

Attachment A:

Monitoring Well Construction Data and
Summary of Field Groundwater Depth Measurements
for 04/14/11 and 10/04/11 Monitoring Events



MONITORING WELL CONSTRUCTION DATA

SANTA ANITA RECLAMATION, LLC
SAN MANUEL-LUNN, TEXAS

WELL/BORING NO: YUW-1

PERMIT NO: —

DATE: 7-20-10

PROJECT NAME: SANTA ANITA RECLAMATION

PROJECT NO: 328-346

WELL SITE LOCATION PLAN:

SEE MONITORING
WELL LOCATION MAP

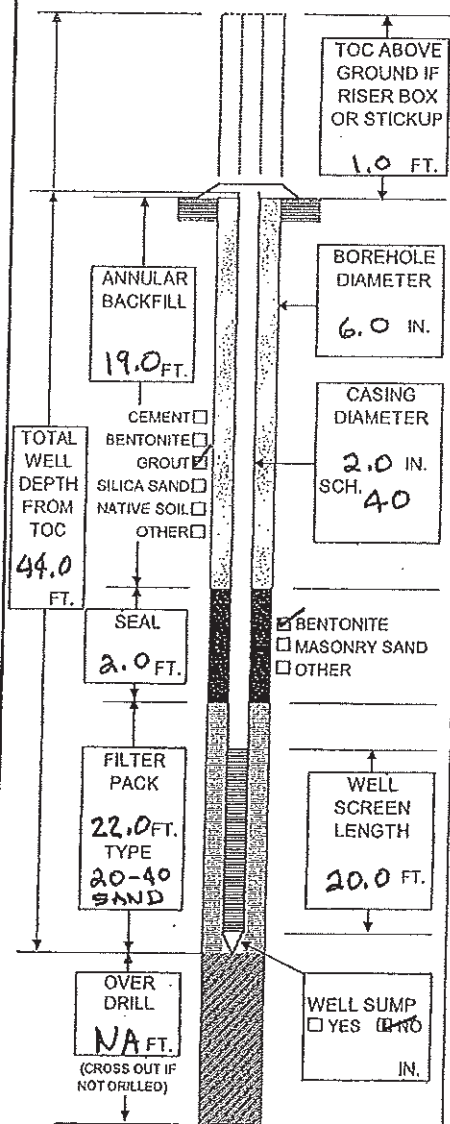
SEC: _____ TWN: _____ RGE: _____ LAT: _____ LONG: _____

DRILLING CO: JEDI DRILLING CONTRACTORS, INC.

DRILL CREW: OSCAR GARZA, JERRY SAUCEDA

WELL TYPE: SHALLOW SINGLE CASED MONITORING
 PERMANENT INTERMEDIATE DOUBLE CASED RECOVERY
 TEMPORARY DEEP OTHER OTHER

WELL SCHEMATIC



INSTALLATION DATA

DECON. STEAM CLEAN HIGH PRESSURE WASH
 SOAP WASH OTHER

CASING TYPE: PVC STAINLESS TEFLON OTHER

JOINTS: THREADED WELDED COUPLED
 SCREWED OTHER

PIT CASING: YES NO DESCRIBE
10' FT, 6 IN PVC

WELL SCREEN: PVC STAINLESS TEFLON OTHER

DIAMETER: 2" 4" 6" OTHER _____ IN

SLOT: 0.010 0.020 OTHER _____ IN

DRILLING METHOD: SOLID STEM HOLLOW STEM MUD ROTARY

AIR ROTARY DIRECT PUSH HAND AUGER

OTHER

BIT SIZE: 2" 4" 6" 8" 12" OTHER _____ IN

DRILLING MUD: NONE WATER BENTONITE

OTHER

CENTRALIZER: YES NO

COMPLETION: FLUSH MOUNT STICKUP RISER BOX

LOCK TYPE: DOLPHIN MASTER KEY NO. _____

OTHER

PAD: 2X2' 4X4' OTHER

CUTTINGS: DRUMMED NUMBER OF DRUMS _____

SPREAD OTHER

DEVELOPMENT METHOD: NONE BAILING PUMPING AIR LIFT

SURGE & BLOCK OTHER

TIME: 10 MIN 20 MIN OTHER 15 MIN

AMOUNT: 5 GAL 10 GAL OTHER _____ GAL

WATER BEFORE: SILTY TURBID OPAQUE CLEAR

WATER AFTER: SILTY TURBID OPAQUE CLEAR

EVIDENT ODOR: YES NO TYPE _____

DEVELOPMENT WATER: DRUMMED NUMBER OF DRUMS _____

SPREAD TREATED POTW OTHER

WATER LEVEL: INITIAL _____ FT BTOC BLS

DATE: _____ FT BELOW TOC

DATE: _____ FT BELOW TOC

NOTES: (DESCRIBE ALL NON-STANDARD METHODS & MATERIALS)

PREPARED BY: HPZ



MONITORING WELL CONSTRUCTION DATA

SANTA ANITA RECLAMATION, LLC
SAN MANUEL - LINN, TEXAS

WELL/BORING NO: MW-2

PERMIT NO: ---

DATE: 7-20-10

PROJECT NAME: SANTA ANITA WELL

PROJECT NO: 328-346

WELL SITE LOCATION PLAN:

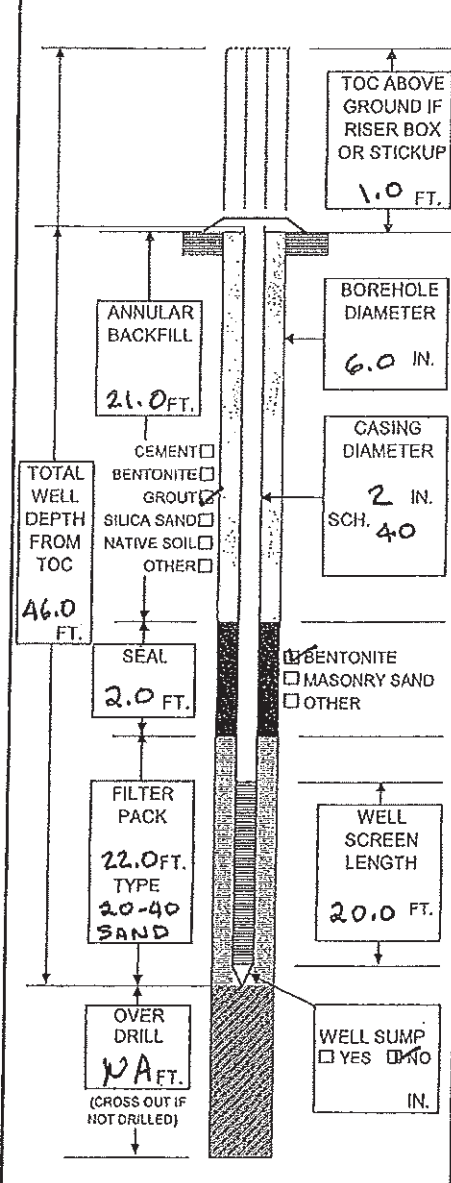
SEC: TWN: RGE: LAT: LONG:

DRILLING CO: JEDI DRILLING CONTRACTORS, INC

DRILL CREW: OSCAR GARCIA, JERRY SANCEDA

WELL TYPE: SHALLOW SINGLE CASED MONITORING
 PERMANENT INTERMEDIATE DOUBLE CASED RECOVERY
 TEMPORARY DEEP OTHER OTHER

WELL SCHEMATIC



INSTALLATION DATA

DECON. STEAM CLEAN HIGH PRESSURE WASH
 SOAP WASH OTHER

CASING TYPE: PVC STAINLESS TEFLON OTHER
JOINTS: THREADED WELDED COUPLED
 SCREWED OTHER

PIT CASING: YES NO DESCRIBE

WELL SCREEN: PVC STAINLESS TEFLON OTHER
DIAMETER: 2" 4" 6" OTHER _____ IN
SLOT: 0.010 0.020 OTHER _____ IN

DRILLING METHOD: SOLID STEM HOLLOW STEM MUD ROTARY
 AIR ROTARY DIRECT PUSH HAND AUGER
 OTHER

BIT SIZE: 2" 4" 6" 8" 12" OTHER _____ IN
DRILLING MUD: NONE WATER BENTONITE
 OTHER

CENTRALIZER: YES NO

COMPLETION: FLUSH MOUNT STICKUP RISER BOX
LOCK TYPE: DOLPHIN MASTER KEY NO. _____
 OTHER

PAD: 2'X2' 4'X4' OTHER _____

CUTTINGS: DRUMMED NUMBER OF DRUMS _____
 SPREAD OTHER _____

DEVELOPMENT METHOD: NONE BAILING PUMPING AIR LIFT
 SURGE & BLOCK OTHER
TIME: 10 MIN 20 MIN OTHER 15 MIN
AMOUNT: 5 GAL 10 GAL OTHER _____ GAL

WATER BEFORE: SILTY TURBID OPAQUE CLEAR
WATER AFTER: SILTY TURBID OPAQUE CLEAR
EVIDENT ODOR: YES NO TYPE _____

DEVELOPMENT WATER: DRUMMED NUMBER OF DRUMS _____
 SPREAD TREATED POTW OTHER

WATER LEVEL: INITIAL _____ FT BTOC BLS

DATE: _____ FT BELOW TOC

DATE: _____ FT BELOW TOC

NOTES: (DESCRIBE ALL NON-STANDARD METHODS & MATERIALS)

PREPARED BY: HJZ



MONITORING WELL CONSTRUCTION DATA

SANTA ANITA RECLAMATION, LLC
SAN MANUEL - LUN, TEXAS

WELL/BORING NO: KW-3

PERMIT NO: ---

DATE: 7-21-10

PROJECT NAME: SANTA ANITA RECL.

PROJECT NO: 328-346

WELL SITE LOCATION PLAN:

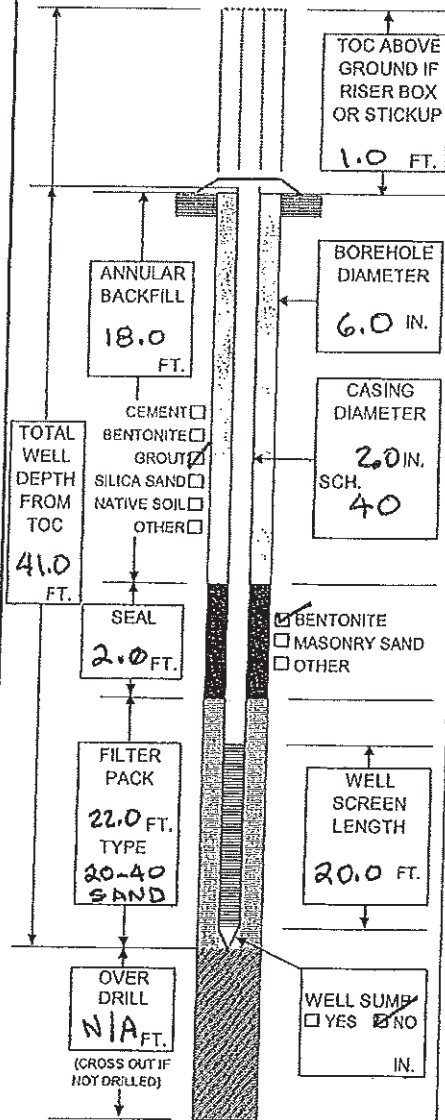
SEC: _____ TWN: _____ RGE: _____ LAT: _____ LONG: _____

DRILLING CO: JEDI DRILLING CONTRACTORS, INC

DRILL CREW: OSCAR GARCIA, J. SAUCEDA, J. MEDRANO

WELL TYPE: SHALLOW SINGLE CASED MONITORING
 PERMANENT INTERMEDIATE DOUBLE CASED RECOVERY
 TEMPORARY DEEP OTHER OTHER

WELL SCHEMATIC



INSTALLATION DATA

DECON. STEAM CLEAN HIGH PRESSURE WASH
 SOAP WASH OTHER

CASING TYPE: PVC STAINLESS TEFLON OTHER
JOINTS: THREADED WELDED COUPLED
 SCREWED OTHER

PIT CASING: YES NO DESCRIBE _____

WELL SCREEN: PVC STAINLESS TEFLON OTHER
DIAMETER: 2" 4" 6" OTHER _____ IN
SLOT: 0.010 0.020 OTHER _____ IN

DRILLING METHOD: SOLID STEM HOLLOW STEM MUD ROTARY
 AIR ROTARY DIRECT PUSH HAND AUGER
 OTHER

BIT SIZE: 2" 4" 6" 8" 12" OTHER _____ IN

DRILLING MUD: NONE WATER BENTONITE
 OTHER

CENTRALIZER: YES NO

COMPLETION: FLUSH MOUNT STICKUP RISER BOX
LOCK TYPE: DOLPHIN MASTER KEY NO. _____
 OTHER

PAD: 2'x2' 4'x4' OTHER _____

CUTTINGS: DRUMMED NUMBER OF DRUMS _____
 SPREAD OTHER _____

DEVELOPMENT METHOD: NONE BAILING PUMPING AIR LIFT
 SURGE & BLOCK OTHER _____

TIME: 10 MIN 20 MIN OTHER 15 MIN
AMOUNT: 5 GAL 10 GAL OTHER _____ GAL

WATER BEFORE: SILTY TURBID OPAQUE CLEAR
WATER AFTER: SILTY TURBID OPAQUE CLEAR

EVIDENT ODOR: YES NO TYPE _____

DEVELOPMENT WATER: DRUMMED NUMBER OF DRUMS _____
 SPREAD TREATED POTW OTHER _____

WATER LEVEL: INITIAL _____ FT BTOC BLS

DATE: _____ FT BELOW TOC
DATE: _____ FT BELOW TOC

NOTES: (DESCRIBE ALL NON-STANDARD METHODS & MATERIALS)

PREPARED BY: KJR

Table 2

Summary of Field Groundwater Depth Measurements
 Santa Anita Reclamation Facility
 Linn, Hidalgo County, Texas

Monitoring Well No.	Sampling Date	Depth to GW TOC (ft)	Depth to Bott. of Well (ft)	Water Col. Height (ft)	Well Volume (gal)
MW-1	4/14/2011	3.7	42.2	38.4	6.3
	10/4/2011	5.0	42.1	37.1	6.1
MW-2	4/14/2011	4.8	46.1	41.3	6.7
	10/4/2011	6.9	45.9	39.0	6.4
MW-3	4/14/2011	4.9	41.6	36.7	6.0
	10/4/2011	7.0	40.3	33.3	5.4

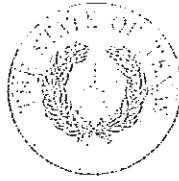
Notes:

1. All depth measurements from top of casing (TOC).

Attachment B:

Compliance Evaluation Investigation Report for
Investigation # 972118 Conducted on 12/08/2011

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 21, 2012

CERTIFIED MAIL # 91 7108 2133 3937 1337 0380
RETURN RECEIPT REQUESTED

Mr. Lance Walker, Owner
Santa Anita Reclamation
126 South Stewart Road
San Juan, Texas 78589

Re: Notice of Violation for the Compliance Evaluation Investigation at:
Santa Anita Reclamation, located southwest of the intersection of Farm to Market 3250
and Farm to Market 1017, (Hidalgo County)
Regulated Entity No.: RN105389514, TCEQ ID No.: 6200592

Dear Mr. Walker:

On December 9-23, 2011, Monica A. Galvan of the Texas Commission on Environmental Quality (TCEQ) Harlingen Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for municipal solid waste, specifically used and scrap tires. Enclosed is a summary which lists the investigation findings. During the investigation, some violations were noted which were noncompliances that have based on subsequent corrective action. In addition, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by March 22, 2012 a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for each of the outstanding alleged violations.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Harlingen Region Office at 956.425.6010 or the Central Office Publications Ordering Team at 512-239-0028.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements.

