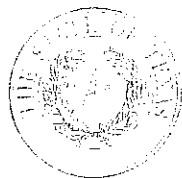


Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 5, 2009

Mr. John Gustafson  
Vice President  
IESI TX Corporation  
2301 Eagle Parkway, Suite 200  
Fort Worth, Texas 76177

Re: IESI East Texas Regional Landfill - Rusk County  
Municipal Solid Waste (MSW) - Permit No. 1249  
Permit Modification – Groundwater Characterization Report: Technical Review Completed  
Tracking Nos. 11994889, 12669674; RN102379815 / CN600321871

Dear Mr. Gustafson:

We have completed the technical review of the modification request dated March 10, 2008, and revisions dated April 20, 2009, regarding changes to the groundwater monitoring system at the referenced facility. The purpose of the requested changes is to address the revised groundwater monitoring and corrective action requirements in Title 30 Texas Administrative Code, Chapter 330, Subchapter J that became effective March 27, 2006 (2006 Revisions). The information presented is technically 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 Title 30 Texas Administrative Code (30 TAC) Section (§)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.

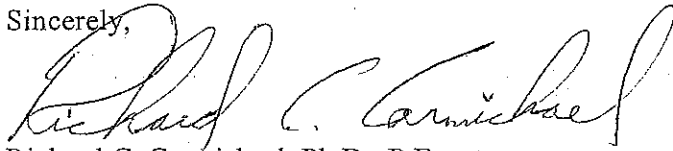
Mr. John Gustafson  
Page 2  
May 5, 2009

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 and a copy of the mailing list 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.

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

Sincerely,



Richard C. Carmichael, Ph.D., P.E.  
Manager, Municipal Solid Waste Permits Section  
Waste Permits Division  
Texas Commission on Environmental Quality

RCC/GLB/bwf

cc: Mr. Michael Snyder, P.G., Biggs & Mathews Environmental, Mansfield  
Mr. Joe Viecegli, IESI Regional Environmental Compliance Manager, Fort Worth  
Mr. Scott Hunter, District Manager, IESI DFW Region, Fort Worth  
Mr. Frank T. Polley, IESI East Texas Regional Landfill Manager, Henderson

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] and may be viewed online at [enter URL].

**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 or electronically submitted to <http://www5.tceq.state.tx.us/ecmnts/index.cfm> 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 the mailing list(s) you wish to be placed on 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](http://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 PERMIT OR REGISTRATION  
MODIFICATION PURSUANT TO 30 TAC §305.70**

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_,  
*(name of signatory)*

who being by me duly sworn, deposes and says that (s)he is the \_\_\_\_\_ of  
*(title)*

\_\_\_\_\_;  
*(name of permittee/registrant)* and that the attached Notice of Application and Preliminary

Decision was provided on \_\_\_\_\_ as required by Title 30 Texas Administrative Code,  
*(date)*

Chapter 39, Section 39.106, by first class mail to each property owner located within one-quarter mile of the  
above-named site, and to other interested and/or affected parties included on the attached mailing list.

\_\_\_\_\_  
*(signature of permittee/registrant or representative)*

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 \_\_\_\_\_  
*(date)*

# DRAFT

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**MODIFICATION TO  
MUNICIPAL SOLID WASTE PERMIT NO. 1249  
IESI EAST TEXAS REGIONAL LANDFILL**

Municipal Solid Waste (MSW) Permit No. 1249 is hereby modified as follows:

**Description of Change:**

Authorizes changes to the groundwater monitoring system to address the revised groundwater monitoring and corrective action requirements of Title 30 Texas Administrative Code, Chapter 330, Subchapter J that became effective March 27, 2006 (2006 Revisions).

The details of this permit modification are contained in the application revisions dated April 20, 2009.

**Part of Permit Modified:**

Site Development Plan:

Attachment 5, Groundwater Characterization Report

This modification is a part of Permit No. 1249 and should be attached thereto.

APPROVED, ISSUED, AND EFFECTIVE in accordance with Title 30 Texas Administrative Code, Chapter 305, Section 305.70(k)(4), and Chapter 330, Subchapter J.

ISSUED DATE:

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For the Commission

