

12 September 2013

Via Hand Delivery

Texas Commission on Environmental Quality (TCEQ)
Attn: Mr. Brent Wade
Deputy Director, Office of Waste
P.O. Box 13087
Austin, Texas 78711-3087

Re: Comments on *Revised Class 2 Landfill Groundwater Monitoring Plan, Exide Frisco Recycling Center, Frisco, Texas, Agreed Order Docket No. 2011-1712-IHW-E, TCEQ SWR No. 30516, Pastor, Behling & Wheeler, LLC, dated 31 July 2013*

Dear Mr. Wade:

Cook-Joyce, Inc. (CJI) has prepared this letter on behalf of our client Russell & Rodriguez LLP and the City of Frisco. The purpose of this letter is to provide comments on the *Revised Class 2 Landfill Groundwater Monitoring Plan* (Revised Groundwater Monitoring Plan) referenced above. CJI has the following comments on the Revised Groundwater Monitoring Plan:

HAZARDOUS WASTE

The Revised Groundwater Monitoring Plan treats the Class 2 Landfill as a non-hazardous industrial waste landfill. The available data indicates that the landfill contains hazardous waste and treated hazardous waste that has not been treated to meet required treatment standards and therefore should be considered, monitored, and authorized as a hazardous waste land disposal unit unless the hazardous waste and inadequately treated hazardous waste in the landfill has been removed. The hazardous waste and inadequately treated hazardous waste present in the Class 2 landfill is not documented in the Revised Groundwater Monitoring Plan as required by rule for hazardous land disposal units.

Because the Class 2 Landfill contains hazardous waste, the Groundwater Monitoring Plan devised for this land disposal unit should meet the requirements in 30 TAC 335, Subchapter F and 40 CFR Part 264 Subpart F. To meet the detection monitoring requirements provided in 30 TAC 335.163 and 164 and 40 CFR Part 264 Subpart F, Exide should be required to submit a plan that addresses the requirements for ground water monitoring at a hazardous waste land disposal unit required by these state and federal rules.

GROUNDWATER CLASSIFICATION

The Revised Groundwater Monitoring Plan assumes that the groundwater resource being monitored is a Class 3 groundwater. As documented elsewhere¹, CJI and Southwest Geoscience (another consultant employed by Russell & Rodriguez) have concluded that the

¹ *Groundwater Classification - Former Exide Technologies Facility, Frisco, Texas*, by Cook-Joyce, Inc. and Southwest Geoscience, dated 12 September 2013.





uppermost groundwater bearing unit (GWBU) present at the site is a Class 2 groundwater. The most recent document that specifies why the GWBU is a Class 2 resource is footnoted below and is incorporated into this letter by reference. Because the groundwater in the vicinity of the land disposal unit is Class 2, the Protective Concentration Levels (PCLs) will be 100 times less than those proposed by Exide in the Revised Groundwater Monitoring Plan.

We appreciate the opportunity to offer these comments and suggestions. Please contact the undersigned with questions or comments.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Wade Wheatley', is written over a large, stylized blue scribble.

Wade Wheatley

cc: Susan Spaulding
George Purefoy
Bruce Cole
Kerry Russell

RV:rv
Attachments

