

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Office of Chief Clerk **DATE:** September 12, 2016

From: Kathy Humphreys
Staff Attorney
Environmental Law Division

Subject: Backup Documents Filed for Consideration of Hearing Requests at
Agenda

Applicant: IESI Tx Landfill LP
Proposed Permit No.: 1983C
Program: MSW
Docket No.: TCEQ Docket No. 2016-1211-MSW

Enclosed please find an original and seven copies of the following documents for inclusion in the backup material for this permit application:

- Draft Permit
- Technical Summary
- Compliance History Report
- Executive Director's Preliminary Decision

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.: 1983C (DRAFT)

Name of Site Operator/Permittee: IESI Tx Landfill LP

Operator: ~~IESI Tx Landfill LP~~

Property Owner: IESI Tx Landfill LP

Facility Name: IESI Fort Worth C&D Landfill

Facility Address: 4144 Dick Price Road
Fort Worth, Texas 76140

Classification of Site: Type IV Municipal Solid Waste Management Facility

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

DRAFT

For the Commission

Table of Contents

I.	Size and Location of Facility	3
II.	Facilities and Operations Authorized	3
III.	Facility Design, Construction, and Operation	5
IV.	Financial Assurance	8
V.	Facility Closure.....	8
VI.	Facility Post-Closure Care.....	9
VII.	Standard Permit Conditions	9
VIII.	Incorporated Regulatory Requirements	11
<hr/>		
IX.	Special Provisions	11
	Attachment A.....	12
	Attachment B.....	12

DRAFT

I. Size and Location of Facility

- A. The IESI Fort Worth C&D Landfill is located in Tarrant County, Texas, approximately 15 miles southeast of downtown Fort Worth, and approximately 2.4 miles south of IH-20 and 5 miles east of IH-35W. The facility contains 151.73 acres.
- B. The legal description is contained in Part I of the application which is incorporated by reference in Attachment A of this permit.
- C. Coordinates and Elevation of Site Permanent Benchmark:
Latitude: 32° 37' 51" N
Longitude: 97° 14' 04" W
Elevation: 654.77 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 any time between the hours of 6:00 a.m. to 7:00 p.m., seven days a week. The operating hours at this landfill which include the use of heavy equipment shall be any time between the hours of 5:00 a.m. through 9:00 p.m., seven days a week.
The operator shall post the actual waste acceptance and operating hours on the site sign.
- B. Wastes Authorized at This Facility
The permittee is authorized to dispose of the types of waste identified in 30 Texas Administrative Code (TAC) Section (§) 330.5(a)(2), §330.171(a) and §330.173(i)-(j), including: brush; construction waste; demolition waste; rubbish; inert material (both natural and man-made); mechanical shredding waste, as allowed under the Health and Safety code §361.019(b); trash; yard waste that is free of putrescible and household waste; scrap tires; special waste that is consistent with the limitations established in 30 TAC §330.5(a)(2) and the waste acceptance plan required by §330.61(b); Class 2 nonhazardous industrial solid waste that is consistent with the limitations established in 30 TAC §330.5(a)(2) and the waste acceptance plan required by §330.61(b); and Class 3 nonhazardous industrial solid waste. The types of wastes and their acceptances shall be limited to and in accordance with the conditions included in Section 5.5 of Part IV of the permit application. Wood, clean yard trimmings, and other feedstock/wastes as identified in Appendix IVB of the Site Operating Plan contained in Part IV of the permit application may be accepted for the existing composting operation within the landfill permit boundary.
- 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 putrescible waste, household waste, special waste as defined in 30 TAC §330.3(148)(except those special wastes authorized under Section II.B of this permit), those waste streams that are expressly

prohibited by 30 Texas Administrative Code (TAC) Chapter 330, Class 1 nonhazardous industrial solid waste, hazardous waste, liquid wastes, and any other waste listed as prohibited in Section 5.5 of the Site Operating Plan.

D. Waste Acceptance Rate

Solid waste may be accepted for disposal at this facility at the initial rate of approximately 364,344 tons per year (Year 2015) and increasing over time to a maximum acceptance rate of approximately 413,560 tons per year (Year 2035) (approximately 1,231 tons per day and 1,397 tons per day, respectively, based on assumed 296 normal working days per year of operation). These estimated waste acceptance rates are not a limiting parameter to this permit; however, if the actual annual waste 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.

E. Waste Volume Available for Disposal

The total waste disposal capacity of the landfill (including waste and weekly cover) is 18.424 million cubic yards.

