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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 17, 2010

The Honorable Wes Suiter
Angelina County Judge
P.O. Box 908
Lufkin, Texas 75902-0908

Re: Angelina County Waste Management Center - Angelina County
Municipal Solid Waste - Permit No. 2105A
Permit Modification – Site Operating Plan (SOP) / Alternate Daily Cover
Tracking No. 12972272; RN101947323 / CN600833511

Dear Judge Suiter:

We have reviewed your application for a municipal solid waste permit modification dated January 25, 2010, requesting to update the SOP to permanently allow for an additional alternate daily cover material, Posi-Shell, to be used at the referenced facility.

Our review indicates that insufficient information has been provided to demonstrate compliance with Title 30 of the Texas Administrative Code (30 TAC) Section (§)305.70. Therefore, we are unable to complete processing of your request at this time. Please review and address the following comments:

1. Part I Application Form – The permit modification was submitted as an application requiring public notice. Page 3 of the form indicates that the application has been posted at the following URL: www.angelinacounty.net/waste/lpnotices.html. Based on our review, we found that this application has not been posted at the referenced URL. Please post the application and all subsequent revisions at the referenced URL.
2. Table of Contents (TOC) - In accordance with 30 TAC §330.57(g)(3), TOC pages i through iii need to be sealed as required by the Texas Engineering Practice Act. Please provide a sealed version of the TOC.
3. Alternate Daily Cover Operating Plan (ADCOP) – The permit modification did not include an ADCOP as required by 30 TAC §330.165(d)(1). The ADCOP must include, in part, the minimum thickness of the alternate material, and its effect on vectors, fires, odors, and windblown litter and waste. The revision to Section 26.1, Daily Cover, new paragraph number 3 for Posi-Shell, did not provide this information. Please revise the SOP to include an ADCOP in compliance with the above rule.
4. Appendix D: Material Data Safety Sheets (sic) – The TOC shows that Appendix D is revised as “Rev 3 – January, 2010,” and Section 26.1, Daily Cover, includes a new paragraph number 3 for Posi-Shell that references Appendix D. Appendix D was not provided in this permit modification. Please

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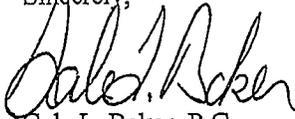
provide the chemical analysis and/or the Material Safety Data Sheet(s) for Posi-Shell pursuant to 30 TAC §330.165(d)(1)(D). Also, see comment number 3 above regarding the ADCOP.

Please revise your permit modification request and submit the revisions within 30 days from the date of this letter or your request may be considered withdrawn. In accordance with 30 TAC §330.57, please ensure that each page has a header or footer that indicates the revision number and date. Your revised and/or additional pages should be in a form suitable for replacement and/or inclusion in the initial permit modification application. In accordance with 30 TAC §305.44, please include an original certification statement with the revision. Along with the original signature, the certification statement should indicate the name, title, and address of the responsible official.

To facilitate our review, please submit one original, two unmarked copies, and one marked copy (for example, in redline/strikeout format) of the revisions in conformance with 30 TAC §305.70(f). Please send one of the unmarked copies directly to the Texas Commission on Environmental Quality Region 10, to the attention of Mr. Derek Eades, Waste Program Manager, 3870 Eastex Fwy, Beaumont, Texas 77703-1830. Also, please include the tracking number referenced above in the subject line of your response.

Failure to submit a satisfactory response to the items listed above may result in a recommendation to deny this modification request. If you have questions regarding this letter, please contact me at (512) 239-6730. When addressing written correspondence, please use mail code MC 124.

Sincerely,



Gale L. Baker, P.G.
Municipal Solid Waste Permits Section
Waste Permits Division
Texas Commission on Environmental Quality

GLB/fp

cc: Mr. Chris Fitzgerald, Landfill Manager, Angelina County Waste Management Center, Lufkin
Mr. Rick Freeman, Everett Griffith, Jr. & Associates, Inc., Lufkin
Mr. Jerod L. Morris, P.E., Everett Griffith, Jr. & Associates, Inc., Lufkin