January 17, 2006

Mr. Juan Garza
General Manager
Austin Energy
721 Barton Springs Road
Austin, TX 78704

Mr. John Rosato
Managing Partner
Seaholm Power, LLC
P.O. Box 50164
Austin, TX 78763

Re: Ready For Reuse Application
Seaholm Power Plant
800 West César Chávez
Austin, TX 78701

Dear Messrs. Garza and Rosato:

The Texas Commission on Environmental Quality (TCEQ) and the Environmental Protection Agency have made a technical determination that the Seaholm Power Plant (Property) is Ready for Reuse. A Ready for Reuse (*RfR*) Determination is an acknowledgment that environmental conditions on the property are protective of human health and the environment based on its current and anticipated future use as a mixed-use and cultural attraction.

On November 23, 2005, Austin Energy submitted to TCEQ a written request for an *RfR* Determination. The request included a detailed description of the property for which the *RfR* Determination is requested. In addition, the facility provided information concerning the investigation, remediation, and risk management activities performed to ensure protection of human health and the environment. A copy of Austin Energy's request is provided at Enclosure 1 to this letter.

In order to obtain the *RfR* Determination, the Seaholm Power Plant was adequately investigated, and final remedies have been implemented, including remediation of the polychlorinated biphenyl (PCB) concrete contaminated floor in the Seaholm Power Plant Generator Building. A summary of the environmental conditions of the property, and the risk management activities, including institutional controls (e.g., land use restrictions or limitations) required to ensure protection of human health and the environment, are summarized in Enclosure 1 (Attachment 2) to this letter.

The TCEQ/EPA Ready for Reuse Determination is based on a review of all relevant corrective action documents (collectively, the "Documentation") for the Seaholm Power Plant, which are listed in Enclosure 2. With this Ready for Reuse Determination, TCEQ and EPA Region 6 concur that Austin Energy has successfully completed its investigation and remediation pursuant to State municipal hazardous waste and industrial solid waste regulations, and Federal regulations pursuant to 40 Code of Federal Regulations § 761.61(c). The Documentation demonstrates that, although releases of chemical constituents have occurred as a result of activities on the Property, contaminants remaining at the site have either been remediated to meet TCEQ residential soil criteria or, with respect to PCB releases in the Generator Building, remediated in accordance with EPA requirements, so that environmental conditions at the property are protective of human health and the environment based on its current and anticipated future uses. Current environmental conditions on the Property are detailed in documents listed in Enclosure 2.

If conditions at the facility change, including environmental conditions, land use, site receptors, and remedy performance, the current owner/operator will notify the TCEQ and EPA Region 6 and it may become necessary to perform additional remediation to ensure their continuing protectiveness. The undersigned expressly reserve all rights and authorities to require future action by owners or operators if new or additional information comes to light that impacts this Ready for Reuse Determination, whether such information is known as of this date, or is discovered in the future.

Congratulations on this most noteworthy achievement!

Sincerely yours,

Kathleen Hartnett White
Chairman
Texas Commission on
Environmental Quality

Carl E. Edlund, P.E., Director
Multimedia Planning and
Permitting Division
EPA Region 6

Enclosures: 1: Ready for Reuse Request for Seaholm Power Plant, Austin, Texas
2: Relevant Documents and TCEQ Contacts

READY FOR REUSE REQUEST
SEAHOLM POWER PLANT
AUSTIN, TEXAS

1.0 Introduction

This document represents the Ready for Reuse (R/R) Application for Seaholm Power Plant in Austin, Texas. Austin Energy (AE) has performed investigation, decommissioning, and environmental abatement/remediation activities from 1993 through October 2005.

2.0 Description and History of Seaholm Power Plant

2.1 Description of Property

Seaholm Power Plant is located at 800 César Chávez in downtown Austin, Texas, Travis County. The 4.746 acre property is located in a mixed-use commercial and residential urban area that borders Town Lake recreational area. Commercial and residential developments are located north of the property at the 300 block of West Avenue. The property is bounded on the west and north by Union Pacific Railroad lines, to the east by the Seaholm substation (which is a separate property from the Seaholm Power Plant), and to the south by Cesar Chavez Street. The primary entrance to the site is off Cesar Chavez Street, which runs east to west along the southern boundary of the main facility. A rear entrance also exists at the northeast end of the Power Plant off of West Avenue. The plant's water intake structure is located south of Cesar Chavez adjacent to the Town Lake segment of the Colorado River, approximately 400 feet south of the main facility area.

The Seaholm property originally included five main buildings formerly used for power generation activities. The Historical Site Layout is provided as Figure 1. The main buildings include:

- Generator Building (GB) - The GB is a four-level concrete building located in the central portion of the facility property.
- Water Intake Structure (WIS) - The Water Intake Structure is a two-level concrete building located south of the GB, on the south side of Cesar Chavez contiguous to Town Lake.
- Fuel Oil Building - The Fuel Oil Building is a one-story structure, including a basement, located north of the GB.
- Water Pump Room - The Water Pump Room is a three-level concrete building (with two levels below grade) located east/northeast of the GB near the approximate boundary between the Seaholm Power Plant and adjacent Seaholm Substation.

- Demineralization Building - The Demineralization Building was removed in May 2002 during the decontamination, demolition, and dismantling activities conducted at Seaholm Power Plant.

2.2 History of Use

The Seaholm Power Plant, built between 1951 and 1958, was an interactive gas-fired electrical power generation facility that was operated by AE from 1951 until 1992. After power generations was stopped in 1992, the site was primarily utilized for training AE employees, office space, storage, and electrical system operation from the substation located east of the GB. As late as 1995, however, Unit 9 was on emergency power standby status. In 1996, the Austin City Council resolved to preserve Seaholm for public use after remediation and decommissioning were complete. In early 1997, the City Council formed the Seaholm Reuse Planning Committee, a special committee to determine the plant's future use with input from local citizens.

2.3 Site Map

Figure 1 – Historical Site Plan is located in Attachment 1.

2.4 Possible Future Use

Seaholm Power Plant has been decommissioned with the intent of adaptive reuse. Three of the buildings at the site (the GB, WIS, and Fuel Oil Building) have been identified as eligible for listing on the National Historic Register. Although the specific use of these buildings has not yet been determined, the site will be adapted for some type of unrestricted commercial use.

3.0 Current Environmental Site Conditions

All remedial objectives were accomplished (see Table 1 – Seaholm Current Environmental Site Conditions in Attachment 2). The remedial actions completed include the following:

- Soil excavation and off-site disposal.
- Cleaning, partial demolition, and in-place closure of four concrete fuel oil underground storage tanks (USTs).
- Cleaning of two underground sealing weirs.
- Cleaning of oil-water separator.
- Asbestos containing material (ACM) abatement.
- Lead-based paint (LBP) removal.
- Polychlorinated biphenyl- (PCB-) based paint removal.
- PCB-affected concrete removal, restoration, and encapsulation.
- Mercury related equipment decontamination and/or removal.

Three residual Contaminants of Concern (COCs) remain in the Seaholm Facility. These three COCs include the following:

- ACM is present in inaccessible areas in the GB, WIS, and Water Pump Room.
- LBP is present on building surfaces in the WIS, Water Pump Room, and Fuel Oil Building including the doorframe surrounding the elevator shaft on the turbine and roof levels in the GB and a handrail support on the mezzanine level in the GB.
- PCB-affected concrete is present in the GB. All accessible PCB-affected concrete > 10 parts per million (ppm) was removed from the GB floor. However, in areas where the PCB-affected concrete was not accessible (i.e., at depths greater than rebar), the concrete was removed to the greatest depth possible and encapsulated with a fiber-reinforced epoxy per the U.S. Environmental Protection Agency (EPA) approved cleanup plan.

