



October 9, 2008
Project No. 08-09-24

Eric Beller
MC 124
Municipal Solid Waste Permits Section
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

Re: Response to TCEQ Notice of Deficiency Letter Dated September 9, 2008, Rio Grande Landfill, MSW Permit No. 1948A, Hidalgo County, Texas; WWC No. 12400316; RN102778230/CN601436355

Dear Mr. Beller:

On behalf of the BFI Waste Systems of North America, Inc., this letter is written to provide responses to the comments and questions presented in your letter dated September 9, 2008. The letter requests that the TCEQ comments be addressed within 30 days (October 9, 2008). The TCEQ's comments/questions are provided below in italics and our response immediately follows.

Administrative Comments

Comment 1: *The revised page 1 of the Part I Form provides a mailing address for the permittee of "N.FM 493 and Mile 12 Road, Donna, TX 78537." The address does not appear to be valid. Please confirm that this is an actual mailing address.*

Response: The mailing address has been revised on the attached Part I Form.

Comment 2: *Section 1 on page 3 of Attachment 5 is titled "Monitoring Wells and Relative Point of Compliance." The term relative point of compliance is no longer defined in the March 2006 rules. Please strike the word "relative" from the title and text provided.*

Response: The requested change has been made and the revised pages are attached.

Technical Comments

Comment 3: *Figure 5.1A of Attachment 5, Groundwater Characterization Report, provides a proposed groundwater monitoring system and point of compliance consisting of 15 monitoring wells. In accordance with 30 TAC §330.403(a)(2), monitoring well spacing for MSW landfill units shall not*

exceed 600 feet without an applicable site-specific technical demonstration. Figure 5.1A indicates that the distance between monitoring wells (MW) 4 and MW-10, and between MW-10 and MW-5 is 614 feet, and 618 feet, respectively. Page 5 of Attachment 5 indicates that the Figure 5.1A distances are based on AutoCAD measurements and then states that when these "wells are physically measured with a measuring tape the distance between wells MW-4 and MW-10 is 610 feet and the distance between wells MW-10 and MW-5 is 619 feet." Page 5 further states "these three wells were designed based on former Texas Commission on Environmental Quality 600 foot well spacing policy. The shifts were apparently due to site specific obstacles, such as an unlevel location for the drilling machine, concerns over underground utilities or the precision of measuring equipment at the time of construction. In accordance with the general principles stated in 30 TAC §330.403(a)(2), groundwater monitoring will not be impaired by this minor deviation (less than 3%), the groundwater monitoring system fully complies with all other sections of the updated Subchapter J rules." Please note that the current wells spacing requirement is 600 feet or less without a site specific demonstration and is more stringent by rule than previous policies. In accordance with 30 TAC §330.403(a)(2), the currently proposed groundwater monitoring system does not meet the 600 foot spacing requirement. Please provide specific justification for each well spacing greater than 600 feet indicating as to why the proposed groundwater monitoring system is adequate or revise the system to comply with §330.403(a)(2).

Response: The Proposed Groundwater Monitoring System has been adjusted so that all wells are within 600 feet in accordance with 30 TAC §330.403(a)(2). Figure 5.1A and Attachment 5 of the permit have been revised to reflect this change. Revised pages are attached.

Comment 4: *Figure 5.1A of Attachment 5 indicates that MW-4, 5, 10, 12, 14 through 20 are on the point of compliance and that MW-1, 3, 8, and 13 will be maintained as background wells and is generally in compliance with Subchapter J other than comment 1 of this letter. Page 4 of Attachment 5 states that "MW-4, MW-5, MW-10, MW-12, MW-14, MW-15, MW-16, and MW-17 will be located at the point of compliance." This statement appears to imply that those wells listed are the only point of compliance wells and must include MW-18 through 20. Please revise page 4 to clearly indicate those wells that are point of compliance wells.*

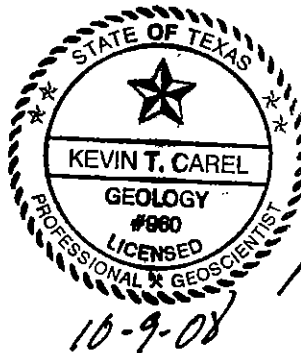
Response: The requested change has been made and the revised pages are attached.

Comment 5: *Page 4 of Attachment 5 states that "MW-2, MW-6, MW-9, and MW-11 will be decommissioned, but will remain a part of the point of compliance until the time of their decommissioning. It is proposed that monitor wells MW-14, MW-15, MW-16, MW-17, MW-18, MW-19, and MW-20 will be installed within twelve months of the approval date of this permit (modification)." Page 4 further states that "the 12 month period is necessary to allow for testing and determination of the PQL (practical quantitation limit) in accordance with new TCEQ guidance, to allow the site operator time to adequately budget for the new wells, and to permit scheduling of well drilling and supply resources." Please realize that existing point of compliance wells, specifically MW-6, 9, and 11, must remain active until all new point of compliance wells are in detection monitoring as to not have a lapse in the groundwater monitoring program unless an inter-well statistical comparison is used until intra-well background is established. In addition, the TCEQ can not authorize a 12 month delay in compliance with this permit modification. Please revise page 4 to indicate that existing point of compliance wells will not be decommissioned until new wells are in detection monitoring or provide procedures for inter-well comparison during background sampling and that wells will be installed upon issuance of this permit modification.*

Response: The facility maintains the need for a sufficient amount of time to adequately budget for new wells, schedule drilling, and organize other necessary functions associated with such a project. The facility proposes a 180 day timeframe from approval of the permit modification as agreed to with TCEQ during a September 30, 2008 meeting. Page 4 of Attachment 5 has been revised to reflect the 180 day allowance.

Page 4 of Attachment 5 has also been revised to state "...but will remain a part of the point of compliance until the new wells are in detection monitoring."

I trust you will find the above responses acceptable. Two copies are being sent for your use and distribution. Please call if you have any questions.



Sincerely,
THE CAREL CORPORATION

Kevin T. Carel, P.G.
President

Mr. Eric Beller
October 9, 2008
Page 4

Att.: TCEQ Part 1 Application Page 1 and Signature Page
Attachment 5 – Underlined/Strikeout Replacement Pages
Attachment 5 – Clean Replacement Pages

cc: TCEQ Region 15 Office
Michael Stewart - Allied Waste Industries
Mark Allendorf – Allied Waste Industries (e-copy)
Jimmy Rivera - Rio Grande Landfill

TCEQ Part 1 Application Page 1 and Signature Page

