



CITY OF HOUSTON

John Whitmire

Mayor

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July 18, 2024

Mr. Joseph Proler
Chairman
Houston Housing Authority
2640 Fountain View Drive
Houston, Texas 77057

RE: 800 Middle Street

Dear Chairman Proler:

The purpose of this correspondence is to request that the Houston Housing Authority (“HHA”) place a temporary halt on any plans to allow residents to occupy The Pointe at Bayou Bend apartment complex located at 800 Middle St. until such time as the Phase II Environmental Site Assessment of the remaining acreage of the property is completed and determined to be acceptable. The health and safety of the citizens of Houston is of the utmost importance. It is imperative that the full 21.68 acres property, which includes the southern portion upon which the apartment complex is located, as well as the undeveloped northern portion, is determined to be safe and free of environmental dangers. I am encouraged that the Houston Housing Authority (“HHA”) has engaged a new environmental consultant, Braun Intertec, to complete the Phase II testing of the northern portion of the property.

After ash was discovered on the property, the Texas Commission for Environmental Quality (“TCEQ”) cited HHA for four violations:

1. Failure to ensure the prevention of an imminent threat of discharge of industrial solid waste;
2. Failure to provide notification of ash uncovered during construction to the Houston Regional Office within 24 hours after occurrence;
3. Failure to have a representative sample of the ash waste pile; and
4. Failure to maintain documentation of sampling procedures for the hazardous waste determination and waste classification of ash.

In light of these TCEQ violations, I am greatly concerned with the possibility of residents moving into the apartments at this time: the level of lead discovered is higher than what is safe for the public, the risk of children and adults of accessing the contaminated northern portion of the property, and the ash has not been fully delineated. As a result, we do not know the full extent of the ash contamination on the property.

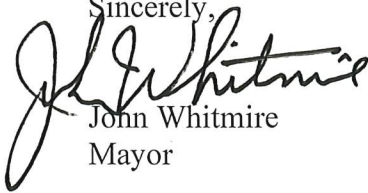
TCEQ has indicated that the submittals by HHA to resolve the violations are insufficient. TCEQ has identified several outstanding corrective actions, as detailed in the Notice of Enforcement Letter dated May 6, 2024. These actions include (1) clear and full delineation of the

ash, (2) continued response actions under the Texas Risk Reduction Program (“TRRP”) to fully remediate the ash as required under TRRP, and (3) development of a sampling plan that incorporates standards within EPA SW-846.

TCEQ will not sign off on the certificate of occupancy until the abovementioned violations are resolved. Any development plans are contingent upon resolution of TCEQ’s Notice of Enforcement. We urge the HHA to prioritize resolving these violations and to work cooperatively with TCEQ to achieve compliance.

As Mayor, my concern for the continued welfare of the citizens of Houston will always be my highest priority. I look forward to resolution of these outstanding environmental issues and allowing this valuable and important project to serve its residents.

Sincerely,



John Whitmire
Mayor

Cc:

Michael C. Nichols
Director
Houston Housing and Community Development Department

Via email

Amy Settemeyer
Deputy Director, Enforcement Division
Texas Commission for Environmental Quality

Via email

Nick Walsh
The NRP Group

Via email

David Northern
President and CEO
Houston Housing Authority

Via email