The residual COCs will be addressed in two Operation and Maintenance Plans (O&M), Plan 1 and Plan 2. The O&M Plans will specify areas in the Seaholm Complex that contain COCs and provide maintenance, health and safety, handling, and disposal information related to any activities located in these areas. O&M Plans 1 and 2 will address PCB-affect concrete floors and all other COCs, respectively. O&M Plan 1 will be submitted to the EPA as Volume V of the Seaholm Closure Report Series. The current site plan is provided in Attachment 1 as Figure 2.

4.0 Site Dismantling, Decommissioning, and Remediation Activities – Chronological Order

4.1 Comprehensive Asbestos Survey – 1993

AE conducted a comprehensive asbestos survey of suspect ACM on equipment and associated piping within the GB. The areas addressed in this survey included Boilers 5 through 9. These units were inspected on the turbine, mezzanine, and basement levels. The survey included an assessment of ACM building materials, quantification of ACM, current remedial activities, and associated cost estimates.

4.2 Asbestos Abatement Activities – 1995

AE removed accessible ACM from piping, equipment insulation, floor tile and mastic, and contaminated surfaces. All abatement activities were monitored for compliance with standard specifications and regulatory requirements.

4.3 Comprehensive Environmental Study of the Seaholm Complex – 1999

AE conducted a comprehensive environmental study of the Seaholm Complex, including LBP, ACM, PCBs, mercury, and other contaminants. This included the GB and office areas, WIS, Fuel Oil Building, Water Pump Room, Demineralization Building, and surrounding areas, soil, and groundwater.

4.4 Laydown Yard, Mercury Spill Area, Fuel Oil UST Area, and Sealing Weir Investigation and Remediation - April 1999 through November 1999

AE completed remediation activities in the outdoor areas at the Seaholm Power Plant site and the adjacent Union Pacific Railroad property. Demolition, cleaning, and soil removal activities were conducted at the site to achieve remediation goals. AE voluntarily performed this project to achieve the risk-based closure criteria of the Texas Commission on Environmental Quality (TCEQ) Risk Reduction Rules (30 TAC 335 Subchapter S) and the EPA's regulations for PCBs (40 CFR 761.61) to help prepare the property for future reuse. The project involved the following major activities:

- Remediation of soil affected by PCBs, total petroleum hydrocarbons (TPH), polycyclic aromatic hydrocarbons (PAHs), and metals.
- Cleaning, partial demolition and in-place closure of four concrete fuel oil USTs.
- Partial demolition, and in-place closure of a concrete neutralization basin.
- Cleaning of two underground sealing weirs (i.e., water vaults).
- Cleaning of an oil-water separator.
- Removal of a secondary fuel oil recovery sump.

TCEQ issued a Voluntary Cleanup Program Final Certificate of Completion for the exterior areas on January 9, 2004 (see Attachment 3)

4.5 Equipment Decontamination and Dismantling – August 2000 through May 2002

AE performed decommissioning activities at the Seaholm Power Plant to help prepare the power plant buildings for future reuse. The equipment dismantling, decontamination, lead and asbestos abatement, and waste disposal activities completed during this time included the following:

- Power-generation equipment was dismantled and removed from the Seaholm Power Plant buildings for disposal, except for pieces of equipment that were left in place for aesthetic value or that were impractical to remove.

- PCB-contaminated equipment that was dismantled and removed during the project was either decontaminated according to the procedure of 40 CFR 761 and then transported for salvage/recycling, or was transported to a Toxic Substance Control Act (TSCA)- permitted landfill for disposal.
- Asbestos was abated from dismantled equipment components as necessary to render the equipment in a condition acceptable for disposal.
- Equipment that formerly contained or was contaminated with mercury was either decontaminated or handled and disposed of as a hazardous waste. Free-flowing mercury was drained from equipment and transported to a recycling center.
- Asbestos was abated from building surfaces, including boiler walls, pipe insulation, floor tiles, and gaskets.
- Lead based paint was abated from building surfaces, including exterior boiler walls, boiler walkways and handrails, stacks, and large-diameter pipes that remain in place.
- The Demineralization Building, Fuel Gas Evaluation Building, and the Lube Gun Cleaning Room were demolished.

4.6 Phase I PCB Remediation – August 2000 through May 2002

AE performed decommissioning activities at the Seaholm Power Plant from August 2000 through May 2002 to help prepare the power plant buildings for future reuse. This phase of the project included the activities performed to address the presence of PCBs on surface and materials in the power plant's Generation Building, Water Intake Structure, and Water Pump Room. This activity includes the following:

- Collecting investigation data.
- Collecting additional characterization sampling.
- Performing PCB-related remediation activities.

4.7 LBP and ACM Abatement – August 2000 through May 2002

AE conducted remedial investigation and abatement activities concerning LBP and ACM in the Seaholm Power Plant area. The following abatement activities were performed:

- Asbestos was abated from dismantled equipment components, as necessary, to render the equipment acceptable for disposal.
- Asbestos was abated from building surfaces, including boiler walls, pipe insulation, floor tiles, and gaskets.
- LBP was abated from building surfaces, including boiler walls, boiler walkways and handrails, stacks, and large-diameter pipes that remained in place.

- The abated LBP and ACM waste was handled, transported, and disposed of in accordance with the appropriate regulatory standards.

4.8 PCB Remediation Presentation to the EPA – July 2002

AE presented a revised cleanup plan incorporating fiber-reinforced epoxy and PCB-based paint removal. The EPA accepted the revised cleanup plan in *PCB Risk-based Cleanup PCB Conditions of Approval Letter* (EPA, 2003).

4.9 PCB and Mercury Remediation Phase II – March 2005 through September 2005

AE performed remediation activities at the Seaholm Power Plant to help prepare the power plant buildings for future reuse. The following remediation activities were performed:

- PCB-based paint was removed from the GB walls and lower ceiling and Water Intake Structure walls and ceiling.
- PCB contaminated concrete was pressure washed, removed, and/or encapsulated in the GB.
- LPB was removed from the roof drains in the GB.
- PCB was removed from the overhead crane, including carriage, rails, and cables.
- General cleaning of the boilers, trenches, and sumps.

