

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 29, 2007

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

Re: Municipal Solid Waste (MSW) - Angelina County
Angelina County Waste Management Center - MSW Permit No. 2105A
Permit Modification - Landfill Gas Collection and Control System: Technical Review Completed
WWC No. 11631010; RN101571131 / CN600833511

Dear Judge Suiter:

We have completed the technical review of the modification request dated January 30, 2007, requesting a modification to install a new landfill gas collection and control system as part of the landfill gas remediation plan to address the elevated methane readings at gas monitoring probe GMP-5, and to achieve compliance with New Source Performance Standards (NSPS) for anticipated future gas emissions from the landfill. The information presented is sufficient for a permit modification, and we have prepared a draft modification.

You are now required to mail notice of your proposed activity to the current landowner list and all other interested and/or affected persons listed in 30 TAC §39.413, including persons on a mailing list maintained by the Texas Commission on Environmental Quality (TCEQ) Office of the Chief Clerk in accordance with 30 TAC §39.407. To assist you in meeting the requirements associated with this notice, we have included the following items:

- Example of Notice of Application and Preliminary Decision
- Certification of Notice of Application and Preliminary Decision
- Draft Permit Modification

Please note it is very important that you follow all directions in the following instructions. If you do not, further processing of your application may be suspended, you may be required to re-mail the notice, or your application may be returned. If you have any questions, please contact the person listed below before proceeding with publication.

- 1: Please mail notice in accordance with 30 TAC §305.70(i) and 30 TAC §39.106. The text of the notice must comply with 30 TAC §§39.411(b)(1), (2), (3), (6), (7), (9), and (12). Notice must be mailed to all persons listed in 30 TAC §39.413. We have provided an example for your convenience.

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2. Please state in the notice the requirement that written comment by the public must be received by the Office of the Chief Clerk within 23 days from the date notice was mailed.
3. An original enclosed Certification of the Notice of Application and Preliminary Decision must be filed with the Office of the Chief Clerk, to the attention of the Notice Team, within 23 days after the notice is mailed. Include a copy of notice with this certification.

Once the 23 day comment period has ended and the certification of the notice has been filed, the TCEQ will continue processing the modification in accordance with 30 TAC §305.70(g)(2). If no comments are received, the TCEQ will act on the modification request within 14 days from the end of the comment period.

Please contact the Office of the Chief Clerk at 512/239-3300 if you have any questions regarding public notice requirements. Please contact Mr. Gale L. Baker, P.G., at 512/239-6730 if you have any comments regarding municipal solid waste.

Sincerely,



Jeff Davis, P.G., Team Leader
Municipal Solid Waste Permits Section
Waste Permits Division
Texas Commission on Environmental Quality

JRD/GLB/ff

cc: Mr. Chris Fitzgerald, Landfill Manager, Angelina County Waste Management Center, Lufkin
Mr. Rick Freeman, Everett Griffith, Jr. & Associates, Inc., Lufkin
Mr. Charles W. Leung, P.E., Terracon, Austin

Enclosures

**NOTICE OF APPLICATION AND PRELIMINARY DECISION
FOR MUNICIPAL SOLID WASTE PERMIT/REGISTRATION MODIFICATION**

PERMIT/REGISTRATION NO. [permit/registration no.]

APPLICATION AND PRELIMINARY DECISION. [Applicant's name and address, and description of business] has applied to the Texas Commission on Environmental Quality (TCEQ) for a permit/registration modification to authorize [brief description of the activity in the application]. The facility is located [location of facility] in [county name] County, Texas. This application was received by the TCEQ on [date received by TCEQ].

