

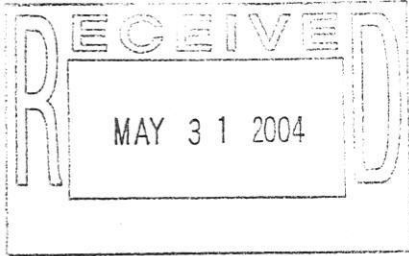
Kathleen Hartnett White, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Larry R. Soward, *Commissioner*  
Margaret Hoffman, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 25, 2004



Mr. Bob Gregory  
President & CEO  
Texas Disposal Systems, Inc.  
P.O. Box 17126  
Austin, Texas 78760-7126

Re: Zenith Cathode Ray Tubes (CRT); Truck accident of October 9, 1997 and subsequent handling of CRT waste accident debris at the accident scene and at the TDSL landfill; TCEQ Permit No. 2123; Travis County

Dear Mr. Gregory:

I am writing in response to your letter to me dated May 21, 2004, requesting clarification of issues in my letter to you dated May 13, 2004 relating to the referenced matter.

Your letter requests clarification of three specific issues in addition to two questions regarding any other agency personnel participation in further court proceedings related to this matter.

I will address your issues in the number sequence they have been presented in your letter.

1. Texas Disposal Systems Landfill, Inc. (TDSL) is not the generator of the hazardous CRT waste which came from the Penske/Zenith truck accident scene on October 9, 1997; nor is TDSL the generator of the volume of commingled waste that was contaminated by the CRT waste and isolated for storage within the landfill on February 24, 1998 and relocated into 99 roll-off containers during the period from January 29, 2004 to February 3, 2004.

Answer: Based on our review, Penske generated the hazardous CRT waste and is responsible for the proper disposal of the waste. TCEQ will not pursue any action against TDSL related to TDSL's handling of the waste. TDSL's only responsibility at this time is to allow access to its site for the proper removal of the waste.

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2. Based upon the TCEQ's investigation of this incident, which began on October 9, 1997, the TCEQ has not identified any TDSL permit violation or any TDSL violation of state or federal hazardous or non-hazardous waste regulations regarding TDSL's handling of the CRT waste.

Answer: TCEQ has determined that TDSL is not required to take any further action with respect to the CRT waste. TCEQ will not pursue any action against TDSL related to TDSL's handling of the waste.

3. The TCEQ believes that TDSL, with regard to this incident, acted with reasonable prudence and in good faith and has exercised the care that would be expected of a landfill operation like TDSL's under the same or similar circumstances.

Answer: TDSL acted in a responsible manner to ensure that the waste did not impact human health or the environment.

Finally, with regard to your questions as to whether I and other TCEQ employees will participate in the trial related to this matter, TCEQ will fully cooperate with the court and will participate to the extent the court deems necessary.

I hope this letter clarifies your questions.

Sincerely,



Glenn Shankle, Acting Executive Director  
Texas Commission on Environmental Quality