

**SUBCHAPTER E: OPERATIONAL STANDARDS FOR MUNICIPAL SOLID  
WASTE STORAGE AND PROCESSING UNITS**

**§§330.201, 330.203, 330.205, 330.207, 330.209, 330.211, 330.213,  
330.215, 330.217, 330.219, 330.221, 330.225, 330.227, 330.229, 330.231,  
330.233, 330.235, 330.237, 330.239, 330.241, 330.243, 330.245, 330.247,  
330.249**

**Effective May 26, 2016**

**§330.201. Applicability.**

(a) This subchapter applies to the operation of municipal solid waste storage and processing units. If separate authorizations are required to conduct storage and processing activities at a permitted landfill facility, those activities are subject to this subchapter and the commission may reconcile any conflicting site operating plan provisions between this subchapter and Subchapter D of this chapter (relating to Operational Standards for Municipal Solid Waste Landfill Facilities).

(b) Permits and registrations for units that existed before the comprehensive rule revisions in this chapter as adopted in 2006 (2006 Revisions) became effective remain valid, except as provided by this subchapter. The permittee or registrant is under an obligation to apply for a modification within 180 days, unless approved otherwise by the executive director, in accordance with §305.70(k) of this title (relating to Municipal Solid Waste Permit and Registration Modifications), as applicable, to incorporate the 2006 Revisions. The application will be processed as a modification requiring public notice and any subsequent applications will be processed in accordance with Chapter 305, Subchapter D of this title (relating to Amendments, Renewals, Transfers, Corrections, Revocation, and Suspension of Permits). Timely submission of a request for a modification qualifies the owners or operators of existing units to operate under requirements contained in the existing authorization.

Adopted March 1, 2006

Effective March 27, 2006

**§330.203. Waste Acceptance and Analysis.**

(a) The owner or operator shall identify the sources and characteristics of wastes (e.g., residential, commercial, grease trap, grit trap, sludges, septage, special wastes, Class 1, Class 2, or Class 3 industrial solid wastes, compost feedstocks) proposed to be received for storage or processing. Municipal solid waste facilities may not receive regulated hazardous waste, unless authorized in accordance with Chapter 335 of this title (relating to Industrial Solid Waste and Municipal Hazardous Waste). If a waste constituent or characteristic could be a limiting parameter that may impact or influence the design and operation of the facility, the owner or operator shall specify parameter limitations of each type of

waste to be managed by the facility that may include constituent concentrations and characteristics such as pH, fats, oil and grease concentrations, total suspended solids, chemical oxygen demand, biochemical oxygen demand, organic and metal constituent concentrations, water content, or other constituents.

(b) The owner or operator shall determine types and an estimate of the amount of each waste to be received daily; the maximum amount of waste to be stored at any one point in time; the maximum and average lengths of time that waste is to remain at the facility; the maximum and average waste processing times; and the intended destination of the solids and liquids generated by a facility. If applicable, a narrative must be included that describes how 10% of the incoming waste will be recovered and its intended use.

(c) For solid waste processing and experimental facilities, the following requirements apply.

(1) The owner or operator shall establish the method of sampling and analysis for the effluent discharged to a trap, interceptor, or treatment facility permitted under Texas Water Code, Chapter 26. At a minimum, the method of sampling, the frequency of sampling, and the tests to be made shall be part of the sampling and analysis plan. All sampling and analysis shall be done according to approved United States Environmental Protection Agency (EPA) methods. Records shall be maintained for a three-year period.

(2) At a minimum, analyses for wastes received shall be made for benzene, lead, and total petroleum hydrocarbons (TPH). Grit trap wastes must be analyzed annually for biochemical oxygen demand, total suspended solids, benzene, TPH, and lead. Sludges that are disposed of at a municipal solid waste landfill must be analyzed annually for benzene, lead, and TPH. At a minimum, effluent from the facility must be analyzed annually for TPH, fats, oil and grease, and pH. Records of each analysis shall be maintained at the facility for a minimum of three years. All sampling and analysis shall be done according to EPA-approved methods.

