date.

The concentration of PCE throughout the plume is relatively low compared to its PCL of 0.005 mg/L and is not highly variable. As such, minor seasonal variations and/or local pumping effects can sometimes result in higher concentrations of PCE appearing on the downgradient or cross-gradient edges of the plume relative to the upgradient or central portions of the plume. Generally, these fluctuations are less than 0.002 mg/L.

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The site contains one operational water well. Water well WW-C1, located at the northernmost portion of the groundwater plume, is an industrial well used to supply water to the adjacent pond for emergency fire suppression purposes. The well is located in a semi-rural area on a private, secured, commercial/industrial property, and employees do not use the well water for potable use. The well head is located inside a structure with a door. Water from the wellhead is accessed from a hose attached to a spigot and associated piping from the wellhead. Use of this well for purposes that may result in groundwater exposure, including ingestion, is not reasonably anticipated. There are no concerns with other forms of human exposure to groundwater at WW-C1, including inhalation and dermal exposure. WW-C1 does not meet the definition of a "reasonably anticipated to be completed exposure pathway" as defined in 30 TAC Section 350.4(a)(70). Therefore, this well is not considered a point of exposure under TRRP, and no action is required to protect receptors at this well. A reevaluation of this determination may be necessary if a change in the use of the industrial well or the exposure risks on the property should occur. Additionally, the surface water from the adjacent pond is not considered a point of exposure because sampling results indicate there are no detections of PCE in the pond water. TCEQ has determined that use of the surface water from the pond for fire suppression emergencies is not considered to pose a risk for human exposure. However, WW-C1 may influence the groundwater gradient, as it appears to be pulling the plume to the north in its direction. Routine groundwater monitoring will be performed throughout the existence of the proposed remedy to verify plume stability.

The RI determined that the uppermost groundwater bearing unit located within the area of investigation is impacted with PCE exceeding the critical PCL of 0.005 mg/L and which is associated with a release from an unknown source. Although they have not been detected at concentrations greater than their respective critical PCLs, the degradation products of trichloroethylene (TCE), cis-1,2-dichloroethylene (cis-1,2-DCE), trans-1,2-dichloroethylene (trans-1,2-DCE), 1,1-dichloroethylene (1,1-DCE), and vinyl chloride are also identified as site COCs due to their potential to be present upon chemical degradation. Non-aqueous phase liquid (NAPL) has not been observed in any site monitoring wells. The aerial extent of groundwater exceeding critical PCLs at the site is estimated at approximately 2,793,100 ft². The geometric groundwater bearing unit thickness is approximately 62.8 feet and the groundwater bearing unit porosity is estimated at 0.36. Therefore, these assumptions give a contaminated groundwater volume of approximately 472.4 million gallons.

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6.2 Ecological Risk Analysis

TCEQ evaluated ecological risk through the completion of the Tier 1 Exclusion Criteria Checklist. The evaluation concluded that COCs have not been released and are not a threat to either surface water or their associated sediments. The affected property is not attractive to wildlife or livestock, and the site is located in a highly developed mixture of residences, light commercial, and industrial development. Furthermore, no ecological receptors were identified on or within ¼-mile of the site. Therefore, no ecologically-based PCLs were necessary for the site.

6.3 Focused Feasibility Study

TCEQ completed the Focused Feasibility Study (FFS) in November 2025, documenting the evaluation of remedial alternatives for the site to address the COCs that exceed applicable PCLs in groundwater.

7. Evaluation of Remedial Action Alternatives

In the FFS, TCEQ developed and evaluated four Remedial Action alternatives that address exposure to COCs in impacted groundwater at the site. The four remedial alternatives are listed in Paragraph No. 7.1 below and further summarized in Table 2.

7.1 Groundwater Remedial Action Alternatives

Alternative GW-1: Monitored Natural Attenuation (MNA): Impacted groundwater is carefully controlled and monitored to achieve the critical PCLs at the point of exposure through the reduction in mass or concentration of a COC over time or distance from the source of a COC. The reduction in mass or concentration is due to naturally occurring physical, chemical, and biological processes, such as: biodegradation, dispersion, dilution, adsorption, and volatilization.

