

**TCEQ DOCKET NO. 2014-1278-MSW**

|                                  |   |                              |
|----------------------------------|---|------------------------------|
| <b>APPLICATION BY</b>            | § | <b>BEFORE THE</b>            |
| <b>GALVESTON COUNTY</b>          | § | <b>TEXAS COMMISSION ON</b>   |
| <b>LANDFILL TX, LP</b>           | § | <b>ENVIRONMENTAL QUALITY</b> |
| <b>FOR MUNICIPAL SOLID WASTE</b> | § |                              |
| <b>PERMIT NO. 1149B</b>          |   |                              |

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**Executive Director's Response to Hearing Requests**

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**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 Galveston County Landfill TX, LP (the Applicant or GCLF) for an amendment to Municipal Solid Waste (MSW) Permit No. 1149B. The Office of the Chief Clerk received timely hearing requests from Kenny and Shawn Wagner ("the Wagners").

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**

GCLF operates a permitted Type I MSW landfill located at 3935 Avenue A in the cities of La Marque and Hitchcock, Galveston County, Texas. GCLF filed a major amendment Application (MSW-1149B) on June 29, 2012 to expand the landfill. The Application requests authorization for the horizontal and vertical expansion of the landfill for the acceptance and disposal of authorized waste. The total permitted facility will include 469.5 acres of which approximately 333.9 acres will be used for waste

disposal. The final elevation of the waste fill and final cover material will be 202.5 feet above mean sea level.

### **III. Procedural Background**

The Application was received June 29, 2012 and declared administratively complete on August 3, 2012. Notice of Receipt of Application and Intent to Obtain a Municipal Solid Waste Permit was published August 14, 2012 in the Galveston County Daily News. The TCEQ Executive Director completed the technical review of the Application on December 17, 2013 and prepared a draft permit. Notice of Application and Preliminary Decision for Municipal Solid Waste Permit (NAPD) was published March 4, 2014 in the Galveston County Daily News. The public comment period closed April 3, 2014. The Application was administratively complete on or after September 1, 1999; therefore, the Application is subject to the procedural requirements adopted pursuant to House Bill 801 (76<sup>th</sup> 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 August 3, 2012; 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 matter 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 and 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 affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest.
- b) Governmental entities, including local governments and public agencies, with authority under state law over issues raised by the application may be considered affected persons.

- c) 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 Requests**

***A. Analysis of the Hearing Requests***

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.

**1. Whether the Requestors Complied with 30 TAC §§ 55.201(c) and (d)**

The Wagners' attorneys submitted letters that substantially complied with 30 TAC §§ 55.201(c) and (d). The Office of the Chief Clerk received three letters from the Wagners' attorneys requesting a hearing. All of the letters were filed before the end of the hearing request period of September 2, 2014. The hearing requests provided the following: 1) the requestor's names, address, daytime phone number, 2) a request for a contested case hearing, and 3) the nature of their personal justiciable interest, as detailed below. The Wagners also raised relevant and material disputed issues of fact that were raised during the public comment period.

The Executive Director recommends that the Commission find that the Wagners' hearing requests **substantially complied** with the requirements of 30 TAC §§ 55.201(c) and (d).

**2. Whether the Requestors are Affected Persons**

The Wagners submitted hearing requests that successfully demonstrated a personal justiciable interest in this Application. The Wagners state that they are landowners residing adjacent to the landfill, and that the proposed activity will have an impact on the use of their property. The Wagners raised several relevant issues, such as the impact of the facility on groundwater, surface waters, odors, and drainage. The Wagner's interest in the use of their property is potentially affected by all of these issues, and these issues are addressed by the law under which the Application is considered, 30 TAC Chapter 330. Furthermore, there is a reasonable relationship between the interests claimed and the activity regulated due to the Wagners' close proximity to the facility. For example, their close proximity to the facility increases the likelihood that they will be impacted by odors. Accordingly, the Wagners have an interest in the application that is not common to members of the general public.

The Landowner Map and List show that the Wagners own Property No. 23, shown in Table 5-1 of the Application, located adjacent to the landfill. *See Attachment*

**B.** Furthermore, the GIS Map developed by the Executive Director's staff also shows that the Wagners own property adjacent to the landfill. *See Attachment A.*

The Executive Director recommends that the Commission find that the **Wagners are affected persons** under 30 TAC § 55.203.

**B. *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 Application complies with location restrictions relative to the 100-year floodplain?

This issue was raised and addressed in the Executive Director's Response to Public Comment, No. 4. 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 Application complies with location restrictions relative to Wetlands?

This issue was raised and addressed in the Executive Director's Response to Public 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.

3. Whether the Application complies with rules related to endangered and threatened species?

This issue was raised and addressed in the Executive Director's Response to Public Comment, No. 8. 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 the Application complies with requirements for liners?

This issue was raised and addressed in the Executive Director's Response to Public Comment, Nos. 2 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.

5. Whether the Application complies with requirements related to stability of excavated, intermediate and final slopes?

This issue was raised and addressed in the Executive Director's Response to Public 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.

6. Whether the Application complies with requirements to protect and monitor groundwater?

This issue was raised and addressed in the Executive Director's Response to Public Comment, No. 2. 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 facility would be compatible with land use in the area?

This issue was raised and addressed in the Executive Director's Response to Public Comment, No. 18. 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 the Application complies with location restrictions related to easements and buffer zones?

This issue was raised and addressed in the Executive Director's Response to Public Comment, No. 11. 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 the Application includes adequate information to be authorized to operate 24-hours/7 days a week?

This issue was raised and addressed in the Executive Director's Response to Public Comment, No. 12. 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.

10. Whether the Application includes adequate provisions to comply with requirements to control disease vectors?

This issue was raised and addressed in the Executive Director's Response to Public Comment, No. 13. 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.

11. Whether the Application includes adequate provisions to limit noise?

This issue was raised and addressed in the Executive Director's Response to Public Comment, No. 14. It involves a question of fact; however, the TCEQ rules do not provide for considering noise when determining whether to approve or deny an application for an MSW landfill permit. Accordingly, this issue is not relevant to this permitting action. The Executive Director concludes that this issue **is not appropriate** for referral to SOAH.

12. Whether the Application includes an adequate bird abatement program?

This issue was raised and addressed in the Executive Director's Response to Public Comment, No. 13. 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.

13. Whether the Application complies with requirements to protect from extreme weather events?

This issue was raised and addressed in the Executive Director's Response to Public Comment, No. 3. It involves a question of fact; however, the TCEQ rules do not provide for considering extreme weather events when determining whether to approve or deny an application for an MSW landfill permit. Accordingly, this issue is not relevant to this permitting action. The Executive Director concludes that this issue **is not appropriate** for referral to SOAH. The Executive Director does recommend to refer issues related to drainage and the floodplain as discussed herein Nos. 1 and 14.

14. Whether the Application includes adequate provisions to comply with drainage requirements?

This issue was raised and addressed in the Executive Director's Response to Public 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.

15. Whether the Application includes adequate provisions to comply with requirements to control odors?

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.

16. Whether the Application includes adequate provisions to comply with requirements to protect surface waters?

This issue was raised and addressed in the Executive Director's Response to Public 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.

17. Whether the Application adequately acknowledges impacts to the City of Santa Fe?

A related issue was raised and addressed in the Executive Director's Response to Public Comment, No. 21. It involves a question of fact; however, the TCEQ rules do not require the TCEQ to acknowledge the impacts to the City of Santa Fe, independently from impacts to the public in general, when determining whether to approve or deny an application for an MSW landfill permit. The Wagners' do not represent that they are authorized to raise issues on behalf of the City of Santa Fe. Accordingly, this issue is not relevant to this permitting action. The Executive Director concludes that this issue **is not appropriate** for referral to SOAH.

18. Whether the Application documents adequate consideration of a potentially historic oak tree?

This issue was raised and addressed in the Executive Director's Response to Public Comment, No. 16. It involves a question of fact; however, the TCEQ rules do not provide for considering impacts to a potentially historic oak tree when determining whether to approve or deny an application for an MSW landfill permit. Accordingly, this issue is not relevant to this permitting action. The Executive Director concludes that this issue **is not appropriate** for referral to SOAH.

19. Whether Applicant has provided adequate notice to the Wagners of permit changes in the past?

A related issue was raised and addressed in the Executive Director's Response to Public Comment, No. 21. It involves a question of fact; however, the TCEQ rules do not provide for considering whether adequate notice was provided for other permitting actions in the past when determining whether to approve or deny this application for an MSW landfill permit. Accordingly, this issue is not relevant to this permitting action. The Executive Director concludes that this issue **is not appropriate** for referral to SOAH.

20. Whether the Application should be denied based on the Applicant's compliance history?

This issue was raised and addressed in the Executive Director's Response to Public Comment, No. 17. 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.

21. Whether adequate efforts were made to assess risks to groundwater from the pre-subtitle D areas of the landfill?

A related issue was raised and addressed in the Executive Director's Response to Public Comment, No. 2. It involves a question of fact; however, the TCEQ rules do not provide for assessing risk to groundwater from an existing permitted facility in determining whether to approve or deny this application for an MSW landfill permit amendment. Accordingly, this issue is not relevant to this permitting action. The Executive Director concludes that this issue **is not appropriate** for referral to SOAH.

22. Whether the detention ponds proposed in the Application have been constructed as proposed?

A related issue was raised and addressed in the Executive Director's Response to Public Comment, No. 3. It involves a question of fact; however, the TCEQ rules do not require that the proposed storm water control features be constructed and functioning at this time in determining whether to approve or deny this Application for an MSW landfill permit amendment. Accordingly, this issue is not relevant to this permitting action. The Executive Director concludes that this issue **is not appropriate** for referral to SOAH.

23. Whether the facility will cause a nuisance?

Related issues were raised and addressed in the Executive Director's Response to Public Comment, Nos. 7, 12, 13, 15, 18 and 19. 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.

24. Whether the Application includes adequate provisions for a leachate collection system?

Related issues were raised and addressed in the Executive Director's Response to Public Comment, No. 2. 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.

## **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.

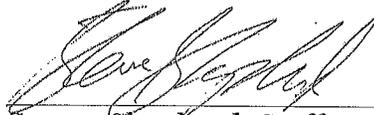
## VII. Executive Director's Recommendation

The Executive Director recommends the following actions by the Commission:

- a) Find that the **Wagners are affected persons** 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 Application complies with location restrictions relative to the 100-year floodplain?
  2. Whether the Application complies with location restrictions relative to Wetlands?
  3. Whether the Application complies with rules related to endangered and threatened species?
  4. Whether the Application complies with requirements for liners?
  5. Whether the Application complies with requirements related to stability of excavated, intermediate and final slopes?
  6. Whether the Application complies with requirements to protect and monitor groundwater?
  7. Whether the facility would be compatible with land use in the area?
  8. Whether the Application complies with location restrictions related to easements and buffer zones?
  9. Whether the Application includes adequate information to be authorized to operate 24-hours/7 days a week?
  10. Whether the Application includes adequate provisions to comply with requirements to control disease vectors?
  11. Whether the Application includes an acceptable bird abatement program?
  12. Whether the Application includes adequate provisions to comply with drainage requirements?
  13. Whether the Application includes adequate provisions to comply with requirements to control odors?
  14. Whether the Application includes adequate provisions to comply with requirements to protect surface waters?
  15. Whether the Application should be denied based on the Applicant's compliance history?
  16. Whether the facility will cause a nuisance?
  17. Whether the Application includes adequate provisions for a leachate collection system?

Respectfully submitted,  
Texas Commission on Environmental Quality  
Richard A. Hyde, P.E.  
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 March 9, 2015, the original and seven copies of the "Executive Director's Response to Hearing Request" for Galveston County Landfill TX, LP, MSW Permit No. 1149, 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.



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Steven Shepherd, Staff Attorney  
Environmental Law Division

**MAILING LIST**  
**GALVESTON COUNTY LANDFILL TX, LP**  
**DOCKET NO. 2014-1278-MSW; PERMIT NO. 1149B**

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PERSONS REQUESTING HEARING  
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FOR ALTERNATIVE DISPUTE  
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ATTACHMENT A  
GIS Map

# Galveston County Landfill Amendment Hearing Request, MSW Permit 1149B

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



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

Date: 3/6/2015



Galveston County  
Landfill

Kenny V and  
Shawn Wagner

1/4 mile radial  
distance from  
facility



The facility is located in Galveston County. The circle (pink) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Galveston County (red) in the state of Texas.

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 requestor. The background imagery of this map is from the current Environmental Systems Research Institute (ESRI) map service, as of the date of this map.

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.

