REDACTED VERSION

9815442

Bryan W. Shaw, Ph.D., P.E., *Chairman*
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 12, 2016

(b) (6) [redacted]
F.J. Salvage
(b) (6) [redacted]
Leonard, Texas 75452

Re: TCEQ Notice of Deficiency (NOD) to the following documents:
- *Affected Property Assessment Report*, received October 13, 2015
- *Response to TCEQ letter dated November 16, 2015*, dated December 16, 2015 *(submitted via email from* (b) (6) [redacted] *to the TCEQ on 12/16/2015)*

Former F. J. Doyle Salvage Transformers property located at (b) (6) [redacted] (b) (6) (905 N. Poplar Street), Leonard (Fannin County), TX;
TCEQ SWR No. 80951; EPA ID No. TXD980865109; Customer No. CN600359095;
Regulated Entity No. RN100649227

Dear (b) (6) [redacted]

The Texas Commission on Environmental Quality (TCEQ) is in receipt of your *Affected Property Assessment Report* (APAR) for the above referenced property. The APAR was submitted to document the assessment of contamination associated with the property on-site and to areas off-site in accordance with the requirements of 30 Texas Administrative Code (TAC) 350. The TCEQ is also in receipt of an email submitted to the TCEQ from (b) (6) [redacted] on December 16, 2015, in response to TCEQ comment letter dated November 16, 2015. The November 16, 2015 comment letter was issued in response to TCEQ review of a Unit Closure Request and Facility Registration Inactivation Request, dated May 27, 2015. The APAR (received October 13, 2015) and May 27, 2015 were also submitted in response to TCEQ letter dated March 30, 2015, requesting a remediation status update of the waste management unit closure report and issues related to the assessment and cleanup of contamination associated with the facility.

Based on our review, the October 13, 2015 APAR does not provide adequate information to document compliance with the affected property assessment requirements of 30 TAC 350.51. In addition, the December 16, 2015 response does not provide the TCEQ's requested response (i.e. *Amended Closure Report for WMU No. 001 and 002*) to support the closure of the units or request for inactivation of the industrial solid waste registration (SWR) associated with the site. As such, the TCEQ cannot approve the APAR or the December 16, 2015 response regarding the closure of WMU No. 001 and 002/inactivation of the SWR at this time. A list of the deficiencies to the above referenced documents is enclosed. Please submit a *Revised APAR* to address the enclosed deficiencies associated with the October 13, 2015 submittal. In addition, the TCEQ continues to require the submittal of the *Amended Closure Report* for WMU No. 001 and 002 as previously instructed in TCEQ's November 16, 2015 letter (as per the enclosed comments).

An original and one copy of the *Revised APAR* for the referenced property and *Amended Closure Report for WMU No. 001 and 002* must be submitted to the TCEQ Remediation

Division at the letterhead address using mail code number MC-127. An additional copy of each document should be submitted to the TCEQ Region 4 Office in Dallas/Fort Worth. The *Amended Closure Report for WMU No. 001 and 002* is required to be submitted **within thirty (30) days of the date of this letter.** The *Revised APAR* must be prepared and submitted to the TCEQ for review **within 120 days from the date of this letter.** *As a reminder, failure to submit and/or implement the required WMU Closure and TRRP assessment/cleanup actions to address the contamination associated with the property within the schedule set by the TCEQ is violation of agency regulation and potentially subject to enforcement actions under Chapter 7 of the Texas Water Code.*

Please call me at (512) 239-6542 if you need additional information or wish to discuss these comments or the due dates. Thank you for your cooperation in this matter.

