



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 - Site Operating Plan (SOP) Call-In: Notice of Deficiency
WWC No. 11651276; 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, and February 28, 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. Please revise the SOP to identify the rules, per 30 TAC Chapter 330 Subchapter D, in the Table of Contents and in each section. Each section in the SOP should be organized to chronologically concur with the sections in Subchapter D.
2. 30 TAC §330.127(2) – Section 4 (Types of Equipment)
The equipment list identified in Section 4 does not concur with the number, size, and type of equipment identified in the current SOP (Section 3) as presently being utilized. For example, the current SOP shows three dozers (Cat D-6D, Cat D-6H, and Cat D-7H) but the proposed equipment list shows only one dozer. The SOP call-in does not allow changes to reduce the amount of equipment at the site. Please revisit and revise the equipment list to concur with the existing equipment. The existing equipment should concur with the current SOP.
3. 30 TAC §330.127(5)(A) – Section 7.2 (Waste Screening Plan)
The first paragraph in Section 7.2 states:

"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 the selection of the vehicles to be screened will be done on that day. For example, the random selection may be for the third non-exempt vehicle entering the facility on Thursday of that week. At least one percent of the incoming non-exempt vehicles will be screened weekly. The selection of the load will be made by one of the secretary/gate attendants."

The current SOP (Subsection 4.2), and Section 10 (Unloading of Waste) in this modification, states that the gate attendant will screen incoming loads of waste during all operating hours. The proposed *selected at random on Monday*, etc., for the load(s) to be screened that week appears to contradict the current SOP requirement. Please ensure that the random inspection complies with the requirements of §330.127(5)(A), which states in part:

“ . . . The procedures must include the random inspections of incoming loads and must include the inspection of *compactor vehicles*. In addition to the random inspections, trained staff shall observe each load that is disposed at the landfill;”
[emphasis added]

The rule does not exempt any vehicles from random inspections. Please justify the exclusion of vehicles from random inspections.

4. 30 TAC §330.129 – Section 8 (Fire Protection Plan)

The above rule requires that the owner or operator must maintain a source of earthen material in such a manner that is available at all times to extinguish any fires.

The rule requires the source must be sized to cover any waste received for disposal not covered with six inches of earthen material.

The rule also requires sufficient on-site equipment must be provided to place a six-inch layer of earthen material to cover any waste not already covered with six inches of earthen material within one hour of detecting a fire.

The SOP must contain calculations demonstrating the adequacy of the earthen material and to demonstrate that the type and number of equipment listed in Section 4 will be able to transport the volume of earth required. The SOP must be revised to comply with the requirements in §330.129.

5. 30 TAC §330.133(a) – Section 10 (Unloading of Waste)

Section 10 states in part, “Under normal operating conditions the size of the active face will be no larger than 1.0 acre.”

The above rule requires the maximum size of the unloading area must be specified in the SOP. The rule also requires the number and types of unloading areas must be identified. Please revise Section 10 to comply with the requirements of §330.133(a).

6. 30 TAC §330.141(a) – Section 14 (Easements and Buffer Zones)

Section 14 indicates that there are pipeline right-of-ways lying immediately adjacent to the east and west boundaries of Tract One, and lists the owners of these pipeline right-of-ways as *Natural Gas Pipeline Company of America* and *Champion International Corporation*. This information is the same as listed in the current SOP dated 1996. The phone number listed for Champion International Corporation is no longer valid. Please verify the information listed for these owners for accuracy, including phone numbers, and revise Section 14 accordingly.

7. 30 TAC §330.143(8) – Section 15 (Landfill Markers and Benchmarks)
Please revise Section 15 to include the survey coordinates and elevation of the permanent benchmark that is required by the above rule.
8. 30 TAC §330.147 – Section 17 (Disposal of Large Items)
Please revise Section 17 to address the special area for collecting large, heavy, or bulky items that cannot be incorporated in the regular spreading, compaction, and covering operations at the landfill, as required by §330.147(a). Also, revise Section 17 to address the handling of all items containing chlorinated fluorocarbon (CFC), as required by §330.147(c).
9. 30 TAC §330.149 – Section 18 (Air Criteria)
The above rule requires that the SOP must have an odor management plan that addresses the sources of odors and includes general instructions to control odors or sources of odors. The rule also requires the odor management plan must include the identification of wastes that require special attention such as septage, grease trap waste, dead animals, and leachate. Please revise Section 18 accordingly.
10. 30 TAC §330.153 – Section 20 (Site Access Roads)
Section 20 must be revised to indicate that tracked mud and associated debris at the access to the facility on the public roadway will be removed at least once per day on days when mud and associated debris are being tracked onto the public roadways, as required by §330.153(a).
11. 30 TAC §330.153 – Section 20 (Site Access Roads)
Section 20 states that the site access roads are graded for proper drainage and to minimize rutting, and the regrading of roadways is performed as needed. The rule §330.153(c) requires the frequency of regrading must be specified in the SOP. Please revise Section 20 accordingly.
12. 30 TAC §330.155 – Section 21 (Salvaging and Scavenging)
Section 21 states that salvaged materials may be considered as potential recyclable materials and may be stored in a designated collection area. See Comment# 8 above regarding designating a special collection area pursuant to §330.147.
13. 30 TAC §330.157 – Section 22 (Endangered Species Protection)
Section 22 states that an on-site evaluation regarding endangered or threatened species or their critical habitat was performed by Mr. Larry Bonner, Wildlife Biologist, and his report indicated that the construction of the landfill should not have an adverse effect to endangered species or their habitat. Please include Mr. Bonner's report as an appendix to the SOP.
14. 30 TAC §§330.159 & 330.371(2) – Section 23 (Landfill Gas Control)
The second bullet under the first paragraph of Section 23 states in part “. . . does not exceed 5 volume percent for methane . . .” Please revise to state, “The concentration of methane gas does not exceed 5% by volume in monitoring points, probes, subsurface soils, or other matrices at the facility boundary defined by the legal description in the permit or permit by rule,” to be consistent with the rule §330.371(2). See Comment# 15 below.

