

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*



RECEIVED
JAN 4 2008
MICHAEL A. DUFF

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 21, 2007

Mr. Michael Duff
Senior Vice President and General Counsel
Penske Truck Leasing Co., L.P.
P.O. Box 563
Rt. 10 Green Hills
Reading, Pennsylvania 19603-0563

Re: Withdrawal of May 13, 2004 Notice of Violation pursuant to Agreed Final Judgment by Penske Truck Leasing Co., L.P., Penske Logistics, L.L.C., Texas Disposal Systems Landfill, Inc. (TDSL), Texas Campaign for the Environment, and the Texas Commission on Environmental Quality in the following actions:
Cause Nos. GN-04-02245, GN-07-002750 and GN-07-003508

Dear Mr. Duff:

On May 14, 2004, Penske Truck Leasing Co., L.P. (Penske) was issued a Notice of Violation (NOV) concerning the management of waste generated during the October 9, 1997 tractor-trailer accident. Because Penske has complied with the terms of Agreed Final Judgment entered on November 20, 2007, requiring that the commingled waste on TDSL's premises be manifested, shipped, treated and disposed of at an authorized hazardous waste treatment and disposal facility, I am withdrawing the May 13, 2004 NOV. This action of withdrawing the May 14, 2004 NOV is in accordance with the Agreed Final Judgment. Please also find enclosed a copy of U.S. Ecology's authorization to accept the one-time shipment of the Commingled Waste.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Shankle".

Glenn Shankle
Executive Director

Enclosure

cc: John Sadlier, Deputy Director, TCEQ Office of Compliance and Enforcement
Stephanie Bergeron Perdue, Deputy Director, TCEQ Office of Legal Services
Matthew Baker, Director, TCEQ Enforcement Division
Cynthia Woelk, Natural Resources Division, Office of the Attorney General

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
H. S. Buddy Garcia, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 20, 2007

Mr. Ken Knibbs
General Manager
U.S. Ecology Texas, Inc.
P. O. Box 307
Robstown, Texas 78380

7004 1350 0002 7575 4756
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: Transmittal of Class 1¹ Permit Modification
U.S. Ecology Texas, Inc
Industrial Solid Waste Registration No. 50052
Hazardous Waste Permit No. 50052
EPA I.D. No. TXD069452340-1
WWC Nos. 12143262-2, 12143613; RN101445666/CN601650997

Dear Mr. Knibbs:

The Texas Commission on Environmental Quality (TCEQ) has reviewed your application for a Class 1¹ permit modification dated November 9, 2007, and received on November 12, 2007, requesting a one time authorization to accept D008 hazardous waste contained within MSW and clay soils generated by Penske Truck Leasing Company. We are also in receipt of your November 2, 2007, letter requesting authorization concerning the same waste. The Executive Director considers the November 2, 2007, request to be addressed through the processing of this Class 1¹ permit modification. The Texas Health and Safety Code Section 361.019 requires written authorization to accept municipal solid waste at an industrial waste facility; therefore, the request has been processed as a Class 1¹ modification to provide the requisite written authorization. This modification is based on the TCEQ order (Docket No. 2007-1019-IHW) dated July 30, 2007, concerning the Petition of Texas Disposal Systems Landfill, Inc.

Our evaluation indicates that the information presented is sufficient for a Class 1¹ permit modification. Transmitted herewith is the modification which is now part of your permit and should be attached thereto. Please note that notice of this modification request must be made as per the requirements of Title 30 Texas Administrative Code Sections 39.403 (c) and 305.69(b)(1)(B) within 90 days after approval of the change.

This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality.

Questions regarding this modification should be directed to Mr. Srinath Venkat of the Industrial & Hazardous Waste Permits Section at 512/239-6382. If responding by letter, please include Mail Code MC 130 in the mailing address.

Sincerely,

Handwritten signature of Katherine Nelson in cursive.

Katherine Nelson, Manager
Industrial & Hazardous Waste Permits Section
Waste Permits Division

KN/SV/fp

Enclosures

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



CLASS 1¹ PERMIT MODIFICATION
TO
HAZARDOUS WASTE PERMIT NO. 50052
U.S. Ecology Texas, Inc.- Robstown

Permit No. 50052 is hereby modified as follows:

Sheet 6 of 76

Provision I.B Permit Application

Insert the text in italics:

"... concerning installation of piezometers/test pits/monitoring wells, minor revisions closure plan, etc.; November 9, 2007, Class 1¹ modification requesting one time authorization to accept D008 hazardous waste contained within MSW and clay soils generated by Penske Truck Leasing Company; and which has been..."

Sheet 8 of 76

Provision I.C.5.

Add:

5. On a one time basis, the permittee may accept commingled D008 hazardous CRT waste contained within MSW and clay soils generated by Penske Truck Leasing Company as identified in the July 30, 2007, TCEQ order (Docket No. 2007-1019-IHW). As applicable, the permittee shall comply with the provisions of the TCEQ order.

This Class 1¹ Permit Modification is part of Permit No. 50052 and should be attached thereto.

Issued:

November 20, 2007

A handwritten signature in black ink, appearing to be "D. D. ...", written over a horizontal line.

For the Commission