Sincerely,

Eleanor T. Wehner

Eleanor T. Wehner, P.G.
Sr. Project Manager
VCP-CA Section
Remediation Division
Texas Commission on Environmental Quality

ETW/mdh

Enclosures: TCEQ Comments to *Affected Property Assessment Report*, received October 13, 2015

TCEQ Comments to *Response to TCEQ letter dated November 16, 2015*, dated December 16, 2015 (submitted via email from (b) (6) [redacted] to the TCEQ on 12/16/2015)

cc: Mr. James Sales, USEPA Region 6, 1445 Ross Avenue, Suite 1200, Mail Code: 6MM, Dallas, TX 75202-2733

(b) (6) [redacted] Leonard, TX 75452

Mr. Sam Barrett, Waste Section Manager, TCEQ Region 4 Office, Dallas/Fort Worth

TCEQ letter dated January 12, 2016
ENCLOSURES
TCEQ SWR No. 80951

TCEQ Comments to *Affected Property Assessment Report*, received October 13, 2015

Based on our review of the *Affected Property Assessment Report,* received October 13, 2015, the TCEQ requires the submittal of a *Revised APAR* to address the following deficiencies:

Section 1 (Conclusions and Recommendations): The APAR suggests the future planned used of the on-site portion of the property may be a parking lot for Leonard ISD. As this facility is currently considered a commercial/industrial property as defined in TRRP (and likely zoned as such), *please note the applicability of residential land use restrictions applicable to educational facilities for properties conducting assessment/cleanup pursuant to the Texas Risk Reduction Program (TRRP) rules (30 TAC 350).*

1. Section 1.2: The APAR provides a summary of a site reconnaissance and physical observations of the property conducted by representatives of Terra-Solve in November of 2009. However, based on TCEQ's review of the text and supporting photographs associated with the 2009 site reconnaissance, areas of hydrocarbon contamination, unconfirmed presence of liquids in various storage tanks/containers, a parts washer, various containers of chemicals, debris, parts, etc. were identified on the property and the supporting photographs suggest an overall lack of property management and environmental housekeeping concerns associated with the property.

   As several years has passed, the APAR is noted to lack an overall assessment of *current* environmental conditions associated with the property. The APAR should be amended to provide an updated site reconnaissance completed by a qualified environmental professional to verify current site conditions, assess current and future risk of release of contaminants associated with the property and determine areas warranting additional investigation/release verification to satisfy the source area characterization requirements of TRRP [i.e., 30 TAC 350.51(a) and (b)]. A determination of the overall physical security of the site should also be performed to ensure the site is adequately protected with regard to potential risk posed contaminants on the property to potential trespassers on the property. As the TCEQ understands the site is inactive, removal and proper disposal of existing chemicals, chemical storage containers, drums, parts washer, tanks, etc.) should also be implemented and appropriately documented (proper removal and disposal). Please provide post removal inspection and photographic documentation by a qualified environmental professional to support the removal/disposal activities and copies of supporting legal records (e.g., receipts, waste manifests, bill of lading, etc.) documenting the proper disposal of materials transported off-site.

2. Section 2.1 and Section 5-Groundwater Assessment: An active public supply well was identified within 500 feet of the property. As such, the TCEQ will require verification of the presence/absence of groundwater contamination associated with the property in order to confirm whether the soil contamination identified or suspected to have been associated with site activities (i.e., petroleum hydrocarbons, solvents, PCBs and RCRA metals) has migrated to the uppermost water bearing unit. The TCEQ recommends the installation and sampling of a minimum of one (1) upgradient and three (3) downgradient monitor wells in the uppermost water bearing unit to initially determine if groundwater is impacted with contaminants identified or suspected to have been associated with site activities (i.e., petroleum hydrocarbons, solvents, PCBs and RCRA metals) and also to verify potentiometric flow conditions in the uppermost saturated zone. Based on the analytical results of the assessment, please note that additional groundwater assessment may be required to satisfy

the lateral and vertical assessment requirements of 30 TAC 350.51(c) and (e), respectively.