15. 30 TAC §§330.159 & 330.371 – Section 23 (Landfill Gas Control)
The documentation provided in Section 23 (Subsections 23.1 through 23.2) is not required in the SOP pursuant to the rule §330.159. This rule states that all landfill gases must be monitored in accordance with a landfill gas management plan in accordance with 30 TAC Chapter 330 Subchapter I.

It is strongly recommended that the above-referenced documentation in Section 23 be deleted, otherwise, revisit Section 23 (including Subsections 23.1 through 23.2) to ensure consistency with the requirements of 30 TAC Chapter 330 Subchapter I, and Part III, Attachment 14 (Landfill Gas Management Plan).

16. 30 TAC §330.161 – Section 24 (Oil, Gas, and Water Wells)
The first paragraph under Section 24 is identical to the first paragraph in the current SOP (Section 4.16), which states:

“There are no known oil wells and only one known water well within 500 feet of the site disposal area, although a records search indicates the possibility of two other wells on site. The well has been developed in excess of 150 feet below the lowest excavation to receive waste. The well provides water used for construction and operational purposes at the landfill. The other two wells have never been located.”

Please revisit this issue as to whether the documentation is still valid. In addition, identify *all wells* used to supply water at the facility that are located within the permit boundary, in accordance with §330.161(a). This modification also included Appendix D (Water Well Location Map), Page IV-37, dated August 15, 1996. Please revise Section 24 as necessary and provide an updated map.

17. 30 TAC §330.165 – Section 26 (Landfill Cover)
The rule §330.165(d) states that alternative daily cover may only be allowed by a temporary authorization under §305.70(m) followed by a major amendment or a modification in accordance with §305.70(k)(l). Subsection 26.1 (Daily Cover) must be revised to be consistent with the above rule.
18. 30 TAC §330.165 – Section 26 (Landfill Cover)
Subsection 26.2 (Intermediate Cover) is identical to the current SOP (Subsection 4.18.2). Please update and revise Subsection 26.2 to be consistent with the rule §330.165(c).
19. 30 TAC §330.165 – Section 26 (Landfill Cover)
Subsection 26.3 (Final Cover) is identical to the current SOP (Subsection 4.18.3). Please update and revise Subsection 26.3 to be consistent with the rule §330.165(f).
20. 30 TAC §330.165 – Section 26 (Landfill Cover)
Please revise Section 26 to address erosion of cover in accordance with the rule §330.165(g).
21. 30 TAC §330.167 – Section 27 (Ponded Water)
The above rule requires that a ponding prevention plan must be provided in the SOP that identifies techniques to be used at the landfill to prevent the ponding of water over waste, an

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inspection schedule to identify potential ponding sites, corrective actions to remove ponded water, and general instructions to manage water that has been in contact with waste. Please provide a ponding prevention plan and revise Section 27 to be consistent with the above rule.

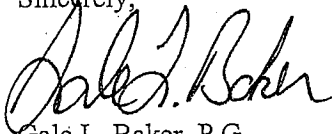
22. 30 TAC §330.171 – Section 29 (Disposal of Special Wastes)
Please revise the third bullet (Regulated Asbestos Containing Material (RACM)) under Subsection 29.2 (Waste Not Requiring Written Notice) to be consistent with the rule §330.171(c)(3)(A) through (I).
23. 30 TAC §330.173 – Section 29 (Disposal of Special Wastes)
Please revise Subsection 29.3 (Special Wastes Requiring TCEQ Approval) to be consistent with the rule §330.173(d)(1) through (3), regarding requests for authorization to accept Class 1 solid wastes. It is recommended that this portion of Subsection 29.3 (first paragraph with three bullets) be moved into Section 30 (Disposal of Industrial Wastes) to be consistent with the above rule.

~~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/ff

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