We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violations documented in this notice. Should you choose to do so, you must notify the Harlingen Region Office within 10 days from the date of this letter. At that time,

REPLY TO: REGION 15 • 1804 W. JEFFERSON AVE. • HARLINGEN, TEXAS 78550-5247 • 956-425-6010 • FAX 956-412-5059

Austin Headquarters: 512-239-1000 • www.tceq.state.tx.us • How is our customer service? www.tceq.state.tx.us/goto/customersurvey

Lance Walker
February 21, 2012
Page 2

we will schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the attached Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Ms. Monica A. Galvan in the Harlingen Region Office at 956.430.6032.

Sincerely,



Jaime Garza, Section Manager
Air, Waste & Water Programs
Harlingen Regional Office
Texas Commission on Environmental Quality

JG/mag

Enclosures: Summary of Investigation Findings

Summary of Investigation Findings

SANTA ANITA RECLAMATION

Investigation # 972118

, HIDALGO COUNTY,

Investigation Date: 12/08/2011

Additional ID(s): R15105389514
6200592

OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 458876 Compliance Due Date: 03/22/2012

30 TAC Chapter 328.66(a)(9)

Alleged Violation:

Investigation: 972118

Comment Date: 2/16/2012

Failure to operate the project in accordance with special conditions imposed by the executive director. Specifically, a revised Figure 3 shall be submitted to the TCEQ Harlingen Region Office.

Galvan observed three monitoring wells installed at the entity, located at the northeast portion, southwest portion, and midway between the northwest/southwest portions, with the tire shredding operation located just southeast of the 8.71 acre LRPOT site. By letter dated 05/10/2010 from the TCEQ, condition number four (4) states figure 3 of the Plan must be revised in order to relocate the proposed groundwater monitoring well located on the northwest corner to the location approximately halfway the remaining distance to the southwest corner of the site. By email dated 12/13/11 from Elva Walker, it states the revised map is attached; however, only a blank page was attached with the words "Figure 3 Revision" at the top left corner.

Recommended Corrective Action: A revised Figure 3, noting the current locations of the groundwater monitoring wells, shall be submitted to the TCEQ Harlingen Region Office by the compliance due date.

Track No: 458882 Compliance Due Date: 03/22/2012

30 TAC Chapter 328.66(a)(7)(A)

TWC Chapter 26.121

Alleged Violation:

Investigation: 972118

Comment Date: 2/21/2012

Failure to prevent an unauthorized discharge of any pollutant into or adjacent to any water in the state. On the day of the investigation, it was noted that an unauthorized discharge of a pollutant, specifically oil/lubricant contaminated process water, had occurred at the site.

An area of collected process water was observed while viewing the area of the shredder and conveyor. The following observations were made by Galvan - the water is placed on the blades so that overheating does not occur, the area of the blades and shredder that come into contact with the water is covered with a dark material generated from the processing of the tires, the water flows over a concreted area which is located directly underneath the shredders conveyor belt, the water flows onto the parking area of the trucks used to collect the shredded tires, with the water eventually flowing into the low lying area. During this process the water comes in contact with oils, lubricants (from either the shredder itself or the tires being processed). The water in the pond, in places, appears sludge like and a sheen was observed on the collected water. Also, a black ring can be seen where the top of the water meets the surrounding dirt.

In the Monitoring Well Plan, dated March 2010, Section 2.3 Hydrogeology, states - "The primary aquifer in Hidalgo County is the Gulf Coast Aquifer. Based on the groundwater study conducted by SWL Environmental Services for the C&T Landfill in June 1993, there are two minor aquifers in this area. The Chicot and Evangeline Aquifers yield fresh water to area wells. Groundwater movement within the two aquifers is generally to the east (Texas Water Development Board, 1990).")." Therefore, generally speaking, discharges that may occur in this general area that overlay the two minor aquifers, have the potential to impact the two minor aquifers.

Recommended Corrective Action: The process water generated from the cooling of the blades shall be captured or contained in an area that does not allow a discharge to occur, which may include lining the low lying area, and is protective of the environment. Documentation of this shall be received in the Harlingen Region Office by the compliance due date.

**ALLEGED VIOLATION(S) NOTED AND RESOLVED
ASSOCIATED TO A NOTICE OF VIOLATION**

Track No: 458873

30 TAC Chapter 328.66(a)(9)

Alleged Violation:

Investigation: 972118

Comment Date: 2/16/2012

Failure to operate the project in accordance with special conditions imposed by the executive director. Specifically, background groundwater sampling was not conducted prior to tire chips being placed into the LRPUT.

By letter dated 05/10/2010 from the TCEQ, condition number seven (7) states groundwater analysis shall be conducted at all three groundwater wells prior to tire chips being placed into the LRPUT in order to determine current groundwater characteristics (background sampling). In an email from Hector J. Lopez (Branch Manager Professional Service Industries Inc (entity contractor) dated 12/14/2011, it indicates the initial background groundwater sampling was not conducted, as this was not in the scope of work for the contractor at that time. This will be listed as a noted and resolved violation since the entity cannot conduct background sampling since tire pieces have been placed into the LRPUT.

Recommended Corrective Action: The entity cannot conduct background sampling since tire pieces have been placed into the LRPUT. However, the entity shall have the continuing obligation to conduct groundwater sampling on a semi-annual basis, as stated in the letter dated 05/10/2010 from the TCEQ, referencing the Monitor Well Plan.

Resolution: The entity cannot conduct background sampling since tire pieces have been placed into the LRPUT. However, the entity shall have the continuing obligation to adhere to the Special Conditions set forth in the letter dated 05/10/2010 from the TCEQ, referencing the Monitoring Well Plan.

Track No: 458879

30 TAC Chapter 328.66(a)(9)

Alleged Violation:

Investigation: 972118

Comment Date: 2/16/2012

Failure to operate the project in accordance with special conditions imposed by the executive director. Specifically, the entity stored approximately 15,000 tires for eleven consecutive days.

By letter dated 05/10/2010 from the TCEQ, it states the facility is authorized to store 80,000 used or scrap tires as a 30 day supply, but no more than 5,000 used or scrap tires or the equivalent in tire pieces may be stored overnight. During the course of the investigation, it was

stated by Elva Walker that during the time period of 11/21/2011-12/02/2011 approximately fifteen (15) trailers, each storing approximately 1,000 tires, were being stored, which equals approximately 15,000 tires stored for eleven (11) days. The blades on the shredder required sharpening, therefore, shredding could not be conducted since the blades were removed.

Recommended Corrective Action: The entity shall not store more than 5,000 used or scrap tires or equivalent tire pieces overnight. If instances arise that may cause more than 5,000 tires/equivalent tire pieces to be stored overnight, the entity shall notify the Harlingen Regional Office of the situation.

Resolution: During the time period of 11/21/2011-12/02/2011 approximately fifteen (15) trailers, each storing approximately 1,000 tires, were being stored, which equals approximately 15,000 tires stored for eleven (11) days. Since the blades were returned from being sharpened, these tires were then processed and this volume of tires was no longer stored overnight.

