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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 14, 2010

Mr. James M. Parks
Executive Director
North Texas Municipal Water District
P. O. Box 2408
Wylie, TX 75098-2408

Re: NTMWD 121 Regional Disposal Facility - Collin County
Municipal Solid Waste - Permit No. 2294
Permit Modification – Groundwater Monitoring System
Tracking Nos. 11995152 and 12943332; RN101308781 / CN601365448

Dear Mr. Parks:

We have reviewed your application for a municipal solid waste permit modification dated March 26, 2008, and revisions dated December 21, 2009, requesting to update the groundwater monitoring system for the referenced facility. The application was submitted by you and prepared by The Carel Corporation of Keller, Texas. The purpose of the requested changes is to address the revised groundwater monitoring and corrective action requirements in Title 30 Texas Administrative Code (30 TAC), Chapter 330, Subchapter J that became effective March 27, 2006.

Our review indicates that insufficient information has been provided to demonstrate compliance with 30 TAC Section (§)305.70. Therefore, we are unable to complete processing of your request at this time. Please review and address the following comments:

1. Attachments 4 & 5 - The response to comment #1 (*November 12, 2009 NOD*) stated that the table of contents (TOC) for Attachments 4 and 5 have been sealed. The TOC in Attachment 4 consists of three pages and only page 1 was signed and sealed. A notation should be placed on TOC page 1 that the seal covers TOC pages 2 and 3, or ensure that your consultant sign and seal TOC pages 2 and 3. In addition, the TOC for Attachments 4 and 5 do not have page numbers. The rule 30 TAC §330.57(g)(5) states, *All pages shall contain a page number and date.* Please revise accordingly.
2. Attachment 4 – The last paragraph under Section 9.1 states, in part, *Monitoring well locations are shown in Attachment 1, Drawing 1.6 and Attachment 5, Figure 5.1.* This permit modification did not provide a revised Drawing 1.6 for Attachment 1. Please revise accordingly.
3. Attachments 4 & 5 – Section 9.2 in Attachment 4 and Section 4.2 in Attachment 5 states, in part:

A permit modification application will be submitted for changes to the monitor well locations in the event physical obstacles preclude installations at the proposed locations. The permit application will maintain 600 foot spacing

requirements unless an applicable site-specific technical demonstration is submitted. Additionally, the point of compliance will be located no more than 500 feet from the waste management unit boundary in the event a permit modification application is necessary. [emphasis added]

This revised text seems to imply that the point of compliance may be changed by a permit modification in the event that physical obstacles prevent monitor well installations at the proposed locations. Please understand that after issuance of this permit modification, a change in the point of compliance must be requested as an amendment under 30 TAC §305.62.

The rule 30 TAC §330.403(a)(2) states in part:

When physical obstacles preclude installation of the groundwater monitoring wells at existing units, the wells may be installed at the closest practicable distance to the point of compliance as defined in §330.3 of this title that will ensure detection of groundwater contamination of the uppermost aquifer. [emphasis added]

Please revise Section 9.2 and Section 4.2 to be consistent with this rule.

4. Attachments 4 & 5 – Please clarify the unit value under *Installation timeframe* on Table 4-6 and Table 5-2. In addition, these tables include a footnote that states, *MW-2 and MW-7 will be decommissioned within 120 days of approval of the December 2009 permit modification request.*

Old wells that are being replaced may be plugged upon installation of replacement wells, provided the replacement wells can and will be statistically evaluated at the first monitoring event following their installation. The permit modification issued August 13, 2009 for the Groundwater Sampling and Analysis Plan includes the following condition:

Groundwater monitoring results from new wells at facilities where waste has already been placed shall be evaluated using interwell comparisons after each sampling event during the background data collection period for the new wells, for evidence of releases from the facility.

If a well proposed to be removed is in assessment monitoring or corrective action monitoring status, the well would need to remain and continue to be monitored until the assessment monitoring or corrective action monitoring is complete in accordance with 30 TAC §330.409(e) or §330.415(f). There must not be any lapse in detection monitoring, from the plugging of old wells to the sampling of new wells. Please revise Table 4-6 and Table 5-2 accordingly.

5. Attachment 5 – Please clarify the sentence in Section 4.2 that states, *All new monitor wells installed will have at least one background monitoring sample collected prior to the acceptance of waste.* This sentence appears to be a leftover from the original permit application. Please revise as necessary.

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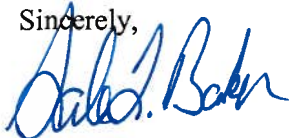
6. Attachment 5 – Section 4.2 states the following, in part, *Monitor wells MW-2 and MW-7 will be decommissioned and monitor wells MW-19A, MW-20A, MW-21A, MW-22A, MW-23A, MW-24A, MW-25A, and MW-26A will be installed within 120 days of the date the permit modification request is final and non-appealable.* Please clarify if decommissioned means plugged and abandoned (see comment #4 above). In addition, please revise to *within 120 days of issuance of the permit modification.* Also, please revise by adding MW-27A, as this proposed well is adjacent to MW-7.
7. Please ensure that all revisions and supplements to this permit modification application are provided on a publicly accessible internet Web site pursuant to 30 TAC §330.57(i)(1).

Please revise your permit modification request and submit the revisions within 30 days from the date of this letter or your request may be considered withdrawn. In accordance with 30 TAC Chapter 330, §330.57, please ensure that each page has a header or footer that indicates the revision number and date. Your revised and/or additional pages should be in a form suitable for replacement and/or inclusion in the initial permit modification application. In accordance with 30 TAC §305.44, please include an original certification statement with the revision. Along with the original signature and date, the certification statement should indicate the name, title, and address of the responsible official.

To facilitate our review, please submit one original, two unmarked copies, and one marked copy (for example, in redline/strikeout format) of the revisions in conformance with 30 TAC §305.70(f). Please send one of the unmarked copies directly to the Texas Commission on Environmental Quality Region 4, to the attention of Mr. Sam Barrett, Waste Section Manager, 2309 Gravel Dr., Fort Worth, Texas 76118-6951. Also, please include the tracking number referenced above in the subject line of your response.

Failure to submit a satisfactory response to the items listed above may result in a recommendation to deny this modification request. If you have questions regarding this letter, please contact me at (512) 239-6730. When addressing written correspondence, please use mail code MC 124.

Sincerely,



Gale L. Baker, P.G.
Municipal Solid Waste Permits Section
Waste Permits Division
Texas Commission on Environmental Quality

GLB/fp

cc: Mr. Kevin T. Carel, P.G., The Carel Corporation, Keller
Mr. Joseph M. Stankiewicz, General Manager, NTMWD, Wylie
Mr. Jeff Mayfield, P.E., NTMWD, Wylie