TCEQ DOCKET NO. 2013-1406-MSW

APPLICATION BY NORTH TEXAS MUNICIPAL WATER DISTRICT FOR MAJOR AMENDMENT TO MUNICIPAL SOLID WASTE PERMIT NO. 53A	§ § § §	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

Executive Director's Response to Hearing Requests

I. Introduction

The Executive Director of the Texas Commission on Environmental Quality (the TCEQ or Commission) files this Response to Hearing Requests (Response) on the Application of North Texas Municipal Water District (the Applicant) to amend Municipal Solid Waste (MSW) Permit No. 53A. The Office of the Chief Clerk received timely hearing requests from Judy Baca, Angie Baldwin, Jocelyn and Todd Bartz, Sherrill Bodi, Katherine Cargile, Megan and Mike Davis, Robert Alan Davis, John Demattia, Mike Frizzell, Barbara Fullerton (withdrawn), Connie Gibbons, Sue Gordon, Betty Formby Groover (withdrawn), John Harris, Chris Klein, Mary Keene, Gerald Long (written by Gay Riley), Darren Mann, Amy Marcy, Martin Parker, Jane Merz, Kurt Middelkoop, John Moisuk, Laurie Moore (withdrawn), Sharon and Sam Ricks, Gay Riley, Phillip Rochelle, Carla Ann Scalf, Curt Vanlandingham, Robert Vargas (withdrawn), and Joseph Wilson.

Attached for Commission consideration are the following:

Attachment A – GIS Map
Attachment B – Landowner Map & Landowner List
Attachment C – Compliance History
Attachment D – Technical Summary and Draft Permit
Attachment E – Executive Director's Response to Public Comment

II. Description of the Facility

The Applicant has applied to the TCEQ for a municipal solid waste permit amendment to authorize the relocation and construction of a new transfer station building that will replace the existing building. The facility is located at 1601 E. Lookout Drive, Richardson, Collin County, Texas 75082. The proposed transfer station is a Type V municipal solid waste facility with a maximum authorized waste transfer capacity of 1,500 tons per day (TPD). This facility accepts municipal solid waste which is defined in 30 TAC §330.2 as solid waste resulting from or incidental to municipal, community, commercial, institutional, and recreational activities; construction and demolition waste, Class 2 and Class 3 industrial non-hazardous solid waste, used-oil, and recyclable material.

During construction of the proposed transfer station building, the existing building will continue to be used in its current configuration. The proposed transfer station building foundation and push walls will be constructed of reinforced concrete. The building frame and roof structure will be constructed of steel. Floor drains and trench drains will be provided to capture wash down water which will be channeled through a sand/grease trap before being discharged into the sanitary sewer system. The building will be approximately 220 feet by 152 feet and will incorporate a split level design with a transfer trailer loadout tunnel sized to allow two full size transfer vehicles to be loaded at the same time. The transfer trailer tunnel area will be constructed at an elevation that is approximately 18-feet lower than the tipping floor to accommodate the truck height, road surface, steel hoppers, and tunnel scales. The proposed facility is designed to receive and transfer a maximum of 2,400 tons of waste per day, although Applicant has requested to be authorized to accept a maximum of 1,500 tons of waste per day. The unloading and waste storage area will be located within the transfer station building and will measure approximately 105 feet by 152 feet. The storage area is designed to accommodate 900 tons of waste.

The Applicant does not anticipate storing waste material overnight in the building except in extenuating emergency circumstances such as inclement weather or mechanical breakdown. The Applicant will be authorized to store waste on site for a maximum of 3 days. Recyclable material will be stored in roll off boxes located in the recycle drop off area. Used oil will be collected and stored in a double walled container located inside the transfer station building. Used oil will be transported off site by an authorized hauler for further recycling on at least a quarterly basis. The waste acceptance hours for the facility will be Monday through Saturday, 7:00 a.m. to 7:00 p.m. Housekeeping, including cleaning the tipping floor, may be performed outside the waste acceptance hours; however, the operation of heavy equipment at the site is prohibited between the hours of 9:00 p.m. to 5:00 a.m.

III. Procedural Background

The Application was submitted on October 26, 2011, and declared administratively complete on November 15, 2011. The Notice of Receipt of Application and Intent to Obtain a Municipal Solid Waste Permit Amendment was published on December 3, 2011 in the *Dallas Morning News*, and in Spanish on December 4, 2011 in the *Al Día*. The Executive Director completed the technical review of the Application on December 6, 2012, and prepared a draft permit. The Revised Notice of Application and Preliminary Decision for Municipal Solid Waste Permit Amendment was published on January 12, 2013 in the *Dallas Morning News*, and in Spanish on January 12, 2013 in the *Al Día*. The Notice of Public Meeting was published on September 18, 2012, September 25, 2012, and October 2, 2012 in the *Dallas Morning News*. A public meeting was held on October 9, 2012 at the Douglas Otto Middle School Cafetorium, 504 North Star Road, Plano, Texas 75074. The comment period for this Application closed on February 11, 2013. The Executive Director's Response to Comment was filed on June 13, 2013, and mailed to the public on June 18, 2013. This Application was administratively complete on or after September 1, 1999; therefore, this Application is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

IV. Evaluation Process for Hearing Requests

House Bill 801 established statutory procedures for public participation in certain environmental permitting proceedings. For those applications declared administratively complete on or after September 1, 1999, it established new procedures for providing public notice and public comment, and for the Commission's consideration of hearing requests. The Commission implemented House Bill 801 by adopting procedural rules in 30 TAC Chapters 39, 50, and 55. This Application was declared administratively complete on June 15, 2011; therefore, it is subject to the procedural requirement of HB 801.

A. Response to Request

The Executive Director, the Public Interest Counsel, and the Applicant may each submit written responses to a hearing request. 30 TAC § 55.209(d).

Responses to hearing requests must specifically address:

a) whether the requestor is an affected person;

b) whether issues raised in the hearing request are disputed;

c) whether the dispute involves questions of fact or of law;

d) whether the issues were raised during the public comment period;

e) whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the Executive Director's Response to Comment;

f) whether the issues are relevant and material to the decision on the application; and

g) a maximum expected duration for the contested case hearing.

30 TAC § 55.209(e).

B. Hearing Request Requirements

In order for the Commission to consider a hearing request, the Commission must first determine whether the request meets certain requirements.

A request for a contested case hearing by an affected person must be in writing, must be filed with the chief clerk within the time provided...and may not be based on an issue that was raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the Executive Director's Response to Comment.

30 TAC § 55.201(c).

A hearing request must substantially comply with the following:

a) give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and, where possible fax number, who shall be responsible for receiving all official communications and documents for the group;

b) identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;

c) request a contested case hearing;

d) list all relevant and material disputed issues of fact, that were raised during the public comment period, that are the basis of the hearing request. To facilitate the Commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the Executive Director's response to comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law or policy; and

e) provide any other information specified in the public notice of application.

30 TAC § 55.201(d).

C. "Affected Person" Status

In order to grant a contested case hearing, the Commission must determine that a requestor is an "affected person." Section 55.203 sets out who may be considered an affected person.

a) For any application, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest.

b) Affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest.

c) Governmental entities, including local governments and public agencies, with authority under state law over issues raised by the application may be considered affected persons.

d) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:

1) whether the interest claimed is one protected by the law under which the application will be considered;

2) distance restrictions or other limitations imposed by law on the affected interest;

3) whether a reasonable relationship exists between the interest claimed and the activity regulated;

4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;

5) likely impact of the regulated activity on the use of the impacted natural resource by the person; and

6) for governmental entities, their statutory authority over or interest in the issues relevant to the application. 30 TAC § 50.203.

D. Referral to the State Office of Administrative Hearings (SOAH)

When the Commission grants a request for a contested case hearing, they are required to issue an order specifying the number and scope of the issues to be referred to SOAH for a hearing. 30 TAC § 50.115(b). Subsection 50.115(c) sets out the test for

determining whether an issue may be referred to SOAH. "The commission may not refer an issue to SOAH for a contested case hearing unless the commission determines that the issue: 1) involves a disputed question of fact; 2) was raised during the public comment period; and, 3) is relevant and material to the decision on the application." 30 TAC § 50.115(c).

V. Analysis of the Request

The Executive Director has analyzed the hearing requests to determine whether they comply with Commission rules, who qualifies as an affected person, what issues may be referred for a contested case hearing, and what is the appropriate length of the hearing.

Whether the Requestors Complied with 30 TAC §§ 55.201(a)(c) and (d)

Angie Baldwin, Jocelyn and Todd Bartz, Sherrill Bodi, Megan and Mike Davis, Connie Gibbons, Sue Gordon, John Harris, Chris Klein, Gerald Long (written by Gay Riley), Jane Merz, Gay Riley, and Joseph Wilson filed separate requests on July 17, 2013, which generally contained to same content. These requests (Group A) will be considered together to the extent possible. The period for timely filing a request for a contested case hearing on this Application ended on July 18, 2013. The Office of the Chief Clerk received these requests for a contested case hearing on July 17, 2013, which include the requestors' contact information in accordance with 30 TAC § 55.201(d)(1). The requests raised the issues listed below. These requestors identified their personal justiciable interests in accordance with 30 TAC § 55.201(d)(2). These requests substantially comply with 30 TAC §§ 55.201 (a), (c) and (d).

Katherine Cargile filed a hearing request on December 17, 2011, which includes the requestor's contact information in accordance with 30 TAC § 55.201(d)(1). The requestor did not identify her personal justiciable interests in accordance with 30 TAC § 55.201(d)(2). This request does not substantially comply with 30 TAC §§ 55.201 (a), (c) and (d).

Robert Alan Davis filed a hearing request on December 27, 2011. The Office of the Chief Clerk received this requests for a contested case hearing on December 28, 2011, which includes the requestor's contact information in accordance with 30 TAC § 55.201(d)(1). The requestor did not identify his personal justiciable interests in accordance with 30 TAC § 55.201(d)(2). This request does not substantially comply with 30 TAC §§ 55.201 (a), (c) and (d).

John Demattia filed a hearing request on December 18, 2011, which includes the requestor's contact information in accordance with 30 TAC § 55.201(d)(1). The request raised the issues listed below. The requestor identified his personal justiciable interests in accordance with 30 TAC § 55.201(d)(2). This request substantially complies with 30 TAC §§ 55.201 (a), (c) and (d).

Judy Baca filed a hearing request on December 17, 2011, which includes the requestor's contact information in accordance with 30 TAC § 55.201(d)(1). The requestor did not identify her personal justiciable interests in accordance with 30 TAC § 55.201(d)(2). This request does not substantially comply with 30 TAC §§ 55.201 (a), (c) and (d).

Amy Marcy filed a hearing request on December 17, 2011, which includes the requestor's contact information in accordance with 30 TAC § 55.201(d)(1). The requestor did not identify her personal justiciable interests in accordance with 30 TAC § 55.201(d)(2). This request does not substantially comply with 30 TAC §§ 55.201 (a), (c) and (d).

Mike Frizzell filed a hearing request on December 18, 2011, which includes the requestor's contact information in accordance with 30 TAC § 55.201(d)(1). The request raised the issues listed below. The requestor identified his personal justiciable interests in accordance with 30 TAC § 55.201(d)(2). This request substantially complies with 30 TAC §§ 55.201 (a), (c) and (d).

Mary Keene filed a hearing request on December 19, 2011, which includes the requestor's contact information in accordance with 30 TAC § 55.201(d)(1). The request raised the issues listed below. The requestor identified her personal justiciable interests in accordance with 30 TAC § 55.201(d)(2). This request substantially complies with 30 TAC §§ 55.201 (a), (c) and (d).

Martin Parker filed a hearing request on December 20, 2011, which includes the

requestor's contact information in accordance with 30 TAC § 55.201(d)(1). The requestor did not identify his personal justiciable interests in accordance with 30 TAC § 55.201(d)(2). This request does not substantially comply with 30 TAC §§ 55.201 (a), (c) and (d).

Darren Mann filed a hearing request on December 19, 2011, which includes the requestor's contact information in accordance with 30 TAC § 55.201(d)(1). The request raised the issues listed below. The requestor identified his personal justiciable interests in accordance with 30 TAC § 55.201(d)(2). This request substantially complies with 30 TAC §§ 55.201 (a), (c) and (d).

Curt Vanlandingham filed a hearing request on December 19, 2011, which includes the requestor's contact information in accordance with 30 TAC § 55.201(d)(1). The request raised the issues listed below. The requestor identified his personal justiciable interests in accordance with 30 TAC § 55.201(d)(2). This request substantially complies with 30 TAC §§ 55.201 (a), (c) and (d).

Carla Ann Scalf filed a hearing request on December 19, 2011, which includes the requestor's contact information in accordance with 30 TAC § 55.201(d)(1). The request raised the issues listed below. The requestor identified her personal justiciable interests in accordance with 30 TAC § 55.201(d)(2). This request substantially complies with 30 TAC §§ 55.201 (a), (c) and (d).

Kurt Middelkoop filed a hearing request on July 17, 2013, which includes the requestor's contact information in accordance with 30 TAC § 55.201(d)(1). The request raised the issues listed below. The requestor identified his personal justiciable interests in accordance with 30 TAC § 55.201(d)(2). This request substantially complies with 30 TAC §§ 55.201 (a), (c) and (d).

John Moisuk filed a hearing request on December 27, 2011, which includes the requestor's contact information in accordance with 30 TAC § 55.201(d)(1). The request raised the issues listed below. The requestor identified his personal justiciable interests in accordance with 30 TAC § 55.201(d)(2). This request substantially complies with 30 TAC §§ 55.201 (a), (c) and (d).

Sharon and Sam Ricks filed a hearing request on December 28, 2011, which includes the requestors' contact information in accordance with 30 TAC

§ 55.201(d)(1). The requestors did not identify their personal justiciable interests in accordance with 30 TAC § 55.201(d)(2). These requests do not substantially comply with 30 TAC §§ 55.201 (a), (c) and (d).

Phillip Rochelle filed a hearing request on December 28, 2011, which includes the requestor's contact information in accordance with 30 TAC § 55.201(d)(1). The requestor did not identify his personal justiciable interests in accordance with 30 TAC § 55.201(d)(2). This request does not substantially comply with 30 TAC §§ 55.201 (a), (c) and (d).

Barbara Fullerton, Betty Formby Groover, Laurie Moore, and Robert Vargas filed hearing requests and later **withdrew** those requests.

Whether the Requestors are Affected Persons

The Group A requestors submitted hearing requests that successfully demonstrate that each of them have a personal justiciable interest in this Application. The Executive Director generated **Attachment A** (GIS Map) to show the location of these requestors relative to the proposed transfer station. The attached Landowner Map and List identifies property owners within ¼ mile of the proposed facility. *See* **Attachment B.** The residences of these requestors appear to be located within one mile of the proposed landfill. They expressed concerns that the proposed activity will have an impact on the use of their property. They raised several relevant issues, such as concerns about compatibility of land use, traffic, noise, and existing contamination at the site. These requestors use of their property is potentially affected by these issues, and these issues are addressed by the law under which the Application is being considered. 30 TAC Chapter 330. Furthermore, there is a reasonable relationship between the interests claimed and the activity regulated due to these members close proximity to the facility. Accordingly, these requestors have an interest in the Application that is not common to members of the general public. The Executive Director recommends that the Commission find that these requestors are affected persons under 30 TAC § 55.203.

John Demattia submitted a hearing request that successfully demonstrates that he has a personal justiciable interest in this Application. Based on reference to **Attachment A**, his property appears to be located about ½ mile south of the

proposed transfer station. Mr. Demattia raised several relevant issues including concerns about trash, noise, and odor. The use of Mr. Demattia's property is potentially affected by all of these issues, and these issues are addressed by the law under which the Application is being considered. 30 TAC Chapter 330. Furthermore, there is a reasonable relationship between the interests claimed and the activity regulated due to his close proximity to the facility. Accordingly, he has an interest in the Application that is not common to members of the general public. The Executive Director recommends that the Commission find that Mr. Demattia is an affected person under 30 TAC § 55.203.

Amy Marcy submitted a hearing request that successfully demonstrates that she has a personal justiciable interest in this Application. Based on reference to **Attachment A**, her property appears to be located about ½ mile south of the proposed transfer station. She raised several relevant issues including concerns about residents' well-being and quality of life which may be considered as land use issues. The use of her property is potentially affected by these issues, and these issues are addressed by the law under which the Application is being considered. 30 TAC Chapter 330. Furthermore, there is a reasonable relationship between the interests claimed and the activity regulated due to her close proximity to the facility. Accordingly, she has an interest in the Application that is not common to members of the general public. The Executive Director recommends that the Commission find that Ms. Moore is an affected person under 30 TAC § 55.203.

Mike Frizzell submitted a hearing request that successfully demonstrates that he has a personal justiciable interest in this Application. Based on reference to **Attachment A**, his property appears to be located about ¾ mile south of the proposed transfer station. He raised several relevant issues including concerns about noise and traffic. The use of his property is potentially affected by these issues, and these issues are addressed by the law under which the Application is being considered. 30 TAC Chapter 330. Furthermore, there is a reasonable relationship between the interests claimed and the activity regulated due to his close proximity to the facility. Accordingly, he has an interest in the Application that is not common to members of the general public. The Executive Director recommends that the Commission find that Mr. Frizzell is an affected person under 30 TAC § 55.203.

Mary Keene submitted a hearing request that successfully demonstrates that she has a personal justiciable interest in this Application. Based on reference to **Attachment A**, her property appears to be located about ¼ mile south of the proposed transfer station. She raised several relevant issues including concerns about odor, noise, windblown trash, vectors, and incompatible land use. The use of her property is potentially affected by these issues, and these issues are addressed by the law under which the Application is being considered. 30 TAC Chapter 330. Furthermore, there is a reasonable relationship between the interests claimed and the activity regulated due to her close proximity to the facility. Accordingly, she has an interest in the Application that is not common to members of the general public. The Executive Director recommends that the Commission find that Ms. Keene is an affected person under 30 TAC § 55.203.

