

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
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Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

[OCC Inserts Date once Permit is Issued]

Mr. Charles Dowdell
Director of Solid Waste
City of Waco
501 Schroeder Drive
Waco, Texas 76710

Subject: Proposed City of Waco Type I Landfill - McLennan and Limestone Counties
Municipal Solid Waste - Permit No. 2400
Transmittal of Issued Permit
Tracking No. 23201563; RN110471307/CN600131940

Dear Mr. Dowdell:

Enclosed is a copy of the permit for the above-referenced municipal solid waste facility issued pursuant to Chapter 361, Texas Health & Safety Code. The Site Development Plan, the Site Operating Plan, and all other documents and plans, including the application, prepared and submitted to support the permit application shall be considered a part of this permit and shall be considered as requirements of this permit.

If you have questions concerning this letter, please contact Mr. Eric Clegg, P.G., at (512) 239-1270, by email to eric.clegg@tceq.texas.gov, or in writing at the address on our letterhead (please include mail code MC 124 on the first line).

This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality.

Sincerely,

A handwritten signature in cursive script, appearing to read "cgoodie".

Charly Fritz, Deputy Director
Waste Permits Division

CF/EJC/sm

cc: Mr. Ryan Kuntz, SCS Engineers, Bedford

Enclosure

Texas Commission on Environmental Quality

Executive Director's Preliminary Decision

October 18, 2021

DESCRIPTION OF APPLICATION

Applicant: City of Waco

Facility: City of Waco Landfill
Municipal Solid Waste (MSW) Permit Application No. 2400

Type: Type I 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. 2400, for City of Waco, if issued, meets all statutory and regulatory requirements.

**Technical Summary
of the
Proposed City of Waco Landfill
Municipal Solid Waste Permit
Application No. 2400**

**Type I Municipal Solid Waste Facility
McLennan and Limestone Counties, Texas**

**Applicant:
City of Waco**

Date Prepared: October 1, 2021

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.

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Name of Applicant: City of Waco
501 Schroeder Drive
Waco, TX 76710

Name of Facility: City of Waco Landfill

Contact Person: Mr. Charles Dowdell, Director of Solid Waste
501 Schroeder Drive
Waco, TX 76710
254-750-1601

Consulting Engineer: Mr. Ryan Kuntz, Vice President
SCS Engineers
1901 Central Drive, Suite 550
Bedford, TX 76021
817-358-6117

1. General

1.1 Purpose

The applicant has submitted this application requesting authorization to construct and operate a new Type I MSW landfill in McLennan and Limestone Counties, Texas. The total permitted facility will include approximately 502.5 acres of which approximately 173.8 acres will be used for waste disposal, divided into two areas (~62 acres in the West Disposal Area and ~112 acres in the East Disposal Area). The final elevation of the waste fill and final cover material will be 697.7 feet above mean sea level (msl).

1.2 Wastes to be Accepted

Solid waste to be disposed of will consist of household waste, yard waste, commercial waste, construction-demolition waste, special waste, Class 2 non-hazardous industrial wastes, and Class 3 non-hazardous industrial wastes which includes rock, brick, glass, dirt, and certain plastics and rubber, and other waste as approved by the executive director. The proposed landfill will not be authorized to accept waste streams that are expressly prohibited by Title 30 Texas Administrative Code (30 TAC) Chapter 330 or wastes other than the wastes mentioned above.

1.3 Waste Acceptance Rate and Site Life

Authorized wastes are expected to be accepted at an initial rate of approximately 1,070 tons per day and to increase to a maximum of approximately 1,590 tons per day. The estimated site life is approximately 32 years.

2. 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. A site assessment pursuant to 30 TAC 330.73(c) was conducted on 8/24/2018. The results of the assessment are documented in Attachment 1 to this Technical Summary.

It has been determined that the information in the permit application, along with the draft permit, demonstrates compliance with these regulatory requirements. A draft permit has been prepared, the application has been declared technically complete.

3. Location and Size

3.1 Location

The City of Waco Landfill is located in McLennan and Limestone Counties, Texas at approximately 0.4 miles south of the intersection of TK Parkway and State Highway 31 near Axtell, TX.

3.2 Elevation and Coordinates of Permanent Benchmark

Latitude: N 31° 41' 54.23"

Longitude: W 96° 55' 43.89"

Elevation: 541.15 feet above mean sea level

3.3 Size

The total area within the permit boundary under the proposed permit is approximately 502.5 acres.

4. Facility Design, Construction, and Operation

4.1 Facilities Authorized

The permit will authorize the operation of a Type I municipal solid waste landfill with a total net disposal volume (waste and daily cover) of approximately 25 million cubic yards in addition to support structures and facilities as described in the permit 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, landfill gas (LFG) monitoring system, leachate collection system, groundwater

monitoring system, citizen collection station, 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, berms, ditches, detention ponds and associated drainage structures.

4.2 Waste Placement

The maximum elevation of waste placement will be approximately 694 feet above msl. The minimum elevation of waste placement will be approximately 507 feet above msl. The deepest excavation elevation for the liner and sumps is approximately 505 feet above msl.

4.3 Liner

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):

- Geocomposite leachate collection layer
- 60 mil HDPE geomembrane
- 24 inches compacted clay (permeability $\leq 1 \times 10^{-7}$ cm/s)

The liner system will be overlaid by 2 feet 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 cell or phase will be covered with a composite final cover consisting of the following components (listed in order from top to bottom):

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

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 and/or gas condensate will be either recirculated back into the landfill or transported off-site to a local wastewater treatment plant for treatment and disposal. The leachate collection system is designed to meet the requirements of 30 TAC §330.333 and will be placed on top of the liner system.

5. Land Use

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

5.1 Zoning

The proposed facility will be located outside of the incorporated limits of any city and is not subject to any known zoning ordinances.

5.2 Surrounding Land Uses

The application indicates that 95.3% of the surrounding land use is classified as open, agricultural, or vacant. The remaining land is 4.1% water bodies, 0.5% residential and <0.1% commercial in the surrounding area. One cemetery is located adjacent to the site.

5.3 Residences and Businesses

There are 23 residences and one commercial business located within one mile of the permit boundary. The one historical cemetery, the TK Cemetery, is located on the western border of the site. One reservoir, a US Soil Conservation Reservoir is located partially on the site, to the south, however it is shown to be outside of the waste disposal footprint. The nearest residence is approximately 265 feet southwest of the site.

5.4 Schools, Churches, and Historical Sites

There are no known schools, churches, day-care facilities, hospitals, archeologically significant sites, other historic sites, or locations of exceptional aesthetic quality within one mile of the permit boundary other than TK Cemetery.

5.5 Growth Trends

The application indicates that recent growth trends within five miles of the site ranged between 1 to 2% between 2012 and 2017.

6. 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 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

Floodplain limits were obtained from Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) and are shown on several permit figures, that also show the proposed landfill facility boundary, which are included in the application. The figures show that a portion of the proposed permitted facility property is located within a 100-year floodplain, but that the proposed landfill waste disposal areas are located outside of the floodplain and waste disposal operations will not occur within the 100-year floodplain. The facility is considered to be in compliance with 30 TAC §330.547.

6.3 Wetlands

There are two ephemeral tributaries to Horse Creek and an on-channel stock pond, which are not considered waters of the United States, within the proposed landfill footprint. Horse Creek, an intermittent stream, is considered a jurisdictional water of the United States. The application indicates that no jurisdictional wetland areas would be impacted by the landfill. The applicant coordinated with the U.S. Army Corps of Engineers (USACE) and received Approved Jurisdictional Determinations (AJDs) under Section 404 of the Clean Water Act from the USACE, and coverage under nationwide permit # 39 to fill portions of Horse Creek for an internal landfill road crossing, with the conditions specified below.

The applicant will implement the approved mitigation plan prior to commencing any ground-disturbing activity within waters of the United States, and will submit to USACE and TCEQ the permit compliance certification that the work, including any proposed mitigation, was completed in compliance with the nationwide permit within 30 days of the completion of work. Following completion of this certification, it will be placed and maintained in the Site Operating Record of the landfill. The applicant will complete the mitigation bank transaction required under nationwide permit # 39 and provide documentation to the USACOE that the transaction has occurred prior to commencing any ground-disturbing activity within waters of the United States, as specified in USACE's letter dated April 13, 2021. This transaction documentation will also be submitted by the applicant to TCEQ prior to TCEQ's authorizing waste acceptance at the landfill.

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

No known unstable areas as defined in 30 TAC §330.559 were found at the site. 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 adverse impacts to threatened or endangered plant or animal species are expected from the proposed operation of this facility.

7. Transportation and Access

Direct access to the facility will be from an all-weather surfaced private road on property owned by the applicant off of TK Parkway.

Preliminary information provided in the application indicates that traffic on TK Parkway is currently 576 vehicles per day (vpd) between the proposed site and SH-31 based on the traffic count collected in 2018 as part of the traffic impact analysis. The application proposes an initial increase of 442 vpd (884 vehicle trips per day, including employee vehicle trips) with a proposed increase to an expected 679 vpd (1,358 vehicle trips per day, including employee vehicle trips) over the life of the landfill.

The application contains letters documenting the applicant's coordination with the Texas Department of Transportation (TXDOT) for traffic and location restrictions including a Traffic Impact Analysis (TIA) conducted by the applicant. Responses from the TXDOT indicate that the consultant coordinated with TXDOT on the traffic volumes, the design of site entrance/roadway improvements, and approval of the TIA conclusions.

8. 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 waste. Contaminated stormwater at the working face will be contained by run-on/run-off berms. Contaminated surface water will either be transported by tanker truck to a wastewater treatment plant or will be recirculated back into the landfill. Contaminated groundwater will not be placed in or on the landfill, but will be transported to an authorized facility for treatment and disposal.

9. Groundwater Protection

9.1 Groundwater Protection

The liner system and leachate collection system 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 34 monitoring locations, with a shallow and deep well at each monitoring location for a total of 68 monitoring wells. The groundwater monitoring network will be sampled, analyzed, and monitored in accordance with the procedures in the Groundwater Sampling and Analysis Plan (Part III, Attachment 7 of the Permit Amendment Application), which is part of the facility permit.

10. Landfill Gas Management

Landfill gas migration will be monitored around the perimeter of the facility utilizing permanent landfill gas monitoring probes. Gas monitoring will be conducted quarterly to detect migration of methane gas beyond the facility property boundary and in enclosed structures within the facility property boundary.

11. 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 compliance with the engineering design and applicable regulatory requirements. These documents are part of the permit.

12. 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. 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. 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 A *Notice of Application and Preliminary Decision* is sent to the applicant and published in a newspaper. This notice provides a 30-day period, from the date of publication, for the public to submit comments 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 RTC 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 25 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. Additional Information

For information concerning the regulations covering this application, contact the Municipal Solid Waste Permits Section:

Mr. Eric Clegg, P.G.
Municipal Solid Waste Permits Section, MC 124
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711
(512) 239-1270

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 <http://www.waco-texas.com/landfill-application-process.asp>

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.

Attachment 1—Municipal Solid Waste Site Assessment Form



Texas Commission on Environmental Quality

Municipal Solid Waste Site Assessment Form

Facility Information

Regulated Entity Name: City of Waco Landfill		RN: 110471307
Customer Name: City of Waco		CN: 600131940
Permit Number: 2400	Application Type: <input checked="" type="checkbox"/> New Permit <input type="checkbox"/> Amendment	
Facility Type (check all that apply): <input checked="" type="checkbox"/> Type I <input type="checkbox"/> Type IV <input type="checkbox"/> Arid Exempt		
Physical Address: 4730 TK Parkway		

Facility Representative

Present (check all that apply): <input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Other:	
Name: Charles Dowdell	
Email: charlesd@wacotx.gov	Phone:
Additional Names (if applicable): SCS Engineers and Waco Asst. City Manager present	

TCEQ Reviewer

Name: Eric Clegg, P.G.	Date of Site Assessment: 8/24/2018
Email: eric.clegg@tceq.texas.gov	Phone: 512-239-1270
Is the location consistent with physical address? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, provide location description:	

Consistency with Application

Check **Yes** or **No** if an item is present or has been constructed, and if it is consistent with the application. If an item is not consistent with the application, explain briefly why in the *Comments* column. If an item is not applicable, skip to the *Comments* column and indicate **NA**. Use the Additional Comments section at end of this form for more comment space.