F. Facilities Authorized

The permittee is authorized to operate a Type IV municipal solid waste landfill consisting of a total permit boundary of 151.73 acres and a waste disposal footprint of 77.7 acres. The permittee is also authorized to operate the following recycling-related storage and processing operations within the landfill permit boundary: a large items/white goods unloading and storage area; a construction and demolition (C&D) recyclable sorting area; and a wood recycling area. The permittee is also authorized to operate a composting operation within the landfill permit boundary.

All waste disposal activities authorized by this permit are to be confined to the Type IV landfill which shall include access roads, scales, gatehouse, dikes, mechanically-stabilized earth (MSE) berms, other earthen berms, temporary drainage channels, permanent drainage structures, landfill gas management system, contaminated water management system, final cover, groundwater monitoring system, liner system, and other improvements.

The recycling-related storage and processing activities are to be confined to the locations identified in Part III, Site Development Plan, Attachment 1, General Facility Design. The composting activities authorized by this permit are to be confined to the locations identified in Appendix IVB of the Site Operating Plan.

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, 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; and Parts I through IV of the permit application incorporated by reference in Attachment A of this permit; and any amendments, corrections, and modifications incorporated by reference in Attachment B. 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 §§ 330.207, 330.305(g), 330.333, and the permit application incorporated by reference in Part III, Attachment A of this permit.
 2. Contaminated surface water and groundwater shall not be placed in or on the landfill cells.
- E. Liner System
1. A liner system pursuant to 30 TAC §330.331 must be installed in all cells. The liner system shall be constructed in accordance with the rules and the specifications in Part III, Attachment 3C, Liner Quality Control Plan of the application, and must consist of one of the two approved options: 4-ft thick

in-situ clay layer or 3-ft thick re-compacted clay liner with a hydraulic conductivity of no greater than 1×10^{-7} cm/second overlain by a 1-ft thick protective cover layer. The liner system shall be installed over the entire bottom and sidewalls as described in Part III, Site Development Plan, Attachment 3C, Liner Quality Control Plan, and Attachment 3A, Landfill Design Drawings of the application.

2. The elevation of deepest excavation at the landfill disposal area is 550 feet above msl (if in-situ liner is used) or 546 feet above msl (if constructed liner is used), and is located at the locations shown in Part III, Attachment 3A, Landfill Design Drawings of the application.
3. The elevations of the bottom of the excavations within the waste disposal areas shall be as shown in Part III, Attachment 3A, Landfill Design Drawings of the application.

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 the specifications in Part III, Attachment 7B, Final Cover Quality Control Plan of the application, and must consist of the following components (from top to bottom): 6-inch (if the underlying compacted soil layer is classified as SC or CL) or 12-inch (if the underlying compacted soil layer is classified as CH) thick topsoil layer capable of sustaining native plant growth, and 1.5-ft thick compacted soil layer (hydraulic conductivity $\leq 1 \times 10^{-5}$ cm/second). The final cover system shall be installed as described in Part III, Attachment 7, Closure Plan of the application.
2. The maximum elevation of the final cover shall not exceed 820.5 feet above msl.
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, Attachment 8, Post Closure Plan.

G. Waste Placement

1. The lowest elevation of waste placement will be approximately 550 feet above msl.
2. The maximum final elevation of waste placement will be approximately 818 feet above msl.

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 landfill gas monitoring equipment for facility structures. The landfill gas monitoring probes and landfill gas control system shall be located as described in Part

III, Attachment 6, Landfill Gas Management Plan of the application. The landfill gas monitoring and control systems shall be designed, installed, and operated as described in Attachment 6, Landfill Gas Management Plan of the application and consistent 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 numbers 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 in accordance with Part III, Attachment 5, Groundwater Characterization Report of the application and consistent with the applicable rules.
2. Monitoring wells shall be sampled in accordance with 30 TAC §330.417 for Type IV landfills. 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, Attachment 5B, Groundwater Sampling and Analysis Plan of the application.

J. Landfill Markers

Landfill markers shall be installed and maintained in accordance with 30 TAC §330.143 and as described within Part IV, Site Operating Plan, Section 13 of the application.

K. Stormwater Control

Storm water runoff from the active portions of the landfill shall be managed in accordance with 30 TAC §§330.63(c), 330.301 through 330.307, and 330.167, and as described in Part III, Attachment 2, Facility Surface Water Drainage Report of the application.

