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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 28, 2016

**Certified Mail**  
**91 7199 9991 7031 8234 8891**

Mr. William Killian  
President  
K2 Waste Solutions, LLC  
10185 FM 1960  
Dayton, Texas 77535

Re: Administrative Notice of Deficiency Letter  
K2 Waste Solutions, LLC - Transfer Station  
Dayton, Liberty County, Texas  
Proposed Municipal Solid Waste Permit Number: 2394  
CN604942383/RN109452870  
New Type V Transfer Station Permit Application

Dear Mr. Killian:

The Texas Commission on Environmental Quality (TCEQ), Waste Permits Division has conducted an administrative review of the permit application received October 17, 2016, for K2 Waste Solutions, LLC - Waste Transfer Station. Our review indicates that additional information must be presented to demonstrate compliance with Title 30 Texas Administrative Code (TAC) Sections 305.45 and 330.57.

Please note that this letter does not represent a detailed technical review of the application, but rather identifies certain portions of the application which have been omitted or are clearly deficient. A detailed technical review will be conducted after submittal of your response to the deficiencies noted below which follow the format of the TCEQ Municipal Solid Waste permit application form.

The deficiencies noted in the enclosed table follow the format of the TCEQ Part I Municipal Solid Waste Permit Application form. Each deficiency is uniquely identified in the enclosed table "Application Deficiencies - Administrative NOD #1" and requires your response. Responses to these deficiencies must be submitted before the application can be declared administratively complete.

Please note, when providing your response you must:

- 1) Refer to the unique deficiency identifier;
- 2) Include the location in the permit application where your response requires revisions or where you provide additional information;
- 3) Include any other narrative necessary to explain your response; and
- 4) Include replacement pages for insertion into the application; and

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President  
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Re: Proposed Municipal Solid Waste Permit Number: 2394

- 5) Each replacement page should contain a revision date and revision number.
- 6) If a revision to the application causes text to shift and/or pagination to change, please provide all pages affected by the revision(s).

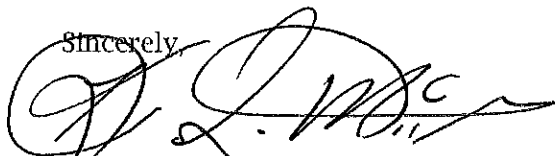
An electronic copy of the table is available upon request.

Please submit an original and three (3) copies of your application revisions, including new signature pages within 30 days of the date of this letter. Please ensure that the date the signature is signed by the owner and operator is the same date subscribed and sworn in by the Notary Public. Please also ensure that the Notary Public signs and dates the original signature page.

Failure to submit the requested information within thirty (30) days of the date of this letter may cause the application to be removed from our list of pending applications and returned to the applicant.

If you have any questions regarding this matter, please contact me at (512) 239-4112. If you respond in writing, please include (MC-126) in the mailing address.

Sincerely,



Keiandré J. McGruder, License and Permit Specialist  
Business & Program Services Section  
Waste Permits Division  
Texas Commission on Environmental Quality

Enclosure

cc: Mr. Bob Staehs, P.E., Everett Griffith, Jr. & Associates Inc. - Lufkin

# Application Deficiencies - Administrative NOD # 1

ID <sup>1</sup>	구분 번호	App. Section	Location <sup>2</sup>	Citation	Error Type <sup>3</sup>	Deficiency Description/Resolution
A1	-	Entirety	-	330.57(g)(1)	Omitted	Please revise and resubmit the application with new title pages, table of contents, and the Part I Form section to include the newly proposed <u>MSW Permit No. 2394</u> with revision date.  The revised application must be submitted in <u>three ring binders</u> with appropriate cover pages. Please provide the URL address of a publicly accessible internet web site where the application and all revisions will be posted.
A2	I	5	Pg. 1	330.57(i)(1)	Omitted	Please revise and resubmit Page 2 of the Part I application regarding the public place where the application is to be held. The location currently provided is privately owned. A public location is defined as (i.e. City Hall, Public Library, or Courthouse etc.)
A3	I	8	Pg. 2	-	Incorrect	The information in required in order to complete the public notice.
A4	I	12	Pg. 3	305.45(a)(3)	Incomplete and Inconsistent	Please revise and resubmit Page 3 of the Part I application regarding the General Facility Information using the newly assigned Customer and Regulated Entity Numbers as follows:  <ul style="list-style-type: none"> <li>• <u>CN605248467 (Owner)</u></li> <li>• <u>CN604942383 (Operator)</u></li> <li>• <u>RN109452870 (Regulated Entity)</u></li> <li>• <u>MSW Permit No. 2394</u></li> </ul> Please confirm the Regulated Entity name which must be used throughout the application:  <ul style="list-style-type: none"> <li>• <u>K2 Waste Solutions</u></li> <li>OR</li> <li>• <u>K2 Waste Solutions, LLC Waste Transfer Station</u></li> </ul>
A5	I	16	Pg. 4	305.45(a)(4)	Incomplete	Please revise and resubmit Page 4 of the Part I application. A <b>brief description of the activities</b> that will be taking place at the proposed new site. This information is needed in order to draft the public notice.

