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**FEB 27 2007**

February 26, 2007

Mr. Gale L. Baker, P.G.  
Municipal Solid Waste Permits Section  
Waste Permits Division  
Texas Commission on Environmental Quality  
MC - 124  
P.O. Box 13087  
Austin, Texas 78711-3087

Re: Angelina County Waste Management Center  
MSW Permit No. 2105A  
Site Operating Plan Notice of Deficiency Response  
WWC No. 11492598; RN101571131; CN600833511

Dear Mr. Baker:

I am enclosing an original and two copies of the Part I Application with the revised URL address, as you requested.

If you have any questions, or need additional information, please give me a call.

Sincerely,

Rick Freeman

cc: TCEQ, Region 10  
Hon. Wes Suiter, Angelina County Judge  
Mr. Chris Fitzgerald, ACWMC Manager



# Texas Commission on Environmental Quality

## Permit or Registration Application for Municipal Solid Waste Facility

### Part I

#### A. General Information

Facility Name:	Angelina County West Management Center			
Physical or Street Address (if available):	Approximately 1 mile south of the intersection of FM 58 and FM 2108 on 7521 FM 58			
(City) (County)( State)( Zip Code):	Lufkin	Angelina County	TX	75901
(Area Code) Telephone Number:	936-632-7168			
Charter Number:	N/A			

If the application is submitted on behalf of a corporation, provide the Charter Number as recorded with the Office of the Secretary of State for Texas.

Operator Name <sup>1</sup> :	Angelina County			
Mailing Address:	P.O. Box 908			
(City) (County)( State)( Zip Code):	Lufkin	Angelina	Texas	75902
(Area Code) Telephone Number:	936-634-5413			
(Area Code) FAX Number:				
Charter Number:	N/A			

If the permittee is the same as the operator, type "Same as Operator".

Permittee Name:	Same as Operator			
Physical or Street Address (if available):				
(City) (County)( State)( Zip Code):				
(Area Code) Telephone Number:				
Charter Number:				

If the application is submitted by a corporation or by a person residing out of state, the applicant must register an Agent in Service or Agent of Service with the Texas Secretary of State's office and provide a complete mailing address for the agent. The agent must be a Texas resident.

Agent Name:	N/A			
Mailing Address:				
(City) (County)( State)( Zip Code):				
(Area Code) Telephone Number:				
(Area Code) FAX Number:				

Application Type:

<input type="checkbox"/> Permit	<input type="checkbox"/> Major Amendment	<input type="checkbox"/> Minor Amendment
<input type="checkbox"/> Registration	<input checked="" type="checkbox"/> Modification	<input type="checkbox"/> Temporary Authorization

<sup>1</sup> The operator has the duty to submit an application if the facility is owned by one person and operated by another [30 TAC 305.43(b)]. The permit will specify the operator and the owner who is listed on this application [Section 361.087 Texas Health and Safety Code].

<input checked="" type="checkbox"/>	w/Public Notice	<input type="checkbox"/>	Notice of Deficiency Response
<input type="checkbox"/>	w/out Public Notice		

Facility Classification:

<input checked="" type="checkbox"/>	Type I	<input type="checkbox"/>	Type IV	<input type="checkbox"/>	Type V	<input type="checkbox"/>	Type IX
<input type="checkbox"/>	Type I AE	<input type="checkbox"/>	Type IV AE	<input type="checkbox"/>	Type VI		

Activities covered by this application (check all that apply):

<input type="checkbox"/>	Storage	<input type="checkbox"/>	Processing	<input checked="" type="checkbox"/>	Disposal
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Waste management units covered by this application (check all that apply):

<input type="checkbox"/>	Containers	<input type="checkbox"/>	Tanks	<input type="checkbox"/>	Surface Impoundments	<input checked="" type="checkbox"/>	Landfills
<input type="checkbox"/>	Incinerators	<input type="checkbox"/>	Composting	<input type="checkbox"/>	Type IV Demonstration Unit	<input type="checkbox"/>	Type IX Energy/Material Recovery
<input type="checkbox"/>	Other (Specify)			<input type="checkbox"/>	Other (Specify)		
<input type="checkbox"/>	Other (Specify)			<input type="checkbox"/>	Other (Specify)		

Is this submittal part of a Consolidated Permit Processing request, in accordance with 30 TAC Chapter 33?

