

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

EXECUTIVE SUMMARY

November 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
2007 MAR -8 AM 11:07  
CHIEF CLERKS OFFICE

DESCRIPTION OF APPLICATION

Applicant: McCarty Road Landfill TX, LP  
MSW Permit Application No. 261B

Type: Type I Municipal Solid Waste Landfill Facility

Request: To issue a municipal solid waste permit amendment, No. 261B, for the vertical expansion of a municipal solid waste Type I landfill facility and to operate this facility in accordance with the application.

Authority: Texas Commission on Environmental Quality rules, 30 TAC Chapter 330

STAFF RECOMMENDATION

Issue permit amendment as requested.

TECHNICAL INFORMATION

General: The facility is located in Harris County, Texas, within the City of Houston, at 5757A Oates Road, approximately 7 miles northeast of downtown Houston and approximately 3.5 miles north-northeast of the intersection of Interstate Highway 610 and Interstate 10. There are no hospitals, licensed child care facilities, ponds, lakes, or springs located within one mile of the facility, but there are approximately 2,000 residences in 11 neighborhoods, numerous commercial establishments, 1 school, 8 churches, 1 cemetery, 1 park, and 1 golf course. The majority of the land use immediately adjacent to the site would be classified as open space, commercial, residential, and industrial areas. The predominant land use within a one-mile radius of the site is for industrial activities. Depending on market conditions, the waste acceptance rate into the landfill will continue at its most recent estimated rate of approximately 6,000 tons-per-day (tpd) and at an expected maximum rate of 7,061 tpd in the distant future of municipal solid waste resulting from, or incidental to, municipal, community, commercial, institutional, recreational and industrial activities, Class 1 nonhazardous industrial solid waste defined as such due to asbestos content, Class 2 and Class 3 nonhazardous industrial solid waste, special waste, and other waste as approved by the Executive Director. The permit amendment application meets the requirements of the Commission's rules and provides the proper safeguards to protect the public health and safety, and the environment.

Conditions: Conditions of the permit are set forth in the final amended permit. Detailed information about the facility and its operation are contained in the Technical Summary.

COMPLIANCE HISTORY

See attached.

CONTACT

Johnny Williamson, 512-239-6631  
MSW Permits Section

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CHIEF CLERKS OFFICE

**TECHNICAL SUMMARY  
of the**

**MCCARTY ROAD LANDFILL  
MSW PERMIT AMENDMENT APPLICATION  
No. 261B**

**Type I  
Municipal Solid Waste Facility  
Harris County, Texas**

Applicant:  
**McCarty Road Landfill TX, LP**

Date Prepared: September 30, 2004

Prepared and Issued by the  
Texas Commission on Environmental Quality (TCEQ)  
Office of Permitting, Remediation and Registration  
Waste Permits Division  
Municipal Solid Waste (MSW) Permits Section

This summary was prepared in accordance with 30 Texas Administrative Code Section 281.21(c). The information contained in this summary is based upon the permit amendment application. Not all of the information contained in this summary has been independently verified.

Name of Applicant: McCarty Road Landfill TX, LP  
5757A Oates Road  
Houston, Texas 77078-4811

Name of Facility: McCarty Road Landfill

Contact Person: Mr. Jim Stipe, General Manager - Houston District  
5757A Oates Road  
Houston, Texas 77078-4811  
(713) 671-1559

Consulting Engineers: Mr. Jeffrey P. Young, P.E., Senior Engineer  
Weaver Boos Consultants, LLC-Southwest  
6420 Southwest Boulevard, Suite 206  
Fort Worth, Texas 76109  
(817) 735-9770

Type of Facility: 458.25-acre Type I Municipal Solid Waste Landfill Facility

1. **GENERAL**

1.1 Purpose:

This permit amendment application, submitted by McCarty Road Landfill TX, LP, requests a vertical expansion and continued operation of the MSW Type I McCarty Road Landfill in Harris County, Texas. The total permitted facility includes 458.25 acres of land, of which approximately 388.1 acres will be used for waste disposal. The maximum final elevation of final cover material will be 316.0 feet above mean sea level (MSL). The site will be authorized to accept the waste streams as listed below.

1.2 Wastes to be Accepted:

Solid waste to be disposed of will primarily consist of municipal solid waste resulting from, or incidental to, municipal, community, commercial, institutional, recreational and industrial activities, including garbage, putrescible wastes, rubbish, ashes, brush, street cleanings, dead animals, abandoned automobiles, construction-demolition waste, and yard waste. Class 1 nonhazardous industrial solid waste defined as such due to asbestos content, Class 2 nonhazardous industrial solid waste, Class 3 nonhazardous industrial solid waste, special waste (e.g., solidified sludges, dead animals, empty containers, regulated and nonregulated asbestos-containing materials), and other waste as approved by the Executive Director, may also be

accepted. The landfill will not be authorized to accept waste materials other than those mentioned above, nor any waste streams that are expressly prohibited by Title 30 Texas Administrative Code (30 TAC) Chapter 330.

1.3 Waste Acceptance Rate:

Over the anticipated life of the facility, authorized wastes will be accepted at an average rate of approximately 6,532 tons-per-day, which results in an estimated life of approximately 10.9 years. The site currently receives approximately 2,190,000 tons-per-year or 2,777,425 cubic yards (assuming an in-place density of 1,577 lb/cy) of solid waste (6,000 tons-per-day based on a typical 365-day operating schedule). It is assumed that the incoming waste rate will increase at the same rate as the population of Harris County, Montgomery, Liberty, and surrounding areas. The maximum annual waste acceptance rate is projected to be 2,577,265 tons-per-year or 3,268,567 cubic yards (assuming an in-place density of 1,577 pounds-per-cubic yard) of solid waste (7,061 tons-per-day based on a 365-day operating schedule). These projections are based on current market conditions, and may vary as market conditions change.

2. LOCATION AND SIZE

2.1 Location:

The McCarty Road Landfill is located within the City of Houston in Harris County, Texas at 5757A Oates Road, approximately 7 miles northeast of downtown Houston and approximately 3.5 miles north-northeast of the intersection of Interstate Highway 610 and Interstate 10. Refer to the General Location Map, Attachment 1 to this Technical Summary.

2.2 Elevation and Coordinates of Permanent Benchmark:

Latitude:	N 29° 49' 22"
Longitude:	W 95° 14' 33"
Elevation:	45.53 feet above MSL

2.3 Size:

The total area within the permit boundary under the proposed permit amendment is approximately 458.25 acres.

### **3. FACILITY DESIGN, CONSTRUCTION, AND OPERATIONS**

#### **3.1 Facilities Authorized:**

The permittee will be authorized to operate the facility subject to the limitations contained in the permit. All waste disposal operations will be limited to the units and other features identified in the Site Development Plan and the Site Operating Plan as follows:

3.1.1 A Type I municipal solid waste landfill facility with a disposal footprint of approximately 388.1 acres. The landfill will have two major fill areas, the pre-Subtitle D and Subtitle D areas. The pre-Subtitle D Area is divided into five sectors (Sectors A, B, C, D, E) and encompasses 335.0 acres, or approximately 86% of the total waste fill area. The Subtitle D Area is divided into four sectors (Sectors F1, F2, F3 [Phase 1], F3 [Phase 2]) and encompasses 53.1 acres, or approximately 14% of the total waste fill area. The landfill has a maximum below-grade excavation to elevation 1.8 feet above MSL with continuous area filling with waste, and a maximum above-grade aerial fill to elevation 316.0 feet above MSL. The facility has a scale house, scales, flare facility, maintenance facility, office building, recycling plant, leachate storage tank, soil borrow area, drainage culverts and spillways, 25 ground-water monitoring wells, 32 soil vapor extraction wells, 242 vertical methane extraction wells, clay liner system in the pre-Subtitle D Area, and composite liner system and leachate collection system in the Subtitle D Area.

3.1.2 Access roads, temporary and permanent drainage features, all appurtenances, and other improvements shall be built, operated, and/or maintained in accordance with the conditions of the permit, Parts I - IV of the permit amendment application, and commission regulations. The facility shall be managed in a manner to protect human health and the environment.

### **4. LAND USE**

4.1 The site is located within the City of Houston in Harris County, on the north side of the intersection of U.S. Highway 90 (also known as McCarty Road and the Beaumont Highway) and Oates Road, approximately 3.5 miles north-northeast of the intersection of Interstate Highway 610 and Interstate Highway 10.

