



April 8, 2022

Barry N. Breen  
Acting Assistant Administrator  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

**Re: EPA's Comments on RCRA Permit No. 50343**

Dear Mr. Breen,

Thank you for the interest and attention the EPA has given the Union Pacific Railroad site in Houston's Fifth Ward / Kashmere Gardens. The comments and recommendations made by the EPA on the Draft Hazard Industrial Waste Permit/Compliance Plan Renewal with Major Amendment, Permit Compliance Plan No. 50343 are detailed and show the importance of community involvement and transparency from the TCEQ as well as Union Pacific Railroad (UPRR). While we greatly appreciate the thought, time, and work that was put into these comments, our team noticed a few areas that could better protect and inform the community.

First, we view the recommendations for closing the information and data gaps both on-site and off-site as a critical step moving forward. Although there are several recommendations to "regularly release information and sampling results on an easily accessible website", this recommendation remains vague and does not ensure that the community is receiving information in a manner that is easily understood by all. As presently implemented, the website (<https://hwpwinfo.wpcomstaging.com>) does not create an accessible or transparent environment for communities to go to for information or updates. The information provided by UPRR on this community website is nothing more than thousands of pages of technical PDF documents that are difficult for a lay person to comprehend. Which is not truly "accessible" to the general public, let alone the impacted communities. To better protect and inform the community members of the findings, plans, and requirements that UPRR is to follow, the EPA should define what "accessible" means in the context of providing technical information to community members in a way that is meaningful and useful.

Second, the recommendation for "UPRR to develop and maintain a mailing list that contains contact information for interested parties", is a great step to keeping the community informed, but it leaves room for interpretation which could hinder transparency. There are no guidelines indicating what additional information UPRR should include in these mailing list communications or how the information in these communications are to be presented to the community members receiving them. There is also no direct guidance as to the frequency of these communications. We recommend that a quarterly newsletter be provided through the mailing list to ensure that community members are fully informed and up to date on the activities, data, and plans for each step of the clean up process.

We appreciate you taking the time to consider our suggestions to strengthen the agency's recommendations to TCEQ. When it comes to these contaminated sites, vague language leaves room for



the community to be let down. The communities living amongst this contamination have been ignored for far too long. Administrator Regan's visit to the affected communities and the EPA's recent recommendations demonstrate that the EPA is listening to local residents and is taking a stance for accountability from TCEQ. Accountability at our state level is long overdue and we hope to work together towards the best possible solutions for both the environment and the local communities.

Sincerely,

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CC: Matthew Tejada, Office of Environmental Justice, U.S. EPA  
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Representative Sylvia Garcia (District 29)  
Representative Harold Dutton (District 142)  
Representative Ana Hernandez (District 143)  
Representative Christina Morales (District 145)  
Representative Garnet Coleman (District 147)  
Senator Carol Alvarado (District 6)  
Senator Borris Miles (District 13)