

TCEQ Hazardous Waste Renewal Permit No. 50356
TCEQ Docket No. 2008-0747-IHW

Application by
TXU Generation Company, L.P.
For Renewal of
Hazardous Waste Permit No. 50356

Before the
Texas Commission on
Environmental Quality

CHIEF CLERKS OFFICE

2008 SEP 15 PM 1:11

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUEST

The Executive Director of the Texas Commission on Environmental Quality (TCEQ) files this response to the hearing request on the application by TXU Generation Company, L.P. (TXU) for renewal of Hazardous Waste Permit No. 50356 and on the Executive Director's preliminary decision. The Chief Clerk received one timely hearing request from Debbie Harper.

The Executive Director has attached the following items to this response:

- | | |
|--------------|---|
| Attachment A | Final Draft Permit |
| Attachment B | Technical Summary and Executive Director's Preliminary Decision |
| Attachment C | Compliance History |
| Attachment D | Executive Director's Response to Public Comment |
| Attachment E | Map |
| Attachment F | Letter responding to request for public meeting. |

The Executive Director provided copies of this response to the requestor.

I. Description of the Facility

TXU currently operates the Comanche Peak Steam Electric Station, a nuclear-fueled electric generation plant. The facility is located on approximately 4,170 acres on Farm-to-Market Road 56, approximately five miles north of the intersection of U.S. Highway 67 and Farm-to-Market Road 56, near Glen Rose,

Somervell County, Texas. The site is located within the drainage area of Segment 1204 of the Brazos River Basin (North Latitude 32° 17' 52", West Longitude 97° 47' 06").

TXU currently holds Hazardous Waste Permit No. 50356, which authorizes the facility to manage the following wastes generated at the facility: mixed waste (waste that contains both low-level radioactive waste and hazardous waste), hazardous waste, and Class 1 and Class 2 nonhazardous industrial solid wastes.¹ The Container Storage Area is used to store low volumes of mixed waste generated during various maintenance activities performed at the facility.

The facility also conducts post-closure care of Landfill 1 and Landfill 2, which both contain hazardous and nonhazardous wastes that were generated on-site. (Solid Waste Registration No. 33306).

Federal law requires the facility to obtain a license for the management of radioactive waste. The U.S. Nuclear Regulatory Commission reviewed the Container Storage Area for compliance with federal regulations regarding management of low-level radioactive waste.

II. Description of the Application

TXU has applied to TCEQ for a permit renewal that would authorize (1) continued operation of the Mixed Waste Container Storage Area located within Warehouse C, and (2) continued post-closure care of Landfills 1 and 2.

III. Procedural History

On February 14, 1997, TCEQ issued Hazardous Waste Permit No. 50356 to TXU for a term of ten years.

¹ 40 C.F.R. § 266.210 (2007) (defining low-level mixed waste as "waste that contains both low-level radioactive waste and RCRA hazardous waste.").

On August 14, 2006, the Executive Director received this application for permit renewal. On September 5, 2006, the Executive Director declared the application to be administratively complete. On September 21, 2006, the Notice of Receipt of Application and Intent to Obtain Hazardous Waste Permit Renewal/Post-Closure Care was published in the *Glen Rose Reporter*.

On August 14, 2007, the Executive Director completed the technical review of the application and prepared a draft permit. On September 13, 2007, the Notice of Application and Preliminary Decision for Hazardous Industrial Waste Permit Renewal was published in the *Glen Rose Reporter*. On September 20, 2007, the Chief Clerk received a letter requesting a public meeting. On October 29, 2007, the public comment period ended.

On February 15, 2008, the Executive Director responded to the request for public meeting, stating that the Executive Director had determined not to hold a public meeting on this application.

The letter dated September 20, 2007, was initially categorized as a request for public meeting and as request for hearing. TCEQ staff did not initially interpret the letter to be a comment letter. Upon further consideration, it was determined that the letter was a comment letter and that the Executive Director needed to respond. On March 28, 2008, the Executive Director filed his Response to Public Comment.

On May 5, 2008, the period for requesting a contested case hearing ended.

Because this application was declared administratively complete after September 1, 1999, this action is subject to the procedural requirements adopted under House Bill 801.²

² Tex. H.B. 801, 76th Leg., R.S. (1999).

IV. Process for Evaluating Hearing Requests

To evaluate a hearing request, the Executive Director ascertains whether the request meets the requirements under the rules and whether the requestor is an affected person. Then the Executive Director responds to the hearing request.

A. The Request

A request for contested case hearing must meet the following requirements.

- (1) The request must be in writing.
- (2) The request must be timely filed.
- (3) The request must provide the name, address, daytime telephone number, and fax number, if possible, of the person who files the request.
- (4) If the request is made by a group or association, the request must identify the name, address, daytime telephone number, and fax number, if possible, of one person who is responsible for receiving all official communications and documents for the group.
- (5) The request must identify the requestor's personal justiciable interest affected by the application, including a written statement explaining the requestor's location, the requestor's distance from the facility, and how and why the requestor claims to be adversely affected by the facility in a manner not common to members of the general public.
- (6) The request must ask for a contested case hearing.
- (7) The request must list relevant and material disputed issues that were raised during the public comment period.

- (8) The request must provide any other information specified in the public notice of the application.³

B. Affected-Person Status

In addition to requesting a contested case hearing, a person must be an affected person.

For any application, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. A personal justiciable interest is not an interest that is common to members of the general public.⁴

All factors must be considered when determining whether a person is an affected person. The factors include the following:

- (1) whether the interest claimed is protected by the law under which the application will be considered,
- (2) distance restrictions or other limitations,
- (3) whether a reasonable relationship exists between the interest claimed and the activity regulated,
- (4) the likely impact of the regulated activity on the health and safety of the person and on the use of the person's property, and
- (5) the likely impact of the regulated activity on the person's use of the impacted natural resource.⁵

³ 30 TEX. ADMIN. CODE § 55.201(c)-(d) (2008).

⁴ 30 TEX. ADMIN. CODE § 55.203(a) (2008).

⁵ 30 TEX. ADMIN. CODE § 55.203(c)(1)-(5) (2008).

A group or association must meet the following requirements to request a contested case hearing:

- (1) One or more members must otherwise have standing to request a hearing in their own right.
- (2) The interests the group seeks to protect must be germane to the group's purpose.
- (3) Neither the claim asserted nor the relief requested requires individual members to participate in the case.⁶

In addition, a governmental entity may be considered an affected person if the governmental entity has authority under state law over issues raised by the application or if the governmental entity has an interest in issues relevant to the application.⁷

C. Response to a Hearing Request

A response to hearing request must specifically address the following questions.

- (1) Is the requestor an affected person?
- (2) Which issues raised in the request are disputed?
- (3) Do the issues in dispute involve questions of fact or questions of law?
- (4) Were the issues raised during the public comment period?
- (5) Is the hearing request based only on issues that were raised in a public comment but which were later withdrawn?

⁶ 30 TEX. ADMIN. CODE § 55.205(a) (2008).

⁷ 30 TEX. ADMIN. CODE § 55.203(b), (c)(6) (2008).

- (6) Are the issues relevant and material to the decision on the application?
- (7) What is the maximum expected duration for the contested case hearing?⁸

V. Analysis of the Hearing Request: Debbie Harper

On September 20, 2007, Debbie Harper submitted a timely written request for hearing. The request included contact information and provided the requestor's location at within five miles of the facility.⁹

Debbie Harper expressed concern about where radioactive materials are stored.

Issue 1: Does the Container Storage Area satisfy regulatory requirements?

Debbie Harper raised an issue under the Texas Solid Waste Disposal Act and TCEQ rules; however, a distance of five or more miles between the requestor and the facility is beyond the distance at which a reasonable relationship could exist between the interests of the requestor and the facility. The requestor did not explain how her interests may be affected by the application in a manner that is not common to members of the general public.

The Executive Director concludes that Debbie Harper does not qualify as an affected person under the requirements.

Debbie Harper raised an issue that was raised in public comment and which was not withdrawn. This issue would be relevant and material to the decision on the application if this case were referred to hearing. The request for hearing expresses interest about the location of waste storage but does not explicitly dispute the

⁸ 30 TEX. ADMIN. CODE § 55.209(e) (2008).

⁹ TCEQ staff used a distance locator, which calculated the requestor's location at approximately nine miles from the facility.

Executive Director's preliminary decision that the Container Storage Area meets all regulatory requirements.

VI. DURATION OF THE CONTESTED CASE HEARING

If the Commissioners refer this case to hearing, the Executive Director expects the maximum duration for a contested case hearing to be nine months.

VII. EXECUTIVE DIRECTOR'S RECOMMENDATION

The Executive Director recommends the Commissioners take the following action:

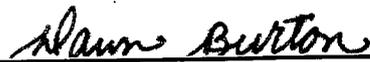
Find that Debbie Harper is not an affected person under 30 Tex. Admin. Code § 55.203(b).

Respectfully submitted,

Texas Commission on Environmental
Quality

Mark R. Vickery, P.G.
Executive Director

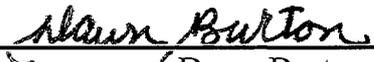
Robert Martinez, Director
Environmental Law Division



Dawn Burton, Staff Attorney
Environmental Law Division
State Bar No. 24038795
P.O. Box 13087, MC-173
Austin, Texas 78711-3087
(512) 239-0946

Certificate of Service

I certify that on September 15, 2008, the original and eleven copies of the "Executive Director's Response to Hearing Request" for the application by TXU Generation Company, L.P. for renewal of Hazardous Waste Permit No. 50356 were filed with the Office of the Chief Clerk at the Texas Commission on Environmental Quality, and a copy was forwarded to all persons on the attached mailing list.


Dawn Burton

Mailing List

Jeff Jones
TXU (Luminant Power)
500 N. Akard St.
Dallas, Texas 75201
Representing TXU
Service by U.S.P.S.

Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution
P.O. Box 13087, MC-222
Austin, Texas 78711-3087
Service by intra-agency mail

Debbie Harper
1502 County Road 2018
Glen Rose, Texas 76043
Requestor
Service by U.S.P.S.

Bridget Bohac
Texas Commission on Environmental Quality
Office of Public Assistance, MC-108
P.O. Box 13087
Austin, Texas 78711-3087
Service by intra-agency mail

Vic McWherter
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711-3087
Representing the Public Interest Counsel
Service by intra-agency mail

Mary Talley
Texas Commission on Environmental Quality
Waste Permits Division, MC-130
P.O. Box 13087
Austin, Texas 78711-3087
Service by intra-agency mail

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 SEP 15 PM 1:12
CHIEF CLERKS OFFICE

Attachment A

Final Draft Permit



HAZARDOUS WASTE PERMIT NO.50356
EPA ID. NO. TXD020332078

Texas Commission on
Environmental Quality
Austin, Texas

PERMIT FOR INDUSTRIAL SOLID
WASTE MANAGEMENT SITE issued
under provisions of TEXAS HEALTH AND
SAFETY CODE ANN.
Chapter 361 (Vernon)

Name of Permittee: TXU Generation Company, L.P. - Comanche Peak Steam Electric
Station
P.O. Box 1002
Glen Rose, Texas 76043

Site Owner: Same

Registered Agent for Service: Not Applicable

Classification of Site: Mixed Waste Storage and Post-closure Care for Two Landfills On-
Site.

The permittee is authorized to manage wastes in accordance with the limitations, requirements, and other conditions set forth herein. This permit is granted subject to the rules of the Commission and other Orders of the Commission, and laws of the State of Texas. This permit does not exempt the permittee from compliance with the Texas Clean Air Act. This permit will be valid until canceled, amended, modified or revoked by the Commission, except that the authorization to store, and conduct post-closure care of wastes shall expire midnight, 10 years after the date of renewal permit approval. This permit was originally issued on February 14, 1997.

All provisions in this permit stem from State and/or Federal authority. Those provisions marked with an asterisk (*) stem from Federal authority and will implement the applicable requirements of HSWA for which the Texas Commission on Environmental Quality has not been authorized. Those provisions marked with a double asterisk (**) stem from federal authority only.

ISSUED:

For The Commission

Permit Table of Contents

	Page
<u>SECTION I. - FACILITY DESCRIPTION</u>	
A. <u>Size and Location of Site</u>	5
B. <u>Incorporated Application Materials</u>	5
<u>SECTION II. - GENERAL FACILITY STANDARDS</u>	
A. <u>Standard Permit Conditions</u>	5
B. <u>Recordkeeping and Reporting Requirements</u>	9
C. <u>Incorporated Regulatory Requirements</u>	12
<u>SECTION III. - FACILITY MANAGEMENT</u>	
A. <u>Operation of Facility</u>	14
B. <u>Personnel Training</u>	14
C. <u>Security</u>	15
D. <u>General Inspection Requirements</u>	15
E. <u>Contingency Plan</u>	15
F. <u>Special Permit Conditions - Reserved</u>	16
<u>SECTION IV. - WASTES AND WASTE ANALYSIS</u>	
A. <u>Waste Analysis Plan</u>	16
B. <u>Authorized Wastes</u>	16
C. <u>Sampling and Analytical Methods</u>	18
<u>SECTION V. - AUTHORIZED UNITS AND OPERATIONS</u>	
A. <u>Authorized Units</u>	18
B. <u>Container Storage Areas</u>	19
C. <u>Tanks and Tank Systems - Reserved</u>	19
D. <u>Surface Impoundments - Reserved</u>	19
E. <u>Waste Piles - Reserved</u>	19
F. <u>Land Treatment Units - Reserved</u>	19
G. <u>Landfills</u>	19
H. <u>Incinerators - Reserved</u>	19
I. <u>Boilers - Reserved</u>	19
J. <u>Drip Pads - Reserved</u>	19
K. <u>Miscellaneous Units - Reserved</u>	19
L. <u>Containment Buildings - Reserved</u>	19
<u>SECTION VI. - GROUNDWATER DETECTION MONITORING</u>	
A. <u>Groundwater Monitoring Program</u>	20
B. <u>Construction, Certification, and Plugging</u>	21
C. <u>Detection Monitoring System: Operation</u>	23
D. <u>Sampling and Analysis</u>	25
E. <u>Response Requirements for SSI</u>	30
F. <u>Revised Detection Monitoring Program</u>	32

Permit Table of Contents (Cont'd)

	Page
G. <u>Annual Detection Monitoring Reporting Requirements</u>	32
H. <u>Record Keeping Requirements</u>	33
I. <u>Compliance Scheduling Requirements - Reserved</u>	33
 <u>SECTION VII. -- CLOSURE AND POST-CLOSURE REQUIREMENTS</u>	
A. <u>Facility Closure</u>	33
B. <u>Financial Assurance for Closure</u>	36
C. <u>Storage, Processing, and Combustion Unit Closure Requirements</u>	37
D. <u>Facility Post-Closure Requirements</u>	37
E. <u>Financial Assurance for Post Closure</u>	38
 <u>SECTION VIII. - LIABILITY REQUIREMENTS</u>	
A. <u>Sudden and Nonsudden Accidental Occurrences</u>	39
B. <u>Incapacity of Owners or Operators, Guarantors, or Financial Institutions</u>	39
 <u>SECTION IX. - CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS</u>	
A. <u>Notification of Release From Solid Waste Management Unit</u>	39
B. <u>Corrective Action Obligations</u>	40
C. <u>Units Requiring Investigation</u>	40
D. <u>Variance from Investigation</u>	41
E. <u>RCRA Facility Investigation (RFI)</u>	41
F. <u>Response Action Plan (RAP)</u>	41
G. <u>Compliance Plan - Reserved</u>	42
 <u>SECTION X. - AIR EMISSION STANDARDS</u>	
A. <u>Process Vents and Equipment Leaks</u>	42
B. <u>Reserved</u>	43

List of Tables:

TABLE III.D.	INSPECTION SCHEDULE
TABLE III.E.3.	EMERGENCY EQUIPMENT
TABLE IV.B.	WASTES MANAGED IN PERMITTED UNITS
TABLE IV.C.	SAMPLING AND ANALYTICAL METHODS
TABLE V.B.	CONTAINER STORAGE AREAS
TABLE V.G.1.	LANDFILLS
TABLE VI.B.3.b.	UNIT GROUNDWATER DETECTION MONITORING SYSTEM
TABLE VI.B.3.c.	GROUNDWATER SAMPLE ANALYSIS
TABLE VII.E.1.	PERMITTED UNIT CLOSURE COST SUMMARY
TABLE VII.E.2.	PERMITTED UNIT POST-CLOSURE COST SUMMARY
TABLE VII.G.	POST-CLOSURE PERIOD

List of Attachments:

- A - Legal Description of Facility
- B - Facility Maps
- C - List of Incorporated Application Materials
- D - List of Permitted Facility Units
- E - Map Indicating Point of Compliance and Groundwater Monitoring Wells
- F - Well Design and Construction Specifications

I. FACILITY DESCRIPTION

A. Size and Location of Site

A permit is issued to TXU Generation Company, L.P. (hereafter called the permittee), to operate a mixed waste container storage area and conduct post-closure care of two landfills at a facility located near Glen Rose, in Somervell County, Texas, drainage area of Segment 1204 in the Brazos River Basin (North Latitude 32°17' 52", West Longitude 97°47' 06"). The legal description of the facility submitted in Permit No. 50356 application dated August 9, 2006, is hereby made a part of this permit as "Attachment A". The hazardous waste management facility as delineated by the permittee's application map is hereby made a part of this permit as "Attachment B".

B. Incorporated Application Materials

This permit is based on, and the permittee shall follow the Part A and Part B Industrial and Hazardous Waste Application submittals dated August 9, 2006 and revised February 5, 2007, the Application Elements listed in "Attachment C", and the following amendments/modifications to the permit, which are hereby approved subject to the terms of this permit and any other orders of the Texas Commission on Environmental Quality (TCEQ):

<u>Permit Modification</u> <u>/Amendment</u>	<u>Submittal Date</u> <u>/Revision Date</u>	<u>Description of Change</u>
---	--	------------------------------

None

These materials are incorporated into this permit by reference as if fully set out herein. Any and all revisions to these elements shall become conditions of this permit upon the date of approval by the Commission.

II. GENERAL FACILITY STANDARDS

A. Standard Permit Conditions

The permittee has a duty to comply with the Standard Permit Conditions under 30 Texas Administrative Code (TAC) Section 305.125. Moreover, the permittee has a duty to comply with the following permit conditions:

1. Modification of Permitted Facilities

The facility units and operational methods authorized are limited to those described herein and by the application submittals identified in Provision I.B. All facility units and operational methods are subject to the terms and conditions of this permit and TCEQ rules. Prior to constructing or operating any facility units in a manner which differs from either the related plans and specifications contained in the permit application or the limitations, terms or conditions of this permit, the permittee must comply with the TCEQ permit amendment/modification rules as provided in 30 TAC Sections 305.62 and 305.69.

[II.A.]

2. Duty to Comply

The permittee must comply with all the conditions of this permit, except that the permittee need not comply with the conditions of this permit to the extent and for the duration such noncompliance is authorized in an emergency order issued by the Commission. Any permit noncompliance, other than noncompliance authorized by an emergency order, constitutes a violation of the Resource Conservation and Recovery Act (RCRA) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. [30 TAC Section 305.142]

3. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances; and the remainder of this permit shall not be affected thereby.

4. Definitions

For purposes of this permit, terms used herein shall have the same meaning as those in 30 TAC Chapters 305, 335, and 350 unless this permit specifically provides otherwise; where terms are not defined in the regulations or the permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

Application data - data used to complete the final application and any supplemental information.

5. Permit Expiration

In order to continue a permitted activity after the expiration date of the permit the permittee shall submit a new permit application at least 180 days before the expiration date of the effective permit, unless permission for a later date has been granted by the Executive Director. Authorization to continue such activity will terminate upon the effective denial of said application.

6. Certification Requirements

For a new facility, the permittee may not commence storage, processing, or disposal of solid waste; and for a facility being modified, the permittee may not process, store or dispose of solid waste in the modified portion of the facility, except as provided in 30 TAC Section 305.69 (relating to Solid Waste Permit Modification at the Request of the Permittee) until the following has been accomplished [30 TAC Section 305.144]:

[II.A.6.]