In addition, please note that if initially reporting a case of groundwater contamination to the TCEQ, the TCEQ requires the concurrent submittal of a *Drinking Water Survey Report* (DWSR), as a stand-alone document. The TCEQ uses the report primarily to comply with Texas Water Code (TWC), Section 26.408. Section requires the TCEQ, within 30 days of the date the TCEQ receives notice or otherwise becomes aware of groundwater contamination, to notify owners and users of private drinking water wells that may be affected by the groundwater contamination (i.e., groundwater ingestion standards exceeded). Additional information regarding the preparation and submittal fo the DWSR and requirements of TWC Section 26.408 may be obtained at the TCEQ website at: https://www.tceq.texas.gov/remediation/twc26_408.html.

Please amend the applicable sections of the APAR to provide the supporting information documenting the results of the groundwater assessment activities (i.e., Section 2, 3, 5, and supporting appendices) and, if required, the stand alone DWSR.

3. Section 2.2 (Field Receptor Survey): The APAR must be amended to provide supporting information documenting the performance of the required 500-ft field receptor survey. Refer to Section 2.2 of the APAR instructions for clarification of the specific documentation required to be presented in the APAR.

4. Section 2.6 (Exposure Pathways): The text of the APAR is noted to convey information as to the stability/persistence of contaminants in specific media of concern (i.e., soil, sediment, air, etc.) in response to specific soil conditions; however, the APAR lacks supporting information documentation the behavior of contaminants specific to conditions at the site (e.g., site specific soil pH evaluation, site-specific leachate analytical results, etc.).

5. Section 2.5 (Groundwater Resource Classification): The APAR lacks the completion of a groundwater resource classification (Class 1, 2, or 3) of the uppermost saturated zone(s), potentially affected groundwater-bearing units, etc. Please refer to Section 2.5 of the instructions of the APAR form to properly address this issue.

6. Section 2, Attachment 2A (Tier 1 Ecological Exclusion Criteria Checklist): The APAR lacks the completion of the required Tier 1 Ecological Exclusion Criteria Checklist. Please refer to Section 2, Attachment 2A of the instructions of the APAR form to properly address this issue.

7. Section 3.2 (Assessment Strategy): All information provided in the APAR presents a summary of existing sampling performed in the 1990s and information based on a site reconnaissance conducted on November 20, 2009, as part of a Phase I Environmental Site Assessment. Although the prior areas subject to analytical sampling have been incorporated into the APAR as historic analytical data relevant to the assessment of the site, the areas previously sampled should be considered for re-assessment to confirm current levels of concentrations to support evaluation of proposed remedial actions. Please note that the collection and analysis of additional environmental samples will be required to document conformance with the analytical data usability requirements specific to the TRRP regulations applicable to assessment/response actions associated with the site. Please refer to RG-366/TRRP-13 (Review and Reporting of COC Concentration Data under TRRP), Revised May 2010 for additional guidance regarding this topic. This document can be obtained on the TCEQ's website at: *http://www.tceq.state.tx.us/remediation/trrp/guidance.html*.

8. APAR Executive Summary (tables for Assessment, and Remedy Decision), Conclusions/Recommendations, and Appendix 1 (Notifications): The APAR indicates

impacts of contamination issues associated with the property extend to off-site properties. Please note 30 TAC 350.55 (Notification Requirements) of the TRRP regulations require specific notification requirements applicable to off-site property owners during assessment/cleanup activities performed in accordance with 30 TAC 350 (TRRP). Concurrence of any proposed response action proposals related to the cleanup of off-site contamination issues must be obtained from applicable off-site property owners prior to implementation. In addition, proof of compliance with the requirements of 30 TAC 350.55(d) and/or (e) must be submitted to the TCEQ certifying the required notifications have been completed within the specified number of calendar days of the date the notices are due. Supporting documentation demonstrating compliance with the notification requirements of 30 TAC 350.55 should be captured in Appendix 1 of the APAR form.

