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CLINT L. COURSON, CHMM DANIEL E. CHEEK, P.E. K. MATTHEW CHEEK, P.E. November 2, 2010



Ms. Ellen Lorschieder Planning and Programs Branch Head North Carolina Dept. of Env. & Natural Resources Division of Waste Management – Solid Waste Section 1646 Mail Service Center Raleigh, NC 27699-1646

Re: Proposed Solid Waste Rules 15A NCAC 13B .1604 and .1626

Dear Ms. Lorschieder:

Please accept the following comments into the record on the subject draft rule revisions:

## 15A NCAC 13B .1604

This rule should not be changed as it reinvents Subtitle D and the premise that there is a Relevant Point of Compliance for each landfill facility, and that this Relevant Point of Compliance is the vertical plane where no on-site contaminants may pass. The groundwater wells set along this vertical plane demonstrate compliance at this plane. Revising the rule as proposed, moves the Relevant Point of Compliance to the cell boundary. If this were in-fact the correct interpretation of Subtitle D, then the Relevant Point of Compliance and the groundwater monitoring wells would be set along a vertical plane at the cell boundary. It is my opinion this rule change is being made to provide for an "easier" point for compliance personnel to determine if there is a release from the site. Making something easier is not always equivalent with making something better. I therefore recommend this rule change not be made and that the current rule remain in effect.

## 15A NCAC 13B .1626

This rule should not be changed as it reinvents Subtitle D and the premise that there is a Relevant Point of Compliance for each landfill facility, and that this Relevant Point of Compliance is the vertical plane where no on-site contaminants may pass. The groundwater wells set along this vertical plane demonstrate compliance at this plane. Revising the rule as proposed, moves the Relevant Point of Compliance to the cell boundary. If this were in-fact the correct interpretation of Subtitle D, then the Relevant Point of Compliance and the groundwater monitoring wells

would be set along a vertical plane at the cell boundary. It is my opinion this rule change is being made to provide for an "easier" point for compliance personnel to determine if there is a release from the site. Making something easier is not always equivalent with making something better. I therefore recommend this rule change not be made and that the current rule remain in effect.

Should you have any questions, please call.

Sincerely,

HODGES, HARBIN, NEWBERRY & TRIBBLE, INC.

William F. Hodges, P.E. Professional Engineer

WFH/am