Item	Constructed?	Consistent?	Comments
Application Notice Signs	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Facility Access Controls	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Facility Entrance Roads	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Facility Buildings	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Landfill Gas Monitoring Wells	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Item	Constructed?	Consistent?	Comments
Groundwater Monitoring Wells	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Existing or Abandoned Water Wells	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	No existing wells onsite
Existing or Abandoned Oil, Gas, or RRC Wells	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	No Oil and Gas wells onsite
Surface Water Features	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Permanent Benchmark	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Permit Boundary Markers	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Buffer Zone Markers	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Easement Markers	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Floodplain Markers	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Property Boundary	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Easements Within or Adjacent to Permit Boundary	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Existing Structures Within 500 feet of Permit Boundary	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Additional Comments:

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

Compliance History Report for CN600131940, RN110471307, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator:	CN600131940, City of Waco	Classification: HIGH	Rating: 0.09
Regulated Entity:	RN110471307, CITY OF WACO LANDFILL	Classification: UNCLASSIFIED	Rating: -----
Complexity Points:	4	Repeat Violator: NO	
CH Group:	11 - Waste Management (Excluding Landfills)		
Location:	SITE ENTRANCE IS APPROX 70 FT E OF THE INTERSECTION OF HAPPY SWANER LN AND TK PKWY FM 939 NORTHERN BOUNDARY IS APPROX 0.4 MI FROM STATE ROUTE 31 W MCLENNAN, TX, MCLENNAN COUNTY		
TCEQ Region:	REGION 09 - WACO		
ID Number(s):	MUNICIPAL SOLID WASTE DISPOSAL PERMIT 2400		
Compliance History Period:	September 01, 2015 to August 31, 2020	Rating Year: 2020	Rating Date: 09/01/2020
Date Compliance History Report Prepared:	July 23, 2021		
Agency Decision Requiring Compliance History:	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.		
Component Period Selected:	July 23, 2016 to July 23, 2021		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	Mr. Eric Clegg	Phone:	(512) 239-1270

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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.):

N/A

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

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 10, 2022

TO: All interested persons.

RE: City of Waco
Permit No. 2400

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** This decision will be considered by the commissioners at a regularly scheduled public meeting before any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter are instructions to view the Executive Director's Response to Comments (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at chiefclk@tceq.texas.gov. A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Waco-McLennan County Central Library, 1717 Austin Avenue, McLennan County, Texas 76701 and at the Biggs Memorial Library, 305 Rusk Street, Mexia, Texas 76667 and may be viewed online at <https://www.waco-texas.com/landfill-application-process.asp>.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. The procedures for the Commission's evaluation of hearing requests/requests for reconsideration are located in 30 Texas Administrative Code Chapter 55, Subchapter F. A brief description of the procedures for these two types of requests follows.

How to Request a Contested Case Hearing.

It is important that your request include all the information that supports your right to a contested case hearing. You must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The Commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) If the request is made by a group or association, the request must identify:
 - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group;
 - (B) the comments on the application submitted by the group that are the basis of the hearing request; and
 - (C) by name and physical address one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.
- (3) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (4) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."

Your request must demonstrate that you are an "**affected person**." 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. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities. A person who may be affected by emissions of air contaminants from the facility is entitled to request a contested case hearing.

Your request must raise disputed issues of fact that are relevant and material to the Commission's decision on this application that were raised **by you** during the public comment period. The request cannot be based solely on issues raised in comments that you have withdrawn.

To facilitate the Commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to **your** comments that you dispute; 2) the factual basis of the dispute; and 3) list any disputed issues of law.

How to Request Reconsideration of the Executive Director's Decision.

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director's decision must be **received** by the Chief Clerk's office no later than **30 calendar days** after the date of this letter. You may submit your request electronically at www.tceq.texas.gov/agency/decisions/cc/comments.html or by mail to the following address:

Laurie Gharis, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

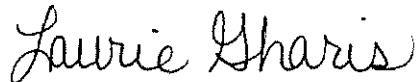
Processing of Requests.

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the TCEQ's Alternative Dispute Resolution Program and set on the agenda of one of the Commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

How to Obtain Additional Information.

If you have any questions or need additional information about the procedures described in this letter, please call the Public Participation and Education Program, toll free, at 1-800-687-4040.

Sincerely,



Laurie Gharis
Chief Clerk

LG/mo

Enclosure

EXECUTIVE DIRECTOR'S RESPONSE TO COMMENTS
for
City of Waco
Permit No. 2400

The Executive Director has made the Response to Comments (RTC) for the application by the City of Waco for Permit No. 2400 available for viewing on the Internet. You may view and print the document by visiting the TCEQ Commissioners' Integrated Database at the following link:

<https://www.tceq.texas.gov/goto/cid>

In order to view the RTC at the link above, enter the TCEQ ID Number for this application (2400) and click the "Search" button. The search results will display a link to the RTC. When viewing the RTC, it will be an attachment to the cover letter and may need to be downloaded depending on the browser.

Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at chiefclk@tceq.texas.gov.

Additional Information

For more information on the public participation process, you may contact the Office of the Public Interest Counsel at (512) 239-6363 or call the Public Education Program, toll free, at (800) 687-4040.

You may also view a copy of the Executive Director's Response to Comments, the complete application, the draft permit, and related documents, including comments, at the TCEQ Central Office in Austin, Texas. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Waco-McLennan County Central Library, 1717 Austin Avenue, McLennan County, Texas 76701 and at the Biggs Memorial Library, 305 Rusk Street, Mexia, Texas 76667 and may be viewed online at <https://www.waco-texas.com/landfill-application-process.asp>.

MAILING LIST
for
City of Waco
Permit No. 2400

FOR THE APPLICANT:

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INTERESTED PERSONS:

See attached list.

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4919 GARDEN GROVE RD
GRAND PRAIRIE TX 75052-4445

ROLLER , ERMA L
1212 KANE ST
BELLMEAD TX 76705-2552

ROOF , STACY L
370 W OLD AXTELL RD
WACO TX 76705-4926

ROWE , RACHEL
112 S SMYTH ST
MART TX 76664-1438

ROYAL , ERIK
851 LCR 120
MOUNT CALM TX 76673-3555

SAEGERT , RHIANNON
900 FRANKLIN AVE
WACO TX 76701-1906

SANCHEZ , JENNIFER
1215 LCR 114
AXTELL TX 76624-1460

SAUCEDO , KAREN
11964 E HIGHWAY 84
AXTELL TX 76624-1508

SCHINELL , COURTNEY
2208 JESTER LN
FLOWER MOUND TX 75028-3579

SCHOLTE , NELDA
11448 E HIGHWAY 84
AXTELL TX 76624-1403

SCHULTE , JILL
1968
3917 COLCORD AVE
WACO TX 76707-1627

SCHWERTNER , THE HONORABLE CHARLES
STATE SENATOR
THE SENATE OF TEXAS DISTRICT 5
PO BOX 12068
AUSTIN TX 78711-2068

SERROS III , DR. ALCARIO
933 FRAZIER LN
AXTELL TX 76624-1658

SERROS , MRS GINA
933 FRAZIER LN
AXTELL TX 76624-1658

SHANNON , JOYCE M
6300 SHOREWOOD DR
ARLINGTON TX 76016-2653

SHANNON , JOYCE M
6116 OLD MEXIA RD
WACO TX 76705-4932

SHURETTE , STEVEN
797
11292 LEISURE RD
BRENHAM TX 77833-8887

SISEMORE , DAVE
633 HERITAGE PKWY
AXTELL TX 76624-1108

SKINNER , JOELLEN
PO BOX 184
AXTELL TX 76624-0184

SOUDERS , LESLIE GAIL
518 N SEELEY AVE W
MOUNT CALM TX 76673-3073

STANFIELD , ASHLEY
STE 101
200 W STATE ST
GROESBECK TX 76642-1700

STANLEY , KELDA
1233 LONGHORN PKWY
AXTELL TX 76624-1414

STEFFEK , MS JULIANNA L
4351 T K PKWY
ANTELL TX 76624-1461

STEFKA , DAVID
PO BOX 43
ANTELL TX 76624-0043

STEPHENS , MRS SUNNY
261 E SELEY
ANTELL TX 76624-1255

STOKES , MR BENJAMIN LUKE
1553 FRAZIER LN
ANTELL TX 76624-1662

STOKES , MRS MELANIE
1553 FRAZIER LN
ANTELL TX 76624-1662

STONE , CURTIS
322 N PLEASANT HILL RD
ANTELL TX 76624-1483

STONE , ROBERT R
2013 HIGHWAY 31
ANTELL TX 76624-1520

STOUT , JOHNNY
3334 HAPPY SWANER LN
ANTELL TX 76624-2108

STOUT , MARGARET
3334 HAPPY SWANER LN
ANTELL TX 76624-2108

STOUT , VICTORIA
3334 HAPPY SWANER LN
ANTELL TX 76624-2108

STRANACHER , DANETTE
3007 HIGHWAY 31
ANTELL TX 76624-1209

STRANACHER , DESIRAE
964 KIRKLAND HILL RD
ANTELL TX 76624-1195

STRANACHER , MICHAEL
964 KIRKLAND HILL RD
ANTELL TX 76624-1195

STRANGE , MATT B
2981 HIGHWAY 31
ANTELL TX 76624-1623

STROCK , SHANA
604 OLD SAWMILL RD
ANTELL TX 76624-1565

SUGGS , KATHLEEN A
526 HAPPY SWANER LN
ANTELL TX 76624-2102

SUMNER , LYNN & STEVE
1464 W DENTON RD
ANTELL TX 76624-1132

SUTTON , JENNIFER
247 N LAKE ST
ANTELL TX 76624-1318

SWANER , FRED L
4351 T K PKWY
ANTELL TX 76624-1461

SWANER , SUSAN
4351 T K PKWY
ANTELL TX 76624-1461

SYKORA , JAYNI
4025 WINDSOR AVE
WACO TX 76708-3073

TENNISON , KEVEN
4081 E OLD ANTELL RD
ANTELL TX 76624-1218

TIERCE , SHARON KAY
156 CULLENS LN
ANTELL TX 76624-1372

TIERCE , VIRGINIA
376 WOOD ST
ANTELL TX 76624-1232

TRAMMELL , SHANNON
788 FM 339
MOUNT CALM TX 76673-3130

TRAYLER , JAMES
20 WALKERS NING
WACO TX 76705-4006

TROUT , BRENDA P
2003 BRIDGEHAMPTON PL
BRANDON FL 33511-2309

TUCKER , CHRIS
1088 LCR 114
ANTELL TX 76624-1439

TUCKER , CHRIS SHAWN
970 W SOMERS LN
ANTELL TX 76624-1171

TUCKER , GLENDA & KEN
1116 LCR 114
ANTELL TX 76624-1459

TUCKER , JENNIFER KAY
1755 LCR 120
MOUNT CALM TX 76673-3002

TUCKER , JIMMY
304 N 5TH ST W
MOUNT CALM TX 76673-3096

TUCKER , KEN
1116 LCR 114
ANTELL TX 76624-1459

TULL , NICOLE
PO BOX 407
ANTELL TX 76624-0407

VICHA , JOHN
400 N VICHA RD
ANTELL TX 76624-2125

VICHA , MRS LESLIE
1119 RUDY RD
ANTELL TX 76624-1322

WEATHERBY , MR BRENT
602 HCR 3373
HUBBARD TX 76648-2838

WEDDINGTON , CHRISTINE
1589 LCR 106
MOUNT CALM TX 76673-3573

WEGWERTH , RICK
1867 SOMMERFELD DR
WACO TX 76705-5051

WHITAKER , WILLIAM
304 GLENVIEW CIR
WOODWAY TX 76712-3141

WHITE , MS RANDELLE
PO BOX 367
ANTELL TX 76624-0367

WHITLEY , MRS KAREN
PO BOX 375
ANTELL TX 76624-0375

WHITLEY , MS KAY
PO BOX 375
ANTELL TX 76624-0375

WHITLEY , MARY JO
1304 E ELM ST
HILLSBORO TX 76645-2646

WILLIAMS , BEN
2920 T K PKWY
ANTELL TX 76624-1467

WILLIAMS , MARJORIE
6116 OLD MEXIA RD
WACO TX 76705-4932

WILLIAMS , TRACY
462 LCR 118
MOUNT CALM TX 76673-3284

WILLIAMS , TRISHA
2920 T K PKWY
ANTELL TX 76624-1467

WILLIS JR , KENNY
3730 OLD MEXIA RD
WACO TX 76705-4950

WILSON , DONIS LEE
1216 MIDDLETON RD
MART TX 76664-5133

WILSON , LOGAN & MARY ANN
638 LCR 463
MEXIA TX 76667-2651

WILSON , MARY
1216 MIDDLETON RD
MART TX 76664-5133

WRIGHT , BETH
3939 WILLOWVIEW DR
PASADENA TX 77504-3041

YOUNG , ROBERT
1990 T K PKWY
ANTELL TX 76624-1352

ZABOROWSKI , MR CARY
1259 N VICHA RD
ANTELL TX 76624-2118

ZACHARIAS , ARLENE & EDWARD F
817 LCR 120
MOUNT CALM TX 76673-3555

Texas Commission on Environmental Quality



Permit for a Municipal Solid Waste (MSW) Management Facility

Issued under provisions of Texas
Health & Safety Code
Chapter 361

MSW Permit No.: 2400
Name of Site Operator/Permittee: City of Waco
Operator: City of Waco
Property Owner: City of Waco
Facility Name: City of Waco Landfill
Facility Address: 4730 TK Parkway, Axtell, TX
Facility Classification: 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 (30 TAC), Chapter 330.