9. Section 4 (Soil Assessment):

- Based on our review, the APAR does not provide a sufficient soil assessment demonstrating compliance with the lateral and vertical extent delineation requirements of 30 TAC 350.51(c) and (d) of TRRP, respectively, with respect to petroleum hydrocarbons, solvents, PCBs and RCRA metals. The APAR must also be amended to document assessment and demonstrate conformance to the federal requirements of 40 CFR 761, Subpart N with respect to PCBs, in particular. [The TCEQ also previously noted the extent delineation issues in comment 1 and 2 of a prior letter issued June 18, 2010 (copy of TCEQ letter provided as an attachment to the APAR)]. The APAR must be amended to provide information verifying the lateral and vertical extent delineation requirements with respect to petroleum hydrocarbons, solvents, PCBs and RCRA metals to document compliance with 30 TAC 350.51(c) and (d) of TRRP and 40 CFR 761, as applicable to PCBs.

- The APAR lacks sufficient assessment/characterization of all potential source areas of contamination on the property. The APAR must be amended to provide additional investigation and characterization of all potential source areas on the property and surface water drainage ditches with respect to petroleum hydrocarbons, solvents, PCBs and RCRA metals to document compliance with 30 TAC 350.51(b) of TRRP.

- The APAR notes that surface water runoff from the property is noted to have a potential to affect surface soils and drainage ditches (and potentially surface water) on-site and extending to off-site areas. TCEQ also indicated in comment 5 of a prior letter issued June 18, 2010, the need to demonstrate that drainage ditches are not impacting surface water (copy of TCEQ letter provided as an attachment to the APAR)]. The APAR must be amended to provide supporting assessment information to document the characterization, assessment and delineation of contamination of all media of concern (e.g., soil, sediment, surface water, etc.) present in drainage ditches on-site and extending to off-site areas with respect to petroleum hydrocarbons, solvents, PCBs and RCRA metals.

For future reference, starting January 1, 2016, the TCEQ Remediation Division requires the use of United States Environmental Protection Agency (USEPA) SW846 Method 5035A, Purge-and-Trap and Extraction for Volatile Organics in Soil and Waste Samples, as amended, for the collection and preparation of solid samples for volatile organic compound (VOC) analysis using purge-and-trap technology. The TCEQ Remediation Division guidance on Method 5035 has been updated and is available at the TCEQ's website at: https://www.tceq.texas.gov/assets/public/remediation/tceq-rem-guidance-for-epa-method-5035.pdf. In addition, please be aware that the TCEQ's Tier 1 Protective

Concentration Levels (PCLs) and supporting tables have been revised December 2015. The most current tables can be obtained from the TCEQ's website at: http://www.tceq.state.tx.us/remediation/trrp/trrppcls.html. Please ensure the most current TCEQ PCLs are being used for comparative purposes.

TCEQ letter dated January 12, 2016
ENCLOSURES
TCEQ SWR No. 80951

TCEQ Comments to *Response to TCEQ letter dated November 16, 2015*, dated December 16, 2015 *(submitted via email from* (b) (6) [redacted] *to the TCEQ on 12/16/2015)*

1. The TCEQ continues to lack adequate information to document achievement of closure of registered waste management units (WMU) and industrial solid waste registration (SWR) associated with the property (SWR No. 80951). Although a unit closure request was previously submitted by representatives of F.J. Doyle to the TCEQ as recently as May 27, 2015, information documenting the regulatory closure of WMU No. 001 and 002 in accordance with the requirements of 30 TAC 335.8 continues to remain outstanding.

   Comments regarding TCEQ review of the May 27, 2015 WMU closure request were previously conveyed to representatives of F.J. Salvage on November 16, 2015. The TCEQ's November 16, 2015 letter required the submittal of an *Amended Closure Report for WMU No. 001 and 002* to the TCEQ for technical review within forty-five (45) days of the TCEQ's letter. Although the TCEQ acknowledges receipt of an email on December 16, 2015 from [redacted] (b) (6) [redacted] in response to the TCEQ's November 16, 2015 letter, the email response did not provide the *Amended Closure Report* nor did the response provide a path forward/schedule for submittal of the *Amended Closure Report*. The amended report is required to document the closure of WMU No. 001 and 002 in accordance with the 30 TAC 335.8 and support the SWR inactivation request for the property.