Alternative GW-2: In-Situ Treatment: Injection of materials, such as oxidizing agents and bacterial cultures, into the impacted groundwater in order to render contaminants non-hazardous or less toxic compounds that are more stable, less mobile, and/or inert. This alternative includes the evaluation of two types of in-situ treatment, e.g., in-situ chemical oxidation (ISCO) and in-situ enhanced reductive dechlorination (ERD).

Alternative GW-2a: ISCO: Oxidizing agents, such as permanganate, will be injected into the impacted groundwater in order to chemically

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oxidize contaminants to non-hazardous or less toxic compounds that are more stable, less mobile, and/or inert.

Alternative GW-2b: ERD: Biologically available electron donor chemicals and specialized dechlorinating bacterial cultures, such as those including the genus *Dehalococcoides*, will be injected into the impacted groundwater in order to enhance the biodegradation of contaminants in an anaerobic environment to non-hazardous or less toxic compounds that are more stable, less mobile, and/or inert.

Alternative GW-3: Pump and Treat: Impacted groundwater will be removed through one or more extraction wells to ensure hydraulic control over the groundwater plume. Contamination will be mechanically removed via a groundwater treatment system and the treated water will be injected back into the aquifer. Extraction and treatment will continue until concentrations of all COCs in groundwater have been reduced to the critical PCLs.

Alternative GW-4: Plume Management Zone: Impacted groundwater will be managed using a Plume Management Zone (PMZ). Institutional controls will be placed on affected properties to prevent unacceptable exposure to the groundwater contamination until such time as COCs are reduced to critical PCLs. Additionally, routine groundwater monitoring will be conducted at prescribed intervals to verify continued plume stability.

A PMZ is defined as the area of the groundwater contamination, plus any additional area allowed in accordance with 30 TAC Section 350.33(f)(4). A PMZ modifies the standard groundwater cleanup objectives by controlling and preventing exposure to the groundwater within the PMZ through institutional controls in the property records. The PMZ requires groundwater monitoring throughout its existence.

8. Remedy Selection

A Remedial Action may consist of any combination of the following: (1) removal or decontamination of contaminated media; (2) physical controls such as landfills and caps; and (3) institutional controls, such as deed restrictions on the future use of the property. In accordance with THSC Section 361.193 and 30 TAC Section 335.348(I), TCEQ must select the Remedial Action for a site by determining which remedial alternative is the lowest cost alternative which is technologically feasible and reliable, effectively mitigates and minimizes damage to the environment, and provides adequate protection of the public health and safety and the

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environment. TCEQ evaluated each alternative using the following evaluation criteria: protection of human health and the environment (over both the short- and long-term); compliance with applicable regulations; reliability (including long-term effectiveness and permanence); feasibility; and cost. This evaluation is summarized in Table 2.

The remedy selected for this site is described below. On December 5, 2025, notice was published in the *Texas Register* and the *Midland-Reporter Telegram* informing the public of the proposed remedy and requesting public comment. In addition, a public meeting was held on January 15, 2026, to present the proposed remedy to the public and to allow comment. Pursuant to THSC Section 361.187(c), the Executive Director of TCEQ has discretion to revise the proposed remedial action in light of comments received. TCEQ received no written comments opposing or recommending modification to the proposed remedy during the comment period. TCEQ received one comment in favor of modifying the scope of the proposed remedy during the public meeting. After considering the comment in the context of site data gathered to date and the applicable requirements of the THSC, the Executive Director determined that no revision to the proposed remedy is warranted.

9. Description of the Selected Remedy

The selected remedy is Alternative GW-4: Plume Management Zone. Institutional controls will be filed in accordance with TRRP to limit exposure to the groundwater contamination under the property and to establish the PMZ. The institutional controls for the PMZ will remain in place until it is demonstrated that COCs in groundwater no longer exceed the applicable PCLs. The implementation of the PMZ will include the collection and analysis of groundwater samples to confirm that the groundwater plume remains stable and does not expand beyond the boundaries of the PMZ.