Issued Date: [EA inserts date]

For the Commission

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I. Facility Location and Size

A. Facility Physical Location

4730 TK Parkway (approximately 0.4 miles south of the intersection of TK Parkway and State Highway 31) Axtell, McLennan and Limestone Counties, Texas

B. Facility Permanent Benchmark

Latitude: 31° 41' 54.23" N

Longitude: 96° 55' 43.89" W

Elevation: 541.15 feet above mean sea level

C. Facility Legal Description

The legal description is contained in Section 13 in Part I/II in Attachment A of this permit.

D. Facility Size

Approximately 502.5 acres

II. Hours of Waste Acceptance and Operation

A. The waste acceptance hours at this facility shall be Monday thru Saturday, 7 am to 7 pm. The operating hours at this landfill which include the use of heavy equipment shall be Monday through Saturday from 5:00 a.m. to 9:00 p.m.

B. The operator shall post the actual hours and days of operation on the site sign in accordance with 30 TAC §330.137.

C. In accordance with 30 TAC §§330.135(c) and (d), the TCEQ Regional Office 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. The facility must record, in the site operating record, the dates, times, and duration when any alternative operating hours are utilized.

III. Authorized Waste Streams, Waste Acceptance Rate, and Landfill Disposal Capacity

A. Authorized Waste Streams

The permittee is authorized to dispose of household waste, yard waste, commercial waste, construction-demolition waste, special waste, Class 2 non-hazardous industrial wastes, and Class 3 non-hazardous industrial wastes which includes rock, brick, glass, dirt, and certain plastics and rubber, and other waste as approved by the executive director. 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 listed and described procedures in Part IV in Attachment A of this permit.

B. Prohibited Waste Streams

The permittee shall not accept or knowingly dispose of the wastes listed in 30 TAC §330.15(e), subject to the provisions therein. The permittee shall not accept or knowingly dispose of any other waste not identified in Section III.A. of this permit.

C. Waste Acceptance Rate

Solid waste may be accepted for disposal at this facility at the initial rate of approximately 305,000 tons per year [approximately 1,070 tons per day based on 286 days-per-year of operation] and increasing over time to a maximum acceptance rate of approximately 454,000 tons per year [approximately 1,590 tons per day based on 286 days per year of operation]. The actual yearly waste disposal acceptance rate is a rolling quantity based on the sum of the previous four quarters of waste acceptance. In accordance with 30 TAC 330.125(h), if the 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, including the revised estimated waste acceptance rate, in accordance with 30 TAC §305.70(k), within 90 days of the exceedance as established by the sum of the previous four quarterly summary reports. The application must propose any needed changes in the site operating plan to manage the increased waste acceptance rate to protect public health and the environment. The increased waste acceptance rate may justify requiring permit conditions that are different from or absent in the existing permit. This provision is not intended to make an estimated waste acceptance rate a limiting parameter of a landfill permit.

D. Landfill Disposal Capacity

The total waste disposal capacity of the landfill (including waste and daily and intermediate cover) is approximately 25 million cubic yards.

IV. Facility Design, Construction, Operation, and Maintenance

A. General Facility Requirements

1. 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; Parts I through IV of the permit application incorporated by reference in Attachment A of this permit; and, amendments, corrections, and modifications incorporated by reference in Attachment B of this permit. The facility construction and operation shall be conducted in a manner that is protective of human health and the environment.
2. The 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 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 that prevents:
 - a. The release of any contaminated runoff, spills, or precipitation;

- b. Washout of any waste by a 100-year frequency flood; and
 - c. Run-on into the disposal areas from off-site areas.
3. The site shall be designed and operated so as not to cause a violation of:
- a. The requirements of §26.121 of the Texas Water Code;
 - b. 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;
 - c. The requirements under §404 of the Federal Clean Water Act, as amended; and
 - d. 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.

B. Authorized Waste Management Units

1. The permittee is authorized to operate a Type I municipal solid waste landfill consisting of a total area within the permit boundary of approximately 502.5 acres and two waste disposal footprints totaling approximately 173.8 acres. The permittee is also authorized to operate a citizen collection station within the permit boundary.
2. 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, landfill liner and final cover systems, groundwater monitoring system, and other components.

C. Liner and Leachate Collection Systems

1. A liner and leachate collection system in accordance with 30 TAC §330.331 must be installed in all cells. The liner and leachate collection systems shall be designed and constructed in accordance with the rules and the specifications in Part III in Attachment A of this permit, and must consist of, from top to bottom, a 24-inch thick protective cover soil layer, geocomposite leachate collection layer, a 60-mil thick HDPE geomembrane layer, and a 24-inch thick layer of re-compacted clay with a hydraulic conductivity of no more than 1×10^{-7} centimeters per second (cm/s).
2. The liner system shall be installed over the entire bottom and sidewalls of the landfill.
3. The elevation of deepest excavation at the landfill disposal area is 505 feet above msl, and is located at the leachate collection sump within Sector 8 of the landfill.

4. The elevations of the bottom of the excavations within the waste disposal areas shall be as shown in Drawing I.2 in Part III, Attachment 1 in Attachment A of this permit.

D. Elevations of Waste Placement

1. The lowest elevation of waste placement will be 507 feet above mean sea level (msl).
2. The maximum final elevation of waste placement will be 694.2 feet above msl.

E. Management of Leachate and Gas Condensate

1. Any leachate collection and removal system required by this permit shall be operated, and maintained in accordance with 30 TAC §§330.331(a)(2) and 330.333 and Parts III and IV in Attachment A of this permit.
2. Any leachate and/or gas condensate shall be handled, stored, treated, recirculated, and disposed of in accordance with Part IV in Attachment A of this permit.

F. Management of Contaminated Water

All contaminated surface water and groundwater shall be handled, stored, treated, and disposed of in accordance with 30 TAC § 330.207 and Part IV in Attachment A of this permit.

G. Final Cover System

1. The final cover system shall be constructed over all waste placed in landfill cells in accordance with 30 TAC §330.457 and Part III in Attachment A of this permit, and must consist of, from top to bottom, vegetation, 24 inches of erosion layer with the top 6 inch layer capable of sustaining native plant growth, geocomposite, 60-mil thick HDPE (or a 40-mil thick LLDPE) geomembrane layer, and an 18-inch thick compacted clay with a coefficient of permeability no greater than 1×10^{-9} cm/s.
2. The maximum elevation of the final cover shall not exceed 697.7 feet above msl.
3. Best management practices for temporary erosion and sedimentation control shall remain in place until vegetative cover has been established to design percentage vegetative cover for control and mitigation of erosion.

H. Landfill Gas Management

1. A landfill gas management system, consisting of landfill gas monitoring probes and gas monitoring equipment for enclosed structures, shall be designed, installed, operated, and maintained in accordance with Part III, Attachment 11 in Attachment A of this permit and 30 TAC Chapter 330, Subchapter I. At a minimum, landfill gas monitoring shall be conducted quarterly.
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, and does not exceed 1.25% by volume in facility enclosed structures (excluding gas control or recovery system components). If methane gas levels exceeding these limits are detected, the owner or operator shall follow and implement the response procedures required in 30 TAC §330.371(c) to ensure protection of human health and the environment.

I. Groundwater Monitoring System

1. The groundwater monitoring system for the facility shall be designed, installed, and maintained in accordance with 30 TAC Chapter 330, Subchapter J, and Part III, Attachment 7 in Attachment A of this permit.
2. Groundwater from monitoring wells shall be sampled, samples analyzed, and results reported to the executive director in accordance with 30 TAC §§330.405, and Part III, Attachment 7 in Attachment A of this permit.
3. In the event a statistically significant increase over background for one or more of the constituents listed in 30 TAC §330.419 is determined, assessment monitoring shall be performed in accordance with 30 TAC §330.409 and Part III, Attachment 7 in Attachment A of this permit.
4. In the event that assessment monitoring identifies any of the 40 Code of Federal Regulations Part 258, Appendix II constituents at a statistically significant level above the groundwater protection standards defined in 30 TAC §330.409(h), (i), or (j), the permittee shall perform an assessment of corrective measures, selection of remedy, and groundwater corrective action in accordance with 30 TAC §§330.411, 330.413, and 330.415.

J. Surface Water and Stormwater Management and Control

Surface water and stormwater that has not come in contact with waste or leachate shall be managed and controlled with conveyance structures, berms, and levees that have been designed and constructed in accordance with 30 TAC §§330.63(c), 330.301 through 330.307, and Part III in Attachment A to this permit.

K. Vector Control

The facility shall be operated in a manner that vectors such as rodents, flies, and mosquitoes will be minimized through daily site operations, including the application of daily cover. The facility shall also minimize the extent of the working face to control vectors. If necessary, a licensed professional shall apply pesticides for control of vectors.

L. Facility Sign Requirements

The permittee 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; an emergency 24-hour contact phone number(s) that reaches an individual with the authority to obligate the facility at all times that the facility is closed; the local emergency fire department phone number; and the permit number.

M. Landfill Markers

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

N. 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 specified in Part IV, Section 2 in Attachment A of this permit. All facility employees and other persons involved in facility operations must obtain and maintain the level of training or certification as required by applicable regulations.

V. Financial Assurance

- A. Authorization to operate the facility is contingent upon compliance with this permit and maintenance of financial assurance in accordance with 30 TAC Chapter 330 Subchapter L and 30 TAC Chapter 37.
- B. At least 60 days before the initial receipt of waste, the permittee shall provide to the executive director financial assurance instrument(s) for demonstration of closure in an amount not less than \$2,454,380 (2020 dollars). The mechanism must be in effect before the initial receipt of waste. The permittee shall maintain continuous financial assurance coverage for closure until all requirements for facility closure have been completed and the facility is officially placed under the post-closure maintenance period, as evidenced in writing by the executive director in accordance with 30 TAC §330.503(b).
- C. At least 60 days before the initial receipt of waste, the permittee shall provide financial assurance instrument(s) for demonstration of post-closure care of the landfill in an amount not less than \$2,493,420 (2020 dollars). The mechanism must be in effect before the initial receipt of waste. The permittee shall maintain continuous financial assurance coverage for post-closure care until the facility is officially released in writing by the executive director from the post-closure care period in accordance with 30 TAC §330.507(b).
- D. The permittee shall annually adjust the closure and post-closure care cost estimates for inflation within 60 days prior to the anniversary date of the establishment of the financial assurance instrument in accordance with 30 TAC §37.131.
- E. If the facility's closure or post-closure care plan is modified, the permittee shall provide new cost estimates in current dollars in accordance with 30 TAC §§330.503 and 330.507. The amount of the facility's financial assurance mechanism shall be adjusted within 60 days after the modification is approved. Adjustments to the cost estimates 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.