4.2 The City of Houston has no zoning or other provisions for general land use.

- 4.3 The surrounding land, within a one-mile radius of the site, is used for light and heavy industrial ventures, general commercial ventures, agriculture, undeveloped areas (mostly floodplain areas), public activities, and residential properties.
- 4.4 Specific land uses within the 1-mile boundary of the site include, but are not limited to, the McCarty Road Landfill offices and entry facilities, a GSF Energy LLC landfill gas-to-energy facility, a rail-served industrial park consisting of several businesses, numerous large motor freight companies, warehouses, shopping centers, the Cordell Brick Plant, the Greens Bayou Power Plant, 2 solid waste facilities (closed Type I Bluebonnet Landfill and active Type IV WCA Landfill), 11 residential neighborhoods with approximately 2,000 homes, 1 school, 8 churches, 1 cemetery, 1 golf course, and 1 park.

## 5. TRANSPORTATION AND ACCESS

- 5.1 The primary access routes to the site are U.S. Highway 90, Oates Road, Mesa Drive, and Interstate Highway Loop 610.
- 5.2 Direct access to the site is currently provided by US Highway 90, a four-lane state-maintained highway intersecting Oates Road. Within 18 months after the approval of the major permit amendment application, the permittee will relocate the facility access road entrance from Oates Road to Mesa Drive. The location of the entrance facilities, such as the scales/scale house and offices, will remain unchanged. Mesa Drive is a four-lane major north-south roadway consisting of four travel lanes, paved shoulders, and a median. The two 33-foot asphalt travel ways are separated by a 30-foot median. Mesa Drive has a speed limit of 50 miles per hour. The legal maximum gross weight limit for the road is 80,000 pounds. Based on information obtained from the Texas Department of Transportation (TxDOT) the 2002 average daily traffic volume at the intersection of US Highway 90 and Mesa Drive is 36,000 vehicles per day traveling in both directions. For 2003, the application's traffic study determined a count of 4,922 vehicles per day for the intersection of US Highway 90 and Oates Road. The landfill facility is presently visited by an average of approximately 500 waste haul vehicles per day for the 7 days that the landfill is open per week. This information is contained in the application, and the application's traffic study indicates that the landfill access roads can sufficiently handle the current and anticipated future traffic volumes associated with this facility.
- 5.3 The nearest public use airport is the Houston Hobby Airport, which is located approximately 12.5 miles south of the site. The Federal Aviation Administration was contacted and did not object to the proposed permit amendment.

## 6. SURFACE WATER PROTECTION

### 6.1 Floodplain:

The 100-year floodplain extends along Greens Bayou, which runs to the east of the site. Over 4 feet of freeboard exists between the 100-year flood elevation in Greens Bayou and the limits of waste. The vertical expansion proposed in this permit amendment does not impact the flow of stormwater in Greens Bayou.

### 6.2 Stormwater:

Stormwater discharges through perimeter channels and detention ponds into Harris County Flood Control District (HCFCD) Ditch P116-00-00 to the north, HCFCD Ditch P114-00-00 to the south, and Greens Bayou to the east. Eight detention ponds are proposed to control stormwater from the landfill before discharging into the HCFCD channels. On September 12, 2003, the HCFCD issued an approval letter for the proposed drainage design associated with this vertical expansion.

### 6.3 Contaminated Water:

Stormwater which comes into contact with solid waste will be considered contaminated water. Contaminated water at the working face will be properly contained and managed. Contaminated water will be pumped to a City of Houston sewer line or transported via tanker trucks to properly permitted offsite facility for treatment.

## 7. GROUND-WATER PROTECTION

### 7.1 Ground-water Protection:

To reduce the potential for impacts to groundwater at the site resulting from waste disposal operations, the final cover of pre-Subtitle D fill areas will consist of, from the top down, a 12-inch thick grassed erosion layer, and an 18-inch thick clay infiltration layer with a coefficient of permeability that will not exceed  $1 \times 10^{-5}$  cm/s. The final cover of the Subtitle D fill area consists of a 24-inch thick erosion layer, a drainage geocomposite, a 40-mil smooth (topslope) and textured (sideslope) linear low-density polyethylene synthetic liner, and an 18-inch thick compacted clay infiltration layer with a coefficient of permeability that will not exceed  $1 \times 10^{-5}$  cm/s. The bottom and sides of the pre-Subtitle D fill areas are lined with either an in-situ clay liner or a 3-foot thick constructed clay liner. The bottom and sides of the Subtitle D fill area are lined with a 24-inch compacted clay subgrade overlain by a 60-mil high-density polyethylene flexible membrane liner, a leachate collection system, and a 24-inch protective soil cover layer, respectively from bottom to top.

## 7.2 Monitoring Wells:

The ground-water monitoring system which will provide for early detection of potential releases from the facility will consist of 25 ground-water monitoring wells that form the site Point of Compliance monitoring system. The ground-water monitoring network will be sampled, analyzed, and monitored in accordance with the procedures in the Ground-water Sampling and Analysis Plan (Attachment 11 of the permit amendment application), which is part of the facility permit.

## 8. CONTROL OF METHANE

- 8.1 The constructed final cover systems and the below grade liners, as described in Section 7.1 of this Technical Summary, help reduce the potential of methane gas migration.
- 8.2 Landfill gas (LFG) migration is monitored around the perimeter of the facility utilizing 22 permanent landfill gas monitoring probes. Attachment 14 of the permit amendment application contains information about the LFG monitoring system and monitoring procedures. If the monitored methane gas is above the regulatory limits, the contingency plan contained in Attachment 14 will be implemented.
- 8.3 The site is currently operating an active LFG collection and control system (CCS). Some modifications are proposed to adapt the existing CCS to the vertical expansion proposed in this permit amendment. The collected LFG is sent to a Landfill Gas-to-Energy facility, located adjacent to the site, for beneficial use.

## 9. SITE DEVELOPMENT AND OPERATION

The Site Development Plan (SDP), Part III of the permit amendment application, and the Site Operating Plan (SOP), Part IV, are intended to provide guidance from the design engineer to the facility site management and operating personnel to facilitate implementation, development, and operation of the solid waste management facility. The SOP is to provide an operating guide for site management to maintain the facility in compliance with the engineering design and applicable regulatory requirements of the TCEQ. These documents were prepared using 30 TAC Chapter 330 regulations and will become part of the facility permit if the proposed permit amendment is approved by the TCEQ.

## 10. PROTECTION OF ENDANGERED SPECIES

Correspondence with the United States Fish and Wildlife Service and the Texas Parks and Wildlife Department indicate that minimal to no impacts to threatened or endangered plant or animal species are expected from the continued operation of this facility.

**11. PROTECTION OF WETLANDS**

The only Section 404 jurisdictional areas located on or near the site are HCFCD channels P100-00-00 (Greens Bayou, located east of the site) and HCFCD Ditch P114-00-00, which is located along the southern portion of the site. No development is proposed within Section 404 Jurisdictional Areas. A wetland jurisdictional determination from the U.S. Corps of Engineers (USACE) is included in the application. The USACE letter included in the permit amendment application notes that no Department of the Army permit under Section 404 of the Clean Water Act is required for this project.

**12. FINANCIAL ASSURANCE**

Authorization to operate this facility is contingent upon the maintenance of financial assurance in accordance with 30 TAC Chapter 330 (Municipal Solid Waste), Chapter 37 (Financial Assurance), and the provisions contained in the permit.

**13. ATTACHMENTS**

Attachments from the permit amendment application which provide illustrations of the site location, nearby land use, and site development include the following:

<u>Attachment</u>	<u>Description</u>	<u>Location in Permit Amendment Application</u>
#1	General Location Map	Parts I/II, Appendix I/IIA, Drawing 1
#2	Site Location Map	Parts I/II, Appendix I/IIA, Drawing 2
#3	Land Use Map	Parts I/II, Appendix I/IIC, Figure I/IIC-2
#4	General Phasing Drawing	Part III, Attachment 1B
#5	Final Contour Drawing	Part III, Attachment 7, Attachment 7A

**14. ADDITIONAL INFORMATION**

For information concerning the regulations covering this application, contact the Texas Commission on Environmental Quality:

Mr. Johnny Williamson  
MSW Permits Section, MC 124  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711  
(512) 239-6631

For more specific detailed technical information concerning any aspect of this permit amendment application or to request a copy of the Site Development Plan, please contact the Applicant's Agent or the Applicant at the address provided at the beginning of this summary.

**15. PUBLIC PARTICIPATION PROCESS**

The process through which the public is allowed to participate in the final decision on the issuance of a permit is outlined as follows.