ID <sup>1</sup>	App. Section	Location <sup>2</sup>	Citation	Error Type <sup>3</sup>	Deficiency Description/Resolution
A6	17	Pg. 4	-	Incomplete	Please revise and resubmit Page 4 of the Part I application regarding the Facility's Contact information. Please include a contact person first and last name along with their professional title next to the business name.
A7	17	Pg. 5	-	Incomplete	This information is required in order to draft the public notice. Please revise and resubmit Page 5 of the Part I application regarding the Consultant's Contact information. Please include the consultant's first and last name along with their professional title next to the business name.
A8	20	Pg. 7	30 TAC 39.103(c)	Typo	This information is required in order to draft the public notice. Please correct the spelling of "Service" for the County Health Authority.
A9	Signature Page	Pg. 9	281.5(1)	Incomplete	Please resubmit a revised signed and notarized signature page.
A10	Part I Attach	Attach 7	-	Incomplete and Inconsistent	<p>Please revise and resubmit the TCEQ's Core Data Form (CDF) using the newly assigned Customer and Regulated Entity Numbers as follows:</p> <ul style="list-style-type: none"> <li>• <u>CN605248467 (Owner)</u></li> <li>• <u>CN604942383 (Operator)</u></li> <li>• <u>RNI09452870 (Regulated Entity)</u></li> <li>• <u>MSW Permit No. 2394</u></li> </ul> <p>Please confirm the Regulated Entity name which must be used throughout the application:</p> <ul style="list-style-type: none"> <li>• <u>K2 Waste Solutions</u></li> <li>or</li> <li>• <u>K2 Waste Solutions, LLC Waste Transfer Station</u></li> </ul>

ID <sup>1</sup>	Title	App. Section	Location <sup>2</sup>	Citation	Error Type <sup>3</sup>	Deficiency Description/Resolution
A11	I	10	Attach C	330.59(c)(3)(A) 281.5(6) 305.45(a)(6)(D)	Omitted and Incorrect	Please address the mineral interest ownership section of the application.  Also please submit four (4) sets of pre-printed mailing labels for the names and addresses of the adjacent landowners only. The proper format to provide the required set of labels will be label sheets that have 30 labels to a page, 3 columns per page and 10 names per column. Each name and address must be typed in the format that meets the United States Postal Service requirements for machine readability. Each letter in the name and address must be capitalize, contain no punctuation, and the appropriate two-character abbreviation must be used for the state. Please omit the permit number and applicant's name on the top line when sending labels.
A12	I	Part I Attach	Pg. 10	305.45(a)(8) 281.5(5)	Omitted	Please provide a Supplementary Technical Report in accordance with the Texas Administrative Code (TAC) cited.
A13	I	Part I Attach	Pg. 10	330.59(d)(2) (A)(B)(C)	Omitted	Please provide a signed property owner affidavit acknowledging the State may hold the owner responsible for deed records before & after operation and that the State shall have access during life and post-closure of the site in accordance with the (TAC) cited.
A14	I	Part I Attach	Attach 6	330.59(f)(3)(4)	Omitted	Please address the Evidence of Competency in accordance with the (TAC) cited.
A15	II	9	Attach H	330.61(i)(4)	Omitted	Please provide documentation of coordination with TXDOT in accordance with the (TAC) cited.

<sup>1</sup>Deficiency ID - Key: A#=Administrative deficiency (ex. A12); T#=Technical deficiency (ex. T10); C#=Comment only (ex. C1); Number in parenthesis (n) = nth instance of same deficiency (ex. T1(2) is the second instance of deficiency T1 originally identified in previous NOD). <sup>2</sup>Location of deficiency in submittal/application. Items in square brackets [ ] refer to applicant's supplemental information submitted as attachments to the application form. <sup>3</sup>Possible Error Types, one of: Ambiguous, Incomplete, Inconsistent, Incorrect, Omitted, Typo, or Wrong Format.