ATTACHMENT B  
Landowner Map & Landowner List

**TABLE 5-1  
PROPERTY OWNERS LIST**

|     |  |     |  |
|-----|--|-----|--|
| 1.  | GALVESTON COUNTY LANDFILL<br>C/O REPUBLIC SERVICES PROP TAX<br>PO BOX 29246<br>PHOENIX AZ 85038                              | 11. | MARY E MOORES<br>5005 AVENUE A<br>SANTA FE TX 77510-8102                       |
| 2.  | COUNTY-GALVESTON<br>722 MOODY AVE<br>GALVESTON TX 77550-2317   | 12. | KENNETH WINTERS<br>5024 GHINAUDO RD<br>HITCHCOCK TX 77563                      |
| 3.  | USA-US GOVERNMENT<br>MC  | 13. | SHANNON SHARP<br>4301 ELM<br>SANTA FE TX 77517                                 |
| 4.  | HARDY & DEBORAH ANN TONG<br>5906 WEBER AVE<br>GALVESTON TX 77551-5870  | 14. | KENNETH D WINTERS &<br>CATHY L WHITE<br>5024 GHINAUDO RD<br>HITCHCOCK TX 77563 |
| 5.  | MICHAEL E & MARIE D CARR<br>5007 GHINAUDO RD<br>HITCHCOCK TX 77563-4501  | 15. | ELIZABETH I BUSH<br>PO BOX 398<br>HITCHCOCK TX 77563-0398                      |
| 6.  | DEBRA LYNN DIERINGER & JOANNA<br>SAUNDERS & HARVEY J DIERINGER JR<br>& PATRICIA CALLAWAY<br>PO BOX 194<br>HITCHCOCK TX 77563 | 16. | HHE COMPANY<br>PO BOX 1350<br>HOUSTON TX 77251                                 |
| 7.  | ROBERT C & EVELYN KAHLDEN<br>106 LAGO CIR N<br>SANTA FE TX 77517   | 17. | ROBERT O HART JR & LISA M HART<br>5422 AVENUE B<br>SANTA FE TX 77510-8107      |
| 8.  | JAMES R LCOMPTE<br>5207 GHINAUDO RD<br>HITCHCOCK TX 77563-4505   | 18. | JAMES MILLER & KEITH MILLER<br>11515 11TH ST<br>SANTA FE TX 77510-8620         |
| 9.  | WANDA DARLENE BRAGG &<br>RANDY L SHANNON<br>4959 AVENUE A<br>SANTA FE TX 77510   | 19. | GREGORY E SAMPSON<br>4145 AVENUE E<br>SANTA FE TX 77510                        |
| 10. | WESLEY THOMAS KELLUM<br>5001 AVENUE A<br>SANTA FE TX 77510   | 20. | GREGORY E SAMPSON &<br>GEORGE E SAMPSON JR<br>PO BOX 418<br>HITCHCOCK TX 77563 |

**TABLE 5-1**  
**PROPERTY OWNERS LIST (Continued)**

|     |  |     |  |
|-----|--|-----|--|
| 21. | GRADY T & JOHNE J CRAWFORD<br>4207 AVENUE E<br>SANTA FE TX 77510   | 31. | PETE & CHERYL LASNESKE<br>10905 DERRICK ST<br>SANTA FE TX 77510-8023   |
| 22. | ROGER LYMAN & DEBORAH N PIXLEY<br>4211 AVENUE E<br>SANTA FE TX 77510   | 32. | PETE J LASNESKE JR<br>10905 DERRICK ST<br>SANTA FE TX 77510-8023       |
| 23. | KENNY V & SHAWN WAGNER<br>4125 AVENUE E<br>SANTA FE TX 77510   | 33. | MATTHEW BAROS<br>3721 AVENUE E<br>SANTA FE TX 77510-8051               |
| 24. | AARON G WAGNER<br>PO BOX 1619<br>SANTA FE TX 77510   | 34. | ROMIE L & WINONA J TROUT<br>10728 DERRICK ST<br>SANTA FE TX 77510-8004 |
| 25. | ERICK V WAGNER<br>4131 AVENUE E<br>SANTA FE TX 77510-8113  | 35. | JAMES & MICHAEL MCFALL<br>53 ROCK RUN RD<br>TURTLE POINT PA 16750-1301 |
| 26. | JACK DAVID TARPLEY JR & SUZANNE<br>M TARPLEY<br>3725 AVENUE E<br>SANTA FE TX 77510                           | 36. | LISA & TRACY RAWLS<br>10802 DERRICK ST<br>SANTA FE TX 77510            |
| 27. | CONFIDENTIAL<br>10711 DERRICK ST<br>SANTA FE TX 77510  | 37. | PHUNG THI PHUNG<br>207 QUAIL RIDGE DR<br>HOT SPRINGS AR 71913          |
| 28. | JAIME RODRIGUEZ<br>10801 DERRICK<br>SANTA FE TX 77510-8001   | 38. | LARRY & LAVITA RICHTER<br>10860 DERRICK DR<br>SANTA FE TX 77510-8002   |
| 29. | RALPH TIMS<br>10805 DERRICK ST<br>SANTA FE TX 77517<br><br>DON M GROVE<br>10805 DERRICK<br>SANTA FE TX 77517 | 39. | PATTERSON W BOWIE<br>10902 DERRICK ST<br>SANTA FE TX 77510-8000        |
| 30. | ROSA H LUNDAY<br>PO BOX 393<br>SANTA FE TX 77510-0393  | 40. | E E & MADGE IVY<br>10910 DERRICK ST<br>SANTA FE TX 77510-8000          |

**TABLE 5-1  
PROPERTY OWNERS LIST (CONTINUED)**

|     |  |     |  |
|-----|--|-----|--|
| 41. | DAVID BRUCE<br>3715 AVENUE E<br>SANTA FE TX 77510  | 51. | GERALD PACKARD JR<br>10802A LONGMIRE ST N<br>SANTA FE TX 77510-7026    |
| 42. | EXP-DRAINAGE DIST #1<br>10601 LONGMIRE ST<br>SANTA FE TX 77510                             | 52. | CONFIDENTIAL (NO NAME GIVEN)<br>10902 LONGMIRE ST<br>SANTA FE TX 77510 |
|     | DRAINAGE DISTRICT NO. 1<br>3722 AVE J<br>PO BOX 591<br>SANTA FE TX 77517-0591 <sup>1</sup> |     |  |
| 43. | HENRY C CRIDLAND JR &<br>GARY CRIDLAND<br>16714 FINWOOD WAY<br>HOUSTON TX 77058            | 53. | CONFIDENTIAL (NO NAME GIVEN)<br>10904 LONGMIRE ST<br>SANTA FE TX 77510 |
| 44. | JOSEPH & ELIZABETH COOK<br>10739 LONGMIRE ST<br>SANTA FE TX 77510-7030                     | 54. | CRYSTAL L STROUD<br>10906 LONGMIRE RD<br>SANTA FE TX 77510             |
| 45. | JACOB NATHANIEL COOK<br>1202 S PROSPECT<br>GALLATIN MO 64640                               | 55. | LINDA A MASTEL<br>3635 AVENUE E<br>SANTA FE TX 77510                   |
| 46. | PHILLIP COTHARN<br>10901 LONGMIRE ST<br>SANTA FE TX 77510                                  | 56. | EDDIE JANEK<br>7908 CHANNELVIEW DR<br>GALVESTON TX 77554               |
| 47. | JAMES D COTHARN<br>10915 LONGMIRE ST<br>SANTA FE TX 77510-7028                             | 57. | CYNTHIA A GILLIAM<br>11011 GILES RD<br>SANTA FE TX 77510-8068          |
| 48. | MICHAEL DOWNTAIN<br>11127 LONGMIRE ST<br>SANTA FE TX 77510-7022                            | 58. | JIMMY D GILES<br>10715 GILES RD<br>SANTA FE TX 77510-8099              |
| 49. | LESLIE A & HELEN MUELLER<br>11201 LONGMIRE ST<br>SANTA FE TX 77510-7047                    | 59. | K R ARNOLD<br>3615 AVENUE E<br>SANTA FE TX 77510-8049                  |
| 50. | NORMAN W JR &<br>SHARON A DUNHAM<br>10803 LONGMIRE<br>SANTA FE TX 77510                    | 60. | REBECCA ANN CAGLE<br>3718 LONE PINE DR<br>SANTA FE TX 77510            |

<sup>1</sup> Second Drainage District address was added to reflect mailing address of the District.

**TABLE 5-1**  
**PROPERTY OWNERS LIST (Continued)**

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|     |   |     |  |
|-----|---|-----|--|
| 61. | JUAN D & FELICITAS CANO<br>3710 LONE PINE DR<br>SANTA FE TX 77510           | 71. | ASTOLFO & YOLANDA SALINAS<br>3510 LONE PINE DR<br>SANTA FE TX 77510    |
| 62. | BRANDI REDDIN<br>3706 LONE PINE DR<br>SANTA FE TX 77510                     | 72. | GARY L & REBECCA A CAGLE<br>3718 LONE PINE DR<br>SANTA FE TX 77510     |
| 63. | ERNEST L & STACIE BACCINELLI<br>3702 LONE PINE DR<br>SANTA FE TX 77510-8097 | 73. | MARIA ALICIA MENDOZA<br>3711 LONE PINE DR<br>SANTA FE TX 77510         |
| 64. | GENARO CANO JR & ALMA CANO<br>2518 PINE BROOK DR<br>DEER PARK TX 77536-1530 | 74. | GORDAN C & LANA DOUGLAS<br>3013 RUST AVE<br>TEXAS CITY TX 77590        |
| 65. | CYNTHIA BRUMLEY<br>3614 LONE PINE DR<br>SANTA FE TX 77510                   | 75. | GLENN L & POLLY A REDDIN<br>3703 LONE PINE DR<br>SANTA FE TX 77510     |
| 66. | CASEY PACE<br>3610 LONE PINE DR<br>SANTA FE TX 77510                        | 76. | JACOB & MARIA PAULA FLORES<br>3621 LONE PINE DR<br>SANTA FE TX 77510   |
| 67. | TIMOTHY HARRIS MASON<br>3606 LONE PINE DR<br>SANTA FE TX 77510-8096         | 77. | WILLIAM RAY PARKER<br>3615 LONE PINE DR<br>SANTA FE TX 77510           |
| 68. | STANLEY & KATHY WHITE<br>3550 LONE PINE DR<br>SANTA FE TX 77510             | 78. | FRANK W & DIANA R SEALE<br>3607 LONE PINE DR<br>SANTA FE TX 77510      |
| 69. | BOBBY G & ANNETTE C ADKINS<br>3518 LONE PINE DR<br>SANTA FE TX 77510-8020   | 79. | MICHAEL D & SHERI FISHER<br>3603 LONE PINE DR<br>SANTA FE TX 77510     |
| 70. | LOUIS M & SARAH L CANALITO<br>3514 LONE PINE DR<br>SANTA FE TX 77510        | 80. | CONFIDENTIAL (NO NAME GIVEN)<br>3519 LONE PINE DR<br>SANTA FE TX 77510 |

**TABLE 5-1**  
**PROPERTY OWNERS LIST (Continued)**

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|     |  |      |   |
|-----|--|------|---|
| 81. | DARRELL R & CHERYL L TRAWEEK<br>3515 LONE PINE DR<br>SANTA FE TX 77510 | 91.  | BE BAUCOM<br>PO BOX 495<br>SANTA FE TX 77517  |
| 82. | STEVE H PETRON<br>3511 LONE PINE DR<br>SANTA FE TX 77510-8078          | 92.  | WILLIAM J CLARK & SAMUEL CLARK JR<br>2310 CAMBRIDGE CT N<br>LEAGUE CITY TX 77573-5004 |
| 83. | JAMES RAYFORD SMITH<br>3507 LONE PINE DR<br>SANTA FE TX 77510-8078     | 93.  | JOHN E SCALES<br>4122 AVENUE T<br>GALVESTON TX 77550-8646                             |
| 84. | IGNACIO & MARIA C FERNANDEZ<br>3730 AVENUE D<br>SANTA FE TX 77510      | 94.  | MARISELA JAIMES RODRIGUEZ<br>1159 BREWSTER DR<br>POMONA CA 91767                      |
| 85. | BRAD ALLEN TAYLOR<br>3740 AVENUE D<br>SANTA FE TX 77510                | 95.  | COLUMBUS BROCKETT JR<br>1335 MADERA AVE<br>MENLO PARK CA 94025-1507                   |
| 86. | JESSIE BRYANT JR<br>3628 AVENUE D<br>SANTA FE TX 77510                 | 96.  | JOHN H SOSNOWY<br>1740 AURORA AVE N #401<br>SEATTLE WA 98109                          |
| 87. | MANUEL & MARIA G LOPEZ<br>3520 AVENUE D<br>SANTA FE TX 77510           | 97.  | RUTH MASER ETAL<br>C/O JANET CHOATE<br>10010 CLOUD LN<br>GALVESTON TX 77554           |
| 88. | MANUEL LOPEZ JR<br>3514 AVENUE D<br>SANTA FE TX 77510                  | 98.  | ANNIE B SEDGWICK<br>% MRS C L ADAMS<br>2717 15TH ST N<br>TEXAS CITY TX 77590-4180     |
| 89. | ALICIA LOPEZ<br>3520 AVENUE D<br>SANTA FE TX 77510                     | 99.  | CECIL R & DOROTHY REED<br>2014 ADDISON RD NE<br>MARIETTA GA 30066-6509                |
| 90. | DANIEL & AMY MILLER<br>3506 AVENUE D<br>SANTA FE TX 77510              | 100. | REYNALDO PENA<br>12039 CHRISTOPHERS WALK TRL<br>HOUSTON TX 77089                      |

**TABLE 5-1**  
**PROPERTY OWNERS LIST (Continued)**

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|      |  |      |  |
|------|--|------|--|
| 101. | MIGUEL & REYNA MARTINEZ<br>1713 55TH ST<br>GALVESTON TX 77551                        | 111. | JUAN GARCIA<br>6705 AVENUE B<br>SANTA FE TX 77510                  |
| 102. | RITA M ROTH<br>1517 BALL<br>GALVESTON TX 77550                                       | 112. | TIMOTHY A SPAIN<br>10811 BRIAR LN<br>SANTA FE TX 77510             |
| 103. | KAY LYNN BRADFIELD ZDON<br>2418 ROGERS LOOP<br>SAN ANTONIO TX 78258                  | 113. | ROBERT BEVERLY<br>PO BOX 9766<br>BOWLING GREEN KY 42102            |
| 104. | CUSTER KESEL & WF<br>8224 STATE HIGHWAY 64<br>BEN WHEELER TX 75754-3024              | 114. | DEBBIE SMITH<br>5224 AVENUE O 1/2<br>GALVESTON TX 77551-4743       |
| 105. | MARY C HARRIS<br>3630 W JEAN ST<br>GALVESTON TX 77554-6358                           | 115. | VIVIAN SEMMELROGGE<br>10114 SAGEDOWNE LN<br>HOUSTON TX 77089-4324  |
| 106. | EDWIN J GRADY JR & ROSELIE<br>GRADY<br>2807 S CROCKETT ST<br>LA MARQUE TX 77568-5005 | 116. | LEO JOHNSON<br>104 ALBERT ST<br>LA MARQUE TX 77568                 |
| 107. | J D DUNLAP<br>PO BOX 615<br>ACE TX 77326   | 117. | ROY E & SHARON M JONES<br>1702 BIOVU DR<br>GALVESTON TX 77551-1419 |
| 108. | CONTINENTAL LAND CO<br>ATTN BENJAMIN HORN<br>305 BIRCHWOOD ST<br>AZLE TX 76020       | 118. | LORAIN DUNN GUITRY<br>701 CHADLEY CT<br>BRYAN TX 77803-4935        |
| 109. | NOEL BREWER<br>2738 28TH AVE N<br>TEXAS CITY TX 77590-3917                           | 119. | ALBERT J ORTIZ & WF<br>2008 26TH ST<br>GALVESTON TX 77550-7815     |
| 110. | MERLEE CHARLOTTE SPENCER<br>PO BOX 1902<br>TEXAS CITY TX 77592                       | 120. | JUAN BAIGEN<br>3013 KLEINMANN AVE<br>GALVESTON TX 77551-1559       |