Daren Mann submitted a hearing request that successfully demonstrates that he has a personal justiciable interest in this Application. Based on reference to **Attachment A**, his property appears to be located about 3/8 mile south of the proposed transfer station. He raised several relevant issues including concerns about noise, odor and windblown trash. The use of his property is potentially affected by these issues, and these issues are addressed by the law under which the Application is being considered. 30 TAC Chapter 330. Furthermore, there is a reasonable relationship between the interests claimed and the activity regulated due to his close proximity to the facility. Accordingly, he has an interest in the Application that is not common to members of the general public. The Executive Director recommends that the Commission find that Mr. Mann is an affected person under 30 TAC § 55.203.

Curt Vanlandingham submitted a hearing request that successfully demonstrates that he has a personal justiciable interest in this Application. Based on reference to **Attachment A**, his property appears to be located about ¼ mile south of the proposed transfer station. He raised several relevant issues including concerns about noise, odor and traffic. The use of his property is potentially affected by these issues, and these issues are addressed by the law under which the Application is being considered. 30 TAC Chapter 330. Furthermore, there is a reasonable

relationship between the interests claimed and the activity regulated due to his close proximity to the facility. Accordingly, he has an interest in the Application that is not common to members of the general public. The Executive Director recommends that the Commission find that Mr. Vanlandingham is an affected person under 30 TAC § 55.203.

Carla Ann Scalf submitted a hearing request that successfully demonstrates that she has a personal justiciable interest in this Application. Based on reference to **Attachment A**, her property appears to be located about ½ mile south of the proposed transfer station. She raised a concern about residents being exposed to something toxic. The use of her property is potentially affected by this issue, and this issue is addressed by the law under which the Application is being considered. 30 TAC Chapter 330. Furthermore, there is a reasonable relationship between the interests claimed and the activity regulated due to her close proximity to the facility. Accordingly, she has an interest in the Application that is not common to members of the general public. The Executive Director recommends that the Commission find that Ms. Scalf is an affected person under 30 TAC § 55.203.

Kurt Middelkoop submitted a hearing request that successfully demonstrates that he has a personal justiciable interest in this Application. Based on reference to **Attachment A**, his property appears to be located about ¼ mile north of the proposed transfer station. He raised several relevant issues including concerns about the discharge of contaminants to surface water and incompatible land use. The use of his property is potentially affected by these issues, and these issues are addressed by the law under which the Application is being considered. 30 TAC Chapter 330. Furthermore, there is a reasonable relationship between the interests claimed and the activity regulated due to his close proximity to the facility. Accordingly, he has an interest in the Application that is not common to members of the general public. The Executive Director recommends that the Commission find that Mr. Middelkoop is an affected person under 30 TAC § 55.203.

John Moisuk submitted a hearing request that successfully demonstrates that he has a personal justiciable interest in this Application. Based on reference to **Attachment A**, his property appears to be located about ¼ mile south of the proposed transfer station. He raised several relevant issues including concerns

about windblown litter, noise and odor. The use of his property is potentially affected by these issues, and these issues are addressed by the law under which the Application is being considered. 30 TAC Chapter 330. Furthermore, there is a reasonable relationship between the interests claimed and the activity regulated due to his close proximity to the facility. Accordingly, he has an interest in the Application that is not common to members of the general public. The Executive Director recommends that the Commission find that Mr. Moisuk is an affected person under 30 TAC § 55.203.

The Executive Director recommends that the Commission find that Katherine Cargile, Robert Alan Davis, Judy Baca, Amy Marcy, Martin Parker, Sharon and Sam Ricks, and Phillip Rochelle are not affected persons based on them not showing a justiciable interest as discussed above.

Whether the Issues Raised are Referable to SOAH for a Contested Case Hearing

The Executive Director has analyzed the issues raised in accordance with the regulatory criteria. The issues discussed were raised during the public comment period and were addressed in the RTC. None of the issues listed below were withdrawn. All identified issues in this response are considered disputed, unless otherwise noted.

1. Whether the facility would be incompatible with land use in the area? This issue was raised and addressed in the Executive Director's Response to Comment, No. 5. It involves a question of fact, and it is relevant and material to the decision on this Application. The Executive Director concludes that this issue is appropriate for referral to SOAH.

2. Whether the existing roads are adequate to accommodate traffic from the landfill? This issue was raised and addressed in the Executive Director's Response to Comment, No. 7. It involves a question of fact, and it is relevant and material to the decision on this Application. The Executive Director concludes that this issue is appropriate for referral to SOAH.

3. Whether the Application includes adequate measures to control noise from the facility? This issue was raised and addressed in the Executive Director's Response to Comment, No. 3. It involves a question of fact, and it is relevant and material to the decision on this Application. The Executive Director concludes that this issue is appropriate for referral to SOAH.
4. Whether there is existing contamination or waste fill at the site that would justify denying the Application? This issue was raised and addressed in the Executive Director's Response to Comment, No. 27. It involves a question of fact, and it is relevant and material to the decision on this Application. The Executive Director concludes that this issue is appropriate for referral to SOAH.
5. Whether the Application proposes adequate measures to control odors from the facility? This issue was raised and addressed in the Executive Director's Response to Comment, No. 6. It involves a question of fact, and it is relevant and material to the decision on this Application. The Executive Director concludes that this issue is appropriate for referral to SOAH.
6. Whether the Application proposes adequate measures to control windblown trash from the facility? This issue was raised and addressed in the Executive Director's Response to Comment, No. 10. It involves a question of fact, and it is relevant and material to the decision on this Application. The Executive Director concludes that this issue is appropriate for referral to SOAH.
7. Whether the Application proposes adequate provisions to prevent wash waters from accumulating without proper treatment to prevent odors or attracting vectors? This issue was raised and addressed in the Executive Director's Response to Comment, Nos. 6 and 9. It involves a question of fact, and it is relevant and material to the decision on this Application. The Executive Director concludes that this issue is appropriate for referral to SOAH.
8. Whether adequate provisions are included to prevent discharges of contaminated water into surface waters? This issue was raised and

addressed in the Executive Director's Response to Public Comment, No. 15. It involves a question of fact, and it is relevant and material to the decision on this Application. The Executive Director concludes that this issue is appropriate for referral to SOAH.

9. Whether adequate provisions are included in the Application to prevent transfer trucks from leaking liquids? This issue was raised and addressed in the Executive Director's Response to Comment, No. 23. It involves a question of fact, but it is not relevant or material to the decision on this Application. The rules do not make the condition and operation of the Applicant's, or other waste haulers, collection trucks a condition to be considered in evaluating this Application for a transfer station. The Executive Director concludes that this issue is **not** appropriate for referral to SOAH.

10. Whether the facility would have a negative impact on property values in the area? This issue was raised and addressed in the Executive Director's Response to Comment, No. 13. It only involves a question of law and is not relevant or material to a decision on this Application. The Executive Director concludes that this issue is **not** appropriate for referral to SOAH.

VI. Duration of the Contested Case Hearing

Should the Commission decide to refer this case to SOAH, the Executive Director recommends a nine-month duration for a contested case hearing from the date of the preliminary hearing to the presentation of a proposal for decision.

VII. Executive Director's Recommendation

The Executive Director recommends the following actions by the Commission:

a) Find that Angie Baldwin, Jocelyn and Todd Bartz, Sherrill Bodi, Megan and Mike

Davis, John Demattia, Mike Frizzell, Connie Gibbons, Sue Gordon, John Harris, Chris Klein, Mary Keene, Gerald Long (written by Gay Riley), Darren Mann, Jane Merz, Kurt Middelkoop, John Moisuk, Gay Riley, Carla Ann Scalf, Curt Vanlandingham, and Joseph Wilson are **affected** and grant their hearing requests:

b) Should the Commission find that any of the requestors are affected; the following issues should be referred to SOAH for a Contested Case Hearing for a duration of nine months:

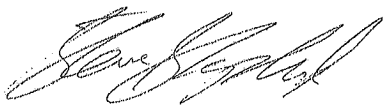
1. Whether the facility would be incompatibility with land use in the area?
2. Whether the existing roads are adequate to accommodate traffic from the landfill?
3. Whether the Application proposes adequate measures to control noise from the facility?
4. Whether there is existing contamination or waste fill at the site which would justify denying the Application?
5. Whether the Application proposes adequate measures to control odors from the facility?
6. Whether the Application proposes adequate measures to control windblown trash from the facility?
7. Whether the Application proposes adequate provisions to prevent wash waters from accumulating without proper treatment to prevent odors or attracting vectors?
8. Whether adequate provisions are included to prevent discharges of contaminated water into surface waters?

c) Deny the hearing requests from Katherine Cargile, Robert Alan Davis, Judy Baca, Martin Parker, Sharon and Sam Ricks, and Phillip Rochelle.

Respectfully submitted,
Texas Commission on Environmental Quality

Zak Covar
Executive Director

Robert Martinez, Director
Environmental Law Division



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REPRESENTING THE EXECUTIVE
DIRECTOR OF THE TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on September 16, 2013, the original and seven copies of the "Executive Director's Response to Hearing Request" for Application of North Texas Municipal Water District to amend Municipal Solid Waste (MSW) Permit No. 53A, were filed with the TCEQ's Office of the Chief Clerk and a complete copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, inter-agency mail, electronic submittal, or by deposit in the U.S. Mail.

Steven Shepherd, Staff Attorney
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MAILING LIST
North Texas Municipal Water District
TCEQ DOCKET NO. 2013-1406-MSW; PERMIT NO. 53A

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Richardson, Texas 75082

Megan and Mike Davis
3105 Foxcreek Drive
Richardson, Texas 75082-3071

Robert Alan Davis
1511 Woodoak Drive
Richardson, Texas 75082-4507

John Demattia
2214 Shannon Ln
Richardson, Texas 75082-4730

Mike Frizzell
1531 Springtree Cir
Richardson, Texas 75082-4723

Barbara Fullerton
1607 Woodoak Drive
Richardson, Texas 75082-4534

Connie Gibbons
1504 Braburn Dr.
Richardson, Texas 75082-3038

Sue Gordon
3302 Owens Blvd
Richardson, Texas 75082-3030

Betty Formby Groover
1704 Woodoak Dr.
Richardson, Texas 75082-4508

John Harris
1417 Ridgemoor Lane
Richardson, Texas 75082 -3003

MAILING LIST
North Texas Municipal Water District
TCEQ DOCKET NO. 2013-1406-MSW; PERMIT NO. 53A

Chris Klein
3102 Owens Blvd
Richardson, Texas 75082 -3026

Mary Keene
1712 Woodoak Drive
Richardson, Texas 75082-4508

Gerald Long
1512 Braeburn Drive
Richardson, Texas 75082-3038

Darren Mann
2305 Owens Blvd
Richardson, Texas 75082

Amy Marcy
1512 Yorkshire Drive
Richardson, Texas 75082-4712

Martin Parker
1409 Woodoak Drive
Richardson, Texas 75082-4505

Jane Merz
3209 Foxcreek Drive
Richardson, Texas 75082

Kurt Middelkoop
2709 Foxcreek Drive
Richardson, Texas, 75082 -3067

John Moisuk
1716 Woodoak Dr
Richardson, Texas 75082-4508

Laurie Moore
1707 Yorkshire Drive
Richardson, Texas 75082-4717

Sharon and Sam Ricks
1410 Jennifer St.
Richardson, Texas 75082-4732

Gay Riley
1510 Braeburn Drive
Richardson, Texas 75082-3038

Phillip Rochelle
2341 Woodglen Drive
Richardson, Texas 75082-4511

Carla Ann Scalf
1712 Woodcreek Drive
Richardson, Texas 75082-4525

Curt Vanlandingham
1417 Woodoak Drive
Richardson, Texas 75082-4505

Robert Vargas
1610 Amesbury Drive
Richardson, Texas 75082-3048

Joseph Wilson
3007 Foxcreek Drive
Richardson, Texas 75082 -3080

FOR PUBLIC INTEREST COUNSEL:

Mr. Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel
MC-103 P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-6363 Fax: (512) 239-6377

FOR ALTERNATIVE DISPUTE RESOLUTION:

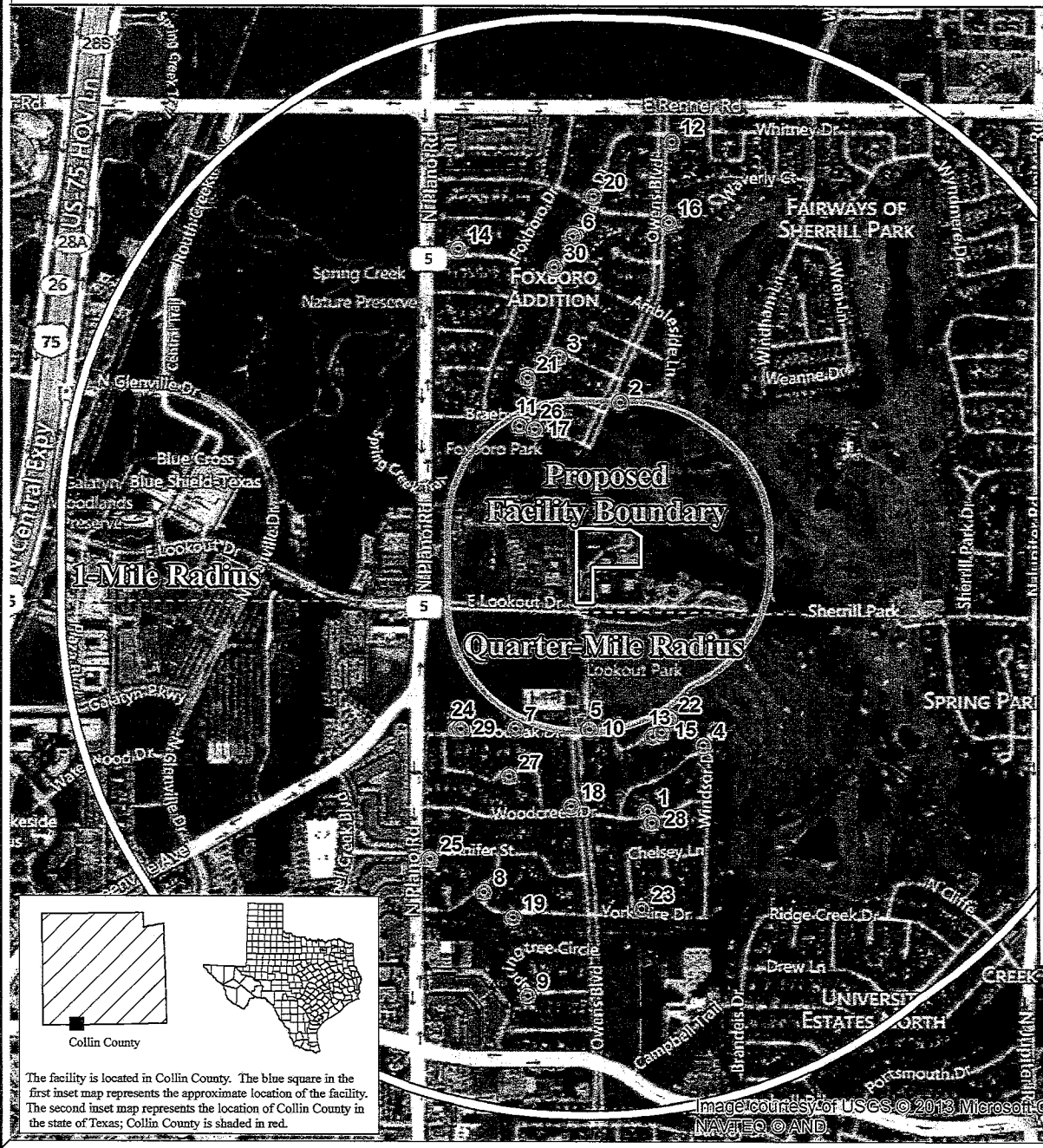
Mr. Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4010 Fax: (512) 239-4015

Attachment A
GIS Map

North Texas Municipal Water District
TCEQ Docket No. 2013-1406-MSW
Permit No. 53A

Lookout Drive Transfer Station, MSW Per 53A

Map Requested by TCEQ Office of Legal Services for Commissioners' Agenda



Key	Hearing Requestor
1	Judy Baca
2	Angie Baldwin
3	Jocelyn and Todd Bartz
4	Sherrill Bodi
5	Katherine Cargile
6	Megan and Mike Davis
7	Robert Alan Davis
8	John Demattia
9	Mike Frizzell
10	Barbara Fullerton
11	Connie Gibbons
12	Sue Gordon
13	Betty Formby Groover
14	John Harris
15	Mary Keene
16	Chris Klein
17	Gerald Long
18	Darren Mann
19	Amy Marcy
20	Jane Merz
21	Kurt Middelkoop
22	John Moisuk
23	Laurie Moore
24	Martin Parker
25	Sharon and Sam Ricks
26	Gay Riley
27	Phillip Rochelle
28	Carla Ann Scalf
29	Curt Vanlandingham
30	Joseph Wilson

The facility is located in Collin County. The blue square in the first inset map represents the approximate location of the facility. The second inset map represents the location of Collin County in the state of Texas; Collin County is shaded in red.

Protecting Texas by Reducing and Preventing Pollution

TCEQ

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087

Sep 5, 2013

0 0.1 0.2 0.4 Miles

Projection: Texas Statewide Mapping System (TSMS)

Scale 1:19,728

Legend

- Hearing Requestor Physical Addresses
- Proposed Site
- Quarter-Mile Radius Surrounding Facility
- 1-Mile Radius Surrounding Facility

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestors. The vector data were obtained from Multinet Enterprise 2013. The background imagery is the latest available from the Microsoft Bing service.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.