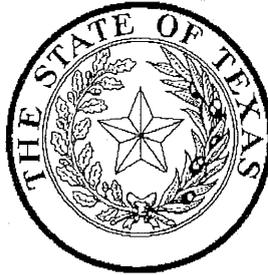
- 15.1 A public meeting is held in the local area during the technical review period for all permit applications for a new municipal solid waste facility. During this meeting the Commission accepts formal comments on the application. There is also an informal question and answer period. Since the McCarty Road Landfill is not a new facility, and a permit amendment application is pending, a public meeting is not required under 30 TAC §39.501(e). Due to a significant number of requests for a meeting, though, including one from The Honorable Mario Gallegos, Jr., Texas State Senator, a public meeting will be held at 7:00 pm on December 2, 2004 at the Shadydale Elementary School, 5905 Tidwell Road, Houston, Texas 77016, in accordance with 30 TAC §55.154(c).
- 15.2 Technical review of the permit amendment application is completed, a final draft permit is prepared, and the application is declared technically complete. Information for the application, the draft permit, the notice, and summaries are sent to the Chief Clerk's office for processing.
- 15.3 The "Notice of Application" is sent to the applicant and published in the newspaper. This notice provides a 30-day period, from the date of publication, for the public to make comment(s) about the permit amendment application or draft permit. The notice also allows the public to request a public meeting for the proposed facility.
- 15.4 After the 30-day comment period has ended, a "Response to Comments" (RTC) is prepared for all comments received through the mail and at a public meeting. The RTC is then sent to all persons who commented on the permit amendment application. Persons who receive the comments have a 30-day period after the RTC is mailed in which to request a public hearing.
- 15.5 After the 30-day period to request a hearing is complete, the matter is placed on an agenda meeting for the TCEQ Commissioners to make a determination to grant any of the hearing requests and refer the matter to the State Office of Administrative Hearings for a public hearing.
- 15.6 A public hearing is a formal process in front of an Administrative Law Judge (ALJ) who conducts the hearing. The applicant and protestant party(ies) present witnesses

and testimony to support or dispute information contained in the permit amendment application. When all of this is complete, the ALJ will issue a Proposal for Decision (PFD). This PFD is placed on an agenda meeting of the TCEQ Commissioners for consideration of issuance or denial of the permit amendment.

- 15.7. After the commission has approved or denied an application, a motion for rehearing may be made by a party that does not agree with the decision. Any motion for rehearing must be filed no later than 20 days after the party or the party's attorney of record is notified of the decision. The matter could be set on another agenda for consideration by the Commission, or allowed to expire by operation of law.
- 15.8. Permit amendment applications for which no one requests a contested case hearing are considered uncontested matters after the 30-day comment period. The permit amendment application is placed on the Executive Director's signature docket and the permit amendment is issued. Any motion to overturn the Executive Director's decision must be filed no later than 23 days after the agency mails notice of the signed permit.

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CHIEF CLERKS OFFICE



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

PERMIT FOR MUNICIPAL  
SOLID WASTE MANAGEMENT SITE  
issued under provisions of Texas  
Health & Safety Code Ann.  
Chapter 361 (Vernon)

MSW Permit No. 261B

Name of Permittee                      McCarty Road Landfill TX, LP  
and  
Site Owner:                                5757A Oates Road  
   Houston, Texas 77078-4811

Facility Name:                            McCarty Road Landfill

Classification of Site:                Type I Municipal Solid Waste Management Facility

The permittee is authorized to store, process, and dispose of wastes in accordance with the limitations, requirements, and other conditions set forth herein. This amended permit is granted subject to the rules and orders of the Commission and laws of the State of Texas and it replaces any previously-issued permit. Nothing in this amended permit exempts the permittee from compliance with other applicable rules and regulations of the Texas Commission on Environmental Quality. This amended permit will be valid until canceled, amended, or revoked by the Commission, or until the site is completely filled or rendered unusable, whichever occurs first.

APPROVED, ISSUED AND EFFECTIVE in accordance with Title 30 Texas Administrative Code Chapter 330.

ISSUED DATE:

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For the Commission

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Harris County  
McCarty Road Landfill  
MSW Permit No. 261B

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## **PART NO. 1**

### **I. Size and Location of Facility**

- A. Prior to this amendment, the McCarty Road Landfill was an existing facility, operating under authorization of Municipal Solid Waste Permit No. 261A. This amended permit authorizes continued operations at the existing facility, and the vertical expansion of the landfill at the site, which is described in Parts I - IV of the permit amendment application found in Attachment A of this amended permit. This facility is located in Harris County, Texas, approximately 7 miles northeast of downtown Houston and approximately 3.5 miles north-northeast of the intersection of Interstate Highway 610 and Interstate Highway 10.
- B. The legal description is contained in Parts I/II of the permit amendment application found in Attachment A of this permit.
- C. Coordinates and Elevation of Site Permanent Benchmark:
- |            |                                       |
|------------|---------------------------------------|
| Latitude:  | N 29° 49' 22"                         |
| Longitude: | W 95° 14' 33"                         |
| Elevation: | 45.53 feet above mean sea level (msl) |

### **II. Facilities and Operations Authorized**

A. Days and Hours of Operation

The operating hours for receipt of waste and for all landfill-related operations at this municipal solid waste facility shall be 24 hours a day, 7 days a week.

B. Wastes Authorized at This Facility

The permittee is authorized to dispose of municipal solid waste resulting from, or incidental to, municipal, community, commercial, institutional, recreational, and industrial activities, including garbage, putrescible wastes, rubbish, ashes, brush, street cleanings, dead animals, abandoned automobiles, construction-demolition waste, and yard waste. Class 1 nonhazardous industrial solid waste defined as such due to asbestos content, Class 2 nonhazardous industrial solid waste, Class 3 nonhazardous industrial solid waste, certain special wastes that are identified in Part IV of the permit amendment application found in Attachment A of this permit, and other waste as approved by the executive director, may also be accepted. The

acceptance of the special wastes, indicated in Part IV of the permit amendment application in Attachment A of this permit, is contingent upon such waste being handled in accordance with Title 30 Texas Administrative Code (TAC) Section (§) 330.136, and in accordance with the listed and described procedures in said Part IV found in Attachment A of this permit, subject to the limitations and special provisions provided herein.

C. Wastes Prohibited at This Facility

The permittee shall comply with the waste disposal restrictions set forth in 30 TAC §330.5(e). Class 1 nonhazardous industrial solid waste not defined as such due to asbestos content, regulated hazardous waste or PCB wastes regulated under 40 CFR Part 761, infectious medical waste, and any other waste not identified in Section II.B. of this permit shall not be accepted at this facility.

D. Waste Acceptance Rate

Authorized solid waste may be accepted for disposal at this site at the current rate of approximately 6,000 tons per day, increasing at the same rate as the population of Harris, Montgomery, and Liberty counties and surrounding areas to a maximum daily acceptance rate of approximately 7,061 tons per day. The estimated life of the site is approximately 10.9 years.

E. Waste Volume Available for Disposal

The landfill's total waste disposal capacity with the proposed expansion is approximately 42.67 million cubic yards. This capacity is based upon the information contained in Section 2.1.3 of Parts I/II found in Attachment A of this permit, and is the sum of the remaining landfill capacity, approximately 7.67 million cubic yards as of February 18, 2003, and the additional capacity obtained due to the vertical landfill expansion authorized under this permit as amended, approximately 35 million cubic yards.

F. Facilities Authorized

The permittee is authorized to operate a Type I municipal solid waste landfill that utilizes a combination of area excavation fill and aerial fill of the municipal solid waste landfill subject to the limitations contained herein. All waste disposal activities subject to permitting are to be confined to disposal units, structures, appurtenances, or improvements, which include access roads, dikes, berms,

temporary drainage channels, permanent drainage structures, detention ponds, landfill gas management system, contaminated water management system, final cover, ground-water monitoring system, landfill liner system, and other improvements related to landfill operations.

G. Changes, Additions, or Expansions

Any proposed facility changes must be authorized in accordance with Texas Commission on Environmental Quality (TCEQ) permit modification or amendment rules, 30 TAC Chapter 305 and 30 TAC Chapter 330.