- a. The Executive Director and the local Regional Office of the TCEQ, by certified mail or hand delivery, a letter signed by the permittee, and signed and sealed by a Texas licensed Professional Engineer stating that the facility has been constructed or modified in compliance with the permit. If the certification is being provided to document proper closure of a permitted unit, or to certify installation or repair of a tank system, then the certification must be signed and sealed by an independent Texas licensed Professional Engineer. Required certification shall be in the following form:

"This is to certify that the following activity (Specify activity, e.g., construction, installation, closure, etc., of an item) relating to the following item (Specify the item, e.g., the particular facility, facility unit, unit component, subcomponent part, or ancillary component), authorized or required by TCEQ Permit No. 50356, has been completed, and that construction of said facility component has been performed in accordance with and in compliance with good engineering practices and the design and construction specifications of Permit No. 50356."
- b. A certification report has been submitted, with the certification described in Provision II.A.6., which is logically organized and describes in detail the tests, inspections, and measurements performed, their results, and all other bases for the conclusion that the facility unit, unit component, and/or closure have been constructed, installed and/or performed in conformance with the design and construction specifications of this permit and in compliance with this permit. The report shall describe each activity as it relates to each facility unit or component being certified including reference to all applicable permit provisions. The report shall contain the following items, at a minimum:
 - (1) Scaled, as-built plan-view and cross-sectional drawings which accurately depict the facility unit and all unit components and subcomponents and which demonstrate compliance with the design and construction specifications approved and detailed in the terms of this permit;
 - (2) All necessary references to dimensions, elevations, slopes, construction materials, thickness and equipment; and
 - (3) For all drawings and specifications, the date, signature, and seal of a Professional Engineer who is licensed in the State of Texas.
- c. The Executive Director has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or if within 15 days of submission of the letter required by paragraph (a) of this

[II.A.6.c.]

section, the permittee has not received notice from the Executive Director of the intent to inspect, prior inspection is waived and the permittee may commence processing, storage, or disposal of solid waste.

* 7. Land Disposal Restrictions

The permittee shall comply with the land disposal restrictions as found in 40 CFR 268 and any subsequent applicable requirements promulgated through the Federal Register. Requirements include modifying/amending the permittee's waste analysis plan to include analyses to determine compliance with applicable treatment standards or prohibition levels, pursuant to 40 CFR 268.7(c) and 264.13(a).

8. Dust Suppression

Pursuant to 40 CFR 266.23(b)/30 TAC Section 335.214(b), the permittee shall not use waste, used oil, or any other material which is contaminated with dioxin, polychlorinated biphenyls (PCBs), or any other hazardous waste (other than a waste identified solely on the basis of ignitability) for dust suppression or road treatment.

9. Permit Reopener

This permit shall be subject to review by the Executive Director five (5) years from the date of permit issuance or reissuance and shall be modified as necessary to assure that the facility continues to comply with currently applicable requirements of the Solid Waste Disposal Act (SWDA) and the rules and regulations of the Commission. The permittee shall submit any information as may be reasonably required by the Executive Director to ascertain whether the facility continues to comply with currently applicable requirements of the SWDA and the rules and regulations of the Commission.

10. Texas Coastal Management Program - Not Applicable

11. Monitoring of Commercial Hazardous Waste Management Facility Operations - Reserved

12. Failure to Submit Relevant Facts in Permit Application

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or any report to the Executive Director, the permittee shall promptly submit the correct information or facts to the Executive Director. [30 TAC Section 305.125(19)]

13. Hazardous Waste Combustion Facility Provision - Reserved

[II.]

B. Recordkeeping and Reporting Requirements

I. Monitoring and Records

- a. All data submitted to the TCEQ shall be in a manner consistent with the latest version of the "Quality Assurance Project Plan for Environmental Monitoring and Measurement Activities Relating to the Resource Conservation Recovery Act and Underground Injection Control" (TCEQ QAPP).
- b. Waste monitoring samples and measurements shall be taken at times and in a manner so as to be representative of the monitored activity. The method used to obtain a representative sample of the material to be analyzed shall be the appropriate method from Appendix I of 40 CFR Part 261 or an equivalent method approved in writing prior to use by the Executive Director of the TCEQ. Laboratory methods shall be those specified in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods*, SW-846, 1987 (EPA SW-846), as revised; *Standard Methods for the Examination of Water and Wastewater, Fifteenth Edition, 1980, and 1981 supplement, or current adopted edition*; *RCRA Ground-Water Monitoring: Draft Technical Guidance, 1992*, OSWER Directive 9950.1, or an equivalent method, as specified in the Waste Analysis Plan, Section IV Wastes and Waste Analysis of the Part B Application, and approved in writing prior to use by the Executive Director. [30 TAC Section 305.125(11)(A)]
- c. The permittee shall retain in an organized fashion and furnish to the Executive Director, upon request, records of all monitoring information, copies of all reports and records required by this permit, and the certification required by 40 CFR 264.73(b)(9), for a period of at least 3 years from the date of the sample, measurement, report, record, certification, or application [30 TAC Section 305.125(11)(B)].
- d. Records of monitoring shall include the following [30 TAC Section 305.125(11)(C)]:
 - (1) The date, time, and place of sample or measurement;
 - (2) The identity of individual who collected the sample or measurement;
 - (3) The dates analyses were performed;
 - (4) The identity of individual and laboratory who performed the analyses;
 - (5) The analytical techniques or methods used; and

[II.B.1.d.]

(6) The results of such analyses or measurements.

2. Operating Records

In addition to the recordkeeping and reporting requirements specified elsewhere in this permit, the permittee shall maintain a written operating record at the facility, in accordance with 40 CFR 264.73. These records will be made available to representatives of the TCEQ upon request.

3. Retention of Application Data

A permittee shall keep records throughout the term of the permit of data used to complete the final application and any supplemental information. All copies of renewals, amendments, revisions and modifications must also be kept at the facility such that the most current documents are available for inspection at all times. All materials, including any related information, submitted to complete the application shall be retained, not just those materials which have been incorporated into the permit. [30 TAC Section 305.47]

4. Reporting of Noncompliance

The permittee shall report to the Executive Director of the TCEQ information regarding any noncompliance which may endanger human health or the environment. [30 TAC Section 305.125(9)]

- a. Report of such information shall be provided orally within 24 hours from the time the permittee becomes aware of the noncompliance.
- b. A written submission of such information shall also be provided within five days of the time the permittee becomes aware of the noncompliance. The written submission shall contain the following:
 - (1) a description of the noncompliance and its cause;
 - (2) the potential danger to human health or safety, or the environment;
 - (3) the period of noncompliance, including exact dates and times;
 - (4) if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 - (5) steps taken or planned to reduce, eliminate, and prevent the recurrence of the noncompliance, and to mitigate its adverse effects.

[II.B.]

5. Twenty-Four Hour Reporting

The following shall be included as information which must be reported orally within 24 hours pursuant to Title 30 TAC Section.305.125(9) [30 TAC Section 305.145]:

- a. Information concerning release of any solid waste that may cause an endangerment to public drinking water supplies;
- b. Any information of a release or discharge of solid waste, or of a fire or explosion which could threaten the environment or human health or safety, outside the facility. The description of the occurrence and its cause shall include:
 - (1) name, address, and telephone number of the owner or operator;
 - (2) name, address, and telephone number of the facility;
 - (3) date, time, and type of incident;
 - (4) name and quantity of material(s) involved;
 - (5) the extent of injuries, if any;
 - (6) an assessment of actual or potential hazards to the environment and human health or safety outside the facility, where this is applicable; and
 - (7) estimated quantity and disposition of recovered material that resulted from the incident.

6. Notice Waiver

The Executive Director may waive the five-day written notice requirement specified in Provision II.B.4.b. in favor of a written report submitted to the Commission within 15 days of the time the permittee becomes aware of the noncompliance or condition. [30 TAC Section 305.145(b)]

7. Biennial Report

The permittee shall prepare and submit to the Executive Director all information and records required by 40 CFR 264.75. By March 1st of each even-numbered year for the preceding odd-numbered year's activities the permittee shall submit either a Biennial Report or letter certifying submission of the above. One copy of the report/letter shall be submitted to the TCEQ Industrial and Hazardous Waste Permits Section and an additional copy shall be submitted to the appropriate TCEQ Regional Office.

[II.B.]

8. Pollution Prevention

Facilities subject to 30 TAC Chapter 335, Subchapter Q - Pollution Prevention: Source Reduction and Waste Minimization, must prepare a five year Source Reduction and Waste Minimization Plan and submit a Source Reduction and Waste Minimization Annual Report (SR/WM Annual Report) to the TCEQ Small Business and Environmental Assistance Division, as applicable. This report, when required, must be submitted annually on the dates specified in the rule.

9. Waste Minimization

The permittee shall annually certify, by January 25th for the previous calendar year, the following information, [40 CFR 264.73(b)(9)]:

- a. that the permittee has a program in place to reduce the volume and toxicity of all hazardous wastes which are generated by the permittee's facility operation to the degree determined to be economically practicable; and
- b. that the proposed method of treatment, storage, or disposal is that practicable method currently available to the permittee which minimizes the present and future threat to human health and the environment. This waste minimization certification is to be included in the facility operating records until closure.

10. Annual Detection Monitoring Report

The permittee shall submit an Annual Detection Monitoring Report as required by Provision VI.G. by March 1st of each year.

11. Manifest Discrepancy Report - Reserved

12. Unmanifested Waste Report - Reserved

13. Monthly Summary - Reserved

C. Incorporated Regulatory Requirements

1. State Regulations

The following TCEQ regulations are hereby made provisions and conditions of this permit:

- a. 30 TAC Chapter 37, Subchapter P, Financial Assurance for Hazardous and Nonhazardous Industrial Solid Waste Facilities;
- b. 30 TAC Chapter 305, Subchapter A: General Provisions;

[II.C.1.]

- c. 30 TAC Chapter 305, Subchapter C: Application for Permit;
- d. 30 TAC Sections 305.61 - 305.69 (regarding amendments, renewals, transfers, corrections, revocation and suspension of permits);
- e. 30 TAC Sections 305.121 - 305.125 (regarding permit characteristics and conditions);
- f. 30 TAC Sections 305.127 - 305.129 (regarding permit conditions, signatories and variance procedures);
- g. 30 TAC Chapter 305, Subchapter G: Additional Conditions for Hazardous and Industrial Solid Waste Storage, Processing and Disposal Permits;
- h. 30 TAC Chapter 335, Subchapter A, Industrial Solid Waste and Municipal Hazardous Waste In General;
- i. 30 TAC Chapter 335, Subchapter B, Hazardous Waste Management General Provisions;
- j. 30 TAC Section 335.152, Standards;
- k. 30 TAC Sections 335.153 - 335.155 (regarding reporting of emergency situations and additional reports required);
- l. 30 TAC Sections 335.156 - 335.167 (regarding applicability of groundwater monitoring programs and corrective action requirements);
- m. 30 TAC Sections 335.174 (regarding the post-closure care of landfills);
- n. 30 TAC Sections 335.175 - 335.176 (regarding special requirements for containers and bulk and containerized waste);
- o. 30 TAC Sections 335.177 - 335.179 (regarding general performance standard, cost estimate for closure, and financial assurance);
- p. 30 TAC Chapter 335, Subchapter Q, Pollution Prevention: Source Reduction and Waste Minimization; and
- q. 30 TAC Chapter 350, Texas Risk Reduction Program.
- r. Issuance of this permit with incorporated rules in no way exempts the permittee from compliance with any other applicable state statute and/or Commission Rule.

[II.C.]

2. Federal Regulations

To the extent applicable to the activities authorized by this permit, the following provisions of 40 CFR Part 264 and Part 268, adopted by reference by 30 TAC Section 335.152 and 335 Subchapter O are hereby made provisions and conditions of this permit, to the extent consistent with the Texas Solid Waste Disposal Act, Texas Health and Safety Code Ann., Chapter 361 (Vernon), and the rules of the TCEQ:

- a. Subpart B -- General Facility Standards;
- b. Subpart C -- Preparedness and Prevention;
- c. Subpart D -- Contingency Plan and Emergency Procedures;
- d. Subpart E -- Manifest System, Recordkeeping, and Reporting;
- e. Subpart G -- Closure and Post-closure;
- f. Subpart H -- Financial Requirements;
- g. Subpart I -- Use and Management of Containers;
- h. Subpart N -- Landfills; and
- i. 40 CFR Part 268 Land Disposal Restrictions.

III. FACILITY MANAGEMENT

A. Operation of Facility

The permittee shall construct, maintain, and operate the facility to minimize the possibility of a fire, explosion, or any unplanned, sudden or non-sudden release of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment, as required by 40 CFR 264.31. All equipment and structures used to manage hazardous waste at the facility shall be maintained in proper operating condition.

B. Personnel Training

The permittee shall ensure that all facility personnel involved with hazardous waste management successfully complete a training program as required by 40 CFR 264.16. The permittee shall maintain training documents and records, as required by 40 CFR 264.16(d) and (e).

[III.]

C. Security

1. The permittee shall provide and maintain an artificial or natural barrier which completely surrounds the active waste management portion(s) of the facility and shall have a means to control entry, at all times, through gates or other entrances to these same facility areas and shall have a means to control entry, at all times, through gates or other entrances to these same facility areas.
2. The permittee shall post warning signs at all points of access to the active waste management portion(s) of the facility and along the natural and/or artificial barriers in sufficient numbers to be seen from any approach to that (those) portion(s) of the facility. The signs shall be printed so that they may be clearly read from a distance of at least 25 feet, and shall state "Danger - Unauthorized Personnel Keep Out".

D. General Inspection Requirements

The permittee shall follow the inspection schedule contained in the permit application submittals identified in Provision I.B. and as set out in Table III.D. - Inspection Schedule. The permittee shall remedy any deterioration or malfunction discovered by an inspection, as required by 40 CFR 264.15(c). Records of inspection shall be kept, as required by 40 CFR 264.15(d). Any remedial actions taken in response to facility inspections and the date of the remediation shall be included in the inspection records.

E. Contingency Plan

1. The permittee shall follow the Contingency Plan, developed in accordance with 40 CFR Part 264 Subpart D, and contained in the permit application submittals identified in Provision I.B. Copies of this plan shall be available to all employees involved in waste management at the facility.
2. The permittee shall immediately initiate clean-up procedures for removal of any spilled hazardous or industrial nonhazardous wastes and waste residues and shall take all steps necessary to prevent surface-water or groundwater contamination as a result of any spills.
3. Collected hazardous or industrial nonhazardous wastes, spills, leaks, clean-up residues, shall be removed promptly after the spillage in as timely a manner as is necessary to prevent overflow of the system by the following method(s):
 - a. Removal to an on-site authorized facility unit;
 - b. Removal to an authorized industrial solid waste management facility or authorized off-site facility; or
 - c. Discharge in accordance with a wastewater discharge permit.

[III.D.]

4. The permittee shall ensure that any equipment or vehicles which have come in contact with waste in the loading/unloading, storage, processing, and/or disposal areas have been decontaminated prior to their movement into designated uncontaminated areas of the site property. At a minimum, all contaminated equipment shall be externally decontaminated and contaminated vehicles shall have their undercarriages and tires or tracks decontaminated to remove all waste residues and to prevent contamination of uncontaminated areas. All wash water generated shall be collected and disposed of in accordance with Provision III.E.3.
5. Preparedness and Prevention
 - a. At a minimum, the permittee shall equip the facility as set forth in Table III.E.3. - Emergency Equipment contained in the permit application identified in Provision I.B., as required by 40 CFR 264.32.
 - b. All sumps, pumps, fire- and spill-control equipment, decontamination equipment, and all other equipment and structures authorized or required through the Contingency Plan shall be tested and maintained, as necessary, to assure its proper operation in time of emergency, as required by 40 CFR 264.33.
 - c. The permittee shall maintain access to the communications or alarm system, as required by 40 CFR 264.34.
 - d. A trained emergency coordinator shall be available at all times in case of an emergency and will have the responsibility for coordinating all emergency response measures as required by 40 CFR 264.55 and 264.56. Emergency number(s) shall be posted in all waste management portions of the facility and all employees in those areas shall be trained in the location of those postings.

F. Special Permit Conditions - Reserved

IV. WASTES AND WASTE ANALYSIS

A. Waste Analysis Plan

The permittee shall follow the Waste Analysis Plan, developed in accordance with 40 CFR 264.13 and the permit application identified in Provision I.B.

B. Authorized Wastes

1. The permittee is authorized to manage mixed waste (hazardous and low-level radioactive waste mixed together) listed in Table IV.B. - Wastes Managed in Permitted Units, subject to the limitations provided herein.

Wastes authorized for storage include those generated from facility sources.

[IV.B.]

2. Hazardous and Non-hazardous Waste Received From Off-Site Sources

The permittee may not receive mixed wastes, hazardous or non-hazardous waste from offsite sources.

3. The wastes authorized in Table IV.B. shall not contain any of the following:

- a. Polychlorinated biphenyls (PCBs), as defined by the EPA in regulations issued pursuant to the Toxic Substances Control Act under Title 40 Code of Federal Regulations (CFR) Part 761, unless the permittee is compliant with the federal requirements for PCB storage as specified in 40 CFR Part 761;
- b. Radioactive wastes unless the permittee is authorized to store, process and dispose of these wastes in compliance with specific licensing and permitting requirements under Chapter 401 of the Texas Health and Safety Code;
- c. Explosive material, as defined by the Department of Transportation under 49 CFR Part 173;
- d. Dioxin-containing wastes, identified by EPA as F020, F021, F022, F023, F026, and F027 wastes in 40 CFR 261.31;
- e. Ignitable compressed gases;
- f. Municipal garbage; or
- g. Special Waste from Health-Care Related Facilities subject to 25 TAC Chapter 1 or 30 TAC Chapter 330.

4. Prior to accepting any additional wastes not authorized in Table IV.B., the permittee shall follow the permit amendment or modification requirements listed in 30 TAC Section 305.62 and 305.69.

5. The permittee may store wastes restricted under 40 CFR Part 268 solely for the purpose of accumulating quantities necessary to facilitate proper recovery, treatment, or disposal provided that it meets the requirements of 40 CFR 268.50(a)(2) including, but not limited to the following:

- a. Clearly marking each container to identify its contents and the date each period of accumulation begins;
- b. Clearly marking each tank with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or such information for each tank is recorded and maintained in the operating record at that facility.

[IV.]

C. Sampling and Analytical Methods

1. Table IV.C. - Sampling and Analytical Methods, shall be used in conjunction with the Waste Analysis Plan referenced in Provision IV.A., in performing all waste analyses.
2. The permittee shall ensure that all waste analyses utilized for waste identification or verification have been performed in accordance with methods specified in the current editions of EPA SW-846, ASTM or other methods accepted by the TCEQ. The permittee or the laboratory contracted by the permittee to perform the waste analyses shall have a QA/QC program that is consistent with EPA SW-846 and the TCEQ QAPP.

V. AUTHORIZED UNITS AND OPERATIONS

A. Authorized Units

1. The permittee is authorized to operate the facility units listed in "Attachment D" for storage and to conduct post-closure care subject to the limitations herein. All waste management activities not otherwise exempted from permitting under 30 TAC Section (§) 335.2 shall be confined to the authorized facility units listed in "Attachment D". References hereinafter in this permit to "TCEQ Permit Unit No. 50356" shall be to the facility unit(s) listed in "Attachment D". All authorized units must be clearly identified as numbered in "Attachment D". These units must have signs indicating "TCEQ PERMIT UNIT NO. ___".
2. The permittee shall comply with 40 CFR 264.17, relating to general requirements for ignitable, reactive, or incompatible wastes.

The permittee shall prevent inundation of any permitted units and prevent any discharges of any waste or runoff of waste contaminated stormwater from permitted units. Additionally, each loading or unloading area, associated with a permitted hazardous or nonhazardous waste management unit, shall be provided with a drainage control system which will collect spills and precipitation in such a manner as to satisfy the following:

- a. Preclude the release from the system of any collected spills, leaks or precipitation;
- b. Minimize the amount of rainfall that is collected by the system; and
- c. Prevent run-on into the system from other portions of the facility.

[V.A.]

3. The permittee shall provide the following information to the Executive Director:

<u>Item</u>	<u>Date Due</u>
Reserved.	

B. Container Storage Areas

1. Container storage area as shown in Table V.B. - Container Storage Areas. The permittee is authorized to operate the facility container storage area(s) for storage subject to the limitations contained herein.
2. Containers holding hazardous waste shall be managed in accordance with 40 CFR 264.171, Condition of containers; 40 CFR 264.172, Compatibility of waste with containers; and 40 CFR 264.173, Management of containers.
3. The permittee shall construct and maintain the containment systems for the container storage areas in accordance with the drawings and details included in the Part B Application in Provision I.B. At a minimum, the containment system must meet the requirements of 40 CFR 264.175.

C. Tanks and Tank Systems - Reserved

D. Surface Impoundments - Reserved

E. Waste Piles - Reserved

F. Land Treatment Units - Reserved

G. Landfills

The permittee shall perform post-closure care of the landfill units identified in Table V.G.1. The permittee is authorized to conduct post-closure care at the permitted landfill units subject to the limitations contained herein.

H. Incinerators - Reserved

I. Boilers - Reserved

J. Drip Pads - Reserved

K. Miscellaneous Units - Reserved

L. Containment Buildings - Reserved

VI. GROUNDWATER DETECTION MONITORING

A. Groundwater Monitoring Program

The permittee shall design, construct and maintain a ground-water monitoring program to monitor area ground water throughout the active life of the facility and any post-closure care period. Groundwater monitoring at the facility shall at a minimum consist of a Detection Monitoring System for the following two strata: the weathered portion of the Glen Rose Formation, described as a yellowish brown sandy clay with fragments or beds of limestone. The weathered portion of the Glen Rose Formation varies in thickness from five to twenty feet in the vicinity of Landfills 1 and 2; and, fill material, described as sand, gravel, clay and some concrete debris which overlies the weathered and unweathered Glen Rose Formation strata. The fill varies in thickness from ten to forty feet in the vicinity of the landfills. The "uppermost water-bearing zone" is the weathered Glen Rose Formation strata and an unconfined zone of saturation (water table) in the fill material and is typically less than 50 feet below ground surface. The Detection Monitoring System shall yield groundwater samples from the uppermost aquifer that represent the quality of background water and the quality of ground water at the point of

1. Identification of Detection Monitoring Program Unit(s)/Area(s)

The Detection Monitoring Program is specific to the RCRA-regulated unit(s) or area(s) listed in Table VI.B.3.b. - Unit Groundwater Detection Monitoring System and as authorized by Provision V.G. for which groundwater monitoring requirements apply pursuant to 30 TAC Section 335.164.

