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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 15, 2004

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

Re: Commingled Cathode Ray Tube Regulated Hazardous Waste
Texas Disposal Systems Landfill, Inc.
TCEQ Permit No. MSW-2123
Travis County, Texas

Dear Mr. Gregory:

This letter is in response to our recent conversation where you raised an issue regarding the placement of approximately 1,660 compacted cubic yards of commingled hazardous and municipal solid waste into plastic covered transport containers. There appear to be many issues relating to the events that led to the receipt of this waste at your facility which I do not address by this letter. However, given the environmental considerations associated with this waste material being managed in your landfill, it is acceptable to place the referenced waste material into transport containers and to ship the waste material to an authorized facility.

You also raise an issue regarding a landfill operator accepting for disposal a generator designated and characteristic hazardous waste and then mixing it with nonhazardous waste to the degree that it can be sampled and tested sufficiently to satisfy the TCEQ that it is a nonhazardous waste. 40 Code of Federal Regulations Section 268.3 prohibits dilution as a means to render a characteristically hazardous waste non-hazardous.

Should you have additional questions or comments, please feel free to contact me at 239-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "Wade M. Wheatley".

Wade M. Wheatley, P.E., Director
Waste Permits Division

WMW/jm