**III. Facility Design, Construction, and Operation**

- A. Facility design, construction, operation, and maintenance must comply with: the provisions of this permit; Commission Rules, including, but not to be limited to, 30 TAC Chapter 330; any special provisions contained in this permit; and Parts I - IV of the permit amendment application found in Attachment A of this permit, and shall be managed in a manner to protect human health and the environment.
- B. The entire waste management facility shall be designed, constructed, operated, and maintained to prevent the release and migration of any waste, contaminant, or pollutant beyond the point of compliance as defined in 30 TAC §330.2, and to prevent inundation or discharge from the areas surrounding the facility components. Each receiving, storage, processing, and disposal area shall have a containment system that will collect spills and incidental precipitation in such a manner as to:
1. Preclude the release of any contaminated runoff, spills, or precipitation;
  2. Prevent washout of any waste by a 100-year storm; and
  3. Prevent run-on into the disposal areas from off-site areas.
- C. The site shall be designed and operated so as not to cause a violation of:
1. The requirements of Texas Water Code §26.121;
  2. Any requirements of the Federal Clean Water Act, including, but not limited to, the National Pollutant Discharge Elimination System (NPDES) requirements under §402, as amended, and/or the Texas Pollutant Discharge Elimination System (TPDES);

3. The requirements under Federal Clean Water Act §404, as amended; and
  4. Any requirement of an area wide or statewide water quality management plan that has been approved under Federal Clean Water Act §208 or §319, as amended.
- D. All working-face contaminated water shall be handled, stored, treated, disposed of, and managed in accordance with 30 TAC §330.55(b)(6), 30 TAC §§330.56(o)(1) through (4), and 30 TAC §330.139, and in accordance with Part III of the permit amendment application found in Attachment A of this permit. Other methods may be considered for approval as a modification to this permit.
- E. Temporary erosion and sedimentation control measures shall remain functional until the permanent vegetative cover has become established, or as required to control erosion on areas having completed final cover throughout the post-closure care period in accordance with Part III Attachment 13 of the permit amendment application found in Attachment A of this permit.
- F. Storm water runoff from the active portion of the landfill shall be managed in accordance with 30 TAC §§330.55(b)(3) and 330.133(b), and as described in Part III of the permit amendment application found in Attachment A of this permit.
- G. All facility employees and other persons involved in facility operations shall be qualified, trained, educated, and experienced to perform their duties so as to achieve compliance with this permit. The permittee shall comply with 30 TAC §330.52(b)(9) and as described in Parts I/II of the permit amendment application found in Attachment A of this permit. The permittee shall further ensure that personnel are familiar with safety procedures, contingency plans, and the requirements of the Commission's rules and this permit, commensurate with their levels and positions of responsibility, in accordance with Part III and Part IV of the permit amendment application found in Attachment A of this permit. All facility employees and other persons involved in facility operations shall obtain the appropriate level of operator certification as required by statute and applicable regulations.
- H. The facility shall be properly supervised to assure that bird activities at the site will not increase and that appropriate control procedures will be followed. Any increase in bird activity that might be hazardous to safe aircraft operations will require prompt mitigation actions.

#### IV. Financial Assurance

- A. General. Authorization to operate the facility is contingent upon compliance with provisions contained within the permit and maintenance of financial assurance in accordance with 30 TAC Chapter 37 and Subchapter K of 30 TAC Chapter 330.
- B. Closure Cost Estimates. Financial assurance documents shall be submitted within 30 days after permit amendment issuance for demonstration of closure of the landfill in accordance with 30 TAC §§330.253(d)(6) and 330.281. The closure cost estimate of \$15,169,234 in 2004 dollars is based on estimates as described in Part III Attachment 8 and Attachment 12 of the permit amendment application found in Attachment A of this amended permit.
- C. Post-closure Care Cost Estimates. Financial assurance documents shall be submitted within 30 days after permit amendment issuance for demonstration of post-closure care of the landfill in an amount for the entire landfill facility. The post-closure care cost estimate of \$14,385,600 in 2004 dollars is based on estimates as described in Part III Attachment 8 and Attachment 13 of the permit amendment application found in Attachment A of this amended permit.
- D. Corrective Action Cost Estimates. Financial assurance documents shall be submitted within 30 days after permit amendment issuance for demonstration of corrective action activities at the landfill in an amount for the entire landfill facility. The corrective action cost estimate of \$5,328,840 in 2004 dollars is based on estimates as described in Part III Attachment 8 of the permit amendment application found in Attachment A of this amended permit.
- E. The owner and/or operator shall annually adjust closure, post-closure care, and/or corrective action cost estimates for inflation within 60 days prior to the anniversary date of the establishment of the financial assurance instrument pursuant to 30 TAC §§330.281 and 330.283, as applicable.
- F. Modifications. If the facility's closure, post-closure care, or corrective action plans are modified in accordance with 30 TAC §305.70, the permittee shall provide new cost estimates in current dollars in accordance with 30 TAC §§330.253(d)(6), 330.254(b)(3)(D), 330.281, and 330.283, as applicable. The amount of the financial assurance mechanism shall be adjusted within 45 days after the modification is approved. Adjustments to the cost estimates and/or the financial assurance instrument to comply with any financial assurance regulation that is adopted by the

TCEQ subsequent to the issuance of this amended permit, shall be initiated as a modification within 30 days after the effective date of the new regulation.

**V. Facility Closure**

Closure of the facility shall commence:

- A. Upon completion of the disposal operations, and the site is completely filled or rendered unusable in accordance with Part III Attachment 12 of the permit amendment application found in Attachment A of this amended permit;
- B. Upon direction by the executive director of the TCEQ for failure to comply with the terms and conditions of this permit or violation of State or Federal regulations. The executive director is authorized to issue emergency orders to the permittee in accordance with §§5.501 and 5.512 of the Texas Water Code regarding this matter after considering whether an emergency requiring immediate action to protect the public health and safety exists;
- C. Upon abandonment of the site;
- D. For failure to secure and maintain an adequate bond or other financial assurance as required; or
- E. Upon the permittee's notification to the TCEQ that the landfill will cease to accept waste and no longer operate at any time prior to the site being completely filled to capacity.

**VI. Site Completion and Closure**

The landfill shall be completed and closed in accordance with 30 TAC Chapter 330, including, but not limited to, 30 TAC §330.250 and 30 TAC §§330.251 through 330.256. Upon closure, the permittee shall submit to the executive director documentation of closure as set out in 30 TAC §330.253. Post-closure care and maintenance shall be conducted in accordance with Part III Attachment 13 of the permit amendment application found in Attachment A of this amended permit, for a period of 30 years or as otherwise determined by the executive director pursuant to 30 TAC §330.254(a).

**VII. Standard Permit Conditions**

- A. Parts I - IV of the permit amendment application for MSW Permit No. 261B, as described in 30 TAC §330.51(a), are hereby made a part of this amended permit as Part No. 2: Attachment A. The permittee shall maintain Parts I - IV and Part V, as described in 30 TAC §330.51(a), at the facility and make them available for inspection by TCEQ personnel. The contents of Attachment A of this permit shall be known as the "Approved Site Development Plan," in accordance with 30 TAC §330.64(a). Improper cross references, incomplete and truncated sentences, and typographical errors in the text that are discovered while printing and copying the "Approved Site Development Plan" copies, may be corrected with revised pages, if the corrections do not change the intent of the original text.
- B. Minor amendments, modifications, and corrections that may be issued to this permit are hereby made a part of this permit as Part No. 3: Attachment B.
- C. The permittee shall comply with all conditions of this amended permit. Failure to comply with any permit condition may constitute a violation of the permit, the rules of the Commission, and the Texas Solid Waste Disposal Act and is grounds for an enforcement action, revocation, or suspension.
- D. A preconstruction conference shall be held pursuant to 30 TAC §330.64(d) prior to beginning any construction within the permit boundary to ensure that all aspects of this permit, construction activities, and inspections are met. Additional preconstruction conferences may be held prior to the opening of the facility.
- E. The permittee shall monitor sediment accumulations in ditches, culverts, and other surface drainage installations on a quarterly basis, and remove sediment at least once a year. More frequent sediment cleanup shall be performed if necessary to re-establish the design flow grades and capacity.
- F. The tracking of mud off-site onto any public right-of-way shall be minimized.
- G. In accordance with 30 TAC §330.7(a), the permittee shall record in the Deed Records of Harris County, a metes and bounds description of all portions of land within the permit boundary on which disposal of solid waste has and/or will take place. A certified copy of the recorded document(s) shall be provided to the executive director in accordance with 30 TAC §330.7(b).

- H. Daily cover of the waste fill areas shall be performed with clean soil that has not been in contact with waste, or with an alternate daily cover which has been approved in accordance with 30 TAC §§330.133(c) and 305.70. Intermediate cover, and run-on and run-off controls, shall not be constructed from soil that has been scraped up from prior daily cover or which contains waste.
- I. During construction and operation of the facility, measures shall be taken to control runoff, erosion, and sedimentation from disturbed areas. Erosion and sedimentation control measures shall be inspected and maintained at least monthly and after each storm event that meets or exceeds the design storm event. Erosion and sedimentation controls shall remain functional until disturbed areas are stabilized with established permanent revegetation. The permittee shall maintain the on-site access road and speed bumps/mud control devices in such a manner as to minimize the buildup of mud on the access road and to maintain a safe road surface.
- J. In complying with the requirements of 30 TAC §330.123, the permittee shall consult with the local District Office of the Texas Department of Transportation or other authority responsible for road maintenance, as applicable, to determine standards and frequencies for litter and mud cleanup on state, county, or city maintained roads serving the site. Documentation of this consultation shall be submitted within 30 days after the permit amendment has been issued.
- K. The permittee shall retain the right of entry onto the site until the end of the Post-closure Care Period as required by 30 TAC §330.62(b).
- L. Inspection and entry onto the site by authorized personnel shall be allowed during the site operating life and until the end of the Post-closure Care Period as required by §361.032 of the Texas Health & Safety Code.
- M. The provisions of this amended permit are severable. If any permit provision or the application of any permit provision to any circumstance is held invalid, the remainder of this permit shall not be affected.
- N. Regardless of the specific design contained in Attachments A and B of this amended permit, the permittee shall be required to meet all performance standards required by the amended permit, the regulations, and as required by local, State, and Federal laws or ordinances.