2. Capabilities of Detection Monitoring Systems

The Detection Monitoring System shall yield groundwater samples from the uppermost aquifer/water-bearing zone that represent the quality of background water that has not been affected by operation of the regulated unit(s) and that represent the quality of ground water passing the point of compliance. This system shall be capable of detecting a release from the regulated unit to the ground water.

3. Point of Compliance

The point of compliance for the Detection Monitoring System is defined by a vertical plane, located along the entire periphery of each permitted unit that extends down into the uppermost aquifer/water bearing zone underlying the regulated unit.

4. Detection Monitoring Program

The permittee is required to install and operate a Detection Monitoring System(s) subject to the limitations contained herein. The Detection Monitoring System wells for each unit/area are listed in Table VI.B.3.b. - Unit Groundwater Detection Monitoring System.

[VI.A.4.]

- a. Detection Monitoring System shall, at a minimum, consist of two categories of wells, Background and Point of Compliance Wells, which will be used to establish groundwater quality for each RCRA-regulated unit.
 - (1) Background Well(s) are those wells that are unaffected by the operations of the unit. The Background Well(s) are depicted in Attachment E and are also listed in Table VI.B.3.b. - Unit Groundwater Detection Monitoring System.
 - (2) Point of Compliance (POC) Wells are used to demonstrate compliance with the Detection Monitoring Parameters which are listed on Table VI.B.3.c. - Groundwater Detection Monitoring Parameters. POC Wells are designated in Attachment E and are also listed in Table VI.B.3.b. - Unit Groundwater Detection Monitoring System.
 - (3) The Detection Monitoring System may also include Supplemental Wells, as necessary, to establish groundwater quality and hydrogeologic conditions of the uppermost aquifer/water-bearing zone.
- b. The permittee shall determine groundwater quality in the uppermost aquifer throughout the active life of the facility and any post-closure care period in accordance with the parameter list and sampling schedule specified in Provisions VI.C.2. and VI.D.2., respectively.
- c. The design, construction, maintenance and operation of the authorized components of the Detection Monitoring Program must be in accordance with this permit and approved Part B Permit Application Section VI.B., which is incorporated into this permit through Permit Provision I.B.

B. Construction, Certification, and Plugging

Wells shall be constructed and maintained so groundwater samples are representative of the aquifer's water quality. A record of drilling and construction details demonstrating compliance with the terms of this permit section shall be prepared in accordance with Attachment F (Well Design and Construction Specifications). Wells constructed prior to issuance of this permit may be utilized as groundwater monitoring wells if they meet the standards of Attachment F (Well Design and Construction Specifications).

1. Well Construction

- a. For all groundwater monitor wells to be constructed in accordance with this permit, the permittee shall notify the Executive Director to report the proposed monitor well location and screened interval at least thirty (30)

[VI.B.1.a.]

days in advance of the anticipated date of installation or in accordance with an approved schedule for installation. Alternatively, a schedule for installation issued as part of an approved work plan shall constitute such notification. New well construction shall commence upon written approval of the Executive Director within the timeframes specified in this permit.

- b. For all groundwater monitor wells to be constructed in accordance with this permit, the permittee shall submit certification of this installation within sixty (60) days of installation, as described in Attachment F (Well Design and Construction Specifications). The Detection Monitoring Wells shall be installed in accordance with the schedule outlined in Attachment F (Well Design and Construction Specifications).

2. Replacement Wells

Prior to installation of a replacement well, the permittee shall submit to the Executive Director for approval, the replacement well specifications and an explanation of why the well is being replaced. For any Detection Monitoring System well to be considered a replacement well and not a new well, the well shall have no design changes from the well being replaced; shall be drilled within fifteen (15) feet of the well being replaced; and shall be installed in accordance with this Provision and Attachment F (Well Design and Construction Specifications).

3. Well Management Activities Requiring Permit Modification

- a. If the permittee or the Executive Director determines that the well integrity, materials of construction, or well placement no longer enable a well to yield samples representative of groundwater quality from the desired aquifer(s), then the permittee shall submit a permit modification or amendment request to the Executive Director in accordance with the provisions of 30 TAC Sections 305.62 and 305.69, respectively, describing actions the permittee will take to remedy the situation. The permittee shall also notify the Executive Director within fifteen (15) days of such determination regarding a well.
- b. The permittee shall submit a permit modification or amendment request to the Executive Director in accordance with the provisions of 30 TAC Sections 305.62 and 305.69, respectively, when new POC or Background Wells are to be constructed after issuance of this permit (i.e., if the wells have not been included in the approved Part B Permit Application materials referenced in permit Provision I.B.).
- c. The permittee shall submit a permit modification or amendment request, for installation of a new well, to the Executive Director in accordance with the provisions of 30 TAC Sections 305.62 and 305.69, respectively, when any wells being replaced do not meet the requirements of Provision VI.B.2. for a replacement well.

[VI.B.]

4. Plugging and Abandonment Procedures

- a. If a Detection Monitoring Well listed in Table VI.B.3.b. - Unit Groundwater Detection Monitoring System is plugged and abandoned and a replacement well is not installed in accordance with this permit, then a modification request shall be submitted in accordance with 30 TAC Section 305.69 within 90 days of the plugging and abandonment procedure to update Table VI.B.3.b. - Unit Groundwater Detection Monitoring System of the permit.
- b. For all wells to be plugged and abandoned after issuance of this permit, the permittee shall follow the procedures specified in Attachment F (Well Design and Construction Specifications).

C. Detection Monitoring System: Operation

1. Uppermost Aquifer/Water-Bearing Zone Monitored by the Detection Monitoring System

The Detection Monitoring System shall be designed to monitor the ground water in the uppermost aquifer/water-bearing zone. The "uppermost water-bearing zone", as referenced in this permit, refers to the weathered Glen Rose Formation strata and an unconfined zone of saturation (water table) in the overlying fill material and is typically less than 50 feet below ground surface. The weathered Glen Rose Formation ranges in elevation from approximately 830 feet above Mean Sea Level (MSL) to 770 feet above MSL. In the vicinity of Landfill 1 the top of the uppermost water-bearing zone is approximately eight (8) feet below ground surface (BGS). In the vicinity of Landfill 2, the top of the uppermost water-bearing zone is approximately fifteen (15) feet BGS. The zone of saturation between Landfill 1 and Landfill 2 is not laterally continuous. In the vicinity of Landfill 1, ground water is typically encountered eight (8) to thirty-two feet (32) BGS. In the vicinity of Landfill 2, ground water is typically encountered at depths of twenty (20) to forty-seven feet BGS.

2. Groundwater Detection Monitoring Parameters and Compliance

- a. The permittee shall monitor Landfill No. 1 POC Well Numbers CPM-31, CPM-32, CPM-38, CPM-39, CPM-50; Landfill No. 2 POC Well Numbers CPM-11, CPM-33, CPM-34, CPM-35, CPM-36, CPM-37; and Monitor Wells CPM-14 and CPM-51, which shall serve as background wells for both Landfill No. 1 and Landfill No. 2. The uppermost aquifer's groundwater quality will be evaluated based on the parameters listed in Table VI.B.3.c. - Groundwater Detection Monitoring Parameters. Sampling and Analysis for the Groundwater Detection Monitoring Parameters of Table VI.B.3.c. - Groundwater Detection Monitoring Parameters shall be conducted in accordance with Provision II.B.1.b. of this permit. [30 TAC Section 335.164(1)]

[VI.C.2.]

- b. One sample shall be collected from each groundwater monitoring well, including the upgradient Wells CPM-14 and CPM-51, during each sampling event. The permittee shall determine the concentrations of the detection monitoring parameters and water quality parameters listed in Table VI.B.3.c. - Groundwater Detection Monitoring Parameters for each sample collected.
- c. Compliance with the Groundwater Detection Monitoring Parameters listed in Table VI.B.3.c. - Groundwater Detection Monitoring Parameters is defined by the results of the data evaluation of Provision VI.D.4. wherein the groundwater monitoring data for each well does not exhibit evidence of contamination over background values. If any POC Well is determined to be noncompliant with Table VI.B.3.c. - Groundwater Detection Monitoring Parameters at any time during the Detection Monitoring Program, the permittee shall respond and report according to Provision VI.E.1.

3. Post-Closure Care Period

The area(s) listed in Provision VI.A.1. shall remain in the Detection Monitoring Program during the active life of the unit(s) and during any applicable Post-Closure Care Period. After closure activities are completed for a specified unit and certification of closure is received by the Executive Director, any applicable Post-Closure Care period shall begin. If the Post-Closure Care Period has expired and a Statistically Significant Increase (SSI) of the Groundwater Detection Monitoring Parameters of Table VI.B.3.c. - Groundwater Detection Monitoring Parameters has not been confirmed in the ground water, then the permittee shall notify the Executive Director in writing at least 30 days prior to discontinuing the Detection Monitoring Program for the specified unit. Within 90 days of the notification, the permittee shall submit a final report to the Commission for the specified unit. The final report shall include the information required by the annual report of Provision VI.G.

4. Waste Management of Recovered Groundwater

- a. Recovered ground water from a Detection Monitoring Well with no known contamination may be managed as uncontaminated prior to analysis. Following analysis, if the permittee determines that a Table VI.B.3.c. - Groundwater Detection Monitoring Parameter has an SSI over background value, then the recovered groundwater shall be managed as contaminated water.
- b. Recovered ground water with known contamination which exceeds the Table VI.B.3.c. - Groundwater Detection Monitoring Parameters shall be managed as contaminated water.

[VI.]

D. Sampling and Analysis

1. Sampling and Analysis

The permittee shall follow the methods set out in EPA's RCRA Groundwater Monitoring Draft Technical Guidance Document (November 1992) or an alternate method with prior written approval of the Executive Director to collect and preserve samples withdrawn from groundwater monitoring wells. The collected samples shall be managed (i.e., Chain of Custody and handling procedure), analyzed, and statistically evaluated (i.e., Quality Assurance/Quality Control (QA/QC)) in accordance with the current edition of U.S. EPA SW-846, ASTM or other equivalent methods with prior written approval of the Executive Director.

- a. All groundwater analyses required by this permit shall be performed using a QA/QC program where all information, data, and resulting decisions are technically sound, statistically valid, and properly documented. All QA/QC program details shall be put in writing and assignments made to qualified personnel. At a minimum, the program shall conform to the QA/QC program details described in the current edition of U.S. EPA SW-846.
- b. Groundwater analyses required by this permit shall utilize laboratory methods which are capable of measuring concentrations equal to or less than established background values.
- c. Wells shall be sampled according to the Sampling and Analysis Plan presented in Appendix VI.D, Groundwater Sampling and Analysis Plan, of the approved Part B Permit Application, which is incorporated into this permit through Provision I.B. The permittee or the Executive Director shall propose modifications, as necessary, to the Sampling and Analysis Plan in order to achieve the Detection Monitoring Program objectives. Any and all revisions to the plan shall become conditions of this permit at the beginning of the next full quarter after approval by the Executive Director.

2. Sampling and Analysis Frequencies and Parameters

- a. Frequencies of sampling shall be monthly, quarterly, semiannually or yearly, depending on the sampling objective. These periods of time are defined below:
 - (1) "Month" shall be a calendar month;
 - (2) "Quarter" shall be based on divisions of the calendar year (i.e., January through March, April through June, July through September, October through December);
 - (3) "Semiannual" shall be based on divisions of the calendar year (i.e., January through June, July through December) and consist of two consecutive quarters;

[VI.D.2.a.]

- (4) "Annual" or "Year" shall be four consecutive quarters, beginning with the first quarter. Years shall be designated consecutively, beginning with the "first year", "second year", etc.; and,
 - (5) "Calendar year" shall be based on divisions of the calendar (i.e., January through December).
- b. Sampling of wells shall commence during the first complete quarter after issuance of this permit, or during the first quarter of operation if the permit is issued for a new unit. Samples shall be collected during the first thirty (30) days of the specified sampling frequency.
- c. In the first and subsequent years of the Detection Monitoring Program, the wells of Table VI.B.3.b. - Unit Groundwater Detection Monitoring System shall be sampled on an annual basis and analyzed according to the schedule listed in Table VI.B.3.c. - Groundwater Detection Monitoring Parameters.
- d. Field determination requirements for wells listed in Table VI.B.3.b. - Unit Groundwater Detection Monitoring System consist of the following measurements or observations which shall be established during each sampling event:
- (1) Water level measurements relative to Mean Sea Level measured to within 0.01 foot.
 - (2) Determination of pH, temperature, Specific Conductivity and Turbidity in nephelometric turbidity units for each well.
 - (3) Descriptions of water sample appearance (clarity, color, etc.) shall be recorded.
 - (4) The total depth of each well, which is not equipped with a dedicated pump, shall be measured during each sampling event. The total depth of each well equipped with a dedicated pump shall be measured when pumps are removed for maintenance. At a minimum, the wells with dedicated pumps will be checked for silting every 3 years. The measured total depth shall be compared to the total depth recorded on the well construction log. Should an analysis of the measured and the recorded total depth reveal that the well is silting in, the permittee shall perform such actions necessary (redevelopment, replacement, etc.) to enable the well to function properly.
 - (5) All wells specified in this permit shall be inspected during each sampling event. Repairs or a proposal for replacement for any affected well shall be performed within ninety (90) days of the routine sampling event inspection which identified the problem well.

[VI.D.]

3. Statistical Procedures for Data Evaluation

- a. For each POC Well sampled during each sampling event, the permittee shall determine whether there is evidence of an SSI in the concentrations of each Groundwater Detection Monitoring Parameter of Table VI.B.3.c. - Groundwater Sample Analysis (since renamed Groundwater Detection Monitoring Parameters) provided sufficient volume can be obtained for that parameter when compared to the Background Well groundwater quality data. In determining whether or not an SSI has occurred for a Groundwater Detection Monitoring Parameter of Table VI.B.3.c. - Groundwater Sample Analysis (since renamed Groundwater Detection Monitoring Parameters), the permittee shall establish if the background values have been exceeded by utilizing the statistical procedures and data evaluation described in the following guidance:
 - (1) Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities - Interim Final Guidance, U.S. EPA, April 1989; and
 - (2) Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities - Addendum to Interim Final Guidance, U.S. EPA, June 1992.
- b. The permittee shall maintain a background data base for each monitoring parameter. The background data base includes all data from past sampling events for Monitoring Wells CPM-14, CPM-15 (including historical data), CPM-30 (including historical data) and CPM-51. Each time background wells are sampled, the results for each monitoring parameter shall be added to the respective database for each monitoring parameter.
- c. The statistical procedure(s) that shall be used to determine if an SSI has occurred over background values limits shall be the non-parametric prediction limit methodology for all monitoring parameters listed in Table VI.B.3.c. Groundwater Detection Monitoring Parameters with the exception of dissolved zinc.
 - (1) If the detection frequency for dissolved zinc is equal to or greater than 50%, in the background data base, the permittee shall use a parametric prediction limit test;
 - (2) If the detection frequency for dissolved zinc is less than 50% in the background data base, the permittee shall use the non-parametric prediction limit test.
- d. The non-parametric prediction limit for each monitoring parameter shall be determined using the method described in Gibbons (Statistical Methods for Groundwater Monitoring).

[VI.D.3.d.]

- (1) In determining the appropriate non-parametric prediction limit for each monitoring parameter, the following requirements will be met:
 - (A) Each test will consist of an initial sample and, if necessary, one resample;
 - (B) For each monitoring parameter, the maximum value from the background database will be the non-parametric prediction limit for that parameter. Prior to choosing the maximum value from a background database, the most recent monitoring results will be added to the database;
 - (C) If all values in the background database for a monitoring parameter are below the detection limit, then the PQL listed for that parameter in 40 CFR 264 Appendix IX will be used for the non-parametric prediction limit for that parameter;
 - (D) The landfill-wide type I error rate will not be less than 0.05.
- (2) If at any time the TCEQ or the permittee determines that the power characteristics of the non-parametric prediction limit method do not meet or exceed those of the appropriate EPA Reference Power Curve (U.S. EPA, 1992), Addendum to Interim Final Guidance for Statistical Analysis of Ground Water Monitoring Data at RCRA Facilities, Office of Solid Waste, the permittee shall:
 - (A) Modify the detection monitoring system so that the non-parametric prediction limit method does meet the minimum power characteristics of the appropriate EPA Reference Power Curve; or
 - (B) Propose a new statistical method to be approved by the Executive Director.
- (3) If the initial sample result for a monitoring parameter exceeds the nonparametric prediction limit for that parameter, as established pursuant to Provision VI.D.3.d., the permittee will resample the well from which the initial sample was taken, and the resample shall be compared to the non-parametric prediction limit. If the resample result is less than or equal to the non-parametric prediction limit, the conclusion will be that a statistically significant increase (SSI) over background has not occurred. If the resample result exceeds the non-parametric prediction limit, the conclusion will be that an SSI has occurred.
- (4) When resampling a well pursuant to Provision VI.D.3.d.1.A. or VI.D.3.d.3., the permittee shall resample as soon as an independent

[VI.D.3.d.(4)]

sample can be collected, based on an appropriate sample interval as determined using the method described in US EPA Guidance Document on the Statistical Analysis of Ground Water Monitoring Data at RCRA Facilities, 1989, pgs 3-1 through 3-11.

- (5) For each monitoring parameter for each POC well during each sampling event, where the background detection frequency is equal to or greater than 50%, the permittee shall determine whether there is evidence that the parametric prediction limit interval for each parameter has been exceeded. This determination shall be accomplished using a parametric prediction limit methodology. The parametric prediction limit (PPL) will be calculated as follows:

$$PPL = \bar{x} + t_{(n-1, 0.99)}s(1 + 1/n)^{0.5}, \text{ where:}$$

\bar{x} = background sample mean

s = background sample standard deviation

n = the number of point of compliance samples to be compared from a sampling event

t = the value of the Student's t-distribution at $\alpha = 0.01$ and $n-1$ degrees of freedom

If the background data set is lognormally distributed, then the PPL is computed using an \bar{x} and s that are computed using the natural logarithms of the background sample values. In such a case, the natural logarithm of the point of compliance sample values shall be compared to the PPL.

- (6) If a sample result from a POC well exceeds the parametric prediction limit, the permittee shall resample that well and compare the resample result to the PPL. If the resample result is less than or equal to the PPL, the conclusion will be that an SSI increase over background has not occurred. If the resample result exceeds the PPL, the conclusion will be that an SSI has occurred.
- (7) If the permittee determines pursuant to Provision VI.D.3.d.3. or VI.D.3.d.6. that there has been an SSI, the permittee shall:
- (A) Notify the Executive Director in writing within seven (7) days. The notification must indicate which parameters have exhibited an SSI.
- (B) For that landfill, immediately sample the groundwater in all point of compliance wells in which the prediction limit interval was exceeded and determine whether constituents of Appendix IX of 40 CFR 264 are present, and if so, in what concentrations;

[VI.D.3.d.]

(8) For the following unit(s) identified in Provision VI.A.1.: Landfill No. 1 and Landfill No. 2., to employ the selected statistical procedure listed above, the permittee is required to collect a minimum of one sample from each unit's Background and POC Wells during each sampling event as possible.

e. If it is determined that the selected statistical procedure is not appropriate to conduct data evaluation for a specified unit, then the permittee shall select an alternate statistical procedure. Prior to using a statistical procedure which is different than the one identified in Provision VI.D.3.b. the permittee shall obtain approval from the Executive Director through a permit amendment or modification as specified in 30 TAC Sections 305.62 and 305.69, respectively.

4. Data Evaluation

a. Data evaluations shall be completed within sixty (60) days of the sampling date unless QA/QC procedures show that data is unacceptable and re-analysis or resampling must be performed. In such cases, the Executive Director will be notified as soon as it becomes apparent that the 60-day time limit to conduct data evaluation cannot be met.

b. Data evaluation shall determine whether there is evidence of an SSI for Groundwater Detection Monitoring Parameters listed in Table VI.B.3.c. - Groundwater Sample Analysis (since renamed Groundwater Detection Monitoring Parameters each time groundwater quality is determined at the POC in accordance with 30 TAC Section 335.163(7).

