

**Technical Summary  
of the**

**Pescadito Environmental Resource Center  
MSW Land-Use Compatibility Determination  
Application  
No. 2374**

**Type I & Type V  
Municipal Solid Waste Facility  
Webb County, Texas**

**Applicant:  
Rancho Viejo Waste Management, LLC**

**Date Prepared: July, 2012**

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

This summary was prepared in accordance with 30 Texas Administrative Code Section 281.21(c). The Information contained in this summary is based on the land use compatibility determination application. Not all of the information contained in this summary has been independently verified.

Name of Applicant: Rancho Viejo Waste Management, LLC  
1116 Calle del Norte  
Laredo, Texas 78041

Name of Facility: Pescadito Environmental Resource Center

Contact Person: Mr. C. Y. Benavides, III, Manager  
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Type of Facility: Type I Municipal Solid Waste (MSW) Landfill Facility (1,110 acres)  
Type V Liquid Waste Processing Facility (Grease Trap and Grit  
Trap Wastes)

## **1. General**

### **1.1 Purpose:**

The MSW application Parts I & II, submitted by Rancho Viejo Waste Management, LLC, is only for the determination of compatibility with current land use for a new Type I MSW landfill, including nonhazardous Class 1 industrial solid waste cells, and a Type V liquid waste processing facility in Webb County, Texas. If the facility is determined to be acceptable on the basis of land use, the executive director may consider technical matters related to a permit application (including Parts III & IV) at a later time. A recycling facility is included in the application and may also be proposed at that time. The total permitted facility will include 1,110 acres of land, of which approximately 800 to 850 acres will be used for waste disposal. The final elevation of the landfill final cover material will be 935 feet (msl). The liquid waste processing facility will accept and process grease and grit trap waste. The site will be authorized to accept the waste streams listed below.

### **1.2 Wastes to be Accepted:**

Solid waste to be disposed of will primarily consist of municipal solid waste resulting from, or incidental to, municipal, community, commercial, institutional, recreational and industrial activities, including garbage, putrescible wastes, rubbish, ashes, brush, street cleanings, dead animals, abandoned automobiles, construction-demolition waste, yard waste, Class 1 non-hazardous industrial

solid waste, Class 2 non-hazardous industrial solid waste, Class 3 non-hazardous industrial solid waste, and special waste. The proposed landfill and liquid waste processing facility will not be authorized to accept waste materials other than those mentioned above. Furthermore, waste streams that are expressly prohibited by Title 30 of the Texas Administrative Code (30 TAC) Chapter 330, Section 330.15 may not be accepted.

1.3 Waste Acceptance Rate:

Authorized wastes will be accepted at an anticipated initial rate of approximately 2,750 tons-per-day.

The acceptance of Class 1 non-hazardous industrial solid waste will be limited to no more than 20% of the total amount of waste (not including Class 1 wastes) accepted during the current or previous year.

The Type V Grease and Grit Trap facility will have a permitted maximum daily acceptance rate 50,000 gallons.

2. **Location and Size.**

2.1 Location:

Pescadito Environmental Resource Center will be located in Webb County, Texas approximately 20 miles east of the City of Laredo and, 5 miles southeast of U.S. Highway 59 at the community of Ranchitos Las Lomas. Refer to the General Location Map, Attachment 1 to this Technical Summary.

2.2 Elevation and Coordinates of Permanent Benchmark:

Latitude: N 27° 33' 32.4"

Longitude: W 99° 09' 35.994"

Elevation: 564.67 feet above mean sea level (msl)

2.3 Size:

The total area within the permit boundary under the land use compatibility determination request will be approximately 1,110 acres.

3. **Facility Design, Construction, and Operations.**

3.1 Facilities Authorized:

The owner/operator has requested a land use only determination and has submitted a partial application consisting of Parts I and II. If the facility is determined to be acceptable on the basis of land use, the executive director may consider technical matters related to a permit application at a later time. All waste disposal operations will be limited to the units and other features to be identified in a permit application, Part III, Site Development Plan and Part IV, Site Operating Plan.

