

TCEQ DOCKET NO. 2014-1487-MSW

APPLICATION FOR PERMIT	§	BEFORE THE
MODIFICATION AUTHORIZING	§	TEXAS COMMISSION
INSTALLATION OF A SLURRY WALL	§	
CONTAINMENT BARRIER AT THE	§	ON
CAMELOT LANDFILL	§	
	§	ENVIRONMENTAL QUALITY

**CITY OF FARMERS BRANCH’S RESPONSE TO
CITY OF CARROLLTON’S MOTION TO OVERTURN**

TO THE HONORABLE COMMISSIONERS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

The City of Farmers Branch files this Response to the City of Carrollton’s Motion to Overturn (“MTO”) and Request for Stay, in which Carrollton requests that the Commission (1) overturn the Executive Director’s decision to approve a permit modification and Corrective Action Plan revision authorizing the installation of a slurry wall containment barrier at the Camelot Landfill and (2) stay the enforcement of the permit modification until the Commission has ruled on the motion to overturn. Farmers Branch respectfully requests that the Commission deny the MTO and the request for stay, and would respectfully show as follows:

I. INTRODUCTION

The Executive Director reviewed and approved an application by Farmers Branch for modification to the existing MSW permit for the Camelot Landfill (Permit No. 1312A) and for revision of the previously-approved groundwater Corrective Action Plan for the facility. The approved permit modification authorizes the installation of a slurry wall containment barrier along the south and east sides of the landfill, along the perimeter of the waste fill area that was constructed before 1993 (the “Pre-Subtitle D area” of the landfill). To install the slurry wall, a

trench will be excavated outside the waste fill area, down through the surface soils and into the layer of very low permeability shale that exists beneath the site. The trench will be filled with a slurry mixture of bentonite clay, soil, and water to create a “slurry wall”, an additional, low permeability protective barrier.¹

The Executive Director’s action in approving the slurry wall permit modification and Corrective Action Plan revision is authorized by and consistent with applicable TCEQ rule provisions and there is nothing in or about Carrollton’s MTO that merits the Commission overturning the Executive Director’s action.

II. BACKGROUND

History of the Camelot Landfill

Since 1980, the Camelot Landfill has provided municipal solid waste disposal services for cities, businesses, and hundreds of thousands of residents in the north central Metroplex area. In 1979, the City of Farmers Branch purchased land in an unincorporated area of Denton County and obtained a state permit to develop and operate the Camelot Landfill. In 1987, after the Camelot Landfill had been operating for 7 years, Lewisville annexed the landfill and surrounding property. In 1996, after the Camelot Landfill had been operating for 16 years, Carrollton changed the zoning on undeveloped property east of the landfill from Light Industrial and approved the development of a golf course, apartments, and single family housing on the property. The

¹ The Executive Director has also recently approved another permit modification for the Camelot Landfill that authorizes the installation of a system of pipes in the Pre-Subtitle D area, which will be used to collect leachate (liquids in, or that have passed through, deposited waste). Liquids removed from the landfill using this new leachate collection system will be sent to a TCEQ-approved facility for treatment. (The newer waste fill areas of the landfill have leachate collection systems that were installed as part of their landfill liner system; Pre-Subtitle D landfill cells are not required to have leachate collection systems.) Carrollton has filed a separate MTO asking the Commission to overturn the Executive Director’s approval of the leachate collection system in the Pre-Subtitle D area.

Camelot Landfill is located entirely within the city limits of the City of Lewisville. No part of the facility is within the city limits or even the extraterritorial jurisdiction (ETJ) of the City of Carrollton.