P E Buschow CRF-406125

Attachment B
Landowner Map & Landowner List

North Texas Municipal Water District
TCEQ Docket No. 2013-1406-MSW
Permit No. 53A

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Property	Owner Name	Owner Address	Owner Address 2	City	State	Zip
0 HWY 5 & BRAEBURN	SHERRILL PARK HOMEOWNERS	C/O ROBERT HENDRICK	1514 BRAEBURN DR	RICHARDSON	TX	750823038
1402 E LOOKOUT DR	OWENS RANCHES INC	% JERRY OWENS	PO BOX 298	MELISSA	TX	754540298
1403 E LOOKOUT DR	BEF FOODS INC BY MERGER OF OWE	ATTN: TAX DIRECTOR	3776 S HIGH ST	COLUMBUS	OH	432074012
1409 BRAEBURN DR	NOTLEY PATSY LEE	4010 KEELE DR		GARLAND	TX	750415148
1411 WOODOAK DR	MOULLIET FLOYD M	1411 WOODOAK DR		RICHARDSON	TX	750824505
1413 WOODOAK DR	SPEAKS DAVID H &	JANETT E SPEAKS	1413 WOODOAK DR	RICHARDSON	TX	750824505
1415 WOODOAK DR	BRUGGER DAVID F &	KATHRINE E	1415 WOODOAK DR	RICHARDSON	TX	750824505
1417 WOODOAK DR	VANLANDINGHAM CURTIS E &	NANCY D	1417 WOODOAK DR	RICHARDSON	TX	750824505
1418 WOODOAK DR	CUMMINGS LOWELL L	1418 WOODOAK DR		RICHARDSON	TX	750824504
1500 WOODOAK DR	MCCORMACK JILL C &	ANTHONY J	6926 HICKORY ESTATES CT	SACHSE	TX	750482259
1501 CANTERBURY CT	CLYMER JACK A ETUX GEORGI	1501 CANTERBURY CT		RICHARDSON	TX	750823049
1501 WOODOAK DR	DISTASI DEBORAH & STEPHEN	1501 WOODOAK DR		RICHARDSON	TX	750824507
1502 BRAEBURN DR	CUMMINGS DAVID R	30 REMINGTON TER		LEWISVILLE	TX	750776781
1502 CANTERBURY CT	UHRI JEFF ETUX CONNIE	1502 CANTERBURY CT		RICHARDSON	TX	750823049
1502 WOODOAK DR	AGUILAR LEONARDO & JEANNE	1156 KODIAK ST		FAIRBANKS	AK	997094834
1503 CANTERBURY CT	OLDHAM OLIVER G & SUSAN C	1503 CANTERBURY CT		RICHARDSON	TX	750823049
1503 WOODOAK DR	GATES WILLIAM R & AVRIL	1503 WOODOAK DR		RICHARDSON	TX	750824507
1504 BRAEBURN DR	GIBBONS GARY J & CONNIE S	1504 BRAEBURN DR		RICHARDSON	TX	750823038
1504 CANTERBURY CT	HJERTSTEDT MATTHEW J & ANNA K	1504 CANTERBURY CT		RICHARDSON	TX	750823049
1504 WOODOAK DR	ATALAY HAIMANOT	1504 WOODOAK DR		RICHARDSON	TX	750824506
1505 BRAEBURN DR	CLARK GARY	1505 BRAEBURN DR		RICHARDSON	TX	750823039
1505 CANTERBURY CT	BEURKET RAYMOND T & SUSAN C	1505 CANTERBURY CT		RICHARDSON	TX	750823049
1505 WOODOAK DR	TRUONG DOI &	NGUYEN THI D	1505 WOODOAK DR	RICHARDSON	TX	750824507
1506 BRAEBURN DR	DUGGER KENYON I & JANET M	1506 BRAEBURN DR		RICHARDSON	TX	750823038
1506 CANTERBURY CT	CODY FAMILY LIVING TRUST	CODY JON L & LINDA R -TR	1506 CANTERBURY CT	RICHARDSON	TX	750823049
1506 WOODOAK DR	WALKER CHRISTINA LOUISE	1506 WOODOAK DR		RICHARDSON	TX	750824506
1507 BRAEBURN DR	ROBINSON JOAN A	1507 BRAEBURN DR		RICHARDSON	TX	750823039
1507 CANTERBURY CT	WELLS DANIEL E	1507 CANTERBURY CT		RICHARDSON	TX	750823049
1507 WOODOAK DR	ONEILL SHAWN	1507 WOODOAK DR		RICHARDSON	TX	750824507
1508 BRAEBURN DR	BIGGER KENNETH D &	DZIUK REBECCA L	1508 BRAEBURN DR	RICHARDSON	TX	750823038
1508 CANTERBURY CT	LIN PAUL C & MEI C	1508 CANTERBURY CT		RICHARDSON	TX	750823049
1508 MARGATE LN	BROWN CARLTON & KERRY WILLIAMS	1508 MARGATE LN		RICHARDSON	TX	750823010
1508 WOODOAK DR	AHMADI RAHMAT & SIHEILA	1508 WOODOAK DR		RICHARDSON	TX	750824506
1509 BRAEBURN DR	WEISS ROGER ALLAN II	1509 BRAEBURN DR		RICHARDSON	TX	750823039
1509 CANTERBURY CT	YE LURONG & XIN HUANG	1509 CANTERBURY CT		RICHARDSON	TX	750823049
1509 WOODOAK DR	MEADOR MISTY A &	BRADLEY K MEADOR	1509 WOODOAK DR	RICHARDSON	TX	750824507
1510 BRAEBURN DR	RILEY GAY L & LAVASSANI MEHDI	1510 BRAEBURN DR		RICHARDSON	TX	750823038

Property	Owner Name	Owner Address	Owner Address 2	City	State	Zip
1510 CANTERBURY CT	HUFFMAN JACK & DONNA	1510 CANTERBURY CT		RICHARDSON	TX	750823049
1510 MARGATE LN	SALLS CELIA & WALLY SALLS	1510 MARGATE LN		RICHARDSON	TX	750823010
1510 WOODOAK DR	SANTIAGO LYNETTE	1510 WOODOAK DR		RICHARDSON	TX	750824506
1511 BRAEBURN DR	FULD MICHAEL M & JANE P	1511 BRAEBURN DR		RICHARDSON	TX	750823039
1511 WOODOAK DR	DAVIS ROBERT ALAN & KIM E	1511 WOODOAK DR		RICHARDSON	TX	750824507
1512 BRAEBURN DR	LONG GERALD W & CHRYSTIE	1512 BRAEBURN DR		RICHARDSON	TX	750823038
1512 MARGATE LN	ALLEN FAMILY TRUST	1512 MARGATE LN		RICHARDSON	TX	750823010
1513 BRAEBURN DR	RAINS PHILLIP EMORY &	KATHRYN J JOHNSON	1513 BRAEBURN DR	RICHARDSON	TX	750823039
1513 WOODOAK DR	ROFFINO CHARLES A & LAURA	1513 WOODOAK DR		RICHARDSON	TX	750824507
1514 BRAEBURN DR	HENDRICK ROBERT ETUX	1514 BRAEBURN DR		RICHARDSON	TX	750823038
1514 MARGATE LN	BARTZ TODD JACKSON & JOCELYN	1514 MARGATE LN		RICHARDSON	TX	750823010
1515 BRAEBURN DR	DUONG TAM B ETUX	1515 BRAEBURN DR		RICHARDSON	TX	750823039
1515 WOODOAK DR	EGEA LEONOR E	1515 WOODOAK DR		RICHARDSON	TX	750824507
1516 BRAEBURN DR	BUNNELL DIANN M	1516 BRAEBURN DR		RICHARDSON	TX	750823038
1601 E LOOKOUT DR	RICHARDSON CITY OF	PO BOX 129		RICHARDSON	TX	75080
1601 PICKWICK LN	CHAPMAN DAVID F ETUX JOYCE	1601 PICKWICK LN		RICHARDSON	TX	750823011
1601 WOODOAK DR	LITLE WILLIAM B	1601 WOODOAK DR		RICHARDSON	TX	750824534
1602 PICKWICK LN	THROCKMORTON VERLIE ETUX	1602 PICKWICK LN		RICHARDSON	TX	750823012
1603 PICKWICK LN	DRAGOLICH WILLIAM E &	MANLY-DRAGOLICH CONNIE L	1603 PICKWICK LN	RICHARDSON	TX	750823011
1603 WOODOAK DR	WYNN ALLEN S &	MICHELLE L BEUMER	1603 WOODOAK DR	RICHARDSON	TX	750824534
1604 PICKWICK LN	BALDWIN AARON R & ANGELA B	1604 PICKWICK LN		RICHARDSON	TX	750823012
1605 PICKWICK LN	CATAGNUS PHILIP C	1605 PICKWICK LN		RICHARDSON	TX	750823011
1605 WOODOAK DR	CARGILE KATHERINE DIANE	1605 WOODOAK DR		RICHARDSON	TX	750824534
1606 PICKWICK LN	CHAPMAN JAMES B ETUX	1606 PICKWICK LN		RICHARDSON	TX	750823012
1607 PICKWICK LN	HAISLIP WALTER II & BECKY	1607 PICKWICK LN		RICHARDSON	TX	750823011
1607 WOODOAK DR	FULLERTON BARBARA	1607 WOODOAK DR		RICHARDSON	TX	750824534
1608 PICKWICK LN	ABNEY PATRICIA EILEEN	ABNEY JAMES ALLEN	1608 PICKWICK LN	RICHARDSON	TX	750823012
1609 WOODOAK DR	WALLBERG JOHN	1609 WOODOAK DR		RICHARDSON	TX	750824534
1610 PICKWICK LN	MCKINNEY MICHAEL D & CAROL S	1610 PICKWICK LN		RICHARDSON	TX	750823012
1610 WOODOAK DR	BROWN MICHAEL B	1610 WOODOAK DR		RICHARDSON	TX	750824533
1611 E LOOKOUT DR	NORTH TEXAS MUNICIPAL WATER DI	PO BOX 2408		WYLIE	TX	750982408
1612 PICKWICK LN	BASSHAM WARREN E & HELEN A	1612 PICKWICK LN		RICHARDSON	TX	750823012
1612 WOODOAK DR	KENDALL YI-JU LIN &	KENDALL STEVE	1612 WOODOAK DR	RICHARDSON	TX	750824533
1614 PICKWICK LN	OCCAMS HOLDINGS CORP LTD	PO BOX 153524		IRVING	TX	750153524
1614 WOODOAK DR	DELEON REUBEN P	1614 WOODOAK DR		RICHARDSON	TX	750824533
1616 WOODOAK DR	LUPTAK DAVID C	1616 WOODOAK DR		RICHARDSON	TX	750824533
1700 WOODOAK DR	TATMAN GEORGE F & ARVA J	1700 WOODOAK DR		RICHARDSON	TX	750824508

See Landowners Map in Attachment I-2

Source: City of Richardson GIS Department

Appraisal District in Dallas and Collin Counties do not contain minieral rights records

October 25, 2011

Property	Owner Name	Owner Address	Owner Address 2	City	State	Zip
1701 WOODOAK DR	BRANUM SARAH K	1701 WOODOAK DR		RICHARDSON	TX	750824509
1702 WOODOAK DR	DOMINGUEZ RAMON	1702 WOODOAK DR		RICHARDSON	TX	750824508
1703 WOODOAK DR	GREEN ADDISON C	1703 WOODOAK DR		RICHARDSON	TX	750824509
1704 WOODOAK DR	GROOVER BETTY FORMBY	1704 WOODOAK DR		RICHARDSON	TX	750824508
1705 WOODOAK DR	TAYLOR PAUL M & MARLENE A	1705 WOODOAK DR		RICHARDSON	TX	750824509
1706 WOODOAK DR	BOYD BILLY J &	ELIZABETH M BOYD	1706 WOODOAK DR	RICHARDSON	TX	750824508
1707 WOODOAK DR	KOODA JENNINGS C & JEAN L	1707 WOODOAK DR		RICHARDSON	TX	750824509
1708 WOODOAK DR	ONEAL DEVIN BRADY	1708 WOODOAK DR		RICHARDSON	TX	750824508
1709 WOODOAK DR	BROWN DAWN JOY	1709 WOODOAK DR		RICHARDSON	TX	750824509
1710 WOODOAK DR	HEYE JAMES D	1710 WOODOAK DR		RICHARDSON	TX	750824508
1712 WOODOAK DR	KEENE MARY A	1712 WOODOAK DR		RICHARDSON	TX	750824508
1714 WOODOAK DR	BIER ARNOLD	1714 WOODOAK DR		RICHARDSON	TX	750824508
1716 WOODOAK DR	MOISUK JOHN JR &	CORNELIA M	1716 WOODOAK DR	RICHARDSON	TX	750824508
1717 TIMBERWAY DR	JOHNSON VICTORIA LYNN	1608 BLAKE DR		RICHARDSON	TX	750812505
1719 TIMBERWAY DR	TAYLOR MARJORIE E	1719 TIMBERWAY DR		RICHARDSON	TX	750824529
1721 TIMBERWAY DR	PALMER WILLIAM & AMALIA D	1721 TIMBERWAY DR		RICHARDSON	TX	750824529
1723 TIMBERWAY DR	MAYSONETT PIERRE & ISAMAR	1723 TIMBERWAY DR		RICHARDSON	TX	750824529
1725 TIMBERWAY DR	MOORE G W	1725 TIMBERWAY DR		RICHARDSON	TX	750824529
2001 E LOOKOUT DR	RICHARDSON CITY OF	PO BOX 830129		RICHARDSON	TX	750830129
2310 WINDSOR DR	ROFFINO CAROLYN	2310 WINDSOR DR		RICHARDSON	TX	750824526
2311 WINDSOR DR	RAIDEN WILLIAM DWIGHT	2311 WINDSOR DR		RICHARDSON	TX	750824528
2312 OWENS BLVD	DAVIS MICHAEL & DENISE	2312 OWENS BLVD		RICHARDSON	TX	750824500
2312 WINDSOR DR	CHEN LIN &	CATHERINE STEVENSON	2312 WINDSOR DR	RICHARDSON	TX	750824526
2312 WOODGLEN DR	MAI TINH & LINH	2312 WOODGLEN DR		RICHARDSON	TX	750824510
2313 OWENS BLVD	CAMPBELL CHESTER &	GRETA POULSEN	2313 OWENS BLVD	RICHARDSON	TX	750824501
2313 WINDSOR DR	KIMBRELL SALLY M	2313 WINDSOR DR		RICHARDSON	TX	750824528
2314 OWENS BLVD	PATYRAK DANIEL S &	PATYRAK STACI E	2314 OWENS BLVD	RICHARDSON	TX	750824500
2314 WINDSOR DR	KIRSCHT ARTHUR A &	ISABEL A	2314 WINDSOR DR	RICHARDSON	TX	750824526
2315 OWENS BLVD	HARDAGE CHRISTOPHER M &	ELIZABETH A HARDAGE	2315 OWENS BLVD	RICHARDSON	TX	750824501
2315 WINDSOR DR	BODIE DAVID J &	SHERRILL S	2315 WINDSOR DR	RICHARDSON	TX	750824528
2316 OWENS BLVD	BRADY MARTIN A JR	2316 OWENS BLVD		RICHARDSON	TX	750824500
2317 OWENS BLVD	FILES LEIGH	2317 OWENS BLVD		RICHARDSON	TX	750824501
2403 OWENS BLVD	TXU ELECTRIC DELIVERY CO	STATE & LOCAL TAX DEPT	PO BOX 219071	DALLAS	TX	752219071
2600 FOXBORO DR	WITTLIFF THEODORE J JR	2600 FOXBORO DR		RICHARDSON	TX	750823050
2601 FOXCREEK DR	YEOMAN BENNING RACHEL &	YEOMAN STEPHAN LYNNE	2601 FOXCREEK DR	RICHARDSON	TX	750823065
2602 FOXBORO DR	WALLACE THOMAS H & KAYLA K	2602 FOXBORO DR		RICHARDSON	TX	750823050
2603 FOXCREEK DR	BLACKALL ERIC C	2603 FOXCREEK DR		RICHARDSON	TX	750823065

See Landowners Map in Attachment I-2

Source: City of Richardson GIS Department

Appraisal District in Dallas and Collin Counties do not contain minieral rights records

October 25, 2011

Property	Owner Name	Owner Address	Owner Address 2	City	State	Zip
2604 FOXBORO DR	PHAM JENNIFER & TERENCE	2604 FOXBORO DR		RICHARDSON	TX	750823050
2604 FOXCREEK DR	WILLIAMS ALAN R & LYNETTE A	2604 FOXCREEK DR		RICHARDSON	TX	750823064
2605 FOXCREEK DR	LAWSON MARGARET	2605 FOXCREEK DR		RICHARDSON	TX	750823065
2606 FOXCREEK DR	FOSTER THEODORE M	2606 FOXCREEK DR		RICHARDSON	TX	750823064
2607 FOXCREEK DR	MOSES PHILLIP L & MARY S	2607 FOXCREEK DR		RICHARDSON	TX	750823065
2608 FOXCREEK DR	LESHAN MICHAEL G & SONJA E	2608 FOXCREEK DR		RICHARDSON	TX	750823064
2702 FOXCREEK DR	JENKINS CHRISTINA M & JAMES R	2702 FOXCREEK DR		RICHARDSON	TX	750823066
2802 AMBLESIDE LN	TURNER WALTER D & ANN M	2802 AMBLESIDE LN		RICHARDSON	TX	750823042
2804 AMBLESIDE LN	JOE STANLEY C ETUX	2804 AMBLESIDE LN		RICHARDSON	TX	750823042

