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September 15, 2011

**Brown** AND  
**Caldwell**

Texas Commission on Environmental Quality  
Mr. Ruben Meza, Jr.,  
Municipal Solid Waste Permit Section - MC-124  
Waste Permits Division  
P.O. Box 12087  
Austin, TX 78711-3087

RE: Liquid Environmental Solutions of Texas, LLC.  
MSW Permit No. 2250 - Austin, Texas Facility  
Revision Permit Modification - Name Change Notice of Deficiency (NOD) Response  
RN101477446/CN603229436

Dear Mr. Meza:

On behalf of our client, Liquid Environmental Solutions of Texas LLC., Brown and Caldwell is responding to the Notice of Deficiency dated July 19, 2011 for the referenced facility.

Items 1 through 4 in the TCEQ NOD letter references a redline/strikeout version of the Site Development Plan (SDP) and Site Operating Plan (SOP) that were included in the original submittal. It has come to our attention that these two documents are not required to be submitted under a request for a name change; therefore, we are withdrawing the SOP and the SDP from this name change submittal. In addition, the items in this submittal under this NOD do not require a revision number; therefore, no revision number is included for these items. Items 5 through 7 are addressed below.

*TCEQ Item 5: The PMA contains inconsistent information regarding the name of the facility. The cover letter refers to the facility as "Liquid Environmental Solutions (LES) Austin, Texas Facility"; the TCEQ Core Data Form (TCEQ Form No. 10400) and the Permit or Registration Application for a MSW Facility Part I Form (TCEQ Form No. 0650), list the name of the facility as "Liquid Environmental Solutions of Texas, LLC, Austin, Texas Facility"; and Central Registry lists the facility name as "Liquid Environmental Solutions of Texas". Please revise the application to be consistent with naming the facility or changing the facility name. Please ensure that a properly completed Core Data Form is provided in order to change the name of the facility.*

Response: The proper name of the facility is "Liquid Environmental Solutions of Texas, LLC". The Core Data Form originally submitted is accurate (see Box 9 of the Form).

*TCEQ Item 6: It is not clear whether the person who signed the signature page located on page 10 of the TCEQ Form No. 0650 meets the requirements of 30 TAC §305.44 (related to Signatories to Applications). Please include documentation that the person who signs the signature page has the signing qualification as specified in 30 §305.44 and Section G of the TCEQ Form 0650.*

Mr. Meza  
September 16, 2011  
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Response: A notice that the person who signed the signature page has the signing qualification is enclosed.

*TCEQ Item 7: Please note that the property affidavit, located on page 9 of the TCEQ Form No. 0650 does not contain the owners printed name. Please submit an updated property owner affidavit that will include the property owner's printed name, signature, and date.*

Response: A revised affidavit is included.

In accordance with 30 TAC §305.44, an original certificatio statement is included with this submittal.

In accordance with your letter, no marked copies are required with this submittal revision. Two unmarked copies are included with this submittal and one unmarked copy has been provided to the TCEQ Region 11 Office to the attention of Barry Kalda, Waste Program Manager.

As required under 30 TAC §305.70, a complete copy of this revised permit modification application including all supplements to the application has been posted on the facility's website. The website address where the application can be found is:  
[www.liquidenviro.com/notices/index.html](http://www.liquidenviro.com/notices/index.html).

In accordance with 30 TAC §305.70(k) (13), once the modification is approved and issued, LES will mail a post-issuance public notice.

Brown and Caldwell and LES appreciate your attention to this submittal. Should you have any questions, please contact me directly at (512) 652 1152.

Very truly yours,

BROWN and CALDWELL



Kelly Beck, P.G.,  
Managing Geologist/Client Service Manager

KAB:kb

cc: Patrick Reilly, LES

Attachments: Permit Modification Packet (1) - NOD Response Documents

Signature Page

I, PATRICK REILLY  
(Operator)

SENIOR Vice President  
(Title)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: *Patrick Reilly*

Date: 9/9/11

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TO BE COMPLETED BY THE OPERATOR IF THE APPLICATION IS SIGNED BY AN AUTHORIZED REPRESENTATIVE FOR THE OPERATOR

I, \_\_\_\_\_, hereby designate \_\_\_\_\_  
(Print or Type Operator Name) (Print or Type Representative Name)

as my representative and hereby authorize said representative to sign any application, submit additional information as may be requested by the Commission; and/or appear for me at any hearing or before the Texas Commission on Environmental Quality in conjunction with this request for a Texas Water Code or Texas Solid Waste Disposal Act permit. I further understand that I am responsible for the contents of this application, for oral statements given by my authorized representative in support of the application, and for compliance with the terms and conditions of any permit which might be issued based upon this application.

\_\_\_\_\_  
Printed or Typed Name of Operator or Principal Executive Officer

\_\_\_\_\_  
Signature

-----  
SUBSCRIBED AND SWORN to before me by the said \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

My commission expires on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

*# see attached notary signature (CP)*

\_\_\_\_\_  
Notary Public in and for

\_\_\_\_\_  
County, Texas

(Note: Application Must Bear Signature & Seal of Notary Public)

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }  
 County of San Diego }  
 On 9/9/11 before me, Christina M. Ieroma, Notary Public  
Date Here Insert Name and Title of the Officer  
 personally appeared Patrick J. Kelly  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: [Handwritten Signature]  
Signature of Notary Public

Place Notary Seal and/or Stamp Above

## OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

### Description of Attached Document

Title or Type of Document: \_\_\_\_\_

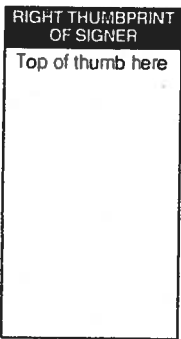
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer(s)

Signer's Name: \_\_\_\_\_ Signer's Name: \_\_\_\_\_

- Corporate Officer — Title(s): \_\_\_\_\_
- Individual
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



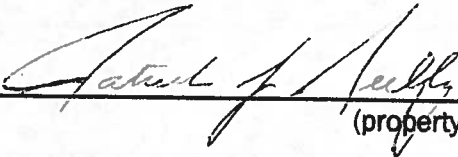
Signer Is Representing: \_\_\_\_\_

- Corporate Officer — Title(s): \_\_\_\_\_
- Individual
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

**SIGNATORY AUTHORIZATION - LIQUID ENVIRONMENTAL SOLUTIONS of Texas, LLC.**

"I   
\_\_\_\_\_  
(property owner/signature authority)

Represent Liquid Environmental Solutions of Texas, LLC., and have the signing qualifications that are required under 30 Texas Administrative Code (TAC) §305.44. I acknowledge that I am a Senior Vice President of the Corporation in charge of policy and decision-making functions for the Corporation and have been delegated the signature authority for the Corporation.

**PROPERTY OWNER AFFIDAVIT**

"I, PATRICK REILLY  
(property owner)

acknowledge that the State of Texas may hold me either jointly or severally responsible for the operation, maintenance, and closure and post-closure care of the facility. For a facility where waste will remain after closure, I acknowledge that I have a responsibility to file with the county deed records an affidavit to the public advising that the land will be used for a solid waste facility prior to the time that the facility actually begins operating as a municipal solid waste landfill facility, and to file a final recording upon completion of disposal operations and closure of the landfill units in accordance with Title 30 Texas Administrative Code §330.19, Deed Recordation. I further acknowledge that I or the operator and the State of Texas shall have access to the property during the active life and post-closure care period, if required, after closure for the purpose of inspection and maintenance."

Patrick J. Reilly  
(Owner signature)

9/9/11  
(Date)