Adopted March 1, 2006

Effective March 27, 2006

### **§330.205. Facility-Generated Wastes.**

(a) The operator of a storage or processing facility shall specify the characteristics and constituent concentrations of wastes generated by the facility. The owner or operator must be able to provide documentation that all wastes leaving the facility can be adequately managed by other facilities, licensed or permitted by the appropriate agencies to receive such wastes, at the volumes and concentrations estimated in the facility design.

(b) Wastes generated by a facility must be processed or disposed at an authorized solid waste management facility.

(c) Wastewaters generated by a facility shall be managed in accordance with §330.207 of this title (relating to Contaminated Water Management).

(d) The facility shall be designed and operated in a manner that sludges produced pass the Paint Filter Liquids Test, (United States Environmental Protection Agency (EPA) Method 9095) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Publication Number SW-846, September 1986). The facility shall be designed and operated to produce a sludge that is acceptable at municipal solid waste landfills and does not exceed the following standards. Sludges exceeding these limits shall not be disposed in municipal solid waste landfills and must be sent to an authorized facility for further processing or disposal as a hazardous waste, as appropriate or disposed in a municipal solid waste landfill with dedicated Class 1 industrial solid waste cells if the sludge is nonhazardous.

<u>Contaminant</u>	<u>Total Limit</u>	<u>TCLP Limit</u>
Benzene	10 milligrams per kilogram (mg/kg)	0.5 milligrams per liter (mg/L)
Lead	30 mg/kg	1.5 mg/L
Total petroleum hydrocarbons (TPH)	1,500 mg/kg	not applicable

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Effective March 27, 2006

**§330.207. Contaminated Water Management.**

(a) All liquids resulting from the operation of solid waste facilities shall be disposed of in a manner that will not cause surface water or groundwater pollution. The owner or operator may send wastewater off site to an authorized facility or shall provide for the treatment of wastewaters resulting from managing the waste or from cleaning and washing. The owner or operator shall not discharge contaminated water without specific written authorization. Except as provided in subsection (b) of this section, the owner or operator shall provide a connection into a public sewer system, a septic system, or a small wastewater treatment plant. On-site wastewater treatment systems shall comply with Chapter 285 of this title (relating to On-site Sewage Facilities). The owner or operator shall obtain any permit or other approval required by state or local code for the system installed.

(b) Contaminated water and leachate shall be collected and contained until properly managed. Collection units other than storage tanks shall have a clay or synthetic liner and the liner shall be constructed in accordance with §330.331(b) of this title (relating to Design Criteria). One foot of freeboard for the 25-year, 24-hour rainfall event shall be provided.

(c) The use of leachate and gas condensate in any mining process is prohibited.

(d) Facilities that process grease trap waste, grit trap waste, or septage; mobile liquid waste processing units; and demonstration projects for liquid waste processing facilities shall not discharge to a septic system.

(e) Off-site discharge of contaminated waters shall be made only after approval under the Texas Pollutant Discharge Elimination System authority.

(f) Wastewaters discharged to a treatment facility permitted under Texas Water Code, Chapter 26 must not:

(1) interfere with or pass-through the treatment facility processes or operations;

(2) interfere with or pass-through its sludge processes, use, or disposal; or

(3) otherwise be inconsistent with the prohibited discharge standards, including 40 Code of Federal Regulations Part 403, General Pretreatment Regulations for Existing and New Source Pollution.

(g) The daily effluent design standard for oil and grease concentration leaving the facility and entering a public sewer system shall not exceed 200 milligrams per liter, the concentration established in the wastewater discharge permit pretreatment limit or the concentration established by the treatment facility permitted under Texas Water Code, Chapter 26, the National Pollutant Discharge Elimination System, or the following liquid effluent limits, if the discharge points do not require compliance with locally set limits.