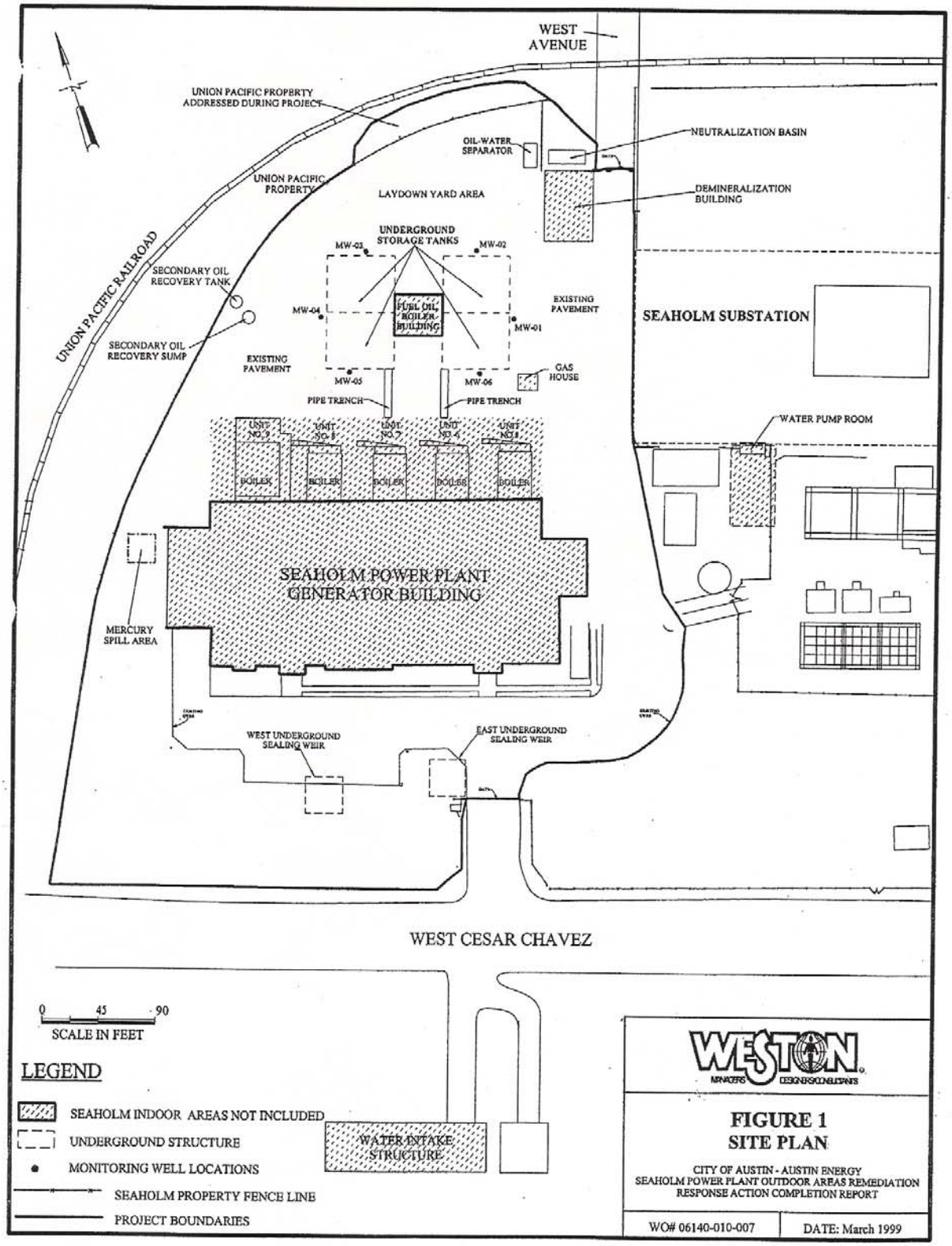
5.0 Relevant Documents

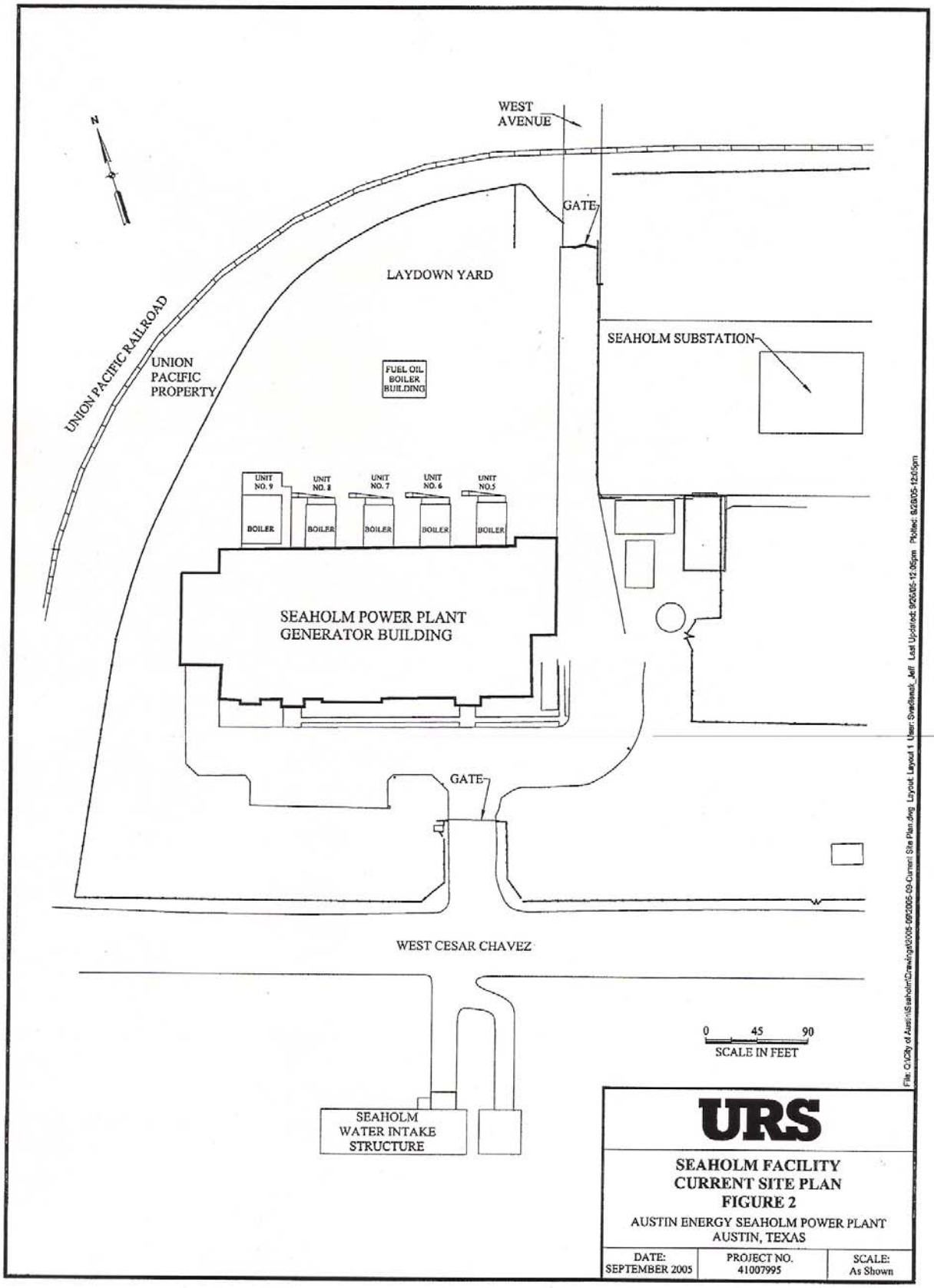
The following is a list of relevant document associated with the decommissioning, dismantling, and remediation of the Seaholm Power Plant:

- *Seaholm Soil Analysis Report* (Hill Country Environmental, 1996).
- *Seaholm Comprehensive Environmental Assessment Report for the Seaholm Power Plant* (Weston Solutions, Inc. [Weston], 1997).
- *Seaholm Substation Response Action Completion Report* (Weston, 1998).
- *Response Action Work Plan for the Laydown Yard, Mercury Spill Area, Fuel Oil UST Area, and Sealing Weir* (Weston, 1998).
- *Site Investigation Report for the Laydown Yard, Mercury Spill Area, Fuel Oil UST Area, and Sealing Weir* (Weston, 1998).
- *Additional PCB and Mercury Investigation Report for the Generator Building, Water Intake Structure, and Water Pump Room at the Seaholm Power Plant* (Weston, 2000).
- *Response Action Completion Report Laydown Yard, Mercury Spill Area, Fuel Oil UST Area, and Sealing Weir Investigation and Remediation* (Weston, 2000).
- *Summary of Lead and Asbestos Abatement Activities* (ERC, 2002).