- O. If differences arise between these permit provisions and incorporated Parts I - IV of the permit amendment application found in Attachment A of this amended permit, these permit provisions shall prevail.
- P. The permittee shall comply with all applicable air pollution control and permitting regulatory requirements, which include, but are not limited to, 30 TAC §106.534, and 30 TAC Chapters 106 and 116.
- Q. All discharge of storm water will be in accordance with the U.S. Environmental Protection Agency NPDES requirements and/or the State of Texas TPDES requirements as applicable.

#### **VIII. Incorporated Regulatory Requirements**

- A. To the extent applicable, the requirements of 30 TAC Chapters 37, 281, 305, and 330 are adopted by reference and are hereby made provisions and conditions of this amended permit.
- B. The permittee shall comply with all applicable Federal, State, and local regulations and shall obtain any and all other required permits prior to the beginning of any on-site improvements or construction approved by this amended permit.

#### **IX. Special Provisions**

The permittee will conduct testing of landfill leachate for concentrations of Polychlorinated Biphenyls at least once a year, through an appropriate testing method pursuant to 40 CFR Part 761. The results of the testing shall be submitted to the executive director in report form within 60 days of the date that the testing took place.

#### **PART NO. 2**

##### **Attachment A**

The "Approved Site Development Plan" as defined in Part No. 1, Section VII.A of this amended permit.

**PART NO. 3**

**Attachment B**

Minor Amendments, Modifications, and Corrections may be issued for MSW Permit No. 261B.

The minor amendment, modification, or correction document prepared and executed with an approval date shall be attached to this attachment. There is no limitation on the number of these documents that may be included in Attachment B of this amended permit.

## Compliance History

Customer/Respondent/Owner-Operator:	CN601559222    McCarty Road Landfill TX, LP	Classification: AVERAGE	Rating: 6.70																																																												
Regulated Entity:	RN100213602    MCCARTY ROAD LANDFILL TX	Classification: AVERAGE	Site Rating: 0.49																																																												
ID Number(s):	<table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 50%;">AIR OPERATING PERMITS</td><td style="width: 30%;">ACCOUNT NUMBER</td><td style="width: 20%;">HG08071</td></tr> <tr><td>AIR OPERATING PERMITS</td><td>PERMIT</td><td>1454</td></tr> <tr><td>PETROLEUM STORAGE TANK</td><td>REGISTRATION</td><td>49722</td></tr> <tr><td>REGISTRATION</td><td></td><td></td></tr> <tr><td>MUNICIPAL SOLID WASTE DISPOSAL</td><td>PERMIT</td><td>261A</td></tr> <tr><td>MUNICIPAL SOLID WASTE DISPOSAL</td><td>PERMIT</td><td>261B</td></tr> <tr><td>WASTEWATER</td><td>PERMIT</td><td>WQ0004134000</td></tr> <tr><td>WASTEWATER</td><td>PERMIT</td><td>TPDES0119326</td></tr> <tr><td>WASTEWATER</td><td>PERMIT</td><td>TX0119326</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>54395</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>75635</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>72609</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>2584</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>25610</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>45878</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>ACCOUNT NUMBER</td><td>HG08071</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>AFS NUM</td><td>4820101505</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>81014</td></tr> <tr><td>STORMWATER</td><td>PERMIT</td><td>TXR05O074</td></tr> <tr><td>UNDERGROUND INJECTION CONTROL</td><td>PERMIT</td><td>5X2600413</td></tr> </table>			AIR OPERATING PERMITS	ACCOUNT NUMBER	HG08071	AIR OPERATING PERMITS	PERMIT	1454	PETROLEUM STORAGE TANK	REGISTRATION	49722	REGISTRATION			MUNICIPAL SOLID WASTE DISPOSAL	PERMIT	261A	MUNICIPAL SOLID WASTE DISPOSAL	PERMIT	261B	WASTEWATER	PERMIT	WQ0004134000	WASTEWATER	PERMIT	TPDES0119326	WASTEWATER	PERMIT	TX0119326	AIR NEW SOURCE PERMITS	PERMIT	54395	AIR NEW SOURCE PERMITS	REGISTRATION	75635	AIR NEW SOURCE PERMITS	REGISTRATION	72609	AIR NEW SOURCE PERMITS	PERMIT	2584	AIR NEW SOURCE PERMITS	PERMIT	25610	AIR NEW SOURCE PERMITS	PERMIT	45878	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG08071	AIR NEW SOURCE PERMITS	AFS NUM	4820101505	AIR NEW SOURCE PERMITS	REGISTRATION	81014	STORMWATER	PERMIT	TXR05O074	UNDERGROUND INJECTION CONTROL	PERMIT	5X2600413
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Location:	5757 OATES RD, HOUSTON, TX, 77078	Rating Date: September 01 06	Repeat Violator: NO																																																												
TCEQ Region:	REGION 12 - HOUSTON																																																														
Date Compliance History Prepared:	March 07, 2007																																																														
Agency Decision Requiring Compliance History:	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.																																																														
Compliance Period:	March 04, 2002 to March 07, 2007																																																														

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: BOBBIE ROGANS Phone: 239-6197

### Site Compliance History Components

- |  |  |
|--|--|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes  |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | Yes  |
| 3. If Yes, who is the current owner?   | <u>BFI Waste Systems of North America, Inc.</u><br><u>McCarty Road Landfill TX, LP</u><br><u>BFI Waste Services of Texas, LP</u><br><u>SOUTHWEST LANDFILL TX, LP</u> |
| 4. If Yes, who was/were the prior owner(s)?  | <u>BFI Waste Systems of North America, Inc.</u><br><u>SOUTHWEST LANDFILL TX, LP</u>  |
| 5. When did the change(s) in ownership occur?  | <u>01/10/2003</u><br><u>02/05/2003</u>   |

### Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 09/21/2006

ADMINORDER 2005-1225-MSW-E

Classification: Moderate

Citation: 30 TAC Chapter 330, SubChapter F 330.114(5)[G]

Rqmt Prov: Permit No. 261A, Section 4.2.6 OP

Description: Failed to follow procedures for the detection and prevention of disposal of prohibited waste, including polychlorinated biphenyl (PCB) waste.

Classification: Major

Citation: 30 TAC Chapter 330, SubChapter A 330.4(b)

Rqmt Prov: Permit No. 261A, Section 4.2.5 OP

Description: Failed to prohibit the disposal of unauthorized oilfield waste. Specifically, oilfield waste above the authorized limits of 1500 ppm was disposed of at the facility.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	03/22/2002	(234855)
2	04/10/2002	(234857)
3	05/16/2002	(234860)
4	05/30/2002	(80198)
5	10/10/2002	(234864)
6	11/18/2002	(234865)
7	12/16/2002	(327616)
8	01/02/2003	(19907)
9	01/03/2003	(16216)
10	01/15/2003	(234866)
11	03/06/2003	(25866)
12	03/11/2003	(234856)
13	04/11/2003	(234858)
14	04/15/2003	(31254)
15	06/16/2003	(327608)
16	06/16/2003	(327609)
17	06/16/2003	(327610)
18	07/24/2003	(327611)
19	08/25/2003	(327612)
20	09/16/2003	(327613)
21	10/21/2003	(327614)
22	11/18/2003	(327615)
23	12/19/2003	(327617)
24	01/08/2004	(254104)
25	01/15/2004	(327618)
26	02/18/2004	(262284)
27	02/24/2004	(367146)
28	02/24/2004	(258026)
29	03/10/2004	(262769)
30	06/29/2004	(276250)
31	08/18/2004	(367155)
32	09/17/2004	(367144)
33	09/17/2004	(367145)
34	09/17/2004	(367147)
35	09/17/2004	(367148)
36	09/17/2004	(367149)
37	09/17/2004	(367150)
38	09/17/2004	(367151)
39	09/17/2004	(367152)
40	09/17/2004	(367153)
41	09/17/2004	(367154)
42	09/17/2004	(367156)
43	09/17/2004	(367157)
44	09/17/2004	(367158)
45	10/19/2004	(367159)
46	11/12/2004	(390137)
47	12/29/2004	(342751)
48	12/30/2004	(390135)
49	12/30/2004	(390136)
50	12/30/2004	(390138)
51	01/25/2005	(390139)
52	02/16/2005	(427622)
53	03/28/2005	(390134)
54	04/13/2005	(427623)
55	05/31/2005	(377435)
56	06/09/2005	(427624)
57	07/15/2005	(447647)
58	07/15/2005	(447648)
59	08/08/2005	(397362)
60	09/12/2005	(431022)