- 3.1.1. Type I municipal solid waste landfill facility with a disposal footprint of approximately 800 to 850 acres and a Type V grease and grit trap processing facility. The facility would also contain a gatehouse, scales, perimeter drainage features, groundwater monitoring wells along the landfill perimeter, a system of gas monitoring probes, and a recycling facility.
- 3.1.2. The facility and other improvements will be built, operated, and/or maintained in accordance with the conditions of a permit, Parts I - IV of a permit application, and commission regulations, should the facility be determined to be acceptable on the basis of land use, and the applicant submit a complete permit application. The facility would be managed in a manner that would be protective of human health and the environment.

#### **4. Land Use**

- 4.1. The location of the proposed site is in Webb County, Texas, approximately 20 miles east of the City of Laredo and 5 miles southeast of U.S. Highway 59 at the community of Ranchitos Las Lomas.
- 4.2. The proposed facility will be located outside of the incorporated limits of any city and will, therefore, not be subject to city zoning ordinances.
- 4.3. The surrounding land is used for cattle ranching and the production of natural gas.
- 4.4. Structures located within one mile of the permit boundary include three residences consisting of two houses and one mobile home, and an occasional travel trailer. The residences house employees of Yugo Ranch, which is owned by the applicant.
- 4.5. Considerations for Land-Use Application – Location Restrictions:
  - 4.5.1 Areas within the site have been identified by a Flood Insurance Rate Map (FIRM) as being floodplain areas. The applicant has submitted preliminary documents to the Webb County Planning Department for a Conditional Letter of Map Revision to redirect floodplain areas off of the site, through the construction of dikes, drainage channels, and detention ponds.
  - 4.5.2 The applicant conducted a wetland evaluation and wetland determination. Because jurisdictional wetlands exist at the location, the applicant will obtain a Section 404 permit from the United States Corps of Engineers for the use of wetland areas.
  - 4.5.3 The proposed facility location may contain habitat or range conditions that may result in the occurrence of endangered or threatened species. A biological evaluation was completed and submitted to the Texas Parks and Wildlife Department and the United States Fish and Wildlife Service. The Texas Parks and Wildlife Department responded with recommendations.
  - 4.5.4 The applicant has identified the intent to accept nonhazardous Class 1 industrial solid waste for disposal in specialized cells throughout the landfill and is required to address the location of this type of cell with respect to site-specific subsurface soil conditions and/or local climate and any regional aquifers beneath the site.

- 4.5.5 The application indicates that no faulting, active or inactive, is known to exist within 200 feet of the site. Area gas wells are not known to have experienced or generated problems that might be related to faulting.
- 4.5.6 The United States Geological Survey Seismic Hazard Map shows the facility location, at 2 to 4 per cent probability of exceeding 2% of the earth's gravitational pull in 50 years, to be below the threshold (10 per cent) for a seismic impact zone.
- 4.5.7 A minimum buffer zone of 125 feet within and adjacent to a landfill permit boundary must be established and maintained. No waste management activities may occur within a buffer zone.
- 4.5.8 Easements located in areas proposed to be used for waste management may be removed. Otherwise, the disposal of solid waste shall not occur within 25 feet of the center line of any pipeline easement.
- 4.5.9 The nearest known airport used for commercial or general aviation is the Laredo International Airport which is located more than 20 miles west of the site. The Federal Aviation Administration was contacted and did not object to the location of the landfill site.