VI. Facility Closure

A. Closure of the facility must commence:

1. Upon the landfill being filled to its permitted waste disposal capacity or upon the landfill reaching its permitted maximum waste elevations as depicted on drawings in Part III in Attachment A of this permit;
2. Upon direction by the executive director of the TCEQ for failure by the permittee 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;
3. Upon abandonment of the site by the permittee;
4. Upon direction by the executive director for failure by the permittee to secure and maintain an adequate bond or other acceptable financial assurance instrument as required; or
5. Upon the permittee's notification to the TCEQ that the landfill will cease to accept waste and no longer operate.

B. Closure Completion Requirements:

Facility closure shall be performed and completed in accordance with 30 TAC §§330.21, 330.451, 330.457, 330.459, and 330.461 and Part III, Attachment 9 in Attachment A of this permit.

VII. 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 Part III, Attachment 9 in Attachment A of this permit for a period of 30 years following written acceptance of the certification of final closure by the executive director.
- B. Throughout the post-closure care period the vegetation on the final cover must be monitored and necessary actions taken to establish and maintain the percentage vegetative cover specified in Part III, Attachment 9 in Attachment A of this permit.
- 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, the permittee shall submit to the executive director a request for voluntary revocation of this permit.

VIII. Standard Permit Conditions

- A. This permit is based on and the permittee shall follow the permit application dated August 7, 2018 and received August 8, 2018 and revisions dated January 8, 2019, March 7, 2019, May 21, 2020, October 7, 2020, December 18, 2020, February 12, 2021, April 20, 2021, and June 7, 2021. These application submittals are hereby approved subject to the terms of this permit, the rules and regulations, and any orders of the TCEQ, and are incorporated into this permit by reference in Attachment A as if fully set out herein. Any and all revisions to these application submittals shall become conditions of this permit upon the date of approval by the Commission. The permittee shall maintain the application and all revisions and supporting documentation at the facility and make them available for inspection by TCEQ personnel.
- B. Attachment B of this permit shall consist of all duly executed amendments, modifications, and corrections to this permit.
- C. The permittee has a duty to comply with all conditions of this permit. Failure to comply with any permit condition is a violation of the permit and statutes under which it was issued and is grounds for enforcement action, for permit amendment, revocation or suspension, or for denial of a permit renewal application or an application for a permit for another facility.
- D. A pre-construction conference shall be held pursuant to 30 TAC §330.73(d) 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(f). The facility shall not accept solid waste 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 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. The roads within the facility shall be designed so as to minimize the tracking of mud onto the public access road.
- G. Prior to disposal of waste, the permittee shall record in the deed records of McLennan and Limestone Counties, a metes and bounds description of all portions within the permit boundary on which disposal of solid waste has or will take place, and shall provide a certified copy of the recorded document(s) to the executive director in accordance with 30 TAC §330.19.
- 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 control berms, and run-off control berms shall not be constructed from soil that has been used as daily cover or which contains waste or chemical contaminants.
- I. During construction and operation of the facility, measures shall be taken to control runoff, erosion, and sedimentation from disturbed areas and constructed stormwater systems. Erosion and sedimentation control measures shall be inspected and

maintained consistent with Part III, Attachment 6A, Section 6.7 in Attachment A. Erosion and sedimentation controls shall remain functional until disturbed areas are stabilized with established permanent revegetation.

- 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) and Part III in Attachment A of this permit.
- 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 for litter and mud cleanup on state, county, or city maintained roads serving the site. Documentation of this consultation shall be placed in the site operating record prior to receipt of waste at the facility.
- 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. The permittee shall retain the right of entry onto the site in accordance with 30 TAC §330.67(b), and shall allow entry onto the site by TCEQ personnel for inspection purposes during the site operating life and until the end of the post-closure care period in accordance with §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 must be in accordance with the U.S. Environmental Protection Agency NPDES requirements and the State of Texas TPDES requirements, as applicable.
- R. The permittee shall furnish to the executive director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending or terminating the permit, and copies of records required to be kept by the permit.
- S. The permittee shall report any noncompliance to the executive director which may endanger human health and safety, or the environment in accordance with 30 TAC §305.125(9).
- T. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application, or in any report to the executive director, it shall promptly submit such facts or information.

- U. The permittee shall notify the executive director, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy in accordance with 30 TAC §305.125(22).
- V. Any proposed facility changes, additions, or expansions must be authorized in accordance with the rules in 30 TAC Chapters 305 and 330.

IX. 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.

X. Special Provisions

The permittee will implement the approved mitigation plan associated with the Approved Jurisdictional Determinations (AJDs) under Section 404 of the Clean Water Act prior to commencing any ground-disturbing activity within waters of the United States, and will submit to the U.S. Army Corps of Engineers (USACE) and TCEQ the permit compliance certification that the work, including any proposed mitigation, was completed in compliance with the nationwide permit within 30 days of the completion of work. Following completion of this certification, it will be placed and maintained in the Site Operating Record of the landfill. The permittee will complete the mitigation bank transaction required under the AJDs and provide documentation to the USACE that the transaction has occurred prior to commencing any ground-disturbing activity within waters of the United States. This transaction documentation will also be submitted by the permittee to TCEQ prior to TCEQ's authorizing waste acceptance at the landfill.

Attachment A

Parts I through IV of the permit application.

Attachment B

Amendments, corrections, and modifications issued for MSW Permit No. 2400.



Compliance History Report

Compliance History Report for CN600131940, RN110471307, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator:	CN600131940, City of Waco	Classification:	SATISFACTORY	Rating:	0.12
Regulated Entity:	RN110471307, CITY OF WACO LANDFILL	Classification:	HIGH	Rating:	0.00
Complexity Points:	4	Repeat Violator:	NO		
CH Group:	11 - Waste Management (Excluding Landfills)				
Location:	SITE ENTRANCE IS APPROX 70 FT E OF THE INTERSECTION OF HAPPY SWANER LN AND TK PKWY FM 939 NORTHERN BOUNDARY IS APPROX 0.4 MI FROM STATE ROUTE 31 W MCLENNAN, TX, MCLENNAN COUNTY				
TCEQ Region:	REGION 09 - WACO				
ID Number(s):	MUNICIPAL SOLID WASTE DISPOSAL PERMIT 2400				
Compliance History Period:	September 01, 2016 to August 31, 2021	Rating Year:	2021	Rating Date:	09/01/2021
Date Compliance History Report Prepared:	September 20, 2021				
Agency Decision Requiring Compliance History:	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.				
Component Period Selected:	September 21, 2016 to September 20, 2021				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Eric Clegg			Phone:	(512) 239-1270

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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 27, 2021 (1756987)

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

TCEQ MUNICIPAL SOLID WASTE PERMIT NO. 2400

APPLICATION BY
THE CITY OF WACO
FOR MSW PERMIT NO. 2400

§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director of the Texas Commission on Environmental Quality (the Commission or the TCEQ) files this Response to Public Comment on the application by The City of Waco (the City or Applicant) for Municipal Solid Waste (MSW) Permit No. 2400 to authorize the construction of a new MSW landfill facility. Before an application is approved, Title 30 Texas Administrative Code (30 TAC) Section (§) 55.156 requires that the Executive Director prepare a response to all timely, relevant and material, or significant comments received.

This response addresses all timely public comments received, whether or not withdrawn.

I. Public Comments Received

The Office of Chief Clerk received timely comments from the individuals listed in Attachment 1. Additionally, State Senator Charles Schwertner and Representative Kyle Kacal requested that TCEQ hold a public meeting. Two public meetings were held and the individuals that provided formal oral comments at the Public Meetings are noted in Attachment 3. To determine which commenter made a particular comment, please see Attachments 1 through 36.

This application is subject to the requirements in Senate Bill (SB) 709, effective September 1, 2015. SB 709 amended the requirements for comments and contested case hearings. One of the changes required by SB 709 is that the Commission may not find that a "hearing requestor is an affected person unless the hearing requestor timely submitted comments on the permit application." Texas Water Code (TWC) § 5.115(a-1)(2)(B).

II. BACKGROUND

A. Facility Description

The proposed facility is a new Type I MSW landfill located approximately 0.4 miles south of the intersection of TK Parkway and State Highway 31 in McLennan and Limestone Counties.

B. Application Description

The application, if granted, would include 502.5 acres within the proposed permit boundary, and approximately 173.8 acres would be used for waste disposal. The maximum elevation of the final cover system would be 697.7 feet above mean sea level. The proposed facility under MSW Permit No. 2400 would have a total volume, including waste and cover, of approximately 25 million cubic yards.

The Executive Director has prepared a draft permit that would authorize the owner or operator of the facility to dispose of household waste, yard waste, commercial waste,

construction/demolition waste, special waste, Class 2 non-hazardous industrial wastes, and Class 3 non-hazardous industrial wastes which include rock, brick, glass, dirt, certain plastics and rubber, and other waste as approved by the Executive Director. The permittee would be prohibited from accepting or knowingly disposing of any other waste not identified above. Authorized wastes would be accepted at an average rate of approximately 1,070 yards per day, however the rate would vary over the life of the site, with an estimated maximum of 1,590 yards per day. These approximate acceptance rates are not limiting parameters of the draft permit.

C. Procedural Background

The TCEQ received this application on August 8, 2018, and declared it administratively complete on September 14, 2018. The Notice of Receipt of Application and Intent to Obtain a Municipal Solid Waste Permit (first public notice) was published in English and Spanish on September 26, 2018, in the *Waco Tribune-Herald* in McLennan County, Texas and in English and Spanish on September 26, 2018, in *Mexia News* in Limestone County, Texas. The Notice of Receipt of Application and Intent to Obtain a Municipal Solid Waste Permit (second public notice) was published in English and Spanish on July 11, 2020, in the *Waco Tribune-Herald* in McLennan County, Texas, in English and Spanish on July 11, 2020, in *Mexia News* in Limestone County, Texas, and in English and Spanish on July 16, 2020, in *Groesbeck Journal* in Limestone County, Texas.

The TCEQ held a public meeting on the application on Thursday, August 15, 2019, at 7:00 p.m. at the Axtell High School Gymnasium in Axtell, Texas. Notice of the public meeting was published in English on July 24, July 31, and August 7, 2019, in *Mexia News* in Limestone County, Texas, and in English on July 24, July 31, and August 7, 2019, in the *Waco Tribune-Herald* in McLennan County, Texas.

The Executive Director completed the technical review of the application on October 18, 2021 and prepared a draft permit. The Notice of Application and Preliminary Decision was published in English and Spanish on October 27, 2021, in *Waco Tribune-Herald* in McLennan County, Texas, in English and Spanish on October 27, 2021, in *Mexia News* in Limestone County, Texas, and in English and Spanish on October 28, 2021, in *Groesbeck Journal* in Limestone County, Texas.

The Executive Director held a second public meeting on the application on Thursday, September 23, 2021, at 7:00 p.m. virtually through webinar. Notice of the public meeting was published in English and Spanish on September 1, September 8, and September 15, 2021, in the *Mexia News* in Limestone County, Texas, in English and Spanish on September 2, September 9, and September 16, 2021, in *Groesbeck Journal* in Limestone County, Texas, and in English and Spanish on September 1, September 8, and September 15, 2021, in the *Waco Tribune-Herald* in McLennan County, Texas.

Because this application was received after September 1, 2015, it is subject to the procedural requirements of and rules implementing Senate Bill 709 (84th Legislature, 2015).

III. Access to Rules, Laws, and Information

The following webpages provide access to state and federal rules and regulations:

- The Texas Secretary of State webpage is sos.state.tx.us.
- TCEQ rules in Title 30 of the Texas Administrative Code are available at sos.state.tx.us/tac/ by selecting "View the current Texas Administrative Code" on the right, and then selecting "Title 30 Environmental Quality."
- Texas statutes are available at statutes.capitol.texas.gov.
- Federal rules in Title 40 of the Code of Federal Regulations are available at the EPA's public webpage at epa.gov/laws-regulations/regulations.
- Federal environmental laws are available at the EPA's public webpage at epa.gov/laws-regulations/laws-and-executive-orders.
- General information about TCEQ can be found at the Commission's public webpage at tceq.texas.gov.
- General information about TCEQ and information about the municipal solid waste permitting process is available at the Commission's public webpage at tceq.texas.gov.
- Information about the municipal solid waste permitting process is available from the TCEQ Public Education Program at 1-800-687-4040.
- If you would like to receive a hard copy of this RTC, please contact the Office of the Chief Clerk at 512-239-3300.