E. Response Requirements for SSI

1. If the permittee has determined an SSI over background values for any of the Groundwater Monitoring Parameters identified in Table VI.B.3.c. - Groundwater Detection Monitoring Parameters in accordance with statistical procedures authorized by Provision VI.D.3. and specified by the permittee, the permittee shall perform the following actions:

a. Notify the Executive Director in writing, within seven (7) days. The notification must indicate which Groundwater Detection Monitoring Parameter(s) of Table VI.B.3.c. - Groundwater Sample Analysis (since renamed Groundwater Detection Monitoring Parameters) has exhibited an SSI.

b. Immediately sample the ground water in all wells of Table VI.B.3.b. - Unit Groundwater Detection Monitoring System which exhibit an SSI for the specified unit and determine whether constituents of Appendix IX of 40 CFR 264 are present, and if so, in what concentrations.

[VI.E.1.]

- c. For any Appendix IX hazardous constituent found in the analysis pursuant to Provision VI.E.1.b., the permittee may resample for hazardous constituents within one month and repeat the analysis for those compounds detected. If the results of the second analysis confirm the initial results, then these detected constituents will form the basis for a Compliance Monitoring Program. If the permittee does not resample for the constituents found pursuant to Provision VI.E.1.b., the hazardous constituents found during the initial Appendix IX analysis will form the basis for the Compliance Monitoring Program.
 - d. Upon establishing that a release has occurred from a unit(s), the permittee shall submit to the Executive Director a permit amendment or modification to modify the Detection Monitoring Program and a compliance plan application to initiate a Compliance Monitoring Program and/or a Corrective Action Program for the specified unit(s). The permit and compliance plan applications must be submitted based on the following schedule:
 - (1) If ground water downgradient of the specified unit does not exceed the requirements in 30 TAC Section 335.158 for the proposed groundwater protection standard (GWPS), then within ninety (90) days, the permittee shall submit a permit amendment and a compliance plan application to establish a Compliance Monitoring Program for the specified unit;
 - (2) If ground water downgradient of the specified unit exceeds the requirements in 30 TAC Section 335.158 for the proposed GWPS requested in the application for a specified unit, and an Alternate Concentration Limit (ACL) is not being proposed in the application in accordance with 30 TAC Section 335.160(b) to establish the GWPS, then within 180 days, the permittee shall submit a permit amendment or modification and a compliance plan application to establish a Corrective Action Program for the specified unit.
 - (3) If ground water downgradient of the specified unit exceeds the requirements in 30 TAC Section 335.158 for the proposed GWPS requested in the application for a specified unit, and an ACL is being proposed in the application in accordance with 30 TAC Section 335.160(b) to establish the GWPS, then within 180 days, the permittee shall submit a permit amendment or modification and a compliance plan application with an ACL demonstration to establish a Corrective Action Program for the specified unit.
2. If the permittee determines that there is an SSI above (or for pH, a statistically significant variation from) background values for the Groundwater Detection Monitoring Parameters specified in Table VI.B.3.c., the permittee may demonstrate a source other than the RCRA-regulated unit caused the increase or that the increase

[VI.E.2.]

resulted from error in sampling, analysis, or evaluation. In such cases, the permittee shall perform the following actions:

- a. Notify the Executive Director in writing within seven (7) days that the permittee intends to make a demonstration.
 - b. Within ninety (90) days, submit a report to the Executive Director which demonstrates that a source other than a RCRA-regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation.
 - c. Submit to the Executive Director an application for a permit amendment or modification and a compliance plan application to make any appropriate changes to the Detection Monitoring Program at the facility. The applications shall be submitted in accordance with Provision VI.E.1.d.
3. Continue to monitor ground water in accordance with the Detection Monitoring Program at the facility.

F. Revised Detection Monitoring Program

If the permittee or the Executive Director determines that the Detection Monitoring Program no longer satisfies the requirements of 30 TAC Section 335.164, the permittee must, within ninety (90) days of either the permittee's determination or Executive Director's notification, submit a permit amendment or modification request to make any appropriate changes to the Detection Monitoring Program which will satisfy the regulations.

G. Annual Detection Monitoring Reporting Requirements

The permittee shall submit an Annual Detection Monitoring Report which shall include the following information determined since the previously submitted report:

1. A statement whether an SSI has occurred over background values in any well during the previous calendar year period and the status of any SSI events.
2. The permittee shall include the results of all monitoring, testing, and analytical work obtained or prepared pursuant to the requirements of this permit, including a summary of background groundwater quality values, groundwater monitoring analyses, statistical calculations, graphs and drawings.
3. The groundwater flow rate and direction in the uppermost aquifer. The groundwater flow rate and direction of ground water flow shall be established using the data collected during the preceding calendar year's sampling events from the monitoring wells of the Detection Monitoring Program. The permittee shall also include in the report all documentation used to determine the groundwater flow rate and direction of ground water flow.

[VI.G.]

4. A contour map of piezometric water levels in the uppermost aquifer based at a minimum upon concurrent measurement in all monitoring wells. All data or documentation used to establish the contour map should be included in the report.
5. Recommendation for any changes.
6. Any other items requested by the Executive Director.

H. Record Keeping Requirements

1. The permittee shall enter all monitoring, testing, analytical, statistical test computation data in evaluating groundwater monitoring data, and monitoring well inspection data obtained or prepared pursuant to the requirements of this permit, including graphs and drawings, in the operating record at the facility.
2. The operating record at the facility shall be made available for review by the staff of the Commission upon request.

I. Compliance Scheduling Requirements - Reserved

VII. CLOSURE AND POST-CLOSURE REQUIREMENTS

A. Facility Closure

1. The permittee shall follow the closure plan, developed in accordance with 40 CFR Part 264 Subpart G, and contained in the permit application submittals identified in Provision I.B.

In addition, facility closure shall commence:

- a. Upon direction of the TCEQ for violation of the permit, TCEQ Rules, or State Statutes; or
- b. Upon suspension, cancellation, or revocation of the terms and conditions of this permit concerning the authorization to receive, store, process, or dispose of waste materials; or
- c. Upon abandonment of the site; or
- d. Upon direction of the TCEQ for failure to secure and maintain an adequate bond or other financial assurance as required by Provision VII.B.1.

2. Request for Permit Modification or Amendment

The permittee shall submit a written request for a permit modification or amendment to authorize a change in the approved Closure Plan(s), in accordance with 40 CFR 264.112 (c). The written request shall include a copy of the amended Closure Plan(s) for approval by the Executive Director.

[VII.A.]

3. Time Frames for Modification\Amendment Request Submittal

The permittee shall submit a written request for a permit modification or amendment in accordance with the time frames in 40 CFR 264.112 (c)(3).

4. Closure Notice and Certification Requirements

a. The permittee shall notify the Executive Director, in writing, at least 60 days prior the date on which he expects to begin partial or final closure of a surface impoundment, or landfill unit, or final closure of a facility with such a unit; or at least 45 days prior to the date on which he expects to begin partial or final closure of a facility with processing or storage tanks, container storage, or incinerator units; or at least 45 days prior to the date on which he expects to begin partial or final closure of a boiler or industrial furnace, whichever is earlier. A copy of the notice shall be submitted to the TCEQ Regional Office.

b. The permittee shall notify the TCEQ Regional Office at least ten (10) days prior to any closure sampling activity required by the permit in order to afford regional personnel the opportunity to observe these events and collect samples.

5. Unless the Executive Director approves an extension to the closure period, as per the requirements of 40 CFR 264.113(b), the permittee must complete partial and final closure activities within 180 days after receiving the final known volume of hazardous wastes at the hazardous waste management unit or facility.

6. As per the requirements of 40 CFR 264.115, within 60 days of completion of closure of each permitted hazardous waste surface impoundment, or landfill unit, and within 60 days of the completion of final closure, the permittee shall submit to the Executive Director, by registered mail, with a copy to the TCEQ Regional Office, a certification that the hazardous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved Closure Plan and this permit. The certification, which shall be signed by the permittee and by an independent professional engineer licensed in Texas, must be in the form described in Provision II.A.6. A closure certification report shall be submitted with the required certifications which includes a summary of the activities conducted during closure and the results of all analyses performed. The certification report shall contain the information required by Provision II.A.6 and 30 TAC 350.32 (Texas Risk Reduction Program (TRRP) Remedy Standard A) and 30 TAC Section 350.33 (TRRP, Remedy Standard B) and 30 TAC Section 350.95 (Response Action Completion Report (RACR)). Documentation supporting the independent licensed professional engineer's certification shall be furnished to the Executive Director upon request until the Executive Director releases the permittee from the financial assurance requirements for closure under 40 CFR 264.143(i).

[VII.A.

7. For each disposal unit closed after permit issuance, the permittee shall submit documentation to demonstrate compliance with 40 CFR 264.116 (relating to survey plat) and 264.119 (relating to post-closure notices). Documentation to demonstrate compliance with survey plat requirements must be submitted to the TCEQ at the time of submission of the certification of closure. Documentation to show compliance with post-closure notices must be submitted to the TCEQ no later than 60 days after certification of closure.
8. Final closure is considered complete when all hazardous waste management units at the facility have been closed in accordance with all applicable closure requirements so that hazardous waste management activities under 40 CFR Part 264 and 265 are no longer conducted at the facility unless subject to the provisions in 40 CFR 262.34.
9. All units, sumps, pumps, piping and any other equipment or ancillary components which have come in contact with hazardous wastes shall either be decontaminated by removing all waste, waste residues, and sludges or be disposed of in a manner authorized at facility or disposed of at an authorized off-site facility.
10. All contaminated equipment/structures and liners (i.e., debris) intended for land disposal shall be treated in a manner which meets or exceeds the treatment standards for hazardous debris contained in 40 CFR 268.45 or removed and managed at an authorized industrial solid waste management facility. All contaminated dikes and soils intended for land disposal shall be treated in a manner which meets or exceeds the treatment standards for hazardous soils contained in 40 CFR 268.49 or removed and managed at an authorized industrial solid waste management facility.
11. All hard-surfaced areas within the hazardous waste management unit areas shall be decontaminated and the wash water generated treated and/or disposed in a manner authorized at this facility or at an authorized off-site facility.
12. Verification of decontamination shall be performed by analyzing wash water, and as necessary, soil samples for the hazardous constituents which have been in contact with the particular item being decontaminated. In addition, the permittee shall perform visual inspections of the equipment/structures for visible evidence of contamination.
13. Unless it can be demonstrated that soil contamination has not occurred, soils shall be sampled and analyzed. Sufficiently detailed analyses of samples representative of soils remaining in non-hard-surfaced areas of the storage and processing facility area shall be performed to verify removal or decontamination of all waste and waste residues.
14. Soil and/or wash-water samples shall be analyzed using laboratory methods specified in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods*, SW-846, 1987, as revised; *Standard Methods for the Examination of Water and Wastewater, Fifteenth Edition, 1980, and 1981 supplement, or current adopted edition*; *RCRA Ground-Water Monitoring: Draft Technical Guidance, 1992*, OSWER Directive 9950.1. Equivalent or modified methods, must be specified in

[VII.A.14.]

the Closure Plan and have written approval of the Executive Director prior to use. All data submitted to the TCEQ shall be in a manner consistent with the latest version of the TCEQ QAPP.

15. Decontamination shall be deemed complete when no visible evidence of contamination is observed and when the results from verification sampling and analyses indicate wash water concentrations and/or soil concentrations are below the applicable critical Protective Concentration Level (PCL) for Remedy Standard A. If the underlying soils are decontaminated or removed to the PCL for Remedy Standard A, Commercial/Industrial Land use, the permittee shall comply with the institutional controls requirements of 30 TAC Section 350.111 as required.

B. Financial Assurance for Closure

1. The permittee shall provide financial assurance for closure of all existing permitted units covered by this permit in an amount not less than \$233,185 (2006 dollars) as shown on Table VII.E.1. - Permitted Unit Closure Cost Summary. Financial assurance shall be secured and maintained in compliance with 30 TAC Chapter 37, Subchapter P; and 335.179. Financial assurance is subject to the following, as applicable:
 - a. Adjustments to Financial Assurance Amount:
 - (1) At least 60 days prior to acceptance of waste in proposed permitted units listed in Table VII.E.1. - Permitted Unit Closure Cost Summary, the permittee shall increase the amount of financial assurance required for closure by the amounts listed in Table VII.E.1. and shall submit additional financial assurance documentation;
 - (2) The amount of financial assurance for closure of existing units, may be reduced by the amount listed in Table VII.E.1. - Permitted Unit Closure Cost Summary, upon certification of closure of an existing permitted unit, in accordance with Provision VII.A.4., and upon written approval of the Executive Director.
 - b. Annual Inflation Adjustments

Financial assurance for closure, including any adjustments after permit issuance, shall be corrected for inflation according to the methods described by 30 TAC Sections 37.131 and 37.141.
2. The permittee shall submit to the Executive Director, upon request, such information as may be required to determine the adequacy of the financial assurance.

[VII.]

C. Storage, Processing, and Combustion Unit Closure Requirements

The permittee shall close the storage unit identified as TCEQ Permit Unit No. 01 in accordance with the approved Closure Plans, 40 CFR-Part 264, Subpart G, 40 CFR 264.178 (container storage) and the Texas Risk Reduction Program of 30 TAC Chapter 350.

D. Facility Post-Closure Care Requirements

For each hazardous waste management unit which is closed as a landfill, the permittee shall conduct post-closure care of the unit for a period of at least 30 years after certification of closure of each respective unit. The post-closure period for each closed unit is specified in Table VII.G. - Post-Closure Period. Post-closure care shall be performed in accordance with the Post-Closure Plans referenced in Provision I.B., 40 CFR 264.117, and the following requirements:

1. Maintain all storm water conveyance structures in good functional condition.
2. Maintain the cover on Landfill 1 and Landfill 2, as applicable, such that the cover promotes drainage, prevents ponding, minimizes surface water infiltration, and minimizes erosion of the cover. Any desiccation cracks, erosion, gullyng, or other damage shall be repaired upon observance.
3. Maintain a self-sustaining vegetative cover on the capped areas by periodic seeding, fertilizing, irrigation, and/or mowing.
4. Maintain all benchmarks at the facility.
5. Maintain the facility perimeter fence, manned or locked gates, and warning signs in good functional condition.
6. Ensure that all entrances to the facility have manned or locked gates.
7. Ensure that the TCEQ has access to the facility.
8. Prepare and submit the Biennial Report required by Provision II.B.7.
9. Perform all ground-water monitoring and related activities specified in Provision VI.A.1 of the permit.
10. Submit the Post-Response Action Care Plan required by 30 TAC 350.33(k). This report shall be submitted with the groundwater monitoring report required by Provision IV.G.

[VII.D.]

11. General Post-Closure Requirements

Request for Permit Modification or Amendment

The permittee shall submit a written request for a permit modification or amendment to authorize a change in the approved Post-Closure Plan(s) in accordance with 40 CFR 264.118 (d)(2). The written request shall include a copy of the amended Post-Closure Plan(s) for approval by the Executive Director.

Time Frames for Modification/Amendment Request

The permittee shall submit a written request for a permit modification or amendment in accordance with the time frames in 40 CFR 264.118 (d)(3).

12. Post-Closure Notice and Certification Requirements

No later than 60 days after completion of the established post-closure period for each unit, the owner or operator shall submit to the Executive Director, by registered mail with a copy to the TCEQ Regional Office, a certification that the post-closure period for the unit was performed in accordance with the specifications of the approved Post-Closure Plan and this permit. The certification shall be signed by the permittee and a registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the Executive Director upon request until the Executive Director releases the owner or operator from the financial assurance requirements for post-closure under 40 CFR 264.145 (i).

E. Financial Assurance for Post-Closure

1. The permittee shall provide financial assurance for post-closure care of all existing units required by this permit in an amount not less than \$216,982 (2006 dollars) as shown on Table VII.E.2. - Permitted Unit Post Closure Cost Summary. Financial assurance shall be secured and maintained in compliance with 30 TAC Chapter 37, Subchapter P and 30 TAC 335.152.

a. Adjustment to Financial Assurance Amount

At least 60 days prior to management of waste in proposed permitted units, if any, listed in Table VII.E.2. - Permitted Unit Post-Closure Cost Summary, the permittee shall increase the amount of financial assurance required for post-closure by the amounts listed in Table VII.E.2. - Permitted Unit Post-Closure Cost Summary and shall submit additional financial assurance documentation.

b. Inflation Factor Correction

During the active life of the facility, financial assurance for post-closure care (including adjustments after permit issuance) shall be corrected for inflation according to the methods described by 30 TAC 37.131 and 37.141.

[VII.E.]

2. The permittee shall submit to the Executive Director, upon request, such information as may be required to determine the adequacy of the financial assurance.

VIII. LIABILITY REQUIREMENTS

A. Sudden and Nonsudden Accidental Occurrences

1. The permittee shall demonstrate continuous compliance with the requirements of 30 TAC Chapter 37, 30 TAC §335.152(a)(6) and Subchapter P to maintain liability coverage for sudden and accidental occurrences of at least \$1 million per occurrence, with an annual aggregate of at least \$2 million, exclusive of legal defense costs.
2. The permittee also shall demonstrate continuous compliance with the 30 TAC Chapter 37, 30 TAC §335.152(a)(6) and Subchapter P requirements to have and maintain liability coverage or nonsudden accidental occurrences in the amount of at least \$3 million per occurrence, with an annual aggregate of at least \$6 million, exclusive of legal defense costs.
3. The permittee may combine the required per-occurrence coverage levels for sudden and nonsudden accidental occurrences into a single per-occurrence level, and combine the required annual aggregate coverage levels for sudden and nonsudden accidental occurrences into a single annual aggregate level. Owners or operators who combine coverage levels for sudden and nonsudden accidental occurrences shall maintain liability coverage in the amount of at least \$4 million per occurrence and \$8 million annual aggregate.

B. Incapacity of Owners or Operators, Guarantors, or Financial Institutions

The permittee shall comply with 30 TAC §37.71, regarding bankruptcy, whenever necessary.

IX. CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

A. Notification of Release From Solid Waste Management Unit

If a solid waste management unit (SWMU) or area of contamination not previously addressed in the RCRA Facility Assessment (RFA) dated January 5, 1993, or any release of hazardous waste or hazardous constituents that may have occurred from any SWMU and/or AOC, is discovered subsequent to issuance of this permit, the permittee shall notify the Executive Director in writing within fifteen (15) days of the discovery. Within forty-five (45) days of such discovery, the permittee shall submit an RFA for that unit or release which shall be based on U.S. EPA RCRA Facility Assessment Guidance, October 1986, NTIS PB 87-107769. If the RFA indicates a release or suspected release warrants further investigation, the permittee shall comply with the requirements of Provision IX.B. of this permit.

[IX.]

B. Corrective Action Obligations

The permittee shall conduct corrective action as necessary to protect human health and the environment for all releases of hazardous waste and hazardous constituents from any SWMU. The permittee shall fulfill this obligation by conducting a Corrective Action Program which consists of a RCRA Facility Investigation (RFI) of the unit/area identified. The permittee shall conduct a RFI to determine whether hazardous waste or hazardous constituents listed in 40 CFR Part 261, Appendix VIII have been released to into the environment. Upon completion of the RFI the Permittee shall submit to the TCEQ either a demonstration that no release occurred or an Affected Property Assessment Report (APAR) showing the vertical and lateral nature and extent of the release. If it is determined that hazardous waste or hazardous constituents have been or are being released into the environment, then the permittee may be required to implement those activities listed in the Response Action Plan (RAP) to protect human health and the environment. Upon completion of the RAP implementation the permittee must submit to the TCEQ, a Response Action Effectiveness Report (RAER) which details the activity that will be taken to remove, decontaminate and/or control chemicals of concern (COC) which may be present at the facility in excess of critical Protective Concentration Levels (PCLs) in the environmental media. The report shall include actions taken in response to releases to environmental media from waste a management unit(s) before, during, or after closure.

Upon Executive Director's review of the Corrective Action Program obligations, the permittee may be required to perform any or all of the following:

1. conduct investigation(s);
2. provide additional information;
3. conduct additional investigation(s);
4. investigate an additional unit(s);
5. proceed to the next task in the Corrective Action Program and/or;
6. submit an application for a new compliance plan or modification to an existing compliance plan to implement corrective measures.

Any additional requirements must be completed within the time frame(s) specified by the Executive Director.

C. Units Requiring Investigation

The permittee shall conduct an RFI for the following SWMU(s) and/or area(s) of contamination in accordance with Provision IX.E.:

1. Monitoring Well CPM-27 - investigation has been resolved. See TCEQ letter dated February 15, 2000 stating "No Further Action" needed, except for deed recordation under Texas Risk Reduction Rules.
2. Landfills 8, 9, and 10 - investigation has been resolved. See TCEQ letter dated February 15, 2000 stating "No Further Action" needed. This is a separate letter from the above No. 1 item, but with the same date.

[IX.]

D. Variance from Investigation

The permittee may elect to certify that no hazardous waste or hazardous constituents listed in 40 CFR Part 261, Appendix VIII and/or 40 CFR Part 264, Appendix IX are or were present/managed in a unit listed in Provision XI.C. in lieu of performing the investigation required in Provisions IX.B. and E., provided that confirming data is submitted for the current and past waste(s) managed in the respective unit. The permittee shall submit such information and certification(s) on a unit-by-unit basis in the time frame required in Provision IX.E. for review and approval by the Executive Director of the TCEQ. If the permittee cannot demonstrate and certify that hazardous waste or hazardous constituents are not or were not present in a particular unit, the investigation required in Provisions IX.B. and E. shall be performed for the unit.