- *Summary of Equipment Dismantling and Decontamination* (Weston, 2002).
- *Phase I PCB Remediation* (Weston, 2002).
- *PCB Risk-Based Cleanup PCB Conditions of Approval* (EPA, 2003).
- *Response Action Completion Report for Lead-Based Paint and Asbestos Abatement Volume III* (URS, 2003).
- *Mercury Vapor Sampling Procedures and Results* (URS, 2005).
- *Human Health Risk Evaluation of Mercury in Concrete* (URS, 2005).
- *Phase II Seaholm PCB and Mercury Remediation Volume 4* (URS, 2005).
- *Seaholm Operation and Maintenance Plan 1 Volume 5* (URS, 2005).
- *Seaholm Operation and Maintenance Plan 2 Volume 5* (URS, not yet published).
- *Phase II Seaholm PCB and Mercury Remedial Activities Summary* (URS, not yet published).

Attachment 1 – Site Plan


WEST AVENUE
UNION PACIFIC PROPERTY ADDRESSED DURING PROJECT
OIL-WATER SEPARATOR
NEUTRALIZATION BASIN
UNION PACIFIC PROPERTY
LAYDOWN YARD AREA
DEMINERALIZATION BUILDING
UNDERGROUND STORAGE TANKS
MW-03
MW-02
UNION PACIFIC RAILROAD
SECONDARY OIL RECOVERY TANK
MW-04
FUEL OIL BOILER BUILDING
EXISTING PAVEMENT
MW-01
SEAHOLM SUBSTATION
SECONDARY OIL RECOVERY SUMP
EXISTING PAVEMENT
MW-05
MW-06
GAS HOUSE
PIPE TRENCH
PIPE TRENCH
WATER PUMP ROOM
UNIT NO. 9
UNIT NO. 8
UNIT NO. 7
UNIT NO. 4
UNIT NO. 1
BOILER
BOILER
BOILER
BOILER
BOILER
SEAHOLM POWER PLANT GENERATOR BUILDING
MERCURY SPILL AREA
WEST UNDERGROUND SEALING WEIR
EAST UNDERGROUND SEALING WEIR
WEST CESAR CHAVEZ
0 45 90
SCALE IN FEET
LEGEND
SEAHOLM INDOOR AREAS NOT INCLUDED
UNDERGROUND STRUCTURE
MONITORING WELL LOCATIONS
SEAHOLM PROPERTY FENCE LINE
PROJECT BOUNDARIES
WATER INTAKE STRUCTURE
WESTON
MANAGERS DESIGNERS/CONSULTANTS
FIGURE 1
SITE PLAN
CITY OF AUSTIN - AUSTIN ENERGY
SEAHOLM POWER PLANT OUTDOOR AREAS REMEDIATION
RESPONSE ACTION COMPLETION REPORT
WO# 06140-010-007
DATE: March 1999


N
WEST AVENUE
GATE
LAYDOWN YARD
UNION PACIFIC RAILROAD
UNION PACIFIC PROPERTY
FUEL OIL BOILER BUILDING
SEAHOLM SUBSTATION
UNIT NO. 9
UNIT NO. 8
UNIT NO. 7
UNIT NO. 6
UNIT NO.5
BOILER
BOILER
BOILER
BOILER
BOILER
SEAHOLM POWER PLANT GENERATOR BUILDING
GATE
WEST CESAR CHAVEZ
0 45 90
SCALE IN FEET
SEAHOLM WATER INTAKE STRUCTURE
URS
SEAHOLM FACILITY
CURRENT SITE PLAN
FIGURE 2
AUSTIN ENERGY SEAHOLM POWER PLANT
AUSTIN, TEXAS
DATE: SEPTEMBER 2005
PROJECT NO. 41007995
SCALE: As Shown

Attachment 2 – Current Environmental Conditions Table

Table 1. Current Environmental Conditions Table

Site Name/ Site No./Area of Interest	Remedial Action Taken	Residual Contaminants of Concern (COCs)	Status	Cleanup Standard	Institutional Control(s) (Type/Purpose /Location)
Seaholm Power Plant					
Exterior a) Mercury Spill Area b) Secondary Oil Recovery Sump Area c) Laydown Yard d) Union Pacific Railroad Property (off-site) e) Four concrete fuel oil underground storage tanks f) Two underground sealing weirs g) Oil-water separator				TCEQ has regulatory authority for all exterior areas. Under the TCEQ Voluntary Cleanup Program (VCP) Austin Energy demonstrated cleanup activities have attained the standards for Risk Reduction Standard No. 2 for residential land use.	

Table 1. Current Environmental Conditions Table

Site Name/ Site No./Area of Interest	Remedial Action Taken	Residual Contaminants of Concern (COCs)	Status	Cleanup Standard	Institutional Control(s) (Type/Purpose /Location)
Seaholm Power Plant					
Exterior a) Mercury Spill Area b) Secondary Oil Recovery Sump Area c) Laydown Yard d) Union Pacific Railroad Property (off-site) e) Four concrete fuel oil underground storage tanks f) Two underground sealing weirs g) Oil-water separator				TCEQ has regulatory authority for all exterior areas. Under the TCEQ Voluntary Cleanup Program (VCP) Austin Energy demonstrated cleanup activities have attained the standards for Risk Reduction Standard No. 2 for residential land use.	

Site Name/ Site No./Area of Interest	Remedial Action Taken	Residual Contaminants of Concern (COCs)	Status	Cleanup Standard	Institutional Control(s) (Type/Purpose /Location)
Seaholm Power Plant					
Mercury Spill Area Secondary Oil Recovery Sump Area Laydown Yard Union Pacific Railroad Property (off-site)	Soil excavation and off site disposal for the Mercury Spill Area, Secondary Oil Recovery Sump Area, Laydown Yard, and Union Pacific Railroad Property (off-site)	**Soils:** PCBs (total)(on-site): <8.7 mg/kg[a] Total Petroleum Hydrocarbons (TPH)<139 mg/kg Mercury < 4.08 mg/kg [b] Lead < 90.7 mg/kg [b] Cadmium < 1.7 mg/kg [b] Chromium < 11 mg/kg [b] Barium < 63.7 mg/kg[b] Arsenic < 13.3 mg/kg [b] Benzo(a)pyrene < 0.49 mg/kg [b] Benzo(a)anthracene < 0.035 mg/kg [b] Benzo(b)fluoranthene < 0.9 mg/kg [b] Dibenzo(a,h)anthracene < 0.25 mg/kg [b] Indeno(1,2,3-cd)pyrene < 0.25 mg/kg [b] **Groundwater**: N/A. No releases to groundwater	Completed	Risk Reduction Standard (RRS) No. 2 for residential use (see footnotes for additional explanations)	In accordance with the TCEQ Voluntary Cleanup Program (VCP) requirements of §333.9, Deed Certification, Austin Energy will satisfy the Texas Risk Reduction Program (TRRP) institutional control requirements with filing of the VCP Certificate of Completion issued on January 9, 2004

Site Name/ Site No./Area of Interest	Remedial Action Taken	Residual Contaminants of Concern (COCs)	Status	Cleanup Standard	Institutional Control(s) (Type/Purpose /Location)
Seaholm Power Plant					
Four concrete fuel oil underground storage tanks	Cleaning, partial demolition, and in-place closure of four concrete fuel oil underground storage tanks.	**Soils:** TPH<53 mg/kg **Groundwater:** N/A. No releases to groundwater	Completed	TPH>1450 mg/kg	same as above
Two underground sealing weirs	Cleaning of two underground sealing weirs	PCBs <1.0 ug/100 cm^2	Completed	PCBs >10 ug/100 $cm^{2(c)}$	same as above
Oil-water separator	Cleaning of oil-water separator	PCBs <4.1 ug/100 cm^2	Completed	PCBs >10 ug/100 $cm^{2(c)}$	same as above