ADDITIONAL ISSUES

Description

If the facility does not provide its own fire fighting personnel or system, has it made arrangements with public or private emergency response personnel capable of complying with applicable fire and building codes or for energy recovery facilities, has the appropriate jurisdictional fire marshal reviewed and approved the fire protection system?

Additional Comments

The Hidalgo County Fire Marshal's Office (Marco Romero) conducted the annual fire inspection of the entity on 11/28/2011. During the inspection, it was noted the entity should have the fire extinguishers checked by a certified technician. In speaking with Marco Romero, he stated the noted item referencing the fire extinguisher was not a violation noted by the Fire Marshal's Office. It was requested the entity have the fire extinguishers checked to determine if they needed recharging or replacement. Of note, the fire extinguishers were checked by a certified technician on 12/09/2011.

Other violations noted during the investigation? The SOP states the tire pieces will be placed below grade in lifts no greater than 12 inches thick by means of a front end loader, dump truck, or directly off the trailer mounted shredder, after processing. (If non-compliant then describe violation in the comment section.)

The sizes of the lifts will vary depending on the amount of tire pieces available for processing. At a frequency of at least once per day, an equal size and thickness layer of inert material will be placed on top of each lift, and mechanically mixed by alternately spreading and re consolidation the materials, thus ensuring a 50 percent mixture, and leveled for placement of the next layer of tire pieces. Galvan did not observe this specific placement method being conducted, what was observed was an equal volume of inert fill material and tire pieces placed onto the edge of the LRPUT edge. The front end loader then mechanically pushes the inert material into the tire pieces, with this mixture then mechanically pushed over the edge of the LRPUT. Galvan observed this method during three separate demonstrations and this method does ensure a 50 percent mixture of inert material and tire pieces. Note, 30 TAC 328.66(a)(5) states "The method of placement and commingling of the tire shreds to achieve a mix of tire pieces with the inert fill material in a proportion no greater than 50% of tire material by volume." Additionally, while observing the method of commingling the inert material and the tire pieces, it was observed the tire pieces curl up on themselves prior to being pushed into the inert material. If not commingled in the manner demonstrated, the tire pieces would "ball up" on themselves if placed below grade in lifts, as stated in the SOP. The method of placement, as stated in the SOP, may not ensure a 50 percent mixture of inert material and tire pieces.

MSWTIRE-6200592-SANTA ANITA RECLAMATION-CO
Texas Commission on Environmental Quality
Investigation Report
SANTA ANITA RECLAMATION PROJECT, LLC
CN603280033

SANTA ANITA RECLAMATION

RN105389514

Investigation # 972118

Incident #

Investigator: MONICA GALVAN

Site Classification

LRPUT

FACILITY

PROCESSOR

Conducted: 12/08/2011 -- 12/23/2011

SIC Code: 3089

Program(s): TIRES

Investigation Type : Compliance Investigation

Location : SOUTHWEST OF
 INTERSECTION OF FM 3250 AND FM
 1017

Additional ID(s) : R15105389514
 6200592

Address: ; ,

Activity Type : REGION 15 - HARLINGEN
 TIRELRPUT - Investigation of Land
 Reclamation Project Using Tires
 TIREPROC - Investigation of scrap tire
 processor

Principal(s) :

Role	Name
RESPONDENT	SANTA ANITA RECLAMATION LLC

Contact(s) :

Role	Title	Name	Phone
Participated in Investigation	FACILITATOR	MRS ELVA WALKER	Work (956) 287-8473
Participated in Investigation	OWNER	MR LANCE WALKER	Work (956) 287-8473
Notified	FACILITATOR	MRS ELVA WALKER	
Regulated Entity Contact	FACILITATOR	MRS ELVA WALKER	Work (956) 287-8473
Regulated Entity Mail Contact	OWNER	MR LANCE WALKER	Work (956) 287-8473

Other Staff Member(s) :

Role	Name
Supervisor	JAIME GARZA
Investigator	DOUGLAS CRIST
QA Reviewer	FRANCISCO CHAVERO JR.

Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
MSW SCRAP TIRE FACILITY	SANTA ANITA TIRE FACILITY
MSW TIRES LAND RECLAMATION PROJECT USING TIRES (LRPUT)	SantaAnitaLRPUT
MSW GENERIC OTHER ISSUES OR VIOLATIONS	MSW LRPUT Additional

Investigation Comments :

INTRODUCTION

Texas Commission on Environmental Quality (TCEQ) Environmental Investigators: Monica A. Galvan (Galvan) and Doug Crist (Crist)
Santa Anita Reclamation LLC representatives: Lance Walker (Walker), Owner, and Elva Walker (EWalker), Office Facilitator

An on-site municipal solid waste (MSW) Compliance Evaluation Investigation (CEI) of the regulated entity Santa Anita Reclamation LLC (entity, RN105389514 / CN603280033 - Santa Anita Reclamation LLC) was conducted to determine if the entity was in compliance with rules regarding waste minimization and recycling, pursuant to 30 Texas Administrative Code (TAC) § 328, subchapter F-Management of Used or Scrap Tires, specifically Land Reclamation Projects Using Tires (LRPUT). Prior notification to conduct the investigation was made on 12/07/2011 with EWalker.

The entrance and exit interviews were conducted during the onsite investigation with Walker and EWalker, with copies of RG 344 - The TCEQ Has Inspected Your Business, GI 32 - Obtaining the Rules, and TCEQ Customer Satisfaction Survey number 54068 handed out. In addition to additional issues, several alleged violations were documented (attachment C).

Attachment A: Central Registry regulated entity/customer details, scrap tire registration database results

Attachment B: Site Operating Plan (SOP)-dated 01/15/2008, monitor well plan, copies of letters dated 05/10/2010 & 06/25/2010 from the TCEQ to the entity

Attachment C: TCEQ Exit Interview form dated 12/09/2010

Attachment D: Site volume/Site Life Calculations, LRPUT notification, email dated 12/13/11, power point presentation of Scrap Tire Management in Texas; email dated 12/14/11, list of tire generators disposing of tires at the entity, email dated 12/14/11, letter dated 12/11/09 from entity to the TCEQ, daily log, inert material log, 2010 Scrap Tire Annual report, letter dated 10/20/10 to Edinburg Fire Department and letter dated 01/09/12 from entity to TCEQ
Photographic Documentation, 12 photos

BACKGROUND

The entity was previously issued TCEQ Tire Registration ID Number 6200606 (authorized 05/10/2010) and TCEQ LRPUT Registration ID Number 6200592 (authorized 12/18/2009) (attachment A). In a query of the Consolidated Compliance and Enforcement Data System (CCEDS), the following investigations were conducted for the previous five year period:

A site assessment, CCEDS investigation number 614234, was conducted 01/09/08 with no concerns or violations noted.

A compliance investigation, CCEDS investigation number 879485, was conducted 10/20/10-11/03/10 with no concerns or violations noted.

No previous enforcement actions, agreed orders, court orders, enforcement issues, compliance agreements or complaints were noted.