IV. Comments and Responses

A. Human Health and the Environment

Comment 1: General Opposition; General Health and Environmental Concerns

The Executive Director received many comments generally objecting to the proposed landfill facility. Several commenters requested that the TCEQ reject the permit application for the facility. Several commenters expressed concern that the facility would expose members of the surrounding community to contaminants and cause adverse health and environmental effects. Several commented that the facility would generally have a negative impact on the environment. Many commenters also raised a concern that the landfill would otherwise detract from the quality of life of residents in the surrounding area.

Robert Stone, Darren Porter, and Starla Johnson asked whether an environmental impact study (EIS) had been conducted at the site.

Response 1:

The Texas Solid Waste Disposal Act (TSWDA) in Chapter 361 of the Texas Health and Safety Code (THSC) and 30 TAC Chapter 330 were promulgated to protect human health and the environment. The role of the TCEQ is to ensure that authorized facilities are designed, constructed, and operated according to applicable rules that protect human health and the environment.

In accordance with 30 TAC § 330.407 (relating to Detection Monitoring Program for Type I Landfills) and 30 TAC § 330.409 (relating to Assessment Monitoring Program), an owner or operator of a MSW landfill facility must regularly monitor groundwater during the active life

of the facility, as well as during its closure and the post-closure care period. Generally, the post-closure care period extends 30 years after a facility is closed. (30 TAC § 330.463(b)(1)). Under 30 TAC § 330.371 (relating to Landfill Gas Management), owners or operators of a MSW facility must also regularly monitor landfill gas levels generated at a facility and its boundary and, should gas levels exceed specified limits, provide notice and take necessary response steps to protect human health. These groundwater monitoring and landfill gas management systems are implemented to continually evaluate the performance of the proposed facility for potential impacts to human health and environmental media. As part of their permit application, an applicant for a permit to authorize a MSW facility is required to submit for approval a groundwater sampling and analysis plan and landfill gas management plan to implement these systems. (30 TAC § 330.63).

The technically complete application contains a groundwater sampling and analysis plan and a landfill gas management plan prepared in accordance with the requirements of 30 TAC § 330.63. (Application, Part III, Attachments 7 and 11). These plans included in the application are incorporated by reference into the Final Draft Permit (FDP) No. 2400. (FDP No. 2400, Provision VIII.A. Standard Permit Conditions).

FDP No. 2400 would require the Applicant to implement a groundwater monitoring system to monitor groundwater quality for organic and inorganic constituents and report sample analysis results to the Executive Director in accordance with 30 TAC §§ 330.405 and 330.407. (FDP No.2400, Provision IV.I. Groundwater Monitoring System). FDP No. 2400 would also require the Applicant to implement a landfill gas management system to monitor landfill gas migration at the facility boundary. (FDP No.2400, Provision IV.H. Landfill Gas Management). If the permit is issued to authorize the proposed facility, then the Applicant would be required to continue monitoring groundwater, landfill gas migration, and surface emissions during the active life of the proposed facility and the post-closure care period, as required under 30 TAC § 330.463(b)(1)(C)-(D).

TCEQ rules do not require an EIS, and the Executive Director has not received information of an EIS having been conducted at the proposed site. However, the application and FDP No. 2400 consider the siting, construction, and operating procedures of the proposed facility in accordance with MSW rules to ensure the protection of human health and the environment. (FDP No. 2400, Provision IV. Facility Design, Construction, Operation, and Maintenance).

The Executive Director has reviewed the application and preliminarily determined that the facility, operated according to the permit provisions, the TSWDA, and 30 TAC Chapter 330, would adequately protect human health and the environment and prevent adverse health and environmental impacts.

Comment 2: Wildlife and Habitat

Many commenters raised concerns about the potential impact that the proposed facility would have on threatened or endangered species, fish, and other wildlife nearby. Specifically, several commenters stated that bald eagles and migratory birds have been sighted near the site proposed for the facility. Ken Tucker requested that the Commission consult the Secretary of the Interior before issuing the proposed permit, claiming that permitting the landfill would constitute a potential taking of bald eagles.

Also, Mike Lee, Gina Ford, and Brian Ford commented that Texas Parks and Wildlife had not conducted a study under the Wildlife Habitat Assessment Program to examine the potential negative impact the facility could have on the health of whitetail deer and the local wildlife population.

Response 2:

The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. (THSC § 361.011). Accordingly, TCEQ has jurisdiction to consider the impact of a MSW landfill facility on wildlife or wildlife habitat that is protected by state or federal statute. In accordance with 30 TAC § 330.551(a) (relating to Endangered or Threatened Species), "a facility and the operation of a facility shall not 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." Under 31 TAC § 65.175, a threatened species is defined as a species that the Texas Parks and Wildlife Department "has determined is likely to become endangered in the future." Accordingly, an applicant for a permit authorizing an MSW facility must submit demonstrations of compliance with the Endangered Species Act and determine whether the facility would be in range of endangered or threatened species. (30 TAC § 330.61(n)(2)). Also, an applicant must provide a biological assessment conducted by a qualified biologist and according to procedures of the United States Fish and Wildlife Service and the Texas Parks and Wildlife Department to determine any effect the facility would have on endangered or threatened species within range of the facility.

The application represents that a qualified biologist with Horizon Environmental Services, Inc. (Horizon) conducted a biological assessment dated February of 2020 at the proposed site for the MSW facility. (Application, Parts I/II, Appendix I/IIG). The biological assessment concludes that the site is not a critical habitat area for any species that is state or federally listed as endangered or threatened. The assessment reflects that, while two species that are state-listed as threatened—the Timber rattlesnake and Texas horned lizard—could occur at or near the site, their occurrence is unlikely. The assessment further reflects that the site is not expected to have adverse impacts to protected, migratory birds. The assessment states that Bald Eagles are not expected to utilize the site and were not observed at or flying over the site during reconnaissance efforts. The assessment acknowledges that, although Bald Eagles may forage around Conservation Service Site 19 Reservoir, the distance between the reservoir and the proposed landfill facility would minimize impact on their foraging patterns. The biological assessment includes a species management plan for the City of Waco to implement and safeguard any Timber rattlesnakes or Texas horned lizards located at the site before construction. The species management plan also includes measures to avoid disturbing existing nests and to prevent conditions that attract nesting of any migratory birds at the site during land development activities for the facility.

The application includes the appropriate letters of coordination with the United States Fish and Wildlife Service and the Texas Parks and Wildlife Department (TPWD). The TPWD Wildlife Habitat Assessment Program anticipates the facility would have no negative impacts to endangered or threatened species or other fish and wildlife. (Application, Parts I/II, Appendix I/IIA).

The Executive Director has reviewed the application and preliminarily determined that it satisfies the statutory and regulatory requirements concerning protected wildlife and wildlife habitats.

Comment 3: Farming and Vegetation

Several commenters raised general concerns that the proposed facility would have a negative impact on crops, vegetation, and livestock.

Response 3:

The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. (THSC § 361.011). Accordingly, the TCEQ has jurisdiction to consider the impact a MSW landfill facility may have on vegetation or wildlife that is protected by state or federal statute. As discussed in Response 1, a MSW facility is required to maintain groundwater monitoring and landfill gas management systems to protect human health and the environment from negative impacts to the surrounding environmental media, such as surface and subsurface soils, air, and groundwater. (30 TAC §§ 330.407, 330.409, and 330.371). Liquids that have come in contact with waste must be disposed of in a manner that will not result in groundwater or surface water pollution. (30 TAC § 330.207(a)). An owner or operator of an MSW facility must construct and operate a leachate collection system and liner system designed to prevent leachate or contaminated water from infiltrating landfill waste and entering groundwater. (30 TAC Chapter 330, Subchapter H). Also, an applicant for a permit authorizing a MSW facility must provide procedures for controlling potential vectors and scavenging animals in a site operation plan as part of their application. (30 TAC § 330.151). Additionally, in accordance with 30 TAC §§ 330.63(b)(1) and 330.131 (relating to Access Control), an applicant must describe in the site operating plan how access would be controlled for a facility, such as the type and location of fences or other suitable means of access control to prevent the entry of livestock.

The application states that no contaminated water would be discharged offsite to surface waters of the state that may be used to water crops and livestock. (Application, Part III, Attachment 12). The application contains a leachate and contaminated water management plan to control and dispose of contaminated water generated during waste management and clean-up operations at the site. (Application, Part III, Attachment 12). Any surface water that has runoff from the working face of the landfill would be treated as contaminated water, appropriately collected and contained within berms at the working face, and either disposed by evaporation or transported offsite for treatment and disposal at an authorized facility. Also, diversion berms would divert surface water run-on, such as stormwater, away from the working face of the landfill and keep clean surface water separate from any contaminated water. The liner system for the landfill's waste disposal cells would act as a barrier underneath the landfill and further protect soil and surface water from contamination in accordance with 30 TAC § 330.331(d).

In the site operating plan, the Applicant provided the required information on procedures for controlling potential vectors and scavenging livestock or other animals at the proposed facility. (Application, Part IV, Section 4.11). Intermediate daily cover would be applied to the working face of the landfill to reduce the occurrence of vectors and scavenging animals.

The application also contains a description of access control measures for the facility. (Application, Part IV, Section 4.1). These measures include a perimeter fence that is six feet high, (eight feet high at locations designated for privacy fencing), and subject to monthly inspection and two entrance gates that would remain closed and locked outside of operating hours for the facility. These measures also reflect that any damage to or breach of the perimeter fence would be reported to the Commission and temporarily repaired within 24 hours of detection and permanently repaired by a timeframe the Commission would specify.

Additionally, the biological assessment referenced in Response 2 reflects that no protected plant species is likely to occur at or near the site of the facility. (Application, Parts I/II, Appendix G).

FDP No. 2400 would require the Applicant to implement these procedures in the application for monitoring groundwater and landfill gas, managing surface water run-on and run-off, collecting leachate, properly disposing of contaminated liquids, and controlling vectors and site access (FDP No. 2400, Provisions IV.C. Liner and Leachate Collection Systems, IV.I. Groundwater Monitoring System, IV.J. Surface Water and Stormwater Management Control, and IV.K. Vector Control). These procedures are incorporated by reference into FDP No. 2400. (FDP No. 2400, Provision VIII.A. Standard Permit Conditions). The systems for monitoring groundwater and landfill gas migration would continually evaluate the performance of the facility for potential impacts to livestock, crops, and vegetation through environmental media.

The Executive Director has reviewed the application and preliminarily determined that it satisfies all applicable requirements regarding vegetation, wildlife, and any domestic or scavenging animals and that construction and operation of the proposed facility, as authorized in the permit, would adequately protect vegetation, crops, wildlife, and livestock in the surrounding area in accordance with 30 TAC Chapter 330.

B. Land, Water, and Air Impact Concerns

Comment 4: Air Quality and Emissions

Several commenters raised concerns about the air quality and potential air emissions from the proposed landfill. Nicole Hogan and Trisha Haynes expressed concerns over the negative effects that emissions could have on their health as residents with asthma and breathing concerns who would be residing near the facility.

Response 4:

In accordance with 30 TAC § 330.245(a) (relating to Ventilation and Air Pollution Control), air emissions from MSW facilities “must not cause or contribute to a condition of air pollution as defined in the Texas Clean Air Act.” All MSW facilities are required to obtain any applicable air authorizations from the TCEQ Air Permits Division before construction begins for a facility, construct required air pollution control devices, implement procedures for ventilation and odor control, and report any event resulting in the emission of unauthorized air contaminants. (30 TAC §§ 101.1(28), 101.201, and 330.245(b),(f), and (j)). Under 30 TAC § 330.371 (relating to Landfill Gas Management), owners or operators of a MSW facility must also regularly monitor landfill gas levels generated at a facility and its boundary and, should

gas levels exceed specified limits, provide notice and take necessary response steps to protect human health.