Site Name/ Site No./Area of Interest	Remedial Action Taken	Residual Contaminants of Concern (COCs)	Status	Cleanup Standard	Institutional Control(s) (Type/Purpose /Location)
Seaholm Power Plant					
Interior a) Generator Building turbine hall walls and lower ceiling and Water Intake Structure walls and ceiling b) Concrete from the Generator Building and Water Intake Structure c) Asbestos and lead paint from building structures d) Dismantled or decontaminated equipment				Under the Toxic Substances Control Act (TSCA) EPA has regulatory jurisdiction for polychlorinated biphenyls (PCBs) as per the regulations of 40 Code of Federal Regulation (CFR) Part 761. (See footnotes for additional explanations)	
Generator Building turbine hall walls and lower ceiling Water Intake Structure walls and ceiling	PCB-based paint was abated from the Generator Building turbine hall walls and lower ceiling and from the Water Intake Structure walls and ceiling.	PCB<18.9 mg/kg	Completed. Closure Reports were completed in December 2005.	PCB>50 mg/kg [(d)]	A deed notice will be filed with the Travis County Clerk referencing an Operations and Maintenance Plan (O&M Plan). The O&M Plan will describe where PCB-affected paint with concentrations <50 mg/kg are located in the Generator Building.

Site Name/ Site No./Area of Interest	Remedial Action Taken	Residual Contaminants of Concern (COCs)	Status	Cleanup Standard	Institutional Control(s) (Type/Purpose /Location)
Seaholm Power Plant					
Concrete from the Generator Building and Water Intake Structure	PCB-contaminated concrete was removed from the Generator Building and Water Intake Structure.	PCBs>3470 mg/kg [e]	Completed. Closure Reports were submitted to the EPA in December 2005.	PCB>1 mg/kg [f]	As required under 40 CFR §761.61(a)(8), and included in the PCB cleanup workplan approved by EPA Region 6, a deed notice will be filed with the Travis County Clerk referencing an O&M Plan. The O&M Plan will describe where PCBs above the unrestricted use level are located in the Generator Building and how to handle the PCBs in the future if their encapsulant is disturbed and/or altered. The O&M Plan will be submitted to the EPA and provided to the new users of the facility.

Site Name/ Site No./Area of Interest	Remedial Action Taken	Residual Contaminants of Concern (COCs)	Status	Cleanup Standard	Institutional Control(s) (Type/Purpose /Location)
Seaholm Power Plant					
Asbestos in building structures	Asbestos containing material (ACM) was abated from dismantled equipment components as necessary to render the equipment acceptable for disposal. Regulated and non-regulated ACM was abated from building surfaces, including, but not limited to, boiler walls, insulation, floor tiles, boiler bricks, and gaskets. [g]	ACM is present in inaccessible areas in the Generator Building, Water Intake Structure, and Water Pump Room. [h]	Completed. Closure Report completed in 2002.	ACM > 1% friable [i]	A deed notice will be filed with the Travis County Clerk referencing an O&M Plan. The O&M Plan will describe where ACM are located in the Generator Building.
Lead paint in building structures	Lead-based paint was abated from building surfaces, including exterior boiler walls, boiler walkways and handrails, stacks, and large diameter pipes that remain in place.	Lead-based paint is present on building surfaces in the WIS, Water Pump Room, and Fuel Oil Building including the doorframe surrounding the elevator shaft on the turbine and roof levels in the GB and a handrail support on the mezzanine level in the GB.	Completed. Closure Report completed in 2002.	Lead-based paint > 1 mg/cm^2, 5,000 mg/kg, or 5% by weight [j]	A deed notice will be filed with the Travis County Clerk referencing an O&M Plan. The O&M Plan will describe where LBP is located in the Generator Building, Water Intake Structure, Water Pump Room, and Fuel Oil Room.

Site Name/ Site No./Area of Interest	Remedial Action Taken	Residual Contaminants of Concern (COCs)	Status	Cleanup Standard	Institutional Control(s) (Type/Purpose /Location)
Seaholm Power Plant					
Dismantled or decontaminated equipment	Equipment that formerly contained or was contaminated with mercury was either decontaminated or handled and disposed of as hazardous waste. Free flowing mercury was drained from equipment and transported to a recycling facility. (k)	Equipment: None	Completed. Closure Reports are in production and will be completed in early 2006	Equipment: visual	
		Concrete: vapor sampling mercury < 0.793 ug/m3 (b)	Vapor sampling demonstrated that the mercury was not a health risk. O&M Plan to be completed in early 2006.	Concrete: vapor sampling mercury 0.9 ug/m3 (b)	

Footnotes:

(a) - The value of 8.7 mg/k is based on site-specific leachate testing that demonstrated that a concentration of 13.1 mg/kg did not exceed RRS no. 2 groundwater medium specific concentration (MSC) for residential use, and is also below the soil MSC of 10 mg/kg for residential use based on inhalation, ingestion, and dermal contact.

(b) - This value is based on site-specific leachate testing (synthetic precipitation leachate procedure (SPLP)) to derive a site-specific ground water MSC for residential use.

(c)- TCEQ RRS reference 40 CFR 761.125 (Requirements for PCB spill cleanup)

(d) – 40 CFR 761 regulates paint having PCB concentrations 50 mg/kg or more. Paint having less than 50 mg/kg can remain in service and future actions such as removal and disposal are not regulated under TSCA.

(e) - PCBs > 1 ppm were left in place and capped with fiber-reinforced epoxy per the EPA-approved cleanup plan.

(f) - Based on the PCB Risk-based Cleanup PCB Conditions of Approval Letter (EPA, July 2003).

(g) - Austin Energy specified that any non-regulated ACM (i.e., non-ACM bricks from the boilers lined with ACM insulation and fiberglass insulation) be considered contaminated with asbestos and, therefore removed, handled, and disposed of under ACM abatement specifications.

(h) - Remaining ACM is described in the Summary of Lead and Asbestos Abatement Activities (ERC, 2002).

(i) - National Emission Standards for Air Pollution (NESHAP) and State regulations.

(j) - The Department of Housing and Urban Development guideline.

(k) - Per the Mercury Vapor Sampling Procedure and Results (URS, July 2005) and Human Health Risk Evaluation of Mercury in Concrete (URS, August 2005) the remaining mercury in concrete is at acceptable levels.

(l) - Mercury vapor cleanup standard is the TDSHS standard for work environments.

Attachment 3 – TCEQ Voluntary Cleanup Program Certificate of Completion

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Margaret Hoffman, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 15, 2004

Mr. Jay Rollo
Austin Energy
721 Barton Springs Road
Austin, Texas 78704

Re: Seaholm Power Plant located at 800 West Caesar Chavez, Austin, Travis County; Voluntary Cleanup Program (VCP) No. 283

Dear Mr. Rollo:

The Texas Commission on Environmental Quality (TCEQ) has reviewed the report entitled *"Response Action Completion Report"* as well as other requested information. The information provided in the report demonstrates attainment of Risk Reduction Standard (RRS) No. 2 in accordance with 30 Texas Administrative Code (TAC) §335.555. Therefore, the TCEQ agrees that no further action is necessary and issues the enclosed Certificate of Completion (COC).

Response actions attaining RRS No. 2 must record such facts in the real property records of the county in which the site is located in accordance with 30 TAC Chapter 335, Subchapter S (i.e., Risk Reduction Rules). By filing the COC in the real property records pursuant to 30 TAC §333.9, VCP applicants satisfy this requirement.