GENERAL ENTITY INFORMATION

Investigation conducted 12/09/2011

General Requirements

Prior to conducting the physical walk through of the entity, records were reviewed. Prior notification was provided to the executive director of the intent to fill land by means of a LRPUT (attachment B, correspondence from TCEQ to regulated entity), with prior approval provided in writing by the executive director. The entity was issued TCEQ Tire Registration ID Number 6200606 (authorized 05/10/2010) and TCEQ LRPUT Registration ID Number 6200592 (authorized 12/18/2009) for the LRPUT and its associated scrap tire storage site. Documentation

indicating the owner/operator has notified the local fire marshal or fire department of the tire placement or fill activity was viewed, which consisted of notifications to the Hidalgo County Fire Marshal and Edinburg Fire Department, letter dated 02/19/2010. The LRPOT consists of a previously excavated caliche pit that is to be filled in with a mixture of 50% shredded tires and 50% dirt, with the total acreage to be filled in as 8.71 acres with a depth of 17 feet deep. The scrap tire facility registration was authorized for 1.5 years from the date the processing/shredding of tires for placement into the LRPOT begins, with tire processing beginning on 12/22/2010. The processing (shredding) is performed on site, with the shredded tires placed into the pit. Records were reviewed which indicated stockpiles of used or scrap tires awaiting shredding are monitored for vectors on a weekly basis. Generators utilizing the entity include the City of Corpus Christi CEFEL Landfill, City of Corpus Christi Elliot Landfill, City of Kingsville Landfill, Brooks County Road & Bridge, Willacy County Precincts 1 & 2, Liberty Tire Recycling (San Antonio), Starr County, Texas Tires (Edinburg), and Pueblo Tires (McAllen, Edinburg, Alice, Kingsville, Mission) (attachment D).

An area of ponded water was observed while viewing the area of the shredder and conveyor (photos 1-2 of 12). This was brought to the attention of Walker; however, Galvan determined additional research would be conducted after returning to the Regional Office. The following observations were made by Galvan - the water is placed on the blades so that overheating does not occur, the area of the blades and shredder that come into contact with the water is covered with a dark material generated from the processing of the tires, the water flows over a concreted area which is located directly underneath the shredders conveyor belt, the water flows onto the parking area of the trucks used to collect the shredded tires, with the water eventually flowing into the low lying area. During this process the water comes in contact with oils, lubricants (from either the shredder itself or the tires being processed). The water in the pond, in places, appears sludge like and a sheen was observed on the ponded water (photo 2 of 12).

Also, a black ring can be seen where the top of the water meets the surrounding dirt. In the Monitoring Well Plan (attachment B), dated March 2010, Section 2.3 Hydrogeology, states - "The primary aquifer in Hidalgo County is the Gulf Coast Aquifer. Based on the groundwater study conducted by SWL Environmental Services for the C&T Landfill in June 1993, there are two minor aquifers in this area. The Chicot and Evangeline Aquifers yield fresh water to area wells. Groundwater movement within the two aquifers is generally to the east (Texas Water Development Board, 1990)." Therefore, generally speaking, discharges that may occur in this general area that overlay the two minor aquifers, have the potential to impact the two minor aquifers. After additional research was conducted and a more detailed explanation was provided to EWalker on 12/23/2011, it was determined this would be noted as an alleged violation of 30 TAC 328.66(a)(7)(A) / Texas Water Code 26.121, Failure to prevent an unauthorized discharge of any pollutant into or adjacent to any water in the state. On the day of the investigation, it was noted that an unauthorized discharge of a pollutant, specifically oil/lubricant contaminated process water, had occurred at the site.

Galvan observed three monitoring wells installed at the entity, located at the northeast portion, southwest portion, and midway between the northwest/southwest portions, with the tire shredding operation located just southeast of the 8.71 acre LRPOT site. By letter dated 05/10/2010 from the TCEQ (attachment B), condition number four (4) states figure 3 of the Plan must be revised in order to relocate the proposed groundwater monitoring well located on the northwest corner to the location approximately halfway the remaining distance to the southwest corner of the site. By email dated 12/13/11 from EWalker, it states the revised map is attached; however, only a blank page was attached with the words "Figure 3 Revision" at the top left corner. This will be noted as an alleged violation of 30 TAC 328.66(a)(9), Failure to operate the project in accordance with special conditions imposed by the executive director. Specifically, a revised Figure 3 shall be submitted to the TCEQ Harlingen Region Office.

By letter dated 05/10/2010 from the TCEQ (attachment B), condition number seven (7) states groundwater analysis shall be conducted at all three groundwater wells prior to tire chips being placed into the LRPOT in order to determine current groundwater characteristics (background sampling). In an email from Hector J. Lopez (Branch Manager Professional Service Industries Inc (entity contractor) dated 12/14/2011, it indicates the initial background groundwater sampling was not conducted, as this was not in the scope of work for the contractor at that time. This will be listed as a noted and resolved violation since the entity cannot conduct background sampling

since tire pieces have been placed into the LRP. This will be noted as an alleged violation of 30 TAC 328.66(a)(9), Failure to operate the project in accordance with special conditions imposed by the executive director. Specifically, background groundwater sampling was not conducted prior to tire chips being placed into the LRP.

Condition number one (1) of the letter states groundwater wells shall be sampled on a semi-annual basis, therefore, with tire pieces placed into the LRP in December 2010, the semi-annual time period would be April 2011, December 2011, April 2012 and so forth. The April 2011 and October 2011 groundwater sampling results were submitted and included the required information (attachment D).

SOP Requirements, dated 01/15/2008

General Location Map, Property Owner's Affidavit, Tire Piece Volumes, Site Life

A general location map is included with the SOP, along with the property owner's affidavit (attachment B). As of 12/08/2011, 13,308 yds³ (cubic yards) of shredded tires, along with 13,417 yds³ of inert material (dirt), have been placed into the LRP (SOP, section 1.3 states approximately 72,000 yds³ of tire pieces would be placed into the LRP). The site life is based on the maximum capacity of the shredder (SOP, section 1.4). Since tire processing of tires for placement into the LRP first began in December 2010, the expected life would be until approximately June 2012.

Placement Method

The SOP states the tire pieces will be placed below grade in lifts no greater than 12 inches thick by means of a front end loader, dump truck, or directly off the trailer mounted shredder, after processing. The sizes of the lifts will vary depending on the amount of tire pieces available for processing. At a frequency of at least once per day, an equal size and thickness layer of inert material will be placed on top of each lift, and mechanically mixed by alternately spreading and reconsolidating the materials, thus ensuring a 50 percent mixture, and leveled for placement of the next layer of tire pieces. Galvan did not observe this specific placement method being conducted, what was observed was an equal volume of inert fill material and tire pieces placed onto the edge of the LRP edge (photos 5-6 of 12). The front end loader then mechanically pushes the inert material into the tire pieces, with this mixture then mechanically pushed over the edge of the LRP (photos 5-12 of 12). Galvan observed this method during three separate demonstrations and this method does ensure a 50 percent mixture of inert material and tire pieces. Note, 30 TAC §328.66(a)(5) states "The method of placement and commingling of the tire shreds to achieve a mix of tire pieces with the inert fill material in a proportion no greater than 50% of tire material by volume." Additionally, while observing the method of commingling the inert material and the tire pieces, it was observed the tire pieces curl up on themselves prior to being pushed into the inert material. If not commingled in the manner demonstrated and shown in photos 5-12, the tire pieces would "ball up" on themselves if placed below grade in lifts, as stated in the SOP. The method of placement, as stated in the SOP, may not ensure a 50 percent mixture of inert material and tire pieces. Also, in a TCEQ power point labeled "Scrap Tire Management in Texas" that is accessible through the public web site, the manner of placement of the inert material and tire pieces is demonstrated on page 6 (attachment D), which is consistent with the method shown in photos 5-12 of this report. This deviation from the manner of placement does not contribute to a nuisance and does adhere to 30 TAC §328.66(a)(5). Therefore, this will be noted as an Additional Issue.

Professional Engineer's Statement, Affidavit by Property Owner, Applicant Affidavit and Certification, County Judge Notifications, Public Notice, Legal Description, USGS Topographic Map

These documents are included in the SOP, see attachment page dated 01/23/2008 (attachment B).

Undisturbed Land

The LRP consists of a previously excavated caliche pit, excavated by Martin Marietta for the sale of caliche (calcium carbonate) and other soil material.

Avoidance of Public Nuisance

At the time of the onsite investigation the entity was not creating a public nuisance.