Effluent Characteristics	Effluent limitations	
	Maximum for any one day:	Average of daily values for 30 consecutive days shall not exceed:
	Metric units (kilograms (kg))/1,000 kg of raw material)	

Oil and grease	0.10	0.05
Total petroleum hydrocarbons (TPH)	0.01	0.01
pH	5.5 - 10.5	5.5 - 10.5
	English units (pounds (lbs))/1,000 lb of raw material)	
Oil and grease	0.10	0.05
TPH	0.01	0.01
pH	5.5 - 10.5	5.5 - 10.5

(h) Lagoons, open-top storage tanks, open vessels, and underground storage units are prohibited at liquid waste transfer facilities.

Adopted March 1, 2006

Effective March 27, 2006

**§330.209. Storage Requirements.**

(a) All solid waste shall be stored in such a manner that it does not constitute a fire, safety, or health hazard or provide food or harborage for animals and vectors, and shall be contained or bundled so as not to result in litter. It shall be the responsibility of the occupant of a residence or the owner or manager of an establishment to utilize storage containers of an adequate size and strength, and in sufficient numbers, to contain all solid waste that the residence or establishment generates in the period of time between collections.

(b) An on-site storage area for source-separated or recyclable materials should be provided that is separate from a transfer station or process area. Control of odors, vectors, and windblown waste from the storage area shall be maintained.

(c) For the process area of transfer stations that recover material from solid waste that contains putrescibles and for liquid waste processing units, processed and unprocessed waste and recycled materials shall be stored in an enclosed building, vessel, or container.

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Effective March 27, 2006

**§330.211. Approved Containers.**

All solid waste containing food wastes shall be stored in covered or closed containers that are leakproof, durable, and designed for safe handling and easy cleaning.

(1) Nonreusable containers. Nonreusable containers shall be of suitable strength to minimize animal scavenging or rupturing during collection operations.

(2) Reusable containers. Reusable containers must be maintained in a clean condition so that they do not constitute a nuisance and to retard the harborage, feeding, and propagation of vectors.

(A) All containers to be emptied manually must be capable of being serviced without the collector coming into physical contact with the solid waste.

(B) Containers to be mechanically handled must be designed to prevent spillage or leakage during storage, handling, or transport.

Adopted March 1, 2006

Effective March 27, 2006

**§330.213. Citizen's Collection Stations.**

(a) Citizen's collection stations shall be provided with the type and quantity of containers compatible with the areas to be served. Rules shall be posted governing the use of the facility to include who may use it, what may or may not be deposited, etc. The responsible person that owns or operates the collection center shall provide for the collection of deposited waste on a scheduled basis and supervise the facility in order to maintain it in a sanitary condition.

(b) A citizen's collection station may accept sharps from single-family or multi-family dwellings, hotels, motels, or other establishments that provide lodging and related services for the public. The sharps will not be considered medical waste, as defined in §330.3 of this title (relating to Definitions).

Adopted March 1, 2006

Effective March 27, 2006

**§330.215. Requirements for Stationary Compactors.**

Operational standards for permitted stationary compactors are as follows.

(1) Stationary compactors shall be operated and maintained in such a way as not to create a public nuisance through material loss or spillage, odor, vector breeding or harborage, or other condition.

(2) The certificate within the application and the provisions of the permit must be adhered to at all times.

Adopted March 1, 2006

Effective March 27, 2006

**§330.217. Pre-Operation Notice.**

(a) Type V mobile liquid waste processing unit demonstration of viability.

(1) The owner or operator shall not initiate operation of each unit until a pre-operation inspection of each mobile unit has been conducted and the executive director gives written authorization to accept waste. The owner or operator shall demonstrate under field conditions that the process works. The demonstration shall be conducted under the supervision of experienced executive director staff and when appropriate, with local government staff. The viability demonstration shall be made by processing three traps in a single day representative of the traps normally serviced. The traps must have been in operation and not have been serviced for at least 30 days prior to the demonstration. The volume of material to be processed before unloading must be consistent with manufacturer's performance specifications and the operating plan, particularly as to the expected ratios between gross volumes processed and amounts discharged following processing. Multiple grab samples of effluent taken from the discharge outlet of the mobile processing unit must be tested for fats, oils, greases, and pH and be designed and operated to meet the effluent limits imposed by its treatment facility permitted under Texas Water Code, Chapter 26, Texas Pollutant Discharge Elimination System, or the liquid effluent limits specified in §330.207(g) of this title (relating to Contaminated Water Management) if the discharge points do not require compliance with locally set limits.

