



Hidalgo County
Office of Environmental Compliance
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Ramon Garcia, County Judge
Joel Quintanilla, Pct. 1
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Joseph Palacios, Pct. 4

Valde Guerra,
Commissioner's Court Executive Officer

July 25, 2012

Ms. Kendra Riffe
Scrap Tire Management Registration Coordinator
TCEQ DFW Region Office
2309 Gravel Drive
Fort Worth, TX 76118

Re: Application for Extension of LRPOT Registration for Santa Anita Reclamation LLC,
Scrap Tire Registration No. 6200592

Dear Ms. Riffe:

Hidalgo County has been notified by Rio Delta Engineering that Santa Anita Reclamation, LLC located at 25385 Farm to Market (FM) Road 1017, Linn, Texas 78563 has requested an extension of their authorization to operate their Land Reclamation Project Using Tires (LRPUT) under 30 Texas Administrative Code (TAC) §328.66. The letter indicates that they are requesting an extension until September, 2017 to complete their LRPOT.

The facility received a commercial development permit from Hidalgo County in 2010 after review by our Planning, Health, and Fire Marshal Departments. However, the Hidalgo County Commissioner's Court would like to take this opportunity to comment on the application due to the concerns expressed by county residents that live in the area where the facility is located; and, the Red Sands Groundwater Conservation District (Red Sands GWD) has also approached us about this facility and its potential for impact to groundwater.

Along with the concerns expressed to us by our residents and Red Sands GWD, we are also concerned about the results of a field investigation conducted by the TCEQ Harlingen Region 15 Office in December of 2011. The field investigation resulted in a Notice of Violation being issued to the facility in response to compliance issues identified during the investigation that included failure to meet the requirements of the initial registration and for discharge of a pollutant into water or waters of the state along with an additional issue dealing fire protection at the facility. These compliance issues cause us concerns about the facility's ability to meet TCEQ regulations in its day to day operations.

Areas of Concern:

1. The surrounding residents and Red Sands GWD have expressed their concerns to us regarding the potential impact to groundwater by Santa Anita Reclamation LLC. These area residents depend on groundwater for their drinking water and for agricultural purposes including livestock operations. After reviewing the results of the facility's two groundwater monitoring events that took place in April and October of 2011, we have concerns about the proximity of the water table to the bottom of the two pits that are part of the facility. Santa Anita Reclamation LLC uses two pits on their property as part of their operations- one pit is authorized to be reclaimed under the registration and the other is used by the facility for storing tires to be processed and its equipment. Taking into account that the facility's own

well logs that indicate that the top of casing (TOC) for each well is 1 foot above ground level, the depth of groundwater ranged from 2.7 to 3.9 feet deep during the October monitoring event and 3.8 to 6.0 feet in depth during the April monitoring event (See Attachment A: Monitoring Well Construction Data and Summary of Field Groundwater Depth Measurements from 04/14/11 and 10/04/11 Monitoring Events).

Our concerns are that an operational error or non compliance with TCEQ Regulations by the facility would result in a fire or a spill or release of a petroleum product or other pollutants from equipment that could impact groundwater. The Notice of Violation issued to Santa Anita Reclamation LLC included a violation for depositing waste into water or waters of the state in violation of the Texas Water Code (TWC) §26.121. They have been releasing cooling water from the tire shredder to an unlined pond or pit as identified during investigation. According to TCEQ's Central Registry Website, this violation has yet to have been resolved. We feel that our concerns regarding the facility's potential impact to groundwater in the area are justified by this violation and the depth to groundwater determined by the facility's monitoring events and TCEQ should take these concerns into account when deciding if they will approve their request for an extension (See Attachment B: Compliance Evaluation Investigation Report for Investigation # 972118 Conducted on 12/08/2011).

2. The application does not mention the continuation of groundwater monitoring. Two groundwater monitoring events have been performed with no indication of impact but the pit that is being reclaimed is less than ¼ filled according to the application. The request for the extension is asking for authorization to operate until 2017- an additional five years (See Attachment B: Compliance Evaluation Investigation Report for Investigation # 972118 Conducted on 12/08/2011). How would TCEQ be able to assure the residents that groundwater was not being impacted by Santa Anita Reclamation LLC if no groundwater monitoring was taking place?
3. During the investigation, it was noted that the facility had failed to conduct groundwater monitoring prior to starting operations and that it failed to submit an amended Groundwater Monitoring Well Site Plan as required by their original registration. Both of these violations were only addressed and resolved after they were identified by the field investigator (See Attachment B: Compliance Evaluation Investigation Report for Investigation # 972118 Conducted on 12/08/2011). Santa Anita Reclamation LLC did not fully comply with their registration's requirements that lead us to question their day to day compliance with TCEQ regulations.
4. During the TCEQ Harlingen Region 15 field investigation, it was noted that facility had exceeded their original registration's overnight storage limits of 5,000 tires due to equipment failure. They were storing a total of 15,000 tires on the site at the time of the investigation. Their response to the violation indicated that they may hold up to 80,000 tires on site since this is their 30-day supply (See Attachment C: Letter to TCEQ from Barrett & Smith PLLC dated 12/11/2009). Under 30 TAC §328, a 30-day supply applies only to a recycling or energy recovery facility and not a LRP. We feel that if the facility will be allowed to store a 30-day supply in the quantity that the facility has indicated, then it should be required to register as a scrap tire storage facility and meet the requirements for such a site under 30 TAC §328.60, §328.61, and §328.62 including requirements dealing with fire protection and financial assurance. Again this violation again calls into question their day to day compliance with TCEQ regulations.

5. Finally, the application does not include acknowledgement from the fire department that would respond to this facility in case of an emergency. The closest department capable of responding to a fire at Santa Anita Reclamation LLC would be the City of Edinburg Volunteer Fire Department whose closest fire station is approximately 22 miles away. No other department capable of responding to the site is currently operational in the area. The Hidalgo County Fire Marshal's Office will be submitting its own comments regarding issues concerning fire protection and the level of response that would be needed to fight a fire at the facility if the application is approved as has been submitted to TCEQ.