E. RCRA Facility Investigation (RFI)

Within sixty (60) days from the date of issuance of this permit the permittee shall submit a schedule for completion of the RFI(s) for the SWMU(s) or area(s) of contamination listed in Provision IX.C. to the Executive Director for approval. Also, within sixty (60) days of approval of a RFA Report which recommends further investigation of a SWMU(s) or area(s) of contamination in accordance with Provision IX.A., the permittee shall submit a schedule for completion of the RFI(s) to the Executive Director for approval. The permittee shall initiate the investigations in accordance with the approved schedule and shall address all of OSWER Directive 9902.3-2A, RCRA Corrective Action Plan (Final), May 1994. If the permittee elects to use an alternate investigation approach, Executive Director approval of the workplan will be required prior to initiation of investigation(s). The results of the RFI must be submitted to the Executive Director for approval within the time frame established in the approved schedule either as a demonstration that no release occurred or in the form of an APAR. The APAR must document results of the investigation(s). The report shall be considered complete when the full nature and extent of the contamination, Quality Assurance/Quality Control procedures and Data Quality Objectives are documented to the satisfaction of the Executive Director.

F. Response Action Plan (RAP)

Upon approval of the activities outlined in the APAR, if it is determined that there has been a release into the environment of hazardous waste or hazardous constituents listed in 40 CFR Part 261, Appendix VIII and/or 40 CFR Part 264 Appendix IX, which appears to be a risk to human health and the environment, then within the time frame(s) specified by the Executive Director following approval of the APAR, the permittee shall submit a RAP. This plan shall evaluate the risk, identify and evaluate corrective measure alternatives and recommend appropriate corrective measure(s) to protect human health and the environment. The RAP shall address all of the applicable items in 30 TAC 350 Subchapter B and Subchapter E and the U.S. EPA publication EPA/520-R-94-004, OSWER Directive 9902.3-2A, RCRA Corrective Action Plan (Final), May 1994.

J. Response Action Completion Report (RACR)

The permittee shall submit a RAP within the time frame required by the Executive

[IX.F.1.]

Director, not to exceed one-hundred-eighty (180) days from the date of approval of the APAR. The RAP shall address all of the items for Corrective Measures Implementation (CMI) Workplans contained in the U.S. EPA publication EPA/520-R-94-004, OSWER Directive 9902.3-2A, RCRA Corrective Action Plan (Final), May 1994. If the RAP does not propose a permanent remedy, then a RAP shall be submitted as part of a new compliance plan application or as a modification/amendment application to an existing compliance plan. The RAP shall contain detailed final engineering design and monitoring plans and schedules necessary to implement the selected remedy. Implementation of the corrective measures shall be addressed through a new and/or a modified/amended compliance plan. Upon installation of a corrective action system based upon the approved RAP, the permittee shall submit a RACR. Approval of the RACR places the SWMU in a status of conditional No Further Action, reflecting that the remedy is in place, controls must be maintained, and effectiveness must be monitored. To report the progress of the corrective measures, the permittee shall submit the Post-Response Action Care Report (PRACR) to the TCEQ in accordance with the schedule specified in the compliance plan to show the progress of actions taken.

G. Compliance Plan - Reserved

X. AIR EMISSION STANDARDS

A. Process Vents and Equipment Leaks

1. Emissions from this facility must not cause or contribute to a condition of "air pollution" as defined in Section 382.003 of the Texas Health and Code Ann. or violate Section 382.085 of the Texas Health and Safety Code Ann. If the Executive Director of the TCEQ determines that such a condition or violation occurs, the permittee shall implement additional abatement measures as necessary to control or prevent the condition or violation.
2. Requirements for Subparts AA and BB
 - a. The permittee must comply with the requirements of 30 TAC Section 335.152(a)(17)/40 CFR Part 264 Subpart AA and 30 TAC Section 335.152(a)(18)/40 CFR Part 264 Subpart BB, as applicable.
 - b. The permittee shall include in the Biennial Report, required in Provision II.B.7., a statement that hazardous waste management units or associated ancillary equipment at this facility are not subject to any of the requirements in Provision X.A.2.a., if these requirements are not applicable to any hazardous waste management units or associated ancillary equipment at this facility. If at any time any hazardous waste management units or associated ancillary equipment become subject to the requirements in Provision X.A.2.a., the permittee must immediately comply with these requirements.

[I.A.]

3. Requirements for Subpart CC - Reserved

The permittee must comply with the requirements of 40 CFR Part 264 Subpart CC,
as applicable.

B. Reserved

TABLE III.D. - INSPECTION SCHEDULE

Facility Unit(s) and Basic Elements	Possible Error, Malfunction, or Deterioration	Frequency of Inspection
<i>Mixed Waste Container Storage Area:</i>		
Containers	Leaks, corrosion	Weekly
Unloading Area	Presence of waste materials	Daily when in use
Storage Unit Sumps	Presence of leaked materials	Weekly
Fire Extinguisher	Inoperable	Weekly
Door Locks	Inoperable	Weekly
Landfills 1 and 2		
Surface Cap/Vegetative Cover	Settling, ponded water, absence of vegetation, erosion	Semi-annually
Monitoring wells	Surface damage to PVC or outer protective casing	Semi-annually
Fences	Holes, cut down	Semi-annually
Gates	Lock missing or damaged	Semi-annually
Benchmarks	Missing or disturbed	Semi-annually

Note:

Landfill cover systems will also be inspected after a storm event of 7.5 or more inches within 24 hours (the 24-hour/25-year storm event per US Weather Bureau, "Technical Paper No. 40 - Rainfall Frequency Atlas of the United States", May 1961).

TABLE III.E.3. - EMERGENCY EQUIPMENT

Equipment	Location	Physical Description	Capabilities
Salvage Drum (Overpack)	HazMat Trailer	Overpack Drum	Used to containerize spill
Metal Scoop (Hand)	HazMat Trailer	Sampling Device	Used to sample spill material
NIOSH Guide to Chemical Hazards	HazMat Trailer	Guidebook to Chemical Hazards	Used as reference in handling and storing wastes
DOT Emergency Response Guidebook	HazMat Trailer	Guidebook to Responding to Emergencies	Used as reference in spill response
Tube of Chemical Classifier pH Paper	HazMat Trailer	pH Paper	Used to fingerprint spill material
Bag of Various Sized Wooden Plugs	HazMat Trailer	Tapered Hardwood Plugs	Short term plugging of some punctures
Rolls of Duct Tape	HazMat Trailer	2" Cloth Tape	Various securing applications
HazMat Waste Labels	HazMat Trailer	Container Labels	Used to label containerized spill material
Rolls of Barricade Tape (Caution - Hazardous Materials)	HazMat Trailer	Barricade Tape	Used to isolate spill areas from traffic
Towels	HazMat Trailer	Cotton Towels	Moisture absorption
Wheel Chocks	HazMat Trailer	Rubber Blocks	Prevent unwanted wheel movement
Cotton Glove Liners	HazMat Trailer	Cotton Glove Liner	Protect skin from contact with outer glove material
Box of Vinyl Gloves	HazMat Trailer	Vinyl Gloves	Protect skin from contact with specific fluids
Box of Latex Gloves	HazMat Trailer	Latex Gloves	Protect skin from contact with specific fluids
Mercury Spill Kit	HazMat Trailer	Spill Kit	To clean up mercury spills

TABLE III.E.3. - EMERGENCY EQUIPMENT

Equipment	Location	Physical Description	Capabilities
MSA SCBA Bottles	HazMat Trailer	SCBA Air Bottles	To supply breathing air
Proximity Suits	HazMat Trailer	Protective Suit	Protect from high heat conditions (short term)
Boxes of 4H Outer Gloves	HazMat Trailer	Vinyl Gloves	Protect skin from contact with specific fluids
A-Frame Signs (Caution - Chemical Spill Keep Out)	HazMat Trailer	Folding Stand-alone Warning Sign	To delineate areas for passerby exclusion
Bol-Yex Gloves	HazMat Trailer	Butyl Gloves	Protect skin from contact with specific fluids
50 Pound Bag of Soda Ash	HazMat Trailer	Neutralizing Agent	Used to neutralize caustic spill
Absorbent Socks	HazMat Trailer	Absorbent	Absorb thin spill coats over large areas
Snake Sponges	HazMat Trailer	Absorbent	Absorb thin spill coats over large areas
Boxes of Oil-Only Sucker Pillows	HazMat Trailer	Absorbent	Absorb oil spills on water
Box of Regular Sucker Pillows	HazMat Trailer	Absorbent	Absorb spilled liquids
Tarp	HazMat Trailer	Heavy Plastic Sheeting	Protective covering
Roll of Green Trash Bags	HazMat Trailer	Plastic Bags	Safe disposal/storage of contaminated items
Packages of Cups	HazMat Trailer	Styrofoam Cups	Hold and transfer various liquids
Saranex Suits (White) - Level B	HazMat Trailer	Protective Clothing	Protect technicians from exposure
Saranex Suits (Gray) - Level B	HazMat Trailer	Protective Clothing	Protect technicians from exposure
Boxes of Tyvek - X-large	HazMat Trailer	Protective Clothing	Protect technicians from exposure

TABLE III.E.3. - EMERGENCY EQUIPMENT

Equipment	Location	Physical Description	Capabilities
Responder HazMat Suits - Level A	HazMat Trailer	Protective Clothing	Protect technicians from exposure
Water Booms	HazMat Trailer	Absorbent	Skim wide areas of water for oil spills
Shovels	HazMat Trailer	Square Point Scoop with Handle	Used to transfer spill material to drums
50 Pound Bag of Safety Absorbent	HazMat Trailer	Absorbent	Used to contain surface spill
5 Gallon Surface Oil Collector	HazMat Trailer	Chemical Fluid	Chelation of small oil spill for clean-up
5 Gallon container of Sand	HazMat Trailer	Dry Sand	Used to contain surface spill
MSA SCBA Packs	HazMat Trailer	Individual Beraiving Air Regulators	Control and deliver breathing air to technician
Fire Engine 1	First Aid Building	Fire Engine	1000 gpm
Fire Engine 2	First Aid Building	Fire Engine	1000 gpm
Rescue Van	First Aid Building	Rescue Van	Transport injured personnel
Fire Extinguishing System	Warehouse C	Two Fire Hydrants Water Sprinkler System	Suppress potential fires throughout internal area
Fire Extinguishing System	Mixed Waste Container Storage Building	Halon Fire Suppression System	2880 cu. ft. fire suppression capability
Alarm System	Warehouse C	Horns, Buzzers, and Bells	Notify security personnel of fire in Warehouse C
Alarm System	Mixed Waste Container Storage Building	Audible Alarm Mounted on Exterior Building Wall	Notify personnel of fire inside warehouse

TABLE V.B - CONTAINER STORAGE AREAS

No. *	Container Storage Area	N.O.R. Unit #	Rated Capacity	Dimensions	Containment Volume (including rainfall for unenclosed areas)	Unit will manage Ignitable, ¹ Reactive, ¹ or Incompatible ² Waste (state all that apply)
01	Mixed Waste Container Storage Area	023	44-55 gal. drums	23 ft (L) X 9 ft (W) X 9 ft (H)	750 gallons	Ignitable, Incompatible

¹Containers managing ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility's property line.

²Incompatible waste must be separated from other waste or materials stored nearby in other containers, piles, open tanks, or surface impoundments by means of a dike, berm, wall, or other device.

* If the unit is already permitted, use the established "Permit Unit No." If the unit is not yet permitted, the number given here for the unit will become the "Permit Unit No." The numbers should be in an order that will be convenient for the facility operator.

TABLE VI.B.3.b. - UNIT GROUNDWATER DETECTION MONITORING SYSTEM

For each unit/area which requires groundwater monitoring, specify the number and type of wells which will comprise the groundwater monitoring system for the unit/area. Prepare additional tables as necessary.

LANDFILL 1		CPM-14	CPM-51	CPM-31	CPM-32	CPM-38	CPM-39	CPM-50
Well Number(s)		Weathered Glen Rose	Weathered Glen Rose	Weathered Glen Rose	Weathered Glen Rose	Weathered Glen Rose	Weathered Glen Rose	Weathered Glen Rose
Hydrogeologic Unit Monitored		Background	Background	Detection	Detection	Detection	Detection	Detection
Type (e.g., point of compliance, background, observation, etc.)								
Up or Down Gradient		Up	Up	Down	Down	Down	Down	Down
Casing Diameter and Material		2" PVC	2" PVC	2" PVC	2" PVC	2" PVC	2" PVC	2" PVC
Screen Diameter and Material		2" PVC	2" PVC	2" PVC	2" PVC	2" PVC	2" PVC	2" PVC
Screen Slot Size (in.)		0.010	0.010	0.010	0.010	0.010	0.010	0.010
Top of Casing Elevation (ft, MSL)		825.16	832.9	823.34	819.11	821.69	822.95	821.90
Grade or Surface Elevation (ft, MSL)		824.56	830.3	817.90	813.90	815.34	816.68	N/A
Well Depth (ft.)		25.9	25.3	25.0	24.5	6.5	24.0	13.8
Screen Interval, From(ft) To(ft)		15.5 to 25.5	14.5 to 24.5	14.5 to 24.5	14.0 to 24.0	16.0 to 26.0	13.5 to 23.5	7.3 to 13.3
Facility Coordinates (e.g., lat/long or company coordinates)		N 9230.49 E 13592.82	N 9097.2 E 13362.0	N 9343.33 E 13266.05	N 9343.33 E 13266.05	N 9325.16 E 13365.85	N 9368.38 E 13155.04	N 9386.9 E 13032.4

TABLE VI.B.3.b. - UNIT GROUNDWATER DETECTION MONITORING SYSTEM

For each unit/area which requires groundwater monitoring, specify the number and type of wells which will comprise the groundwater monitoring system for the unit/area. Prepare additional tables as necessary.

LANDFILL 2	CPM-14	CPM-51	CM-33	CPM-34	CPM-35	CPM-36	CPM-37	CPM-11
Well Number(s)	Weathered Glen Rose	Weathered Glen Rose	Weathered Glen Rose/Sat. Fill	Weathered Glen Rose/Sat. Fill	Weathered Glen Rose	Weathered Glen Rose	Weathered Glen Rose/Sat. Fill	Weathered Glen Rose/S Fill
Hydrogeologic Unit Monitored	Background	Background	Detection	Detection	Detection	Detection	Detection	Detection
Type (e.g., point of compliance, background, observation, etc.)	Up	Up	Down	Down	Down	Down	Down	Down
Up or Down Gradient	2" PVC	2" PVC	2" PVC	2" PVC	2" PVC	2" PVC	2" PVC	2" PVC
Casing Diameter and Material	2" PVC	2" PVC	2" PVC	2" PVC	2" PVC	2" PVC	2" PVC	2" PVC
Screen Diameter and Material	0.010	0.010	0.010	0.010	0.010	0.010	0.010	0.010
Screen Slot Size (in.)	825.16	832.9	819.45	819.35	821.45	818.75	815.88	813.86
Top of Casing Elevation (ft, MSL)	824.56	830.3	817.40	816.90	818.50	815.80	813.70	812.16
Grade or Surface Elevation (ft, MSL)	25.9	25.3	43.0	46.0	30.0	30.2	46.3	45.9
Well Depth (ft.)	15.5 to 25.5	14.5 to 24.5	32.0 to 42.0	35.0 to 45.0	24.5 to 29.5	24.5 to 29.5	35.5 to 45.5	35.5 to 45.5
Screen Interval, From(ft) To(ft)	N 9230.49 E 13592.82	N 9097.2 E 13362.0	N 9484.40 E 13883.65	N 9247.79 E 13933.99	N 9194.16 E 13903.74	N 9202.85 E 13998.44	N 9359.91 E 13015.23	N 9285.23 E 14076.29
Facility Coordinates (e.g., lat/long or company coordinates)								

TABLE VLB.3.c. - GROUNDWATER SAMPLE ANALYSIS

For each well or group of wells, specify the suite of parameters for which groundwater samples will be analyzed.

Well No(s) Landfill 1 and 2 Background and Detection Wells

Parameter	Sampling Frequency	Analytical Method	Detection Limits (ug/L)	Concentration Limits ¹
Benzene	annual	most appropriate method ²	5.0	statistically-determined ³
Bromoform	annual	most appropriate method ²	5.0	statistically-determined ³
Chlorobenzene	annual	most appropriate method ²	5.0	statistically-determined ³
Dibromochloromethane	annual	most appropriate method ²	5.0	statistically-determined ³
1,1-Dichloroethane	annual	most appropriate method ²	5.0	statistically-determined ³
Ethylbenzene	annual	most appropriate method ²	5.0	statistically-determined ³
2-Hexanone	annual	most appropriate method ²	5.0	statistically-determined ³
4-Methyl-2-Pentanone	annual	most appropriate method ²	50	statistically-determined ³
1,1,2,2-Tetrachlorethane	annual	most appropriate method ²	50	statistically-determined ³
Tetrachloroethene	annual	most appropriate method ²	5.0	statistically-determined ³
1,1,1-Trichloroethane	annual	most appropriate method ²	5.0	statistically-determined ³
Trichloroethene	annual	most appropriate method ²	5.0	statistically-determined ³
Vinyl Chloride	annual	most appropriate method ²	50	statistically-determined ³
Xylenes	annual	most appropriate method ²	5.0	statistically-determined ³
cis-1,2-Dichloroethene	annual	most appropriate method ²	5.0	statistically-determined ³

¹ The concentration limit is the basis for determining whether a release has occurred from the waste management unit/area.

² The most appropriate quantitative laboratory test method in either EPA's Chemical Analysis of Water and Wastes or Test Methods for Evaluating Solid Waste: Physical and Chemical Methods (latest edition) will be used.

³ Statistically-determined from background data set using prediction limit test.

TABLE VII.G - POST-CLOSURE PERIOD

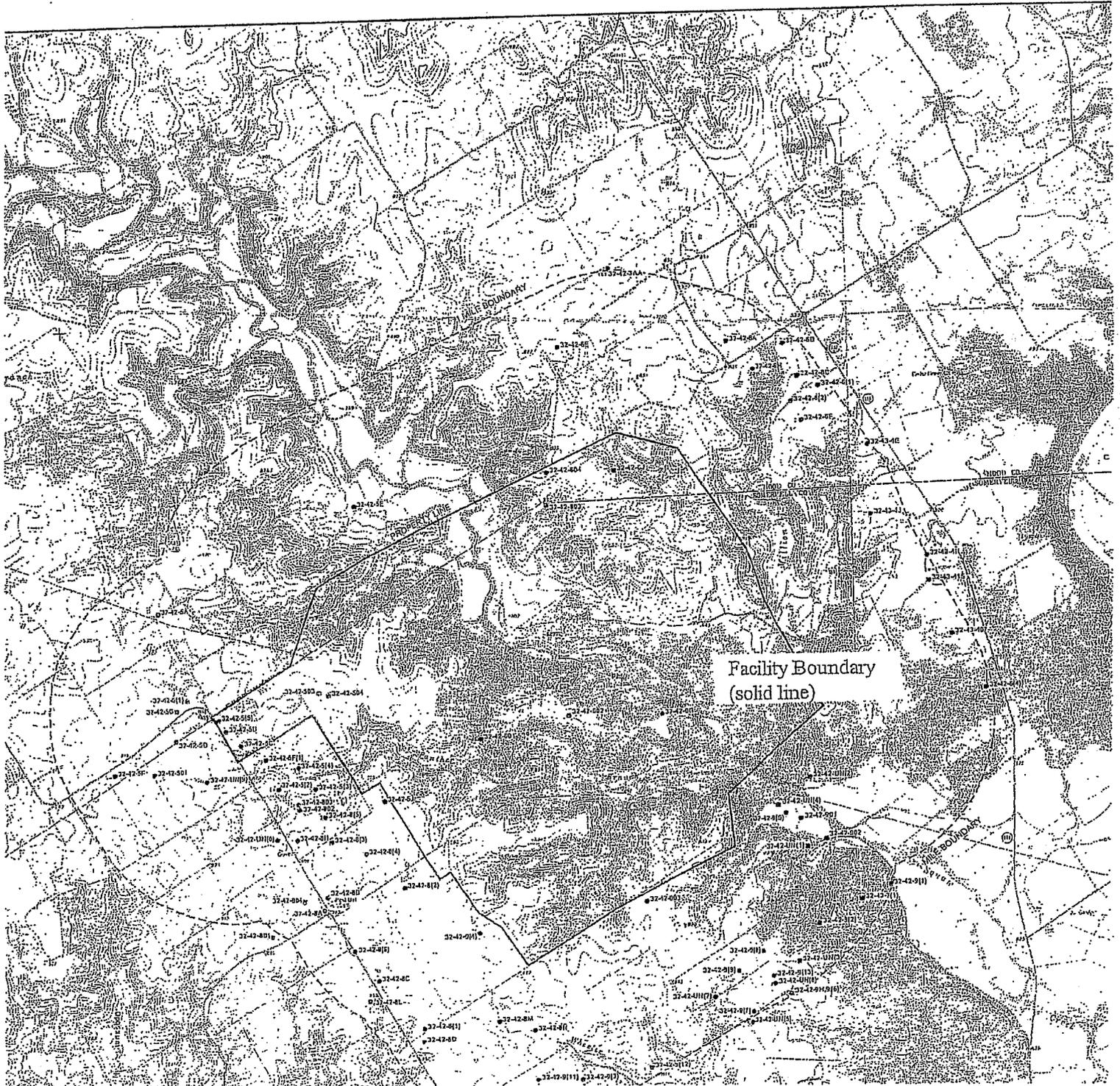
<i>Unit Name</i>	<i>Date Certified Closed</i>	<i>Permitted Post-Closure Period (Yrs)</i>	<i>Date Post-Closure Ends</i>
Landfill No. 1 (NOR No. 012)	March 23, 1993	30 years	March 23, 2023
Landfill No. 2 (NOR No. 013)	December 22, 1992	30 years	December 22, 2022

ATTACHMENT A

) Legal Description of Comanche Peak Steam Electric Station Property Tracts

All that certain parcel of land occupied by the Comanche Peak Steam Electric Station on the Wm. B. Smith Survey, Abstract 90; the Wm. B. Smith Survey, Abstract 91; and the Jose Antonio Hernandez Survey, Abstract 42; Somervell County, Texas and being a part of the lands described in deed dated May 11, 1973 from Jake O. Kinnard et ux to Jack C. Wessler, Trustee, of record in Volume 60, Page 256 of the Deed Records of Somervell County, Texas and in deed dated August 11, 1972 from John D. Stufflebeme et ux to Jack C. Wessler, Trustee, of record in Volume 58, Page 547 of the Deed Records of Somervell County, Texas.