(2) Waste solids (sludges) produced by the mobile processing unit must be disposed of in a solid waste disposal facility regulated by the State of Texas or other location approved by the executive director. Solids should be dewatered to the point that they pass the United States Environmental Protection Agency (EPA) paint filter test, EPA Test Method 9095, or they should be taken to an authorized facility to be dewatered prior to landfilling.

(3) The owner or operator shall remain responsible for making corrections or changes that are necessary to meet requirements prior to operating the mobile unit.

(b) Type VI demonstration projects for liquid waste processing facilities. The operation of the facility shall not begin until a pre-opening inspection has been conducted and written authorization to accept waste has been given by the executive director.

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Effective March 27, 2006

**§330.219. Recordkeeping and Reporting Requirements.**

(a) A copy of the permit or registration, the approved permit or registration application, and any other required plan or other related document shall be maintained at the municipal solid waste facility at all times during construction. After completion of construction, an as-built set of construction plans and specifications shall be maintained at the facility or at an alternative location approved by the executive director. These plans shall be made available for inspection by agency representatives or other interested parties. These documents shall be considered a part of the operating record for the facility.

(b) The owner or operator shall promptly record and retain in an operating record, the following information:

- (1) all location-restriction demonstrations;
- (2) inspection records and training procedures;
- (3) closure plans and any monitoring, testing, or analytical data relating to closure requirements;
- (4) all cost estimates and financial assurance documentation relating to financial assurance for closure;
- (5) copies of all correspondence and responses relating to the operation of the facility, modifications to the permit, approvals, and other matters pertaining to technical assistance;
- (6) all documents, manifests, shipping documents, trip tickets, etc., involving special waste;
- (7) any other document(s) as specified by the approved authorization or by the executive director;
- (8) record retention provisions for trip tickets as required by §312.145 of this title (relating to Transporters--Recordkeeping); and
- (9) recordkeeping provisions to justify, on a quarterly basis, that the relevant percentage of the incoming waste is processed to recover recycled products for applicable facilities. Failure to achieve the relevant percent recycling rate in any two quarters within any one-year period will cause a change in a facility's status and require the owner or operator of the facility to obtain a registration or permit, as appropriate, to continue facility operations. The owner or operator shall submit an annual report to the executive director by March 1st summarizing the recycling activities and percent of incoming solid waste that was recycled during the past calendar year.

(c) For signatories to reports, the following conditions apply.

(1) The owner or operator shall sign all reports and other information requested by the executive director as described in §305.44(a) of this title (relating to Signatories to Applications) or by a duly authorized representative of the owner or operator. A person is a duly authorized representative only if:

(A) the authorization is made in writing by the owner or operator as described in §305.44(a) of this title;

(B) the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity or for environmental matters for the owner or operator, such as the position of plant manager, environmental manager, or a position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and

(C) the written authorization is submitted to the executive director.

(2) If an authorization under this section is no longer accurate because of a change in individuals or position, a new authorization satisfying the requirements of this section must be submitted to the executive director prior to, or together with, any reports, information, or applications to be signed by an authorized representative.

(3) Any person signing a report shall make the certification in §305.44(b) of this title.

(d) For permitted municipal solid waste composting and landfill mining facilities, the operator shall maintain records on-site, available for inspection by the executive director for a period consisting of the two most recent calendar years, except as noted in paragraphs (1) - (3) of this subsection. The records must consist of the following:

(1) a log of abnormal events at the facility, including, but not limited to, hazardous constituents uncovered, fires, explosions, process disruptions, extended equipment failures, injuries, and weather damage;

(2) results of final product testing required by §330.613 of this title (relating to Sampling and Analysis Requirements for Final Soil Product) or §332.71 of this title (relating to Sampling and Analysis Requirements for Final Product); and

(3) copies of the annual report for the five most recent calendar years.