Tires Split/Quartered/or Shredded

A shredder is located onsite which shreds tires for placement into the LRPOT. No whole tires were observed to have been placed into the LRPOT.

Compliance with Local Ordinances

The Hidalgo County Fire Marshal's Office (Marco Romero) conducted the annual fire inspection of the entity on 11/28/2011 (attachment D). During the inspection, it was noted the entity should have the fire extinguishers checked by a certified technician. In speaking with Marco Romero, he stated the noted item referencing the fire extinguisher was not a violation noted by the Fire Marshal's Office. It was requested the entity have the fire extinguishers checked to determine if they needed recharging or replacement. Of note, the fire extinguishers were checked by a certified technician on 12/09/2011 (attachment D). This item will be noted as an additional issue, referencing 30 TAC §328.63(d)(3) and 30 TAC §328.66(i)

Tire/Soil Mixture

Shredded tires were being mixed with inert material. Refer to "Placement Method" for additional comments regarding the placement of the shredded tires and inert material.

Final Cover

Not applicable at this time.

Scrap Tire Facility Registration

The entity was associated to TCEQ Tire Registration ID Number 6200606, which was generated as an identification number regarding correspondence to and from the regulated entity.

Scrap Tire Storage Site

In reviewing the daily logs for the entire life of the entity, it was determined all tires accepted at the site that had not been processed, were processed within 90 days of acceptance. By letter dated 05/10/2010 from the TCEQ (attachment B), it states the facility is authorized to store 80,000 used or scrap tires as a 30 day supply, but no more than 5,000 used or scrap tires or the equivalent in tire pieces may be stored overnight. During the course of the investigation, it was stated by EWalker that during the time period of 11/21/2011-12/02/2011 approximately fifteen (15) trailers, each storing approximately 1,000 tires, were being stored, which equals approximately 15,000 tires stored for eleven (11) days. The blades on the shredder required sharpening, therefore, shredding could not be conducted since the blades were removed. This will be noted and resolved as an alleged violation of 30 TAC §328.66(a)(9), Failure to operate the project in accordance with special conditions imposed by the executive director. Specifically, the entity stored approximately 15,000 tires for eleven consecutive days.

TCEQ ID Number

The TCEQ issued identification numbers are referenced in all correspondence, TCEQ Tire Registration ID Number 6200606 and TCEQ LRPOT Registration ID Number 6200592.

Final Certification

Not applicable at this time.

Design Information

These documents are included in the SOP, see attachment page dated 01/23/2008 (attachment B).

ADDITIONAL INFORMATION

On 12/13/2011 an email was received from EWalker which included a letter dated 05/10/2010 from the TCEQ (Monitor Well Plan), the Hidalgo County Fire Marshall's Annual Fire Inspection Report, power point discussing "Scrap Tire Management in Texas" and fire extinguisher technician receipt.

On 12/14/2011 an email was received from EWalker which included the groundwater monitoring well installation report, groundwater sampling report for 04/14/2011 and 10/04/2011, and field groundwater depth measurements.

On 12/14/2011 an email was received from EWalker which included the daily log dated 12/08/2011, Letter dated 12/01/2009 from the entity to the TCEQ, entity inert material log, and letter to the Edinburg Fire Department dated 10/20/2010.

On 12/23/2011 Galvan placed a telephone call to EWalker to discuss the ponded water located just west of the shredder. Elva Walker stated she was not familiar with the process that generates the water, would discuss this item with Lance Walker and provide a more detailed description to Galvan.

On 01/09/2012 an email was received detailing the generation of the water (attachment D). The email indicated that water is applied directly to the shredder blades to avoid overheating as the tires are being processed, with the water naturally flowing into the low lying area. As previously noted, this would be noted as an alleged violation of 30 TAC §328.66(a)(7)(A) / Texas Water Code §26.121, Failure to prevent an unauthorized discharge of any pollutant into or adjacent to any water in the state. On the day of the investigation, it was noted that an unauthorized discharge of a pollutant, specifically oil contaminated process water, had occurred at the site.

CONCLUSION

A Notice of Violation (NOV) will be transmitted regarding the regulated entity, listing the active alleged violations, noted and resolved alleged violation, and additional issues. The letter will be addressed to Lance Walker and mailed to the address 126 South Stewart Road, San Juan Texas 78589.

NOV Date	Method
02/21/2012	WRITTEN
OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF VIOLATION	

Track No: 458876 Compliance Due Date: 03/22/2012
Violation Start Date: 12/9/2012

30 TAC Chapter 328.66(a)(9)

Alleged Violation:
Investigation: 972118

Comment Date: 02/16/2012

Failure to operate the project in accordance with special conditions imposed by the executive director. Specifically, a revised Figure 3 shall be submitted to the TCEQ Harlingen Region Office.

Galvan observed three monitoring wells installed at the entity, located at the northeast portion, southwest portion, and midway between the northwest/southwest portions, with the tire shredding operation located just southeast of the 8.71 acre LRPOT site. By letter dated 05/10/2010 from the TCEQ, condition number four (4) states figure 3 of the Plan must be revised in order to relocate the proposed groundwater monitoring well located on the northwest corner to the location approximately halfway the remaining distance to the southwest corner of the site. By email dated 12/13/11 from Elva Walker, it states the revised map is attached; however, only a blank page was attached with the words "Figure 3 Revision" at the top left corner.

Recommended Corrective Action: A revised Figure 3, noting the current locations of the groundwater monitoring wells, shall be submitted to the TCEQ Harlingen Region Office by the compliance due date.

Track No: 458882 Compliance Due Date: 03/22/2012
Violation Start Date: 12/9/2011

30 TAC Chapter 328.66(a)(7)(A)

TWC Chapter 26.121

Alleged Violation:

Investigation: 972118

Comment Date: 02/21/2012

Failure to prevent an unauthorized discharge of any pollutant into or adjacent to any water in the state. On the day of the investigation, it was noted that an unauthorized discharge of a pollutant, specifically oil/lubricant contaminated process water, had occurred at the site.

An area of collected process water was observed while viewing the area of the shredder and conveyor. The following observations were made by Galvan - the water is placed on the blades so that overheating does not occur, the area of the blades and shredder that come into contact with the water is covered with a dark material generated from the processing of the tires, the water flows over a concreted area which is located directly underneath the shredders conveyor belt, the water flows onto the parking area of the trucks used to collect the shredded tires, with the water eventually flowing into the low lying area. During this process the water comes in contact with oils, lubricants (from either the shredder itself or the tires being processed). The water in the pond, in places, appears sludge like and a sheen was observed on the collected water. Also, a black ring can be seen where the top of the water meets the surrounding dirt.

In the Monitoring Well Plan, dated March 2010, Section 2.3 Hydrogeology, states - "The primary aquifer in Hidalgo County is the Gulf Coast Aquifer. Based on the groundwater study conducted by SWL Environmental Services for the C&T Landfill in June 1993, there are two minor aquifers in this area. The Chicot and Evangeline Aquifers yield fresh water to area wells. Groundwater movement within the two aquifers is generally to the east (Texas Water Development Board, 1990)." Therefore, generally speaking, discharges that may occur in this general area that overlay the two minor aquifers, have the potential to impact the two minor aquifers.

Recommended Corrective Action: The process water generated from the cooling of the blades shall be captured or contained in an area that does not allow a discharge to occur, which may include lining the low lying area, and is protective of the environment. Documentation of this shall be received in the Harlingen Region Office by the compliance due date.

**ALLEGED VIOLATION(S) NOTED AND RESOLVED
ASSOCIATED TO A NOTICE OF VIOLATION**

Track No: 458873

Resolution Status Date: 2/16/2012

Violation Start Date: 12/22/2010 Violation End Date: 12/22/2010

30 TAC Chapter 328.66(a)(9)

Alleged Violation:

Investigation: 972118

Comment Date: 02/16/2012

Failure to operate the project in accordance with special conditions imposed by the executive director. Specifically, background groundwater sampling was not conducted prior to tire chips being placed into the LRPOT.