**TABLE 5-1  
PROPERTY OWNERS LIST (Continued)**

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- |      |   |      |   |
|------|---|------|---|
| 121. | ALBERT ORTIZ III<br>9111 AMBERJACK DR<br>TEXAS CITY TX 77591            | 131. | ROBERT R YOUNG<br>3964 PEBBLE BROOK DR<br>LEAGUE CITY TX 77573-3752                 |
| 122. | MARSHA ELLEN RUTT<br>10824 W CARON DR<br>SUN CITY AZ 85351              | 132. | RAYMOND ANDRES JR<br>PO BOX 1195<br>ANAHUAC TX 77514-1195                           |
| 123. | SHERYL ROBERTS<br>3812 OAK DALE DR<br>PEARLAND TX 77581-6136            | 133. | BRENDA KAY ROSENBOOM<br>12007 13TH ST<br>SANTA FE TX 77510                          |
| 124. | BARBARA CLARK<br>5606 FRESHMEADOW ST<br>LEAGUE CITY TX 77573-4624       | 134. | HARDY A TATUM EST<br>UNKNOWN ADDRESS  |
| 125. | LUIS & MARIA GUZMAN<br>PO BOX 834<br>GALVESTON TX 77553-0834            | 135. | DAROLD MOODY<br>13607 TEXAS HWY<br>MANY LA 71449-5640                               |
| 126. | DOROTHY M BROWN ET AL<br>18063 BROOKNOLL DRIVE<br>HOUSTON TX 77084-5906 | 136. | MICHAEL A SEGURA<br>1200 24TH AVE N<br>TEXAS CITY TX 77590-5519                     |
| 127. | JOSE M HERNANDEZ<br>1114 JUNIPER CANYON LN<br>HOUSTON TX 77062-2059     | 137. | JIMMY R GRUBBS<br>3126 MAR ANN DR<br>LA MARQUE TX 77568-3604                        |
| 128. | EVELINE RENE JOSEPH<br>10827 BRIAR LN<br>SANTA FE TX 77510-8091         | 138. | CLINTON W FAWCETT &<br>ROBERT L FAWCETT JR<br>271 BARRACUDA<br>BAYOU VISTA TX 77563 |
| 129. | WOODY BEKKEMA<br>3221 AVENUE R<br>GALVESTON TX 77550-7643               | 139. | DANIEL J PLITE & WF<br>12150 20TH ST<br>SANTA FE TX 77510-2070                      |
| 130. | JOHNIE HOWARD<br>10814 BRIAR LN<br>SANTA FE TX 77510-8090               | 140. | JOE WILBURN<br>13670 COUNTRYSIDE<br>SANTA FE TX 77517                               |

**TABLE 5-1**  
**PROPERTY OWNERS LIST (Continued)**

|      |  |      |   |
|------|--|------|---|
| 141. | GERARDO RAMOS & MARISA<br>GONZALEZ RAMOS<br>1310 BAYOU SHORE DR<br>GALVESTON TX 77551-4319 | 151. | EARL & MILDRED CRUTHIS<br>608 WILLOMET<br>DALLAS TX 75208 MC <sup>2</sup> |
| 142. | ISD - SANTA FE<br>1235 NORTH LOOP W STE # 600<br>HOUSTON TX 77002                          | 152. | JAMES L STANTON<br>16432 WILSON PASTURE RD<br>BRYAN TX 77808-6337         |
| 143. | ANTONIO GOMEZ<br>2301 N MCCOLL RD<br>TRLR 19<br>MCALLEN TX 78501-9502                      | 153. | ALMA ARUBLA DEGUERRA<br>PO BOX 230025<br>HOUSTON TX 77223                 |
| 144. | CHARLOTTE VENETA COLLEY<br>10300 CR 4402<br>LARUE TX 75770                                 | 154. | ROBERT P & CAROLYN METZ<br>2301 28TH AVENUE N<br>TEXAS CITY TX 77590-3908 |
| 145. | JACK M & MARGARET MOORE<br>2113 INDIAN BLANKET DR<br>LEAGUE CITY TX 77573-7271             | 155. | UNKNOWN   |
| 146. | ART GIESE JR<br>C/O RICK GIESE<br>14502 SE 42ND<br>BELLEVUE WA 98006-1510                  | 156. | THOMAS HARRY ROBSON<br>13726 VINERY LN<br>CYPRESS TX 77429-5188           |
| 147. | LOUISA LAZARIN<br>202 12TH AVE N<br>TEXAS CITY TX 77590                                    | 157. | FRANCES LUCILLE ROBSON<br>13726 VINERY LN<br>CYPRESS TX 77429-5188        |
| 148. | ARNOLD MCDANIEL & WF<br>11663 ZINGELMANN RD<br>GALVESTON TX 77554-9449                     | 158. | RHONDA C WHITE<br>3714 AVENUE E<br>SANTA FE TX 77510                      |
| 149. | ROY ELSER SELLERS<br>18349 W SHADY LN<br>MUNDELEIN IL 60060-3344                           | 159. | HAROLD C KRISTOF<br>1 MARY'S CREEK LN<br>FRIENDSWOOD TX 77546             |
| 150. | EDGAR & VERONICA RIVAS<br>10922 CAYMAN MIST DR<br>HOUSTON TX 77075-5064                    | 160. | WILLIAM R COCHRANE<br>PO BOX 628<br>GALVESTON TX 77553-0628               |
| 161. | ANGEL M SKINNER<br>10827 BRIAR LN<br>SANTA FE TX 77510-8091                                | 171. | EDWARD L CLACK<br>PO BOX 3429<br>GALVESTON TX 77552-0429                  |

<sup>2</sup> Zip Code obtained from USPS information. No Zip Code listed in Appraisal District records.

**TABLE 5-1  
PROPERTY OWNERS LIST (Continued)**

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|      |  |      |  |
|------|--|------|--|
| 162. | ALBERT CLAYTON BABB<br>RR 2 BOX 267<br>CROCKETT TX 75835-8367                | 172. | JOSEPHINE SCHATTEL<br>1928 BAYOU HOMES DR<br>GALVESTON TX 77551-1339                             |
| 163. | RUDOLPH H SMART<br>1404 ROY CT<br>PEARLAND TX 77581-6324                     | 173. | LUIS REY GARCIA<br>1712 56TH ST<br>GALVESTON TX 77551-5003                                       |
| 164. | MARIA NIETO DICKINSON<br>5610 TRUETT<br>HOUSTON TX 77023                     | 174. | ROBERTO & GLORIA DAVALOS<br>5316 AVENUE L<br>GALVESTON TX 77551                                  |
| 165. | JOE D GANNON<br>1614 BEAU RIVAGE<br>CONROE TX 77304-4992                     | 175. | BOLIVAR DAVALOS<br>5316 AVENUE L<br>GALVESTON TX 77551   |
| 166. | LONNIE J GANNON EST &<br>JOE D GANNON<br>1614 BEAU RIVAGE<br>CONROE TX 77304 | 176. | THELMA ODELL BOLTON<br>11906 25TH ST<br>SANTA FE TX 77510-2003                                   |
| 167. | ROBERT C RUTH<br>1922 AVENUE K<br>GALVESTON TX 77550-4619                    | 177. | BARBARA DELL MORRIS<br>20105 MISTY PINES DR<br>HUMBLE TX 77346                                   |
| 168. | THEODORE T WYLY<br>PO BOX 38<br>RIVERSIDE TX 77367-0038                      | 178. | MARY WEST ETAL<br>7710 WINDING TRAIL ST<br>SANTA FE TX 77517-3008                                |
| 169. | ROBERT E SIMPTON<br>309 LAUREL ST<br>BRYAN TX 77801-3814                     | 179. | JOSEPH E ROURKE JR<br>5309 THISTLE DR<br>DICKINSON TX 77539-7115                                 |
| 170. | JANET AUGUST<br>PO BOX 3422<br>GALVESTON TX 77552-0422                       | 180. | JOE MCCOY & ALBERT C CHENOWETH<br>ANGELIQUE DESIREE WAGNER<br>12627 32ND ST<br>SANTA FE TX 77510 |

**TABLE 5-1**  
**PROPERTY OWNERS LIST (Continued)**

|      |  |      |   |
|------|--|------|---|
| 181. | LEW W PEARSON<br>12622 C BAR CIR<br>SANTA FE TX 77510-8605   | 191. | MARY R HERNANDEZ<br>2118 HOLLOW REEF CIR<br>LEAGUE CITY TX 77573                                    |
| 182. | ERIN A GLENN<br>21 WINNIPESAUKEE ST<br>FRANKLIN NH 03235-1906  | 192. | A C CHENOWETH ETAL<br>12627 32ND ST<br>SANTA FE TX 77510-9303                                       |
| 183. | GLENN A CHVATAL & WF<br>405 BLUEBONNET DR<br>LA MARQUE TX 77568-4409                                     | 193. | ARMANDO DELEON<br>3717 AVENUE N<br>GALVESTON TX 77550-6611  |
| 184. | LILLIAN Y REHM EST<br>2409 KAY AVE<br>PEARLAND TX 77581  | 194. | REBECCA ROBINSON<br>104 VALLEY VIEW DR<br>SMITHVILLE TX 78957                                       |
| 185. | BILLY JACK & JOYCE LEE<br>MCKEE LIVING TRUST<br>% BJ & JL MCKEE<br>PO BOX 380027<br>DUNCANVILLE TX 75138 | 195. | MICHAEL W GILLASPIA SR &<br>SHELLEY A GILLASPIA<br>10612 FM 1764 #4<br>SANTA FE TX 77510-8061       |
| 186. | MAGDALENO P JARAMILLO<br>PO BOX 3181<br>TEXAS CITY TX 77592-3181   | 196. | ROBERT GREIG<br>PO BOX 16145<br>GALVESTON TX 77552-6145   |
| 187. | LENORA W ELLIOTT<br>2011 SCOTT ST APT 7<br>LA MARQUE TX 77568-5375                                       | 197. | HAROLD CARTER & CLAUDIA CARTER &<br>JERE C SIMMONS<br>1506 2ND AVENUE N<br>TEXAS CITY TX 77590-7320 |
| 188. | ROY E KNUDSON<br>C/O LORRAINE FISCHER<br>5701 VIRGINIA PKWY APT 4211<br>MCKINNEY TX 75071-1005           | 198. | ROBERT H COOLEY JR<br>232 ROGERS RD<br>COLUMBIA LA 71418  |
| 189. | EARL DUDLEY<br>6021 FM 646 RD S<br>SANTA FE TX 77510-8258  | 199. | RODNEY D KOZLEK<br>10706 N HUMBLE CAMP RD<br>DICKINSON TX 77539                                     |
| 190. | SUZANNE ELIZABETH BRIDGES<br>124 EMILY LN<br>COWPENS SC 29330  | 200. | FRANK MONSIBAIS & DORA ISAIS<br>1017 54TH ST<br>GALVESTON TX 77551-4402                             |

**TABLE 5-1**  
**PROPERTY OWNERS LIST (Continued)**

|       |  |      |  |
|-------|--|------|--|
| 201.  | KIMBERLY FOJTIK BUNDRICK AND<br>MARVIN LEE FOTJIK<br>3218 KLEINMANN AVE<br>GALVESTON TX 77551-1631 | 211. | SUZANNE M DEAN<br>1C PRAIRIE KNOLL DR<br>SANTA FE TX 77510                           |
| 202.  | VIJAY & KIRAN MISHRA<br>205 SUNSET DR<br>FRIENDSWOOD TX 77546                                      | 212. | RICHARD U BOWLAND JR<br>6507 GOLDEN SPRING LN<br>COLUMBIA MD 21044                   |
| 203.  | ROBERT E JAMES<br>PO BOX 2397<br>FREEPORT TX 77542-2397  | 213. | JOSEPH E & IRENE E TOWNSEND<br>601 WESTWOOD CIR<br>LA MARQUE TX 77568-2001           |
| 204.  | TINA JOU<br>5313 HOLLY ST<br>BELLAIRE TX 77401-4805  | 214. | JOHN G & SUSAN DUNN<br>603 WESTWOOD CIRCLE<br>LA MARQUE TX 77568                     |
| 205.  | MARUTINANDAN INC<br>2506 SUMMER CREEK DR<br>PEARLAND TX 77584                                      | 215. | ORVAL K & PATRICIA BUNDY<br>661 WESTWOOD CIRCLE<br>LA MARQUE TX 77568                |
| 206.  | MIKE DODD<br>1285 BELLA LUNA LN<br>LEAGUE CITY TX 77573-1201                                       | 216. | MATTHEW & KRISTIE MOUTON<br>669 WESTWOOD CIRCLE<br>LA MARQUE TX 77568                |
| *207. | JOHN W COX<br>27 PRESIDIO RD<br>MONTGOMERY TX 77356  | 217. | RUBEN & TAMERA YOAKUM<br>657 WESTWOOD CIR<br>LA MARQUE TX 77568-2001                 |
| *207. | C RAY HOLBROOK<br>1420 AVENUE L<br>SANTA FE TX 77510-8900  |      |  |
| 208.  | EXP-DD #2<br>PO BOX 624<br>LA MARQUE TX 77568-0624   | 218. | GAYLON T & ELAINE W PENICK<br>655 WESTWOOD CIR<br>LA MARQUE TX 77568-2001            |
| 209.  | LARRY K ARNONE<br>1A PRAIRIE KNOLL DR<br>SANTA FE TX 77510   | 219. | FRED WIMHURST JR TR<br>MOODY NATIONAL BANK<br>PO BOX 1139<br>GALVESTON TX 77553-1139 |
| 210.  | CRISTINA GONZALES<br>1 PRAIRIE KNOLL DR UNIT #B<br>SANTA FE TX 77510-8125                          | 220. | STATE-UNIVERSITY OF HOUSTON<br>HITCHCOCK TX MC                                       |
|       |  | 221. | WAYNE DUNHAM<br>10803 LONGMIRE ST<br>SANTA FE TX 77510-7045                          |

\* Please note that this property has multiple owners.