Yes  No

If yes, state the other TCEQ program authorizations requested.

Provide a brief description of the portion of the facility covered by this application. For amendments, modifications, and temporary authorizations, provide a brief description of the exact changes to the permit or registration conditions and supporting documents referenced by the permit or registration. Also, provide an explanation of why the amendment, modification, or temporary authorization is requested.

Propose to revise the Site Operating Plan in accordance with current TCEQ regulations.

Does the application contain confidential Material?  Yes  No

If yes, cross-reference the confidential material *throughout the application* and submit as a separate document or binder conspicuously marked "CONFIDENTIAL."

Bilingual Notice Instructions

For certain permit applications, public notice in an alternate language is required. If an elementary school or middle school nearest to the facility offers a bilingual program, notice may be required to be published in an alternative language. The Texas Education Code, upon which the TCEQ alternative language notice requirements are based, trigger a bilingual education program to apply to an entire school district should the requisite alternative language speaking student population exist. However, there may not exist any bilingual-speaking students at a particular school within a district which is required to offer the bilingual education program. For this reason, the requirement to publish notice in an alternative language is triggered if the nearest elementary or middle school, as a part of a larger school district, is required to make a bilingual education program available to qualifying students and either the school has students enrolled at such a program on-site, or has students who attend such a program at another location in satisfaction of the school's obligation to provide such a program as a member of a triggered district.

If it is determined that a bilingual notice is required, the applicant is responsible for ensuring that the publication in the alternate language is complete and accurate in that language. Electronic versions of the Spanish template examples are available from the TCEQ to help the applicant complete the publication in the alternative language.

**Bilingual Notice Application Form:**

Bilingual notice confirmation for this application:

1. Is a bilingual program required by the Texas Education Code in the school district where the facility is located?  YES  NO

(If NO, alternative language notice publication not required)

2. If YES to question 1, are students enrolled in a bilingual education program at either the elementary school or the middle school nearest to the facility?  YES  NO

(If YES to questions 1 and 2, alternative language publication is required; If NO to question 2, then consider the next question)

3. If YES to question 1, are there students enrolled at either the elementary school or the middle school nearest to the facility who attend a bilingual education program at another location?  YES  NO

(If Yes to questions 1 and 3, alternative language publication is required; If NO to question 3, then consider the next question)

4. If YES to question 1, would either the elementary school or the middle school nearest to the facility be required to provide a bilingual education program but for the fact that it secured a waiver from this requirement, as available under 19 TAC §89.1205(g)?  YES  NO

(If Yes to questions 1 and 4, alternative language publication is required; If NO to question 4, alternative language notice publication not required)

If a bilingual education program(s) is provided by either the elementary school or the middle school nearest to the facility, which language(s) is required by the bilingual program?

Note: Applicants for new permits and major amendments must make a copy of the administratively complete application available at a public in the county where the facility is, or will be, located for review and copying by the public.

Public place where administratively complete permit application will be located.			
Public Place (e.g., public library, county court house, city hall, etc.):	N/A		
Mailing Address:			
(City) (County) ( State) ( Zip Code):			
(Area Code) Telephone Number:			

**B. Facility Location**

Except for Type I AE and Type IV AE landfill facilities, for permits, registrations, amendments, and modifications requiring public notice, provide the URL address of a publicly accessible internet web site where the application and all revisions to that application will be posted.

<http://www.angelinacounty.net/waste/lpnotices.html>

Local Government Jurisdiction:	Angelina County
Within City Limits of:	N/A
Within Extraterritorial Jurisdiction of City of:	Lufkin
Is the proposed municipal or industrial solid waste disposal or processing facility located in an area in which the governing body of the municipality or county has prohibited the disposal or processing of municipal or industrial solid waste? (If YES, provide a copy of the ordinance or order):	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

Provide a description of the location of the facility with respect to known or easily identifiable landmarks.