The site operating plan of the application contains air pollution control procedures, including obtaining authorization under and complying with applicable air permits, prohibiting open burning of waste at the proposed facility, conducting mulching operations away from the property boundary of the facility, and controlling dust emissions from mulching activities and on-site access roads. (Application, Part IV, Section 4.10.1).

The site operating plan also contains an odor management plan, which includes procedures to promptly deposit incoming waste in the landfill, minimize the size of the working face of the landfill, apply daily cover at the end of daily operations, promptly clean up any spills of odorous material, regularly inspect gaskets on leachate collection systems, and control landfill gas emissions. (Application, Part IV, Section 4.10.2).

The landfill gas management plan in Part III, Attachment 11 of the application describes the landfill gas monitoring program for the facility to prevent methane concentrations from exceeding regulatory limits in on-site structures or at the facility permit boundary. The landfill gas monitoring program would be in effect for the life of the facility and post-closure period. (Application, Part III, Attachment 11). This landfill gas management plan includes installation of gas monitoring probes and passive vents, a monitoring schedule, recordkeeping of monitoring data, maintenance of methane monitors inside facility structures, and an action plan for reporting and responding to any events of methane exceeding allowable limits.

While no specific air control devices are proposed beyond the landfill gas monitoring system at the beginning of the landfill life, a landfill gas collection and control system may be required should methane gas emissions at the landfill later exceed thresholds established under the federal New Source Performance Standards and any other applicable TCEQ requirements.

If the permit is issued authorizing the proposed MSW facility, then individuals would be encouraged to report any concerns regarding suspected noncompliance with the terms of the permit or other TCEQ authorization or applicable environmental regulation to the Region 9 TCEQ Office in Waco, Texas at 254-751-0335. Individuals may also file complaints online at tceq.texas.gov/compliance/complaints or by phone at 1-888-777-3186.

The Executive Director has reviewed the application and preliminarily determined that it satisfies the regulatory requirements regarding air quality and emissions.

Comment 5: Impacts to Groundwater

Several commenters raised concerns that the proposed landfill would have an adverse impact on groundwater quality, including nearby groundwater wells. Numerous commenters raised a concern that the proposed landfill would negatively impact aquifers under or near the landfill. Brian Hand expressed concern about the potential negative effect that operation of the proposed landfill could have on the aquifer level. Melissa Porter stated that the Trinity Aquifer, a source of drinking water for area residents, is located on land for the proposed site. Honey Bays, Wendel Bordovsky, Dawn Hand, and Jordan Hand raised concerns about the potential negative impact on drinking water should contaminated water from the proposed facility pollute the water supply. Melissa Porter and Darren Porter stated that the area water supply is

not sufficient to sustain operation of the proposed facility. Robbie Horn stated that the water available is better allocated towards public use than for the proposed landfill.

Response 5:

In accordance with 30 TAC Chapter 330, Subchapter H (relating to Liner System and Design Operation), an owner or operator of a Type I MSW landfill facility is required to assess the geology and hydrogeology beneath the site and install liners to prevent groundwater contamination. An application for a permit to authorize a MSW facility must include a geology report for a facility area that is prepared by a qualified groundwater scientist and contains soil and groundwater investigation results regarding subsurface conditions, as well as a description of aquifers near a facility. (30 TAC § 330.63(e)(3) and (4)). An application for a permit to authorize a MSW facility must also include a description of all known water wells located within 500 feet of the proposed permit boundary. (30 TAC § 330.61(h)(5)). An owner or operator must implement a system for groundwater monitoring, which must be conducted according to an approved sampling and analysis plan as required under 30 TAC § 330.405 (relating to Groundwater Sampling and Analysis Requirements). The owner or operator must also annually submit a sampling and analysis report to the Executive Director. (30 TAC § 330.407).

To characterize the soils and geology at the site, the Applicant conducted a subsurface investigation following a soil boring plan that met the requirements of 30 TAC § 330.63(e)(4)(A) regarding the number of borings to assess the geology of soils and rocks underneath the proposed facility. The soil boring plan also met requirements as to the depth of borings to identify the uppermost aquifer and deeper interconnected aquifers. (30 TAC § 330.63(e)(4)(B)).

The application includes a geology report prepared by a licensed professional geoscientist that provides further geologic and hydrogeologic assessment of the area proposed for the facility. (Application, Part III, Attachment 4). The geology report states that the soil liner system that would be implemented in the disposal cells of the landfill, along with the natural soils and bedrock underneath the landfill, would further prevent groundwater contamination by acting as a low-permeability barrier. The liner system is described in the groundwater protection plan of the application and meets the requirements of 30 TAC § 330 Subchapter H. (Application, Part III, Attachment 6C).

The groundwater protection plan includes a leachate collection system to collect leachate, liquid that has passed through solid waste in the landfill and contains soluble waste materials, and remove it from the landfill to prevent it from contaminating soil and groundwater in accordance with 30 TAC § 330.333 (relating to Leachate Collection System). (Application, Part III, Attachment 6C). The groundwater protection plan also includes a final cover system to prevent moisture from infiltrating the landfill after closure of the facility, as required under 30 TAC § 330.457.

The geology report includes a description of nearby aquifers and water wells and states that the closest water wells are located between 3 and 7 miles away from the facility and produce water from the Trinity Aquifer, which lies approximately 800 vertical feet below the facility. In Parts I/II, Section 7.2 and Appendix I/IIB of the application, the Applicant has identified the results of the required water well searches. The report states that the facility is unlikely to negatively impact these wells because of their distance from the landfill facility. (Application, Part III, Attachment 4, Section 4.2).

Additionally, the geology report also states that the groundwater monitoring wells would detect any contaminant release, prompting response measures to remedy the release. The application includes a groundwater monitoring plan and a groundwater sampling and analysis plan that meets the requirements of 30 TAC §§ 330.63(f), 330.403, and 330.405. (Application, Part III, Attachment 4, Section 9 and Attachment 7).

FDP No. 2400 would require the Applicant to implement a groundwater monitoring system to monitor groundwater quality for organic and inorganic constituents and report sample analysis results to the Executive Director in accordance with 30 TAC §§ 330.405 and 330.407. (FDP No.2400, Provision IV.I. Groundwater Monitoring System). The groundwater protection plan, groundwater monitoring system, and sampling and analysis plan included in the application are incorporated by reference into FDP No. 2400. (FDP No. 2400, Provisions IV.I. Groundwater Monitoring System and VIII.A. Standard Permit Conditions).

The Executive Director has reviewed the application and preliminarily determined that it meets the regulatory requirements regarding the protection of groundwater beneath the site, and that the proposed facility, operated according to 30 TAC Chapter 330 and the draft permit, would be protective of human health and the environment.

Comment 6: Impacts to Surface Water Quality

Several commenters raised concerns that the proposed landfill would have an adverse impact on surface water.

Many other commenters expressed concern about the potential for contamination from the proposed facility to pollute creeks, conservation lakes, and other surface waters in the surrounding area. Specifically, David Reed raised the concern that potential runoff from the proposed landfill would drain into Soil Conservation Service Site 19 Reservoir.

Thomas Guest commented that area farmers use water from Tehuacana Creek to irrigate crops and expressed concern about the potential impact any surface water contamination could have on the Brazos River and creeks in the area. Also, Lacey Hollingsworth, Benjamin Stokes, Jordan Hand, Dawn Hand, and Brian Hand raised concerns about the potential impact on crops, soil, and livestock should the soil or surface water become contaminated from the proposed facility.

Dr. Lehr requested an impact study of the facility on water quality, as well as the terms of any monitoring plan and contingency plan in place for responding to an event adversely impacting water quality.

Brenda Trout expressed concern about the proximity of the proposed landfill to a reservoir that provides a source of drinking water for the surrounding community. Honey Bays, Wendel Bordovsky, Dawn Hand, and Jordan Hand raised concerns about the potential negative impact on drinking water should contaminated water from the proposed facility pollute the water supply. Bordovsky further stated that the surrounding community will rely more on surface water as a source of drinking water as the aquifer level diminishes.

Response 6:

In accordance with 30 TAC § 330.15(h) (relating to General Prohibitions) and the Texas Water Code, Section 26.121 (relating to Unauthorized Discharges Prohibited), an owner or

operator of an MSW landfill facility may not cause the unauthorized discharge of solid waste or pollutants into or adjacent to waters in the state in violation of TCEQ rules regulating surface water drainage at MSW landfills. (30 TAC § 330, Subchapter G). Under 30 TAC § 330.207(a) (relating to Contaminated Water Management), “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.” An owner or operator of an MSW facility may not discharge contaminated water off-site without prior authorization. (30 TAC § 330.207(a), (b) and (e)).

Accordingly, contaminated water and leachate, liquids that have come into contact with waste, must be collected and managed properly. (30 TAC §§ 330.207(b) and 330.3(36) and (80)). An owner or operator of an MSW facility must construct and operate a liner system and leachate collection system designed to prevent leachate or contaminated water from infiltrating deposited waste and entering groundwater in accordance with 30 TAC Chapter 330, Subchapter H. In accordance with 30 TAC § 330.305(b) and (c) (relating to Additional Surface Water Draining Requirements for Landfills), an owner or operator of an MSW facility must also control surface water drainage to minimize water running onto and off from the waste deposited in the landfill.

The application states that no contaminated water would be discharged offsite to waters of the state. (Application, Part III, Attachment 12). Attachment 12, Section 2.3 of the application regarding Stormwater Management represents that the facility owner would obtain a Texas Pollutant Discharge Elimination System (TPDES) permit for discharge of stormwater that has not come into contact with waste.

The application contains a leachate and contaminated water management plan, which includes measures the facility would follow to control and dispose of contaminated water generated at the site. (Application, Part III, Attachment 12). The application states that any surface water that has runoff from the working face of the landfill would be treated as contaminated water, appropriately collected and contained within berms at the working face, and either disposed by evaporation or transported offsite for treatment and disposal at an authorized facility. (Application, Part III, Attachment 12, Section 2.3). Also, diversion berms would be used to divert surface water run-on, such as stormwater, away from the working face of the landfill and keep uncontaminated surface water separate from any contaminated water. If a leachate or contaminated water leak or spill occurs, then any liquid that came into contact with the spilled contaminated water would be treated as contaminated water and appropriately contained and response procedures would be implemented. (Application, Part III, Attachment 12, Section 4). These response procedures include removing the leachate or contaminated water immediately upon detection of the leak or spill and cleaning the area where it occurred.

Additionally, the liners of the landfill's waste disposal cells would meet the permeability requirements specified in 30 TAC § 330.331(d) to act as a barrier underneath the landfill and further protect soil and surface water from contamination.

TCEQ waste rules do not require an impact study of the facility on water quality, and the Executive Director has not received information of such an impact study having been conducted at the proposed site.

Please, see Response 4 for information on reporting concerns regarding any suspected noncompliance with any TCEQ rules or permit conditions.

The Executive Director has reviewed the application and preliminarily determined that its measures for protecting surface water quality at the proposed facility comply with the regulatory requirements regarding surface water pollution control.

Comment 7: Flooding

Several commenters raised concerns that the area for the proposed landfill includes Federal Emergency Management Agency (FEMA) Flood Zone A. Lauren Ice expressed a concern that the proposed location for the landfill is in a floodplain. Heath Ivy stated that some time has passed since the floodplain was last evaluated and expressed concern that the floodplain could have changed during that time.

Several commenters expressed concerns that the proposed landfill and the surrounding land would be underwater and inaccessible during a flood in the area. Several commenters also raised concerns about the proposed facility potentially flooding waterways in the area, including Soil Conservation Lake 19, Tradinghouse Lake, and Williams Creek. Dr. Larry Lehr stated that, when it is full, the Tehuacana Lake would flood a large amount of land.

Dr. Lehr further expressed concerns about whether the dam could adequately withstand any increased water flow due to any vegetation having been removed to construct the facility. James Trayler raised concerns about the negative potential impact on residents living downstream from the dam if its storage capacity were exceeded.