**TABLE 5-1**  
**PROPERTY OWNERS LIST (Continued)**

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**Easement Holders Associated with the Permit Boundary**

1. CENTERPOINT ENERGY  
1111 LOUISIANA ST 7TH FLOOR  
HOUSTON TX 77002
2. HOUSTON PIPE LINE COMPANY LP  
711 LOUISIANA STE 900  
HOUSTON TX 77002
3. HASSIE HUNT (XTO ENERGY)  
810 HOUSTON STREET  
FORT WORTH TX 76102
4. HUMBLE OIL (EXXONMOBIL)  
396 WEST GREENS ROAD  
HOUSTON TX 77067
5. TRUNKLINE (PANHANDLE ENERGY)  
15528 HUFFMEISTER ROAD  
CYPRESS TX 77429



ATTACHMENT C  
Compliance History

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

**PUBLISHED** Compliance History Report for CN601587355, RN100221597, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

|   |  |                             |                     |
|---|--|-----------------------------|---------------------|
| <b>Customer, Respondent, or Owner/Operator:</b> | CN601587355, Galveston County Landfill TX, LP            | <b>Classification:</b> HIGH | <b>Rating:</b> 0.00 |
| <b>Regulated Entity:</b>                        | RN100221597, GALVESTON COUNTY LANDFILL                   | <b>Classification:</b> HIGH | <b>Rating:</b> 0.00 |
| <b>Complexity Points:</b>                       | 14   | <b>Repeat Violator:</b> NO  |                     |
| <b>CH Group:</b>                                | 07 - Solid Waste Landfills                               |                             |                     |
| <b>Location:</b>                                | 3935 AVENUE A ALTA LOMA, TX 77510-8045, GALVESTON COUNTY |                             |                     |
| <b>TCEQ Region:</b>                             | REGION 12 - HOUSTON                                      |                             |                     |

## ID Number(s):

|   |   |
|---|---|
| <b>AIR OPERATING PERMITS ACCOUNT NUMBER GB0270L</b>           | <b>AIR OPERATING PERMITS PERMIT 1455</b>              |
| <b>PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 52757</b> | <b>AIR NEW SOURCE PERMITS ACCOUNT NUMBER GB0270L</b>  |
| <b>AIR NEW SOURCE PERMITS AFS NUM 4816700124</b>              | <b>AIR NEW SOURCE PERMITS REGISTRATION 80952</b>      |
| <b>MUNICIPAL SOLID WASTE DISPOSAL PERMIT 1149A</b>            | <b>MUNICIPAL SOLID WASTE DISPOSAL PERMIT 1149B</b>    |
| <b>STORMWATER PERMIT TXR05AL33</b>                            | <b>AIR EMISSIONS INVENTORY ACCOUNT NUMBER GB0270L</b> |
| <b>INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000069666</b>     |   |

**Compliance History Period:** September 01, 2008 to August 31, 2013    **Rating Year:** 2013    **Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** June 18, 2014

**Agency Decision Requiring Compliance History:** Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.

**Component Period Selected:** June 29, 2007 to June 18, 2014

## 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 | August 02, 2007 | (558207) |
| Item 2 | August 20, 2007 | (572672) |

|         |                   |           |
|---------|-------------------|-----------|
| Item 3  | March 03, 2008    | (617845)  |
| Item 4  | August 18, 2008   | (683691)  |
| Item 5  | March 22, 2010    | (745171)  |
| Item 6  | March 02, 2011    | (887711)  |
| Item 7  | August 24, 2011   | (877895)  |
| Item 8  | December 01, 2011 | (970339)  |
| Item 9  | May 08, 2012      | (988712)  |
| Item 10 | December 13, 2012 | (1051221) |
| Item 11 | June 24, 2013     | (1086950) |
| Item 12 | April 24, 2014    | (702078)  |

**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

**Technical Summary  
of the  
Galveston County Landfill  
MSW Permit Amendment Application  
No. 1149B**

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

**Applicant:  
Galveston County Landfill TX, LP**

**Date Prepared: December 9, 2013**

By the  
Municipal Solid Waste Permits Section  
Office of Waste, Waste Permits Division  
Texas Commission on Environmental Quality

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

Name of Applicant: Galveston County Landfill TX, LP  
3935 Avenue A  
La Marque, TX 77510

Name of Facility: Galveston County Landfill

Contact Person: Scott Trebus, P.E.  
13630 Fondren Road  
Houston, Texas 77085  
(713)726-7506

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

## **1.0 GENERAL**

### **1.1 Purpose:**

The applicant has submitted this application requesting authorization for a major amendment to authorize the horizontal and vertical expansion of the municipal solid waste (MSW) landfill for the acceptance and disposal of authorized waste. The total permitted facility will include 469.5 acres of which approximately 333.9 acres will be used for waste disposal. The final elevation of the waste fill and final cover material will be 202.5 feet above mean sea level (msl).

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

Solid waste to be accepted will consist of MSW resulting from, or incidental to, municipal, community, commercial, institutional, recreational, and industrial activities, including garbage, putrescible wastes, rubbish, ashes, brush, street cleanings, dead animals, construction-demolition waste, and yard waste; Class 1 non-hazardous industrial waste; Class 2 non-hazardous industrial solid waste; Class 3 non-hazardous industrial solid waste; special waste; and other waste as approved by the executive director. The landfill will not be authorized to accept wastes other than the wastes mentioned above, and those waste streams that are expressly prohibited by 30 Texas Administrative Code (TAC) Chapter 330.

### **1.3 Waste Acceptance Rate and Site Life:**

Authorized wastes will be accepted at an anticipated initial rate of approximately 1,203 tons per day and may increase to a maximum of approximately 2,113 tons per day. The estimated site life is approximately 49 years.

## **2.0 TECHNICAL REVIEW**

This application has been technically reviewed by the MSW Permits Section to determine its compliance with the applicable requirements of 30 TAC Chapters 305 and 330. Chapter 330 contains the minimum regulatory criteria for municipal solid waste facilities. It has been determined that the information in the permit amendment application demonstrates compliance with these regulatory requirements. A draft permit has been prepared, and the application has been declared technically complete.

### **3.0 LOCATION AND SIZE**

#### 3.1 Location:

The Galveston County Landfill is located in Galveston County, Texas at 3935 Avenue A, in the cities of La Marque and Hitchcock, Texas.

#### 3.2 Elevation and Coordinates of Permanent Benchmark:

Latitude: N 29° 23' 13.79"

Longitude: W 95° 03' 21.90"

Elevation: 14.35 feet above msl

#### 3.3 Size:

The total permitted area of 397.5 acres is proposed to be increased by approximately 72 acres for a total permitted area of 469.5 acres. The disposal area is proposed to be increased by 31.3 acres for a total disposal area of 333.9 acres.

### **4.0 FACILITY DESIGN, CONSTRUCTION, AND OPERATION**

#### 4.1 Facilities Authorized:

The permit amendment will authorize the operation of a Type I municipal solid waste landfill with a total net disposal volume (waste, daily cover, and intermediate cover) of approximately 56.14 million cubic yards in addition to support structures and facilities as described in the permit amendment application and subject to the limitations contained in the permit and Commission rules.

The facility consists of the solid waste disposal area, liquid waste processing area, clean wood waste processing area, a site entrance with security fencing, a gatehouse, scales, a paved entrance road to the site, all-weather access roads, soil stockpiles, landfill gas monitoring and collection system, leachate collection system, and groundwater monitoring system. Structures for surface drainage and stormwater run-on/runoff control include a perimeter drainage system to convey stormwater runoff around the site, berms, ditches, detention ponds, and associated drainage structures.

#### 4.2 Waste Placement:

The maximum elevation of waste placement will be approximately 199.5 feet above msl. The minimum elevation of waste placement will be approximately 30 feet below msl. The deepest excavation elevation for the liner and sumps is approximately 38 feet below msl.

#### 4.3 Liner System

A liner system meeting the requirements of 30 TAC Chapter 330, Subchapter H will be constructed. It will consist of the following components (listed in order from top to bottom of liner system):

##### a. Class 1 industrial waste area:

- 24-inch protective cover soil layer
- Drainage geocomposite/leachate collection system
- 60-mil HDPE geomembrane
- 36-inch compacted clay layer (permeability  $\leq 1 \times 10^{-7}$  cm/s)

b. Non-Class 1 industrial waste area:

- 24-inch protective cover soil layer
- Drainage geocomposite/leachate collection system
- 60-mil HDPE geomembrane
- Either 24-inch compacted clay layer (permeability  $\leq 1 \times 10^{-7}$  cm/s) or a geosynthetic clay liner

A liner system will also be installed over the Pre-Subtitle D landfill area which will consist of:

- 24-inch protective cover soil layer
- Drainage geocomposite/leachate collection system
- 40-mil LLDPE geomembrane
- Geosynthetic clay liner

4.4 Final Cover System

The final cover system is designed to meet the requirements of 30 TAC Chapter 330, Subchapter K and will be placed on the above-grade waste. Two alternative designs are proposed for the Non-Class 1 waste areas, and one design is proposed for the Class 1 waste areas. Each cell or phase will be covered with a composite final cover consisting of the following components (listed in order from top to bottom):

a. Class 1 industrial waste area:

- 24-inch erosion layer with the top 6-inch layer capable of sustaining native plant growth
- Drainage geocomposite
- 40-mil LLDPE geomembrane
- 48-inch compacted clay infiltration layer (permeability  $\leq 1 \times 10^{-7}$  cm/s)

b. Non-Class 1 industrial waste area (Alternative 1):

- 24-inch erosion layer with the top 6-inch layer capable of sustaining native plant growth
- Drainage geocomposite
- 40-mil LLDPE geomembrane
- 18-inch infiltration layer (permeability  $\leq 1 \times 10^{-5}$  cm/s)

c. Non-Class 1 industrial waste area (Alternative 2):

- 24-inch erosion layer with the top 6-inch layer capable of sustaining native plant growth
- Drainage geocomposite
- 40-mil LLDPE geomembrane
- Geosynthetic clay liner

4.5 Leachate Collection System

The leachate collection system consists of a leachate collection layer (geocomposite drainage layer), leachate collection trenches, pipes, sumps, risers, and pumps. Leachate will be stored in six aboveground tanks with a combined capacity of 260,000 gallons, and will either be discharged to the sanitary sewer system for disposal, or recirculated at the landfill working face. The leachate collection system is designed to meet the requirements of 30 TAC Section (§) 330.333 and will be placed on top of the liner system.

## **5.0 LAND USE**

Land use in the vicinity of the site was evaluated in accordance with 30 TAC §330.61(h).

- 5.1 Zoning - The facility is located at 3935 Avenue A, in the Cities of La Marque and Hitchcock, Texas. The majority of the property within the City of La Marque is zoned I-2 (Industrial) with some property having no zoning. The property within the City of Hitchcock is zoned AR (Agricultural Residential). Because the landfill existed at the time zoning was established, both cities have issued letters that the landfill status is a legal non-conforming use.
- 5.2 Surrounding land uses - The surrounding land is used for commercial, residential, parks, school, churches, public utilities, and undeveloped property.
- 5.3 Residences and Businesses – Within one mile of the facility are 38 commercial establishments and 939 residences.
- 5.4 Schools, Churches, and Historical Sites - There are four churches, one school, and one cemetery within one mile of the permit boundary. There are three historical markers within one mile of the permit boundary. No historical sites were identified within the permit boundary.
- 5.5 Growth Trends – The facility is located within the incorporated limits of the City of La Marque and the City of Hitchcock, and continued growth of these municipalities can be anticipated.

## **6.0 LOCATION RESTRICTIONS**

Location restrictions for municipal solid waste landfills are set forth in 30 TAC Chapter 330, Subchapter M.

### **6.1 Airport Safety:**

The landfill is not located within a six-mile radius of any small general service airport runway end used by turbojet or piston-type aircraft or within a five-mile radius of any large general public commercial airport runway end used by turbojet or piston-type aircraft. The landfill is not located within 10,000 feet of any airport runway end used by turbojet aircraft or within 5,000 feet of any airport runway end used by only piston-type aircraft. The facility is considered to be in compliance with 30 TAC §330.545.

### **6.2 Floodplains:**

The permit boundary is not located within a 100-year floodplain. The facility is considered to be in compliance with 30 TAC §330.547.

### **6.3 Wetlands:**

There are no jurisdictional wetland areas within the permit boundary. The facility is considered to be in compliance with 30 TAC §330.553.

### **6.4 Fault Areas and Seismic Impact Zones:**

There are no known faults within 200 feet of the site in accordance with 30 TAC §330.555. The facility is not located within a seismic impact zone as defined in 30 TAC §330.557. Therefore, the facility is considered to be in compliance with 30 TAC §330.555 and §330.557.

6.5 Unstable Areas:

Three potentially unstable areas, as defined in 30 TAC §330.559, were identified at the site. These areas are the natural soils below the landfill, the Pre-Subtitle D overliner foundation, and the final landfill cover soils. The application contains demonstrations that none of the above conditions will have an adverse effect on the integrity of the landfill liners and cover. The facility is considered to be in compliance with 30 TAC §330.559.

6.6 Protection of Endangered Species:

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

**7.0 TRANSPORTATION AND ACCESS**

The main public roadways providing access to the site are Avenue A and FM 1764. Avenue A is a two-lane asphalt paved road, and FM 1764 is a four-lane concrete paved road. There are no weight restrictions on these roads other than the legal limit of 80,000 pounds. Current landfill traffic volume is estimated at 365 trips per day. Projected landfill traffic volume is estimated at 427 trips per day in 2020, 543 trips per day in 2040, and 657 trips per day in 2058. This information is contained in the application and indicates that the access roads can sufficiently handle the current and anticipated future traffic volumes associated with this facility.

**8.0 SURFACE WATER PROTECTION**

As defined in 30 TAC §330.3, contaminated water is leachate, gas condensate, and water which has come into contact with waste. Stormwater which comes into contact with solid waste will be considered contaminated water. Temporary berms will be constructed to minimize the amount of surface water that comes in contact with the waste. Contaminated stormwater at the working face will be contained by run-on/run-off berms. Contaminated surface water will be collected and transported to a permitted wastewater treatment facility. Groundwater generated from monitor well purging will be managed as either leachate or contaminated water.

**9.0 GROUNDWATER PROTECTION**

9.1 Liner and Leachate Collection System:

The liner system and leachate collection system will provide protection of groundwater from contamination.

9.2 Monitoring Wells:

The groundwater monitoring system will consist of 16 wells which will provide for early detection of potential releases from the facility. The groundwater monitoring network will be sampled, analyzed, and monitored in accordance with the procedures in the Groundwater Sampling and Analysis Plan (Appendix IIIH of the Permit Amendment Application), which is part of the facility permit.

**10.0 LANDFILL GAS MANAGEMENT**

Landfill gas migration will be monitored around the perimeter of the facility utilizing permanent landfill gas monitoring probes. 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. In addition, the facility operates an active landfill gas collection system to extract landfill gas from the waste disposal area.