Please submit proof of filing the COC in the real property records no later than 60 days from the date of this letter to my attention at the TCEQ, Voluntary Cleanup Section, mail code MC-221, at the letterhead address. You may contact me with any questions or comments you have at (512) 239-5872.

Sincerely,

Mike Frew, Project Manager
Voluntary Cleanup Section
Remediation Division

MF/ts

Enclosures

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

VOLUNTARY CLEANUP PROGRAM
FINAL CERTIFICATE OF COMPLETION

As provided for in §361.609, Subchapter S, Solid Waste Disposal Act (SWDA), Texas Health and Safety Code.

I, JACQUELINE S. HARDEE, P.E., DIRECTOR OF THE REMEDIATION DIVISION, TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ), CERTIFY UNDER §361.609, SWDA, TEXAS HEALTH AND SAFETY CODE, THAT NECESSARY RESPONSE ACTIONS HAVE BEEN COMPLETED FOR VCP NO. 283 AS OF DECEMBER 8, 2003 FOR THE TRACT(S) OF LAND DESCRIBED IN EXHIBIT "A". CERTIFICATION IS BASED ON THE AFFIDAVIT OF COMPLETION OF RESPONSE ACTION, EXHIBIT "B" AND ON ADDITIONAL SITE INFORMATION MAINTAINED IN TCEQ FILES. AN APPLICANT WHO ON THE DATE OF APPLICATION SUBMITTAL WAS NOT A RESPONSIBLE PARTY UNDER §361.271 OR §361.275(g) SWDA, AND ALL PERSONS (e.g., FUTURE OWNERS, FUTURE LESSEES, FUTURE OPERATORS AND LENDERS) WHO ON THE DATE OF ISSUANCE OF THIS CERTIFICATE WERE NOT RESPONSIBLE PARTIES UNDER §361.271 OR §361.275(g), SWDA ARE QUALIFIED TO OBTAIN THE PROTECTION FROM LIABILITY PROVIDED BY §361.610, SUBCHAPTER S, SWDA.

EXECUTED this 9th *day of* January, 2004

Jacqueline S Hardee

Jacqueline S. Hardee, P.E., Director
Remediation Division

STATE OF TEXAS
TRAVIS COUNTY

BEFORE ME, on this the 9th day of January, personally appeared Jacqueline S. Hardee, P.E., Director, Remediation Division, of the Texas Commission on Environmental Quality, known to me to be the person and agent of said commission whose name is subscribed to the foregoing instrument, and she acknowledged to me that she executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 9th day of January, 2004

Tamara M Svjagintsev

Notary Public in and for the State of Texas

NOTARY PUBLIC STATE OF TEXAS
TAMARA M. SVJAGINTSEV
MY COMMISSION EXPIRES
JULY 27, 2005

EXHIBIT "A"

International and Great
Northern Railroad
to
The City of Austin
(Correction Deed)

FIELD NOTES

FIELD NOTES FOR 4.746 ACRES OF LAND, SAME BEING PARTLY OUT OF AND A PART OF LOTS 3 AND 4, BLOCK 6, RAYMOND PLATEAU, A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, OF RECORD IN BOOK 1 AT PAGE 30 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND PARTLY OUT OF AND A PART OF THAT CERTAIN TRACT OF LAND OUT OF OUTLOT 11, DIVISION Z, OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO A MAP OR PLAT OF SAID GOVERNMENT OUTLOTS ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, WHICH LOTS 3 AND 4, BLOCK 6, AND THE TRACT OF LAND WERE CONVEYED TO THE INTERNATIONAL AND GREAT NORTHERN RAILROAD COMPANY BY WARRANTY DEED DATED APRIL 17, 1877, OF RECORD IN VOLUME 37 AT PAGE 423 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 4.746 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a steel pin set at the intersection of the north line of the Sand Beach Reserve with the west line of West Avenue, for the southeast corner of the herein described tract of land;

THENCE, with said north line of the Sand Beach Reserve, N 43° 04' 36" W 453.44 feet to a steel pin found at the most westerly corner of the herein described tract of land;

THENCE, N 28° 11' 24" E 126.30 feet to a steel pin set at the point of curvature of a non-tangent curve having an angle of intersection of 42° 09', a radius of 445.00 feet and a tangent distance of 171.49 feet;

THENCE, along said curve to the right an arc distance of 327.37 feet, the long chord of which arc bears N 43° 45' 00" E 320.00 feet to a steel pin set at the point of compound curvature between the aforementioned curve and another curve to the right having an angle of intersection of 39° 46', a radius of 397.56 feet and a tangent distance of 143.78 feet;

THENCE, along said curve to the right an arc distance of 275.93 feet, the long chord of which arc bears N 84° 43' 00" E 270.43 feet to a steel pin set at the most northerly corner of the herein described tract of land, same being a point in the aforesaid west line of West Avenue, and from which point the intersection of the westerly prolongation of the south line of West 3rd Street with said west line of West Avenue bears N 19° 00' 00" E 10.00 feet;

THENCE, with said west line of West Avenue, S 19° 00' 00" W 738.84 feet to the point of beginning.

FIELD NOTES: William O. Schramm
01/16/86

APPROVED:

Marvin Shelton

Marvin Shelton, R. P. S.
Chief Surveyor
Department of Public Works

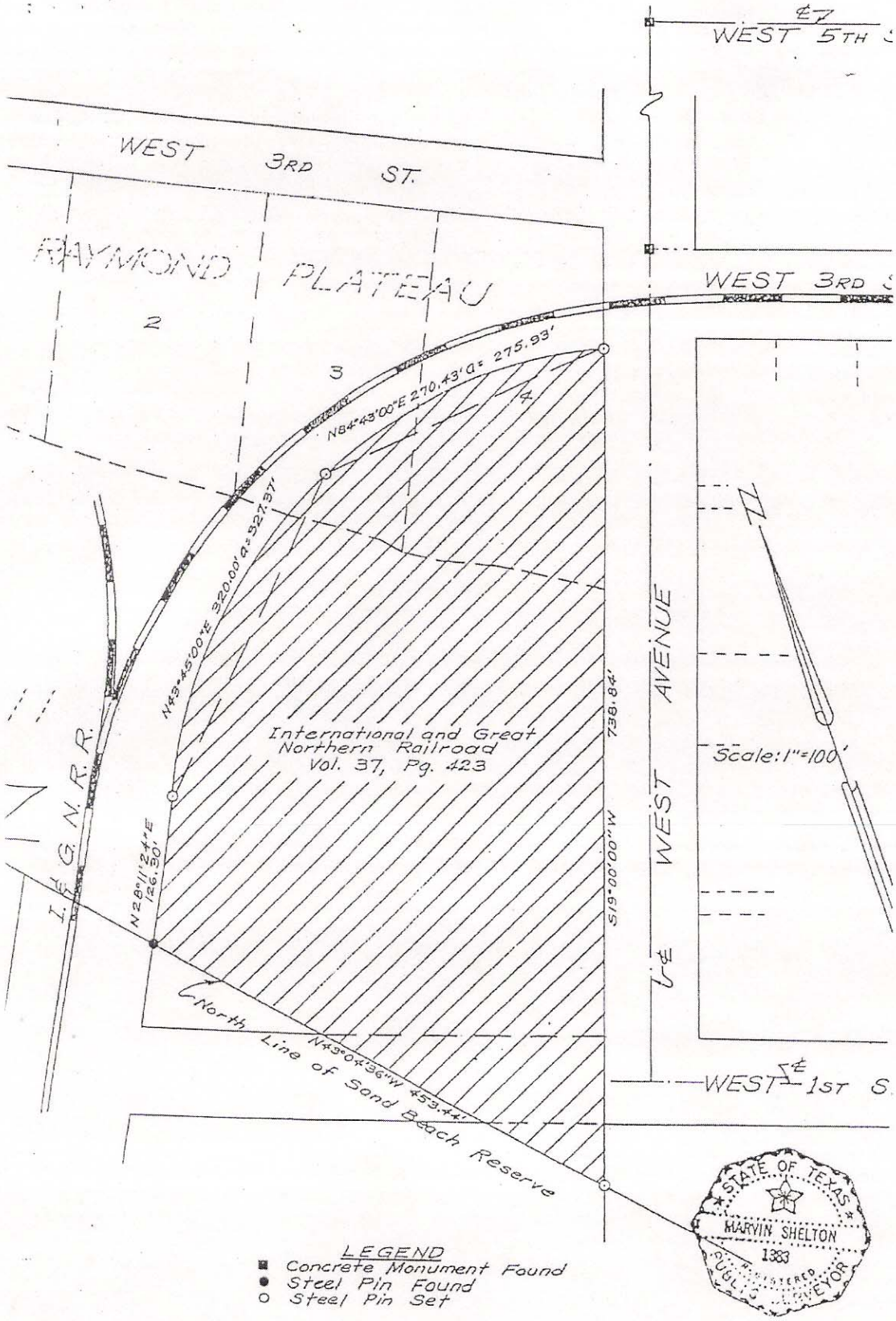
FIELD WORK: T. Thompson
F. B. 3712, Pgs. 17-20