Excellent Record of Environmental Protection and Compliance

The Camelot Landfill has an excellent record of environmental protection and compliance. TCEQ consistently gives the Camelot Landfill its highest compliance ratings and classification: “Complies with Environmental Regulations Extremely Well”. The bottom and sides of the waste disposal excavations at the Camelot Landfill comply with all requirements of federal law and TCEQ rules for landfill liners that create barriers to contain deposited waste. The initial waste fill area of the landfill (the “Pre-Subtitle D area”) has clay/shale liners on the bottom of the cells (either in-situ or constructed) and sidewall liners constructed from recompacted, low-permeability soils. The bottom and sides of all fill areas constructed since 1993 have composite liners (recompacted, low-permeability soil overlain by high density polyethylene plastic) constructed to the same standards that apply to new landfill cells today. Environmental monitoring systems and procedures at the Camelot Landfill include a groundwater monitoring network, monitoring for landfill gas (primarily methane resulting from the natural decomposition of organic materials in the waste), and monitoring of surface water quality. Relatively low concentrations of specific volatile organic compounds (VOCs) have been measured in several groundwater monitoring wells adjacent to the Pre-Subtitle D area of the landfill. Evaluations conducted in accordance with TCEQ standards determined that the presence of these materials, as well as arsenic (a naturally-occurring metal), in samples of groundwater from monitoring wells was the result of past migration of landfill gas into shallow soils on the landfill property. This is also consistent with determinations of the source of low levels of contaminants found in

groundwater monitoring wells at a number of other MSW landfill facilities in Texas. An active system for the extraction of landfill gas was installed at the Camelot Landfill in 2005. The gas collection system is a series of wells placed into the waste fill areas that are connected by header pipes to a blower that provides constant negative pressure to pull landfill gas from the waste. The collected gas is routed to turbines and used as fuel to generate electricity. The landfill gas system at the Camelot Landfill was voluntarily expanded in 2008, 2009, and 2013 to improve gas collection and control. There has never been any indication of a release of landfill gas, leachate, or other materials from the Camelot Landfill to the Elm Fork of the Trinity River (located 300 to 800 feet south of the landfill) or to any other offsite area.

Corrective Action

Farmers Branch initiated a Corrective Action Program for constituents detected in samples from groundwater monitoring wells adjacent to the Pre-Subtitle D area at the Camelot Landfill. This followed Nature and Extent Investigations (NEIs) and an Assessment of Corrective Measures (ACM) performed in accordance with applicable provisions in TCEQ's Municipal Solid Waste Rules, including 30 TAC §330.409 (Assessment Monitoring Program), 30 TAC §330.411 (Assessment of Corrective Measures), and 30 TAC §330.413 (Selection of Remedy). The NEIs (conducted by Carel Corporation in 2004 and 2008) determined the VOC detections and arsenic concentrations were induced by landfill gas migration. The nature (source) of the VOC detections was determined: landfill gas. In accordance with applicable rules and procedures, an ACM was prepared and submitted to the Executive Director in April 2009. The ACM proposed continued operation of the active landfill gas collection system at the Camelot Landfill and Monitored Natural Attenuation (MNA) as remedies and, following a public meeting presenting the results of and proposed remedies in the ACM, those remedies were selected and have been

continuously implemented since that time, including expansion of the landfill gas collection system to add more collection wells in 2013. Based on the results of quarterly monitoring in landfill gas probes around the perimeter of the landfill, the landfill gas collection system is effective in controlling the source of constituents detected in samples from groundwater monitoring wells adjacent to the Pre-Subtitle D area: landfill gas. And, as discussed more fully in Section III, Item 1 below, regular groundwater monitoring indicates ongoing remediation of groundwater impacts by the combined landfill gas collection system and MNA.

Permit Amendment Application

In March 2012, Farmers Branch submitted to TCEQ an application for a major amendment to the permit for the Camelot Landfill (Permit Application No. 1312B). That application, which is still pending and awaiting completion of the Executive Director's technical review, proposes vertical and horizontal expansion of the landfill and would add 10 to 20 years of life to the facility. Expansion of the Camelot Landfill will provide needed waste disposal capacity for the cities, businesses, and hundreds of thousands of residents in the north central Metroplex.² The permit amendment application included a proposed slurry wall to be constructed along the south and east sides of the landfill, outside the perimeter of the Pre-Subtitle D area, to provide an additional low permeability containment barrier.

² The Camelot Landfill is one of only 3 operating landfills in this area, and it is the only one that is publicly owned (DFW Landfill is owned by Waste Management, Inc.; Lewisville Landfill is owned by Republic Services, Inc.). The Lewisville Landfill can only dispose of construction and demolition waste, and the DFW Landfill will reach capacity and close in less than 10 years. Expansion of the Camelot Landfill will ensure the area has more than 30 years of disposal capacity for municipal waste, including household garbage; avoid the need to transport waste longer distances or find a new landfill site by making additional capacity available at this existing landfill in an easily accessible location; and provide a continuing source of revenue for the City of Farmers Branch.