By letter dated 05/10/2010 from the TCEQ, condition number seven (7) states groundwater analysis shall be conducted at all three groundwater wells prior to tire chips being placed into the LRPOT in order to determine current groundwater characteristics (background sampling). In an email from Hector J. Lopez (Branch Manager Professional Service Industries Inc (entity contractor) dated 12/14/2011, it indicates the initial background groundwater sampling was not conducted, as this was not in the scope of work for the contractor at that time. This will be listed as a noted and resolved violation since the entity cannot conduct background sampling since tire pieces have been placed into the LRPOT.

Recommended Corrective Action: The entity cannot conduct background sampling since tire pieces have been placed into the LRPOT. However, the entity shall have the continuing obligation to conduct groundwater sampling on a semi-annual basis, as stated in the letter dated 05/10/2010 from the TCEQ, referencing the Monitor Well Plan.

Resolution: The entity cannot conduct background sampling since tire pieces have been placed into the LRPOT. However, the entity shall have the continuing obligation to adhere to the Special Conditions set forth in the letter dated 05/10/2010 from the TCEQ, referencing the Monitoring Well Plan.

Track No: 458879

Resolution Status Date: 2/16/2012

Violation Start Date: 11/21/2011 Violation End Date: 12/2/2011

30 TAC Chapter 328.66(a)(9)

Alleged Violation:

Investigation: 972118

Comment Date: 02/16/2012

Failure to operate the project in accordance with special conditions imposed by the executive director. Specifically, the entity stored approximately 15,000 tires for eleven consecutive days.

By letter dated 05/10/2010 from the TCEQ, it states the facility is authorized to store 80,000 used or scrap tires as a 30 day supply, but no more than 5,000 used or scrap tires or the equivalent in tire pieces may be stored overnight. During the course of the investigation, it was stated by Elva Walker that during the time period of 11/21/2011-12/02/2011 approximately fifteen (15) trailers, each storing approximately 1,000 tires, were being stored, which equals approximately 15,000 tires stored for eleven (11) days. The blades on the shredder required sharpening, therefore, shredding could not be conducted since the blades were removed.

Recommended Corrective Action: The entity shall not store more than 5,000 used or scrap tires or equivalent tire pieces overnight. If instances arise that may cause more than 5,000 tires/equivalent tire pieces to be stored overnight, the entity shall notify the Harlingen Regional Office of the situation.

Resolution: During the time period of 11/21/2011-12/02/2011 approximately fifteen (15) trailers, each storing approximately 1,000 tires, were being stored, which equals approximately 15,000 tires stored for eleven (11) days. Since the blades were returned from being sharpened, these tires were then processed and this volume of tires was no longer stored overnight.

Additional Issues

Description

Other violations noted during the investigation? (If non-compliant then describe violation in the comment section.)

Additional Comments

The SOP states the tire pieces will be placed below grade in lifts no greater than 12 inches thick by means of a front end loader, dump truck, or directly off the trailer mounted shredder, after processing. The sizes of the lifts will vary depending on the amount of tire pieces available for processing. At a frequency of at least once per day, an equal size and thickness layer of inert material will be placed on top of each lift, and mechanically mixed by alternately spreading and re consolidation the materials, thus ensuring a 50 percent mixture, and leveled for placement of the next layer of tire pieces. Galvan did not observe this specific placement method being conducted, what was observed was an equal volume of inert fill material and tire pieces placed onto the edge of the LRPOT edge. The front end loader then mechanically pushes the inert material into the tire pieces, with this mixture then mechanically pushed over the edge of the LRPOT. Galvan observed this method during three separate demonstrations and this method does ensure a 50 percent mixture of inert material and tire pieces. Note, 30 TAC 328.66(a)(5) states "The method of placement and commingling of the tire shreds to achieve a mix of tire pieces with the inert fill material in a proportion no greater than 50% of tire material by volume." Additionally, while observing the method of commingling the inert material and the tire pieces, it was observed the tire pieces curl up on themselves prior to being pushed into the inert material. If not commingled in the manner demonstrated, the tire pieces would "ball up" on themselves if placed below grade in lifts, as stated in the SOP. The method of placement, as stated in the SOP, may not ensure a 50 percent mixture of inert material and tire pieces.

Description If the facility does not provide its own fire fighting personnel or system, has it made arrangements with public or private emergency response personnel capable of complying with applicable fire and building codes or for energy recovery facilities, has the appropriate jurisdictional fire marshal reviewed and approved the fire protection system?

Additional Comments

The Hidalgo County Fire Marshal's Office (Marco Romero) conducted the annual fire inspection of the entity on 11/28/2011. During the inspection, it was noted the entity should have the fire extinguishers checked by a certified technician. In speaking with Marco Romero, he stated the noted item referencing the fire extinguisher was not a violation noted by the Fire Marshal's Office. It was requested the entity have the fire extinguishers checked to determine if they needed recharging or replacement. Of note, the fire extinguishers were checked by a certified technician on 12/09/2011.

Signed Maey Lebaal
Environmental Investigator

Date 02/21/2012

Signed Jaime Saly
Supervisor

Date 2/21/12

Attachments: (in order of final report submittal)

Enforcement Action Request (EAR)

Letter to Facility (specify type) : NON

Investigation Report

Sample Analysis Results

Manifests

NOR

Maps, Plans, Sketches

Photographs

Correspondence from the facility

Other (specify) :

Attachments A, B, C, D

-

Summary of Investigation Findings

SANTA ANITA RECLAMATION

Investigation # 972118

, HIDALGO COUNTY,

Investigation Date: 12/08/2011

Additional ID(s): R15105389514
6200592

OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 458876 Compliance Due Date: 03/22/2012
30 TAC Chapter 328.66(a)(9)

Alleged Violation:

Investigation: 972118

Comment Date: 2/16/2012

Failure to operate the project in accordance with special conditions imposed by the executive director. Specifically, a revised Figure 3 shall be submitted to the TCEQ Harlingen Region Office.

Galvan observed three monitoring wells installed at the entity, located at the northeast portion, southwest portion, and midway between the northwest/southwest portions, with the tire shredding operation located just southeast of the 8.71 acre LRPOT site. By letter dated 05/10/2010 from the TCEQ, condition number four (4) states figure 3 of the Plan must be revised in order to relocate the proposed groundwater monitoring well located on the northwest corner to the location approximately halfway the remaining distance to the southwest corner of the site. By email dated 12/13/11 from Elva Walker, it states the revised map is attached; however, only a blank page was attached with the words "Figure 3 Revision" at the top left corner.

Recommended Corrective Action: A revised Figure 3, noting the current locations of the groundwater monitoring wells, shall be submitted to the TCEQ Harlingen Region Office by the compliance due date.

Track No: 458882 Compliance Due Date: 03/22/2012
30 TAC Chapter 328.66(a)(7)(A)
TWC Chapter 26.121

Alleged Violation:

Investigation: 972118

Comment Date: 2/21/2012

Failure to prevent an unauthorized discharge of any pollutant into or adjacent to any water in the state. On the day of the investigation, it was noted that an unauthorized discharge of a pollutant, specifically oil/lubricant contaminated process water, had occurred at the site.

An area of collected process water was observed while viewing the area of the shredder and conveyor. The following observations were made by Galvan - the water is placed on the blades so that overheating does not occur, the area of the blades and shredder that come into contact with the water is covered with a dark material generated from the processing of the tires, the water flows over a concreted area which is located directly underneath the shredders conveyor belt, the water flows onto the parking area of the trucks used to collect the shredded tires, with the water eventually flowing into the low lying area. During this process the water comes in contact with oils, lubricants (from either the shredder itself or the tires being processed). The water in the pond, in places, appears sludge like and a sheen was observed on the collected water. Also, a black ring can be seen where the top of the water meets the surrounding dirt.