10. Remaining Steps in the Superfund Process

Following issuance of the Final Administrative Order, TCEQ will complete the detailed design and implementation of the selected remedy. To date, no responsible parties have been identified for this site. At any time in this process, TCEQ may determine that the Remedial Action should be modified. Any modifications to the Remedial Action shall be handled in accordance with 30 TAC Section 335.349(b) and any other applicable authority.

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Upon completion of the Remedial Action, and if certain other criteria are met, TCEQ may propose to delete the site from the state registry of Superfund sites. A public meeting will be held before the site is deleted from the registry.

11. Glossary

Focused Feasibility Study (FFS) - A streamlined process for developing and screening potential remedial components and forming the *Remedial Action* alternatives to be analyzed in detail for a site.

Fundamental change - A change to the *Remedial Action* which uses a different approach to achieve the *Remedial Action* goals or one that uses the same approach but results in a *Remedial Action* that is less protective than the originally proposed *Remedial Action*.

Hazard Ranking System (HRS) - The method used by the U.S. Environmental Protection Agency (EPA) and TCEQ to evaluate the relative potential of hazardous substance releases to cause health or safety problems, ecological or environmental damage. The scoring system was developed by the EPA as set out in 40 Code of Federal Regulations (CFR) Part 300, Appendix A, as amended.

Institutional Control (IC) - A legal instrument placed in the property records in the form of a deed notice, Voluntary Cleanup Program Certificate of Completion (VCP Certificate of Completion), or restrictive covenant which indicates the limitations on or the conditions governing use of the property which ensures protection of human health and the environment or equivalent zoning and governmental ordinances.

Minor change - A change to the *Remedial Action* which does not significantly affect the scope, performance, or cost of the originally proposed *Remedial Action*.

Plume Management Zone (PMZ) - The area of the groundwater protective concentration level exceedance zone at the time of response action plan submittal, plus any additional area allowed in accordance with 30 TAC Section 350.33(f)(4) (relating to Remedy Standard B).

Potentially Responsible Parties (PRPs) - Persons or entities that TCEQ considers potentially responsible for the contamination of the site pursuant to THSC Section 361.271.

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Proposed Remedial Action Document (PRAD) - The document which describes TCEQ's proposed *Remedial Action*.

Protective Concentration Level (PCL) - The concentration of a chemical of concern which can remain within the source medium and not result in levels which exceed the applicable human health risk-based exposure limit or ecological *protective concentration level* at the point of exposure for that exposure pathway.

Remedial Action - An action, including remedial design and post-closure care, consistent with a remedy taken instead of or in addition to a *removal action* in the event of a release or threatened release of hazardous substances into the environment to prevent or minimize the release of a hazardous substance so that the hazardous substance does not cause an imminent and substantial endangerment to present or future public health and safety or the environment. A remedial action shall be conducted in accordance with 30 TAC Chapter 350, Subchapter B.

Remedial Investigation (RI) - An investigative study which may include removals, and/or a *Feasibility Study*, in addition to the development of *Protective Concentration Levels*, designed to adequately determine the nature and extent of release or threatened release of hazardous substances and, as appropriate, its impact on air, soils, groundwater and surface water, both within and beyond the boundaries of the facility.

Removal Action - An action which removes the source or potential source of contaminants before the *Remedial Action* is conducted where immediate action is appropriate to protect human health and the environment.

Significant change - A change to the *Remedial Action* which materially affects the scope, performance, or cost of the *Remedial Action*, but which uses the same approach and results in a *Remedial Action* at least as protective as the originally proposed *Remedial Action*.

Solid Waste Disposal Act - THSC Chapter 361. The purpose of the *Solid Waste Disposal Act* is to safeguard the health, welfare, and physical property of the people and to protect the environment by controlling the management of solid waste, including any hazardous waste that is generated. Subchapter F of Chapter 361 relates to the state Superfund process. The Texas Health and Safety Code is available online at: <http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.361.htm>.