TCEQ Letter Regarding Slurry Wall as an Additional Selected Remedy

In a July 25, 2012 letter to Farmers Branch regarding TCEQ's review of a groundwater monitoring report for the Camelot Landfill, Arthur Denny, TCEQ Senior Scientist stated:

[C]ontinued operation of the active landfill gas collection and control system with monitored natural attenuation of the affected groundwater monitoring concentrations for arsenic and VOCs are the corrective actions utilized as the selection of remedy. These remedies do not appear to have sufficiently mitigated the arsenic and VOC concentrations which remain above the Groundwater Protection Standards. The implementation of the slurry wall that is discussed in the pending permit application may be a potential selection of remedy. Pursuant to 30 TAC §330.415(b), the MSW Permits Section would like to discuss the possibility of additional remedy(ies) to mitigate the contamination within the corrective action monitoring wells (MW-10, MW-11 and MW-12). Please contact me within 45 days to set up a meeting to discuss this issue.

In response to this letter, Farmers Branch and its technical consultants met with the Executive Director's staff, and Farmers Branch agreed to seek authorization to install the slurry wall in advance of a decision on the permit amendment application. On December 21, 2012, Farmers Branch filed with the TCEQ Executive Director an Application for a Modification to the Permit for the Camelot Landfill and a Corrective Action Plan Revision seeking authorization to proceed with installation of the slurry wall along the south and east sides of the landfill, adjacent to the Pre-Subtitle D portion of the landfill, as an additional selected remedy under the Corrective Action Plan and to install three additional groundwater monitoring wells.

City of Lewisville Federal Lawsuit

In June 2012, Jim Blackburn, attorney for the City of Lewisville, sent the City of Farmers Branch a formal Notice of Intent to Sue under the federal Resource Conservation and Recovery Act. The notice stated that Lewisville intended to file suit against Farmers Branch and Camelot Landfill TX, LP (the entity that currently operates the Camelot Landfill pursuant to a contract with Farmers Branch) based on concerns that the Camelot Landfill was a potential source of

contamination of water in the nearby Elm Fork of the Trinity River, from which Lewisville withdraws water for use for municipal purposes. Mr. Blackburn identified as a specific concern the fact that the Pre-Subtitle D portion of the landfill has no leachate collection system. The notice also stated that Lewisville would seek remedies including:

- Construction of a slurry wall between the Elm Fork of the Trinity River and the Pre-Subtitle D portions of the Camelot Landfill;
- Construction and operation of a leachate control system for the Pre-Subtitle D portions of the Camelot landfill; and
- Any and all work proposed should be pursued as corrective action rather than as a permit amendment.

Several months later, Lewisville filed suit against Farmers Branch and Camelot Landfill TX, LP in the United States District Court for the Eastern District of Texas (Sherman District) based on the matters alleged in its Notice of Intent to Sue.

In September 2012, Farmers Branch and its technical consultants met with Lewisville, Jim Blackburn, and Lewisville's technical consultants to discuss issues related to the Camelot Landfill. The result of that and subsequent meetings and discussions was agreement that Farmers Branch would continue to pursue the permit modification to authorize construction of the slurry wall at Camelot Landfill and would prepare and submit to TCEQ an application for a second permit modification to authorize the installation of a leachate collection system in the Pre-Subtitle D area of the landfill and that Farmers Branch and Lewisville would ask the federal court to stay the lawsuit pending TCEQ final approval of the two permit modifications. The lawsuit has been stayed as the permit modification applications for the slurry wall and the leachate collection system have proceeded through the Executive Director's review process.