See Landowners Map in Attachment I-2

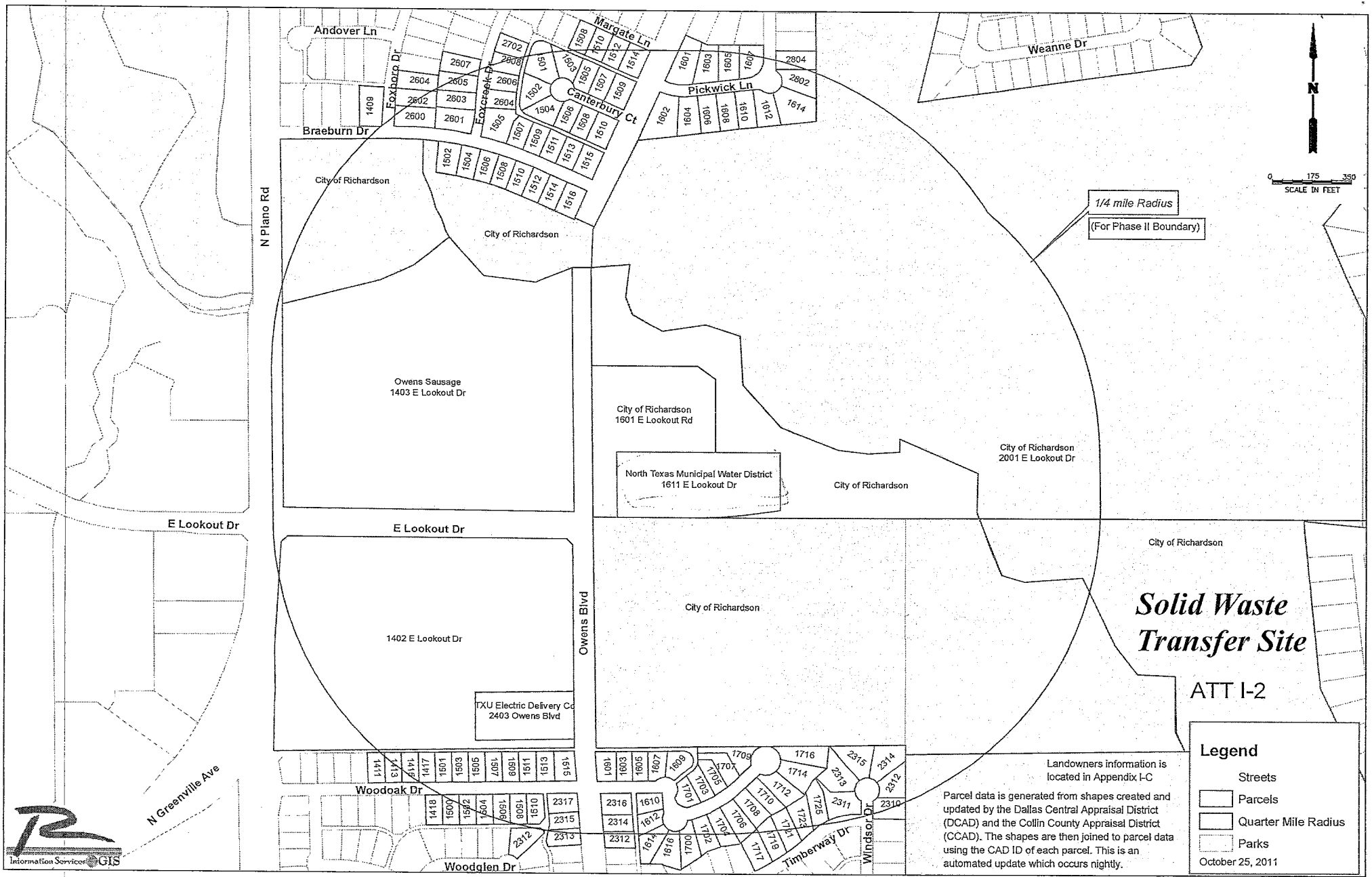
Appraisal District in Dallas and Collin Counties do not contain minieral rights records

Source: City of Richardson GIS Department

October 25, 2011

Name	Title	Address	Address 2	City	State	Zip
MURIEL MARSHALL, D.O., DRPH	COLLIN COUNTY HEALTH AUTHORITY	825 N. MCDONALD ST.	SUITE 130	MCKINNEY	TX	75069
KEITH SELF	COLLIN COUNTY JUDGE	2300 BLOOMDALE RD.	SUITE 4192	MCKINNEY	TX	75071
BOB TOWNSEND	MAYOR OF RICHARDSON	P.O. BOX 830309		RICHARDSON	TX	75083-0309
BILL ALSUP	RICHARDSON DIRECTOR OF HEALTH	P.O. BOX 830309		RICHARDSON	TX	75083-0309

Name	Title	Address	Email Address	City	State	Zip
JAMES M. PARKS	NTMWD EXECUTIVE DIRECTOR	P.O. BOX 2408	jparks@ntmwd.com	WYLIE	TX	75098
Person responsible for publishing Notice to the Public						
JEFFREY MAYFIELD	NTMWD SOLID WASTE SYSTEM MANAGER	P.O. BOX 2408	jmayfield@ntmwd.com	WYLIE	TX	75098


Andover Ln
Margate Ln
Foxboro Dr
Foxcreek Dr
Canterbury Ct
Pickwick Ln
Weanne Dr
Braeburn Dr
N Plano Rd
City of Richardson
1/4 mile Radius
(For Phase II Boundary)
0 175 350
SCALE IN FEET
N
Owens Sausage
1403 E Lookout Dr
City of Richardson
1601 E Lookout Rd
North Texas Municipal Water District
1611 E Lookout Dr
City of Richardson
2001 E Lookout Dr
E Lookout Dr
E Lookout Dr
Owens Blvd
1402 E Lookout Dr
TXU Electric Delivery Co
2403 Owens Blvd
Woodoak Dr
Woodglen Dr
Timberway Dr
Windsor Dr
N Greenville Ave
Solid Waste Transfer Site
ATT I-2
Landowners information is located in Appendix I-C
Parcel data is generated from shapes created and updated by the Dallas Central Appraisal District (DCAD) and the Collin County Appraisal District (CCAD). The shapes are then joined to parcel data using the CAD ID of each parcel. This is an automated update which occurs nightly.
Legend
Streets
Parcels
Quarter Mile Radius
Parks
October 25, 2011
Information Services GIS

Attachment C
Compliance History

North Texas Municipal Water District
TCEQ Docket No. 2013-1406-MSW
Permit No. 53A

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.

Compliance History Report

PENDING Compliance History Report for CN601365448, RN102778438, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator:	CN601365448, North Texas Municipal Water District	**Classification:** SATISFACTORY	**Rating:** 0.93
Regulated Entity:	RN102778438, LOOKOUT DRIVE TRANSFER STATION	**Classification:** HIGH	**Rating:** 0.00
Complexity Points:	4	**Repeat Violator:** NO	
CH Group:	14 - Other		
Location:	1601 E LOOKOUT DR RICHARDSON, TX 75080, COLLIN COUNTY		
TCEQ Region:	REGION 04 - DFW METROPLEX		

ID Number(s):

MUNICIPAL SOLID WASTE PROCESSING PERMIT 53
PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 24718
STORMWATER PERMIT TXR05U173
MUNICIPAL SOLID WASTE PROCESSING PERMIT 53A
PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 24718
USED OIL REGISTRATION C81091

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: November 07, 2012

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 07, 2007 to November 07, 2012

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: BOBBIE ROGANS **Phone:** (512) 239-6197

Site and Owner/Operator History:

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/operator of the site during the compliance period?	NO
3) If YES for #2, who is the current owner/operator?	N/A
4) If YES for #2, who was/were the prior owner(s)/operator(s)?	N/A
5) If YES, when did the change(s) in owner or operator occur?	N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
Item 1 May 07, 2012 (997111)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):
A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.
N/A

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

Attachment D
Technical Summary and Draft Permit

North Texas Municipal Water District
TCEQ Docket No. 2013-1406-MSW
Permit No. 53A

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 6, 2012

Mr. James M. Parks
Executive Director
North Texas Municipal Water District
P.O. Box 2048
Wylie, Texas 75082

Re: Lookout Drive Transfer Station – Collin County
Municipal Solid Waste (MSW) – Permit No. 53A
Major Permit Amendment - Technically Complete
Tracking No. 16454642; RN102778438/CN601365448

Dear Mr. Parks:

The technical review of the above referenced municipal solid waste permit application has been completed, and it has been determined by the Municipal Solid Waste Permits Section that the permit application is technically complete. Therefore, for all administrative purposes, the subject application shall be declared technically complete as of the date of this letter.

A copy of the draft permit, the Technical Summary, the Compliance History, and the Executive Director's Preliminary Decision are enclosed. A copy of the technically complete permit application, the draft permit, and the Executive Director's Preliminary Decision must be placed at the North Texas Municipal Water District's offices at 505 East Brown St., Wylie, Collin County, Texas 75098 and at Richardson City Hall, 411 W. Arapaho Road, Richardson, Dallas County, Texas 75083 for public viewing/copying as will be indicated in the Notice of Application and Preliminary Decision. These documents must be available at this location beginning on the first day of newspaper publication. The notice and instructions for publishing will be sent to you by the Chief Clerk's Office.

If you have any questions concerning this matter, please contact Mr. Mario A. Perez at mail code MC 124, P.O. Box 13087, Austin, Texas 78711; telephone number (512) 239-6681.

Sincerely,

Christine M. Bergren
Manager, Municipal Solid Waste Permits Section
Waste Permits Division

CMB/MAP/pt

cc: Mr. William Hindman, CP&Y, Inc., Dallas

Enclosure

Texas Commission on Environmental Quality

Permit for Municipal
Solid Waste (MSW) Management Site
Issued under provisions of Texas
Health & Safety Code
Chapter 361

MSW Permit No.:	53A
Name of Site Operator/Permittee:	North Texas Municipal Water District
Operator:	North Texas Municipal Water District
Property Owner:	North Texas Municipal Water District
Facility Name:	Lookout Drive Transfer Station
Facility Address:	1601 E. Lookout Drive Richardson, Texas 75082
Classification of Site:	Type V

The permittee is authorized to store and process wastes and to recycle recovered materials in accordance with the limitations, requirements, and other conditions set forth herein. This permit is granted subject to the rules and Orders of the Commission and laws of the State of Texas. Nothing in this permit exempts the permittee from compliance with other applicable rules and regulations of the Texas Commission on Environmental Quality. This permit will be valid until canceled, amended, or revoked by the Commission.

Approved, Issued and Effective in accordance with Title 30 Texas Administrative Code (30 TAC) Chapter 330.

Issued Date:

For the Commission

DRAFT

North Texas Municipal Water District
Lookout Drive Transfer Station
MSW Permit No. 53A

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DRAFT

I. Size and Location of Facility

A. This Type V Transfer Station is located at 1601 E. Lookout Drive, in Richardson, Collin County, Texas. During Phase 1, the facility will contain approximately 7.933 acres. The final facility contains 4.757 acres.

B. The legal descriptions are contained in Part I of the application.

C. Coordinates and Elevation of Site Permanent Benchmark:

Latitude: 32° 59.10' N
Longitude: 96° 41.55' W
Benchmark Elevation: 590 feet above Mean Sea Level

II. Facilities and Operations Authorized

A. Days and Hours of Operation

The operating hours of this municipal solid waste facility will be 12 hours per day, 6 days a week. The business hours of the facility shall be anytime between the hours of 7:00 a.m. and 7:00 p.m., on Monday through Saturday. The operating hours for operating heavy equipment and transporting materials on or off site may be any time between the hours of 5:00 a.m. to 9:00 p.m., Monday through Saturday. The business hours correspond to the hours that the facility is open to the public for the receipt of waste. The operator shall post the actual operating hours on the site sign.

B. Wastes Authorized at this Facility

The permittee is authorized to store and process municipal solid waste which is defined in 30 TAC §330.2 as solid waste resulting from or incidental to municipal, community, commercial, institutional, , recreational, and construction or demolition activities; Class 2 and Class 3 industrial non-hazardous solid waste, used oil, and recyclable material.

C. Wastes Prohibited at This Facility

The proposed facility will not be authorized to accept wastes other than the wastes mentioned above. The facility will not accept those waste streams that are expressly prohibited by 30 TAC Chapter 330.

D. Waste Acceptance Rate

During Phase 1, the facility will receive up to an annual average of 750 tons per day based on 365 days per year, which is below the theoretical design capacity as calculated in Appendix III-E of the permit application.

During Phase 2, solid waste may be accepted for transfer at this facility at a rate of up to 1500 tons-per-day which is below the theoretical design capacity as calculated in Appendix III-E of the permit application.

E. During Phase 1, a maximum of 450 tons of solid waste may be stored at the facility, which is below the theoretical design capacity as calculated in Appendix III-E of the permit application. During Phase 2, a maximum of 900 tons of solid waste may be stored at the facility, which is below the theoretical design capacity as calculated in Appendix III-E of the permit application.

F. Facilities Authorized

The permittee is authorized to operate the facilities related to the processing and storage of the wastes authorized, and related to the recycling of the recovered materials, which shall include units, structures, appurtenances, or improvements as described in the permit application.

G. Changes, Additions, or Expansions

Any proposed facility changes must be authorized in accordance with TCEQ rules in 30 TAC Chapter 330 (Municipal Solid Waste) and 30 TAC Chapter 305 (Consolidated Permits).

III. Facility Design, Construction, and Operation

A. Facility design, construction, and operation must comply with this permit, Commission Rules, including 30 TAC §§330.57, 330.59, 330.61, 330.63, 330.65, 330.67, 330.71, 330.73, 30 TAC Chapter 330, Subchapters E, G, K, L, and M, the permit application, Special Provisions contained in this permit, and the permit application.

B. The applicant will construct a new transfer station building to replace the existing transfer station building and re-locate operations to the new building on property north and adjacent to the existing facility. At no time will both facilities be operating concurrently. The facility will be constructed in two phases. Phase one will begin when the permit is issued. During Phase one, a permitted boundary of 7.933 acres will exist during the construction of the new transfer station facility. Phase two will consist of a final permitted facility boundary of 4.757 acres. Phase two begins once the existing transfer station completes closure requirements in accordance with the permit, and TCEQ approves the Certification of Final Closure for the existing transfer station.

C. The entire waste management facility shall be designed, constructed, operated, and maintained to prevent the release and migration of any waste, contaminant, or pollutant, and to prevent inundation or discharge from the areas surrounding the facility components. This site must be designed, constructed and maintained to collect spills and incidental precipitation in such a manner as to:

1. preclude the release of any contaminated runoff or spills; and

2. manage run-on and runoff during the peak discharge of a 25-year rainfall event.

D. The site shall be designed and operated so as not to cause a violation of:

1. the requirements of the 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, §402 as amended; and/or the Texas Pollutant Discharge Elimination System (TPDES), as amended;

3. the requirements under the 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 the Federal Clean Water Act, §208 or §319, as amended.

E. All facility employees and other persons involved in facility operations shall be qualified, trained, and experienced to perform their duties so as to achieve compliance with this permit. The permittee shall further ensure that personnel are familiar with safety procedures, contingency plans, the requirements of the Commission's rules, and this permit, commensurate with their levels and positions of authority.

IV. Financial Assurance

A. General. Authorization to operate the facility is contingent upon compliance with provisions contained in this permit and maintenance of financial assurance in accordance with 30 TAC Chapter 330 Subchapter K and 30 TAC Chapter 37.

B. Closure Financial Assurance. The amount of financial assurance posted for closure shall be provided annually in current dollars in an amount equal to closing the entire facility pursuant to 30 TAC §330. 505(a). The owner and/or operator shall annually adjust the closure cost estimate and the dollar amount of the financial assurance for inflation within 60 days prior to the anniversary date of the permit pursuant to 30 TAC §330.505.

C. Closure Financial Assurance Amount. Within 60 days after the date of permit issuance or prior to the initial receipt of waste, the permittee shall provide financial assurance instrument(s) for demonstration of closure in an amount equal to but not less than $101,189 for closure in 2012 dollars. The amount of financial assurance to be posted annually shall be determined as described in Part III, Section 11 of this permit.

D. Closure Plan Modifications. If the facility's closure plan is modified, the permittee shall provide new cost estimates in current dollars, which meet the requirements 30 TAC Chapter 37 and 30 TAC §330.505. Modifications shall be made pursuant to 30 TAC §305.70. The amount of the financial assurance mechanism shall be adjusted within 20 days after the modification is approved. Adjustments to the cost estimates and/or financial assurance instrument to comply with any financial assurance regulation that is adopted by the TCEQ subsequent to the issuance of this permit shall be initiated as a modification within 30 days after the effective date of the new regulation.

V. Facility Closure

Closure shall commence:

A. 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;

B. Upon abandonment of the site;

C. Upon direction of the Executive Director for failure to secure and maintain adequate financial assurance as required; or

D. Upon permittee's notification to the TCEQ that the facility will no longer operate.

VI. Standard Permit Conditions

A. This permit is based on and the site owner/operator shall follow the permit application submittals received October 26, 2011, and as revised July 13, 2012, and October 18, 2012. These application submittals are hereby approved subject to the terms of this permit, the rules and regulations, and any orders of the TCEQ. These application materials are incorporated into this permit by reference in Attachment A as if fully set out herein. Any and all revisions to these elements shall become conditions of this permit upon the date of approval by the Commission. During construction, the permittee shall maintain the application and all supporting documentation at the facility and make them available for inspection by TCEQ personnel. Upon completion of construction, a copy of the "as-built" construction plans and specifications will be maintained at the facility.

B. Attachment B, consisting of any future minor amendments, modifications, and corrections to this permit, will be made a part of this permit.

C. The permittee shall comply with all conditions of this permit. Failure to comply with any 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. Inspection and entry onto the site by authorized personnel shall be allowed during the site operating life.

E. The provisions of this 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.

F. Regardless of the specific designs contained in the permit application, the permittee shall be required to meet all performance standards in the permit, the application, or as required by local, state, and federal laws.

G. If differences arise between the rules, regulations, and permit provisions and the incorporated application materials, then the rules, regulations, and permit provisions shall prevail.

H. The permittee shall comply with the requirements of the air permit exemption in 30 TAC §106.534, if applicable, and the applicable requirements of 30 TAC chapters 106 and 116.

VII. Incorporated Regulatory Requirements

A. 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 operation authorized by this permit.

B. To the extent applicable to the activities authorized by this permit, the requirements of 30 TAC Chapters 37, 281, 305, and 330, and future revisions are adopted by reference and are hereby made provisions and conditions of this permit.

VIII. Special Permit Provisions

None.

IX. Attachment A

The Permit Application.

X. Attachment B

Minor Amendments, Modifications, and Corrections to MSW Permit No. 53A.