References
2-G-100
2-I-9 (Bearing Basis)
Section Maps 12 & 99
Austin Grid H-22-2 & 3

STATE OF TEXAS
MARVIN SHELTON
1383
REGISTERED
PUBLIC SURVEYOR

br

sand beach
HOKER



LEGEND
- ■ Concrete Monument Found
- ● Steel Pin Found
- ○ Steel Pin Set

Area Involved In Deed of Correction
International and Great Northern Railroad
to The City of Austin
(Bearing Basis 2-I-9)

Marvin Shelton

EXHIBIT "B"
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
VOLUNTARY CLEANUP PROGRAM
AFFIDAVIT OF COMPLETION OF RESPONSE ACTION

The City of Austin Electric Utility Department (Applicant) has completed response actions, if necessary, pursuant to Chapter 361, Subchapter S, SWDA, at the tract of land described in Exhibit "A" to this certificate that pertains to *Seaholm Power Plant* (Site), VCP No. 283 located at 800 West Cesar Chavez in Austin (Travis County) Texas. The Site was owned by City of Austin Electric Utility Department at the time the application to participate in the Voluntary Cleanup Program was filed. The Applicant has submitted and received approval from the Texas Commission on Environmental Quality (TCEQ) Voluntary Cleanup Section on all plans and reports required by the Voluntary Cleanup Agreement. The plans and reports were prepared using a prudent degree of inquiry of the Site consistent with accepted industry standards to identify all hazardous substances, waste and contaminated media of regulatory concern. The response actions for the Site have achieved response action levels acceptable for *Residential* land use as determined by the standards of the TCEQ. The response action eliminated substantial present or future risk to public health and safety and to the environment from releases and threatened releases of hazardous substances and/or contaminants at or from the Site. The Applicant has not acquired this certificate of completion by fraud, misrepresentation or knowing failure to disclose material information. Further information concerning the response action at this Site may be found in the final report at the central office of the TCEQ under VCP No. 283.

The preceding is true and correct to the best of my knowledge and belief

Applicant

By: [signature]
Print Name: JAY E. ROLLO

STATE OF Texas
COUNTY OF Travis

This instrument was acknowledged before me on 17th, 2003 by Jay Rollo

[signature]
Notary Public in and for the State of Texas

BELINDA BAYARENA
Notary Public
State of Texas
My Commission Expires
October 19, 2007

Attachment 4 - EPA Region 6 PCB Risk-Based Clean-up, PCB Conditions of Approval for Seaholm Power Plant

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JUL 03 2003

CERTIFIED MAIL- RETURN RECEIPT REQUESTED

Mr. Oscar Backus
Manager
Environmental and Technical Support Services
Austin Energy
Town Lake Center
721 Barton Springs Road
Austin, Texas, 78704-1194

Dear Mr. Backus:

On July 18, 2002, you applied to the U. S. Environmental Protection Agency (EPA) Region 6 Office for approval of a polychlorinated biphenyl (PCB) risk-based clean-up and decontamination plan pursuant to 40 CFR § 761.61(c) for a PCB contaminated concrete floor in the Generator Building at the Seaholm Power Plant located in Austin, Texas. The EPA proposed to approve the plan on March 27, 2003. A Public Notice announcing the proposal was published in the Austin American Statesman on April 2, 2003, which opened a 45-day comment period. No comments were received during the comment period. The EPA hereby grants approval to the plan subject to the enclosed Conditions of Approval.

After review of the application, investigation in the field, and the subsequent submittal dated November 27, 2002, EPA finds that the clean-up and decontamination of the PCB contaminated concrete in accordance with the enclosed Conditions of Approval will not pose an unreasonable risk to human health or the environment during future planned use of the facility. Factors that led EPA to approve this application are discussed below:

1. **History and Extent of PCB Contamination:** The Seaholm Power Plant Generator Building was used for the generation of electrical power, but is now being renovated by Austin Energy for an alternate use. During the course of operation, PCB contamination of the concrete floors occurred as a result of spills from PCB Items such as electrical transformers. PCBs were also found in wall paint and the Water Intake Structure which are being remediated through an EPA approval dated December 14, 2001. Austin Energy conducted an extent of contamination study by taking concrete core samples for analysis. The results of the study showed that PCB contamination exists at various concentrations on the Turbine Floor, the Mezzanine Floor, and the Basement Floor. Maps of the grids and PCB concentrations were included in the application.

2. Proposed PCB Clean-up Plan: Austin Energy has proposed to remove PCB concentrations from the contaminated concrete down to 10 parts per million (ppm) by removal of the contaminated concrete down to rebar if necessary. If the PCB concentration after concrete removal is less than 1.0 ppm, the concrete floor will be restored to its original surface level. If the PCB concentration is greater than or equal to 1.0 ppm after concrete removal, the floor will be restored to just below original concrete surface and then capped with reinforced epoxy matting. This matting has been shown by the manufacturer to be resistant to infiltration of PCBs. The remediated floor will be color coded to show where PCB contamination exists ≥ 1.0 ppm. The final PCB concentrations will be recorded by grid maps, and the site deed recorded in accordance with the PCB regulations. An Operating and Maintenance (O&M) guidance manual will be provided to the new users of the facility to maintain the epoxy mat.

Austin Energy must abide by the conditions of this approval which become effective on the date of this letter. If you have questions or comments, please contact Mr. James Sales of my staff at (214) 665-6796.

Sincerely yours,

Carl E. Edlund, P.E.
Director
Multimedia Planning and
Permitting Division

Enclosure

cc: Mr. Wade Wheatley, Texas Commission on Environmental Quality

PCB RISK-BASED CLEAN-UP
PCB CONDITIONS OF APPROVAL
(40 CFR 761.61(c))

FOR

Seaholm Power Plant
Austin, Texas

The terms and abbreviations in these conditions are in accordance with those defined in 40 CFR § 761.3 unless otherwise noted. The term "Facility" hereinafter refers to the Seaholm Power Plant located at Austin, Texas.

I. LOCATION OF FACILITY

The Facility is located at 800 Cesar Chavez Avenue, Austin, Texas.