Current Status

The federal lawsuit is currently stayed until December 10 of this year. In late September,

the Executive Director approved the permit modifications for the slurry wall and the leachate collection system. The Executive Director also sent courtesy response letters regarding each permit modification to Carrollton, the only person or entity that filed comments regarding either of the permit modifications. Carrollton's comments regarding the slurry wall permit modification had raised issues addressed in Carrollton's MTO, and the Executive Director's courtesy letter responded to each issue. In addition, the permit modification application had been revised based on Carrollton's comments. Farmers Branch is now prepared to proceed with installation of the slurry wall and the leachate collection system as approved and authorized by the respective permit modifications. However, Carrollton has filed motions to overturn both permit modifications, and has also filed lawsuits against the Executive Director in Travis County District Court challenging the Executive Director's actions in approving each of the permit modifications.

The application for major amendment of the permit for the Camelot Landfill is still in technical review. If a contested case hearing on the application is held after the Executive Director completes the technical review process, final Commission action on the major amendment will likely be well over a year away and, given the possibility of one or more judicial appeals, it may be several years until there could be a final non-appealable Commission decision on the amendment application. The process for approval of the permit modifications for the slurry wall and the leachate collection system has taken more than two years and has required significant investment of both money and effort on the part of Farmers Branch. Farmers Branch is now ready to proceed with installation of the slurry wall (and the leachate collection system) as discussed and planned with the Executive Director and the City of Lewisville and in

accordance with the Executive Director's approval, which includes various revisions based on Carrollton's comments and suggestions.

III. ISSUES RAISED IN CARROLLTON'S MTO

Modification vs. Amendment

The primary issue asserted in Carrollton's MTO is that consideration of the requested authorization to install the slurry wall at the Camelot Landfill must be done as a major amendment (as defined in 30 TAC §305.62(c)(1)) to the existing permit for the Camelot Landfill, and cannot be done as a modification to the permit pursuant to 30 TAC §305.70. Carrollton claims that because the Executive Director reviewed and approved the slurry wall as a permit modification "Carrollton has been deprived of its opportunity to have the slurry wall...addressed in the Major Amendment process including a contested-case hearing." However, Carrollton's assertions are legally incorrect. TCEQ's Municipal Solid Waste Permit and Registration Modifications rules, at 30 TAC §305.70(d) specifically state that

Permit and registration modifications apply to minor changes to an MSW facility or its operation that do not substantially alter the permit or registration conditions and do not reduce the capability of the facility to protect human health and the environment.

Farmers Branch's proposal to install a slurry wall at Camelot Landfill clearly fits within the scope of a permit modification as described in this rule. As set out at page 1 in the permit modification application:

...the installation of the slurry wall prior to the issuance of TCEQ Permit No. MSW-1312B has recently been discussed with TCEQ. As documented in the TCEQ letters dated July 25, 2012 (TCEQ Tracking No. 15831969) and November 15, 2012 (TCEQ Tracking No. 16089731), the TCEQ has suggested that the installation of the slurry wall under the current permit (TCEQ Permit No. MSW-1312A) would be considered an enhancement to the current Corrective Action Plan (the currently approved Assessment of Corrective Measures is dated April 2009 and was prepared by The Carel Corporation)...Recent reports submitted by The Carel Corporation, on behalf of the City of Farmers Branch, discuss the trend

in each affected monitor well and indicate that the constituents of concern are exhibiting declining concentrations with fluctuations not unexpected as natural degradation progresses. The addition of the slurry wall as a corrective action will enhance the Corrective Action Program by creating an additional hydraulic barrier between the existing landfill and the point of compliance.

Carrollton raised this issue with the Executive Director in comments it filed in connection with the permit modification application and asserts that the slurry wall would be a “major amendment” as defined in 30 TAC §305.62(c)(1): “an amendment that changes a substantive term, provision, requirement, or a limiting parameter of a permit”. The Executive Director properly concluded that the installation of the slurry wall would be an enhancement to the Corrective Action Plan and an additional containment barrier at the facility, and that the request for authorization to install it qualified as a minor change that could be pursued as a permit modification pursuant to 30 TAC §305.70. The Executive Director’s review and approval of the slurry wall as a permit modification is authorized by and consistent with TCEQ’s rules.