Response 7:

(Regarding flooding of the surrounding areas, the 100-year floodplain, and the FEMA map)

In accordance with 30 TAC § 330.547(a) (relating to Floodplains), an owner or operator of an MSW facility may not conduct waste disposal operations in a 100-year floodway as it is defined by FEMA. MSW landfill facilities located within 100-year floodplains may not restrict the flow of a 100-year flood, reduce the floodplain's capacity to temporarily store water, or cause the washout of solid waste. (30 TAC § 330.547(b)). An applicant for a MSW facility must provide a surface water drainage report that identifies whether a facility is located on a 100-year floodplain, include a FEMA map (or other map and calculations) used to identify floodplain locations, and provide flooding factors considered to ensure a facility can withstand a 100-year flood. (30 TAC § 330.63(c)).

A portion of the site is within the 100-year floodplain of Horse Creek and Packwood Creek as defined by FEMA. (Application, Parts I/II, Section 11.1). However, the proposed waste disposal footprint is located entirely outside the limits of the 100-year floodplain defined on the FEMA flood maps. Also, the application states that the 100-year floodplain limits were obtained from the Flood Insurance Rate Maps currently in effect for McLennan County, (dated December 20, 2019), and Limestone County, (dated September 16, 2011), which were obtained from FEMA. The application contains a floodplain evaluation, which demonstrates that the landfill facility and its perimeter drainage system would not be impacted by the 100-year floodplain or the 100-year flood. (Application, Part III, Attachment 6B). The application represents that the landfill part of the facility has a perimeter berm that would be above the 100-year flood level, as well as outside the limits of the 100-year floodplain. The application further represents that the facility would not reduce the water storage capacity of the floodplain or restrict the flow of a 100-year flood or cause the washout of waste from the site

during such a flood event, because plans for the proposed facility include no structures or other development that would impede flood waters.

(Regarding offsite surface water drainage conditions and area surface waters)

An applicant for an MSW landfill facility must provide a surface water drainage report demonstrating that the owner or operator will design, construct, maintain, and operate the landfill to manage surface water run-on and runoff during the peak discharge from a 25-year rainstorm and prevent the off-site discharge of waste and waste-contaminated stormwater. (30 TAC §§ 330.63(c) and 330.303). The landfill must have a runoff management system that can collect and control at least the water volume that would result from a 24-hour, 25-year storm. (30 TAC § 330.305(c)). The landfill's design must also provide erosional stability of the landfill during all phases of the landfill's operation, including closure and post-closure care. (30 TAC § 330.305(d)). In the surface water drainage report, an applicant must include calculations reflecting that the facility would not adversely change existing surface water drainage patterns. (30 TAC § 330.63(c)(1)(C)).

The application provides discussions and detailed designs, calculations, and operational considerations for the collection, control, and discharge of stormwater from the landfill, as the above-referenced rules require. (Application, Part III, Attachment 6A). The application also includes a surface water drainage plan that meets the requirements for surface water run-on and run-off control.

The application reflects that surface water drainage has been analyzed for pre-development and post-development conditions. The proposed landfill site consists of two portions: a western portion and an eastern portion. Under the pre-development conditions, surface water generally drains southeast from the western portion towards Horse Creek and south/southwest from the eastern portion towards Horse Creek and Packwood Creek. (Application, Part III, Attachment 6A). These creeks drain into Soil Conservation Lake 19. Under post-development conditions, the proposed surface water drainage features include drainage swales, down chutes, perimeter channels, and detention basins with outlet structures. (Application, Part III, Attachment 6A).

In Part III, Attachment 6A of the application, Tables 6A-5-1 and 6A-5-2 list data comparing pre-development and post-development surface water drainage conditions. Based on the comparisons at the Points of Demonstration (POD), or points where effects on existing drainage patterns were measured by comparing the pre-development and post-development conditions, the landfill development would not result in significant increases in peak discharge rates and discharge volume. (Application, Part III, Attachment 6A, Section 5.4). The highest increase in peak discharge rates is an increase of 1.5 percent at POD 8, and the highest increase in discharge volume is an increase of 0.3 percent at POD 8. Table 6A-5-2 in the application also indicate that the overall post-development discharge rate from the PODs discharging into Soil Conversation Lake 19 is almost the same as the pre-development rate. This data supports that no adverse impact to existing drainage patterns would result from the proposed landfill development.

The Executive Director has reviewed the application and preliminarily determined that it contains sufficient information regarding the floodplain and meets the regulatory requirements regarding the floodplain, stormwater management, and erosion controls.

Comment 8: Geological Stability

Several commenters raised concerns about the geological stability of the land for the proposed landfill. Many commenters mentioned a prevalence of housing foundational issues in the area. Specifically, Melissa Porter stated that the land for the proposed facility would be vulnerable to a contamination release from the facility due to land instability demonstrated by flooding and foundational issues in the area.

Response 8:

An applicant for a MSW landfill facility must submit "geotechnical data that describes the geotechnical properties of the subsurface soil materials and a discussion with conclusions about the suitability of the soils and strata for the uses for which they are intended." (30 TAC § 330.63(e)(5)). In accordance with 30 TAC § 330.337(b) (relating to Special Liner Design Constraints), an owner or operator of a Type I landfill must show that the liner system would not undergo uplift from hydrostatic forces during excavation beneath the water table for construction of the landfill. MSW facilities are also subject to location restrictions provided in 30 TAC §§ 330.559 (relating to Unstable Areas), 330.555 (relating to Fault Areas), and 330.557 (Seismic Impact Zones).

Part III, Attachment 4 of the application contains a geology and groundwater report that includes discussions, evaluations, and figures that the rule requires. The geology and groundwater report concludes that the subsurface strata of the landfill, (Units I, II, and III), would provide a stable foundation and that the landfill would be suitable for use as a Type I MSW landfill facility. (Application, Part III, Attachment 4, Section 11).

Part III, Attachment 5 of the application regarding geotechnical and stability analysis contains information on the investigation of the subsurface conditions and evaluation of the landfill. The conclusion states that based on subsurface exploration of the site, laboratory testing, and engineering analysis, the slope stability of the landfill is acceptable as designed, the expected settlement of the foundation and the waste is within acceptable limits, and the site is geotechnically suitable for development as a Type I MSW solid waste disposal facility. (Application, Part III, Attach 5, Section 6). The application indicates that an active underdrain system and ballast would be used to achieve and maintain the short-term and long-term stability consistent with the requirements. (Application, Part III, Attachment 10).

Additionally, Part II, Section 9.6 of the application states that poor foundation conditions and other unstable areas specified in 30 TAC § 330.559 do not exist at or immediately adjacent to the facility. Part II, Sections 9.4 and 9.5 of the application include discussion of how the facility would comply with the location restriction requirements of 30 TAC §§ 330.555 and 330.557 regarding fault areas and seismic impact zones. Part III, Section 3.4 of the application states that, considering the depth of low-permeability clay and shale at the proposed site, the geologic setting of the site is considered suitable for landfill development.

Regarding concerns about potential contamination release from the landfill due to land instability from flooding, please see Response 7.

The Executive Director has reviewed the application and preliminarily determined that the application satisfies the regulatory requirements regarding the geological and location suitability of the site.

C. Facility Location, Design, and Maintenance Concerns

Comment 9: Land Use Compatibility

Several commenters raised a concern that the proposed landfill is incompatible with surrounding land use, such as for TK Cemetery and schools.

Several commenters raised further concerns that the land for the proposed facility should be preserved and regarded as being of archaeological and Native American historical significance. Many commenters stated that historical artifacts such as arrowheads are present on the land.

Response 9:

The use of any land for a MSW facility must not adversely impact human health and the environment. (30 TAC § 330.61(h)). An owner or operator must provide information about the potential impacts of the facility on individuals, communities, groups of property owners, or cities by analyzing the community growth patterns, zoning in the vicinity, land use, and other factors associated with the public interest. The TCEQ rules do not establish specific limits on these factors and only require that an applicant provide current and accurate information regarding these factors in the application.

In the application, an applicant must provide the following information: “a published zoning map for the facility and within two miles of the facility for the county or counties in which the facility would be located”; approval of any nonconforming use from the local government, if applicable; information about the character of surrounding land uses within one mile of the proposed facility; “information about growth trends within five miles of the landfill with directions of major development”; the proximity of the proposed facility to residences, business establishments, and other land uses within one mile, such as cemeteries, churches, schools, historic structures, archaeologically significant sites, and sites having exceptional aesthetic quality; and any other information requested by the Executive Director. (30 TAC § 330.61(h)).

The Applicant coordinated with the Texas Historical Commission (THC) for preservation of the TK Cemetery and incorporated the THC’s request for additional buffer space around the cemetery into the permit. (Application, Parts I/II, Appendix I/IIA). Letters demonstrating the Applicant’s coordination with the THC regarding the proposed facility were submitted as part of the application in Parts I/II, Appendix I/IIA. A cultural resources survey prepared by Horizon and submitted to the THC notes that the cemetery boundary is clearly marked with a fence, no grave sites were observed outside the fence line, and the facility would maintain a construction buffer greater than the 25-foot minimum buffer that the surrounding THC cemeteries require.

The Land Use Analysis prepared by John Worrall Consulting, LLC in Parts I/II, Appendix I/IIC of the application reflects that, according to the *Texas Historic Sites Atlas* of the THC, no archaeological sites or historical structures or sites are located within one mile of the landfill boundary. (Application, Parts I/II, Appendix I/IIC).

The Land Use Analysis also states that there are no schools, daycare centers, recreational areas, churches, or sites with exceptional aesthetic quality located within one mile of the landfill boundary. The application further represents that no zoning ordinances or non-conforming use requiring approval or a special permit from local government apply to the proposed landfill. (Application, Parts I/II, Sections 3 and 7 and Appendix I/IIC).

The Executive Director has reviewed the application and preliminarily determined that it contains the required information concerning land use and that the information was current at the time the application was received.

Comment 10: Location Concerns

Several commenters generally stated that they do not want a landfill in the proposed location. Robbie Horn and Robin Lemons each suggested alternative locations for the landfill facility. Rebecca Allen expressed that the proposed landfill facility would cut through land that historically belonged to her family.

Many commenters stated that most of the land for the proposed landfill is not contained within Waco city limits and McLennan County. Several commenters raised a concern that the proposed facility would serve the City of Waco and have no benefit to its surrounding communities in Axtell, Hill County, and Limestone County. Several commenters also expressed concern that waste belonging to the City of Waco would be discarded in the Axtell and Limestone County communities.

Response 10:

TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute and rules. TCEQ does not have the authority to specify locations for landfills or to suggest alternatives to the location that the Applicant has proposed for the facility. The Executive Director is only permitted to review the application, as the Applicant has submitted it, for compliance with all applicable rules.

Comment 11: Necessity

Many commenters raised concerns about there not being a need for the proposed landfill. Specifically, some commented that there is currently a landfill within the city limits of Bellmead, Texas. Vicki Horn commented that the City of Waco has already purchased more suitable land near its existing landfill. Also, Sherry Dulock commented that if the proposed facility were approved, then Axtell would be situated between two landfills.

Response 11:

The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute and rules. Accordingly, the TCEQ does not have jurisdiction to consider the need for regional landfill capacity in deciding whether to issue a permit to authorize a MSW landfill facility. Also, TCEQ cannot restrict the area that a landfill would serve and does not have authority to consider the service area when deciding whether to issue a permit.

Comment 12: Recycling

Several commenters raised the concern that more focus should be on recycling any used materials rather than permitting a new landfill.

Response 12:

It is the policy of the state of Texas and the TCEQ to support the diversion of materials from solid waste streams, to promote the economic recovery and reuse of materials, and to support the development of markets for recycled, remanufactured, or environmentally sensitive products or services in a sustainable manner that protects the environment and public health and safety. Although TCEQ rules do not require that recycling activities be conducted at a MSW Type I landfill, Part IV, Section 4.2.2 of the application states that the landfill would have a Citizen's Collection Station (CCS), which would accept and store recyclables for transport to an authorized recycling facility. Recyclable materials accepted at the CCS would include scrap tires and metal, glass, plastic, newspaper, aluminum, and household appliances. (Application, Part IV, Section 4.2.).

Comment 13: Landfill Cover

James Trayler commented that the proposed landfill would have an impervious cover and expressed concern that it would cause increased water shedding into Soil Conservation Lake 19.