(e) All information contained in the operating record shall be furnished upon request to the executive director and shall be made available at all reasonable times for inspection by the executive director.

(f) The owner or operator shall retain all information contained within the operating record and the different plans required for the facility for the life of the facility.

(g) The executive director may set alternative schedules for recordkeeping and notification requirements as specified in subsections (a) - (e) of this section.

Adopted April 27, 2016

Effective May 26, 2016

**§330.221. Fire Protection.**

(a) An adequate supply of water under pressure must be available for firefighting purposes.

(b) Firefighting equipment must be readily available.

(c) A fire protection plan shall be established, and all employees shall be trained in its contents and use. This fire protection plan shall describe the source of fire protection (a local fire department, fire hydrants, fire extinguishers, water tanks, water well, etc.), procedures for using the fire protection source, and employee training and safety procedures. The fire protection plan shall comply with local fire codes.

Adopted March 1, 2006

Effective March 27, 2006

**§330.223. Access Control.**

(a) Public access to all municipal solid waste facilities shall be controlled by means of artificial barriers, natural barriers, or a combination of both, appropriate to protect human health and safety and the environment. Uncontrolled access to other operations located at a municipal solid waste facility shall be prevented.

(b) The facility access road from a publicly owned roadway must be at least a two-lane gravel or paved road, designed for the expected traffic flow. Safe on-site access for commercial collection vehicles and for residents must be provided. The access road design must include adequate turning radii according to the vehicles that will utilize the facility and avoid disruption of normal traffic patterns. Vehicle parking must be provided for equipment, employees, and visitors. Safety bumpers at hoppers must be provided for vehicles. A positive means to control dust and mud must be provided.

(c) Access to the facility must be controlled by a perimeter fence, consisting of a four-foot barbed wire fence or a six-foot chain-link fence or equivalent, and have lockable gates. An attendant shall be on-site during operating hours. The operating area and transport unit storage area shall be enclosed by walls or fencing.

Adopted March 1, 2006

Effective March 27, 2006

### **§330.225. Unloading of Waste.**

(a) The unloading of solid waste shall be confined to as small an area as practical. An attendant shall be provided at all facilities to monitor all incoming loads of waste. Appropriate signs shall also be used to indicate where vehicles are to unload. The use of forced access lanes, identified by ditches, dikes, fences, or other means, shall be used in conjunction with signs for the prevention of indiscriminate dumping. The owner or operator is not required to accept any solid waste that he/she determines will cause or may cause problems in maintaining full and continuous compliance with these sections.

(b) The unloading of waste in unauthorized areas is prohibited. The owner or operator shall ensure that any waste deposited in an unauthorized area will be removed immediately and disposed of properly.

(c) The unloading of prohibited wastes at the municipal solid waste facility shall not be allowed. The owner or operator shall ensure that any prohibited waste will be returned immediately to the transporter or generator of the waste.

Adopted March 1, 2006

Effective March 27, 2006

### **§330.227. Spill Prevention and Control.**

Storage and processing areas shall be designed to control and contain spills and contaminated water from leaving the facility. The design shall be sufficient to control and contain a worst case spill or release. Unenclosed containment areas shall also account for precipitation from a 25-year, 24-hour storm.

Adopted March 1, 2006

Effective March 27, 2006

### **§330.229. Operating Hours.**

(a) A site operating plan must specify the operating hours. The waste acceptance hours may be any time between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, unless otherwise approved by the executive director or commission for a permit. The operating hours for operating heavy equipment and transporting materials on- or off-site may be any time between the hours of 5:00 a.m. and 9:00 p.m., Monday through Friday, unless otherwise approved in the

authorization. Other activities do not require specific approval. For facilities that do not require a permit or registration, the owner or operator will notify adjacent landowners by first-class mail concurrently with filing the request for expanded waste acceptance or operating hours with the commission's regional office 30 days prior to the proposed implementation of the expanded hours. The notice will contain instructions for adjacent landowners to contact the commission's regional office in writing of any concerns regarding the requested expanded waste acceptance or operating hours. The owner or operator may not begin operating during the expanded hours unless written approval is received by the regional office.