Other Issues Raised in Carrollton’s MTO

1. The source of contaminants in samples from groundwater monitoring wells has been identified: landfill gas

The source of the low levels of constituents found in groundwater samples was established and identified as landfill gas in the nature and extent investigations conducted for groundwater monitoring wells MW-10, MW-11, and MW-12. Summaries of the nature and extent investigations are provided in Section 2.3 of the Assessment of Corrective Measures report. Source control is addressed by the landfill gas collection and control system. Constituents of interest observed from groundwater sampling are addressed in the subsurface by monitored natural attenuation (MNA). Time-series plots and Sen’s Slope Estimator Plots of the sum of concentrations of detected VOCs in MW-10, MW-10A, MW-11, B-2, MW-12, and MW-12A are included in semi-annual groundwater monitoring reports and annual corrective action reports

submitted to the Executive Director. Decreasing trends are observable for MW-10, MW-10A, MW-11 and B-2 since the expansion of the landfill gas collection system in March 2008. While the total VOC concentrations appear to be increasing in MW-12 and MW-12A, the individual VOC compounds have decreasing trends except for cis-1,2-dichloroethylene and trans-1,2-dichloroethylene. Cis-1,2-dichloroethylene and trans-1,2-dichloroethylene are daughter products of the degradation of trichloroethylene and other related chlorinated hydrocarbons. Hence, periods of increasing concentrations of cis-1,2-dichloroethylene and trans-1,2-dichloroethylene, without corresponding increases of trichloroethylene concentrations (the parent compound) are indicators of the chemical and/or biological degradation of trichloroethylene. Monitoring indicates ongoing remediation of groundwater impacts by the combined landfill gas collection system and MNA.

2. Contamination Downgradient from the Proposed Slurry Wall

The proposed slurry wall will prevent migration of impacted groundwater. Detected VOCs already downgradient of the slurry wall are anticipated to continue to remediate through natural attenuation. Natural attenuation processes include a variety of physical, chemical, or biological processes that, under favorable conditions, act without human intervention to reduce the mass, toxicity, mobility, volume, and concentration of contaminants in soil or groundwater. These processes include biodegradation; dispersion; dilution; sorption; volatilization; and chemical or biological stabilization, transformation, or destruction of contaminants.

Concentrations of detected compounds in samples from MW-26, MW-27, and MW-28 do not produce statistically significant upward trends. Reported concentrations of cis-1,2-DCE (max to date: 17 µg/L), trans-1,2-DCE (max to date 1.3 µg/L), and 1,1-DCA (max to date 3.9 µg/L) have remained low and well below groundwater protection standards (EPA primary

drinking water maximum contaminant level (MCL) for cis-1,2-DCE: 70 µg/L; trans-1,2-DCE: 100 µg/L; 30 TAC Chapter 350, Table 3 Protective Concentration Limit³ for 1,1-DCA: 4,900 µg/L). Vinyl chloride detections at MW-26 are periodic in nature and have occurred equal to, but not greater than, the EPA primary drinking water MCL of 2 µg/L.

As noted in Item 1 above, decreasing trends are observable for some VOC concentrations at MW-10, MW-10A, MW-11 and B-2 since the expansion of the landfill gas collection system in March 2008. Vinyl chloride, cis-1,2-DCE and trans 1,2-DCE are daughter products of the degradation of trichloroethylene and other related chlorinated hydrocarbons. Periods of increasing concentrations are indicators of the chemical and/or biological degradation of parent compounds. Well MW-10B is downgradient of MW-10A, well B-3 is downgradient of MW-11, and well MW-12B is downgradient of MW-12A. Wells MW-10B, B-3, and MW-12B are also downgradient of the proposed slurry wall. No VOCs have been detected in noted wells indicating natural attenuation of groundwater is occurring to levels below remediation goals downgradient of the proposed slurry wall track. Downgradient VOCs are anticipated to continue to naturally attenuate after the slurry wall installation. The addition of the slurry wall will prevent the migration of additional potentially impacted groundwater.

The proposed slurry wall provides additional containment designed to prevent migration of impacted groundwater. The slurry wall augments natural attenuation of the constituents of interest currently present.