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Texas Risk Reduction Program (TRRP) - A program of TCEQ that provides a consistent corrective action process directed toward protection of human health and the environment balanced with the economic welfare of the citizens of the state. The rules for this program are located in 30 TAC Chapter 350. The Texas Administrative Code is available online at: <http://www.sos.state.tx.us/tac/>.

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Table 1 - List of Reports

1. Plains All American Pipeline Groundwater Impact Report (August 22, 2003)
2. Plains All American Pipeline Additional Groundwater Sampling (September 29, 2003)
3. Plains All American Pipeline Additional Groundwater Sampling and Volatile Hydrocarbon Analysis (November 26, 2003)
4. Plains All American Pipeline Status Report Investigation and Remediation Activities (December 2003)
5. Water Well Field Survey (February 23, 2004)
6. Status Report Investigation and Remediation Activities (July 12, 2004)
7. Hazard Ranking System Documentation Record (August 2004)
8. 2005 Field Sampling Plan for Remedial Investigation and Residential Well Monitoring Program – City View Road Groundwater Plume (August 29, 2005)
9. City View Road GW Plume Monitoring Well Installations (December 2006)
10. Background Monitoring Well Installation, Source Area Soil Investigation, and Monitored Natural Attenuation Groundwater Sampling (March 2009)

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11. Bench Scale Treatability Study Work Plan (July 2009)
12. Drinking Water Survey Report (October 6, 2009)
13. Investigation Surrounding MW-18 August 2009 (January 2010)
14. Bench Scale Treatability Study Report (April 2010)
15. Semi-annual Groundwater Monitoring Report October 2010
(January 2011)
16. Pilot Study Work Plan (January 2011)
17. Water Well Plugging and Abandonment Evaluation Report –
February 2011 (February 2011)
18. Passive Soil Gas Survey Report – March 2011 (March 2011)
19. Water Well Plugging and Abandonment Report (August 29, 2011)
20. Groundwater Summary and Status Report – June and July 2011
Residential Water Well Sampling Event (August 2011)
21. Full Scale Passive Soil Gas Survey Report (August 31, 2011)
22. Semi-annual Groundwater Monitoring Report (September 2011)
23. Preliminary Tier 1 Ecological Exclusion Criteria Checklist (October 3,
2011)
24. Addendum No. 1 to the 2005 Field Sampling Plan for Remedial
Investigation and Residential Well Monitoring Program – City View
Road Groundwater Plume (March 13, 2012)
25. Residential Plugging and Abandonment Report Addendum – May
2012 (May 2012)

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26. 50 Year Historical Property Records Search (May 18, 2012)
27. Groundwater Sampling and Monitoring Report – May 2012 Sampling Event (July 2012)
28. Pilot Study Report (July 2012)
29. Groundwater Summary and Status Report – June and July 2012 Residential Water Well Sampling Event (August 2012)
30. Monitoring Well Installation Summary Report (September 2012)
31. Groundwater Sampling and Monitoring Report – December 2012 Sampling Event (February 22, 2013)
32. Remedial Investigation Technical Memorandum Report (May 16, 2013)
33. Groundwater Monitoring and Sampling Report – May 2013 Sampling Event (July 29, 2013)
34. Laboratory Change Package for Addendum No. 2 to the August 2005 Field Sampling Plan for the Remedial Investigation and Residential Well Monitoring Program (January 2014)
35. Groundwater Monitoring and Sampling Report – January 2014 (May 1, 2014)
36. Groundwater Monitoring and Sampling Report – June 2014 (July 31, 2014)
37. Monitor Well Installation Summary (August 20, 2014)