**11.0 SITE DEVELOPMENT PLAN AND SITE OPERATING PLAN**

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 to maintain the facility in compliance with the engineering design and applicable regulatory requirements. These documents become part of the permit.

**12.0 FINANCIAL ASSURANCE**

Authorization to operate this facility is contingent upon the maintenance of financial assurance in accordance with 30 TAC Chapter 330, Subchapter L and Chapter 37 (Financial Assurance) for closure and post-closure care.

**13.0 PUBLIC PARTICIPATION PROCESS**

The public can participate in the final decision on the issuance of a permit as follows:

- 13.1 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.
- 13.2 Technical review of the application is completed, a final draft permit is prepared, and the application is declared technically complete. Information for the application, the draft permit, the notice, and summaries are sent to the chief clerk's office for processing.
- 13.3 The "Notice of Application" is sent to the applicant and published in the newspaper. This notice provides a 30-day period, from the date of publication, for the public to make comment(s) about the application or draft permit. The notice also allows the public to request a public meeting for the proposed facility.
- 13.4 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 public hearing.
- 13.5 After the 30-day period to request a hearing is complete, the matter is placed on an agenda meeting for the TCEQ commissioners to make a determination to grant any of the hearing requests and refer the matter to the State Office of Administrative Hearings for a public hearing.
- 13.6 A public hearing is a formal process in front of an Administrative Law Judge (ALJ) who conducts the hearing. The applicant and protestant party(ies) present witnesses and testimony to support or dispute information contained in the 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 permit.

- 13.7 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.
- 13.8 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.

**14.0 ADDITIONAL INFORMATION**

For information concerning the regulations covering this application, contact the MSW Permits Section:

Mr. Dwight C. Russell, P.E.  
MSW Permits Section, MC 124  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711  
(512) 239-5282

For more detailed technical information concerning any aspect of this application or to request a copy of the Site Development Plan, please contact the Consulting Engineer or the Applicant at the address provided at the beginning of this summary.

The application can be viewed on the internet at the following website address:  
[http://www.tceq.texas.gov/permitting/waste\\_permits/msw\\_permits/msw\\_posted\\_apps.html](http://www.tceq.texas.gov/permitting/waste_permits/msw_permits/msw_posted_apps.html)

For information concerning the legal aspects of the hearing process, agency rules, and submitting public comments, please contact the Texas Commission on Environmental Quality's Office of the Public Interest Counsel at (512) 239-6363.

# Texas Commission on Environmental Quality



Permit For  
Municipal Solid Waste (MSW) Management Facility  
Issued under provisions of Texas  
Health and Safety Code  
Chapter 361

MSW Permit No.: 1149B

Name of Site Operator/Permittee: Galveston County Landfill TX, LP

Property Owner: Galveston County Landfill TX, LP

Facility Name: Galveston County Landfill

Facility Address: 3935 Avenue A, La Marque, Texas 77510

Classification of Site: Type I Municipal Solid Waste Management Facility

The permittee is authorized to store, process, and dispose of wastes in accordance with the limitations, requirements, and other conditions set forth herein. This permit is granted subject to the rules and orders of the Commission and laws of the State of Texas and it replaces any previously issued permit. Nothing in this 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, Chapter 330.

Issued Date:

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For the Commission

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**I. Size and Location of Facility**

- A. The Galveston County Landfill is located at 3935 Avenue A in the cities of La Marque and Hitchcock, Galveston County, Texas. The facility contains 469.5 acres.
- B. The legal description is contained in Parts I/II, Pages I/II-13-1 through I/II-13-4, which is incorporated by reference in Attachment A of this permit.
- C. Coordinates and Elevation of Site Permanent Benchmark:
- |            |                                       |
|------------|---------------------------------------|
| Latitude:  | 29° 23' 13.79" N                      |
| Longitude: | 95° 03' 21.90" W                      |
| Elevation: | 14.35 feet above mean sea level (msl) |

**II. Facilities and Operations Authorized**

- A. Days and Hours of Operation
- The waste acceptance hours for the receipt and disposal of waste at this facility shall be 24 hours per day, seven days per week. The operating hours at this facility which include the use of heavy equipment shall be 24 hours per day, seven days per week.
- The operator shall post the actual waste acceptance hours on the site sign.
- B. Wastes Authorized at This Facility
- The permittee is authorized to accept and to dispose of municipal solid waste as defined in 30 TAC Section (§)330.3(88), household waste, commercial waste, construction-demolition waste, yard waste, Class 1 industrial waste, Class 2 industrial waste, Class 3 industrial waste, and specific special wastes identified in Part IV in Attachment A to this permit. The acceptance of the special wastes is contingent upon such waste being handled in accordance with 30 TAC §330.171, and in accordance with the procedures in Part IV in Attachment A of this permit, subject to the limitations and any special provisions provided herein.
- C. Wastes Prohibited at This Facility
- The permittee shall comply with the waste disposal restrictions set forth in 30 TAC §330.15(e). The permittee shall not accept industrial hazardous waste and any other waste not identified in Parts I/II, Section II.B. in Attachment A to this permit.
- D. Waste Acceptance Rate
- Solid waste may be accepted for disposal at this facility at the initial rate of approximately 344,097 tons per year (approximately 1203 tons per day based on 286 days-per-year of operation) and increasing over time to a maximum acceptance rate of approximately 604,411 tons per year (approximately 2113 tons per day based on 286 days per year of operation). These estimated waste acceptance rates are not a limiting parameter of this permit; however, if the actual annual waste disposal acceptance rate exceeds the rate estimated in the landfill permit application and the waste increase is not due to a temporary occurrence, the owner or operator shall file an application to modify the permit application pursuant to 30 TAC §330.125(h). The actual yearly waste disposal acceptance rate is a rolling quantity based on the sum of the previous four

quarters of waste acceptance. Authorized liquid waste may be accepted for processing at this facility at a maximum rate of 646,250 gallons per day, and may be stored at a maximum volume of 258,500 gallons. Grit trap, grease trap, and septage shall be stored prior to processing not longer than 72 hours after receipt. Maximum storage times for other liquids prior to processing are specified in Part IV, Section 5.1 in Attachment A to this permit.

E. Waste Volume Available for Disposal

The total waste disposal capacity of the landfill (including waste, daily cover, and intermediate cover) is 56,140,000 million cubic yards.

F. Facilities Authorized

The permittee is authorized to operate a Type I municipal solid waste landfill consisting of a total permit boundary of 469.5 acres and a waste disposal footprint of 333.9 acres. The permittee is also authorized to operate a liquid waste solidification unit, white goods storage area, leachate tanks, citizens' collection station, and a clean wood waste processing unit.

All waste disposal activities authorized by this permit are to be confined to the Type I landfill which shall include access roads, scales, gatehouse, dikes, berms and temporary drainage channels, permanent drainage structures, detention ponds, landfill gas management system, contaminated water management system, leachate management system, final cover, groundwater monitoring system, a liner system, and other improvements.

All liquid waste processing activities authorized by this permit are to be confined to the processing unit location depicted on Drawing 1 in Part IV, Appendix IV-C in Attachment A to this permit.

All clean wood waste processing activities authorized by this permit are to be confined to the processing unit location depicted on Drawings I/IIA.1 and I/IIA1a in Parts I/II, Appendix I/IIA in Attachment A to this permit.

G. Changes, Additions, or Expansions

Any proposed facility changes must be authorized in accordance with the rules in 30 TAC Chapters 305 and 330.

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

A. Facility design, construction, and operation and maintenance must comply with the provisions of this permit; Commission Rules, including but not limited to 30 TAC Chapter 330; special provisions contained in this permit; Parts I through IV in Attachment A to this permit; and amendments, corrections, and modifications incorporated by reference in Attachment B to this permit. The facility construction and operation shall be managed in a manner that protects human health and the environment.

B. The entire waste management facility shall be designed, constructed, operated, and maintained to prevent the release and migration of any waste, contaminant, or pollutant beyond the point of compliance as defined in 30 TAC §330.3 and to prevent inundation or discharge from the areas surrounding the facility components. Each receiving, storage, processing, and disposal area shall have a

containment system that will collect spills and incidental precipitation in such a manner as to:

1. Preclude the release of any contaminated runoff, spills, or precipitation;
  2. Prevent washout of any waste by a 100-year frequency flood; and
  3. Prevent run-on into the disposal areas from off-site areas.
- C. The site shall be designed and operated so as not to cause a violation of:
1. The requirements of §26.121 of the Texas Water Code;
  2. Any requirements of the Federal Clean Water Act, including, but not limited to, the National Pollutant Discharge Elimination System (NPDES) requirements of §402, as amended, and/or the Texas Pollutant Discharge Elimination System (TPDES), as amended;
  3. The requirements under §404 of the Federal Clean Water Act, as amended; and
  4. Any requirement of an area wide or statewide water quality management plan that has been approved under §208 or §319 of the Federal Clean Water Act, as amended.
- D. Management of Contaminated Water, Leachate, and Gas Condensate
1. All contaminated water shall be handled, stored, treated, disposed of, and managed in accordance with 30 TAC §§330.65(c), 330.177, 330.207, 330.305(g), 330.333, and Part III, Appendix IIIC in Attachment A to this permit.
  2. Contaminated surface water and groundwater (with the exception of monitoring well purge water) shall not be placed in or on the landfill.
- E. Liner System
1. A liner system pursuant to 30 TAC §330.331 must be installed in all cells. The liner system shall be installed over the entire bottom and sidewalls as described in Part III, Appendix IIIA in Attachment A to this permit. The liner system shall be constructed in accordance with the rules and with the specifications in Part III in Attachment A to this permit, and must consist of one of the following approved alternatives as applicable:
    - a. Non-Class 1 industrial waste areas (top to bottom):
      - 24 inches of protective cover soil
      - Drainage geocomposite/leachate collection system
      - 60-mil HDPE geomembrane
      - Either 24 inches of compacted clay (permeability  $\leq 10^{-7}$  cm/sec) or a geosynthetic clay liner
    - b. Class 1 industrial waste areas (top to bottom):
      - 24 inches of protective soil cover
      - Drainage geocomposite/leachate collection system
      - 60-mil HDPE geomembrane
      - 36 inches of compacted clay (permeability  $\leq 10^{-7}$  cm/sec)

- c. Overliner System for Pre-Subtitle D areas (top to bottom):
  - 24 inches of protective cover soil
  - Drainage geocomposite/leachate collection system
  - 40-mil LLDPE geomembrane
  - Geosynthetic clay liner
2. The elevation of deepest excavation at the landfill disposal area is 38.0 feet below msl, and is located at the leachate collection sump within Sector 3E of the landfill.
3. The elevations of the top of liner within the waste disposal areas shall be as shown in Drawing A.1 of Part III, Appendix III-A in Attachment A to this permit.

F. Final Cover System

1. A final cover system pursuant to 30 TAC Chapter 330 Subchapter K must be installed over all waste placed in landfill cells. The final cover system shall be constructed in accordance with the rules and with the specifications in Part III, Appendix IIIA in Attachment A to this permit, and must consist of:
  - a. Class 1 industrial waste areas:
    - 24-inch erosion layer with the top 6-inch layer capable of sustaining native plant growth
    - Drainage geocomposite
    - 40-mil LLDPE geomembrane
    - 48-inch compacted clay infiltration layer (permeability  $\leq 1 \times 10^{-7}$  cm/s)
  - b. Non-Class 1 industrial waste areas (Alternative 1):
    - 24-inch erosion layer with the top 6-inch layer capable of sustaining native plant growth
    - Drainage geocomposite
    - 40-mil LLDPE geomembrane
    - 18-inch infiltration layer (permeability  $\leq 1 \times 10^{-5}$  cm/s )
  - c. Non-Class 1 industrial waste areas (Alternative 2):
    - 24-inch erosion layer with the top 6-inch layer capable of sustaining native plant growth
    - Drainage geocomposite
    - 40-mil LLDPE geomembrane
    - Geosynthetic clay liner
2. The maximum elevation of the final cover shall not exceed 202.5 feet above msl for the North Unit and 186 feet above msl for the South Unit.
3. Best management practices for temporary erosion and sedimentation control shall remain in place until sufficient vegetative cover has been established to control and mitigate erosion on areas having final cover. Vegetative cover will be monitored and maintained throughout the post-

closure care period in accordance with Part III, Appendix III-K in Attachment A to this permit.

G. Waste Placement

1. The lowest elevation of waste placement will be approximately 30.0 feet below msl.
2. The maximum final elevation of waste placement will be 199.5 feet above msl for the North Unit and 183.0 feet above msl for the South Unit.

H. Landfill Gas Management System

1. A landfill gas management system to monitor and control methane gas pursuant to 30 TAC Chapter 330, Subchapter I shall be installed and operated at the landfill. The landfill gas monitoring system shall consist of a perimeter network of landfill gas monitoring probes and land fill gas monitoring equipment for facility structures. The landfill gas monitoring probes and landfill gas control system shall be located as described in Part III, Appendix III-I in Attachment A to this permit. The landfill gas monitoring and control systems shall be designed, installed, and operated as described in Part III, Appendix III-I in Attachment A to this permit and in accordance with applicable rules. At a minimum, landfill gas monitoring shall be conducted on a quarterly basis.
2. The landfill gas management system shall ensure that the concentration of methane gas generated by the facility does not exceed 5% by volume in monitoring points, probes, subsurface soils, or other matrices at the facility boundary defined by the legal description in the permit or permit by rule, and does not exceed 1.25% by volume in facility structures (excluding gas control or recovery system components). If methane gas levels exceeding the limits specified herein are detected, the owner or operator shall follow and implement the notification and mitigation provision described under 30 TAC §330.371(c) to ensure continuous protection of human health and the environment.

I. Groundwater Monitoring System

1. The groundwater monitoring system shall be installed and shall consist of a sufficient number of monitoring wells to monitor the quality of groundwater in the uppermost aquifer in accordance with 30 TAC §330.403. The system shall be designed, constructed, and operated as described in Part III, Appendix III-H of Attachment A to this permit and in accordance with applicable rules.
2. Monitoring wells shall be sampled in accordance with 30 TAC §330.407. The frequency of groundwater sampling and reporting of data collected for each sampling event shall be in accordance with 30 TAC §330.405 and Part III, Appendix III-H of Attachment A to this permit.

J. Landfill Markers

Landfill markers shall be installed and maintained as described in Part IV, Section 4.7 of Attachment A to this permit and in accordance with 30 TAC §330.143.