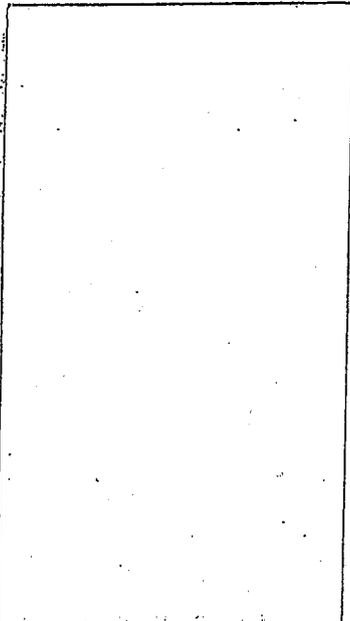
ATTACHMENT B



H.W. Permit No.: 50356

Page: 2 of 5

Attachment: B



EXPLANATION

- Location of Water Well
- TU Property Boundary
- - - - - Approximate 1 Mile Radius from TU Property Boundary

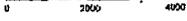
NOTE:
Wells identified within the search radius being improved but are not included in this report. These wells are listed in Attachment C-1 as "location unknown".



QUADRANGLE LOCATIONS



Scale in Feet

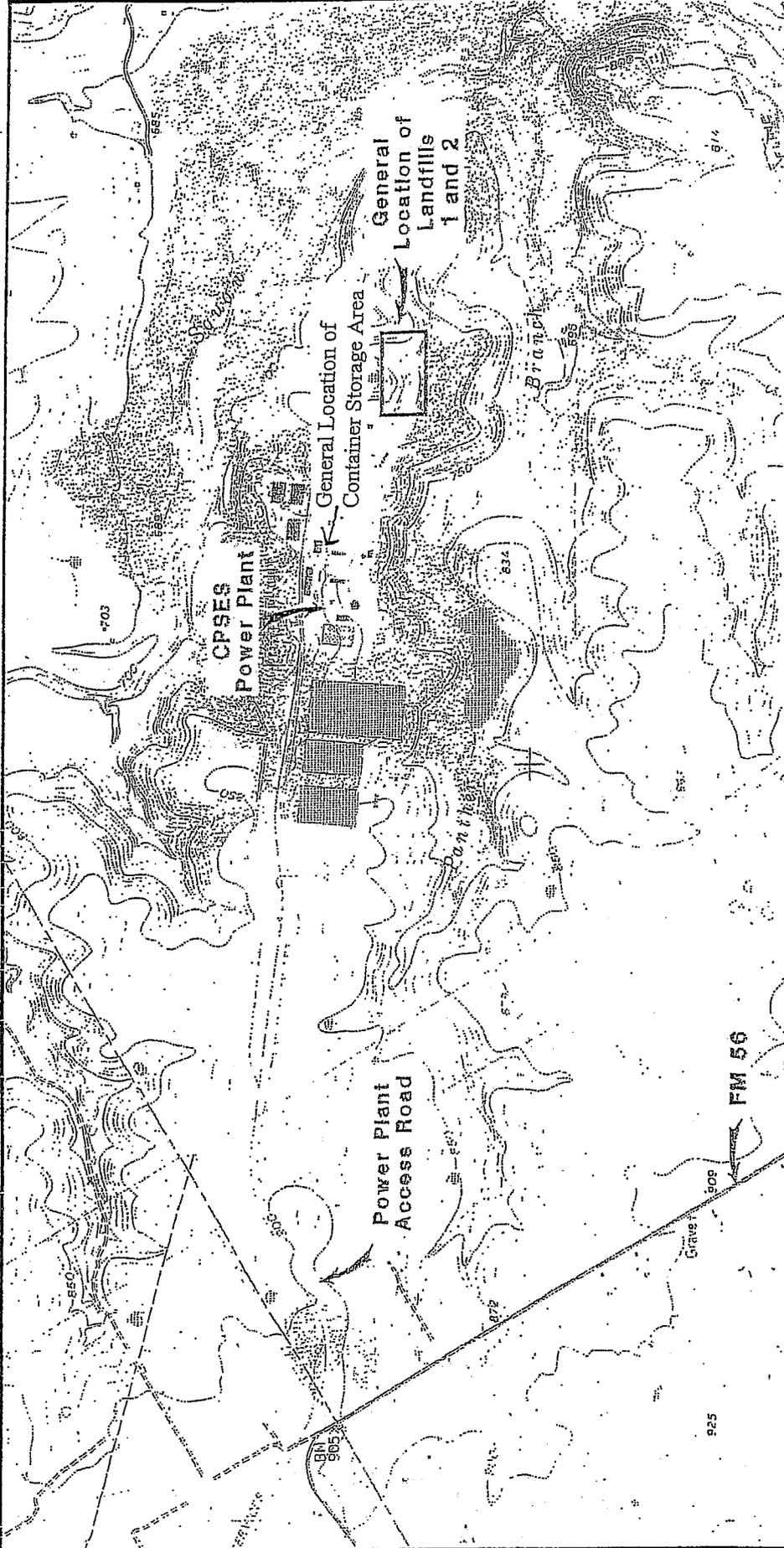


SOURCE:
Data from <http://www.tnms.com>, Texas M4 Coy (1979) and Texas (1979) Texas 7.5 min. U.S.G.S. quadrangles

TXU - CPSES

Facility Boundary

PROJECT 1346	BY: ZGT	REVISIONS
DATE: JUNE 2004	CHECKED: EFP	
PASTOR, BEHLING & WHEELER, LLC CONSULTING ENGINEERS AND SCIENTISTS		



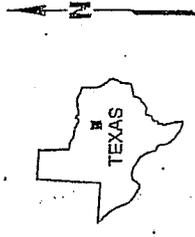
TU ELECTRIC CO. - CPSES

Figure 1.1

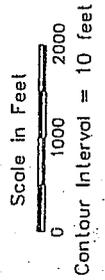
SITE VICINITY MAP

PROJECT: 4114	BY: ZGS	REVISIONS
DATE: JAN., 1994	CHECKED: KME	

McCULLEY, FRICK & GILMAN, INC.
 ENVIRONMENTAL SCIENCES AND ENGINEERING SERVICES

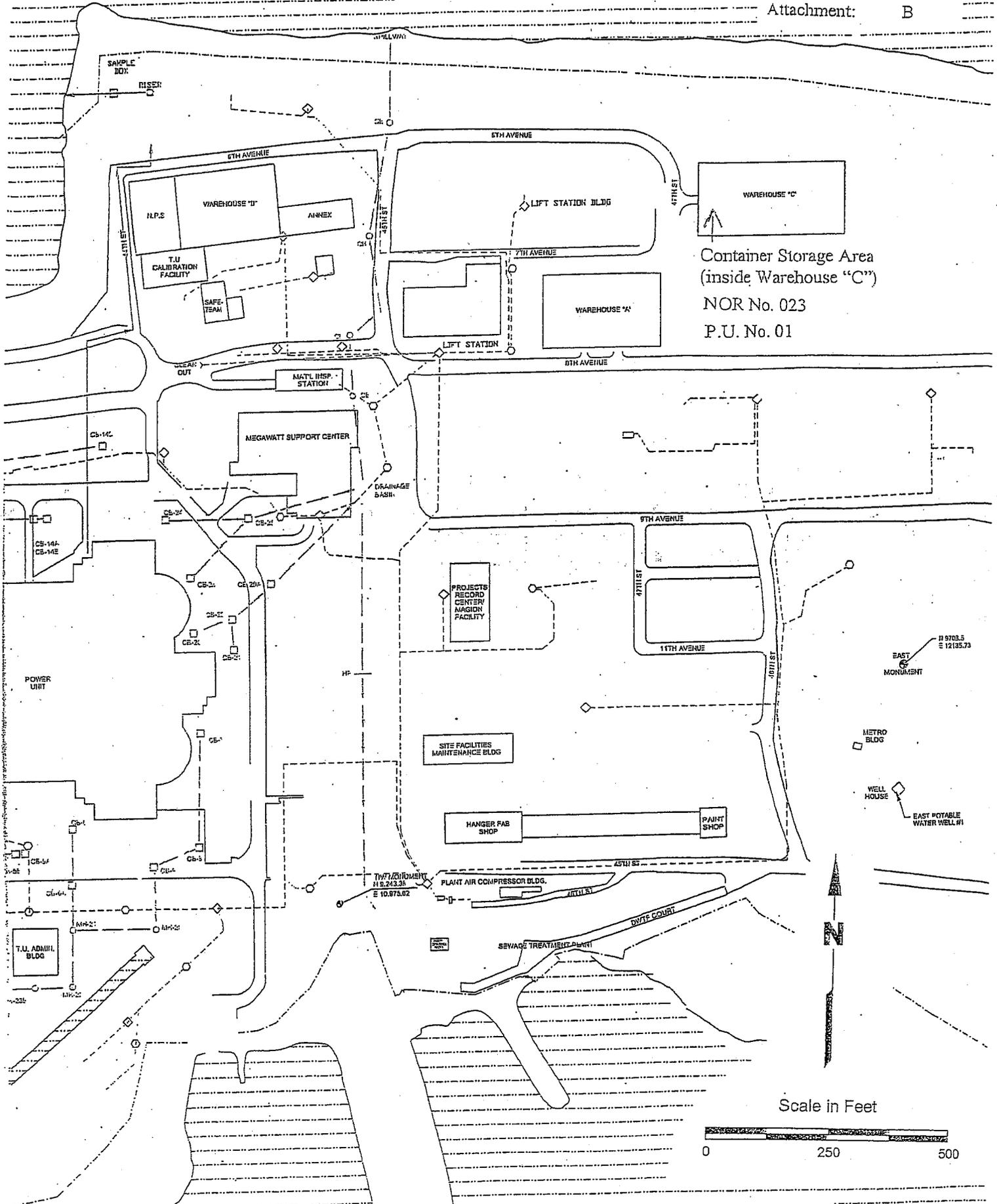


QUADRANGLE LOCATION



SOURCE: U.S.G.S. 7.5 min. series, Hill City, Texas quadrangle, quadrangle, 1961; revised 1979.

Location of Container Storage Area



EAST MONUMENT
N 9703.5
E 12135.73

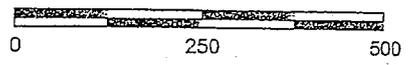
METRO BLDG

WELL HOUSE

EAST POTABLE WATER WELL #1



Scale in Feet

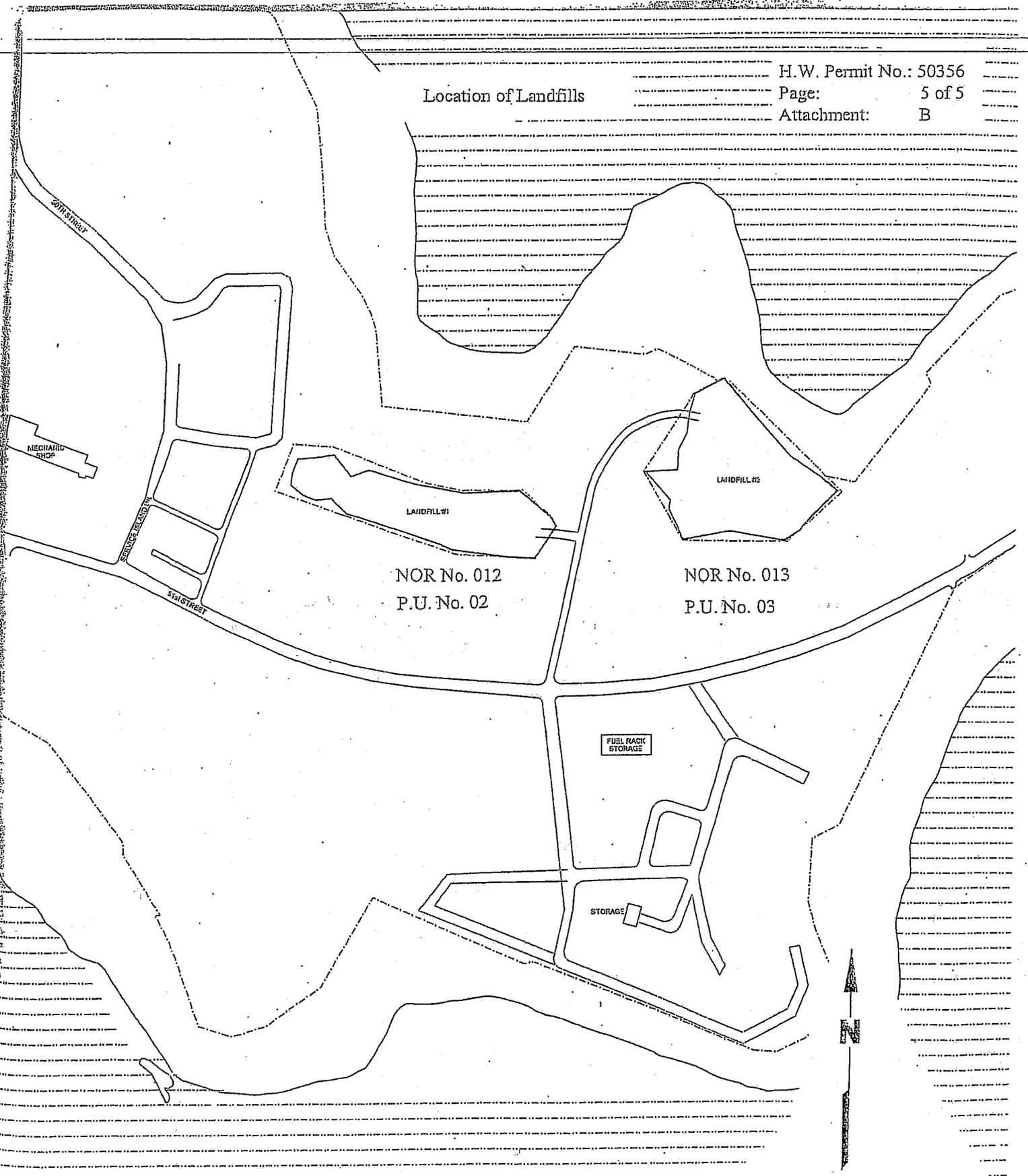


Location of Landfills

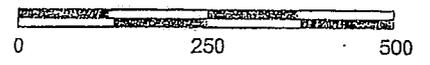
H.W. Permit No.: 50356

Page: 5 of 5

Attachment: B



Scale in Feet



ATTACHMENT C

List of Incorporated Application Materials

The following is a list of Part A and Part B Industrial and Hazardous Waste Application elements which are incorporated into all Industrial and Hazardous Waste permits by reference as per Provision I.B.

TCEQ PART A Application Form

I. General Information

- I.A. - Facility Name
- I.B. - Facility Contact
- I.C. - Operator
- I.D. - Owner

III. Wastes and Waste Management

- III.C.1. - Location of Waste Management Units

TCEQ PART B Application Form

I. General Information

- I.A. - Facility Name
- I.B. - Facility Contact
- I.C. - Operator
- I.F. - Wastewater and Stormwater Disposition
- I.G. - Information Required to Provide Notice

II. Facility Siting Criteria (Not Applicable - the facility is an existing, not a new HWM facility)

III. Facility Management

- III.B. - Personnel Training
- III.C. - Security
- III.D. - Inspection Schedule
- III.E. - Contingency Plan
 - III.E.1. - Arrangements with Local Authorities
 - III.E.2. - Emergency Coordinators List/Notification and Reporting
 - III.E.3. - Emergency Equipment List

IV. Waste Analysis Plan

- IV.A. - Table IV.A. - Waste Management Information
- IV.B. - Table IV.B. - Waste Managed in Permitted Units
- IV.C. - Table IV.C. - Sampling and Analytical Methods
- IV.D. - Waste Analysis Plan

V. Engineering Reports

- V.A.1. and 3.0 - General Information
- V.B.1.0 through 6.0 - Container Storage area engineering reports includes Table V.B. Container Storage Area Summary.
- V.G. 1.0 and 2.0 - Container Storage Area Engineering Report includes Table V.G.1. Landfills.

V. Geology Report

VI.A. - Geology Report

VI.B.1.0 - Regional Aquifers

VI.B.2.0. - Groundwater Monitoring Program

VI.B.3.0 - Description of Current Detection Monitoring System including Table VI.B.3.b. - Unit Ground-Water Detection Monitoring System, Table VI.B.3.c. - Groundwater Sample Analysis and Appendix VI.D. Sampling and Analysis Plan.

VII. Closure and Post-Closure Care Plans

VII.A. - Mixed Waste Container Storage Area Closure Plan including Table VII.A. - Unit Closure, Table VII.C.5. - Land-Based Units Closed Under Interim Status.

VII.B. - Closure Cost Estimate including Table VII.B. Unit Closure Cost Estimate.

VII.C. - Landfills 1 and 2 Post-Closure Care Plan including Table VII.2. Summary of Inspections and Maintenance to be Performed under Post-Closure Care.

VII.D. - Post-Closure Cost Estimate including Table VII.D. - Unit Post-Closure Cost Estimate and Table VII.E.1. Closure/Post-Closure Cost Summary.