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38. Groundwater Monitoring and Sampling Report – November 2014
(February 18, 2015)
39. Groundwater Monitoring and Sampling Report – May 2015 (August
26, 2015)
40. Groundwater Monitoring and Sampling Report – October 2015
(January 28, 2016)
41. Groundwater Monitoring and Sampling Report – May 2016 (July 25,
2016)
42. Laboratory Change Package for Addendum No. 3 to the August
2005 Field Sampling Plan for the Remedial Investigation and
Residential Well Monitoring Program (January 2017)
43. Groundwater Monitoring and Sampling Report – January 2017
(August 29, 2017)
44. Drinking Water Survey Report (August 23, 2017)
45. Groundwater Monitoring and Sampling Report – May 2017 (August
31, 2017)
46. Groundwater Monitoring and Sampling Report – February 2018
(July 7, 2018)
47. Monitor Well Activity Report (August 30, 2018)
48. Groundwater Monitoring and Sampling Report – June 2018 (August
30, 2018)
49. Well Abandonment Activity Report (August 31, 2018)

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50. Remedial Investigation Technical Memorandum Report (August 2019)
51. Groundwater Monitoring and Sampling Report – July and August 2019 (August 29, 2019)
52. Groundwater Monitoring and Sampling Report – February 2019 (August 31, 2019)
53. Groundwater Monitoring and Sampling Report – March 2020 (July 1, 2020)
54. Groundwater Monitoring and Sampling Report – July 2020 (August 31, 2020)
55. Monitor Well Activity Report (August 31, 2020)
56. Groundwater Monitoring and Sampling Report – February 2021 (April 6, 2021)
57. Monitor Well Activity Report (August 25, 2021)
58. Groundwater Monitoring and Sampling Report – July 2021 (August 25, 2021)
59. Groundwater Monitoring and Sampling Report – February 2022 Event (April 8, 2022)
60. Monitor Well Activity Report (June 2, 2022)
61. Groundwater Monitoring and Sampling Report – July 2022 Event (August 26, 2022)

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62. Groundwater Monitoring and Sampling Report – February 2023 Event (April 3, 2023)
63. Groundwater Monitoring and Sampling Report – July 2023 Event (August 16, 2023)
64. Monitor Well Activity Report (July 24, 2023)
65. Monitor Well Activity Report (March 28, 2024)
66. Groundwater Monitoring and Sampling Report – December 2023 and February 2024 Events (May 3, 2024)
67. Monitoring Well Activity Report (June 26, 2024)
68. Groundwater Monitoring and Sampling Report – July 2024 Event (August 23, 2024)
69. Pre-Feasibility Study Memorandum (May 27, 2024)
70. Interim Focused Feasibility Study Report (August 29, 2024)
71. Affected Property Assessment Report (August 2024)
72. Drinking Water Survey Report (January 10, 2025)
73. Groundwater Monitoring and Sampling Report – July 2025 Event (August 19, 2025)
74. Groundwater Modeling Report (August 25, 2025)
75. Focused Feasibility Study Report (November 14, 2025)
76. Proposed Remedial Action Document (November 2025)

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Table 2 - Remedial Action Alternatives Evaluation