Approximately 1 mile south of the intersection of FM 58 and FM 2108 on 7521 FM 58

Detail the access routes from the nearest United States or state highway to the facility.

Approximately 1 mile south of the intersection of FM 58 and FM 2108

Provide the latitudinal and longitudinal geographic coordinates of the facility.

Latitude	N 31-15-00
Longitude	W 94-42-20
Elevation (above msl)	270 feet

Is the facility within the Coastal Management Program boundary?  Yes  No

Texas Department of Transportation District Location:

TXDOT District Name & Number:	Lufkin District 11			
District Engineer's Name:	Dennis Cooley, P.E.			
Street or P. O. Box:	1805 North Timberland Drive			
(City) (County)( State)( Zip Code):	Lufkin	Angelina	Texas	75901
(Area Code) Telephone Number:	936-634-4433			
(Area Code) FAX Number:	936-633-4378			

The local governmental authority or agency responsible for road maintenance:

Contact Person's Name:	Lynn George, Angelina Co. Commissioner			
Street or P. O. Box:	P.O. Box 908			
(City) (County)( State)( Zip Code):	Lufkin	Angelina	Texas	75902
(Area Code) Telephone Number:	936-632-5531			
(Area Code) FAX Number:	N/A			

State Representative:

District Number:	12			
State Representative's Name:	Jim McReynolds			
District Office Address:	203 South First Street, Suite A			
(City) (County)( State)( Zip Code):	Lufkin	Angelina	Texas	75904
(Area Code) Telephone Number:	936-634-9786			
(Area Code) FAX Number:	936-637-6694			

**State Senator:**

District Number:	3			
State Senator's Name:	Robert Nichols			
District Office Address:	4100 South Medford Drive, Suite B-2			
(City) (County)( State)( Zip Code):	Lufkin	Angelina	Texas	75901
(Area Code) Telephone Number:	936-699-4988			
(Area Code) FAX Number:				

**Council of Government (COG) Information:**

COG Name:	Deep East Texas			
COG Representative's Name:	Walter Diggles			
COG Representative's Title:	Executive Director			
Street or P. O. Box:	210 Premier Drive			
(City) (County)( State)( Zip Code):	Jasper	Jasper	Texas	75951
(Area Code) Telephone Number:	409-384-5704			
(Area Code) FAX Number:	409-384-5390			

**River Basin Information:**

River Authority:	Angelina & Neches River Authority			
Contact Person's Name:	Kenneth Reneau			
Watershed Sub-Basin Name:	Upper Neches River			
Street or P. O. Box:	210 East Lufkin Avenue			
(City) (County)( State)( Zip Code):	Lufkin	Angelina	Texas	75901
(Area Code) Telephone Number:	936-632-7795			
(Area Code) FAX Number:	936-632-2564			

This site is located in the following District of the U.S. Army Corps of Engineers:

Albuquerque, NM     Ft. Worth, TX     Galveston, TX     Tulsa, OK

**C. Maps****General**

For permits, registrations, and amendments only, submit a topographic map, ownership map, county highway map, or a map prepared by a registered professional engineer or a registered surveyor which shows the facility and each of its intake and discharge structures and any other structure or location regarding the regulated facility and associated activities. Maps must be of material suitable for a permanent record, and shall be on sheets 8-1/2 inches by 14 inches or folded to that size, and shall be on a scale of not less than one inch equals one mile. The map shall depict the approximate boundaries of the tract of land owned or to be used by the applicant and shall extend at least one mile beyond the tract boundaries sufficient to show the following:

each well, spring, and surface water body or other water in the state within the map area;

the general character of the areas adjacent to the facility, including public roads, towns and the nature of development of adjacent lands such as residential, commercial, agricultural, recreational, undeveloped, etc;

the location of any waste disposal activities conducted on the tract not included in the application; and

the ownership of tracts of land adjacent to the facility and within a reasonable distance from the proposed point or points of discharge, deposit, injection, or other place of disposal or activity.