II. AREAS AUTHORIZED FOR PCB CLEAN-UP

The Facility is authorized to clean up the PCB contaminated concrete surfaces in the Generator Building as identified in the plan dated July 18, 2002, and the subsequent submittal dated November 27, 2002.

III. PCB CLEAN-UP AND DECONTAMINATION CONDITIONS

A. Clean-up Requirements

1. The cleanup standard goal for PCB contaminated surfaces in the Generator Building is ≤10 ppm (bulk concentration).

2. Grids with PCB levels ≥ 1.0 ppm and ≤10.0 ppm must be pressure washed (to remove surface dust and to prepare the surface) and capped with a fiber-reinforced epoxy cap (Tyfo® SEH 51 by Aerospace Corporation). The mat must be installed in accordance with the specifications included in the application of July18, 2002.

3. Concrete removal from all grids ≥10.0 ppm PCBs must be conducted as follows:

   a. the maximum depth of removal is 1.0 inch which is the approximate depth to the top of the rebar;

   b. depth of "first cut" concrete removal must be based on surface concentration and interpolation from the coring data;

c. "second cut" concrete removal must be performed on grids if verification samples are ≥ 10.0 ppm and first cut did not contact rebar; and

d. the failing grids must receive a second cut of concrete removal with depths based on failing verification sample results.

4. Concrete restoration must be conducted as follows based on failing verification results:

a. the floor must be restored to original concrete surface if the PCB concentration is < 1.0 ppm;

b. the floor must be restored to just below original concrete surface and then capped with reinforced epoxy matting if the PCB concentration is ≥1.0 ppm and ≤ 10.0 ppm; and

c. the floor must be restored to just below original concrete surface and then capped with reinforced epoxy matting if the PCB concentration is ≥10.0 ppm and final at-depth cut reached rebar.

5. The Facility must adhere to the Dust Control requirements submitted to EPA on November 27, 2002.

6. The Facility must adhere to the Remediation of Concrete and Other Building Surfaces and Concrete Surface Removal and Restoration requirements submitted to EPA on November 27, 2002.

7. The remediated floor must be color coded to show where PCB concentrations exist at ≥ 1.0 ppm.

B. <u>Post-Clean-up Requirements</u>

The Facility must deed record the Seaholm Power Plant in accordance with 40 CFR § 761.61(a)(8), and provide a long-term PCB Operation and Maintenance (O&M) plan to future users of the Generator Building that contains the following:

1. a map showing the locations and PCB concentration of the grids where PCBs remain in concrete at levels ≥1.0 ppm;

2. the health and safety and waste management requirements to be used if construction is conducted in these grids at any time during the future use of the building;

3. O&M procedures for the fiber-reinforced epoxy cap; and

4. A copy of the deed record and the O&M guidance manual must be submitted to EPA within 90 days of completion of the project.

C. Final Report

After the clean-up and decontamination project is completed, the Facility must submit a final report to EPA Region 6 OK/TX RCRA Permits Section detailing the final actions taken to remediate the PCB-contaminated concrete surfaces. The report must contain copies of PCB verification analysis of the contaminated surfaces and a color coded map indicating the final PCB concentrations at the contaminated grid points. The report must be submitted within 60 days of completion of the project.

IV. STANDARD APPROVAL CONDITIONS

A. Severability

The conditions of this authorization are severable, and if any provision of this authorization, or any application of any provision, is held invalid, the remainder of this authorization must not be affected thereby.

B. Duty to Comply

The Facility must comply with all Federal, State, and local regulations, approvals, and permits.

C. Personnel Safety

Facility personnel safety requirements and procedures for PCB handling, storage, transport, and disposal must comply with OSHA requirements.

D. Duty to Mitigate

The Facility must correct any adverse impact on the environment resulting from noncompliance with this approval.

E. Duty to Provide Information

The Facility must provide any relevant information which EPA may request to determine whether cause exists for modifying, revoking, reissuing, or terminating this approval, or to determine compliance with this approval. The Facility must also provide, upon request, copies of records required to be kept pursuant to the TSCA PCB regulations.

F. Inspection and Entry

The Facility must allow an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. enter the Facility during normal business hours,

2. have access to and copy any records that must be kept under the TSCA PCB regulations,

3. inspect any equipment, practices, or operations required under this approval or the TSCA PCB regulations, or

4. sample or monitor for the purpose of assuring that the Facility is in compliance with the conditions of this approval or the TSCA PCB regulations.

G. Monitoring and Records

The Facility must comply with all monitoring and record keeping requirements for PCB closure sites in accordance with Section 761.125(c)(5) (please refer to Section 761.61(a)(3), (a)(4), and (a)(5) for the kind of information needed for the records).

H. Effective Date

This approval becomes effective on the date of the approval letter. Clean-up and decontamination required under conditions of this approval must be completed within 180 days of commencement of PCB remediation activities. The Facility may request an extension of the completion date from the EPA Region 6 OK/TX RCRA Permits Section if more time is required to complete the project. The Facility must notify the EPA Region 6 OK/TX RCRA Permits Section in writing thirty (30) days before commencing remediation activities.

END OF APPROVAL CONDITIONS

ENCLOSURE 2

RELEVANT DOCUMENTS

Exterior Remedial Actions

- *Seaholm Soil Analysis Report* (Hill Country Environmental, 1996).
- *Seaholm Comprehensive Environmental Assessment Report for the Seaholm Power Plant* (Weston Solutions, Inc. [Weston], 1997).
- *Seaholm Substation Response Action Completion Report* (Weston, 1998).
- *Response Action Work Plan for the Laydown Yard, Mercury Spill Area, Fuel Oil UST Area, and Sealing Weir* (Weston, 1998).
- *Site Investigation Report for the Laydown Yard, Mercury Spill Area, Fuel Oil UST Area, and Sealing Weir* (Weston, 1998).
- *Response Action Completion Report Laydown Yard, Mercury Spill Area, Fuel Oil UST Area, and Sealing Weir Investigation and Remediation* (Weston, 2000).

Interior Remedial Actions

- *Additional PCB and Mercury Investigation Report for the Generator Building, Water Intake Structure, and Water Pump Room at the Seaholm Power Plant* (Weston, 2000).
- *Summary of Lead and Asbestos Abatement Activities* (ERC, 2002).
- *Summary of Equipment Dismantling and Decontamination* (Weston, 2002).
- *Phase I PCB Remediation* (Weston, 2002).
- *PCB Risk-Based Cleanup PCB Conditions of Approval* (EPA, 2003).
- *Response Action Completion Report for Lead-Based Paint and Asbestos Abatement Volume III* (URS, 2003).
- *Mercury Vapor Sampling Procedures and Results* (URS, 2005).
- *Human Health Risk Evaluation of Mercury in Concrete* (URS, 2005).
- *Phase II Seaholm PCB and Mercury Remediation Volume 4* (URS, 2005).
- *Seaholm Operation and Maintenance Plan 1 Volume 5* (URS, 2005).
- *Seaholm Operation and Maintenance Plan 2 Volume 5* (URS, not yet published).
- *Phase II Seaholm PCB and Mercury Remedial Activities Summary* (URS, not yet published).

TCEQ CONTACT

For copies of the documents concerning the exterior remedial actions listed above, please contact:

TCEQ Central Records
P.O. Box 13087
Austin, Texas 78711-3087
(512) 239-2920

EPA REGION 6 CONTACT

For copies of the documents concerning the interior remedial actions listed above, please contact:

Jim Sales
USEPA Region 6
1445 Ross Ave
Dallas, Texas 75202-2733
(214) 665-6796