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Margaret Hoffman, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 13, 2004

Mr. Bob Gregory
Texas Disposal Systems Landfill, Inc.
P.O. Box 17126
Austin, TX 78760-7126

Re: Zenith Cathode Ray Tubes (CRT); Accident of October 9, 1997

Dear Mr. Gregory:

The Texas Commission on Environmental Quality (TCEQ) has reviewed the circumstances surrounding the referenced incident of October 9, 1997. We understand that, after Texas Disposal Systems Landfill's (TDSL) receipt of notification that the CRT waste was hazardous, TDSL immediately stopped receiving the CRT waste at the landfill. TDSL then isolated the CRT waste and the day's receipts until such time as the waste could be removed by Penske and Zenith from TDSL's premises. On October 10, 1997, TDSL placed additional clay soil cover over the CRT waste. On October 16, 1997, TDSL made a written request of Penske and Zenith to remove the CRT waste. On February 23, 1998, TDSL filed suit against Penske and Zenith seeking the removal of the CRT waste from TDSL's premises. Based on these actions and TDSL's demonstrated good faith efforts to mitigate the environmental effects arising from this matter, TCEQ requires no further action from TDSL on this matter, other than to allow Penske access to the site for the proper removal of the CRT waste.

If you have any questions or wish to discuss this matter further, please do not hesitate to contact me at 512/239-3900.

Sincerely,

A handwritten signature in cursive script, appearing to read "G. Shankle".

Glenn W. Shankle
Acting Executive Director

cc: Mr. Gary Newton, General Counsel, Texas Disposal Systems, P.O. Box 171267, Austin, TX