L. Facility Personnel

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 5.1 of the permit application. 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. Vector Control

The facility shall be properly supervised to assure that bird populations do not cause a significant hazard to low-flying aircraft 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 \$2,024,648 (in 2015 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 \$1,580,905 (in 2015 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 Texas Commission on Environmental Quality (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 grades;

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, Attachment 8, Post Closure Plan of the application for a period of 5 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 submittals dated March 4, 2015 and revisions dated July 27, 2015 and October 2, 2015. 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 or other location approved by the executive director 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 of 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 expansion 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 expansion areas.
- E. A pre-opening inspection shall be held pursuant to 30 TAC §330.73(e). The permittee should contact the executive director and the TCEQ region office in writing to request a pre-opening inspection once all applicable construction activity has been completed and prior to accepting any waste. Per 30 TAC §330.73(f), the facility shall not accept solid waste within areas resulting from the expansion 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. If the executive director has not provided a written or verbal response within 14 days of completion of the pre-opening inspection, the expansion areas shall be considered approved for acceptance of waste.
- 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 Tarrant 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. Weekly 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 weekly 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 weekly 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. 1983C.

DRAFT

**Technical Summary
of the
IESI Fort Worth C&D Landfill
MSW Permit Amendment Application
No. 1983C**

**Type IV
Municipal Solid Waste Facility
Tarrant County, Texas**

**Applicant:
IESI Tx Landfill LP**

Date Prepared: January 22, 2016

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

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

Name of Applicant: IESI Tx Landfill LP
2301 Eagle Parkway, Ste. 200
Fort Worth, Texas 76177

Name of Facility: IESI Fort Worth C&D Landfill
4144 Dick Price Road
Fort Worth, Texas 76140

Contact Person: Mr. John Lamanna
Vice President
IESI TX GP Corporation
2301 Eagle Parkway, Ste. 200
Fort Worth, Texas 76177
Phone No. (817) 632-4000

Consulting Engineer: Mr. Scott M. Graves, P.E.
Geosyntec Consultants
8217 Shoal Creek Blvd., Ste. 200
Austin, Texas 78757
Phone No. (512) 451-4003

1.0 GENERAL

1.1 Purpose:

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for a permit amendment to authorize the vertical expansion of the existing IESI Fort Worth C&D Landfill, a Type IV municipal solid waste (MSW) landfill in Tarrant County, Texas. The total permitted facility will include 151.73 acres of which approximately 77.7 acres will be used for waste disposal. The maximum final elevation of the maximum waste fill and final cover material will be 818.0 and 820.5 feet above mean sea level (msl), respectively. If this permit amendment is approved, the height of the final cover will be increased by a maximum 99 feet from that of the currently permitted.

1.2 Wastes to be Accepted:

The permittee is authorized to dispose of the types of waste identified in 30 Texas Administrative Code (TAC) Section (§) 330.5(a)(2), §330.171(a) and §330.173(i)-(j), including: brush; construction waste; demolition waste; rubbish; inert material (both natural and man-made); mechanical shredding waste as allowed under the Health and Safety code §361.019(b); trash; yard waste that is free of putrescible and household waste; scrap tires; special waste that is consistent with the limitations established in 30 TAC §330.5(a)(2) and the waste acceptance plan required by §330.61(b); Class 2 nonhazardous industrial solid waste that is consistent with the limitations established in 30 TAC §330.5(a)(2) and the waste acceptance plan required by §330.61(b); and Class 3 nonhazardous industrial solid waste. The types of wastes and their acceptances shall be limited to and in accordance with the conditions included in Section 5.5 of Part IV of the permit amendment application. Wood, clean yard trimmings, and other feedstock/wastes as identified in Appendix IVB of the Site Operating Plan contained in Part IV of the permit application will be accepted for the existing composting operation within the landfill permit boundary.

The landfill may not accept wastes other than the wastes described above. Those waste streams that are expressly prohibited by 30 Texas Administrative Code (TAC) Chapter 330 will not be accepted.

1.3 Waste Acceptance Rate and Site Life:

Authorized wastes will be accepted at an initial rate of approximately 364,344 tons per year (Year 2015) and is forecasted to grow to a rate of approximately 413,560 tons per year (Year 2035). The estimated site life is extended by approximately 12.5 years (the landfill capacity is currently expected to be depleted in approximately 2035).

2.0 TECHNICAL REVIEW

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

3.0 LOCATION AND SIZE.

3.1 Location:

The IESI Fort Worth C&D Landfill is located at 4144 Dick Price Road in Tarrant County, Texas approximately 15 miles southeast of downtown Fort Worth, and approximately 2.4 miles south of IH-20 and 5 miles east of IH-35W.

