



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

DEC 01 2005

Mr. Richard W. Lowerre
Lowerre & Frederick
Attorneys at Law
44 East Avenue, Suite 100
Austin, TX 78701

Mr. James B. Blackburn, Jr.
Blackburn & Carter
Attorneys at Law
4709 Austin St.
Houston, TX 77004

Re: Petition for Withdrawal of Program Approval for Texas RCRA
Hazardous Waste Program, Texas Disposal Systems Landfill, Inc.
Docket No: W/Petition - TX/RCRA-06-2006-0001


Dear Mr. Lowerre and Mr. Blackburn:

The U.S. Environmental Protection Agency (EPA) Region 6 is in receipt of your petition referenced above. It has been forwarded to the Regional office from EPA Headquarters for action. The EPA Administrator has delegated to the Regional Administrator the authority to perform all necessary actions regarding the proposed Resource Conservation and Recovery Act (RCRA) withdrawal of authorized RCRA programs in Region 6 states, and Texas is one of those states. Therefore, any future communications related to your petition should be directed to Mr. Troy Hill, Associate Director for RCRA, at the address above.

In accordance with regulations, the Region is in the process of informally investigating the allegations in your petition to determine whether cause exists to commence proceedings to determine whether the Texas RCRA program should be withdrawn. Please see the regulations governing such petitions at 40 CFR 271.23(b). The Region will be informally reviewing its files and other relevant information as part of this review. Therefore, if you have additional information you would like the Region to consider, please forward that information to Mr. Hill by December 16, 2005, referencing the docket number identified above.

Should you have any questions, please call Troy Hill of my staff at 214 665-6647 or the attorney assigned to this matter, David Gillespie, at 214 665-7467.

Sincerely,



Richard E. Greene
Regional Administrator

cc: The Honorable Alberto R. Gonzales, U. S. Attorney General
The Honorable Rick Perry, Governor of Texas
The Honorable Greg Abbott, Attorney General of Texas
The Honorable Kathleen Hartnett White, Chairman, TCEQ
Glenn Shankle, Executive Director, TCEQ
Gary Newton, TDSL
Kinnan Golemon, Brown McCarrol, LLP, Counsel for TDSL
Kerry Russell, Russell, Moorman & Rodridguez, LLP, Counsel for TDSL
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Pamela Giblin, Derek McDonald, William Johnson, Baker Botts, Counsel for Penske
Michael Duff, General Counsel, Penske
Philip Comella, Seyfarth Shaw, LLP, Counsel for Zenith Electornics Corporation