Technical Summary

North Texas Municipal Water District
Lookout Drive Transfer Station
Municipal Solid Waste (MSW)
Permit Amendment Application Number 53A
Collin County, Texas

November 2012

Prepared by

Mario A. Perez
Municipal Solid Waste Permits Section
Waste Permits Division
Texas Commission on Environmental Quality

1. General Information

Applicant: North Texas Municipal Water District
P.O. Box 2408
Wylie, Texas 75098

Facility: Lookout Drive Transfer Station
1601 E. Lookout Dr.
Richardson, Texas 75082

1.1 Purpose of Permit Amendment Application

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for a major permit amendment to an existing Type V municipal solid waste transfer station facility in Collin County, Texas. This application was received on October 26, 2011 in accordance with Title 30 of the Texas Administrative Code (30 TAC) Section (§) 305.62. The total final permitted facility boundary will be 4.757 acres. There will be a temporary permitted boundary of 7.933 acres. The applicant will construct a new transfer station building to replace the existing building and relocate operations to the new building on property north and adjacent to the existing facility. At no time will both facilities be operating concurrently.

1.2 Wastes

Wastes Authorized to be Accepted:

This facility accepts municipal solid waste which is defined in 30 TAC §330.2 as solid waste resulting from or incidental to municipal, community, commercial, institutional, and recreational activities; construction and demolition waste, Class 2 and Class 3 industrial non-hazardous solid waste, used-oil, and recyclable material.

Wastes Not Authorized to be Accepted:

The proposed facility will not be authorized to accept wastes other than the wastes mentioned above. The facility will not accept those waste streams that are expressly prohibited by 30 TAC Chapter 330.

2. Application Review

This application has been reviewed for compliance with the applicable requirements of 30 TAC Chapters 281, 305, and 330. On November 15, 2011, the application was determined to be administratively complete. The application has been technically reviewed by the Municipal Solid Waste Permits Section to determine its compliance with the applicable requirements in 30 TAC Chapters 305 and 330. 30 TAC Chapter 330 contains the minimum regulatory criteria for municipal solid waste facilities. Information contained in the permit application has demonstrated compliance with the regulatory requirements and the application has been declared technically complete. A Notice of Application and Preliminary Decision will be issued following this determination of technical completeness.

3. Location and Size

3.1 Location

The Lookout Drive Transfer Station Facility is located in Collin County, approximately 0.2 miles east of the intersection of N. Plano Road, and E. Lookout Drive. The location is illustrated in Attachment 1 (General Location Map) of this Technical Summary.

Latitude:	32° 59.10' N
Longitude:	96° 41.55' W
Elevation:	590 feet above mean sea level (msl)

3.2 Size

The total area within the final permit boundary is approximately 4.757 acres. There will be a temporary permitted boundary of 7.933 acres. The final site layout is illustrated in Attachment 2 (Proposed Facility Layout) of this Technical Summary. The interim site layout is illustrated in Attachment 3.

4. Facility and Operations Authorized

The facility consists of a site entrance with appropriate security fencing, an asphalt all-weathered entrance road to the site, all-weather access roads, and surface drainage and stormwater run-on/runoff control structures. Access to the site will be controlled by a minimum 6-foot tall chain-link fence and a lockable gate. In addition to the perimeter fencing, access is restricted from the north and east by a natural barrier, Spring Creek. The applicant is authorized to accept waste and recyclable materials identified in Section 1.2 of this Technical Summary

5. Facility Design and Construction

During construction of the proposed transfer station building, the existing building will continue to be used in its current configuration. The proposed transfer station building foundation and push walls will be constructed of reinforced concrete. The building frame and roof structure will be constructed of steel. Floor drains and trench drains will be provided to capture wash down water, which will be channeled through a sand/grease trap before discharge into the sanitary sewer system. The building will be approximately 220 feet by 152 feet and will incorporate a split level design with a transfer trailer loadout tunnel sized to allow two full size transfer vehicles to be loaded at the same time. The transfer trailer tunnel area will be constructed at an elevation that is approximately 18-feet lower than the tipping floor to accommodate the truck height, road surface, steel hoppers, and tunnel scales. The proposed facility is designed to receive and transfer a theoretical maximum of 2400 tons of waste per day, although applicant will be authorized to accept a maximum of 1500 tons of waste per day. The unloading and waste storage area will be located within the transfer station building and will measure approximately 105 feet by 152 feet. The storage area is designed to accommodate 900 tons of waste. The applicant does not anticipate storing waste material overnight in the building except for extenuating emergency circumstances such as inclement weather or mechanical breakdown. The facility is authorized to store waste on site for a maximum of 3 days. Recyclable material will be stored in roll off boxes located in the recycle drop off area. The used oil will be collected and stored in a double walled container located inside the transfer station building. Used oil will be transported off site by an authorized hauler for further recycling on at least a quarterly basis.

6. Land Use

Land use in the vicinity of the site was evaluated in accordance with applicable subsections of 30 TAC §330.61.

6.1 Zoning

6.2 The Lookout Drive Transfer Station is located in Collin County, approximately 0.2 miles east of the intersection of N. Plano Road, and E. Lookout Drive within the city limits of the City of Richardson, in Collin County, Texas and is subject to city zoning ordinances. The location is illustrated in Attachment 1 (General Location Map) of this Technical Summary.

6.3 Surrounding Area Land Use

Land use within a one-mile radius of the site is approximately 36% residential, 25% open space, 18% public, 17% office / commercial, 4% quasi-public, and less than 1% multi-family The land use is illustrated in Attachment 3 (Land Use Analysis Map; Figure LU-3) of this Technical Summary.

6.4 Growth Trends

The applicant indicates that no household growth is expected to occur within one mile southeast or northwest of the permit boundary however, household growth is expected four to five miles from the northeast permit boundary in southeast Plano and east Richardson.

6.5 Residences and Businesses

Within one mile of the facility, there are 2877 residences, 84 commercial structures, and one licensed day care center.

6.6 Schools and Churches

There are seven churches and no known schools within one mile of the site.

6.7 Cemeteries

There are two cemeteries within one mile of the site.

6.8 Historical Sites

Historical properties will not be affected by the site

7. Location Restrictions

Location restrictions for municipal solid waste facilities are set forth in 30 TAC Chapter 330 Subchapter M [30 TAC §330.541 - 330.563].

7.1 Airport Safety

The facility submitted a general location map that does not depict airports within a 6 mile radius of the facility.

7.2 Floodplains

The facility will not be located within a 100-year floodplain, as indicated by the applicant and Federal Emergency Management Agency's (FEMA) approval letter for a Conditional Letter of Map Revision Based on Fill (CLOMR_F) submitted by the City of Richardson on May 6, 2010 and approved by FEMA July 8 2010 (Case No. 10-06-2307C). The facility is considered to be in compliance with 30 TAC §330.547, regarding floodplains.

7.3 Wetlands

There is no proposed development in jurisdictional waters of the United States. Therefore, the facility is considered to be in compliance with 30 TAC §330.553.

7.4 Groundwater

Groundwater monitoring is not required for this facility.

8. Site Development and Operation

The Site Development Plan (SDP) is Part III of the permit application and sets forth the engineering design and other technical aspects of the facility. The Site Operating Plan (SOP) is Part IV of the permit application. The SOP provides operating procedures for the site management and the site operating personnel for the daily operation of the facility. The SOP also provides guidance to maintain the facility in compliance with the engineering design and applicable regulatory requirements. These documents become part of the permit.

9. Protection of Endangered Species

Based on correspondence from the United States Fish and Wildlife Service and Texas Parks and Wildlife Department (TPWD), there are 14 known federally listed threatened or endangered species known to occur in Collin County. An on-site survey was conducted, and no significant impacts to endangered or threatened species are expected. Therefore, the facility is considered in compliance with 30 TAC §330.551 which states, in part, that the facility shall not result in the destruction or adverse modification of critical habitat of endangered or threatened species, or cause or contribute to the taking of any endangered or threatened species.

10. Financial Assurance

Financial assurance must be maintained for the facility in accordance with 30 TAC Chapter 37 (Financial Assurance) and 30 TAC Chapter 330 Subchapter J for closure.

11. Attachments

Four attachments from the permit application are included with this technical summary. These attachments are as follows:

Attachment 1 - General Location Map – Drawing II-1

Attachment 2 – Proposed Facility Layout – Drawing II-3-2

Attachment 3 – Existing Facility Layout – Drawing II-3-1

Attachment 4 – Land Use Analysis Map – Figure LU-3

12. Public Participation Process

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

a. The TCEQ will hold a public meeting if the Executive Director determines that there is substantial public interest in the application or if requested by a local legislator. During this meeting the Commission accepts formal comments on the application. There is also an informal question and answer period. A public meeting was held for this facility on October 9, 2012.

b. After technical review of the application is completed, the application is declared technically complete and a draft permit is prepared. The draft permit, the public notice language, and the technical summary are sent to the Chief Clerk's office for processing.

c. The Notice of Application and Preliminary Decision 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 comments about the application or draft permit. The notice also allows the public to request a public meeting for the proposed facility.

d. 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 sent to all persons who commented on the application. Persons who receive the comments have a 30-day period after the RTC is mailed in which to request a public hearing.

e. 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.

f. A public hearing is a formal process in front of an Administrative Law Judge (ALJ) who conducts the hearing. The applicant and protestant(s) present witnesses and testimony to support or dispute information contained in the application. When the evidentiary portion of the hearing is completed, the ALJ will issue a Proposal for Decision (PFD). The PFD is placed on an agenda meeting of the TCEQ Commissioners for consideration of issuance or denial of a permit.

g. After the approval or denial of an application has been made, a request to overturn the decision may be made by a party that does not agree with the decision. The request to overturn must be made within a 20-day period after the decision is sent to the applicant. These requests are considered within a 25-day period after the end of the 20-day request period. The matter could be set on another agenda meeting for reconsideration, or allowed to remain in effect without any action after the 25-day period is complete.

h. Applications for which no comments are received or no one requests a public hearing are considered uncontested matters after the initial 30-day comment period. The matter is placed on the Executive Director's signature docket and a permit is issued. The motion to overturn or reconsider is also applicable in this situation.

13. Additional Information

For information regarding this application, contact the Municipal Solid Waste Permits Section:

Mr. Mario A. Perez
MSW Permits Section (MC 124)
Waste Permits Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711
(512) 239-6681

To request a copy of the Site Development Plan, contact the consulting engineer:

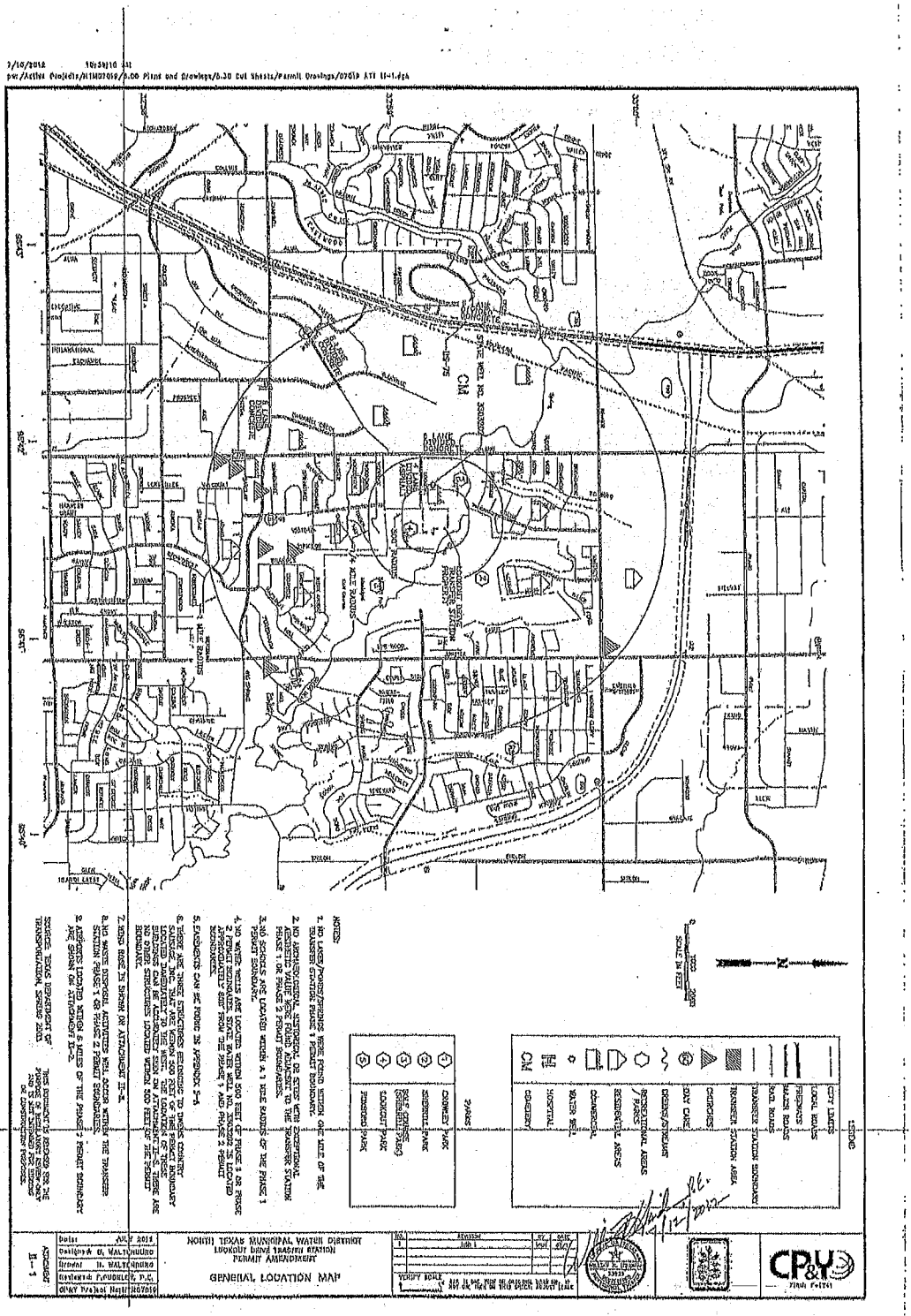
Mr. William Hindman, P.E.
CP&Y, Inc.
1820 Regal Row Suite 200
Dallas, TX 75235
(214) 638-0500

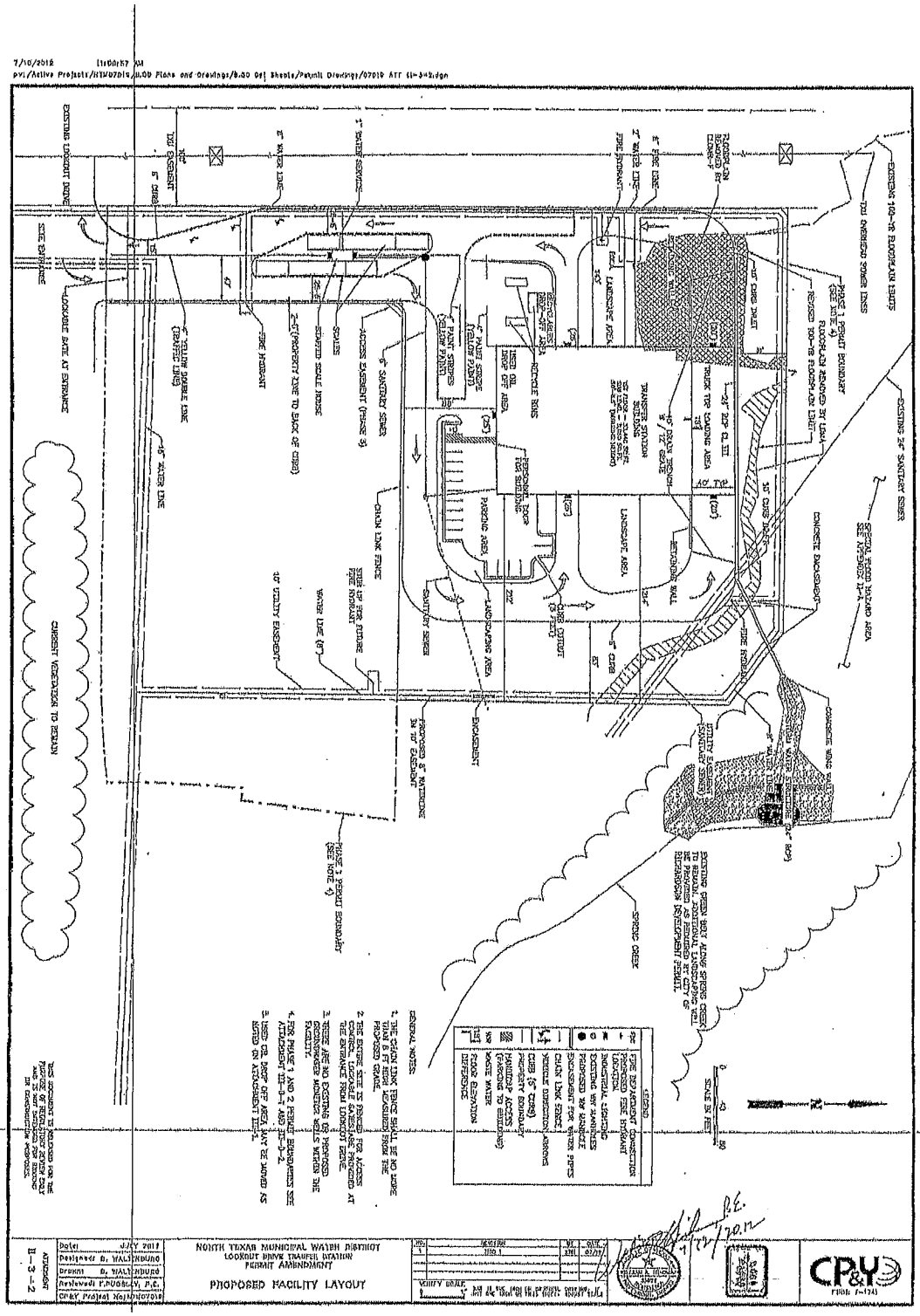
Information concerning public participation in the public hearing process, contact the TCEQ's Office of the Public Interest Counsel:

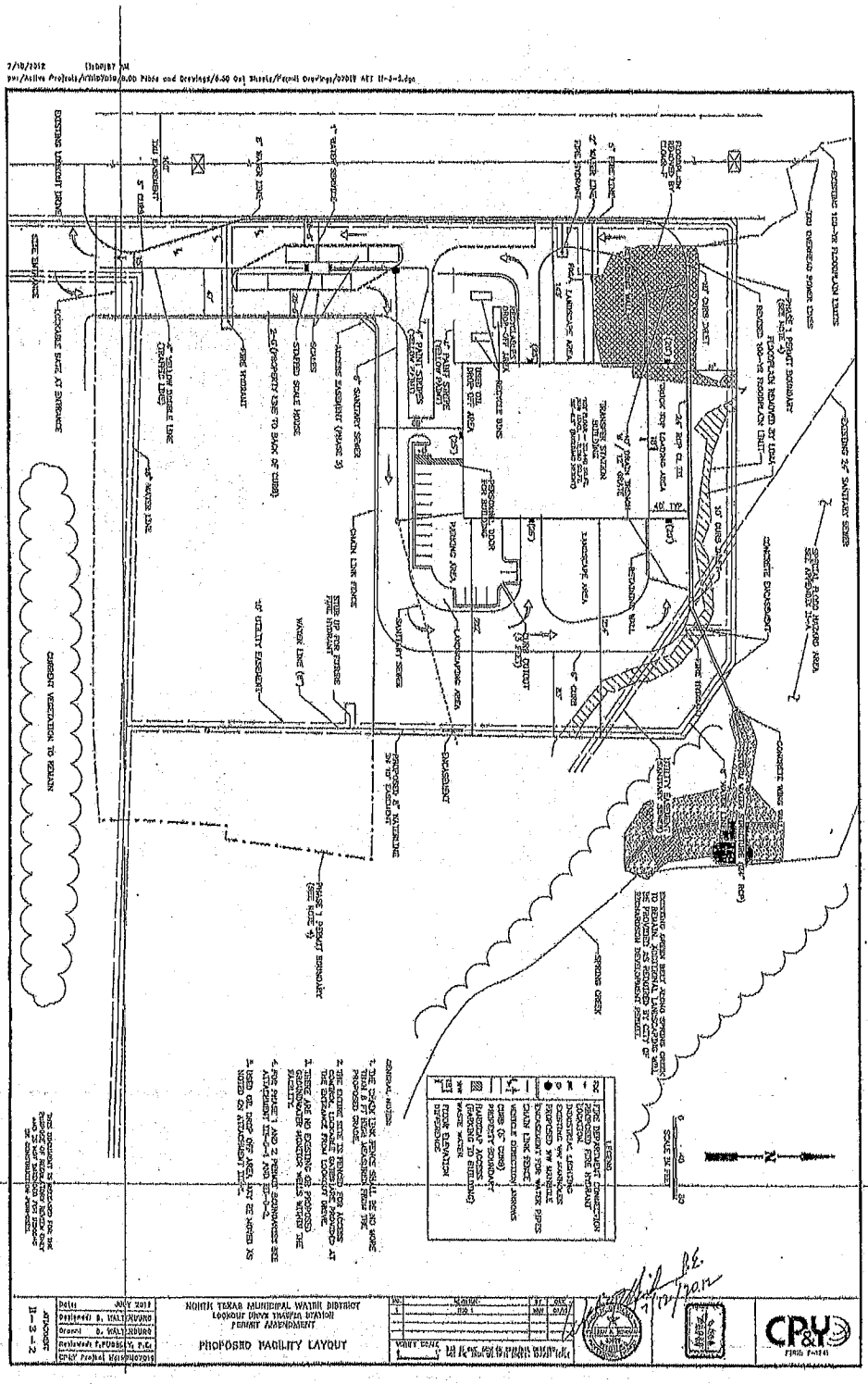
Office of Public Interest Counsel (MC 103)
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087
(512) 239-6363

For information concerning public hearing procedures for municipal solid waste permits may be obtained by contacting Mr. Bill Newchurch, Director, at:

State Office of Administrative Hearings
Natural Resource Division
300 W. 15th Street, Room 504
Austin, TX 78701
(512) 475-3445


NORTH TEXAS MUNICIPAL WATER DISTRICT
LOOKOUT DRIVE TRANSFER STATION
PERMIT AMENDMENT
GENERAL LOCATION MAP
CP&Y


PROPOSED FACILITY LAYOUT
NORTH TEXAS MUNICIPAL WATER DISTRICT
LOOKOUT DRIVE TRANSFER STATION
PERMIT AMENDMENT
CPRY


PROPOSED FACILITY LAYOUT
NORTH TEXAS MUNICIPAL WATER DISTRICT
Lookout Drive Transfer Station
PERMIT AMENDMENT
CP&Y

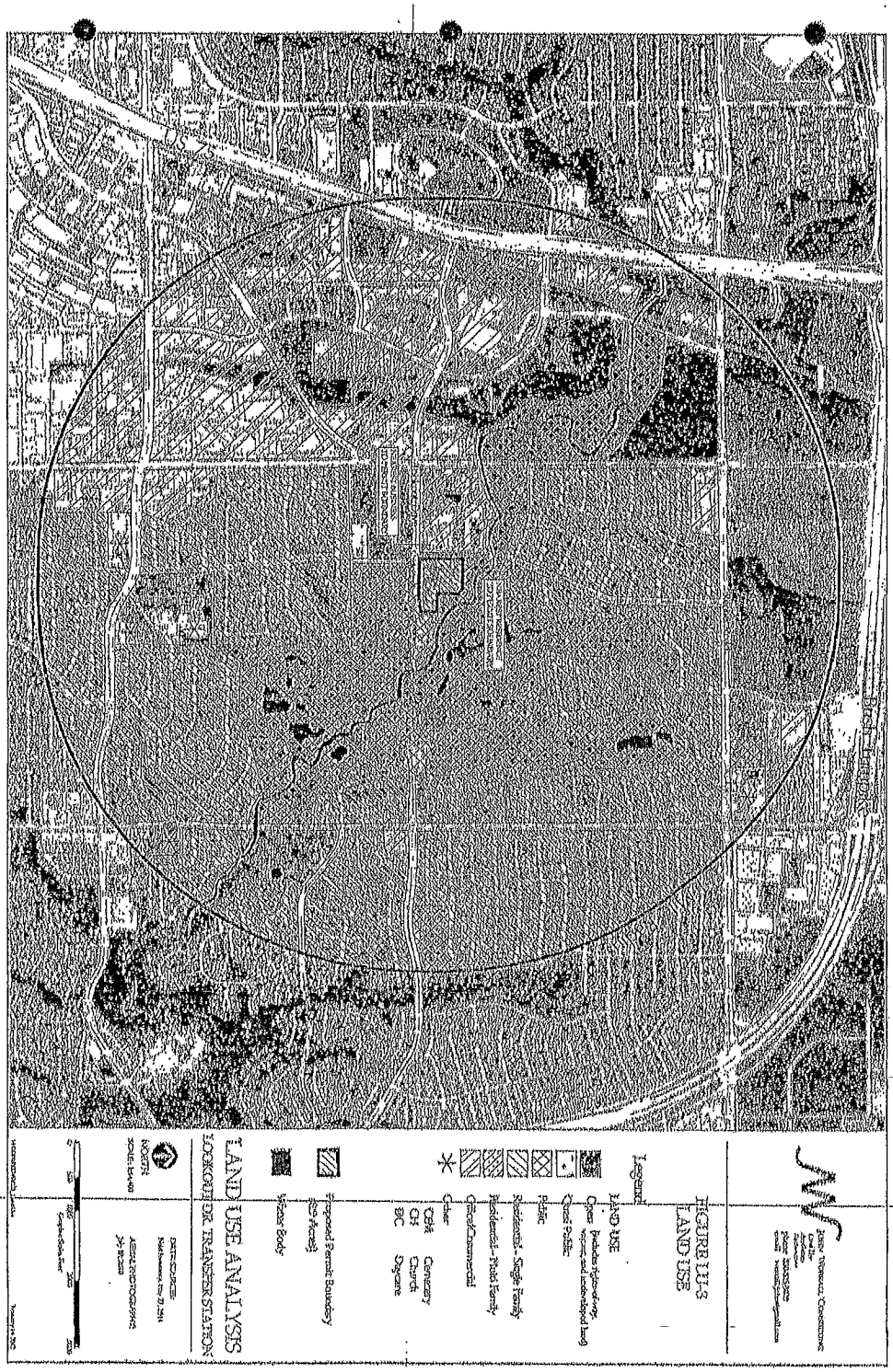


FIGURE LU-3
LAND USE
Legend
LAND USE
Open (includes right-of-way, vacant and undeveloped land)
Quasi Public
Public
Residential - Single Family
Residential - Multi Family
Other/Commercial
Other
CEM Cemetery
CH Church
DC Daycare
Proposed Permit Boundary (50 Acres)
Water Body
LAND USE ANALYSIS
LOOKOUT OR TRANSFER STATION
NORTH
SCALE: 1:4,400

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.

Compliance History Report

PENDING Compliance History Report for CN601365448, RN102778438, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator:	CN601365448, North Texas Municipal Water District	**Classification:** SATISFACTORY	**Rating:** 0.93
Regulated Entity:	RN102778438, LOOKOUT DRIVE TRANSFER STATION	**Classification:** HIGH	**Rating:** 0.00
Complexity Points:	4	**Repeat Violator:** NO	
CH Group:	14 - Other		
Location:	1601 E LOOKOUT DR RICHARDSON, TX 75080, COLLIN COUNTY		
TCEQ Region:	REGION 04 - DFW METROPLEX		

ID Number(s):

MUNICIPAL SOLID WASTE PROCESSING PERMIT 53
PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 24718
STORMWATER PERMIT TXR05U173
MUNICIPAL SOLID WASTE PROCESSING PERMIT 53A
PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 24718
USED OIL REGISTRATION C81091

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: November 07, 2012

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 07, 2007 to November 07, 2012

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: BOBBIE ROGANS **Phone:** (512) 239-6197

Site and Owner/Operator History:

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/operator of the site during the compliance period? NO
3) If YES for #2, who is the current owner/operator? N/A
4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
Item 1 May 07, 2012 (997111)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):
A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

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

Texas Commission on Environmental Quality

Executive Director's Preliminary Decision

November 29, 2012

DESCRIPTION OF APPLICATION

Applicant: North Texas Municipal Water District
Lookout Drive Transfer Station
MSW Permit Application No. 53A

Type: Type V Municipal Solid Waste Facility

EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

The Executive Director of the Texas Commission on Environmental Quality has made the preliminary decision that municipal solid waste permit, Permit No. 53A, to North Texas Municipal Water District, if issued, meets all statutory and regulatory requirements.

Attachment E
Executive Director's Response to Public Comment

North Texas Municipal Water District
TCEQ Docket No. 2013-1406-MSW
Permit No. 53A

TCEQ INTRA-AGENCY TRANSMITTAL MEMO

DATE: June 13, 2013

TO: FINAL DOCUMENTS TEAM LEADER
OFFICE OF THE CHIEF CLERK
BUILDING F, MC-105

FROM: Steve Shepherd
ENVIRONMENTAL LAW DIVISION
BUILDING A, MC-173

Attached: Executive Director's Response to Comments

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2013 JUN 13 PM 3:37
CHIEF CLERKS OFFICE

Application Information
Program Area (Air, Water or Waste): Waste: MSW
Permit No.53A Name: North Texas Municipal Water District

OCC Action Required *(check applicable boxes)*
Date stamp and return copy to above-noted ELD Staff Attorney and:

FOR ALL PROGRAM AREAS: *(required only when changes needed to official agency mailing list)*

☐ **Update** the mailing list in your file with the attached contact names and addresses
Include corrected or additional names and addresses for mailing list

FOR WASTE & WATER:

☒ Send Response to Comments Letter which solicits hearing requests and requests for reconsideration to the mailing list in your files
For Waste and Water this would occur in all circumstances when comments have been received for 801 applications
Or

☐ Send Response to Comments Letter and Motion to Overturn Letter which solicits motions to overturn to the mailing list in your files
For Waste and Water this may occur when all comments have been withdrawn for 801 applications or when comments are received for applications that will not be set for agenda.

FOR AIR (NSR only):

☐ Send RTC with response to comments letter which solicits contested case hearing requests and requests for reconsideration to the mailing list in your files
For Air NSR applications this would occur only when there are pending contested case hearing requests (except no-increase renewals)

☐ Set for commission agenda and send RTC with agenda setting letter
This would occur when there are pending contested case hearing requests on a no-increase renewal and technical review is complete.

☐ Hold until a commission agenda date is requested and then send RTC with the Agenda Setting Letter
For Air applications this would occur when there are pending hearing requests on a no-increase renewal; but technical review is NOT complete. If this box is checked, ED staff must call the OCC Agenda Team Leader to arrange a specific agenda date.

☐ Place RTC in File - no further action required by OCC
For Air NSR applications this would occur when the matter is uncontested but comments were received, APD will send a copy with MTO letter

☐ Other Instructions: _____

TCEQ PERMIT NO. 53A

APPLICATION BY NORTH TEXAS MUNICIPAL WATER DISTRICT FOR MAJOR AMENDMENT TO MUNICIPAL SOLID WASTE PERMIT NO. 53A	§ § § § §	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

2013 JUN 13 PM 3:37
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Executive Director's Response to Public Comment

The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (Response) on the Application by North Texas Municipal Water District (Applicant), for a major amendment to Municipal Solid Waste Permit Number 53A and on the Executive Director's Preliminary Decision. As required by 30 Texas Administrative Code (TAC) Section (§) 55.156, before an application is approved, the ED prepares a response to all timely, relevant and material, or significant comments. The Office of the Chief Clerk (OCC) timely received comment letters from:

Abney, James
Achatz, Christina
Achatz, Emma
Achatz, Jason
Adame, Kristy J.
Adamic, Jerry
Adamson, Barry
Adamson, Patricia
Aguilar, Jeanne
Aguilar, Paul
Anderson, Ian
Anderson, Khristine
Arnold, Debbi
Arnold, Doug
Atkins, Kathryn
Baca, Judy
Balbus, Peter G.
Baldwin, Aaron R.
Banzon, Elbert
Barnhouse, Marilyn
Barnhouse, Thomas
Barr, Jaime
Bartz, Jocelyn C.
Bartz, Todd J.
Bax, Lawrence G.
Bayouth, Steven
Bayouth, Tiffani
Beal, Jonathan
Bell, Ken
Bennett, Earnest E.
Bernhardt, Hilary
Bodie, Sherrill S.- (*Parker Leigh Environmental, LLC*)
Brady, Martin A. – (*Owens Park Neighborhood Assc.*)
Breitbart, Karen
Brennen, Chris
Brown, Dave
Broxson, Drew
Brunson, Diane
Buie, Rebecca
Bundgus, Daneen
Bunnell, Diann
Burnett, Dolores
Burnett, Wayne
Burnette, Laura Ruth
Burrous, Jill
Burrow, Kenneth
Burrrow, Sylvia
Bustos, Israel

Bustos, Kim
Cafiero, Mary Alice
Cafiero, Matthew
Camp, Amy
Camp, Callie
Campbell, Chester
Cantwell, Kelly
Cantwell, Paul
Cargile, Karen
Cargile, Katherine
Carroll, Terry
Catagnus, Philip C.
Chapman, Joyce
Chen, Cathy
Ciafardini, Marc V.
Claassen, Mike
Claassen, Nancy
Clark, Ted
Clawson, Diana-(*Duck Creek HOA*)
Clymer, Georgia
Clymer, Jack
Colbaugh, Penelope A.
Colbaugh, Phillip F.
Compton, Viola Marie
Conn, Barbara
Conn, Jack
Cossady, Charles
Cossady, Katie
Cranor, Eugene H.
Crump, Zilphia
Curran, Ed – (*Richardson Environmental Action League/R.E.A.L.*)
Dalgic, Ihsan
Dalgic, Vernonica
Davani, Shahnaz
Davenport, Ernie
Davidson, Angela
Davis, Clara Jane
Davis, Denise
Davis, Greg L.
Davis, Jane
Davis, Megan
Davis, Michael
Davis, Michele
Davis, Robert Alan
Davis, Wayne
Davis, William H.
Day, Darrell
Demattia, John
Devantier, Mark
Dickinson, Alison M
Dobbs, D.D.
Dodge, Stephen
Dorris, Sue
Douglas, Jeffrey, E.
Douglas, Theresa H.
Dragolich, Connie
Dragolich, William
Dragovits, Joann
Dugger, Ken
Dunn, Scott
Duong, Tam
Edgren, Edward
Edgren, Margaret
Elms, Danny
Essig, Michael
Essig, Patricia
Estill, Laura
Evans, Mary E.
Falconer, Alaric
Falconer, Robyn
Fekete, Nicholas
Flahive, Mike
Fleming, Cathy
Fleming, Steve
Flores, Baltazar J.
Frederiksen, Fred
Frizzell, Mike
Frost, David
Fuld, Jane
Fullerton, Barbara
Gates, William R.
Ghate, Bhaskar B.
Gibbons, Connie S.
Golden, John C.
Gordon, Maureen
Gordon, Mike
Gordon, Sue
Grant, Carla
Gray, Nancy A.
Grayson, Robert
Groover, Betty Formby
Gundersen, Hans Jorgen
Gundersen, Kathryn D.
Hale, Stephanie
Hanley, Freda
Hanley, John
Hansen, Annette
Hanson, Daniel
Hardage, Elizabeth A.
Hardin, Charlotte
Hartin, John F.
Hauck, Fern K.
Heckmann, David
Helfenbein, Kendall H.
Heye, James Dwight
Hill, Gayle C.
Hill, Rachel G.
Hill, Robert A.
Hill, Sonja
Holland, Helen German
Holman, Katherine
Holsenbeck, Marshall B.
Howard, Paul T.
Hudspeth, Melody
Huffman, Fred C.
Human, George – (*Sherrill Park Neighborhood Assc. Board*)
Huval, Julie
Ischy, Ashley
Ischy, Jason
Jacoy, Jane
Jansky, Pat M.
Johnson, Charles S.- (*Crowley Park Neighborhood Assc.*)
Johnson, Kathy
Johnson, Leroy
Jones, Rebecca
Kam, David S.
Keene, Mary
Kieffer, Christina