(b) In addition to the requirements of subsection (a) of this section, the authorization may include alternative operating hours of up to five days in a calendar-year period to accommodate special occasions, special purpose events, holidays, or other special occurrences.

(c) The commission's regional offices may allow additional temporary operating hours to address disaster or other emergency situations, or other unforeseen circumstances that could result in the disruption of waste management services in the area.

(d) The facility must record, in the site operating record, the dates, times, and duration when any alternative operating hours are utilized.

Adopted March 1, 2006

Effective March 27, 2006

### **§330.231. Facility Sign.**

Each facility shall conspicuously display at all entrances to the facility through which wastes are received, a sign measuring at least four feet by four feet with letters at least three inches in height stating the facility name; type of facility; the hours and days of operation; the permit number or facility number, if applicable; and facility rules. The posting of erroneous or misleading information shall constitute a violation of this section.

Adopted March 1, 2006

Effective March 27, 2006

### **§330.233. Control of Windblown Material and Litter.**

(a) Windblown material and litter shall be collected as necessary, at least once per day on days that the facility is in operation, to minimize unhealthy, unsafe, or unsightly conditions.

(1) A portable fence may be employed to confine windblown material resulting from unloading. If a portable fence is not practical, other suitable practices shall be employed to control windblown material.

(2) Litter scattered throughout the facility, along fences and access roads, and at the gate must be picked up once a day on the days the facility is in operation and properly managed.

(b) If a facility is not completely enclosed, the owner or operator shall provide a wire or other type fencing or screening when necessary to minimize windblown materials.

Adopted March 1, 2006

Effective March 27, 2006

**§330.235. Materials Along the Route to the Facility.**

The facility owner or operator shall take steps to encourage that vehicles hauling waste to the facility are enclosed or provided with a tarpaulin, net, or other means to effectively secure the load in order to prevent the escape of any part of the load by blowing or spilling. The owner or operator shall take actions such as posting signs, reporting offenders to proper law enforcement officers, adding surcharges, or similar measures. On days when the facility is in operation, the owner or operator shall be responsible for at least once per day cleanup of waste materials spilled along and within the right-of-way of public access roads serving the facility for a distance of two miles in either direction from any entrances used for the delivery of waste to the facility. The facility operator shall consult with the Texas Department of Transportation, county, and/or local governments with maintenance authority over the roads concerning cleanup of public access roads and rights-of-way. An alternative clean-up frequency and distance may be approved by the executive director.

Adopted March 1, 2006

Effective March 27, 2006

**§330.237. Facility Access Roads.**

(a) All-weather roads shall be provided within the facility to the unloading area(s) designated for wet-weather operation. The tracking of mud and debris onto public roadways from the facility shall be minimized.

(b) Dust from on-site and other access roadways shall not become a nuisance to surrounding areas. A water source and necessary equipment or other means of dust control shall be provided.

(c) All on-site and other access roadways shall be maintained on a regular basis. Access roadways shall be regraded as necessary to minimize depressions, ruts, and potholes.

Adopted March 1, 2006

Effective March 27, 2006

**§330.239. Noise Pollution and Visual Screening.**

The owner or operator of a transfer station shall provide screening or other measures to minimize noise pollution and adverse visual impacts.

Adopted March 1, 2006

Effective March 27, 2006

**§330.241. Overloading and Breakdown.**

(a) The design capacity of a solid waste processing or experimental facility shall not be exceeded during operation. The facility shall not accumulate solid waste in quantities that cannot be processed within such time as will preclude the creation of odors, insect breeding, or harborage of other vectors. If such accumulations occur, additional solid waste shall not be received until the adverse conditions are abated.

(1) For facilities that process grease trap waste, grit trap waste, or septage, and demonstration projects for liquid waste processing facilities, the maximum time allowed for storage of unprocessed waste is 72 hours.

(2) For mobile liquid waste processing facilities, the maximum time allowed for storage of unprocessed waste is four days.