3.2 Elevation and Coordinates of Permanent Benchmark:

Latitude: N 32° 37' 51"

Longitude: W 97° 14' 04"

Elevation: 654.77 feet above mean sea level (msl)

3.3 Size:

The total area within the permit boundary is approximately 151.73 acres.

4.0 FACILITY DESIGN, CONSTRUCTION, AND OPERATIONS.

4.1 Facilities Authorized:

The amended permit will authorize the expansion of an existing Type IV municipal solid waste landfill with a total net disposal volume (waste and weekly cover) of approximately 18.4 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 a site entrance with security fencing, a gatehouse, scales, a paved entrance road to the site, all-weather access roads, soil stockpiles, a landfill gas monitoring system, a groundwater monitoring system, and the solid waste disposal area.

Structures for surface drainage and stormwater run-on/runoff control include a perimeter drainage system to convey stormwater runoff around the site, mechanically-stabilized earth and other berms, ditches, detention ponds and associated drainage structures.

Within the landfill permit boundary, there will be composting area, a large items/white goods unloading and storage area, a construction and demolition (C&D) recyclable sorting area, and a wood recycling area (they are all authorized under the current permit).

4.2 Waste Placement:

The maximum elevation of waste placement will be approximately 818 feet above msl. The minimum elevation of waste placement will be approximately 550 feet above msl. The elevation of the deepest excavation is approximately 550 feet above msl (if in-situ liner is used) and 546 feet above msl (if constructed liner is used).

4.3 Liner

A liner system meeting the requirements of 30 TAC Chapter 330 Subchapter H will be constructed. The liner will be one of the following two approved options:

- ~~4-ft thick in-situ soil layer; or~~
- 3-ft thick re-compacted clay liner (permeability $\leq 1 \times 10^{-7}$ cm/s) overlain with 1 foot of protective cover.

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. Each landfill sector will be covered with a final cover consisting of the following components (listed in order from top to bottom):

- A 6-inch (if the underlying compacted soil layer is classified as SC or CL) or 12-inch (if the underlying compacted soil layer is classified as CH) thick topsoil layer capable of sustaining native plant growth
- 1.5-ft thick compacted soil layer (hydraulic conductivity $\leq 1 \times 10^{-5}$ cm/s)

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 approximately 15 miles southeast of downtown Fort Worth, and is approximately 2.4 miles south of IH-20 and 5 miles east of IH-35W. The landfill is not located in any city limits and is not zoned.
- 5.2 Surrounding land uses - The surrounding land within 1 mile radius from the site permit boundary is of mixed use (single-family residential 35.4 percent, undeveloped/agricultural land 26.2 percent, commercial and office 14 percent, other permitted landfills 7.6 percent, and other uses).
- 5.3 Schools, Churches, and Historical Sites - Two churches are located 0.95 miles and 1 mile from the site, respectively. There are no known schools within 1 mile of the site.

There are no known historical sites within the permit boundary or within 1 mile of the site.

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 closest public-use airport is 5.5 miles from the landfill; the applicant has contacted the Federal Aviation Administration and the Texas Department of Transportation Aviation Division; and both agencies responded with no objections to the proposed vertical expansion. The facility is considered to be in compliance with 30 TAC §330.545.

6.2 Floodplains:

The west part of the permit boundary was located within a 100-year floodway and floodplain. In 1991 a conditional letter of map revision (CLOMR) from Federal Emergency Management Agency (FEMA) approved the development of the landfill with a levee to be built on the west side of the landfill unit (the levee was constructed in 2001). In 2008 the applicant had discussions with the Regional FEMA Office and the Tarrant County Floodplain Administrator; through the discussions it was determined that no additional CLOMR submittals would be necessary. The permit amendment application for the proposed vertical expansion is considered to have demonstrated compliance with 30 TAC §330.547.

6.3 Wetlands:

The correspondence included in Appendix IIG of this application indicates that there are four potentially jurisdictional wetlands located within the permit boundary; and they are not expected to be impacted by the proposed vertical expansion of the landfill.

In its September 4, 2014 letter, the Department of the Army (Fort Worth District, Corps of Engineers) stated that the proposed project will not involve activities subject to the requirements of Clean Water Act Section 404 or Rivers and Harbors Act Section 10; therefore, it will not require the Department of the Army authorization pursuant to Section 404 and/or Section 10. This vertical expansion is considered 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. Based on a seismic impact zone map (US Seismic Hazard 2008), it has been determined that 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:

Based on the evaluations performed by a professional geoscientist and a professional engineer, the facility is not located in an unstable area.

The facility is considered to be in compliance with 30 TAC §330.559.