Klee, Carol
Klee, Chris
Laclette, Fernando
Laclette, Susana
Larson, Sheri - (*Parker Leigh, Environmental LLC*)
Lasich, Joyce
Lauder, John M.
Lavassani, Mehdi
Leo, Al
Lewis, Sherry
Litle, Bill
Little, Lisa
Long, Joy
Maczka, Laura
Magee, Joan
Mann, Darren T.
Marcy, Amy
Marcy, Josh
Maresh, Charles
Martin, Melissa
Mason, Thomas
Mayfield, Jeff
McAfee, Ronald
McClelland, Carrie
McClelland, Kevin
McDaniel, Larry
McDowell, Candace
McDowell, John S.
McFarlin, Debbie
McFarlin, Keith
Meador, Bradley
Meador, Misty
Medina, Louis
Milano, Anthony
Milliorn, Chris
Milliorn, Keleigh
Mintline, Ruth
Mirasol, Raedelynn
Mirasol, Reynald
Moisuk, John
Moomey, Magdalena
Moore, Laurie
Morgan, David (City of Richardson)
Mount, George
Mount, Priscilla
Moyer, Tamarra
Mumford, Brian
Murphy, Allison
Murphy, Danette
Murray, Gwen
Neiman, Joe
Nezat, Amy K.
Nicelly, Laura
Olah, Magdi
Oldham, Oliver
Oldham, Susan
Oldham, Zachary
Ortega, Jerry
Orton, Christian
Orton, Erin
Parker, Martin
Parsoneault, Thomas
Patterson, Shawn
Pawlik, Dick
Pawlik, Marlene
Pettinger, Hedwig
Pettinger, Wes
Philips, Kristen
Philips, Troy
Phillips, Barbara
Pierce, Kriss
Pinto, Julio B.
Pizarroso, Ramiro
Plagens, Kathy
Plagens, Mark
Polcari, Peter A.
Prewitt, Viola
Rains, Philip E.
Ramirez, Sergio
Randolph, Carira
Rash, Shelby
Rash, Suzan
Regeci, J.
Reva, Joan
Reva, W.
Rhymes, Max
Rickel, Joanne
Ricks, Sam B.
Ricks, Sharon
Riehm, Sarah
Riley, Agell
Riley, Gay
Roberson, Evelyn
Robertson, Maryann
Rochelle, Phillip
Rodriguez, Hector C.
Roffino, Charles
Roland, Randy – (*Windsor Estates HOA*)
Ros, Mitchell A.
Rose, Cathy
Rose, George
Ross, Carol
Ross, P.B.
Ryland, Mark L.
Salisbury, Ben
Salisbury, Bessie
Sanabria, Chris
Sandoval, Marcia
Sandoval, Victor
Saye, Don
Saye, Gale
Scalf, Carla Ann
Schneider, Sarah
Schubert, Jeremy
Schuster, Lynne
Schwab, Nicholey
Seward, Marlene A.
Shafiq, Huzaifa
Shah, Jay
Shellstrom, Kathy
Shortess, Melvin A.
Slattery, Riley
Smithhisler, Linda, Maitri – (*Neighborhood Protection Alliance of Richardson/NPAR*)
Smithhisler, Mark L.
Smouse, Robert H. – (*North Tx. Municipal Waste District's Regional Solid Waste System*)
Snuggs, Krista
Snuggs, Tripp

Soderberg, Andrew
Spikes, Elaine
Srinivasagopalan, Ranga –(*Neighborhood Protection Alliance of Richardson/NPAR*)
Starritt, Jeremy
Stelly, Ryan
Stevens, Carol
Stevens, G.B.
Stevens, Gerald
Strecker, Dick
Switzer, Travis
Tatman, Arva
Tatman, George F.
Taylor, Jeffery S.
Taylor, Judy
Taylor, Marlene A.
Taylor, Paul M.
Thomason, Jenny
Thompson, Monika
Throckmorton, Verlie
Trahan, Zac
Tran, Nam
Trentham, Mary Lynn
Trentham, Reginald
Trimble, Lenny
Trimble, Susan
Trippeer, Barbara
Turner, Ann
Turner, Brenda
Turner, Kay
Uttich, Bill
Vanhoose, Angela
Vanlandingham, Curt
Vargas, Peter H.
Vargas, Robert
Vargas, Stella
Vincent, Sandra L.
Waddingham, Corbett
Wagnon, Kathi
Wakefield, Nancy
Wakefield, Richard
Wakefield, Rick
Wall, J.A.
Wallace, Kayla K.
Wallace, Thomas H.
Warren, Freya
Webb, Don
Webb, Jean
Weiss, Allan
Welch, John F.
Welch, Richard E.
West, Susan
Whitley, Julie
Wilder, Richard G.
Williams, Deborah W.
Williams, Jim A.
Williams, Steven E.
Wilson, Viva
Winkler, Kelli
Winkler, Marc
Wittig, Chris
Wittig, Tom
Worthington, Timothy
Worthy, Bill
Wynn, Allen
Wynn, Thomas A.
Young, Aaron
Zellner, Jam

The OCC received timely, oral comments from the following individuals at the public meeting held on October 9, 2012: George Human, Sherri Larson, Sherrill Bodie, Linda Maitri Smithhisler, Martin Brady, Zac Trahan, Mitchell Ross, Diana Clawson, David Morgan (for the City of Richardson) and Gay Riley.

This response addresses all such timely public comments received, whether or not withdrawn. If you need more information about this permit Application or the permitting process, please call the TCEQ Office of Public Assistance at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.state.gov.

I. Background

A. Description of Facility

The Applicant has applied to the TCEQ for a municipal solid waste permit amendment to authorize the relocation and construction of a new transfer station building that will replace the existing building. The facility is located at 1601 E. Lookout Drive, Richardson, Collin County, Texas 75082. The proposed transfer station is a Type V municipal solid waste facility with a maximum waste transfer capacity of 1,500 tons per day (TPD). This facility accepts municipal solid waste which is defined in 30 TAC §330.2 as solid waste resulting from or incidental to municipal, community, commercial, institutional, and recreational activities; construction and demolition waste, Class 2 and Class 3 industrial non-hazardous solid waste, used-oil, and recyclable material.

During construction of the proposed transfer station building, the existing building will continue to be used in its current configuration. The proposed transfer station building foundation and push walls will be constructed of reinforced concrete. The building frame and roof structure will be constructed of steel. Floor drains and trench drains will be provided to capture wash down water, which will be channeled through a sand/grease trap before being discharged into the sanitary sewer system. The building will be approximately 220 feet by 152 feet and will incorporate a split level design with a transfer trailer loadout tunnel sized to allow two full size transfer vehicles to be loaded at the same time. The transfer trailer tunnel area will be constructed at an elevation that is approximately 18-feet lower than the tipping floor to accommodate the truck height, road surface, steel hoppers, and tunnel scales. The proposed facility is designed to receive and transfer a maximum of 2,400 tons of waste per day, although applicant will be authorized to accept a maximum of 1,500 tons of waste per day. The unloading and waste storage area will be located within the transfer station building and will measure approximately 105 feet by 152 feet. The storage area is designed to accommodate 900 tons of waste. The Applicant does not anticipate storing waste

material overnight in the building except for extenuating emergency circumstances such as inclement weather or mechanical breakdown, however, the Applicant will be authorized to store waste on site for a maximum of 3 days. Recyclable material will be stored in roll off boxes located in the recycle drop off area. Used oil will be collected and stored in a double walled container located inside the transfer station building. Used oil will be transported off site by an authorized hauler for further recycling on at least a quarterly basis. The waste acceptance hours for the facility will be Monday through Saturday, 7:00 a.m. to 7:00 p.m. Housekeeping, including cleaning the tipping floor may be performed outside the waste acceptance hours, however, the operation of heavy equipment at the site is prohibited between the hours of 9:00 p.m. to 5:00 a.m.

B. Procedural Background

The Application was submitted on October 26, 2011, and declared administratively complete on November 15, 2011. The Notice of Receipt of Application and Intent to Obtain a Municipal Solid Waste Permit Amendment was published on December 3, 2011 in the *Dallas Morning News*, and in Spanish on December 4, 2011 in the Al Día. The ED completed the technical review of the Application on December 6, 2012, and prepared a draft permit. The Revised Notice of Application and Preliminary Decision for Municipal Solid Waste Permit Amendment was published on January 12, 2013 in the Dallas Morning News, and in Spanish on January 12, 2013 in the Al Día. The Notice of Public Meeting was published on September 18, 2012, September 25, 2012, and October 2, 2012 in the Dallas Morning News. A public meeting was held on October 9, 2012 at the Douglas Otto Middle School Cafetorium, 504 North Star Road, Plano, Texas 75074. The comment period for this Application closed on February 11, 2013. This Application was administratively complete on or after September 1, 1999; therefore, this Application is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

C. Access to Rules, Laws, and Records

Please consult the following websites to access the rules and regulations applicable to this permit:

- to access the Secretary of State website: www.sos.state.tx.us;
- for TCEQ rules in Title 30 of the Texas Administrative Code: www.sos.state.tx.us/tac/ (select "TAC Viewer" on the right, then "Title 30 Environmental Quality");
- for Texas statutes: www.capitol.state.tx.us/statutes/statutes.html;
- to access the TCEQ website: www.tceq.state.tx.us (for downloadable rules in WordPerfect or Adobe PDF formats, select "Rules, Policy, & Legislation," then "Rules and Rulemaking," then "Download TCEQ Rules");
- for Federal rules in Title 40 of the Code of Federal Regulations: www.epa.gov/epahome/ cfr40.htm; and
- for Federal environmental laws: www.epa.gov/epahome/laws.htm.

The permit amendment Application, Executive Director's Preliminary Decision, and Draft Permit Amendment are available for viewing and copying at North Texas Municipal Water District's offices at 505 East Brown St., Wylie, Collin County, Texas 75098 and at Richardson City Hall, 411 W. Arapaho Road, Richardson, Dallas County, Texas 75083.

II. Comments and Responses

Comment 1:

Many commenters requested that the permit not be issued unless the Applicant complies with all of the provisions in the Memorandum of Understanding (MOU) agreement between the Applicant, the City of Richardson, and the Neighborhood Protection Alliance of Richardson (NPAR).

Response 1:

TCEQ reviews the Application for compliance with the applicable statutes and regulations. Although the TCEQ is not authorized to consider or enforce an agreement between the Applicant and commenters, it will consider comments related to issues which are also addressed in the agreement.

Comment 2:

Many commenters opposed the increase in the amount of waste authorized to be received by the facility.

Response 2:

The rules do not provide a maximum limit for the amount of waste that may be received by a transfer station. The rules do prohibit a transfer station from exceeding its design capacity. *See* 30 TAC § 330.241(a). The Applicant has submitted information to indicate that the facility is designed to receive and transfer (through-put capacity) a maximum of 2,400 tons of waste per day, however, the Applicant will be authorized to accept a maximum of 1,500 tons of waste per day. Information regarding the design capacity is found in Part III, Appendix III-E.

Comment 3:

Many commenters raised concerns that the proposed changes to the permit will increase noise levels from the facility.

Response 3:

Rule 30 TAC § 330.239 requires that the owner or operator of a transfer station provide screening or other measures that will minimize noise pollution and adverse

visual impacts. Part IV, Section 21 of the Application indicates that waste transfer will be conducted within the enclosed building. White noise back-up alarms will be utilized on all on-site heavy equipment to avoid the noise caused by traditional backup alarms. Rule 30 TAC § 330.543(b) requires a minimum 50-foot buffer between the permit boundary and waste activities. Part II-Attachment, Attachment II-3-2, Proposed Facility Layout illustrates that the facility has a minimum buffer of 50 feet. Additionally, the nearest residential area is located approximately 580 feet northwest of the permit boundary. The Application includes adequate provisions to control noise.

Comment 4:

Several commenters raised concerns that the proposed changes to the permit will have a negative effect on the environment, public health, and quality of life.

Response 4:

For municipal solid waste facilities, the Commission protects human health and the environment through the enforcement of 30 TAC Chapter 330 and other applicable regulations. This Application proposes to construct and operate the facility in compliance with the rules to be protective of human health and the environment.

Comment 5:

Many commenters expressed concerns that the activities conducted at the facility are not compatible with land uses in the surrounding area.

Response 5:

Rule 30 TAC § 330.61(h) states that a primary concern is that the use of any land for a municipal solid waste facility not adversely impact human health or the environment. To assist the Commission in determining potential adverse impacts, the Applicant is required to submit information regarding: zoning at the facility and within two miles of the proposed facility; character of surrounding land uses within one mile of the proposed facility; growth trends within five miles of the facility and directions of major development; proximity to residences and other uses, such as schools, churches, cemeteries, historic structures and sites, archaeologically significant sites, and sites having exceptional aesthetic quality; the approximate number of residences and business establishments within one mile of the proposed facility and distances and directions to the nearest residences and businesses; and, a description and discussion of

all known wells within 500 feet of the proposed site. The information provided by the Applicant does not support finding that the facility would be incompatible with land use in the area.

Comment 6:

Many commenters expressed concerns that the proposed changes to the permit will exacerbate existing odor problems associated with the facility.

Response 6:

TCEQ rules require owners or operators of municipal solid waste processing facilities to adopt measures to minimize odor. Facilities must be designed and operated to provide adequate ventilation, and the owner or operator must prevent nuisance odors from leaving the boundary of the facility. *See* 30 TAC § 330.245(d). If nuisance odors escape the boundary of the facility, the facility owner or operator may be required to cease operations until the nuisance is abated. In order to prevent nuisance odors, the owner or operator must employ one or more of several specifically prescribed methods of odor abatement. These may include: air scrubbers; buffer zones; additional handling, storage, or cleaning procedures; or "alternative" ventilation or control measures. *See* 30 TAC § 330.245(f). Minimum buffer zone requirements for transfer stations are found at 30 TAC § 330.543(b)(1), which requires a minimum buffer zone of 50 feet between solid waste processing and the facility boundary.

Part IV-B, Section 24 of the Application indicates that all waste transfer activities will take place within the transfer building and that odors will be controlled by measures such as the use of buffer zones, ensuring trucks have covered loads, cleaning the facility twice a week and not storing waste overnight except for extenuating circumstances such as inclement weather or a mechanical breakdown. Also, as further described in Appendix III-D Odor Management Plan, odor management includes a ventilation system, an odor control misting system, waste handling procedures, and conducting odor surveys with the surrounding community. The Application contains sufficient provisions to control odors in compliance with TCEQ's regulations. If objectionable odors occur, the owner or operator must initiate appropriate measures to alleviate the condition. For information on TCEQ odor complaint investigation procedures,

interested persons are encouraged to visit the following webpage: http://www.tceq.state.tx.us/compliance/complaints/protocols/odor_protopdf.html.

Comment 7:

Several commenters raised concerns that the increase in tonnage will increase the number of vehicles entering and exiting the facility, thus creating a traffic hazard. Some commenters requested that the Applicant maintain the condition of access roads.

Response 7:

In Part II, Section 10 and Part II, Appendix II-I, the Applicant has provided information required by 30 TAC § 330.61(i), which addresses the availability and adequacy of roads that the facility will impact; volumes of vehicular traffic on roads within one mile of the facility, both existing and expected; projected volumes of traffic expected to be generated by the facility on the access roads within one mile of the proposed facility; and, documentation of coordination of all designs of proposed public roadway improvements. Appendix II-E provides copies of correspondence between the Applicant and the Texas Department of Transportation (TxDOT). The ED relies significantly on input from TxDOT to assess the appropriateness of roads to be used by a municipal solid waste facility. The Applicant provided sufficient information to demonstrate that the access roads are adequate to support traffic from the facility.

TCEQ does not have authority to enforce traffic laws. State and local traffic law enforcement agencies should be contacted to report truck drivers who violate traffic laws, including reckless driving or failure to respect the rights of way of other vehicles. TCEQ does not have authority to require permittees to perform maintenance construction on public access roads.

Comment 8:

Several commenters requested that the TCEQ hold a public meeting so that local residents could ask questions and voice their concerns regarding the Application.

Response 8:

In response to significant public interest, a public meeting was held October 9, 2012, at the Douglas Otto Middle School in Plano, Texas.

Comment 9:

Several commenters raised concerns that the proposed changes to the permit will increase the presence of vectors like rats and flies.

Response 9:

Under TCEQ rules for municipal solid waste, a "vector" is defined as "[a]n agent, such as an insect, snake, rodent, bird, or animal capable of mechanically or biologically transferring a pathogen from one organism to another." *See* 30 TAC § 330.3(169). In order to address vectors, applicants for transfer stations must include storage procedures as a part of their site operating plan. *See* 30 TAC § 330.209. TCEQ rules for storage requirements state that "...all solid waste shall be stored in such a manner that it does not...provide food or harborage for animals and vectors...." *See* 30 TAC § 330.209(a). The rules also require that a facility be maintained in a sanitary condition, and that it not cause a nuisance. *See* 30 TAC §§ 330.15(a)(2) and 330.243. Among possible nuisance conditions is the uncontrolled presence of vectors. The Site Operating Plan, located in Part IV-B of the Application, indicates the owner/operator will transport waste on a daily basis to the North Texas Municipal Water District landfill. Solid waste will not be stored overnight except for extenuating emergency situations such as inclement weather. The maximum length of time waste may be stored at the facility is 3 days. All waste must be stored inside the transfer station building. If necessary, a licensed exterminator will apply appropriate pesticides to control vectors. The provisions included in the Application are adequate to control vectors at the facility.

Comment 10:

Many commenters expressed concerns that the proposed facility would generate wind-blown trash from the trucks and the facility itself, fugitive trash would cause an unsightly and unsanitary condition on roads and easements, or fugitive trash would spread to the local residential neighborhoods and drainage tributaries.