#### General location maps

For permits, registrations, and amendments only, submit at least one general location map at a scale of one-half inch equals one mile. This map shall be all or a portion of a county map prepared by Texas Department of Transportation (TxDOT). If TxDOT publishes more detailed maps of the proposed facility area, the more detailed maps shall also be included in Part I. Use the latest revision of all maps.

#### Land ownership map

Provide a map that locates the property owned by adjacent and potentially affected landowners. The maps should show all property ownership within 500 feet of the facility, on-site facility easement holders, and all mineral interest ownership under the facility.

#### Landowners list

Provide the adjacent and potentially affected landowners' list, keyed to the land ownership map with each property owner's name and mailing address. The list shall include all property owners within 500 feet of the facility, easement holders, and all mineral interest ownership under the facility. Provide the property, easement holders', and mineral interest owners' names and mailing addresses derived from the real property appraisal records as listed on the date that the application is filed. Provide the list in electronic form, as well.

### **D. Property owner information**

For permits, registrations, amendments, and modifications that change the legal description, a change in owner, or a change in operator only, provide the following:

(1) the legal description of the facility;

- (A) the abstract number as maintained by the Texas General Land Office for the surveyed tract of land;
- (B) the legal description of the property and the county, book, and page number or other generally accepted identifying reference of the current ownership record;
- (C) for property that is platted, the county, book, and page number or other generally accepted identifying reference of the final plat record that includes the acreage encompassed in the application and a copy of the final plat, in addition to a written legal description;
- (D) a boundary metes and bounds description of the facility signed and sealed by a registered professional land surveyor;
- (E) on-site easements at the facility, and
- (F) drawings of the boundary metes and bounds description; and

(2) a property owner affidavit signed by the owner.

### **E. Legal authority**

Provide verification of the legal status of the owner and operator, such as a one-page certificate of incorporation issued by the secretary of state. List all persons having over a 20% ownership in the proposed facility.

Indicate Ownership status of the facility:									
<input type="checkbox"/>	Private	<input type="checkbox"/>	Corporation	<input type="checkbox"/>	Partnership	<input type="checkbox"/>	Proprietorship	<input type="checkbox"/>	Non-Profit Organization
<input type="checkbox"/>	Public	<input type="checkbox"/>	Federal	<input type="checkbox"/>	Military	<input type="checkbox"/>	State	<input type="checkbox"/>	Regional
<input checked="" type="checkbox"/>	County	<input type="checkbox"/>	Municipal	<input type="checkbox"/>	Other (Specify)				

Does the operator own the facility units and the facility property?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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If "No," for permits, registrations, amendments, and modifications that changes the legal description, a change in owner, or a change in operators submit a copy of the lease for the use of or the option to buy the facility units or facility property, as appropriate, and identify:

Owner Name:			
Street or P. O. Box:			
(City) (County) ( State) ( Zip Code):			
(Area Code) Telephone Number:			
(Area Code) FAX Number:			
Charter Number:			

**F. Evidence of competency**

For permits, registrations, amendments, and modifications that change the legal description, a change in owner, or a change in operators submit a list of all Texas solid waste sites that the owner and operator have owned or operated within the last ten years:

Site Name	Site Type	Permit/Reg. No.	County	Dates of Operation
N/A				

Submit a list of all solid waste sites in all states, territories, or countries in which the owner and operator have a direct financial interest:

Site Name	Location	Dates of Operation	Regulatory Agency (Name & Address)
N/A			

A licensed solid waste facility supervisor, as defined in 30 TAC Chapter 30, Occupational Licenses and Registrations will be employed before commencing facility operation.

Provide the names of the principals and supervisors of the owner's and operator's organization, together with previous affiliations with other organizations engaged in solid waste activities.

Name	Previous Affiliation	Other Organization
N/A		

For landfill permit applications only, evidence of competency to operate the facility shall also include landfilling and earthmoving experience if applicable, and other pertinent experience, or licenses as described in 30 TAC Chapter 30 possessed by key personnel. The number and size of each type of equipment to be dedicated to facility operation will be specified in greater detail on Part IV of the application within the site operating plan.