VIII. Financial Assurance

VIII.A.3. - Financial Assurance Information

VIII.B.1. - Applicant Financial Disclosure Statements

IX. Releases from Solid Waste Management Units and Corrective Action

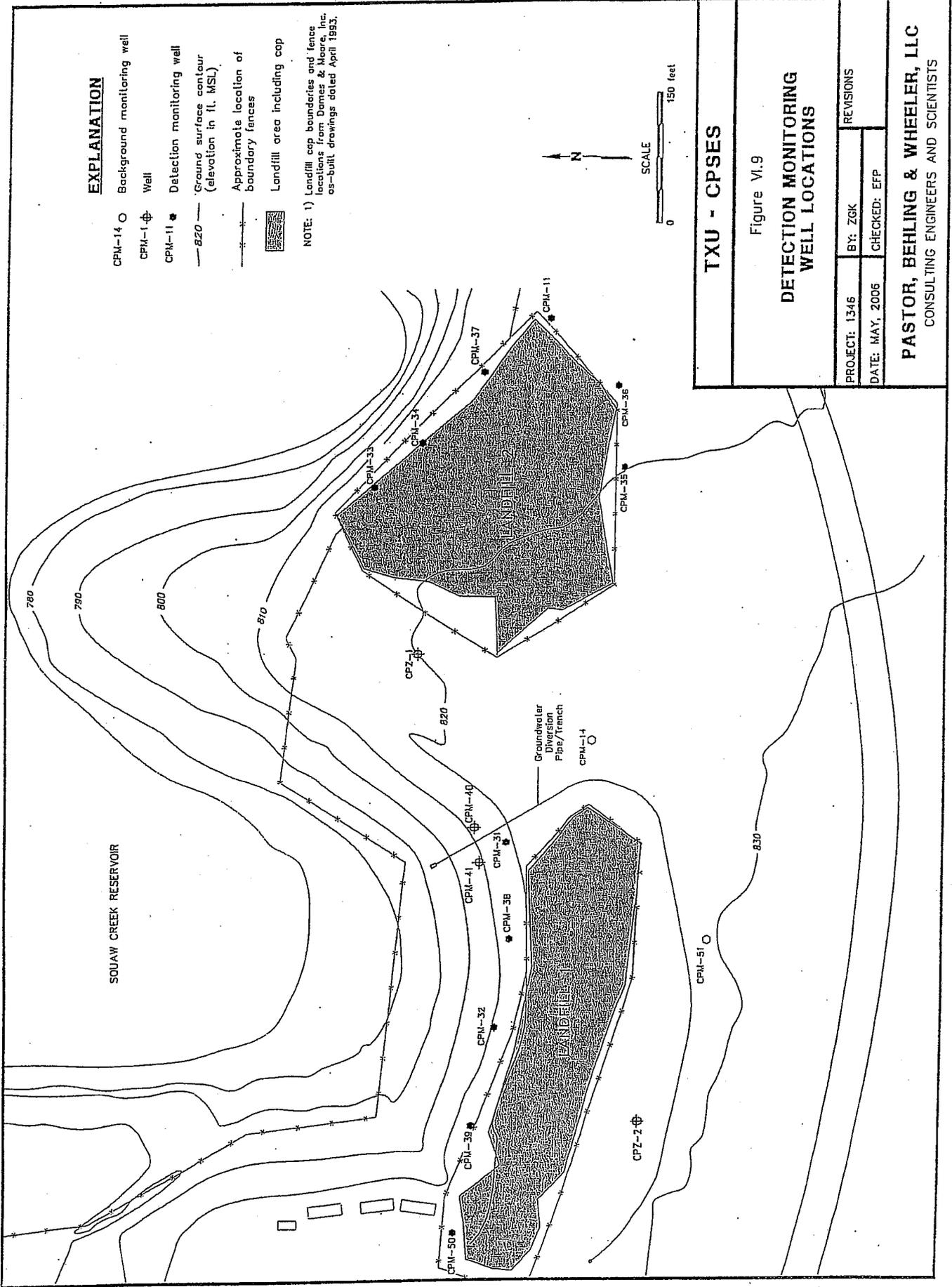
X. Air Emission Standards

XI. Hazardous Waste Permit Application Fee

XII. Confidential Information

ATTACHMENT D

ATTACHMENT E



ATTACHMENT F

Attachment F - Well Design and Construction Specifications

1. The Permittee shall use well drilling methods that minimize potential adverse effects on the quality of water samples withdrawn from the well, and that minimize or eliminate the introduction of foreign fluids into the borehole.
2. All wells constructed to meet the terms of this Permit shall be constructed such that the wells can be routinely sampled with a pump, bailer, or alternate sampling device. Piping associated with recovery wells should be fitted with sample ports or an acceptable alternative sampling method to facilitate sampling of the recovered ground water on a well by well basis.
3. Above the saturated zone the well casing may be two (2)-inch diameter or larger schedule 40 or 80 polyvinyl chloride (PVC) rigid pipe or stainless steel or polytetrafluoroethylene (PTFE or "teflon") or an approved alternate material. The PVC casing must bear the National Sanitation Foundation logo for potable water applications (NSF-pw). Solvent cementing compounds shall not be used to bond joints and all connections shall be flush-threaded. In and below the saturated zone, the well casing shall be stainless steel or PTFE.

The Permittee may use PVC or fiberglass reinforced resin as an alternate well casing material below the saturated zone provided that it yields samples for ground-water quality analysis that are unaffected by the well casing material.

4. The Permittee shall replace any well that has deteriorated due to incompatibility of the casing material with the ground-water contaminants or due to any other factors. Replacement of the damaged well shall be completed within ninety (90) days of the date of the inspection that identified the deterioration.
5. Well casings and screens shall be steam cleaned prior to installation to remove all oils, greases, and waxes. Well casings and screens made of fluorocarbon resins shall be cleaned by detergent washing.
6. For wells constructed after the date of issuance of this Permit, the screen length shall not exceed ten (10) feet within a given transmissive zone unless otherwise approved by the Executive Director. Screen lengths exceeding ten (10) feet may be installed in ground-water recovery or injection wells to optimize the ground-water remediation process in accordance with standard engineering practice.
7. The Permittee shall design and construct the intake portion of a well so as to allow sufficient water flow into the well for sampling purposes and to minimize the passage of formation materials into the well during pumping. The intake portion of a well shall consist of commercially manufactured stainless steel or PTFE screen or approved alternate material. The annular space between the screen and the borehole shall be filled with clean siliceous granular material (i.e., filter pack) that has a proper size gradation to provide mechanical retention of the formation sand and silt. The well screen slot size shall be compatible with the filter pack size as determined by sieve analysis data. The filter pack should extend no more than three (3) feet above the well screen. A silt trap, no greater than one (1) foot in length, may be added to the bottom of the well screen to collect any silt that may enter the well. The bottom of the well casing shall be capped with PTFE or stainless steel or approved alternate material.

Ground-water recovery and injection wells shall be designed in accordance with standard engineering practice to ensure adequate well production and to accommodate ancillary equipment. Silt traps exceeding one (1) foot may be utilized to accommodate ancillary equipment. Well heads shall be fitted with mechanical wellseals, or equivalent, to prevent entry of surface water or debris.

8. A minimum of two (2) feet of pellet or granular bentonite shall immediately overlie the filter pack in the annular space between the well casing and borehole. Where the saturated zone extends above the filter pack, pellet or granular bentonite shall be used to seal the annulus. The bentonite shall be allowed to settle and hydrate for a sufficient amount of time prior to placement of grout in the annular space. Above the minimum two (2)-foot thick bentonite seal, the annular space shall be sealed with a cement/bentonite grout mixture. The grout shall be placed in the annular space by means of a tremie pipe or pressure grouting methods equivalent to tremie grouting standards.

The cement/bentonite grout mixture or TCEQ approved alternative grout mixture shall fill the annular space to within two (2) feet of the surface. A suitable amount of time shall be allowed for settling to occur. The annular space shall be sealed with concrete, blending into a cement apron at the surface that extends at least two (2) feet from the outer edge of the monitor well borehole for above-ground completions. Alternative annular-space seal material may be proposed with justification and must be approved by the Executive Director prior to installation.

In cases where flush-to-ground completions are unavoidable, a protective structure such as a utility vault or meter box should be installed around the well casing and the concrete pad design should prevent infiltration of water into the vault. In addition, the Permittee must ensure that 1) the well/cap juncture is watertight; 2) the bond between the cement surface seal and the protective structure is watertight; and 3) the protective structure with a steel lid or manhole cover has a rubber seal or gasket.

9. Water added as a drilling fluid to a well shall contain no bacteriological or chemical constituents that could interfere with the formation or with the chemical constituents being monitored. For ground-water recovery and injection wells, drilling fluids containing freshwater and treatment agents may be utilized in accordance with standard engineering practice to facilitate proper well installation. In these cases, the water and agents added should be chemically analyzed to evaluate their potential impact on in-situ water quality and to assess the potential for formation damage. All such additives shall be removed to the extent practicable during well development.
10. Upon completion of installation of a well, the well must be developed to remove any fluids used during well drilling and to remove fines from the formation to provide a particulate-free discharge to the extent achievable by accepted completion methods and by commercially available well screens. Development shall be accomplished by reversing flow direction, surging the well or by air lift procedures. No fluids other than formation water shall be added during development of a well unless the aquifer to be screened is a low-yielding water-bearing aquifer. In these cases, the water to be added should be chemically analyzed to evaluate its potential impact on in-situ water quality, and to assess the potential for formation damage.

For recovery and injection wells, well development methods may be utilized in accordance with standard engineering practice to remove fines and maximize well efficiency and specific capacity. Addition of freshwater and treatment agents may be utilized during well development or re-development to remove drilling fluids, inorganic scale or bacterial slime. In these cases, the water and agents added should be chemically analyzed to evaluate their potential impact on in-situ water quality

and to assess the potential for formation damage. All such additives shall be removed to the extent practicable during well development.

11. Each well shall be secured and/or designed to maintain the integrity of the well borehole and ground water.
12. The Permittee shall protect the above-ground portion of the well by bumper guards and/or metal outer casing protection.
13. Copies of drilling and construction details demonstrating compliance with the items of this provision shall be kept on site. This record shall include the following information:
 - . name/number of well (well designation);
 - . intended use of the well (sampling, recovery, etc.);
 - . date/time of construction;
 - . drilling method and drilling fluid used;
 - . well location (± 0.5 ft.);
 - . bore hole diameter and well casing diameter;
 - . well depth (± 0.1 ft.);
 - . drilling and lithologic logs;
 - . depth to first saturated zone;
 - . casing materials;
 - . screen materials and design;
 - . casing and screen joint type;
 - . screen slot size/length;
 - . filter pack material/size;
 - . filter pack volume (how many bags, buckets, etc.);
 - . filter pack placement method;
 - . sealant materials;
 - . sealant volume (how many bags, buckets, etc.);
 - . sealant placement method;
 - . surface seal design/construction;
 - . well development procedure;
 - . type of protective well cap;
 - . ground surface elevation (± 0.01 ft. MSL);
 - . top of casing elevation (± 0.01 ft. MSL); and,
 - . detailed drawing of well (include dimensions).
14. The Permittee shall complete construction or abandonment and plugging of each well in accordance with the requirements of this Permit and 16 TAC 76.1000 through 76.1009 and shall certify such proper construction or abandonment within sixty (60) days of installation or abandonment. If the Permittee installs any additional or replacement wells, well completion logs for each well shall be submitted within sixty (60) days of well completion and development in accordance with 16 TAC Chapter 76. Certification of each well shall be submitted within sixty (60) days of installation for an individual well project or within sixty (60) days from the date of completion of a multiple well installation project. The certification shall be prepared by a qualified geologist or geotechnical engineer. Each well certification shall be accompanied by a certification report, including an accurate log of the soil boring, which thoroughly describes and depicts the location, elevations, material

specifications, construction details, and soil conditions encountered in the boring for the well. A copy of the certification and certification report shall be kept on-site, and a second copy shall be submitted to the Executive Director. Required certification shall be in the following form:

"This is to certify that installation (or abandonment and plugging) of the following facility components authorized or required by TCEQ Permit No. HW- *****-000 or 001 has been completed, and that construction (or plugging) of said components has been performed in accordance with and in compliance with the design and construction specifications of Permit No. HW-*****-000 or 001:" (Description of facility components with reference to applicable permit provisions).

15. The Permittee shall clearly mark and maintain the well number on each well at the site.
16. For new and replacement wells, the Permittee shall measure and keep a record of the elevation of the top of each well casing in feet above mean sea level to the nearest 0.01 foot and permanently mark the measuring point on the well. The Permittee shall compare old and new elevations from previously surveyed wells five years after the original survey was conducted. If there is no change in elevation, then the survey comparison does not have to be repeated. If there are changes in the elevation, then the well(s) must be re-surveyed and compared on a regular basis.]

If there are existing permitted monitoring wells that have been surveyed and re-surveyed after five years under the terms and conditions of the original permit issued February 14, 1997, then these wells do not need to be surveyed again.
17. Wells may be replaced at any time the Permittee or Executive Director determines that the well integrity or materials of construction or well placement no longer enable the well to yield samples representative of ground-water quality.
18. The Permittee shall plug soil test borings and wells removed from service after issuance of the Compliance Plan with a cement/bentonite grout mixture so as to prevent the preferential migration of fluids in the area of the borehole. Certification of each plugging shall be reported in accordance with Provision 14 of this attachment to this permit. The plugging of wells shall be in accordance with 16 TAC § 76.1000 through § 76.1009 dealing with Well Drilling, Completion, Capping and Plugging.
19. A well's screened interval shall be appropriately designed and installed to meet the well's specific objective (i.e., either DNAPL, LNAPL, both, or other objective of the well). All wells designed to detect, monitor, or recover DNAPL must be drilled to intercept the bottom confining layer of the aquifer. The screened interval to detect DNAPL should extend from the top of the lower confining layer to above the portion of the aquifer saturated with DNAPL. The screened interval for all wells designed to detect, monitor, or recover LNAPL must extend high enough into the vadose zone to provide for fluctuations in the seasonal water table. In addition, the sandpacks for the recovery or monitoring well's screened interval shall be coarser than surrounding media to ensure the movement of NAPL to the well.

Attachment B

Technical Summary and Executive Director's Preliminary Decision

TECHNICAL SUMMARY AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

July 27, 2007

Description of Application

Applicant: TXU Generation Company, L.P. - Comanche Peak Steam Electric Station
Industrial Solid Waste Registration No. 33306
Hazardous Waste Permit No. 50356
EPA I.D. No. TXD020332078.

Location: TXU Generation Company, L.P. - Comanche Peak Steam Electric Station is located on approximately 4,170 acres near Glen Rose, Somervell County, Texas. The site is within the drainage area of Segment 1204 of the Brazos River Basin (North Latitude 32°17'52", West Longitude 97°47'06").

This facility is not located in an area affected by the Texas Coastal Management Program.

General: TXU Generation Company, L.P. - Comanche Peak Steam Electric Station currently operates an electric generation plant. The facility conducts storage of mixed waste (hazardous waste and low level radioactive waste mixed together) that is generated on-site. The facility also conducts post-closure care of Landfill 1 and Landfill 2, both of which contain hazardous and non-hazardous wastes that were generated on-site at the TXU Generation Company, L.P. - Comanche Peak Steam Electric Station. The wastes managed by the facility include mixed waste (hazardous and low-level radioactive waste mixed together), hazardous waste, and Class 1 and 2 non-hazardous industrial solid wastes.

The original permit was issued on February 14, 1997, for a term of ten years.

Request: TXU Generation Company, L.P. - Comanche Peak Steam Electric Station has applied to the TCEQ for a permit renewal for the continued operation of the Mixed Waste Container Storage Area (Permit Unit (P.U.) No. 01/Notice of Registration (NOR) No. 023) for the storage of mixed waste (hazardous waste mixed with low-level radioactive waste) and to continue to conduct post-closure care at Landfill 1 (P.U. No. 02/NOR No. 012) and Landfill 2 (P.U. No. 03/NOR No. 013). In accordance with Title 30 Texas Administrative Code (TAC) 305.65(a), the application request for renewal of the hazardous waste permit was submitted August 9, 2006 and was received on August 14, 2006.

Authority: The permit is required by 30 Texas Administrative Code (TAC) Sections 335.2 and 335.43, and Section 3005(c) of the Hazardous and Solid Waste Amendments of 1984 (HSWA). A draft permit has been prepared in accordance with applicable requirements of 30 TAC Chapters 335 and 305, which have been adopted under the authority of the TEXAS HEALTH AND SAFETY CODE ANN., Chapter 361 (Vernon Supp.), and Section 5.103, Texas Water Code Ann. (Vernon Supp.). In addition, a portion of the draft permit has been prepared under both State and Federal authority which implements applicable requirements of HSWA for which the TCEQ is not authorized. The permit must be signed by the TCEQ and EPA in order for the applicant to have a fully effective Resource Conservation and Recovery Act (RCRA) permit. The TCEQ and the EPA have entered into a Joint Permitting Agreement (JPA) whereby EPA accepts the applicant's information submitted through the State as a Federal application for purposes of implementing HSWA.

Technical Information

The proposed permit renewal includes the following:

- A. Establishes general provisions for operation, closure and post-closure care of the subject facility units (30 TAC 335 Subchapter F);
- B. Requires the permittee to establish and maintain financial assurance to provide for proper facility closure of the Container Storage Area in the total amount of \$233,185 (2006 dollars) and post-closure care of Landfill 1 and Landfill 2 in the amount of \$216,982 (2006 dollars) (30 TAC§335.179);
- C. Requires the permittee to control access to the facility (40 Code of Federal Regulations (CFR) § 264.14);
- D. Specifies minimum physical conditions, training, routine inspections and emergency procedures for the facility units (30 TAC Sections 335.153 and 335.177/40 CFR Part 264, Subparts B, C and D);
- E. Standard permit provisions and other requirements pertaining to the management of industrial solid waste, including hazardous industrial solid wastes (40 CFR Part 264, Subpart B);
- F. Land Disposal Restrictions, Provision II.A.7., which will implement the applicable requirements of HSWA upon issuance of the permit by EPA (40 CFR Part 268);
- G. The following is a list of standard post-closure care requirements for the land-based permitted units (40 CFR §264.310(b)/TAC Sections 335.152(a)(12) and 335.174):
 - 1. Maintain all storm water conveyance structures in good functional condition;
 - 2. Maintain proper cover on closed units to prevent erosion, ponding, and water infiltration, and maintain all benchmarks;
 - 3. Maintain the facility perimeter fences and ensure that all entrances are manned or locked, and ensure TCEQ access to the facility; and
 - 4. Perform ground-water monitoring and, if applicable, any necessary corrective action.
- H. The following is a brief description of waste management units and corresponding regulatory requirements encompassed by this permit:

Container storage area - operating requirements for the containment system; management, inspection and air emission requirements for the containers storing wastes; and closure requirements for the containers and containment system. (40 CFR Part 264 Subpart I)

Landfill - detection monitoring program requirements for monitoring the groundwater underlying the landfill; and closure and post-closure requirements. (40 CFR Part 264, Subpart N)

TECHNICAL SUMMARY AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

Page 3

Public Notice

The public notice should include the following language:

"This notice satisfies the requirements of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. 6901 et seq. and 40 CFR 124.10. Once the final permit decisions of the TCEQ and U.S. Environmental Protection Agency (EPA) are effective regarding this facility, they will implement the requirements of RCRA as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA). The final permit decisions will also implement the federally authorized State requirements. The TCEQ and EPA have entered into a joint permitting agreement whereby permits will be issued in Texas in accordance with the Texas Solid Waste Disposal Act, Texas Health and Safety Code Ann., Chapter 361, and RCRA, as amended. In order for the applicant to have a fully effective RCRA permit, both the TCEQ and EPA must issue the permit. All permit provisions are fully enforceable under State and Federal law. The State of Texas has not received full HSWA authority. Areas in which the TCEQ has not been authorized by EPA are denoted in the draft permit with an asterisk (*). Persons wishing to comment or request a hearing on a HSWA requirement denoted with an asterisk (*) in the draft permit should also notify, in writing, Chief, RCRA Permits Branch, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733. EPA will accept hearing requests submitted to the TCEQ."

Opportunity for Hearing

Before a permit can be issued, extended, renewed, the TCEQ will provide an opportunity for a hearing to the applicant and persons affected. If a hearing is requested, the Commission will determine whether to grant or deny the hearing requests. If the hearing requests are denied, the draft permit may be considered for issuance by the Commission or the Executive Director. If the hearing requests are granted, the hearings will be conducted by the State Office of Administrative Hearings. EPA will reach a decision on the HSWA portion of the joint permit based on the hearing record developed by the TCEQ. The EPA portion of the permit implementing nonauthorized HSWA provisions will become effective thirty (30) days after the date of issuance if changes were required.

Decisions regarding the permit provisions issued under State authority may be reconsidered in response to a Motion for Rehearing or a Motion for Reconsideration and by appeal to a District Court in Travis County. Decisions regarding the permit provisions issued under Federal authority may be reconsidered in accordance with the procedures of 40 CFR 124.19.

Preliminary Decision

- General: The executive director has made a preliminary decision that this proposed permit renewal, if issued, meets all the statutory and regulatory requirements.
- Special: The proposed permit renewal does not authorize variances or alternatives to required standards.

