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May 28, 2008

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Client No.: 1635-03

From: Paul Gosselink

No. of Pages: 5 + cover sheet

Comments: SOAH Docket No. 582-08-2178  
TCEQ Docket No. 2007-1774-MSW  
In re Permit Amendment Application of BFI Waste Systems of North America, LLC  
MSW Permit No. 1447A

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May 28, 2008

Judge William E. Newchurch  
State Office of Administrative Hearings  
300 W. 15<sup>th</sup> Street, Suite 504  
Austin, Texas 78701

Re: Sunset Farms Landfill Permit Amendment - Application Revision Pages  
SOAH Docket No. 582-08-2178  
TCEQ Docket No. 2007-1774-MSW  
Permit Amendment Application of BFI Waste Systems of North America, LLC  
MSW Permit No. 1447A

Dear Judge Newchurch:

On May 16, 2008 the Applicant provided the ALJ and all parties a bates-stamped copy of the Application. The Applicant anticipates this will be the final version and the one it will go to hearing on. This bates-stamped copy of the Application has some minor changes from the copy which was approved by the TCEQ and has been on file in the public library. These changes have been submitted to the TCEQ and the Executive Director has conducted a preliminary review of the proposed changes and agrees they should be included as revisions to the Application. These revisions are administrative in nature and incorporate two basic changes. First, it was revised to reflect the name change from BFI Waste Systems of North America Inc., to BFI Waste Systems of North America, LLC, as approved in the permit transfer modification issued on April 3, 2008. Second, various revisions were incorporated to address certain administrative/typographical/consistency items which the TCEQ MSW staff identified subsequent to the time the Application was deemed technically complete and the draft permit was issued.

The Staff indicated to us that they would like these administrative changes to the application addressed either through prefiled testimony or through revisions to the Application, if a procedural opportunity presented itself. In light of the fact that the Applicant received approval for a permit transfer modification to change its name from BFI Waste Systems of North America, Inc., to BFI Waste Systems of North America, LLC, a procedural opportunity was created. The additional minor administrative changes included are summarized in the attached memo. That memo lists the items as identified by the staff and summarizes the changes as

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implemented by BFI. If any party desires a red-line strikeout set of pages to supplement their understanding of the changes reflected in the summary sheet, please let me know.

Respectfully submitted,



Paul Gosselink

PGG/mpj

cc: Mr. Steve Shepherd  
Ms. Susan White  
Ms. Christina Mann  
Mr. Kevin Morse  
Ms. Holly Noelke  
Ms. Meitra Farhadi  
Mr. Bob Renbarger  
Mr. J. D. Head  
Mr. Jim Blackburn

## SUMMARY OF COMMENTS AND RESPONSES

## SUNSET FARMS LANDFILL PERMIT AMENDMENT APPLICATION

Comments from Arten Avakian E-Mail dated 9/10/07

Comment Line Number	Comment/Item Description	Response to Comment
2	Update Title Page and TOC with PE seals	Provide new pages
5	Part A, Pg 7 of 9, TXR05F27 missing last 7	Revise part A form
6	TXR05V271 not on Part A	Revise Part A form to add
6	TXR05O364 not on Part A	Expired permit, no revision necessary
8	O-01452 not on Part A	Revise Part A form to add
11	Part A waste numbers 3,150 tpd avg/5,000 tpd max	Current numbers in Part A form are ok, no revision necessary
13	12 years stated on LB-2, should be 9 years	Revise page to reflect remaining site life as 9 years from 2006
14-17	12 years stated on additional pages Also states 12 yrs in other sections => 79 yrs: II.H-6 (re wetlands), 2 <sup>nd</sup> ¶, 4 <sup>th</sup> -to-last sent II.I-1 (re habitat), 2 <sup>nd</sup> ¶, 3 <sup>rd</sup> -to-last sent III-SDP-7 (SDP Narr), Sec. 6.0, 1st ¶ (12 yrs life as of Jan 2005, vs. 10 yrs in Tech Sum)	Revise pages to show correct number
18-22	Correct additional volume should be 10,630,000 cubic yards IIIA: starting at ~137,799 cu yd/mo (vs 120,000 stated in narr), 1% increase/yr, amendment adding 10,600,000	Revise pages as necessary, 10,630,000 is correct, IIIA site life calc page only page revised, revise III-SDP-6 for 1% increase
23	IIIA: starting at ~137,799 cu yd/mo (vs 120,000 stated in narr), 1% increase/yr, amendment adding 10,600,000	Revise page as necessary
24	III-ATT12-10, Sec. 3.4: total in-place waste w/in permit boundary will be approx. 41.7 million CY Total in-place waste volume shown as 41.7 million	Revise to 38,333,735
25	IV, Sec. 3.5: 1,376,000 TPY max [1,845,000 CY / 1500 lbs/CY]	Numbers are correct, no revisions necessary
27-31	I.B.2, Conformance w/RSWMP discussion	Revise text to delete conditional requirement
33	I.H-1: at top change Mobley to Mobley + BFI	*Revise page heading to add BFI
34	I.I, large map: modify note for 176.10 acres to explain it is	*Revise map

	the remainder of 176.10, and add current ac in	
36	I.J-1: 2 <sup>nd</sup> to last ¶ of surveyor's descr for 172.531 ac states 172.631 ac	*Revise text to correct typo
37	I.J-3: identify property better (i.e., 349.363 ac, 9912 Giles Road instead of 10200 Giles Lane, change 54.119-ac to 54.13?, and explain role/fate of Tiger Corp.	Revise page I.J-3, Add explanation page that Giles Lane is synonymous with Giles Road
41-44	I.L-3 (table): Update equip table on p. I.L-3 to match the revised table in SOP	Revise to delete "Road" and change 10 cy to 30 cy
46-49	II.F-1, Match GW well numbers to Att 4/5	Revise text to correct typo on numbers of wells
50	II.F-1 GW flow rate should be 6ft/yr	Revise text to reflect 6 ft/yr
51	II.H, Fig 2 (by Horizon): Illegible/overprinted portions	Revise figure
52	II.K-1, (Agency Coordination): Update the ¶ re conformance w/RSWMP	Revise text to reflect conformance
55	III-SDP-15, Sec. 15: Last sentence mentions ADC	Revise text to remove ADC
57	Att 2 (4 sheets): Label endpoints (e.g. A & A') on fill cross sections	Cross section drawings okay, no change proposed
58	Att 4, Table 4-14: Indicate units (cm/sec)	Revise table to add units
59	Att 4, App 4G: Should do infinite slope stability analysis for final cover	Revise application table to indicate where analysis appears
60	Att 5, Sec. 2.3: Rule cite 330.239 re GW5AP in last sent s/b 330.233?	Revise text to correct typo
61	Att 6, Sec. 1, 1 <sup>st</sup> ¶: Intro still refers to 11.2-ac reconfiguration and states that capacity increase is 9,700,000 CY	Revise text to correct
62	Att 12, Sec. 3.2: States final cover system will be completed w/in 180 days of last receipt, vs. Sec. 4.1, 5 <sup>th</sup> bullet (p. 12-11) final closure activities to be completed w/in 180 days following beginning of closure	Revise text to state that closure will be initiated within 180 days
64	Att 12, Sec. 3.4: Total in-place waste vol ~41.7 MCY, conflicts with Part III, App. III-A (~38.3 MCY)	Revise text to correct typo
65	Att 14, Sec. 6.1, 2 <sup>nd</sup> ¶; & 6.3: List Standard Permit No. 70311 (iss 11/21/03, RN100542752) for LF & flare	Part A to be revised to list permit
65	General Operating Permit (Title V Permit) No. O-01452, which is not listed on Part A form	Part A to be revised to list permit
69-73	Att 14, Sec. 6.1, last ¶: Lists Standard Permit No. 76954 (10/24/05) and [General] Operating Permit No. 02652 (dated 3/2/06) for LFGTE facil	Not for landfill, gas plant only, no changes proposed
74	Att 15: Include statement(s) about accounting for potential groundwater infiltration to LCS (include refs to App 15-G)	Revise text to refer to Appendix 15-G
75	Att 15, Sec 2.3: Measuring leachate level "relative to top of the sump elevation" (conflicts w/HELP assumption?)	Consistent with HELP model, no changes proposed
76	Att 15, Sec. 5.5: Contemplates future leachate & contam water evap, or discharge after onsite treatment, but no details; delete options which are in the future and not yet authorized	No changes proposed to text, permit currently states that it's not authorized
78, 79	lighten up Sec. 5.5 & 5.6 re leachate & contam water fate, including gas condensate; specify no leachate/gas condensate	No change proposed, requirements stated in permit

	recirculation will occur	
80-82	Not clear about recirc (8/21/07: ACE advises facility is currently authorized but no recirculation has occurred since ~11/01, and amendment not proposing (and annual rpts still say they do recirc) => revise, and add definitive statement that recirc will not occur	No change proposed, permit states that this is not authorized
83	Att 15, Sec. 5.5 & 5.6: Identify the NPDES (TPDES?) and other required permits	Identified in other sections, no change proposed
87	Pagination / page break problems beginning on p. IV SOP-29 (repeated text, p. nos.)	Revise to correct pagination
88	Sec. 11.1: Ref map in Sec. I.I for easements	Application references easement map as part of SOP
89	Sec. 11.2: Specify how buffer will provide for provide for safe passage for fire-fighting and other emergency vehicles	No changes proposed
90	Sec. 13: Indicated distance on Johnny Morris Rd <2 miles => what will BFI do to pick up there	Change road location to better indicate 2 mile distance
91	Sec. 15.1: Permit No. O-01452 (authzd 10/10/00) not listed on Part A form, not in/conflict w/info in Att 14 Sec. 6	Part A form to be revised to reflect this permit
92	Sec. 16.1: Doc of vector inspns maintained on-site for 3 yrs => what happens after that (do rules require to keep thru pcc?)	Change text to reflect to be placed into operating record
93	Sec. 17.2, last sent: What is "excessive" mud deposited from trucks?	No change proposed
94, 95	Section 23.6: Daily cover inspns and repair? => revise to state that inspection of cover for erosion will occur the next operating day after meas rainfall (including weekend operating days, and repair within 5 days (rather than "promptly")	Change to add that inspections will occur Monday through Saturday
98	Ask Michael Stewart to have Addicks correct Central Reg info for RN104435714 (Addicks at Sunset Farms Landfill, refueling) Address, zip code, physical location (s/b same as for the LF [RN100542752]?)	Fuel tank already removed from site, Ask Addicks to update Central Reg
100	Fate of well 58-44-102 in? floodplain area?	No revisions proposed, no additional info on well
101	Att 2: What is the liner-looking detail shown on E end of fill cross section D-D' (Att 2, Sheet 4 of 4)	It depicts the location of the liner, no changes proposed
102	Have surface emission surveys ever detected escaping LF gas? (WWW monitoring results)	Yes and they are addressed, sampling done quarterly and reported semi-annually to TCEQ and EPA, no changes proposed for application
	Gas generation table of Att 14 reflects site closing in 2018	Revise table to reflect closing in 2015
	Application indicates BFI Waste Services of North America, Inc., not BFI Waste Services of North America, LLC	Add page that Inc is synonymous with LLC

\* Will be revised and included at later date.