61 09/30/2005 (447649)  
 62 10/26/2005 (492702)  
 63 11/28/2005 (492703)  
 64 12/27/2005 (492704)  
 65 01/27/2006 (492705)  
 66 02/16/2006 (451261)  
 67 02/21/2006 (492700)  
 68 03/30/2006 (492701)  
 69 05/02/2006 (506375)  
 70 06/27/2006 (506376)  
 71 06/28/2006 (506377)  
 72 07/25/2006 (482144)  
 73 08/30/2006 (528610)  
 74 09/18/2006 (512153)  
 75 09/27/2006 (528611)  
 76 10/16/2006 (511194)  
 77 10/26/2006 (517337)  
 78 11/03/2006 (509766)  
 79 11/09/2006 (518576)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 08/31/2002 (367157)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 10/31/2002 (234865)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 12/31/2002 (234866)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 03/07/2003 (25866)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter B 111.201  
 Description: Failure to conduct outdoor burning for fire extinguisher training so that the regulated entity met the exemption requirement found in 30 TAC Chapter 111.205(a) of providing the BAQC with 10 working days notice resulted in a violation of 30 TAC Chapter 111.201, for unauthorized outdoor burning.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter F 122.503(a)(1)  
 Description: Failure to submit an application for a new authorization to operate to the TCEQ at a site where there is a change in any applicability determination or the basis of any determination in the GOP application.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter F 122.503(a)(3)  
 Description: Failure to submit an application for a revised FOP to include a change in the permit identification of ownership or operational control of the site.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter F 122.503(c)(2)  
 Description: Failure to submit an application to the TCEQ for a change to the FOP before the change is operated.  
 Date: 01/09/2004 (254104)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT WWW 60.755(a)(3)  
 Rqmt Prov: OP 517, Condition (c), Table 20  
 Description: Failure to expand the gas collection system within 120 days of measuring an exceedance in gauge pressure at an extraction well after failing to achieve negative pressure at the gas extraction well within 15 days of measuring the exceedance.  
 Date: 05/31/2004 (367151)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]  
**Description:** Failure to meet the limit for one or more permit parameter  
**Date:** 06/29/2004 (276250)

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 335, SubChapter A 335.6(c)  
**Description:** McCarty is permitted to take asbestos containing material (ACM). Because the ACM is recognized as a Class 1 waste; the facility is required to have and maintain a Notice of Registration (NOR). A review of the NOR (Attachment 3) indicates the presence of inaccurate information.

**Self Report?** NO **Classification:** Major  
**Citation:** 30 TAC Chapter 330, SubChapter F 330.117(c)  
**Description:** McCarty received, from Oxyvinyl, waste contaminated with PCBs above regulatory levels from June 1998 to November 2003. McCarty received a shipment of TPH waste above regulatory limits from Albemarle in November 2003.

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 330, SubChapter F 330.130  
**Description:** Since 1994 exceedances have been reported at probes M, O, P, Q, R, S, T1, and T5. The facility is required to report these exceedances and other quarterly data to both the TCEQ Central Office and the Regional Office. This information has not been reported since August 16, 2001.

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 330, SubChapter K 330.281(b)  
**Description:** During the investigation on March 25, 2003 the facility provided a copy of financial assurance which had a effective date of April 1, 2003. A subsequent call to the financial assurance section of the TCEQ on April 8, 2004, indicated that the TCEQ had not received an revised document as required.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

## Compliance History

Prepared Under 30 Texas Administrative Code Chapter 60

2007 MAR -8 AM 11:09

Customer / Respondent / Owner - Operator: McCarty Road Landfill TX, LP  
5757A Oates Road  
Houston, Texas 77078-4811

CHIEF CLERKS OFFICE

Regulated Entity: McCarty Road Landfill  
MSW Permit No. 261B  
5757A Oates Road  
Houston, Texas 77078-4811

Location: The McCarty Road Landfill is located within the City of Houston in Harris County, Texas at 5757A Oates Road, approximately 7 miles northeast of downtown Houston and approximately 3.5 miles north-northeast of the intersection of Interstate Highway 610 and Interstate 10.

Date Compliance History Prepared: October 20, 2004

Agency Decision Requiring Compliance History (Mark One)

- the issuance, renewal, amendment, modification, denial suspension or revocation of a permit,
- enforcement,
- the use of announced investigations,
- participation in innovation programs,

Compliance Period: March 25, 1999 - October 20, 2004

TCEQ staff person to contact for additional information regarding this compliance history is:

Name: Johnny Williamson  
Phone Number: 512-239-6631

1. The first part of the document is a letter from the author to the editor of the journal. The letter discusses the author's motivation for writing the paper and the importance of the research.

2. The second part of the document is the abstract, which provides a concise summary of the paper's main findings and conclusions.

3. The third part of the document is the introduction, which sets the context for the research and outlines the objectives of the study.

4. The fourth part of the document is the literature review, which discusses the existing research on the topic and identifies the gaps that the current study aims to address.

5. The fifth part of the document is the methodology, which describes the research design, data collection methods, and statistical analyses used in the study.

6. The sixth part of the document is the results, which present the findings of the study and discuss their implications for the field.

7. The seventh part of the document is the discussion, which interprets the results and compares them with the findings of other studies.

8. The eighth part of the document is the conclusion, which summarizes the main findings and provides recommendations for future research.

9. The ninth part of the document is the references, which list the sources used in the paper.

10. The tenth part of the document is the appendix, which contains supplementary information related to the study.

## Regulated Entity Detail

Number: RN100213602

Name: MCCARTY ROAD LANDFILL TX

Status: ACTIVE

Status Date:

Status Comment:

### Street Address

Delivery: 5757 OATES RD # A

City: HOUSTON

State: TX

Zip: 77078-4811

### Customer and Mailing Addresses

Historical Customer

Customer			RE Mailing Address				Begin Date	End Date	Regulated Entity Compliance History Classification
Name	Number	Role	Delivery	City	State	Zip			
BFI WASTE SERVICES OF TEXAS LP	CN601527963	OWNER					11-29-1989		AVERAGE
BFI WASTE SYSTEMS OF NORTH AMERICA INC	CN600343826	OWNER OPERATOR	5757A OATES RD	HOUSTON	TX	77078	01-10-2003		AVERAGE
MCCARTY ROAD LANDFILL TX LP	CN601559222	OWNER OPERATOR	5757 OATES RD # A	HOUSTON	TX	77078	02-05-2003		AVERAGE

### Geographic Location

Physical Location Description: Take I-46 North to 610 East. Exit at N McCarty Street and go East. Turn left on Oates Rd. Landfill on left.

Nearest City: Channelview

County: HARRIS  
 State: TX  
 Location Zip: 77530  
 Latitude: 29-49-32  
 Longitude: 95-14-7

**Industry Types**

Code	Classification System	Name	Primary Flag
4212	SIC	Local Trucking Without Storage	No
4953	SIC	Refuse Systems	Yes
562211	NAICS	Hazardous Waste Treatment and Disposal	No
562212	NAICS	Solid Waste Landfill	Yes
811310	NAICS	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Main	No

**Electronic Communications**

Customer		RE Electronic Communication		
Name	Number	Phone	Fax	E-Mail
MCCARTY ROAD LANDFILL TX LP	CN601559222	713-671-1561	713-671-1555	
BFI WASTE SYSTEMS OF NORTH AMERICA INC	CN600343826	713-675-6101	713-675-3660	
BFI WASTE SERVICES OF TEXAS LP	CN601527963	713-675-6101		

**Program Interests**

Program	Regulated Entity Type	ID Type	Additional ID	Additional ID Status
AIR NEW SOURCE PERMITS	SITE	PERMIT	1117	CANCELLED
AIR NEW SOURCE PERMITS	SITE	PERMIT	25610	ACTIVE
AIR NEW SOURCE PERMITS	SITE	PERMIT	2584	ACTIVE
AIR NEW SOURCE PERMITS	SITE	PERMIT	45878	ACTIVE
AIR NEW SOURCE PERMITS	SITE	ACCOUNT NUMBER	HG0807I	ACTIVE
AIR NEW SOURCE PERMITS	SITE	PERMIT	44621	CANCELLED
AIR NEW SOURCE PERMITS	SITE	ACCOUNT	HX1762F	CANCELLED