- K. Storm water runoff from the active portion(s) of the landfill shall be managed as described in Part III, Appendix III-F of Attachment A to this permit and in accordance with 30 TAC §§330.63(c), 330.301 through 330.307, and 330.165(c).
- L. The permittee shall comply with 30 TAC §330.59(f) (3) regarding employment of a licensed solid waste facility supervisor. The permittee shall ensure that landfill 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 responsibility as described in Part IV, Section 2 of Attachment A to this permit. All facility employees and other persons involved in facility operations shall obtain the appropriate level of training or certification as required by applicable regulations.
- M. The facility shall be properly supervised to assure that bird populations will not increase and that appropriate control procedures will be followed. Any increase in bird activity that might be hazardous to safe aircraft operations will require prompt mitigation actions.

#### **IV. Financial Assurance**

- A. Authorization to operate the facility is contingent upon compliance with provisions contained within this permit and maintenance of financial assurance in accordance with 30 TAC Chapter 330 Subchapter L and 30 TAC Chapter 37.
- B. Within 60 days after the date of issuance of this permit, the permittee shall provide financial assurance instrument(s) for demonstration of closure in an amount not less than \$10,611,206.00 (2012 dollars).
- C. Within 60 days after the date of issuance of this permit, the permittee shall provide financial assurance instrument(s) for demonstration of post-closure care of the landfill in an amount not less than \$6,855,693.00 (2012 dollars).
- D. The permittee shall annually adjust the closure and/or post-closure care cost estimates for inflation within 60 days prior to the anniversary date of the establishment of the financial assurance instrument pursuant to 30 TAC §§330.503 and 330.507, as applicable.
- E. If the facility's closure and/or post-closure care plan is modified, the permittee shall provide new cost estimates in current dollars in accordance with 30 TAC §§330.503, 330.463(b)(3)(D), and 330.507, as applicable. The amount of the financial assurance mechanism shall be adjusted within 45 days after the modification is approved. Adjustments to the cost estimates and/or the financial assurance instrument to comply with any financial assurance regulation that is adopted by the TCEQ subsequent to the issuance of this permit shall be initiated as a modification within 30 days after the effective date of the new regulation.

#### **V. Facility Closure**

Closure of the facility shall commence:

- A. Upon the landfill being filled to its permitted waste disposal capacity or upon the landfill reaching its permitted maximum waste elevation;
- B. Upon direction by the Executive Director of the TCEQ for failure to comply with the terms and conditions of this permit or violation of State or Federal

regulations. The Executive Director is authorized to issue emergency orders to the permittee in accordance with §§5.501 and 5.512 of the Water Code regarding this matter after considering whether an emergency requiring immediate action to protect the public health and safety exists;

- C. Upon abandonment of the site by the permittee;
- D. Upon direction by the Executive Director of the TCEQ for failure to secure and maintain an adequate bond or other acceptable financial assurance instrument as required; or
- E. Upon the permittee's notification to the TCEQ that the landfill will cease to accept waste and no longer operate.

#### **VI. Facility Post-Closure Care**

- A. Upon completion and closure of the landfill, post-closure care shall be conducted in accordance with 30 TAC §330.463 and as described in Part III, Appendix III-K of Attachment A to this permit for a period of 30 years following written acceptance of the certification of final closure by the Executive Director of the TCEQ.
- B. The vegetation on the final cover must be monitored and maintained throughout the post-closure care period.
- C. Following completion of the post-closure care period, the owner or operator shall submit to the Executive Director for review and approval a documented certification prepared by an independent professional engineer licensed in the State of Texas in accordance with 30 TAC §330.465.
- D. Upon written acceptance of the certification of completion of post closure care by the Executive Director of the TCEQ, the permittee shall submit to the Executive Director a request for voluntary revocation of this permit.

#### **VII. Standard Permit Conditions**

- A. This permit is based on and the permittee shall follow the permit application submittal dated June 25, 2012 and revisions dated June 13, 2013 and August 28, 2013. 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. The permittee shall maintain the application and all supporting documentation at the facility and make them available for inspection by TCEQ personnel. The contents of Part III of Attachment A of this permit shall be known as the "Approved Site Development Plan" in accordance with 30 TAC §330.63. The contents of Part IV of Attachment A to this permit shall be known as the "Approved Site Operating Plan" in accordance with 30 TAC §330.65 and 30 TAC Chapter 330, Subchapters D and E.
- B. Attachment B, consisting of amendments, modifications, and corrections to this permit, is hereby made a part of this permit.

- C. The permittee shall comply with all conditions of this permit. Failure to comply with any permit condition may constitute a violation of the permit, the rules of the Commission, and the Texas Solid Waste Disposal Act, and is grounds for an enforcement action, revocation, or suspension.
- D. A pre-construction conference shall be held pursuant to 30 TAC §330.73(c) prior to beginning physical construction of the facility to ensure that all aspects of this permit, construction activities, and inspections are met. Additional pre-construction conferences may be held prior to the opening of the facility.
- E. A pre-opening inspection shall be held pursuant to 30 TAC §330.73(e). The facility shall not accept solid waste in the expansion areas until the executive director has confirmed in writing that all applicable submissions required by the permit and applicable rules have been received and found to be acceptable and that construction is in compliance with the permit and the approved site development plan.
- F. The permittee shall monitor sediment accumulation in ditches and culverts on a quarterly basis, and remove sedimentation to re-establish the design flow grades on an annual basis or more frequently if necessary to maintain design flow. The roads within the facility shall be designed so as to minimize the tracking of mud onto the public access road.
- G. In accordance with 30 TAC §330.19(a), the permittee shall record in the deed records of Galveston County, a metes and bounds description of all portions within the permit boundary on which disposal of solid waste has and/or will take place. A certified copy of the recorded document(s) shall be provided to the Executive Director in accordance with 30 TAC §330.19(b).
- H. Daily cover of the waste fill areas shall be performed with well-compacted clean earthen material that has not been in contact with garbage, rubbish, or other solid waste, or with an alternate daily cover which has been approved in accordance with 30 TAC §§330.165(d) and 305.70(k). Intermediate cover, run-on, and run-off controls shall not be constructed from soil that has been scraped up from prior daily cover or which contains waste.
- I. During construction and operation of the facility, measures shall be taken to control runoff, erosion, and sedimentation from disturbed areas. Erosion and sedimentation control measures shall be inspected and maintained at least monthly and after each storm event that meets or exceeds the design storm event. Erosion and sedimentation controls shall remain functional until disturbed areas are stabilized with established permanent vegetation. The permittee shall maintain the on-site access road and speed bumps/mud control devices in such a manner as to minimize the buildup of mud on the access road and to maintain a safe road surface.
- J. Erosion stability measures shall be maintained on top dome surfaces and external embankment side slopes during all phases of landfill operation, closure, and post-closure care in accordance with 30 TAC §330.305(d).
- K. In compliance with the requirements of 30 TAC §330.145, the permittee shall consult with the local District Office of the Texas Department of Transportation or other authority responsible for road maintenance, as applicable, to determine standards and frequencies for litter and mud cleanup on state, county, or city

maintained roads serving the site. Documentation of this consultation shall be submitted within 30 days after the permit has been issued.

- L. The permittee shall retain the right of entry onto the site until the end of the post-closure care period as required by 30 TAC §330.67(b).
- M. Inspection and entry onto the site by authorized personnel shall be allowed during the site operating life and until the end of the post-closure care period as required by §361.032 of the Texas Health and Safety Code.
- N. 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.
- O. Regardless of the specific design contained in the application or adopted by reference in Attachments A and B of this permit, the permittee shall be required to meet all performance standards required by the permit, the Texas Administrative Code, and local, state, and federal laws or ordinances.
- P. 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 and 30 TAC Chapter 330, Subchapter U.
- Q. All discharge of storm water will be in accordance with the U.S. Environmental Protection Agency NPDES requirements and/or the State of Texas TPDES requirements, as applicable.

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

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

### **IX. Special Provisions**

None

### **Attachment A**

Parts I through IV of the permit application.

### **Attachment B**

Amendments, corrections, and modifications issued for MSW Permit No. 1149B.

ATTACHMENT E  
Executive Director's Response to  
Public Comment

**TCEQ PERMIT APPLICATION NO. 1149B**

**APPLICATION BY** §  
**GALVESTON COUNTY LANDFILL** §  
**TX, LP FOR PERMIT NO. 1149B** §

**BEFORE THE**  
**TEXAS COMMISSION ON**  
**ENVIRONMENTAL QUALITY**

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Executive Director's Response to Public Comment

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2014 JUN 28 PM 9:26  
CHIEF CLERK'S OFFICE  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

The Executive Director of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (Response) on the Amendment Application (Application) by Galveston County Landfill TX, LP (Applicant or GCLF), for Municipal Solid Waste (MSW) Permit Number 1149B and on the Executive Director's Preliminary Decision. As required by Title 30 Texas Administrative Code (30 TAC) Section (§) 55.156, before an application is approved, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of the Chief Clerk received timely comment letters from Kenny and Shawn Wagner (by their attorneys, Marisa Perales and Mary Carter), Galveston County Drainage District Number One (by Superintendent David Wilkins), James Rayford Smith, Alba Arrubla De Guerra, and Jack Tarpley.

This response addresses all such timely public comments received, whether or not withdrawn. If you need more information about this Application or the permitting process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about the TCEQ can be found at our website at [www.tceq.state.gov](http://www.tceq.state.gov).

**I. Background**

**A. Description of Facility**

GCLF operates a permitted Type I MSW landfill located at 3935 Avenue A in the cities of La Marque and Hitchcock, Galveston County, Texas. GCLF filed a major amendment Application (MSW-1149B) on June 29, 2012 to expand the landfill. The

Application requests authorization for the horizontal and vertical expansion of the landfill for the acceptance and disposal of authorized waste. The total permitted facility will include 469.5 acres of which approximately 333.9 acres will be used for waste disposal. The final elevation of the waste fill and final cover material will be 202.5 feet above mean sea level.

### **B. Procedural Background**

The Application was received June 29, 2012 and declared administratively complete on August 3, 2012. Notice of Receipt of Application and Intent to Obtain a Municipal Solid Waste Permit was published August 14, 2012 in the Galveston County Daily News. The TCEQ Executive Director completed the technical review of the Application on December 17, 2013 and prepared a draft permit. Notice of Application and Preliminary Decision for Municipal Solid Waste Permit (NAPD) was published March 4, 2014 in the Galveston County Daily News. The public comment period closed April 3, 2014. The Application was administratively complete on or after September 1, 1999; therefore, the Application is subject to the procedural requirements adopted pursuant to House Bill 801 (76<sup>th</sup> 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/](http://www.sos.state.tx.us/);
- for TCEQ rules in Title 30 of the Texas Administrative Code: [www.sos.state.tx.us/tac/](http://www.sos.state.tx.us/tac/) (select “View the current Texas Administrative Code” on the right, then “Title 30 Environmental Quality”);
- for Texas statutes: [www.statutes.legis.state.tx.us/](http://www.statutes.legis.state.tx.us/);
- to access the TCEQ website: [www.tceq.texas.gov](http://www.tceq.texas.gov) (to download rules in Adobe PDF format, select “Rules” on the left side of the page, then “Current TCEQ Rules” then “Download TCEQ Rules”);
- for Federal rules in Title 40 of the Code of Federal Regulations: [www.epa.gov/lawsregs/regulations/](http://www.epa.gov/lawsregs/regulations/);
- for Federal environmental laws: [www.epa.gov/lawsregs/index.html](http://www.epa.gov/lawsregs/index.html).

TCEQ records for the proposed permit amendment are available for viewing and copying at the TCEQ Central Office in Austin, 12100 Park 35 Circle, Building E, Room 103 (Central File Room), and at the TCEQ Region 12 Office in Houston at 5425 Polk Street, Suite H. The technically complete Application is also available for review and copying at the La Marque City Library, 1011 Bayou Road, La Marque, Galveston County, Texas 77568, and at the Genevieve Miller Hitchcock Public Library, 8005 Barry Avenue, Hitchcock, Galveston County, Texas 77563. *This information may also be viewed online at <http://www.ftwweaverboos.com>.*

## II. Comments and Responses

Copies of comment letters are available for examination in the TCEQ Office of the Chief Clerk. Comments have been grouped under the following topics for response:

| <u>COMMENT</u> | <u>TOPIC</u>   |
|----------------|--|
| 1              | Opposition to Expansion  |
| 2              | Groundwater Protection and Monitoring System                                       |
| 3              | Protection of Surface Water, Storm Water Controls and Impacts to Drainage Patterns |
| 4              | Potential for Flooding   |
| 5              | Galveston County Drainage District Concerns  |
| 6              | Impact on Wetlands   |
| 7              | Windblown Waste  |
| 8              | Endangered or Threatened Species   |
| 9              | Constructing Liner Below Water Table   |
| 10             | Slope Stability  |
| 11             | Easements, Buffer Zones, Pipelines and Power Lines                                 |
| 12             | Operating Hours  |
| 13             | Vectors  |
| 14             | Noise  |
| 15             | Odors  |
| 16             | Historical Commission Review   |
| 17             | Compliance History   |
| 18             | Land Use   |
| 19             | Impact on Health and Use and Enjoyment of Property                                 |

| <u>COMMENT</u> | <u>TOPIC</u>            |
|----------------|-------------------------|
| 20             | Gas Flare Emissions     |
| 21             | Notice                  |
| 22             | Property Values         |
| 23             | General Lists of Topics |

**COMMENT 1: Opposition to Expansion**

Several commenters stated general opposition and requested that the Commission deny the proposed expansion.

**RESPONSE 1:**

The Executive Director acknowledges commenters’ opposition. Pursuant to Chapter 361 of the Texas Health and Safety Code, the TCEQ is responsible for the management of municipal solid waste in the State of Texas. This includes reviewing applications for MSW facilities. The Executive Director’s staff conducts a thorough review of these applications to ensure they meet all the relevant requirements, including the TCEQ MSW rules located in 30 TAC Chapter 330. The TCEQ rules specifically prohibit the operation of a solid waste facility in a manner that causes, suffers, allows or contributes to the creation or maintenance of a nuisance or the endangerment of human health and welfare or the environment. The Executive Director expects that if the Applicant constructs and operates the facility in accordance with the TCEQ regulations, human health and the environment will be protected.

**COMMENT 2: Groundwater Protection and Monitoring System**

Commenters questioned whether the geology and hydrogeology of the site have been properly characterized, and whether groundwater would be adequately protected and monitored. Commenters expressed concern that existing hydrocarbon production wells could create artificial recharge features and that there is a hydrologic connection between the Upper Sand under the proposed fill area and Highland Bayou.