TECHNICAL SUMMARY AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

Page 4

Additional Information

A. Technical information:

Mary M. Talley, Project Manager
Industrial and Hazardous Waste Permits Section
Waste Permits Division
Texas Commission on Environmental Quality
Mail Code MC 130
P. O. Box 13087
Austin, Texas 78711-3087
512/239-6595

B. HSWA information:

Paul Siemenski, Section Chief
State/Tribal Oversight Section
U.S. Environmental Protection Agency
Region VI - 6PD-O
1445 Ross Avenue
Dallas, TX 75202-2733

C. Procedural and public hearing information:

Office of Public Interest Counsel
Texas Commission on Environmental Quality
Mail Code MC 103
P. O. Box 13087
Austin, Texas 78711-3087
512/239-6363

Prepared by:

Mary M. Talley

Mary M. Talley
Project Manager
Industrial and Hazardous Waste Permits Section
Waste Permits Division

Attachment C

Compliance History

Compliance History

Customer/Respondent/Owner-Operator:	CN600135511 TXU Generation Company LP	Classification: AVERAGE	Rating: 1.46
Regulated Entity:	RN103044053 COMANCHE PEAK NUCLEAR POWER PLANT	Classification: AVERAGE	Site Rating: 0.10
ID Number(s):	WASTEWATER	PERMIT	WQ0001854000
	WASTEWATER	PERMIT	TPDES0065854
	WASTEWATER	PERMIT	TX0065854
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	28749
	AIR NEW SOURCE PERMITS	PERMIT	19225
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	SL0009E
	AIR NEW SOURCE PERMITS	AFS NUM	4842500002
	AIR NEW SOURCE PERMITS	REGISTRATION	80034
	AIR NEW SOURCE PERMITS	REGISTRATION	34242
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1110103
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	2130016
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	2130037
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD020332078
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	33306
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50356
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50356
	WASTEWATER LICENSING	LICENSE	WQ0001854000
	WATER LICENSING	LICENSE	2130016
	INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50356
Location:	6322 N FM 56, GLEN ROSE, TX, 76043	Rating Date: September 01 07	Repeat Violator: NO
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	September 09, 2008		
Agency Decision Requiring Compliance History:	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.		
Compliance Period:	September 09, 2003 to September 09, 2008		

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Bobbie Rogans Phone: 239-6197

Site Compliance History Components

- | | |
|--|------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 - 1 09/23/2003 (310397)
 - 2 10/22/2003 (310399)

3	11/25/2003	(310400)
4	12/29/2003	(310402)
5	01/14/2004	(257161)
6	01/28/2004	(310403)
7	02/23/2004	(310383)
8	03/25/2004	(310386)
9	04/23/2004	(310387)
10	05/06/2004	(266587)
11	05/25/2004	(310389)
12	06/01/2004	(273113)
13	06/23/2004	(310391)
14	07/27/2004	(310393)
15	08/10/2004	(286975)
16	08/24/2004	(358175)
17	09/23/2004	(358176)
18	10/25/2004	(358177)
19	11/19/2004	(358180)
20	11/23/2004	(358178)
21	12/27/2004	(358179)
22	01/06/2005	(341216)
23	02/22/2005	(385202)
24	03/21/2005	(385203)
25	03/21/2005	(385204)
26	03/21/2005	(385205)
27	05/24/2005	(423220)
28	06/22/2005	(423221)
29	08/22/2005	(444080)
30	09/23/2005	(444081)
31	10/24/2005	(474401)
32	11/22/2005	(474402)
33	12/22/2005	(474403)
34	01/23/2006	(474404)
35	02/21/2006	(474399)
36	03/23/2006	(474400)
37	04/24/2006	(502235)
38	05/22/2006	(502236)
39	05/22/2006	(464861)
40	06/21/2006	(502237)
41	07/20/2006	(502238)
42	07/20/2006	(502239)
43	08/17/2006	(524576)
44	09/20/2006	(524577)
45	10/20/2006	(524578)
46	10/30/2006	(515753)
47	11/06/2006	(516152)
48	11/16/2006	(549540)
49	12/19/2006	(549541)
50	02/20/2007	(549539)
51	03/20/2007	(583381)
52	04/20/2007	(583382)
53	05/22/2007	(583383)
54	06/20/2007	(583384)
55	07/18/2007	(583386)
56	07/19/2007	(583385)
57	08/16/2007	(603909)
58	09/20/2007	(603910)
59	10/19/2007	(603911)
60	11/15/2007	(622707)
61	11/16/2007	(599557)
62	12/19/2007	(622708)
63	02/19/2008	(674234)
64	03/20/2008	(674235)
65	04/18/2008	(674236)
66	05/20/2008	(692564)
67	06/18/2008	(692565)
68	07/15/2008	(692567)
69	07/17/2008	(692566)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	01/09/2004	(257161)		
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(4)			
	30 TAC Chapter 305, SubChapter F 305.125(5)			
Description:	Failure to prevent unauthorized discharges.			
Date:	06/30/2004	(310393)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
	TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	03/31/2005	(385204)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
	TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

Type	Tier	Certification Date
30 TAC CERTIFIED	ACHIEVEMENT	04/26/2005

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

Type	Tier	Certification Date
NATIONAL ENVIRONMENTAL PERFORMANCE TRACK		07/01/2007
NATIONAL ENVIRONMENTAL PERFORMANCE TRACK		07/01/2007

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Attachment D

Executive Director's Response to Public Comment

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 MAR 28 PM 1:33

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY CHIEF CLERKS OFFICE

Protecting Texas by Reducing and Preventing Pollution

March 28, 2008

Ms. LaDonna Castañuela
Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087, MC-105
Austin, Texas 78711-3087

Re: Executive Director's Amended Response to Public Comment on the application by TXU
Generation Company, LP, IHW Permit No. 50356

Dear Ms. Castañuela:

Earlier today, the Executive Director filed the Response to Public Comment on the application
by TXU Generation Company, LP. This Amended Response to Public Comment supersedes the
earlier response.

If you have further questions, feel free to contact me at (512) 239-0946.

Respectfully,

A handwritten signature in cursive script that reads "Dawn Burton".

Dawn Burton, Staff Attorney
Environmental Law Division

cc: Mary Talley, Project Manager, Waste Permits Division

MAR 28 PM 1:33

CHIEF CLERKS OFFICE

TCEQ Hazardous Waste Renewal Permit No. 50356

Application by
TXU Generation Company, L.P.
For Renewal of
Hazardous Waste Permit No. 50356

Before the
Texas Commission on
Environmental Quality

EXECUTIVE DIRECTOR'S AMENDED RESPONSE TO PUBLIC COMMENT

The Executive Director of the Texas Commission on Environmental Quality (TCEQ) files this Response to Public Comment on the application by TXU Generation Company, L.P. (TXU) for renewal of Hazardous Waste Permit No. 50356 and on the Executive Director's preliminary decision. The Executive Director reviewed the application, prepared a Technical Summary and Preliminary Decision, and determined that the application complies with state and federal law.

Before an application is approved, the Executive Director prepares a response to all timely, relevant and material, or significant public comments.¹ The Office of the Chief Clerk received one timely comment letter from the following person:

Debbie Harper.

This response to public comment addresses all timely public comments received, whether or not withdrawn.

If you would like more information about this application or the permitting process, you may call TCEQ's Office of Public Assistance at (800) 687-4040. General information about TCEQ may be found at our Web site at www.tceq.state.tx.us.

I. Description of the Facility

TXU currently operates the Comanche Peak Steam Electric Station, a nuclear-fueled electric generation plant. The facility is located on approximately 4,170 acres on Farm-to-Market Road 56, approximately five miles north of the intersection of U.S. Highway 67 and Farm-to-Market Road 56, near Glen Rose, Somervell County, Texas.

¹ 30 TEX. ADMIN. Code § 55.156 (2007).

The site is located within the drainage area of Segment 1204 of the Brazos River Basin (North Latitude 32° 17' 52", West Longitude 97° 47' 06").

TXU currently holds Hazardous Waste Permit No. 50356, which was issued on February 14, 1997, and which authorizes the facility to manage the following wastes generated at the facility: mixed waste (waste that contains both low-level radioactive waste and hazardous waste), hazardous waste, and Class 1 and Class 2 nonhazardous industrial solid wastes.² The Container Storage Area is used to store low volumes of mixed waste generated during various maintenance activities performed at the facility. TCEQ has performed a technical review of the Container Storage Area for its compliance with regulations to manage hazardous wastes. The facility also conducts post-closure care of Landfill 1 and Landfill 2, which both contain hazardous and nonhazardous wastes that were generated on-site (Solid Waste Registration Number 33306).

The facility has applied to TCEQ for a permit renewal to authorize (1) continued operation of the Mixed Waste Container Storage Area located within Warehouse C, and (2) continued post-closure care of Landfills 1 and 2.

Federal law requires the facility to obtain a license for the management of radioactive waste. The U.S. Nuclear Regulatory Commission reviewed the Container Storage Area for compliance with federal regulations regarding management of low-level radioactive waste.

II. Procedural History

On February 14, 1997, TCEQ issued Hazardous Waste Permit No. 50356 to TXU for a term of ten years.

On August 14, 2006, the Executive Director received this permit application for renewal of Hazardous Waste Permit No. 50356. On September 5, 2006, the Executive

² 40 C.F.R. § 266.210 (2007) (defining low-level mixed waste as "waste that contains both low-level radioactive waste and RCRA hazardous waste.").

Director declared the application administratively complete. On September 21, 2006, the Notice of Receipt of Application and Intent to Obtain Hazardous Waste Permit Renewal/Post-Closure Care for this permit was published in the *Glen Rose Reporter*.

On August 14, 2007, the Executive Director completed the technical review of the application and prepared a draft permit. On September 13, 2007, the Notice of Application and Preliminary Decision for Hazardous Industrial Waste Permit Renewal was published in the *Glen Rose Reporter*. On October 29, 2007, the public comment period ended.

Because this application was declared administratively complete after September 1, 1999, this action is subject to the procedural requirements adopted under House Bill 801.³

III. Rules, Law, and Records

The following Web sites contain rules, statutes, and other information that apply to this application:

Texas statutes	www.state.tx.us
TCEQ rules in Title 30, Texas Administrative Code	www.tceq.state.tx.us and www.sos.state.tx.us/tac
Texas solid waste rules that govern this application	http://info.sos.state.tx.us/pls/pub/readtac\$ext.V iewTAC?tac_view=4&ti=30&pt=1&ch=335
Secretary of State	www.sos.state.tx.us

TCEQ records on this application are available for viewing and copying at the Somervell County Clerk's Office, 107 NE Vernon Street, Glen Rose, Texas. Additional TCEQ records on this application are available at TCEQ's Central File

³ Tex. H.B. 801, 76th Leg., R.S. (1999).

Room (Building E) and at the IHW Permits Section (Building F), 12100 Park 35 Circle, Austin, Texas 78753.

If you would like to file a complaint about this facility, you may contact TCEQ at (888) 777-3186, or you may contact the Region 4 office at (817) 588-5800.

IV. Comments and Responses

Comment 1:

Debbie Harper expressed concern about where radioactive materials are stored.

Response 1:

The facility stores wastes in 55-gallon drums inside the Container Storage Area, a small building specifically fabricated to store mixed waste. The building is 23 feet long, 9 feet wide, and 9 feet high and has a steel roof and concrete foundation. The building is located inside a warehouse that is near other buildings within the plant area at the facility.

The Container Storage Area can store up to 44 55-gallon drums (approximately 2,420 gallons).⁴ The Container Storage Area has three separate compartments. Each compartment has its own set of doors and can store approximately 807 gallons. Each compartment has its own secondary containment.

A containment system is a base that underlies the storage containers and can hold leaks, spills, and precipitation until the facility detects and removes the material.⁵ The secondary containment underlying each of the compartments can hold approximately 250 gallons, which is approximately thirty percent of the 807-gallon storage capacity

⁴ Application Section V.B.1.0. (describing the Mixed Waste Container Storage Area).

⁵ 40 C.F.R. § 264.175(b)(1).

of each compartment. This capacity of the containment system meets federal regulations.⁶

Comment 2:

Debbie Harper requested a public meeting.

Response 2:

TCEQ rules set forth the purpose of a public meeting as the opportunity to take formal public comments for the record on an application.⁷ TCEQ rules require a public meeting to be held (1) when the Executive Director determines that there is a significant amount of public interest in an application, (2) when a legislator who represents constituents in the area where the facility is located requests a public meeting, or (3) when other law requires a public meeting.⁸ A public meeting is not a contested case hearing.⁹

The Executive Director concluded that there is not a significant amount of public interest in this application and has determined not to hold a public meeting on this application.

⁶ 40 C.F.R. § 264.175(b)(3) (requiring a containment system to be able to hold ten percent of the volume of the storage containers or the volume of the largest storage container—which, at this facility, is a fifty-five-gallon drum—whichever is greater).

⁷ 30 TEX. ADMIN. CODE § 55.154(a) (2007).

⁸ 30 TEX. ADMIN. CODE § 55.154(c) (2007).

⁹ 30 TEX. ADMIN. CODE § 55.154(a) (2007).

Comment 3:

Debbie Harper submitted a timely request for hearing.¹⁰

Response 3:

The deadline for requesting a hearing is thirty days after TCEQ's Chief Clerk mails out this response to comments.¹¹ Between now and the deadline, affected persons may request a contested case hearing on this application.

A request for contested case hearing must be in writing, must be filed with TCEQ's Chief Clerk by the deadline, and must include the requestor's name, address, and daytime telephone number.¹² The request must ask for a contested case hearing and must identify the requestor's interest, including the requestor's location and distance from the activity. The requestor's interest may not be an interest that is common to the general public.¹³

If all timely requests for hearing are subsequently withdrawn, this application will be considered uncontested, and the Executive Director will make the decision to grant or deny this application. After the Executive Director makes a decision, TCEQ's Chief Clerk will mail out notice of the Executive Director's action on the application to TXU, to requestors, and to other persons on the mailing list for this application.

If timely requests for hearing are not withdrawn, this application will be considered contested. The Commissioners will then decide whether to grant or deny the request

¹⁰ Debbie Harper's letter requesting a public meeting includes the word, "hearing." During phone calls with TCEQ staff, Debbie Harper clarified that she did not intend to request a contested case hearing. The Executive Director submits the information in this response to provide a general overview of the public participation process.

¹¹ 30 TEX. ADMIN. CODE § 55.201(a) (2007).

¹² 30 TEX. ADMIN. CODE § 55.201(c)-(d) (2007).

¹³ 30 TEX. ADMIN. CODE § 55.201(d) (2007).

for hearing at a regularly-scheduled commission meeting, which will be open to the public.

If the Commissioners grant the request for hearing, the Commissioners will refer the application to the State Office of Administrative Hearings, an independent state agency that presides over contested matters that arise in many state agencies. An administrative law judge would be assigned to preside over the contested case hearing process.

The parties in the contested case would include the applicant, the Office of the Public Interest Counsel, and persons affected by the application. The Executive Director may also be a party. A private individual may choose to represent himself or herself in the contested case hearing process or may designate a representative.¹⁴ Any party may retain a lawyer.

At the end of the contested case hearing process, the administrative law judge will issue a proposal for decision, which is a recommendation to the Commissioners on how to act on the application. The Commissioners will make a decision on the administrative law judge's proposal—either to adopt the entire proposal, to adopt part of the proposal with changes, or to substitute a different decision.

V. Conclusion

Based upon the technical review of the application, the Executive Director made a preliminary decision that the application for renewal meets statutory, technical, and regulatory requirements. No changes to the draft permit have been made in response to public comment.

¹⁴ 30 TEX. ADMIN. CODE § 80.113(a) (2007).

Executive Director's Response to Public Comment
TXU Generation Company, L.P. for Renewal of HW Permit No. 50356
March 28, 2008
Page 8

Respectfully submitted,

Texas Commission on Environmental
Quality

Glenn Shankle
Executive Director

Robert Martinez, Director
Environmental Law Division



Dawn Burton, (Staff Attorney
Environmental Law Division
State Bar No. 24038795
P.O. Box 13087, MC-173
Austin, Texas 78711-3087
(512) 239-0946

Certificate of Service

I certify that on March 28, 2008, the "Executive Director's Response to Public Comment" for the application by TXU Generation Company, L.P. for renewal of Hazardous Waste Permit No. 50356 was filed with the Office of the Chief Clerk at the Texas Commission on Environmental Quality.

Dawn Burton

Dawn Burton

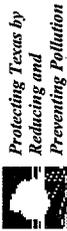
CHIEF CLERK'S OFFICE

28 MAR 28 PM 1:33

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Attachment E

Map



Comanche Peak Steam Electric Station, IHW Permit No. 50163
TCEQ Docket No. 2008-0747-IHW
Commission Agenda, October 8, 2008

Texas Commission on Environmental Quality
 GIS Team (Mail Code 197)
 P.O. Box 13087
 Austin, Texas 78711-3087
 July 3, 2008

0 0.1 0.2 0.4 0.6 Miles
 Projection: Texas Statewide Mapping System (TSM5)
 Scale 1:28,838

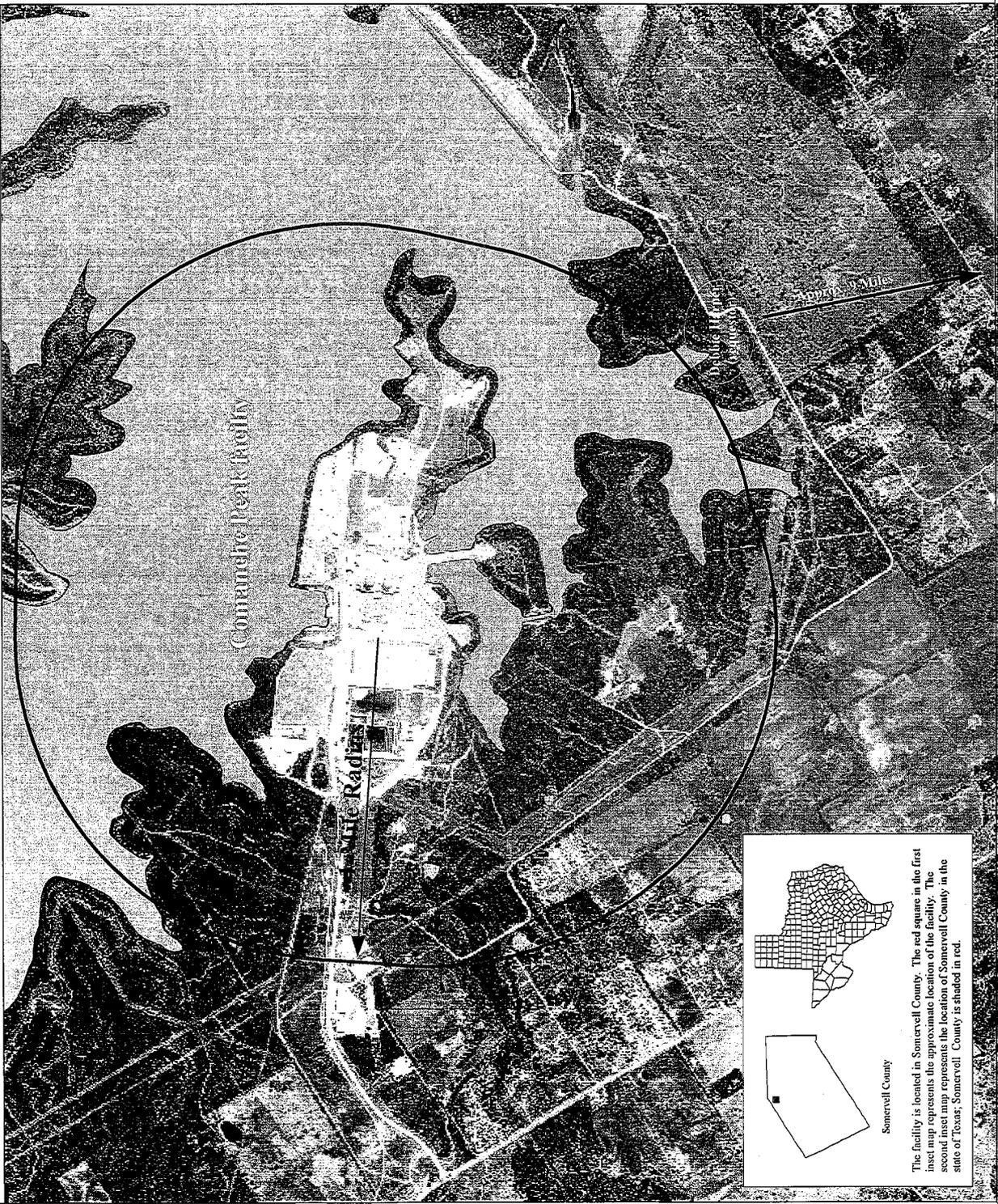
Legend
 ○ 1-Mile Radius

Source: TCEQ's Office of Legal Services provided the locations of the facility and the requestor. The Office of Legal Services obtained the location information for the facility from the applicant and the location information for the requestor from the requestor. The counties are U.S. Census Bureau 1992 TIGER/Line Data (1:100,000). The background of this map is a source photograph from the 2004 U.S. Department of Agriculture Imagery Program. The imagery is one-meter Color-Infra-Red (CIR). The image classification number is 8x425_1-1.

This map depicts the following:
 (1) The approximate location of the Comanche Peak facility. This is labeled, "Comanche Peak Facility".
 (2) Circle and arrow depicting the 1-mile radius from the approximate boundary of the facility. This is labeled "1-Mile Radius".

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This map was not generated by a licensed surveyor, and is intended for illustrative purposes only. No claims are made to the accuracy or completeness of the data or to its suitability for a particular use. For more information concerning this map, please contact the Information Resource Division at (512) 239-6800.

11/16/08/0808080808



Somervell County

The facility is located in Somervell County. The red square in the first inset map represents the approximate location of the facility. The second inset map represents the location of Somervell County in the state of Texas. Somervell County is shaded in red.

Attachment F

Letter responding to request for public meeting

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 15, 2008

Ms. Debbie Harper
1502 CR 2018
Glen Rose, Texas 76043

Re: TXU Generation Company, LP, IHW Permit No. 50356

Dear Ms. Harper:

Thank you for your request to hold a public meeting on the application submitted by TXU Generation Company, LP.

To determine whether to hold a public meeting, the Executive Director considers Section 55.154, in Title 30 of the Texas Administrative Code. Section 55.154 requires a public meeting to be held (1) when the Executive Director determines that there is a significant amount of public interest in an application, (2) when a legislator who represents constituents in the area where the facility is located requests a public meeting, or (3) when other law requires a public meeting. The Executive Director has determined not to hold a public meeting on this application.

TCEQ appreciates your interest in environmental issues. If you have further questions, feel free to contact the Office of Public Assistance at (800) 687-4040, or you may contact me at (512) 239-0946.

Respectfully,

A handwritten signature in cursive script that reads "Dawn Burton".

Dawn Burton, Staff Attorney
Environmental Law Division

cc: LaDonna Castañuela, TCEQ Chief Clerk