		NUMBER		
AIR NEW SOURCE PERMITS	SITE	PERMIT	54395	ACTIVE
AIR NEW SOURCE PERMITS	SITE	REGISTRATION	72609	ACTIVE
MUNICIPAL SOLID WASTE DISPOSAL	SITE	PERMIT	261A	ACTIVE
MUNICIPAL SOLID WASTE DISPOSAL	SITE	PERMIT	261	CANCELLED
MUNICIPAL SOLID WASTE DISPOSAL	SITE	PERMIT	261B	PENDING
AIR OPERATING PERMITS	SITE	PERMIT	1454	PENDING
AIR OPERATING PERMITS	SITE	ACCOUNT NUMBER	HG08071	ACTIVE
PETROLEUM STORAGE TANK STAGE II	FACILITY			
PETROLEUM STORAGE TANK REGISTRATION	FACILITY	REGISTRATION	49722	ACTIVE
WASTEWATER	SITE	PERMIT	TPDES0119326	ACTIVE
WASTEWATER	SITE	PERMIT	WQ0004134000	ACTIVE
WASTEWATER	SITE			
STORMWATER	SITE	PERMIT	TXR050074	ACTIVE

**Site Classification**

Program	Site Classification
MUNICIPAL SOLID WASTE DISPOSAL	TYPE 1
PETROLEUM STORAGE TANK STAGE II	ABOVEGROUND STORAGE TANK - PST STAGE II
PETROLEUM STORAGE TANK STAGE II	UNDERGROUND STORAGE TANK - PST STAGE II
PETROLEUM STORAGE TANK REGISTRATION	ABOVEGROUND STORAGE TANK - REGISTRATION
PETROLEUM STORAGE TANK REGISTRATION	UNDERGROUND STORAGE TANK - REGISTRATION
WASTEWATER	INDUSTRIAL MINOR
STORMWATER	MULTISECTOR GENERAL PERMIT FOR INDUSTRIAL WW

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# Compliance History

## Regulated Entity

Number: RN100213602  
 Name: MCCARTY ROAD LANDFILL TX  
 Classification: AVERAGE  
 Rating: 0.73  
 Publication Date: 10/01/2004

## Customer

Number: CN601527963  
 Name: Blue Ridge Landfill TX, LP  
 Classification: AVERAGE  
 Rating: 4.21  
 Publication Date: 10/01/2004

Repeat Violator Ind: NO

Compliance History Start:  End:

## Enforcement Actions

Type	Effective Date	Violations		
		Citation/Requirement Provision	Abb. Description	Classification

## Criminal Convictions

Conviction Date	Number of		Violations		
	Felonies	Misdemeanors	Citation/Requirement Provision	Abb. Description	Classification

## Chronic Excessive Emissions Events

## Investigations

Date	Type
06/22/1999	Compliance Investigation
11/01/1999	Compliance Investigation
02/10/2000	Compliance Investigation
	Compliance

05/09/2000	Investigation
03/13/2001	Compliance Invest File Review
05/22/2001	Compliance Invest File Review
06/20/2001	Compliance Invest File Review
07/11/2001	Compliance Invest File Review
08/16/2001	Compliance Invest File Review
10/30/2001	Compliance Investigation
12/17/2001	Compliance Investigation
01/02/2002	Compliance Investigation
03/22/2002	Compliance Invest File Review
04/10/2002	Compliance Invest File Review
05/16/2002	Compliance Invest File Review
05/30/2002	Compliance Invest File Review
10/10/2002	Compliance Invest File Review
11/18/2002	Compliance Invest File Review
12/16/2002	Compliance Invest File Review
01/02/2003	Compliance Invest File Review
01/03/2003	Compliance Investigation
01/15/2003	Compliance Invest File Review
03/06/2003	Compliance Invest File Review
03/11/2003	Compliance Invest File Review
04/11/2003	Compliance Invest File Review
04/15/2003	Compliance Invest File Review
06/16/2003	Compliance Invest File Review

06/16/2003	Compliance Invest File Review
06/16/2003	Compliance Invest File Review
07/24/2003	Compliance Invest File Review
08/25/2003	Compliance Invest File Review
09/16/2003	Compliance Invest File Review
10/21/2003	Compliance Invest File Review
11/18/2003	Compliance Invest File Review
12/19/2003	Compliance Invest File Review
01/08/2004	Compliance Invest File Review
01/15/2004	Compliance Invest File Review
02/18/2004	Compliance Invest File Review
02/24/2004	Compliance Invest File Review
03/10/2004	Compliance Investigation
06/29/2004	Compliance Investigation

**Notices of Violation**

Date	Status	Citation/Requirement Provision	Abbv. Description	Classification	Self Reported
03/07/2003	RESOLVED	30 TAC Chapter 111, SubChapter B 111.201	Failure to conduct outdoor burning for fire extinguisher training so that the regulated entity met the exemption requirement found in 30 TAC Chapter 111.205(a) of providing the BAQC with 10 working days notice resulted in a violation of 30 TAC Chapter 111.201, for unauthorized outdoor burning.	MODERATE	NO
		30 TAC Chapter 122, SubChapter	Failure to submit an application for a new authorization to operate to the TCEQ at a site where		

03/07/2003	RESOLVED	F 122.503(a)(1)	there is a change in any applicability determination or the basis of any determination in the GOP application.	MODERATE	NO
03/07/2003	RESOLVED	30 TAC Chapter 122, SubChapter F 122.503(a)(3)	Failure to submit an application for a revised FOP to include a change in the permit identification of ownership or operational control of the site.	MODERATE	NO
03/07/2003	RESOLVED	30 TAC Chapter 122, SubChapter F 122.503(c)(2)	Failure to submit an application to the TCEQ for a change to the FOP before the change is operated.	MODERATE	NO
05/09/2000	ACTIVE	30 TAC Chapter 330, SubChapter E 330.56(n)(1)(B)	FAILURE TO COMPLY	MINOR	NO
10/31/2002	ACTIVE	TWC Chapter 26 26.121(a)[G] ; 30 TAC Chapter 305, SubChapter F 305.125(1)	Failure to meet the limit for one or more permit parameter	MODERATE	YES
12/31/2002	ACTIVE	TWC Chapter 26 26.121(a)[G] ; 30 TAC Chapter 305, SubChapter F 305.125(1)	Failure to meet the limit for one or more permit parameter	MODERATE	YES
01/09/2004	RESOLVED	30 TAC Chapter 101, SubChapter A 101.20(1) ; 30 TAC Chapter 122, SubChapter B 122.143(4) ; 40 CFR Chapter 60, SubChapter C, PT 60, SubPT WWW 60.755(a) (3) ; OP 517, Condition (c), Table 20	Failure to expand the gas collection system within 120 days of measuring an exceedance in gauge pressure at an extraction well after failing to achieve negative pressure at the gas extraction well within 15 days of measuring the exceedance.	MINOR	NO
06/29/2004	RESOLVED	30 TAC Chapter 335, SubChapter A 335.6(c)	McCarty is permitted to take asbestos containing material (ACM). Because the ACM is recognized as a Class I waste; the facility is required to have and maintain a Notice of Registration (NOR). A review of the NOR (Attachment 3) indicates the presence of inaccurate information.	MINOR	NO
06/29/2004	ACTIVE	30 TAC Chapter 330, SubChapter F 330.117(c)	McCarty received, from Oxyvinyl, waste contaminated with PCBs above regulatory levels from June 1998 to November 2003. McCarty received a shipment of TPH waste above	MAJOR	NO

			regulatory limits from Albemarle in November 2003.		
06/29/2004	RESOLVED	30 TAC Chapter 330, SubChapter F 330.130	Since 1994 exceedances have been reported at probes M, O, P, Q, R, S, T1, and T5. The facility is required to report these exceedances and other quarterly data to both the TCEQ Central Office and the Regional Office. This information has not been reported since August 16, 2001.	MINOR	NO
06/29/2004	RESOLVED	30 TAC Chapter 330, SubChapter K 330.281(b)	During the investigation on March 25, 2003 the facility provided a copy of financial assurance which had a effective date of April 1, 2003. A subsequent call to the financial assurance section of the TCEQ on April 8, 2004, indicated that the TCEQ had not received an revised document as required.	MODERATE	NO

**Environmental Audits**

Notice of Audit Date	Disclosure Of Violation		
	DOV Date	Violations	
		Classification	Citation/Requirement Provision

**Environmental Management Systems**

Type	Tier	Date of Certification	Implementation Date
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**Voluntary On-Site Compliance Assessments**

Date
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**Voluntary Pollution Reduction Programs**

Name	Level	Start Date of Participation
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**Early Compliance**

Date	Description
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# Compliance History