**RESPONSE 2:**

TCEQ rules require MSW landfill applicants to evaluate the geology and hydrogeology of the site, and install monitoring and engineered containment systems

that ensure surface and groundwater quality standards remain protective of the environment and human health. The Application contains liner systems of three designs. The Class 1 waste disposal areas will be lined with (from bottom to top) a three-foot thick compacted clay liner with a maximum hydraulic conductivity of less than or equal to  $10^{-7}$  centimeters per second (cm/sec), a 60-mil high density polyethylene (HDPE) geomembrane, a geocomposite drainage layer, and a 24-inch thick protective soil cover. The non-Class 1 waste disposal areas will be lined with (from bottom to top) either (1) a two-foot thick compacted clay liner with a maximum hydraulic conductivity of less than or equal to  $10^{-7}$  cm/sec, a 60-mil HDPE geomembrane, a geocomposite drainage layer, and a 24-inch thick protective soil cover, or (2) a geosynthetic clay liner with a maximum hydraulic conductivity of  $9 \times 10^{-9}$  cm/sec, a 60-mil HDPE geomembrane, a geocomposite drainage layer, and a 24-inch thick protective soil cover.

Prior to disposal of additional waste over the Pre-Subtitle D disposal area, a liner system will be installed over the existing waste which consists of (from bottom to top) a 12-inch thick soil foundation layer, a reinforced geosynthetic clay liner with a maximum hydraulic conductivity of  $9 \times 10^{-9}$  cm/sec, a 40-mil linear low density polyethylene geomembrane, a geocomposite drainage layer, and a 24-inch thick protective soil cover. The landfill is also constructed with a leachate collection system installed above each of the liner systems described above as required by its permit to operate.

Groundwater monitoring has been performed at this facility since its original authorization. A Subtitle D groundwater monitoring system was installed in 1997 consisting of nine monitoring wells. The groundwater monitoring system currently consists of 15 monitoring wells which monitor the uppermost aquifer beneath the landfill. An additional monitoring well has been proposed in the Application. To date, the groundwater monitoring has not detected any contaminants in groundwater at the site. If a release should occur, TCEQ rules require assessment and corrective action as appropriate to remediate the release. In addition, geologic and hydrogeologic conditions at the site show that the landfill will be constructed within a low permeable clay stratum that is not in direct hydraulic communication with the uppermost aquifer. The floor of the deepest part of the landfill will extend approximately 40.0 feet (ft) below the surface. It is noted that at its deepest point, the landfill cells will be contained within

the low permeable clay stratum. This same clay stratum extends from the surface to approximately 80 to 90 ft below the surface. The uppermost aquifer lies immediately below this clay stratum and is projected to be approximately 30 to 40 ft below the base of the landfill. The combination of the liner systems, the leachate collection system, the groundwater monitoring system, and the thickness of clay stratum between the base of the landfill and the top of the uppermost aquifer are such that it meets the requirements of the TCEQ rules to provide adequate protection of the aquifer. The Executive Director has reviewed the Application and determined that the proposed measures meet TCEQ requirements for the protection of groundwater and are expected to protect nearby water wells and surface waters.

In addition to previous subsurface investigations, the Applicant conducted a subsurface investigation consisting of 25 geotechnical borings. The methods and results of the investigation are documented in Section IIIG in Part III of the Application. The geological and hydrogeological characterization of the landfill site and the surrounding area, including faults and aquifers, is documented in Sections IIIGA through IIIGE in Part III of the Application.

Regarding the identification of oil and gas wells within the facility property, two oil wells were identified in the Application and these wells were reported to have been plugged and abandoned. The Application also contains procedures for plugging and abandoning any well which may be discovered during landfill construction.

With regard to the possible hydraulic connection of the Upper Sand unit with Highland Bayou, the groundwater monitoring system proposed for the facility is designed to detect contamination within the Upper Sand unit. As noted above, in the event a release is discovered, TCEQ rules require assessment and corrective action be implemented as appropriate to remediate a release.

### **COMMENT 3: Protection of Surface Water, Storm Water Controls and Impacts to Drainage Patterns**

Commenters assert that there will be contaminated storm water runoff and that contaminated groundwater will contaminate adjacent surface water. Commenters claim that there will be adverse impacts to drainage patterns. Commenters note that the Application does not require any water quality testing for adjacent surface water.

### **RESPONSE 3**

TCEQ rules at 30 TAC §§ 330.63(c), 330.303, 330.305, and 330.307, require the Applicant to provide a Surface Water Drainage Report to demonstrate that: the owner or operator will design, construct, maintain and operate the landfill to manage run-on and runoff during the peak discharge from at least a 25-year storm and prevent the off-site discharge of waste and contaminated storm water; ensure erosional stability of the landfill during all phases of landfill operation, closure, and post-closure care; provide structures to collect and control at least the water volume resulting from a 24-hour, 25-year storm; protect the landfill from washouts; and ensure that the existing drainage pattern is not adversely altered. Appendix IIIF to Part III of the Application provides discussions and detailed designs, calculations, and operational considerations for the collection, control, and discharge of storm water from the landfill as required by the above-referenced rules.

The Surface Water Drainage Plan features described in the Application consist of drainage swales, down chutes, perimeter channels, detention ponds, and outlet structures. The landfill has been and will be designed to prevent discharge of pollutants into waters in the state or waters of the United States, as defined by the Texas Water Code and the Federal Clean Water Act, respectively. The facility has a current Texas Pollutant Discharge Elimination System (TPDES) Multi-Sector General Permit (TXR050000), as required by Section 402 of the Federal Clean Water Act and Chapter 26 of the Texas Water Code. The Multi-Sector General Permit requires the Applicant to conduct benchmark monitoring of storm water.

According to Sections IIIF-B and IIIF-C of Appendix IIIF to Part III of the Application, storm water runoff will be collected in swales located near the upper grade break on the landfill and on the 4:1 (horizontal to vertical) side slopes, leading to drainage letdown structures and to the perimeter drainage system. The existing perimeter drainage system will be expanded as each new sector is developed. The perimeter drainage system is designed to convey the runoff during the peak discharge of a 25-year rainfall event from the developed landfill consistent with TCEQ regulations. Detention ponds are designed in accordance with the rules to provide the necessary storage and outlet control to mitigate impacts to the receiving channels downstream of the Landfill. The existing ponds south of the landfill do not currently collect surface

water runoff from the landfill. The ponds are scheduled to be connected to the uncontaminated storm water management system when such drainage from the landfill will be necessary. At that time, a discharge structure will be constructed to allow the controlled discharge of uncontaminated storm water into Highland Bayou. A demonstration that existing permitted drainage patterns will not be adversely altered is provided under Section 5 of Appendix F to Part III of the Application as required.

Concerning the comment that the landfill cannot contain runoff after a heavy rainfall, the drainage structures have been designed to collect, convey, and discharge the volume from a 24-hour, 25-year rainfall event as required by rule. Furthermore, detention pond capacities and outlets are designed to accommodate the peak runoff from a 100-year rainfall event, and will not overtop if back-to-back 100-year, 24-hour rainfall events were to occur.

TCEQ Rule 30 TAC § 330.305 requires the Applicant to inspect, restore, and repair constructed permanent storm water systems such as channels, drainage swales, chutes, and flood control structures in the event of wash-out or failure from extreme storm events. Sediment must be removed, as needed, so that the drainage structures, such as the perimeter channels and detention ponds, continue to function as designed.

Concerning the comment that receptors in the area will be exposed to polluted storm water runoff, that drainage ways in the area will be impacted by the landfill, and that runoff from the landfill is dangerous, only uncontaminated storm water will be discharged at the various discharge points at the landfill boundary. The Application indicates in Section 4.23 of Part IV that the Applicant will take all steps necessary to control and prevent the discharge of contaminated water from the landfill. All water coming in contact with waste or contaminated soils will be treated as “contaminated water.” Run-on and runoff for the 24-hour, 25-year storm event will be controlled following the procedures set forth in Attachment D6 to Part III of the Application. Best management practices will be used to minimize contaminated water generation. Temporary diversion berms will be constructed around areas of exposed waste (unloading area) to collect and contain surface water that has come into contact with waste. Contaminated water will be transported to an authorized wastewater treatment facility for treatment and disposal. No adverse impact on the existing receptors is expected, since contaminated water will not be discharged.

The Executive Director has preliminarily determined that the Application complies with all applicable requirements regarding storm water management, erosion controls, and demonstration that drainage patterns will not be adversely impacted.

**COMMENT 4: Potential for Flooding**

Commenters claim that the landfill is located in the 100-year floodplain, the FEMA maps provided in the Application are outdated, and the Application does not address the potential impacts from storm surges.

**RESPONSE 4:**

The Applicant provided Federal Emergency Management Agency (FEMA) 100-year floodplain information on Figures I/II-11.1 and I/II-11.2 in Section 11 of Part I/II. This floodplain information was the most current when the Application was submitted and remains the most current to date. We are aware that FEMA has proposed floodplain revisions in the area of the landfill facility, but these revisions are not final. Additionally, the FEMA revisions propose to raise the floodplain elevation in the area of the landfill facility approximately one foot, which would not cause the floodplain to encroach into the permit boundary. The information provided in the Application demonstrates that the floodplain does not extend into the permit boundary.

**COMMENT 5: Galveston County Drainage District Concerns**

Galveston County Drainage District Number One (District) submitted comments expressing concern that the Applicant has not constructed storm water control features required by the District, and it requested that the TCEQ not issue the landfill permit.

**RESPONSE 5:**

It is not clear from the District's comments if the District is referring to the Applicant's compliance with TCEQ requirements and/or the District's requirements. As to TCEQ's requirements to control storm water, the proposed control features are not required to be constructed and operating at this time. The control features proposed in the Application would have to be constructed and operating during the appropriate time as per construction and operation of the landfill expansion. The TCEQ making a decision on the Application does not preclude the District from enforcing any of its own requirements on the facility.

**COMMENT 6: Impact on Wetlands**

Commenters claim that the landfill will have an impact on wetlands, and that the Applicant is required to make a demonstration that no practicable alternatives exist.

**RESPONSE 6:**

Rule 30 TAC § 330.61(m) requires the Application to include floodplains and wetlands statements which the Applicant provided in Sections 11.1 and 11.2 of Part I/II of the Application. The information provided in the Application indicates that the facility will not impact any jurisdictional wetlands that must be managed in accordance with federal rules administered by the U.S. Army Corps of Engineers (USACE). Section I/IIB of Part I/II contains a letter documenting the Applicant's coordination with USACE which provides that the tract on which the landfill is located does not contain waters of the United States. As to whether the fill area would impact areas considered to be wetlands under state law, the Application represents that 4.1 acres of non-jurisdictional wetlands are present on the facility property, and that this area is to be utilized as a soil borrow area. State law does not require a determination that no practicable alternative to the proposed landfill is available that does not involve wetlands.

**COMMENT 7: Windblown Waste**

Commenters express concern that waste will be blown from the landfill onto their properties and other areas around the landfill.

**RESPONSE 7:**

Sections 4.5 and 4.8 of the Site Operating Plan (SOP) include procedures to control windblown solid waste and litter, and to control and cleanup materials along the route to the site. The Applicant is responsible for picking up litter scattered throughout the site, along fences and access roads, at the gate, and along and within the right-of-way of public access roads serving the landfill for a distance of two miles from the entrance (including any waste illegally dumped within the right-of-way). That cleanup must occur at least once a day on the days when the landfill is in operation. The Executive Director has preliminarily determined that the Application complies with the requirements of 30 TAC §§ 330.139 and 330.145.

**COMMENT 8: Endangered or Threatened Species**

Some commenters expressed concern about negative impacts from the proposed landfill on wildlife habitat and endangered species.

**RESPONSE 8:**

TCEQ rules at 30 TAC §§ 330.61(n), 330.157, and 330.551, require that the Application include information about the impact of the proposed development upon endangered or threatened species and their critical habitat, and the criteria for the protection of any identified endangered species. Section 12 of Part I/II of the Application includes information about endangered or threatened species and their habitat. Appendix I/IIB of Part I/II of the Application includes a threatened and endangered species evaluation performed by a qualified biologist.

The assessment concludes that the site does not provide habitat for, and would not likely be occupied by any federally listed endangered or threatened species. As documented in Appendix I/IIB in Part I/II of the Application, the Applicant contacted the US Fish and Wildlife Services (USFWS) and the Texas Parks and Wildlife Department (TPWD) regarding possible presence of threatened and endangered species in the immediate vicinity of the site. The USFWS provided general information regarding endangered and threatened species habitat evaluation. The TPWD responded that its review of the proposed project activity indicated minimal impacts to fish and wildlife resources.

Based on the Applicant's evaluation and coordination with the USFWS and the TPWD, the proposed landfill expansion and operation are not expected to result in the destruction or adverse modification of the critical habitat of endangered or threatened species or cause or contribute to the taking of any endangered or threatened species. The Executive Director has preliminarily determined that the provisions in the Application relating to protection of endangered or threatened species meet the requirements of the above referenced rules.

**COMMENT 9: Constructing Liner Below Water Table**

Commenters claim that the dewatering plan and ballast calculations are inadequate to support construction of the liner.

**RESPONSE 9:**

TCEQ rules at 30 TAC §§ 330.63(d)(4)(G) and 330.337, require the Applicant to demonstrate that the liner system will not undergo uplift from hydrostatic forces during its construction. The Applicant shall ensure that the liner is stable during the filling and operation of the landfill through a suitable combination of dewatering and/or ballast, if determined to be required. The liner quality control plan, as required in 30 TAC §330.339, shall include the following information:(1) the methods and tests to be used to verify that the liner will not undergo uplift during construction and until ballast placement, if required, is complete; and (2) the measures and tests that will be used to verify that any required ballast meets the criteria established, including, but not limited to, inspections, compaction, weight and density of material, thickness, and top elevations.

According to Section 6 (Liners Constructed below the Highest Groundwater Level) in Appendix IIID to Part III of the Application, the design for the cells remaining to be constructed at the time the Application was prepared includes a temporary dewatering drain to ensure stability of the liner until it is weighed down by protective cover and waste. After dewatering ceases, the landfill liner system and the weight of waste as ballast will provide sufficient resistance to groundwater hydrostatic pressure to prevent damage to the liner system due to uplift. Appendix IIID-B of Appendix IIID provides ballast calculations for the remaining landfill cells to be constructed below the highest groundwater level. Appendix IIID-C of Appendix IIID provides calculations of the amount of groundwater that may require removal to prevent hydrostatic uplift of the liner system until adequate ballast is installed over the liner system, and it also provides the design of the temporary dewatering system to be installed to collect and remove the groundwater.