3. The Eagle Ford shale is a competent confining unit.

Numerous subsurface characterizations have been completed at the Camelot Landfill

³ 1,1-DCA has no promulgated EPA Primary Drinking Water MCL; listed value is the Texas Risk Reduction Program Protective Concentration Limit for drinking water.

since the site was first considered for a Municipal Solid Waste (MSW) Landfill in the late 1970's. Significant characterization efforts occurred in 1979, 1981, 1994, and 2010. Even though the various characterization efforts were completed by different geologists and were reviewed by different state regulators, they all come to the same conclusion - the Unweathered Eagle Ford Shale at the site provides for an excellent lower confining unit that separates the uppermost groundwater zone from the underlying Woodbine Formation at the site.

The conclusion that the Eagle Ford Shale provides an excellent confining unit should come as no surprise. This regional formation has been studied extensively and this formation has long been accepted as the confining unit located above the Woodbine Aquifer in the area.⁴ In fact, the Unweathered Eagle Ford shale is also the lower confining unit at several other permitted TCEQ MSW Landfills in North Texas. These include the Grand Prairie, Hunter Ferrell, Lewisville, and Itasca landfills.

Regional and area water well information, combined with over 100 borings that have been completed at the site, confirm that the Eagle Ford Shale Zone within the landfill permit boundary area is a thick, continuous, and low permeability shale zone.

Carrollton's claims that the site has not been studied enough or that the shale zone is not an effective lower confining unit simply ignore the extensive amount of geologic and geotechnical information that has been collected at the site over the past 30-plus years. Carrollton chooses to focus on certain depositional characteristics and secondary features of the formation to make unsubstantiated conclusions about the formation. In reality, these secondary features are all discussed in detail in various TCEQ submittals and their effect on the

⁴ Nordstrom, P. L., 1982, Occurrence, Availability, and Chemical Quality of Groundwater in the Cretaceous Aquifers of North-Central Texas, Texas Department of Water Resources Report 269, vols. 1+2.

ability of the formation to act as a confining layer has been fully addressed to the satisfaction of the Executive Director's technical staff.

In an attempt to cast doubt on the suitability of the Unweathered Shale Zone to provide an effective formation to key the slurry wall into, Carrollton claims there are limited borings along the path of the proposed slurry wall. This is simply not true. Over 20 borings are located within 100 feet of the slurry wall location. In addition, the permit modification includes requirements to drill additional borings spaced every 100 feet along the specific alignment of the slurry wall prior to its construction to verify the top of the Unweathered Shale, and to extend every 5th boring an additional 10 feet below the top of the Unweathered Shale to verify the presence of the Unweathered Shale.

4. The slurry wall as a barrier to horizontal groundwater and/or DNAPL flow

As noted in Section 3 of the permit modification, the slurry wall will provide a hydraulic barrier between the landfill and the point of compliance. A detailed Construction Quality Assurance (CQA) Plan is provided in the modification and includes detailed design, construction, and CQA information for the slurry wall. During slurry wall construction, in-situ soil will be thoroughly mixed with sufficient bentonite to produce a 3 foot thick vertical wall with a coefficient of permeability less than or equal to 1×10^{-7} cm/s. As set forth in the CQA plan, a detailed slurry wall mix design will be developed using soil obtained from the borings that will be completed along the slurry wall profile in advance of installation. The slurry wall mix design will determine the required bentonite amount that will need to be added to meet the permeability specification.

Carrollton claims that minor amounts of gravel deposits that might be present along the path of the slurry wall may impact the performance of the wall. The slurry wall mix design

process listed in the CQA plan accounts for site specific soil conditions, including gravel. The average depth of the slurry wall is expected to be approximately 30 feet. Typically less than one foot of gravelly material is present discontinuously over the Eagle Ford Shale. The gravelly material will be mixed in a bentonite clay matrix throughout the total depth of the slurry wall and will not adversely impact the performance of the slurry wall. The slurry wall mix properties will be tested before wall construction begins and will be continuously monitored and tested during installation.

