

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 18, 2004

Mr. Marc E. Althen  
Senior Vice President  
Penske Truck Leasing  
P. O. Box 563  
Reading, Pennsylvania 19603-0563

Dear Mr. Althen:

We have received your recent letter describing your proposed plan for removal and disposal of waste located at the Texas Disposal Systems Landfill (TDSL). This waste was generated as result of emergency response cleanup activities related to an accident involving a Penske Truck Leasing (Penske) truck carrying Zenith picture tubes. Penske submitted the plan in response to a Notice of Violation issued by the Texas Commission on Environmental Quality (TCEQ) dated May 13, 2004.

According to your letter, Penske proposes the following actions:

- Transfer the contents of the 99 roll-offs to 30-yard end dump transportation vehicles over a two-day period in June 2004.
- Transfer and dispose of the waste as Municipal Solid Waste in the Class I cell at the BFI Tessman Road Landfill.
- Submit written documentation of completion of removal and disposal activities to TCEQ by July 13, 2004.

Please note that, based on our discussions, we understand that you are proposing to dispose of the waste as a special waste. We have reviewed your plan and approve your approach of transferring the waste from the TDSL facility and disposing of it as special waste. We also understand that you will ensure that the wastes are disposed of at a facility authorized to accept special wastes. Before the waste can be disposed of as a special waste, you must receive approval from the TCEQ. To receive authorization for disposal, please complete TCEQ Form 0152 (Request for Authorization for Disposal of a Special Waste) and submit it to the MSW Permits Section, Waste Permits Division, TCEQ, P.O. Box 13087, MC 124, Austin, Texas 78711-3087. You may also fax the completed form to (512) 239-6000.

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Please also note that regarding the transfer of roll-off contents, we do have concerns about the potential for odors and particulates generated as a result of transfer of the materials from the roll-offs to the 30<sup>th</sup> yard end dump transportation vehicles. Removal of the roll-offs in their current state would address this concern. An alternative approach would entail Penske achieving consent from TDSL for the unloading and transfer of the waste on its site and we would expect that appropriate measures to mitigate odors and particulates would be undertaken.

We look forward to receiving your completion report by July 13, 2004 as required in the May 13, 2004 Notice of Violation. Please feel free to contact me at (512) 239-5100 if you have any questions.

Sincerely,



John F. Steib, Jr., Deputy  
Office of Compliance & Enforcement  
Texas Commission on Environmental Quality