(b) If a significant work stoppage should occur at a solid waste processing or experimental facility due to a mechanical breakdown or other causes, the facility shall accordingly restrict the receiving of solid waste. Under such circumstances, incoming solid waste shall be diverted to an approved backup processing or disposal facility. If the work stoppage is anticipated to last long enough to create objectionable odors, insect breeding, or harborage of vectors, steps shall be taken to remove the accumulated solid waste from the facility to an approved backup processing or disposal facility.

(c) The owner or operator shall have alternative processing or disposal procedures for the solid waste in the event that the facility becomes inoperable for periods longer than 24 hours.

Adopted March 1, 2006

Effective March 27, 2006

**§330.243. Sanitation.**

(a) At processing facilities, all working surfaces that come in contact with wastes shall be washed down on a weekly basis at the completion of processing. Processing facilities that operate on a continuous basis shall be swept daily and washed down at least two times per week.

(b) Wash waters shall not be allowed to accumulate on site without proper treatment to prevent the creation of odors or an attraction to vectors.

(c) All wash waters shall be collected and disposed of in an authorized manner.

Adopted March 1, 2006

Effective March 27, 2006

**§330.245. Ventilation and Air Pollution Control.**

(a) Air emissions from municipal solid waste facilities must not cause or contribute to a condition of air pollution as defined in the Texas Clean Air Act.

(b) All facilities and constructed air pollution abatement devices must obtain authorization, under Chapter 116 of this title (relating to Control of Air Pollution By Permits for New Construction or Modifications) or Subchapter U of this chapter (relating to Standard Air Permits for Municipal Solid Waste Landfill Facilities and Transfer Stations), as applicable, from the Air Permits Division prior to the start of construction, except as authorized in Texas Health and Safety Code, §382.004, Construction While Permit Application Pending.

(c) All liquid waste and solid waste shall be stored in odor-retaining containers and vessels.

(d) The facility shall be designed and operated to provide adequate ventilation for odor control and employee safety. The owner or operator shall prevent nuisance odors from leaving the boundary of the facility. If nuisance odors are found to be passing the facility boundary, the facility owner or operator may be required to suspend operations until the nuisance is abated.

(e) All air pollution emission capture and abatement equipment or equivalent technology shall be properly maintained and operated during the facility operation. Cleaning and maintenance of the abatement equipment shall be performed as recommended by the manufacturer and as necessary so that the equipment efficiency can be adequately maintained.

(f) The owner or operator shall employ one or more of the following measures:

(1) air scrubber units for odor control;

(2) on-site buffer zones for odor control. Consideration should be given to additional buffer zones within the facility property boundary for odor control;

(3) additional waste handling procedures, storage procedures, and clean-up procedures for odor control when accepting putrescible waste; or

(4) alternative ventilation and odor control measures.

(g) Process areas that recover material from solid waste that contains putrescibles shall be maintained totally within an enclosed building. Openings to the process area shall be controlled to prevent releases of nuisance odors from leaving the property boundary of the facility.

(h) The facility shall be designed to allow a minimal time of exposure of liquid waste to the air. Openings to processing buildings shall be controlled to prevent release of nuisance odors to the atmosphere. The facility design must minimize waste contact with air during unloading of liquid waste into the facility.

(i) Cleaning and maintenance of mobile waste processing unit equipment shall be performed each day of operation to reduce odors.

(j) Reporting of emissions events shall be made in accordance with §101.201 of this title (relating to Emissions Event Reporting and Recordkeeping Requirements) and reporting of scheduled maintenance shall be made in accordance with §101.211 of this title (relating to Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements).

(k) Any ponded water at the facility shall be controlled to avoid its becoming a nuisance. In the event that objectionable odors do occur, appropriate measures shall be taken to alleviate the condition.

Adopted March 1, 2006

Effective March 27, 2006

**§330.247. Health and Safety.**

Facility personnel will be trained in the appropriate sections of the facility's health and safety plan.

Adopted March 1, 2006

Effective March 27, 2006

**§330.249. Employee Sanitation Facilities.**

The owner or operator shall provide potable water and sanitary facilities for all employees and visitors.

Adopted March 1, 2006

Effective March 27, 2006