[Include the following sentence if the facility is located within the Coastal Management Program boundary, which is the area along the Texas Coast of the Gulf of Mexico as depicted on the map in 30 TAC §321.271 and includes part or all of the following counties: Cameron, Willacy, Kenedy, Nueces, San Patricio, Aransas, Refugio, Calhoun, Victoria, Jackson, Matagorda, Brazoria, Galveston, Harris, Chambers, Liberty, Jefferson and Orange: The TCEQ executive director has reviewed this action for consistency with the goals and policies of the Texas Coastal Management Program (CMP) in accordance with the regulations of the Coastal Coordination Council and has determined that the action is consistent with the applicable CMP goals and policies.]

The TCEQ executive director has completed the technical review of the application and has prepared a draft permit/registration modification. The draft modification, if approved, would establish the conditions under which the facility must operate. The executive director has made a preliminary decision that this permit/registration modification, if issued, meets all statutory and regulatory requirements. The permit/registration modification application is available for viewing and copying at the TCEQ Region [region no.] Office, [region office address, city, and zip code].

PUBLIC COMMENT. You may submit public comments about this application. Written public comments must be received in the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 within 23 days after the date this notice was mailed. After the deadline for public comments, the executive director will review and consider the comments. The executive director is not required to file a response to comments. If approved, notice of issuance will be mailed to everyone who submitted public comments or requested to be on the mailing list for this application. If comments are received, the mailing will also provide an explanation of the opportunity to file a motion to overturn the executive director's decision.

MAILING LIST. In addition to submitting public comments, you may ask to be placed on a mailing list to receive future public notices mailed by the Office of the Chief Clerk. You may request to be added to: (1) the mailing list for this specific application; (2) the permanent mailing list for a specific applicant name and permit/registration number; and/or (3) the permanent mailing list for a specific county. Clearly specify which mailing list(s) to which you wish to be added and send your request to the TCEQ Office of the Chief Clerk at the address provided above. Unless you otherwise specify, you will be included only on the mailing list for this specific application.

INFORMATION. If you need more information about this permit/registration application or the permitting/registration process, please call the TCEQ Office of Public Assistance, Toll Free, at (800) 687-4040. General information about the TCEQ can be found at our web site at www.tceq.state.tx.us.

Further information may also be obtained from [applicant's name] at the address stated above or by calling [name of applicant's representative] at [applicant's phone number].

This notice was mailed on [date notice was mailed].

MSW Permit/Registration No.: _____

Permittee/Registrant Name: _____

**CERTIFICATION OF NOTICE OF APPLICATION AND PRELIMINARY DECISION
FOR MUNICIPAL SOLID WASTE MODIFICATION
PURSUANT TO 30 TAC §305.70**

STATE OF TEXAS

COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____, who being by me duly sworn, deposes and says that (s)he is the _____ of _____; and that that the attached Notice of Application and Preliminary Decision was provided on _____ as required by 30 Texas Administrative Code (30 TAC) §39.106, by first class mail to each property owner located within 500 feet of the above-named site, and to other interested and/or affected parties included on the attached mailing list.

(permittee/registrant or representative signature)

Subscribed and sworn to before me this the _____ day of _____, 20_____, to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

SEAL

(print or type name of notary)

My Commission Expires _____

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



MODIFICATION TO
MUNICIPAL SOLID WASTE PERMIT NO. 2105A
ANGELINA COUNTY
Angelina County Waste Management Center

Municipal Solid Waste Permit No. 2105A is hereby modified as follows:

Description of Change:

Installation of a new landfill gas collection and control system as part of the landfill gas remediation plan to address the elevated methane readings at gas monitoring probe GMP-5, and to achieve compliance with New Source Performance Standards (NSPS) for anticipated future gas emissions from the landfill. The details of this permit modification are contained in the application dated January 30, 2007.

Parts of Permit Modified:

Part III, Attachment 14 (Landfill Gas Management Plan), Landfill Gas Collection and Control System, new 01/10/07

This modification is a part of Permit No. 2105A and should be attached thereto.

APPROVED, ISSUED, AND EFFECTIVE in accordance with Title 30 Texas Administrative Code Chapter 605.70(k)(5).

ISSUED DATE:

For the Commission