

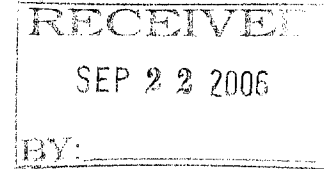
Kathleen Hartnett White, *Chairman*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 18, 2006



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

Re: Municipal Solid Waste - Angelina County  
Angelina County Waste Management Center - MSW Permit No. 2105A  
Permit Modification - Site Operating Plan (SOP) Call-In: Notice of Deficiency  
WWC No. 11421520; RN101571131 / CN600833511

Dear Judge Berry:

We have completed a review of your modification application dated July 20, 2006, and received by the Municipal Solid Waste (MSW) Permits Section on July 21, 2006, 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) §305.70. Therefore, we are unable to complete processing of your request at this time. Please review and address the following comments:

1. The May 24 call-in letter required that the modification application must be submitted in accordance with 30 TAC §305.70(1) *with notice* to incorporate the requirements as necessary into the current SOP. The modification application did not include an updated landowners map and an updated landowners list pursuant to 30 TAC §305.70(e)(5). Please re-submit the modification application with notice pursuant to the above rules.
2. The modification application did not include the certification statement as required by 30 TAC §305.70(f) and §305.44. Please re-submit the modification application with the required certification statement pursuant to the above rules.
3. The May 24 call-in letter required that the submittal must be in a form that allows for the replacement of the current permit application pages with the revised pages into the permit application three-ring loose-leaf binder. The modification application pages were not submitted in a form that allows for replacement as required. Please re-submit the modification application pursuant to 30 TAC §305.70(f) and §330.57(g)(1).
4. The May 24 call-in letter required that if a new SOP is being provided, revision or deletion of existing SOP provisions other than those required to comply with the update to Subchapter F, must be identified with an explanation of the proposed changes in accordance with 30 TAC §305.70(e). Please re-submit the modification application pursuant to the above rule.

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5. The May 24 call-in letter required that revisions must have a revision date and note that the sheet is revised in the header or footer of each revised sheet or page and the revised text must be marked to highlight the revision in accordance with 30 TAC §330.57(g)(6). The modification application did not include a marked version to highlight the revisions. Please re-submit the modification application with a marked version in accordance with the above rule.
6. Effective March 27, 2006, the Municipal Solid Waste Permits Section requires the application fee pursuant to 30 TAC §330.59(h)(1). In accordance with §305.53, the application fee for a permit modification is \$150. Please submit a check or money order made payable to Texas Commission on Environmental Quality (TCEQ) at the following address: TCEQ, Financial Administration Division, Revenue Section/Cashier's Office, MC 214, P.O. Box 13088, Austin, Texas 78711-3088. Please provide the Municipal Solid Waste Permits Section a copy of your receipt so that we may process your application.

Please re-submit your modification application in accordance with the above comments 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. Along with the original signature, the certification statement should indicate the name, title, and address of the responsible official.

To facilitate our review, please re-submit an original and two copies of the modification application, in conformance with applicable regulatory requirements referenced in 30 TAC §305.70. In addition, one of the two copies must be marked to highlight the revisions made to the modification application. We suggest using a redline/strikeout format.

Failure to re-submit the modification application in accordance with 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/gb

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