Potentially occurring dense non-aqueous phase liquids (DNAPLs) based on densities of currently detected VOCs include trichloroethylene, cis-1,2-DCE, trans-1,2-DCE, and 1,1-DCA. No indications of the potential presence of DNAPLs have been noted during recent purge and sampling activities. DNAPLs are not anticipated to be present based on the current and historically observed VOC concentrations relative to the pure phase solubility of individual constituents. An “indirect estimate” of the potential for the presence of DNAPL is possible by applying the “1 percent solubility rule of thumb” referenced by EPA (2004⁵). DNAPL is not anticipated to be present when concentrations of individual constituents are less than one percent of its pure phase solubility. Based on solubility and one-percent threshold values provided in the EPA document, the current and historically reported concentrations for trichloroethene, cis-1,2-DCE, trans-1,2-DCE, and 1,1-DCA are two to three orders-of-magnitude less than concentrations necessary to produce DNAPLs. The VOCs are in a gas phase in the landfill and are dissolved in the groundwater outside of the landfill via gas water interaction. Any condensate potentially contacting groundwater will not remain a separate phase.

⁵ United States Environmental Protection Agency (EPA). December 2004. DNAPL Remediation: Selected Projects Approaching Regulatory Closure. EPA 542-R-04-016.

5. The slurry wall will not divert “highly contaminated groundwater” around its ends and into inadequately monitored areas

As discussed above in Item 1, there is no “highly contaminated groundwater” at the site. In addition, the slurry wall will provide a hydraulic barrier between the landfill and the point of compliance, as discussed in Section 3 of the permit modification. The slurry wall is over 5,500-feet-long and will terminate at the northeast and in the southwest portions of the site as depicted on several site plans in the modification, including Drawing A-1 in Appendix A of Attachment 1-7. The northeast termination point is up groundwater gradient and will tie into the future liner system. The southwest termination point is located near MW-13R. As discussed in Section 4 of the permit modification, groundwater will be monitored on both sides of the slurry wall. To verify groundwater quality on the west end of the wall, a new monitor well (MW-13R2) will be installed within the narrow corridor between the landfill and the slurry wall. This new monitor well is located 120 feet upgradient from the point of compliance.

6. The slurry wall will not increase the potential for leakage of highly contaminated groundwater into the underlying Woodbine Aquifer.

Again, Carrollton’s characterization that groundwater at the site is “highly contaminated” is completely misleading and does not represent the actual site conditions. Furthermore, Carrollton’s claim that the addition of a slurry wall, that simply provides a hydraulic barrier between the landfill and the point of compliance, will increase the potential for contamination of the Woodbine Aquifer is completely without basis because there is no groundwater flow through the unweathered shale.

7. There is nothing to suggest that construction of the slurry wall will involve the excavation, storage, or disposal of hazardous substances.

The detailed assessment work completed at the site demonstrates that only low levels of certain constituents exist at the site due to past landfill gas migration. The source has been

controlled by the installation of the landfill gas collection system. Overall, there is a decreasing or stable trend in VOC concentrations. These conditions, and the constituents detected in groundwater monitoring well samples are very typical of landfill gas migration situations at a number of landfill facilities in Texas.

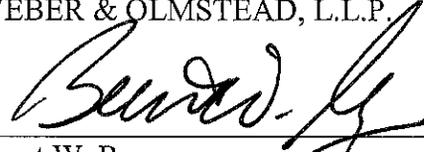
There is no data to suggest that hazardous waste will be generated as part of this project. However, as with all construction projects that occur at a landfill, detailed Health and Safety Plans will be developed and implemented by the contractors selected for this project.

CONCLUSION

All applicable requirements were met in connection with the Executive Director's review and approval of the permit modification and Corrective Action Plan revision authorizing the installation of a slurry wall at the Camelot Landfill. None of Carrollton's arguments in the MTO warrant the Commission overturning the Executive Director's action. Farmers Branch respectfully requests that the Commission allow the MTO to be overruled by operation of law or, in the alternative, that it act to deny the MTO.

Respectfully submitted,

McELROY, SULLIVAN, MILLER,
WEBER & OLMSTEAD, L.L.P.

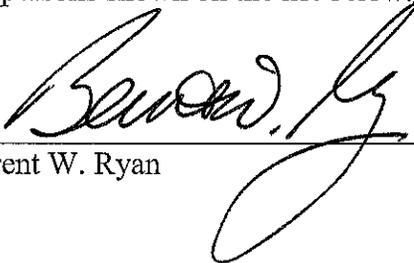


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CERTIFICATE OF MAILING

I hereby certify that on this the 13th day of November, 2014, a true and correct copy of the foregoing document was sent by mail to the persons shown on the list below.



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