Landfilling/Earthmoving Equipment Types	Personnel Experience or Licenses

For mobile liquid waste processing units, submit a list of all solid waste, liquid waste, or mobile waste units that the owner and operator have owned or operated within the past five years. Submit a list of any final enforcement orders, court judgments, consent decrees, and criminal convictions of this state and the federal government within the last five years relating to compliance with applicable legal requirements relating to the handling of solid or liquid waste under the jurisdiction of the commission or the United States Environmental Protection Agency. Applicable legal requirement means an environmental law, regulation, permit, order, consent decree, or other requirement.

Solid waste, liquid waste, or mobile waste units owned or operated within past 5 years	Texas and federal final enforcement orders, court judgments, consent decrees, and criminal convictions

#### G. Appointments

Provide documentation that the person signing the application meets the requirements of 30 TAC §305.44, Signatories to Applications. If the authority has been delegated, provide a copy of the document issued by the governing body of the owner or operator authorizing the person that signed the application to act as agent for the owner or operator.

#### H. Application Fees

For a new permit, registration, amendment, modification, or temporary authorization, submit a \$150 application fee.

For authorization to construct an enclosed structure over an old, closed municipal solid waste landfill in accordance with 30 TAC 330 Subchapter T, submit a \$2,500 application fee.

If paying by check, send payment to:

Texas Commission on Environmental Quality  
 Financial Administration Division, MC 214  
 P. O. Box 13087  
 Austin, Texas 78711-3087

Payment maybe made online using TCEQ e-pay at <a href="http://www.tceq.state.tx.us/e-service/index.html">www.tceq.state.tx.us/e-service/index.html</a>	
E-pay confirmation number	

**PROPERTY OWNER AFFIDAVIT**

"I, \_\_\_\_\_  
(property owner)

acknowledge that the State of Texas may hold me either jointly or severally responsible for the operation, maintenance, and closure and post-closure care of the facility. For a facility where waste will remain after closure, I acknowledge that I have a responsibility to file with the county deed records an affidavit to the public advising that the land will be used for a solid waste facility prior to the time that the facility actually begins operating as a municipal solid waste landfill facility, and to file a final recording upon completion of disposal operations and closure of the landfill units in accordance with Title 30 Texas Administrative Code §330.19, Deed Recordation. I further acknowledge that I or the operator and the State of Texas shall have access to the property during the active life and post-closure care period, if required, after closure for the purpose of inspection and maintenance."

\_\_\_\_\_  
(Owner signature)

\_\_\_\_\_  
(Date)

Signature Page

I, Wes Suiter County Judge  
(Operator) (Title)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: [Handwritten Signature]

Date: 2/23/07

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TO BE COMPLETED BY THE OPERATOR IF THE APPLICATION IS SIGNED BY AN AUTHORIZED REPRESENTATIVE FOR THE OPERATOR

I, \_\_\_\_\_, hereby designate \_\_\_\_\_  
(Print or Type Operator Name) (Print or Type Representative Name)

as my representative and hereby authorize said representative to sign any application, submit additional information as may be requested by the Commission; and/or appear for me at any hearing or before the Texas Commission on Environmental Quality in conjunction with this request for a Texas Water Code or Texas Solid Waste Disposal Act permit. I further understand that I am responsible for the contents of this application, for oral statements given by my authorized representative in support of the application, and for compliance with the terms and conditions of any permit which might be issued based upon this application.

\_\_\_\_\_  
Printed or Typed Name of Operator or Principal Executive Officer

\_\_\_\_\_  
Signature

-----  
SUBSCRIBED AND SWORN to before me by the said Wes Suiter

On this 23rd day of February, 2007

My commission expires on the 20th day of February, 2010



[Handwritten Signature]  
Notary Public in and for

Angelina County, Texas

(Note: Application Must Bear Signature & Seal of Notary Public)