## **5. Transportation and Access**

- 5.1 The primary access to the site is through State Highway 359. Traffic would go northerly on Jordan Road, travel approximately 5 miles, and onto a private road to approach the facility entrance. The private road is owned by the applicant.
- 5.2 Direct access to the site is from an all-weather surfaced, private road on property owned by the applicant. The main access road to the private road and the site is Jordan Road, a county road with no posted vehicle weight limits. Jordan Road is accessed from State Highway 359. The nearest traffic count that was available to the applicant was obtained from the Texas Department of Transportation (TxDOT) for traffic on State Highway 359, three miles east of Loop 20. Loop 20 intersects State Highway 359 near the City of Laredo. The facility is approximately 20 miles east of the City of Laredo. For the five-year period from 1995 through 1999, the average daily traffic count was 6,080 vehicles per day. The average daily traffic count at this location in 2009 was 8,800 vehicles per day. Based on this increase, projection for the year 2021 is anticipated to be 12,760 vehicles and 18,500 vehicles for the year 2033. The majority of waste and recyclable materials to be taken to the facility are proposed to be hauled by rail. Therefore, the site related traffic is not anticipated to significantly impact the estimated future traffic conditions. This information is contained in the application and indicates that this road can sufficiently handle the current and anticipated future traffic volumes associated with this facility.
- 5.3 The Laredo International Airport, the nearest known airport, is more than 20 miles from the site. The Federal Aviation Administration was contacted and did not object to the location of the landfill site.

## **6. Surface Water Protection**

### **6.1 Floodplain:**

Portions of the proposed facility are located within the 100-year floodplain, as indicated on the current floodplain map, the Flood Insurance Rate Map (FIRM). However, several man-made livestock watering tanks and the dams that form these tanks were not considered when the map was compiled. The facility design would include a stormwater management system of dikes, drainage channels, and detention ponds that would remove the area from the 100-year floodplain, if the site is determined to be compatible and a complete application were submitted. A Conditional Letter of Map Revision (CLOMR) has been submitted to the Webb County Planning Department (WCPD), the local floodplain management authority, for review. The intent of the CLOMR is to demonstrate how drainage plans would remove the proposed waste management areas from the 100-year floodplain. With approval from the WCPD, the CLOMR application will be submitted to the Federal Emergency Management Agency for their approval.

### **6.2 Stormwater:**

Because the site slopes gently from north to south at about 0.5 to 1 per cent, near surface soils have very low permeability, and the site is uniformly covered with native vegetation, surface hydrology is relatively consistent. Shallow swales with no bed-and bank features convey drainage from the site. Livestock watering tanks that were created on site by shallow excavation and embankment construction across the swales have significantly altered drainage patterns.

### **6.3 Contaminated Water:**

Specific details pertaining to the management of stormwater which comes in contact with solid waste must be provided if the land-use application is determined to be acceptable and a complete application is submitted. Stormwater, which comes in contact with solid waste, must be properly contained and managed as contaminated water. No contaminated water may be discharged from the site.

## **7. Groundwater Protection**

### **7.1 Groundwater Protection:**

Specific details pertaining to the design of a landfill liner and final cover systems, while not addressed in the land-use application, must be provided if the land-use application is determined to be acceptable and a complete application is submitted. The final cover and liner systems must be designed to reduce the potential for impacts to groundwater at the site resulting from waste disposal operations. The liner system must also address leachate management.

### **7.2 Monitoring Wells:**

The groundwater monitoring system, which would provide for early detection of potential releases from the facility, would consist of a total of 48 wells along the periphery of the landfill. More specific details pertaining to the design of the groundwater monitoring system must be provided if the land-use application is determined to be acceptable and a complete application is submitted. The

groundwater monitoring network would be sampled, analyzed, and monitored in accordance with procedures in a Groundwater Sampling and Analysis Plan that would be submitted as part of a complete permit application, within Part III, Site Development Plan.

**8. Control of Methane**

Landfill gas migration would be monitored around the perimeter of the facility using permanent landfill gas monitoring probes (LGMP) spaced from 600 feet to 1,000 feet apart. More specific details pertaining to the design of the landfill gas monitoring system must be provided if the land-use application is determined to be acceptable and a complete application is submitted. TCEQ regulations require that gas monitoring be conducted quarterly to detect any possible migration of methane gas beyond the facility property boundary and in enclosed structures within the facility property boundary.

**9. Site Development and Operation**

Part III, Site Development Plan (SDP), and Part IV, Site Operating Plan (SOP) are required for a complete application if the land use is determined to be acceptable. The SDP and SOP are intended to provide details from the design engineer to facility site management and operating personnel to facilitate implementation, development, and operation of the solid waste management facility.

**10. Protection of Endangered Species**

The applicant conducted a site reconnaissance and evaluation and determined that the site may contain habitat or range conditions that may result in the occurrence of endangered or threatened species. A biological evaluation was completed and provided to the Texas Parks and Wildlife Department and the United States Fish and Wildlife Service. The Texas Parks and Wildlife Department responded with recommendations. Specific criteria for the protection of any identified endangered species must be provided if the land-use application is determined to be acceptable and a complete application is submitted.

**11. Protection of Wetlands**

A wetland evaluation was conducted at the proposed facility location, indicating a potential for jurisdictional wetlands in and near the constructed livestock watering tanks. A wetland determination confirmed that certain areas at the site meet the criteria for jurisdictional waters. The application indicates that the U.S. Army Corps of Engineers (USACE) concurs with this finding and the applicant intends to obtain a USACE Section 404 permit for the use of wetland areas. The applicant must have an issued, USACE permit for the use of a wetlands area before a MSW landfill permit may be issued, in accordance with 30 TAC Section 330.61(m)(2).

**12. Financial Assurance**

If the land-use application is determined to be acceptable and a complete MSW permit application were submitted, authorization to operate this facility would be contingent upon the maintenance of financial assurance in accordance with 30 TAC Chapters 330 and 37, Financial Assurance, and the provisions contained in a MSW permit.

**13. Attachments**

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

Attachment	Description	Location in Land-Use Application
#1	General Location Map	Part I, Figure 1
#2	General (Site) Location Map	Part II, Figure 1
#3	Land Use Map	Part II, Figure 8
#4	Supp. Land Use Map	Part II, Figure 9
#5	General Phasing Drawing	Part II, Figures 4 & 5

**14. Additional Information**

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

Mr. Pladej Hunt Prompungorn  
MSW Permits Section, MC 124  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087  
(713) 767-3672

For more specific detailed technical information concerning any aspect of this application, please contact the Applicant=s Agent or the Applicant at the address provided at the beginning of this summary.

**15. Public Participation Process**

The process through which the public is allowed to participate in the final decision on the land use determination application is outlined below. The decision will be issued through a TCEQ order on the land use determination application.

- 15.1 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.
- 15.2 Technical review of the application is completed, a final draft determination is prepared, and the application is declared technically complete. Information for the application, the draft order, the notice, and summaries are sent to the Chief Clerk=s office for processing.
- 15.3 The ANotice of Application@ is sent to the applicant and published in the newspaper. This notice provides a 30-day period, from the date of publication, for the public to make comment(s) about the application or draft determination. The notice also allows the public to request a public meeting for the proposed facility.

- 15.4 After the 30-day comment period has ended, a **Response to Comments** (RTC) is prepared for all comments received through the mail and at a public meeting. The RTC is then sent to all persons who commented on the application. Persons who receive the comments have a 30-day period after the RTC is mailed in which to request a contested case hearing.
- 15.5 After the 30-day period to request a hearing is complete, the matter is placed on an agenda meeting for the TCEQ Commissioners to make a determination to grant any of the hearing requests and refer the matter to the State Office of Administrative Hearings for a contested case hearing.
- 15.6 A public hearing is a formal process in front of an Administrative Law Judge (ALJ) who conducts the contested case hearing. The applicant and protestant party(ies) present witnesses and testimony to support or dispute information contained in the application. When all of this is complete, the ALJ will issue a Proposal for Decision (PFD). This PFD is placed on an agenda meeting of the TCEQ Commissioners for consideration of issuance or denial of a determination.
- 15.7 After the commission has approved or denied an application, a motion for rehearing may be made by a party that does not agree with the decision. Any motion for rehearing must be filed no later than 20 days after the party or the party's attorney of record is notified of the decision. The matter could be set on another agenda for consideration by the Commission, or allowed to expire by operation of law.
- 15.8 Applications for which no one requests a contested case hearing are considered uncontested matters after the 30-day comment period. The application is placed on the Executive Director's signature docket and a permit is issued. Any motion to overturn the Executive Director's decision must be filed no later than 23 days after the agency mails notice of the signed permit.