The comments regarding the inadequacy of the dewatering plan and ballast calculations did not explain what problems were perceived to enable these issues to be addressed in further detail here. The Executive Director has preliminarily determined that the sections in the Application relating to ballast requirements for construction below the highest groundwater level and temporary groundwater dewatering meet the requirements of the above referenced rules.

**COMMENT 10: Slope Stability**

Commenters claim that the Applicant's demonstration of slope stability for intermediate and final cover is inadequate.

**RESPONSE 10:**

TCEQ rule 30 TAC §330.179(b), requires that landfills proposing to dispose of Class 1 nonhazardous industrial waste above natural grade must demonstrate that the conditions of 30 TAC §335.590(24)(F)(i)-(vi) are met. TCEQ rule 30 TAC §335.590(24)(F)(i)(II), requires that above-grade lateral containment dikes be physically stable. The Application contains an engineering evaluation of the stability of intermediate and final cover at numerous representative sections of the landfill, including both Class 1 industrial waste disposal areas and MSW/non-Class 1 industrial waste disposal areas. Acceptable factors of safety were determined at all locations evaluated. The comment on slope stability analysis did not identify what was not done to industry standard. The Executive Director has preliminarily determined that the sections in the Application relating to slope stability for above grade lateral containment dikes, intermediate cover, and final cover meet the requirements of the above referenced rules.

**COMMENT 11: Easements, Buffer Zones, Pipelines and Power Lines**

Commenters claim that there are existing easements for power lines and pipelines on the property that would conflict with using it for a landfill. Commenters have also expressed concern about interfering with the operation of a high pressure gas pipeline. Commenters claim that the Applicant should not be allowed to obtain this permit based on their plan to have some of these easements extinguished in the future.

**RESPONSE 11:**

TCEQ rule 30 TAC § 330.61(c)(10), requires the Applicant to identify all easements within or adjacent to the facility. TCEQ rule 30 TAC § 330.543(a), provides that:

No solid waste unloading, storage, disposal, or processing operations shall occur within any easement, buffer zone, or right-of-way that crosses the facility. No solid waste disposal shall occur within 25 feet of the center line of any utility line or pipeline easement but no closer than the easement, unless otherwise authorized by the executive director. All pipeline and utility easements shall be

clearly marked with posts that extend at least six feet above ground level, spaced at intervals no greater than 300 feet.

The Applicant has addressed easements in Section 4.6 of Part IV of the Application by identifying the easements on a scaled site map, and by stating that the easement areas will not be used for solid waste operations as specified in 30 TAC §§330.141 and 330.543(a), and therefore, the landfill operation should not interfere with any pipelines or utilities within the easements. Any changing or termination of easements would be between the easement holder(s) and the property owner.

**COMMENT 12: Operating Hours**

Commenters claim that the Applicant has not justified its proposed operating hours.

**RESPONSE 12:**

The Applicant proposes to operate the landfill on a 24-hour, 7 days per week basis. The Executive Director is not aware of information to justify restricting the proposed operating hours.

**Comment 13: Vectors**

Commenters claim that the Application does not include adequate provisions to control vectors including: seagulls, crazy ants, mosquitos, skunks, rats, and coyotes.

**Response 13:**

TCEQ rule 30 TAC § 330.151, provides that a site operator shall control on-site populations of disease vectors using proper compaction, daily cover procedures, and other approved methods when needed. Procedures provided in Section 4.11 of Part IV of the Application for controlling on-site populations of disease vectors meet the requirements of 30 TAC § 330.151. The procedures include minimizing the size of the working face, proper waste compaction and application of daily cover, control of ponded water, routine inspections for vectors, and application of pesticides as needed by a licensed professional exterminator. These procedures should adequately control vectors and vermin in compliance with the rules.

**COMMENT 14: Noise**

Commenters claim that the Application does not include adequate provisions to control noise, including noise from heavy vehicle beepers and bird control devices.

**RESPONSE 14:**

TCEQ rules do not include any specific limits on noise caused by landfill operations. However, TCEQ rule § 330.15(a) prohibits landfill operations from creating and maintaining a nuisance. The Executive Director is not aware of information to justify restricting the proposed operations or operating hours to reduce noise.

**COMMENT 15: Odors**

Commenters claim that the facility will not have adequate provisions to reduce and control odors.

**RESPONSE 15:**

TCEQ rule 30 TAC § 330.15(a), prohibits landfill operations from creating and maintaining nuisance odors. Section 4.10 of Part IV of the Application provides procedures to control odor so that odor does not become a nuisance. Appendix III-I of Part III of the Application and Section 4.15 of Part IV of the Application provide procedures to monitor and control landfill gas. Permanent gas monitoring probes installed at the perimeter of the landfill, as required by 30 TAC § 330.371, allow for monitoring and detection of potential landfill gas releases and migration in the subsurface. TCEQ rule 30 TAC § 330.371, requires monitoring of the perimeter gas probes while the landfill is active and during the post-closure care period. A landfill gas collection and control system is in operation at the landfill which serves to further control odors. The landfill gas collection and control system is discussed in Appendix III-I of the Application. The Executive Director has preliminarily determined that the Application includes adequate provisions to prevent and control odors.

**COMMENT 16: Historical Commission Review**

Commenters claim that the Applicant should have considered the impact on a potentially historic oak tree.

**RESPONSE 16:**

TCEQ rules include a requirement specified in 30 TAC §330.61(o) that the Applicant submit a review letter from the Texas Historical Commission (THC) documenting compliance with the Natural Resources Code, Chapter 191, Texas Antiquities Code. Coordination documents between the Applicant and the THC, including the archeological survey of the proposed site, indicated no historic property or prehistoric archeology at the site. The potentially historic oak tree does not have a designated historical status to justify denying the Application. The historical and archeological finding is documented in Appendix I/II-B to Parts I/II of the Application. The Executive Director has preliminarily determined that the Application complies with the rule requirements.

**COMMENT 17: Compliance History**

Commenters acknowledge that the Applicant's compliance history is classified as high, but they claim that the landfill has caused a nuisance in the past by causing noise, odors and vectors.

**RESPONSE 17:**

During the technical review, a compliance history review of the company and the site is conducted based on the criteria in 30 TAC Chapter 60. These rules may be found on the TCEQ website at [www.tceq.state.tx.us/rules/index.html](http://www.tceq.state.tx.us/rules/index.html), and on the Texas Secretary of State website at [info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC). The compliance history for the company and site is reviewed for the five-year period prior to the date the permit application was received by the Executive Director. The compliance history includes multimedia compliance-related components about the site under review. These components include the following: enforcement orders, consent decrees, court judgments, criminal convictions, chronic excessive emissions events, investigations, notices of violations, audits and violations disclosed under the Audit Act, environmental management systems, voluntary on-site compliance assessments, voluntary pollution reduction programs and early compliance.

This Application was received after September 1, 2002, and the company and site have been rated and classified pursuant to 30 TAC Chapter 60. A company and site may

have one of the following classifications and ratings:

| CLASSIFICATION     | RATING   |
|--------------------|--|
| High               | < 0.10 (above-average compliance record)                               |
| Average by Default | 3.01 (for sites which have never been investigated)                    |
| Average            | 0.10 < Rating < 45 (generally complies with environmental regulations) |
| Poor               | 45 < Rating (performs below average)                                   |

This site has a rating of 0.00 and a classification of High. The company rating and classification for Galveston County Landfill TX, LP, is 0.00 and High. These compliance history ratings do not support a claim that the facility has been a nuisance in the past. The specific claims as to noise, odors, and vectors are specifically addressed in corresponding comments above.

**COMMENT 18: Land Use**

Commenters claim that the Applicant has not made an adequate demonstration that the expanded landfill will be compatible with other land uses in the area.

**RESPONSE 18:**

The TCEQ does not have authority to require relocation of a proposed or existing municipal solid waste facility, but must assess any application against applicable TCEQ rules. The TCEQ may deny an application based on a landfill posing an incompatible land use. See Tex. Health and Safety Code §§ 361.069 and 361.089(a). Rule 30 TAC §330.61(h) states that “a primary concern is that the use of any land for a municipal solid waste site not adversely impact human health or the environment.” To assist the Commission in determining potential adverse impacts, the Applicant was required to submit information regarding: zoning at the site 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 Applicant provided the required information in Parts I/II of the Application. The information provided does not support a determination that the Application should be denied based on the facility being an incompatible land use.

**COMMENT 19: Impact on Health and Use and Enjoyment of Property**

Commenters claim that the facility will generally impact their health, exacerbate existing health problems, be unsightly, and generally impact the use and enjoyment of their property.

**RESPONSE 19:**

The Executive Director has preliminarily determined that the proposed landfill complies with the Texas Solid Waste Disposal Act (TSWDA) and 30 TAC Chapter 330, which were promulgated to protect human health and the environment. Landfill performance and potential impacts on environmental media are evaluated by monitoring programs put in place to prevent and monitor any impacts from the landfill. If the permit amendment is approved, the Applicant will be required to continue monitoring groundwater and landfill gas emissions while the Landfill is active and during the post-closure care period (30 years from closure, unless specified otherwise). If the proposed landfill expansion is constructed and operated as shown in the Application and as required by the regulations, the Executive Director expects human health and the environment to be protected. In addition, pursuant to 30 TAC § 330.175, the Applicant has proposed to allow the natural vegetation within the on-site easements to remain to the extent possible to provide visual screening of the landfill operations. The Applicant has also proposed a landscape bench on the northwest slope of the final cover of the landfill to provide screening.

**COMMENT 20: Gas Flare Emissions**

Commenters express concern that the landfill will include gas flares burning methane released from the landfill resulting in emissions, and that the methane will not be collected and recycled.

**RESPONSE 20:**

Emissions from stationary sources must be controlled in accordance with a standard air permit under 30 TAC Chapter 330, Subchapter U. Emissions of air pollutants from the landfill itself are regulated under federal rules in 40 CFR Part 60, Subpart WWW (Standards of Performance for Municipal Solid Waste Landfills), adopted by reference by the state, which require an active gas collection and control system (GCCS), monitoring of conditions in the GCCS and of emissions at the surface of the landfill, and corrective action as needed to ensure compliance. The MSW rules do not require that the gas be recycled or that health impact studies regarding air emissions and/or airborne pathogens from landfills be conducted prior to issuing an MSW landfill permit.

The landfill's GCCS actively collects landfill gas and routes it to a flare facility. These operations must be performed in accordance with the rules noted in the above paragraph. Appendix III-I of Part III and Section 4.10 of Part IV of the Application provide procedures for monitoring and control of landfill gas. Permanent gas monitoring probes are installed at the perimeter of the Landfill, as required by 30 TAC §330.371. These monitoring probes allow detection of potential landfill gas releases and migration in the subsurface. Monitoring of the perimeter gas monitoring probes will be required while the Landfill is active and during the post-closure care period.

**COMMENT 21: NOTICE**

Commenters claim that notice of the Application was not provided to Santa Fe School District, the City of Santa Fe, or affected residents.

**RESPONSE 21:**

Notice is required for MSW permit applications in accordance with 30 TAC Chapter 39, Subchapters H and I. These rules specify that notices of the receipt of an application and of a preliminary decision be provided to those listed in 30 TAC § 39.413 and landowners named on the application map. TCEQ rule 30 TAC § 330.59(c)(3)(A), limits this map to include land ownership within one quarter-mile of the proposed facility. While the Executive Director agrees that persons owning property beyond one quarter-mile may have the right to participate, mailed notice and published notice were provided as required by the rules. The Santa Fe Independent School District was

included in the adjacent landowners list in the Application and was mailed notice. The City of Santa Fe was not listed as an adjacent landowner or otherwise included in the mailing list and was not mailed notice.

**COMMENT 22: Property Values**

Commenters claim that approving the permit to expand the landfill will have a negative impact on their property values.

**RESPONSE 22:**

The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. *See* Tex. Health and Safety Code § 361.011. Accordingly, the TCEQ does not have jurisdiction to consider potential effects on property values when determining whether to approve or deny an application for an MSW permit. However, the issuance of a permit amendment does not authorize injury to persons or property or invasion of other property rights, or infringement of state or local law or regulation. *See* 30 TAC § 305.122(c). The Executive Director's review of a permit amendment application is limited to whether the application and proposed facility design and operation meet the requirements of the applicable TCEQ rules.

**COMMENT 23: General Lists of Topics**

The comment letters from Mr. James Blackburn and Mr. James Smith included lists of topics without providing any explanation how they related to whether the Application complies with the rules.

**RESPONSE 23:**

Most the topics listed appear to be related to issues that were raised with some explanation in other comments. Responses to those comments are provided above. The response to the other topics listed without any explanation is that the Executive Director has made a preliminary determination that the Application complies with the requirements to obtain an amended permit.

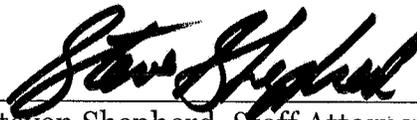
**No changes were made to the Draft Permit to address these comments.**

Respectfully submitted,

Texas Commission on Environmental Quality

Richard A. Hyde, P.E.  
Executive Director

Robert Martinez, Director  
Environmental Law Division

A handwritten signature in black ink, appearing to read "Steven Shepherd", is written over a horizontal line.

Steven Shepherd, Staff Attorney  
Environmental Law Division  
State Bar No. 18224200  
P.O. Box 13087, MC 173  
Austin, Texas 78711-3087  
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REPRESENTING THE EXECUTIVE  
DIRECTOR OF THE TEXAS COMMISSION  
ON ENVIRONMENTAL QUALITY

**Certificate of Service**

I certify that on July 28, 2014 the Executive Director's Response to Public Comment for Permit Application No. 1149B was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.



Steven Shepherd, Staff Attorney  
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TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2014 JUL 28 PM 2:26  
CHIEF CLERKS OFFICE

TCEQ INTRA-AGENCY TRANSMITTAL MEMO

DATE: July 28, 2014

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

Application Information

Program Area (Air, Water, or Waste): WASTE  
Permit No. MSW 1149B  
Name: Galveston County Landfill

2014 JUL 28 PM 2:26  
CHIEF CLERKS OFFICE  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

**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.*  
 Other Instructions: