

**From:** [Tracy Miller](#)  
**To:** [OCE](#)  
**Cc:** [Ramiro Garcia](#)  
**Subject:** FW: Financial Assurance for Union Pacific Railroad  
**Date:** Tuesday, March 24, 2020 2:26:33 PM

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fyi

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**From:** Karen Scott <karen.scott@tceq.texas.gov>  
**Sent:** Tuesday, March 24, 2020 2:20 PM  
**To:** Sarah Schreier <sarah.schreier@tceq.texas.gov>; Charly Fritz <charly.fritz@tceq.texas.gov>; Tracy Miller <tracy.miller@tceq.texas.gov>; Earl Lott <earl.lott@tceq.texas.gov>; Bob Patton <bob.patton@tceq.texas.gov>  
**Subject:** Fw: Financial Assurance for Union Pacific Railroad

Please see Mark's response below

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**From:** Mark Stoebner <[mark.stoebner@tceq.texas.gov](mailto:mark.stoebner@tceq.texas.gov)>  
**Sent:** Tuesday, March 24, 2020 12:49 PM  
**To:** [REDACTED] <[REDACTED]>  
**Cc:** Karen Scott <[karen.scott@tceq.texas.gov](mailto:karen.scott@tceq.texas.gov)>; Sarah Schreier <[sarah.schreier@tceq.texas.gov](mailto:sarah.schreier@tceq.texas.gov)>  
**Subject:** Financial Assurance for Union Pacific Railroad

Good afternoon, Kelly –

We understand Union Pacific has requested an extension of its financial assurance filing. To this end, please find the following confirmation:

In response to the COVID-19 outbreak, TCEQ's Financial Assurance staff is working remotely. Both emails and voice mail messages will be returned, however.

Many facility owners and operators have financial assurance updates due to TCEQ by March 30, especially those using the financial test and corporate guarantees whose fiscal year end is December 31<sup>st</sup>. We recognize that these deadlines may be difficult to achieve given your own possible office closures and remote operations. Accordingly, TCEQ's Financial Assurance Unit will be exercising enforcement discretion regarding financial assurance inflation adjustments for all financial assurance mechanisms including financial test and corporate guarantees submittals as follows:

- Financial assurance inflation updates for any mechanism including financial test/ corporate guarantees due on or before March 31<sup>st</sup> may be submitted by April 30<sup>th</sup>.
- Updates for any mechanism including financial tests/corporate guarantees due between April 1<sup>st</sup> and April 30<sup>th</sup> may be submitted by May 15<sup>th</sup>.

Please note that these delay authorizations do not extend to financial assurance mechanism substitutions used for replacing mechanisms in which cancellation notices have been issued by the mechanism providers (usually banks issuing letters of credit or surety companies issuing surety

bonds). TCEQ intends to act in a timely manner to protect its financial assurance position in response to cancellation notices absent notice from the mechanism provider rescinding their cancellation notice.

Should you have any questions, please feel free to email here or leave a message on my voice mail at (512)-239-6150. We appreciate your understanding for the inconvenience associated with this difficult time.

**Mark Stoebner, Financial Analyst**

Direct Line: 512/239-6150

Texas Commission on Environmental Quality

Financial Assurance Unit, Mail Code – 184

12100 Park 35 Circle

Austin, Texas 78753

[mark.stoebner@tceq.texas.gov](mailto:mark.stoebner@tceq.texas.gov)



**From:** [Kelly M. Gearhart](#)  
**To:** [Karen Scott](#)  
**Cc:** [OCE](#); [Ramiro Garcia](#); [Matzner, Eric](#); [Kevin J. Peterburs](#)  
**Subject:** Financial Assurance - Request for Extension  
**Date:** Tuesday, March 24, 2020 11:55:33 AM

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Ms. Scott,

Due to the current situation surrounding COVID-19 (i.e. self-quarantines, work from home, etc.), Union Pacific Railroad is requesting a 60 day extension to submit financial assurance for the following sites:

EPA Site ID No. TXD000820266, Houston Wood Preserving Works, 4910 Liberty Road, Houston, Texas 77026-5263

Please let me know if you have any questions.

Thank you,

**Kelly M. Gearhart**

Sr. Manager, Environmental Site Remediation  
Union Pacific Railroad Company  
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