6.6 Protection of Endangered Species:

An evaluation report included in this application as Appendix IIH concludes that no federal or state-listed species was documented within 1.5 miles from the landfill site; and no effects to federally listed endangered or threatened species or their critical habitats would be expected. The correspondence included in Appendix IIH of the application indicated no objections from the Texas Parks and Wildlife Department towards to the proposed vertical expansion.

7.0 TRANSPORTATION AND ACCESS

Within one mile of the site, the main public roadways providing access to the site are Shelby Road, Dick Price Road, Everman Kennedale Road, Anglin Drive, and Averett Road. All of the aforementioned roads have an asphalt surface and a maximum vehicle weight limit of 80,000 pounds. The daily number of vehicles using the site (vehicle trips/day) was 337 in 2013 and is expected to be 412 in 2038. The correspondence included in Appendix IIB of this application indicates that on August 18, 2014 the Texas Department of Transportation approved this proposed landfill expansion in relation to traffic location restrictions.

8.0 SURFACE WATER PROTECTION

As defined in 30 TAC §330.3, contaminated water is water which has come into contact with waste, leachate, or gas condensate. 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 into contact with the waste. Contaminated stormwater at the working face will be contained by run-on/run-off berms.

Contaminated surface water and groundwater will not be placed in or on the landfill. Contaminated water will be transported to an offsite authorized facility for treatment and disposal.

9.0 GROUNDWATER PROTECTION

9.1 Liner:

The previously referenced liner system (Section 4.3) will provide protection of groundwater from contamination.

9.2 Monitoring Wells:

The groundwater monitoring system which will provide for detection of potential releases from the facility will consist of 8 monitor wells. The groundwater monitoring network will be sampled, analyzed, and monitored in accordance with the procedures in the Groundwater Sampling and Analysis Plan (Attachment 5B 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.

11.0 SITE DEVELOPMENT PLAN AND SITE OPERATING PLAN

The Site Development Plan (SDP) is Part III of the permit amendment 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 amendment 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 expanded 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:

- 13.2 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.~~
- 13.3 After 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.
- 13.4 The "Notice of Application and Preliminary Decision" is sent to the applicant and published in the newspaper. This notice provides a 30-day period, from the date of publication, for the public to make comment(s) about the application or draft permit. The notice also allows the public to request a public meeting for the proposed facility.
- 13.5 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.
- 13.6 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.
- 13.7 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.
- 13.8 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.

- 13.9 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:

Mr. Frank Zeng
MSW Permits Section, MC 124
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711
(512) 239-1132

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 complete application may be found via links listed on the internet at the following website address: http://prj.geosyntec.com/TXPermits/IESIFtWC_DLandfill.aspx

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.

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 CN601668486, RN101478790, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator:	CN601668486, IESI Tx Landfill LP	Classification: SATISFACTORY	Rating: 0.39
Regulated Entity:	RN101478790, IESI FORT WORTH C AND D LANDFILL	Classification: SATISFACTORY	Rating: 1.33
Complexity Points:	8	Repeat Violator: NO	
CH Group:	07 - Solid Waste Landfills		
Location:	4144 DICK PRICE RD FORT WORTH, TX 76140-7624, TARRANT COUNTY		
TCEQ Region:	REGION 04 - DFW METROPLEX		

ID Number(s):
 MUNICIPAL SOLID WASTE DISPOSAL PERMIT 1983B MUNICIPAL SOLID WASTE DISPOSAL PERMIT 1983C
 STORMWATER PERMIT TXR05AP26 AIR NEW SOURCE PERMITS REGISTRATION 96349

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

Date Compliance History Report Prepared: February 02, 2016

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

Component Period Selected: February 02, 2010 to February 02, 2016

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 17, 2011	(878619)
Item 2	September 23, 2011	(957449)
Item 3	December 21, 2011	(950558)
Item 4	June 04, 2013	(1076717)
Item 5	January 28, 2015	(1216613)
Item 6	June 22, 2015	(1248517)

Texas Commission on Environmental Quality

Executive Director's Preliminary Decision

February 29, 2016

DESCRIPTION OF APPLICATION

Applicant: IESI Tx Landfill LP

Facility: IESI Fort Worth C&D Landfill
Municipal Solid Waste (MSW) Permit Application No. 1983C

Type: Type IV Municipal Solid Waste Landfill

EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

The executive director of the Texas Commission on Environmental Quality has made the preliminary decision that this proposed MSW Permit No. 1983C, for IESI Tx Landfill LP, if issued, meets all statutory and regulatory requirements.
