Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 28, 2007

Mr. John A. Comeaux, P.E.
Director of Public Works
City of Port Arthur
444 Fourth Street
Port Arthur, TX 77640

Re: Municipal Solid Waste (MSW) - Jefferson County
City of Port Arthur Landfill - MSW Permit No. 1815A
Temporary Authorization: Alternative Daily Cover (ADC)
WWC No. 11911579; RN100225390/CN600132021

Dear Mr. Comeaux:

We have reviewed your request dated October 8, 2007 and received by the MSW Permits Section on the same day for a temporary authorization to revise your permit to use the Newpark material as ADC at the referenced facility. Our evaluation indicates that the information presented is sufficient to allow a temporary change to the permit for the temporary use of the Newpark ADC, for a term not to exceed 180 days in accordance with Title 30 of the Texas Administrative Code, Section 305.70(m)(1). This trial period will enable the City of Port Arthur Landfill to continue working with the TCEQ to obtain full authorization to use the alternate daily cover on a permanent basis.

Enclosed is a copy of the referenced temporary authorization which should be maintained in your files. The documentation prepared and submitted to support the temporary authorization request is considered requirements of the permit.

If you have any questions concerning this matter, please contact Mr. Frank Zeng at (512) 239-1132. When addressing written correspondence, please use Mail Code 124 (MC 124).

This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality.

Sincerely,

Richard C. Carmichael, Ph.D., P.E.
Manager, Municipal Solid Waste Permits Section
Waste Permits Division

RCC/FZ/ff

Enclosure

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TEMPORARY AUTHORIZATION TO
MUNICIPAL SOLID WASTE PERMIT NO. 1815A
CITY OF PORT ARTHUR LANDFILL

Municipal Solid Waste Permit No. 1815A is hereby authorized as follows:

Description of change(s):

City of Port Arthur Landfill is hereby authorized to temporarily use the Newpark material as an Alternative Material Daily Cover (ADC). The material is hereby approved to be used on a temporary-trial basis only, subject to the following conditions.

1. The source of Newpark material used for ADC shall be limited to the single dedicated stockpile located at Newpark's facility. Newpark shall use a third party contractor to sample stormwater generated from that stockpile for each discharge event prior to entering the detention pond and commingling with stormwater from other sources. Samples shall be analyzed for pH, total metals, and total organic carbon. The results of the analysis shall be submitted with written status reports required by item 7 below.

2. As required by Title 30 of the Texas Administrative Code (30 TAC), Section (§)335.510, Newpark shall document that the material shipped to the City's landfill does not exceed the concentrations listed in Table 1, Constituents of Concern and Their Maximum Leachable Concentrations, located in §335.521(a)(1) using the analytical and sampling methods required by §335.509. Concentrations of Total Petroleum Hydrocarbons (TPH) shall be determined using Texas Commission on Environmental Quality Method 1005.

3. A maximum seven day supply of the Newpark material may be stockpiled within the active working face and applied only on the landfill working face as ADC. Newpark material shall not be stockpiled or applied at any other location at the City's landfill. All stormwater contacting the stockpile shall be considered contaminated water and shall be manage as such. The Newpark material stockpile shall be managed such that dust and odors do not create nuisance conditions in the surrounding area.

4. A minimum thickness of six (6) inches of Newpark material shall be applied as ADC and shall be applied only to landfill areas that are lined with a Subtitle D composite liner system that provides for leachate collection and removal.

5. The City of Port Arthur shall sample leachate generated at the landfill a minimum of once per month during the temporary authorization period and analyze the samples for constituents specified in §330.419.

6. Use of ADC is limited to a 24-hour period after which either waste or daily cover as defined in §330.165(a) must be placed.

7. A written status report must be submitted on a two-month basis to the executive director during the trial period. The reports shall contain information describing the effectiveness of the alternative material, any problems that may have occurred, and any corrective action required as a result of such problems. The report shall also include the results of the analysis required in item 1 above.

The documentation prepared and submitted to support the temporary authorization request shall be considered as requirements of the permit.

APPROVED, ISSUED, AND EFFECTIVE in accordance with 30 TAC, §305.70(m)(1) for 180 days.

ISSUED DATE:

NOV 28 2007

For the Commission

Certificate of Service

I, Eric Allmon, hereby state that a true and correct copy of the foregoing Motion to Overturn the Executive Director's (ED) November 28, 2007 Temporary Authorization for Acceptance of Newpark Waste as Alternate Daily Cover by City of Port Arthur Landfill has been sent on this day, the 21st day of December, 2007, by U.S. first-class mail and/or facsimile transmission to those listed below.

Eric Allmon

For the TCEQ Chief Clerk:

LaDonna Castanuela
Chief Clerk, TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087
(512) 239-3311 (fax)

For the Executive Director:

Guy Henry
Legal Division
Texas Commission on Environmental Quality
MC-173
P.O. Box 13087
Austin, Texas 78711
(512) 239-0606 (Fax)

For the Public Interest Counsel:

Vic McWherter
Office of the Public Interest Counsel
Texas Commission on Environmental Quality
MC-103
P.O. Box 13087
Austin, Texas 78711
(512) 239-6363
(512) 239-6377 (fax)

For the Applicant:

Mr. John A. Comeux, P.E.
Director of Public Works
City of Port Arthur

444 Fourth Street
Port Arthur, TX 77640