Response 10:

TCEQ rules require operators of municipal solid waste storage and processing units to control the presence of wind-blown trash that is produced from the operation of

the facility. The facility owner or operator must take steps to ensure that trucks hauling waste to and from the facility are enclosed or provided with a tarpaulin, net, or other means to effectively secure the load in order to prevent the escape of any part of the load by blowing or spilling. *See* 30 TAC § 330.235. These measures may include posting signs, reporting offenders to appropriate law enforcement officers, or adding surcharges. Furthermore, on days when the facility is in operation, the owner or operator shall be responsible for having litter picked up at least once a day from the facility and around access roads and gates. *See* 30 TAC §§ 330.233 and 330.235.

In Part IV-B, Section 17 of the Site Operating Plan, the Applicant states that vehicles hauling waste to the facility will be enclosed or covered in order to prevent blowing or spilling of trash from the vehicles. All waste transfer operations will take place inside the enclosed metal building; on-site litter at the transfer station and any litter on Lookout Drive and Plano Road will be picked up daily for a distance of 2.0 miles in either direction from the facility's site entrance on days when the transfer station is in operation. The provisions in the Application are adequate to control windblown litter and to cleanup along access roads to the facility.

Comment 11:

Several commenters expressed concerns that the permit does not have adequate provisions for landscaping or visual screening, or that landscaping would be insufficient to negate the visual impacts of the site.

Response 11:

The rules of the TCEQ require that the owner or operator of a transfer station provide screening or other measures to minimize adverse visual impacts. *See* 30 TAC § 330.239. The Applicant has proposed a landscaping plan in Appendix IV-1 which includes planting evergreen shrubbery and trees along the perimeter of the site together with other accent plantings of shrubs and trees within the site to provide both noise control and visual screening. The facility is being moved further away from Lookout Drive to a lower elevation which is expected to make it less visible to the public. The Application includes adequate provisions for landscaping and visual screening for the transfer station.

Comment 12:

Several commenters requested or inquired as to whether the proposed facility could move elsewhere, or whether the TCEQ could cause the Applicant to relocate elsewhere. Other commenters suggested that there may be other more remote areas that would be more appropriate for the placement of the proposed facility, and that the Applicant should conduct an Alternative Site Selection Study.

Response 12:

The TCEQ's jurisdiction is established by the Legislature and is limited to the authority provided by statute. The TCEQ has authority to consider the impact of the proposed facility on the surrounding community. *See* 30 TAC § 330.61(h). However, the TCEQ does not have the authority to direct applicants to provide studies on alternative sites or to use alternative sites.

Comment 13:

Many commenters expressed concerns that the proposed facility will lower the values of surrounding properties.

Response 13:

The TCEQ's jurisdiction is established by the Legislature, and is limited to the authority set forth in statute. The TCEQ is not authorized to consider effects on property values when determining whether to approve or deny a permit application.

Comment 14:

Some commenters expressed concern about the types of waste the facility would accept. In particular, commenters expressed concern that the proposed facility would accept hazardous waste.

Response 14:

TCEQ rules require applicants for solid waste storage and processing units to identify the source and characteristics of wastes proposed to be received for storage or processing. *See* 30 TAC §§ 330.61(b) and 330.203(a). Specifically, the rules require that the owner or operator identify the sources and characteristics of wastes (e.g.,

residential, commercial, special wastes, Class 1, Class 2 industrial solid wastes, etc.), and describe the types and estimate the amount of each waste to be received daily at the transfer station. Furthermore, if a waste constituent or characteristic could be a limiting parameter that may impact the operation of the facility, the owner or operator must specify parameter limitations for those wastes. *See* 30 TAC § 330.203(a). In Part IV-B, Section 3 (Waste Acceptance and Analysis), the Applicant provides procedures for the detection and prevention of incoming waste containing hazardous or other prohibited waste. The procedures include random inspections of incoming loads and training personnel on how to detect prohibited waste. The Applicant indicated that the proposed waste transfer station will accept the following wastes: residential and commercial municipal solid waste; and, Class 2 and Class 3 non-hazardous industrial waste. This transfer station would not be authorized to receive regulated hazardous waste or special waste other than used oil for recycling.

Comment 15:

Several commenters expressed concerns about the proposed facility's impact on surface water.

Response 15:

Rule 30 TAC § 330.207 (relating to Contaminated Water Management) requires that, "...all liquids resulting from the operation of solid waste facilities shall be disposed of in a manner that will not cause surface water or groundwater pollution...." Part III, Section 3.3 Sanitation, Section 3.4 Water Pollution Control, and Section 4 Facility Surface Water Drainage Report, address the design of the facility to handle contaminated waters separate from stormwater. Stormwater will be controlled through a system of curb inlets and trench drains to prevent run-on/run-off from the transfer station facility. Stormwater will be conveyed toward Spring Creek. Attachment III-2 depicts the location of curb inlets and trench drains. Stormwater entering and exiting the loading tunnel and any washwater generated in the tunnel is considered contaminated and shall be discharged into the existing City of Richardson sanitary sewer system. Washwaters from the tipping floor will be conveyed through a series of floor drains and sand/grease traps before being discharged into the sanitary sewer

system. The facility design complies with the requirements of 30 TAC § 330.303, related to the Surface Water Drainage for Municipal Solid Waste Facilities. The Application includes adequate provisions to contain and dispose of any contaminated water from the facility.

Under 30 TAC § 330.61(k)(2)-(3), the owner or operator must submit data on surface water at and near the site and information demonstrating how the facility will comply with applicable Texas Pollutant Discharge Elimination System (TPDES) stormwater permitting requirements. This information may include, but is not limited to, a certification statement indicating the owner/operator will obtain the appropriate TPDES permit coverage when required or a copy of the permit number for coverage under an individual stormwater permit. The Applicant certifies in Part II, Section 12 Groundwater and Surface Water, page 11, that a Texas Pollutant Discharge Elimination System (TPDES) General Permit for stormwater discharges associated with construction and industrial activities will be obtained prior to the commencement of the proposed construction and transfer station operations.

Comment 16:

Several commenters expressed concerns that the proposed facility will cause air pollution.

Response 16:

The TCEQ is responsible for enforcing air pollution laws and all facilities and air pollution abatement devices must obtain authorization prior to construction. *See* 30 TAC § 330.245(b). This authorization must either be from 30 TAC Chapter 116 or from Subchapter U of 30 TAC Chapter 330. The applicable authorization for the proposed facility depends on the size and nature of the facility. While these authorizations are referenced in the Municipal Solid Waste rules, they are processed separately by the TCEQ Air Permits Division. *See* 30 TAC § 330.245(b). The Applicant proposes to obtain authorization from the Air Permits Division under Chapter 116 prior to the commencement of construction and operations or comply with the Standard Air Permit requirements for transfer stations under Subchapter U. Additionally, the Applicant states in Part IV-B, Section 24 Ventilation, Odor, and Air Pollution Control that waste

management (tipping, sorting, and transfer operations) will typically occur within the enclosed transfer station building. An Odor Management Plan is included in Part III, Appendix III-D. Any authorizations for emissions under the Air Permits Division are considered separately from this waste management Application.

Comment 17:

Commenters expressed concern about the contribution to air pollution from the trucks entering and exiting the facility.

Response 17:

TCEQ rules do not require an applicant to analyze air pollution resulting from the use of trucks when applying for a waste transfer station permit. Trucks are categorized by the Air Permits Division of TCEQ as mobile sources and their emissions, by definition, are not subject to review under the new source review permitting requirements of the Clean Air Act.

Comment 18:

Several commenters expressed concerns that there is no comprehensive environmental study or environmental impact study for this Application.

Response 18:

It is possible that the commenter intended to refer to what is known as an "environmental impact statement." To the extent that is the case, the National Environmental Policy Act requires federal agencies to integrate environmental values into their decision making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions. To meet this requirement, federal agencies must prepare detailed statements known as an Environmental Impact Statements (EIS). An EIS is only required for a federal action and not for a state action, and therefore does not apply to this Application.

The TCEQ's rules do not require the Applicant to perform a comprehensive environmental impact study. However, an applicant for a Type V transfer station must meet the requirements of 30 TAC § 330.61, which requires all permit applications to include an existing conditions summary, a waste acceptance plan, general location

maps, facility layout maps, general topographic maps, an aerial photograph, land use maps, information regarding likely impacts on the surrounding area, information regarding likely impacts on transportation, a general geology and soil statement, information regarding impacts on groundwater and surface water, a list of any abandoned oil or water wells, information regarding floodplains and wetlands, information on any endangered or threatened species, documentation of correspondence with the Texas Historical Commission, and documentation of review by local governments. This information was submitted and reviewed for this Application.

Comment 19:

Several commenters expressed concerns about whether the facility would be located in the floodplain.

Response 19:

Under 30 TAC § 330.61(m), an owner or operator is required to submit a Floodplains and Wetlands Statement that includes information concerning the location of floodplains, as well as a wetlands determination. In this case, the Applicant included a Floodplains and Wetlands Statement in the Application in Part II (General Application Requirements), Section 14 Floodplains and Wetlands on page 12-13. The Floodplains and Wetlands Statement indicates that, according to the Flood Insurance Rate Map, no portions of the proposed site are within the 100-year floodplain, and that a review of the National Wetlands Inventory Map indicates no wetlands are present on the property. The Applicant provided adequate information to show that the facility will not be located in the 100-year floodplain.

Comment 20:

There were several comments that the site is zoned for residential use and that use as a transfer station should not be allowed. There was also a comment that the City of Richardson should not have granted a variance from residential zoning to allow a transfer station to be operated on the site.

Response 20:

The facility is located within a residential zoned area, however, the City of Richardson has issued an approval for the Applicant to construct a transfer station adjacent to the existing transfer station facility. A copy of the approval from the City is included in Part II, Appendix II-G. TCEQ's granting a permit does not exempt the Applicant from municipal zoning laws. *See* 30 TAC § 330.67. The Applicant is responsible for complying with municipal zoning laws. The TCEQ is not authorized to supersede zoning decisions made by municipalities.

Comment 21:

Several commenters were concerned about illegal dumping in the area.

Response 21:

The rules require the facility operator to require transporters to secure waste loads to prevent it from spilling and to cleanup waste spilled along access roads within 2 miles of the facility. *See* 30 TAC § 330.235 A transfer station operator is not otherwise responsible for illegal dumping by others.

Comment 22:

Several commenters expressed concerns that the facility would be built on top of a closed landfill, and that it would disturb final cover of the landfill.

Response 22:

The information provided in the Application does not indicate that the facility will be built over a closed landfill. If a landfill is discovered during construction, the Applicant would be required to comply with 30 TAC Chapter 330, Subchapter T.

Comment 23:

Randy Roland commented that the Applicant's waste hauling trucks leak and need better water barriers.

Response 23:

The rules do not make the condition of the Applicant's, and others, waste haulers collection trucks a condition to be considered in reviewing this Application. The Applicant is required to operate and maintain its collection vehicles to prevent the loss of liquid or solid waste. *See* 30 TAC § 330.105. The TCEQ encourages citizens to report any observed waste collection vehicle violations to the Regional Office. Complaints regarding collection vehicles may be made by contacting the TCEQ Region 4 Office at 817-588-5800 or the toll-free Environmental Violation Hotline at 1-888-777-3186. Complaints may also be made through the Commission's Web site by following the menu for "Reporting" and "Make an Environmental Complaint" at http://www.tceq.state.tx.us. If the Applicant fails to maintain and operate its collection vehicles in compliance with the regulations, it will be subject to an enforcement action, and any violations in Applicant's compliance history will be considered in future permitting actions.

Comment 24:

Several commenters stated that the proposed site is adjacent to an area where a gun range was operated contaminating the soil with lead.

Response 24:

The rules governing this Application do not authorize TCEQ to consider whether an adjacent property is contaminated with lead shot in deciding whether to issue this permit.

Comment 25:

Barbara Trippeer commented that strangers loiter around the existing transfer station.

Response 25:

The TCEQ is not authorized to consider whether strangers will loiter around a transfer station in deciding whether to issue a permit. Access control is provided by the Applicant that includes a lockable entrance gate and a minimum six-foot high chain link fence along the perimeter of the permitted boundary.

Comment 26:

Tho Parson asked why they had not heard about the Application and about its status.

Response: 26

Notice of the Application has been provided by publishing notice in the newspaper and by mail to owners and residents located within one quarter mile of the proposed site. Three rounds of notice have been provided including when the application was received, scheduled for public meeting, and determined to be technically complete. Notice of the Application has been provided in compliance with the rules. The Application is technically complete, the comment process is complete, the Executive Director's Decision has been filed, and instructions will be provided to commenters providing information on how to request the Commission to reconsider the Executive Director's Decision or hold a contested case hearing.

Comment 27:

Sheri Larson commented on behalf of concerned citizens groups including: Neighborhood Protection Alliance of Richardson, Maitri Smithhisler, President; Highland Terrace Neighborhood Association, Shelley McCall, President; Owens Park Neighborhood Association, Martin Brady, President; Sherrill Park Home Owners Association, Robert Hendrick, President; University Estates North, David Leister, Board Member HOA; and, the City of Richardson Environmental Advisory Commission, Rick Wilder, Chairman. Ms. Larson expressed concern that the site is contaminated from the City of Richardson's operation of a Fire Training Center and other alleged sources. She claims that the site was incorrectly remediated in the 1990s to commercial industrial standards, when it should have been remediated to residential standards. She expressed concern that the Applicant had not conducted an Environmental Assessment to address historical contamination issues.

Response 27:

TCEQ conducted investigations on January 24, 2013 and February 28, 2013 into claims that pollutants were migrating from the site into the adjacent Spring Creek. Soil samples were collected and analyzed for volatile organic compounds (VOCs), total RCRA 8 metals, iron, total organic halides (TOX), polychlorinated biphenyls (PCB), semivolatile organic compounds (SVOCs), pesticides, and total petroleum hydrocarbon (TPH). Liquid samples were collected and analyzed for VOCs, total RCRA 8 metals, TOX, PCB, SVOCs, pesticides, perflourinated compounds (PFC) and iron reducing bacteria (IRB). The DFW Regional office received a complaint alleging that contaminants were impacting Spring Creek, and the analyses listed above were requested based on the information from the complainant and research performed prior to the investigation.

TCEQ investigators observed a rust colored substrate with an iridescent sheen at water seeps into the creek, and collected samples of the water for iron reducing bacteria. The sample results confirmed the presence of iron bacteria in both seeps. The presence of iron reducing bacteria does not indicate contamination. The results for the TOX analysis do not indicate a level of organic compounds containing the halogens chlorine, bromine, or iodine that would indicate a release from a closed MSW landfill. TCEQ investigators found that the perfluorinated compound levels in water seeps leading to Spring Creek adjacent to the site exceeded protective concentration levels (PCL). These compounds are known constituents of certain aqueous firefighting foams that have been commonly used at fire training facilities. TCEQ emailed a TCEQ Exit Interview Form to the Applicant and the City of Richardson on April 18, 2013, and mailed a Notice of Violation on May 16, 2013, requiring the Applicant and the City of Richardson to determine the extent of contamination and to conduct any remediation required pursuant to the Texas Risk Reduction Program (30 TAC Chapter 350). TCEQ will require this assessment and any remediation independent from the pending Application to amend the transfer station permit. Constructing and operating the transfer station is not expected to interfere with the assessment or any remediation. If the transfer station were to interfere with any required remediation, Applicant could be required to amend the permit as necessary to accommodate the remediation.

TCEQ does not plan to re-evaluate whether the remediation completed in 1996 was completed adequately under the laws and rules in place at the time. The TCEQ will require the Applicant to conduct any remediation required to address the perfluorinated compound levels exceeding PCLs under the current Texas Risk Reduction Program rules. The TCEQ has requested that the Applicant submit a compliance plan by June 17, 2013. The Applicant has requested a meeting with the DFW Regional office for June 14, 2013, and an extension to the compliance plan due date. A new date for the compliance plan has not been determined. TCEQ's rules governing this transfer station Application do not provide that an application for a transfer station should be denied or delayed based on the site being the subject of assessment and remediation under Chapter 350.

Comment 28:

Sheri Larson, on behalf of concerned citizens, commented that Spring Creek and its tributary were contaminated from a former City of Richardson landfill and the Fire Training Center.

Response 28:

Whether the adjacent creeks were contaminated by either of these sources is not relevant to whether this Application should be granted.

Comment 29:

Sheri Larson, on behalf of concerned citizens, commented that the Applicant failed to classify Spring Creek as a Water of the US in the Application.

Response 29:

The requirements for this Application are the same regardless of whether Spring Creek is classified as "Water of the US" or as "water in the state."

Comment 30:

Sheri Larson, on behalf of concerned citizens, commented that the Applicant failed to conduct a Noise and Air Emissions Study.

Response 30:

The rules governing this Application do not require the Applicant to conduct a Noise and Air Emissions Study. In order to minimize noise pollution, the Applicant has indicated in Part IV, Section 21 of the Application that waste transfer will occur primarily in the enclosed transfer station building and white noise back-up alarms will be utilized on all on-site heavy equipment. The Applicant states that in addition to complying with transfer station air requirements and odor management plan will be implemented. The Odor Management Plan for the facility is included in Part III, Appendix III-D.

Comment 31:

Some commenters expressed support for the proposed facility or asked that the permit Application be approved.

Response 31:

The Executive Director acknowledges these comments.

Changes Made to the Draft Permit in Response to Comments

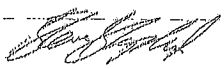
No changes were made to the Draft Permit in response to comments.

Respectfully submitted,

Texas Commission on Environmental Quality

Zak Covar, Executive Director

Robert Martinez, Director
Environmental Law Division



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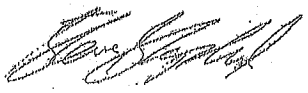
REPRESENTING THE EXECUTIVE DIRECTOR

Certificate of Service

I certify that on June 13, 2013 the Executive Director's Response to Public Comment for Permit No. 53A was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.



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