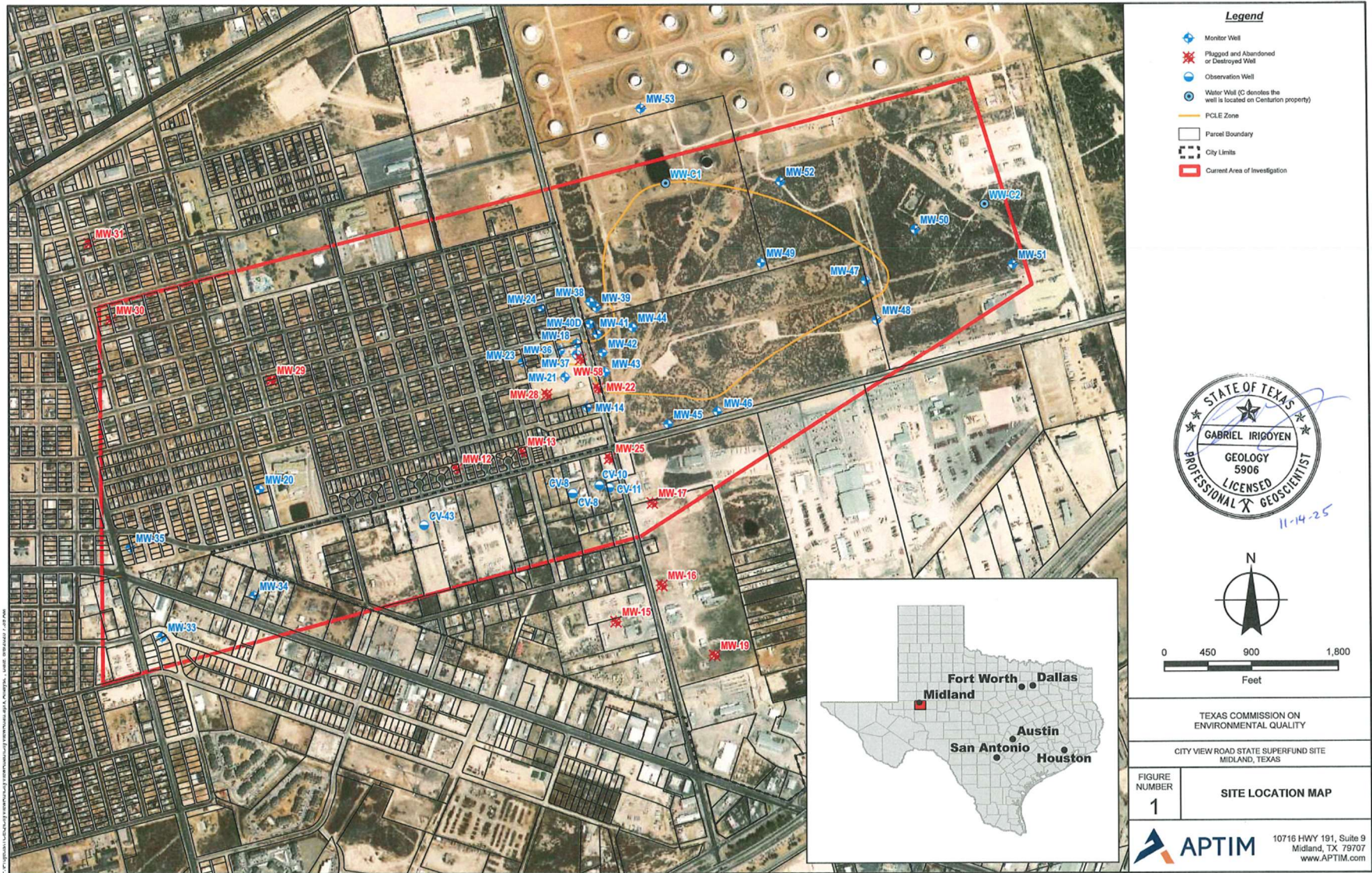
Evaluation Criterion	GW-1	GW-2a	GW-2b	GW-3	GW-4
	Monitored Natural Attenuation	In-Situ Chemical Oxidation	In-Situ Enhanced Reductive Dechlorination	Pump and Treat	Plume Management Zone
Cost	\$1,200,000	\$24,565,000	\$21,630,000	\$2,950,000	\$750,000
Feasibility*	3	1	1	1	2
Reliability (including long-term effectiveness and permanence)*	1	1	2	2	2
Protection of human health and the environment (over both the short- and long-term)**	Yes	Yes	Yes	Yes	Yes
Compliance with applicable regulations**	No	Yes	Yes	Yes	Yes
Subtotal for Balancing Criteria (before Cost)	4	2	3	3	4

*For the evaluation of this criterion, a numerical rating was assigned ranging from 0 to 3, where a score of 0 represents the lowest rating and a score of 3 represents the highest rating.

** For the evaluation of this criterion, a response of "Yes" is favorable and indicates that the evaluated remedial action alternative will meet the criteria, while a response of "No" is unfavorable and indicates that the evaluated remedial action alternative will not meet the criteria.

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Figure 1: Site Location Map



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Figure 2: Remedy - Plume Management Zone