In the Monitoring Well Plan, dated March 2010, Section 2.3 Hydrogeology, states - "The primary aquifer in Hidalgo County is the Gulf Coast Aquifer. Based on the groundwater study conducted by SWL Environmental Services for the C&T Landfill in June 1993, there are two minor aquifers in this area. The Chicot and Evangeline Aquifers yield fresh water to area wells. Groundwater movement within the two aquifers is generally to the east (Texas Water Development Board, 1990).")." Therefore, generally speaking, discharges that may occur in this general area that overlay the two minor aquifers, have the potential to impact the two minor aquifers.

Recommended Corrective Action: The process water generated from the cooling of the blades shall be captured or contained in an area that does not allow a discharge to occur, which may include lining the low lying area, and is protective of the environment. Documentation of this shall be received in the Harlingen Region Office by the compliance due date.

**ALLEGED VIOLATION(S) NOTED AND RESOLVED
ASSOCIATED TO A NOTICE OF VIOLATION**

Track No: 458873

30 TAC Chapter 328.66(a)(9)

Alleged Violation:

Investigation: 972118

Comment Date: 2/16/2012

Failure to operate the project in accordance with special conditions imposed by the executive director. Specifically, background groundwater sampling was not conducted prior to tire chips being placed into the LRPOT.

By letter dated 05/10/2010 from the TCEQ, condition number seven (7) states groundwater analysis shall be conducted at all three groundwater wells prior to tire chips being placed into the LRPOT in order to determine current groundwater characteristics (background sampling). In an email from Hector J. Lopez (Branch Manager Professional Service Industries Inc (entity contractor) dated 12/14/2011, it indicates the initial background groundwater sampling was not conducted, as this was not in the scope of work for the contractor at that time. This will be listed as a noted and resolved violation since the entity cannot conduct background sampling since tire pieces have been placed into the LRPOT.

Recommended Corrective Action: The entity cannot conduct background sampling since tire pieces have been placed into the LRPOT. However, the entity shall have the continuing obligation to conduct groundwater sampling on a semi-annual basis, as stated in the letter dated 05/10/2010 from the TCEQ, referencing the Monitor Well Plan.

Resolution: The entity cannot conduct background sampling since tire pieces have been placed into the LRPOT. However, the entity shall have the continuing obligation to adhere to the Special Conditions set forth in the letter dated 05/10/2010 from the TCEQ, referencing the Monitoring Well Plan.

Track No: 458879

30 TAC Chapter 328.66(a)(9)

Alleged Violation:

Investigation: 972118

Comment Date: 2/16/2012

Failure to operate the project in accordance with special conditions imposed by the executive director. Specifically, the entity stored approximately 15,000 tires for eleven consecutive days.

By letter dated 05/10/2010 from the TCEQ, it states the facility is authorized to store 80,000 used or scrap tires as a 30 day supply, but no more than 5,000 used or scrap tires or the equivalent in tire pieces may be stored overnight. During the course of the investigation, it was

stated by Elva Walker that during the time period of 11/21/2011-12/02/2011 approximately fifteen (15) trailers, each storing approximately 1,000 tires, were being stored, which equals approximately 15,000 tires stored for eleven (11) days. The blades on the shredder required sharpening, therefore, shredding could not be conducted since the blades were removed.

Recommended Corrective Action: The entity shall not store more than 5,000 used or scrap tires or equivalent tire pieces overnight. If instances arise that may cause more than 5,000 tires/equivalent tire pieces to be stored overnight, the entity shall notify the Harlingen Regional Office of the situation.

Resolution: During the time period of 11/21/2011-12/02/2011 approximately fifteen (15) trailers, each storing approximately 1,000 tires, were being stored, which equals approximately 15,000 tires stored for eleven (11) days. Since the blades were returned from being sharpened, these tires were then processed and this volume of tires was no longer stored overnight.

ADDITIONAL ISSUES

Description

If the facility does not provide its own fire fighting personnel or system, has it made arrangements with public or private emergency response personnel capable of complying with applicable fire and building codes or for recovery facilities, has the appropriate jurisdictional fire marshal reviewed and approved the fire protection system?

Additional Comments

The Hidalgo County Fire Marshal's Office (Marco Romero) conducted the annual fire inspection of the entity on 11/28/2011. During the inspection, it was noted the entity should have the fire extinguishers checked by a certified technician. In speaking with Marco Romero, he stated the noted item referencing the fire extinguisher was not a violation noted by the Fire Marshal's Office. It was requested the entity have the fire extinguishers checked to determine if they needed recharging or replacement. Of note, the fire extinguishers were checked by a certified technician on 12/09/2011.

Other violations noted during the investigation? The SOP states the tire pieces will be placed below grade in lifts no greater than 12 inches thick by means of a front end loader, dump truck, or directly off the trailer mounted shredder, after processing. The sizes of the lifts will vary depending on the amount of tire pieces available for processing. At a frequency of at least once per day, an equal size and thickness layer of inert material will be placed on top of each lift, and mechanically mixed by alternately spreading and re consolidation the materials, thus ensuring a 50 percent mixture, and leveled for placement of the next layer of tire pieces. Galvan did not observe this specific placement method being conducted, what was observed was an equal volume of inert fill material and tire pieces placed onto the edge of the LRPUT edge. The front end loader then mechanically pushes the inert material into the tire pieces, with this mixture then mechanically pushed over the edge of the LRPUT. Galvan observed this method during three separate demonstrations and this method does ensure a 50 percent mixture of inert material and tire pieces. Note, 30 TAC 328.66(a)(5) states "The method of placement and commingling of the tire shreds to achieve a mix of tire pieces with the inert fill material in a proportion no greater than 50% of tire material by volume." Additionally, while observing the method of commingling the inert material and the tire pieces, it was observed the tire pieces curl up on themselves prior to being pushed into the inert material. If not commingled in the manner demonstrated, the tire pieces would "ball up" on themselves if placed below grade in lifts, as stated in the SOP. The method of placement, as stated in the SOP, may not ensure a 50 percent mixture of inert material and tire pieces.

Attachment C:

Letter to TCEQ from Barrett & Smith PLLC dated 12/11/2009

Barrett
LLP
Smith
— PLLC —
ATTORNEYS AT LAW

206 East 9th Street, Suite 1750 Austin, TX 78701 phone: 512 600-3801 fax: 512 600-3899
December 11, 2009

Ms. Cynthia Hackathorn
Region 4
Texas Commission on Environmental Quality
2309 Gravel Road
Ft. Worth, Texas 76118-6951

Re: Santa Anita Application for LRP/UT and Scrap Tire Facility Registration

Dear Ms. Hackathorn:

This letter is to clarify our letter dated December 9, 2009 regarding less than 30 days storage. In that letter, we estimated that our less than 30 day supply would be 80,000 tires. This amount is an estimate of what we would process over a 30 day period. We would not anticipate, or wish, to store 80,000 tires on site overnight.

However, we believe that our daily operation will be 8,000 tires processed as reflected in the application. As further reflected in the application, we are seeking authorization to keep no more than 5,000 tires on site overnight. Again, we understand that any tires remaining overnight must be left in trailers and not outside.

As you know, this facility has not yet been put in operation and the above numbers are only estimates. If actual operations indicate that the amount of tires processed is greater or lower, we can seek, at that time, to amend the authorization.

Thank you for your time and attention to this matter. Please feel free to contact me with any questions at your convenience at 512-600-3801.

Very truly yours,


Andrew N. Barrett