## Regulated Entity

Number: RN100213602  
 Name: MCCARTY ROAD LANDFILL TX  
 Classification: AVERAGE  
 Rating: 0.73  
 Publication Date: 10/01/2004

## Customer

Number: CN600343826  
 Name: BFI WASTE SYSTEMS OF NORTH AMERICA, INC.  
 Classification: AVERAGE  
 Rating: 2.04  
 Publication Date: 10/01/2004

Repeat Violator Ind: NO

Compliance History Start: 10/20/2004 End: 03/25/1999

## Enforcement Actions

Type	Effective Date	Violations		
		Citation/Requirement Provision	Abb. Description	Classification

## Criminal Convictions

Conviction Date	Number of		Violations		
	Felonies	Misdemeanors	Citation/Requirement Provision	Abb. Description	Classification

## Chronic Excessive Emissions Events

## Investigations

Date	Type
06/22/1999	Compliance Investigation
11/01/1999	Compliance Investigation
02/10/2000	Compliance Investigation
	Compliance

05/09/2000	Investigation
03/13/2001	Compliance Invest File Review
05/22/2001	Compliance Invest File Review
06/20/2001	Compliance Invest File Review
07/11/2001	Compliance Invest File Review
08/16/2001	Compliance Invest File Review
10/30/2001	Compliance Investigation
12/17/2001	Compliance Investigation
01/02/2002	Compliance Investigation
03/22/2002	Compliance Invest File Review
04/10/2002	Compliance Invest File Review
05/16/2002	Compliance Invest File Review
05/30/2002	Compliance Invest File Review
10/10/2002	Compliance Invest File Review
11/18/2002	Compliance Invest File Review
12/16/2002	Compliance Invest File Review
01/02/2003	Compliance Invest File Review
01/03/2003	Compliance Investigation
01/15/2003	Compliance Invest File Review
03/06/2003	Compliance Invest File Review
03/11/2003	Compliance Invest File Review
04/11/2003	Compliance Invest File Review
04/15/2003	Compliance Invest File Review
06/16/2003	Compliance Invest File Review

06/16/2003	Compliance Invest File Review
06/16/2003	Compliance Invest File Review
07/24/2003	Compliance Invest File Review
08/25/2003	Compliance Invest File Review
09/16/2003	Compliance Invest File Review
10/21/2003	Compliance Invest File Review
11/18/2003	Compliance Invest File Review
12/19/2003	Compliance Invest File Review
01/08/2004	Compliance Invest File Review
01/15/2004	Compliance Invest File Review
02/18/2004	Compliance Invest File Review
02/24/2004	Compliance Invest File Review
03/10/2004	Compliance Investigation
06/29/2004	Compliance Investigation

**Notices of Violation**

Date	Status	Citation/Requirement Provision	Abbv. Description	Classification	Self Reported
03/07/2003	RESOLVED	30 TAC Chapter 111, SubChapter B 111.201	Failure to conduct outdoor burning for fire extinguisher training so that the regulated entity met the exemption requirement found in 30 TAC Chapter 111.205(a) of providing the BAQC with 10 working days notice resulted in a violation of 30 TAC Chapter 111.201, for unauthorized outdoor burning.	MODERATE	NO
		30 TAC Chapter 122, SubChapter	Failure to submit an application for a new authorization to operate to the TCEQ at a site where		

03/07/2003	RESOLVED	F 122.503(a)(1)	there is a change in any applicability determination or the basis of any determination in the GOP application.	MODERATE	NO
03/07/2003	RESOLVED	30 TAC Chapter 122, SubChapter F 122.503(a)(3)	Failure to submit an application for a revised FOP to include a change in the permit identification of ownership or operational control of the site.	MODERATE	NO
03/07/2003	RESOLVED	30 TAC Chapter 122, SubChapter F 122.503(c)(2)	Failure to submit an application to the TCEQ for a change to the FOP before the change is operated.	MODERATE	NO
05/09/2000	ACTIVE	30 TAC Chapter 330, SubChapter E 330.56(n)(1)(B)	FAILURE TO COMPLY	MINOR	NO
10/31/2002	ACTIVE	TWC Chapter 26 26.121(a)[G] ; 30 TAC Chapter 305, SubChapter F 305.125(1)	Failure to meet the limit for one or more permit parameter	MODERATE	YES
12/31/2002	ACTIVE	TWC Chapter 26 26.121(a)[G] ; 30 TAC Chapter 305, SubChapter F 305.125(1)	Failure to meet the limit for one or more permit parameter	MODERATE	YES
01/09/2004	RESOLVED	30 TAC Chapter 101, SubChapter A 101.20(1) ; 30 TAC Chapter 122, SubChapter B 122.143(4) ; 40 CFR Chapter 60, SubChapter C, PT 60, SubPT WWW 60.755(a) (3) ; OP 517, Condition (c), Table 20	Failure to expand the gas collection system within 120 days of measuring an exceedance in gauge pressure at an extraction well after failing to achieve negative pressure at the gas extraction well within 15 days of measuring the exceedance.	MINOR	NO
06/29/2004	RESOLVED	30 TAC Chapter 335, SubChapter A 335.6(c)	McCarty is permitted to take asbestos containing material (ACM). Because the ACM is recognized as a Class 1 waste; the facility is required to have and maintain a Notice of Registration (NOR). A review of the NOR (Attachment 3) indicates the presence of inaccurate information.	MINOR	NO
06/29/2004	ACTIVE	30 TAC Chapter 330, SubChapter F 330.117(c)	McCarty received, from Oxyvinyl, waste contaminated with PCBs above regulatory levels from June 1998 to November 2003. McCarty received a shipment of TPH waste above	MAJOR	NO

			regulatory limits from Albemarle in November 2003.		
06/29/2004	RESOLVED	30 TAC Chapter 330, SubChapter F 330.130	Since 1994 exceedances have been reported at probes M, O, P, Q, R, S, T1, and T5. The facility is required to report these exceedances and other quarterly data to both the TCEQ Central Office and the Regional Office. This information has not been reported since August 16, 2001.	MINOR	NO
06/29/2004	RESOLVED	30 TAC Chapter 330, SubChapter K 330.281(b)	During the investigation on March 25, 2003 the facility provided a copy of financial assurance which had a effective date of April 1, 2003. A subsequent call to the financial assurance section of the TCEQ on April 8, 2004, indicated that the TCEQ had not received an revised document as required.	MODERATE	NO

**Environmental Audits**

Notice of Audit Date	Disclosure Of Violation		
	DOV Date	Violations	
		Classification	Citation/Requirement Provision

**Environmental Management Systems**

Type	Tier	Date of Certification	Implementation Date
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**Voluntary On-Site Compliance Assessments**

Date
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**Voluntary Pollution Reduction Programs**

Name	Level	Start Date of Participation
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**Early Compliance**

Date	Description
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# Compliance History

## Regulated Entity

Number: RN100213602  
 Name: MCCARTY ROAD LANDFILL TX  
 Classification: AVERAGE  
 Rating: 0.73  
 Publication Date: 10/01/2004

## Customer

Number: CN601559222  
 Name: McCarty Road Landfill TX, LP  
 Classification: AVERAGE  
 Rating: 1.28  
 Publication Date: 10/01/2004

Repeat Violator Ind: NO

Compliance History Start:  End:

## Enforcement Actions

Type	Effective Date	Violations		
		Citation/Requirement Provision	Abbv. Description	Classification

## Criminal Convictions

Conviction Date	Number of		Violations		
	Felonies	Misdemeanors	Citation/Requirement Provision	Abbv. Description	Classification

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Date	Type
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	Compliance

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01/02/2003	Compliance Invest File Review
01/03/2003	Compliance Investigation
01/15/2003	Compliance Invest File Review
03/06/2003	Compliance Invest File Review
03/11/2003	Compliance Invest File Review
04/11/2003	Compliance Invest File Review
04/15/2003	Compliance Invest File Review
06/16/2003	Compliance Invest File Review

06/16/2003	Compliance Invest File Review
06/16/2003	Compliance Invest File Review
07/24/2003	Compliance Invest File Review
08/25/2003	Compliance Invest File Review
09/16/2003	Compliance Invest File Review
10/21/2003	Compliance Invest File Review
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12/19/2003	Compliance Invest File Review
01/08/2004	Compliance Invest File Review
01/15/2004	Compliance Invest File Review
02/18/2004	Compliance Invest File Review
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**Environmental Audits**

Notice of Audit Date	Disclosure Of Violation		
	DOV Date	Violations	
		Classification	Citation/Requirement Provision

**Environmental Management Systems**

Type	Tier	Date of Certification	Implementation Date
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**Voluntary On-Site Compliance Assessments**

Date
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**Voluntary Pollution Reduction Programs**

Name	Level	Start Date of Participation
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**Early Compliance**

Date	Description
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