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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 1, 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 - Site Operating Plan (SOP) Call-In: Notice of Deficiency
WWC No. 11686346; RN101571131 / CN600833511

Dear Judge Suiter:

We have completed a review of your modification application dated July 20, 2006, and the revisions dated October 17, 2006, January 11, 2007, February 28, 2007, and April 27, 2007, requesting a modification to the existing Site Operating Plan as per our "Notice of Site Operating Plan Call-In" letter dated May 24, 2006.

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. 30 TAC §330.127(5)(A) – Section 7.2 (Waste Screening Plan)
Comment #3 in the March 29, 2007 notice of deficiency stated in part that the proposed selected at random on Monday, etc., for the load(s) to be screened that week appears to contradict the current SOP requirement. The SOP revision dated April 2007 did not completely address Comment #3.

The revised SOP still indicates that random times for screening are selected on Mondays or the first working day of each week. Section 7.2 states in part:

"Solid waste load(s) to be screened will be selected at random on Monday or the first working day of each week. This is not to be construed that all screening is accomplished on Monday, but that random times for screening are selected on that day. For example, the random selection may be for the first vehicle entering the facility after 2:00 PM on Thursday of that week. . . ."

This procedure does not appear to be completely random for the inspections of incoming loads as required by the above rule. For example, the first vehicle entering the facility after 2:00 PM on Thursday may not be conducive to or applicable for conducting a random inspection. Please revise accordingly.

2. 30 TAC §330.149 – Section 18.2 (General Instruction To Control Odors)
The response to Comment #9 in the March 29 notice of deficiency stated in part that wastes requiring special attention have been generally identified. The first paragraph of Section 18.2 states:

“Any spill of odorous materials will be promptly managed and particularly odoriferous wastes (such as dead animals) will be disposed of on a timely basis.”
[emphasis added]

Please know that pursuant to 30 TAC §330.171(c)(2), dead animals may be accepted provided the carcasses are covered by three feet of other solid waste or at least two feet of earthen material immediately upon receipt. Please revise accordingly.

3. 30 TAC §330.173 – Section 30 (Disposal of Industrial Wastes)
Please revise Section 30 to include a first paragraph that clearly states that Class 1 industrial wastes will not be accepted, etc. Paragraph 4 may be better suited as the first paragraph in Section 30.

Please revise your permit modification request and submit the revisions within 30 days from the date of this letter or your request will 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 (*i.e., Page 10 of the Part I Application Form*).

To facilitate our review, please submit an original and two copies of the revisions, in conformance with applicable regulatory requirements referenced in 30 TAC §305.70. In addition, we are requesting that one of the two copies be marked to highlight the revisions made to the permit modification request. We suggest using a redline/strikeout format. Lastly, your response should include the WWC number that is referenced above.

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 124 (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