Response 13:

In accordance with 30 TAC § 330.165(b) and (c) (relating to Landfill Cover), an owner or operator of a MSW landfill facility must apply daily cover to the active disposal area and intermediate cover to any waste disposal areas that would be inactive for more than 180 days. An owner or operator of a MSW landfill unit must also implement a final cover system that is designed and constructed to reduce erosion and moisture infiltration as part of the final closure requirements for a landfill facility. (30 TAC § 330.457). An owner or operator of an MSW facility must control surface water drainage to minimize water running onto and off from the waste deposited in the landfill, in accordance with 30 TAC § 330.305(b) and (c) (relating to Additional Surface Water Draining Requirements for Landfills).

Part IV, Section 4.18 of the application states that, during the landfill operation, daily cover of soil material would be placed on the active disposal area and intermediate cover of soil material would be placed on any waste disposal areas that would be inactive for more than 180 days in accordance with 30 TAC § 330.165(b) and (c). These soil covers are "pervious."

The application contains the design of the final cover system that consists of a geomembrane (60-mil HDPE or 40-mil LLDPE) and an 18-inch soil layer with a coefficient of permeability no greater than 1×10^{-5} centimeters/second (cm/sec) as required by 30 TAC §§ 330.457(a)(1) and 330.165(f). (Application, Part III, Attachments 6C and 9). Part III, Attachments 6C and 9 and Drawing 6C.2 of the application include information regarding the final cover system. During closure of the landfill, the final cover would be installed over all waste disposal areas. This final cover is considered "impervious."

Tables 6A-5-1 and 6A-5-2 in Part III, Attachment 6A of the application lists data comparing surface water drainage conditions pre-development and post-development, after the final cover has been installed. Based on the comparisons at the Points of Demonstration (POD), or points where effects on existing drainage patterns were measured by comparing the pre-development and post-development conditions, the landfill development would not result in significant increases in peak discharge rates and discharge volume. (Application, Part III, Attachment 6A, Section 5.4). The highest increase in peak discharge rates is an increase of 1.5 percent at POD 8, and the highest increase in discharge volume is an increase of 0.3 percent at POD 8. Also, Table 6A-5-2 in the application indicates that the overall post-development discharge rate from the PODs discharging into Soil Conservation Lake 19 is almost the same as the pre-development rate. This data supports that no adverse impact to existing drainage patterns would result from the proposed landfill development. For additional information regarding the evaluation of surface water drainage at the proposed landfill facility, please see Response 7.

FDP No. 2400 would require the Applicant to maintain a final cover system in accordance with 30 TAC § 330.457 and to implement temporary sedimentation and erosion control measures until vegetative cover is also established for continued erosion control after closure of the landfill. (FDP No. 2400, Provisions IV.G. Final Cover System and VIII.H. Standard Permit Conditions).

The Executive Director has reviewed the application and preliminarily determined that it satisfies the requirements of 30 TAC §§ 330.457, 330.165 and 330.305 regarding landfill covers and the prevention of adverse impacts on existing surface water drainage patterns.

Comment 14: Buffer Zone

Many commenters raised a concern about whether the buffer zone would be sufficient. Tommy M. Rogers raised the concern that the land the City of Waco purchased to serve as a buffer zone would not surround all boundaries of the proposed facility. Mike Lee commented that the size of the buffer zone is inadequate for the type of landfill proposed.

Response 14:

In accordance with 30 TAC § 330.543(a) (relating to Buffer Zones), no solid waste may be unloaded, stored, disposed, or processed within any buffer zone. A newly authorized Type I landfill is required to establish and maintain a 125-foot buffer zone. (30 TAC § 330.543(b)(2)(A)).

Part IV, Section 4.6.2 of the application states that the buffer zones around the perimeter of the landfill would be no less than 125 feet wide as required and located between the permit boundary of the facility and the limits of waste. The buffer zone is illustrated in Parts I/II, Drawing I/II-5 of the application. In addition to the 125-foot buffer that would surround the entire site, the application represents that there would be a 25-foot construction buffer around the TK Cemetery, as requested by the THC.

FDP No. 2400 would require the Applicant to maintain these buffer zones included in the permit application, which are incorporated by reference into FDP No. 2400. (FDP No. 2400, Provision VIII.A. Standard Permit Conditions).

The Executive Director has reviewed the application and preliminarily determined that it meets the regulatory requirements of 30 TAC § 330.543(b) regarding buffer zones.

Comment 15: Easement

Jordan Hand and Dawn Hand stated that there is an easement for the soil conservation lake. Dr. Larry Lehr and Wendel Bordovsky asked whether the proposed facility would restrict easements onto the landfill property that are held by the Tehuacana Creek Water Control and Improvement District (TCWCID), which it uses to maintain the dam.

Response 15:

In accordance with 30 TAC § 330.141(a) (relating to Easement Protection), no solid waste may be unloaded, stored, disposed, or processed within any easement or right-of-way crossing the facility. Solid waste disposal may not occur within 25 feet of the center line of any pipeline easement or utility line and no closer than the easement, unless the Executive Director authorizes otherwise. (30 TAC § 330.141(a)). Additionally, posts extending at least six feet above ground level and spaced at intervals no more than 300 feet must clearly mark all such pipeline and utility easements. Overall, "a permit does not convey any property rights of any sort, or any exclusive privilege." (30 TAC § 305.125(16)).

Part IV, Section 4.6.1 of the application states that no disposal, processing, unloading, or storage of solid waste would occur within any right-of-way or easement crossing the site of the facility, unless the easement has been relocated or abandoned. The application further represents that waste disposal would be at least 25-feet away from the centerline of any pipeline or utility easement and that all easements would be clearly marked in accordance with 30 TAC § 330.141(a). (Application, Part IV, Section 4.6.1).

In December of 2021, the Executive Director received a supplemental submittal from the Applicant that contains additional information on the establishment of specific access entrance locations whereby the TCWCID would be able to access its easement from the landfill property. (Application, Part III, Attachment 3, Drawing 3.1A and Attachment 6A, Drawing 6A.3A). Specific access arrangements between TCWCID and the Applicant are outside the scope of the Executive Director's review.

The Existing Conditions Summary in Parts I/II, Section 3 of the application includes the flowage easement under the jurisdiction of the TCWCID. The application further states that no waste would be deposited in the flowage easement or its access routes. (Application, Parts I/II, Section 3). Access routes to the flowage easement as detailed in Drawings 3.1A and 6A.3A of the application. (Application, Parts I/II, Attachment 3, Drawing 3.1A and Attachment 6A). The application represents that the easement instrument states, "[t]his easement includes the right of ingress and egress at any time over and upon the above-described land of the Grantor and any other land of the Grantor adjoining said land."

The Executive Director has reviewed the application and preliminarily determined that it satisfies the regulatory requirements under 30 TAC § 330.141 concerning the protection of easements and the management of solid waste.

Comment 16: Land Ownership Concern

Randy Barton raised a concern about whether a clear title of ownership exists for the land designated for the proposed facility.

Response 16:

An application for a permit to authorize a MSW facility is required to contain property owner information that includes a legal description of the facility. (30 TAC § 330.59(d)). A legal description of the property for a MSW facility must include identifying reference information for the current ownership record of the property. (30 TAC § 330.59(d)(1)(A)). Additionally, the application must include an affidavit signed by the owner stating that the owner or operator of the facility would have access to the property during the life of the facility and after its closure for maintenance and inspection purposes. (30 TAC § 330.59(d)(2)(C)).

The application for the proposed landfill facility includes the required property owner information and a legal description of the property in Parts I/II, Sections 13 and 14 of the application. A property owner affidavit, notarized on August 7, 2018, states that the City of Waco is the owner of record of the 502.5-acre parcel of land that is located at 4730 TK Parkway, Axtell, Texas, which would be the site of the facility. (Application, Parts I/II, Section 14).

The Executive Director has reviewed the application and preliminarily determined that the property owner information and legal description of the property satisfies the regulatory requirements.

Comment 17: Fire Department Services and Emergency Response

Several commenters raised concerns about the ability of the volunteer fire department to respond to potential fires at the proposed facility. Robert Covey stated that the City of Waco fire station closest to the proposed facility would have a 20-30-minute response time.

Response 17:

In accordance with 30 TAC § 330.129 (relating to Fire Protection), an application for a MSW landfill facility is required to include a site operating plan that contains a fire protection plan specifying fire protection standards to be implemented at the facility. If a fire is detected at the facility, then an operator of a MSW landfill must initiate fire protection plan procedures.

The fire protection plan required by 30 TAC § 330.129 for the landfill is included in Part IV, Section 6 of the application. The fire protection plan includes fire prevention procedures, including clearing dead brush, trees, or vegetation next to the landfill to avoid grass, brush, or forest fires. (Application, Part IV, Section 6). The fire prevention procedures also include prohibiting open burning at the landfill, removing landfill equipment from the active disposal area of the landfill at the end of each day, and maintaining a stockpile of soil next to the working face of the landfill that is enough to cover the working face and smother any fire within one hour. The application also represents that heavy equipment for the landfill would be equipped with fire extinguishers. (Application, Part IV, Section 3).

Part IV, Section 2.2 of the application regarding training states that landfill personnel would be trained in response procedures applicable in the event of a fire or explosion at the facility. Landfill personnel would also be trained in the use of firefighting equipment.

(Application, Part IV, Section 6.2). Additionally, the application states that, in a pre-planning session, the landfill manager would meet with the local fire department to discuss fire prevention and response procedures for the facility. Fire response protocols would include calling the local fire department, as well as the City of Waco Fire Department according to any inter-local aid agreement then in place. The application includes a list of specific fire-fighting measures. (Application, Part IV, Section 6.3). As possible, personnel would take steps to safely contain or extinguish the fire according to procedures included in the fire protection plan, until the fire department arrives.

The Executive Director has reviewed the application and preliminarily determined that it meets the regulatory requirements of 30 TAC § 330.129 regarding fire protection.

D. Community Impacts Concerns

Comment 18: Traffic Impacts and Traffic Safety

Several commenters raised concerns that the local road infrastructure would not be able to handle the road traffic generated by a landfill and that the proposed landfill would cause increased traffic congestion and traffic hazards. Karen Saucedo, Christine Weddington, Lacey Hollingsworth, Julianna Steffek, and Joellen Skinner expressed specific traffic safety concerns, including blind spots, narrow roads, a lack of traffic signals, and insufficient roadway lighting around the proposed facility. Darren Porter stated that the roads near the proposed facility were not properly constructed. Many commenters raised concerns about heavy traffic from vehicles and equipment for the proposed facility potentially causing damage to road surfaces in the area.

Several commenters expressed concern about the potential negative impact any vehicles for the proposed facility that exceed area speed limits may have on traffic safety. Robert Covey stated that the area is unincorporated and has limited traffic control and enforcement. Many commenters raised concerns about fatalities from vehicular accidents at intersections and straightaways near the proposed landfill.

Response 18:

In accordance with TCEQ rule 30 TAC § 330.61(i), an application for an MSW landfill permit must include data on access roads for the proposed facility. This includes data regarding the availability and adequacy of roads that the landfill will use to access the site and data regarding the traffic volume that a facility is expected to generate on access roads located within one mile of the facility. (30 TAC § 330.61(i)).

Parts I/II, Section 8.1 of the application states that the primary access route to the landfill would be via State Highway 31 (SH 31) and Farm to Market 939 (FM 939), also known as T K Parkway. FM 939 is a two-lane, asphalt-paved road, and SH 31 is concrete-paved four-lane divided highway. (Application, Parts I/II, Section 8.1). The proposed site entrance for the facility would be on FM 939.

A traffic impact analysis (TIA) prepared by Lee Engineering was developed and is provided in Parts I/II, Appendix IID-2 of the application. Preliminary information provided in the application indicates that traffic on FM 939, near the proposed site entrance, was 607 vehicles per day (vpd) based on the 2016 Waco District Traffic Map. (Application, Parts I/II,

Section 8.1). According to the same map, traffic counts for SH 31 were 6,063 vpd near the intersection of SH 31 and FM 939, which is approximately 0.4 mile north of the proposed site entrance. The application proposes a maximum initial increase of 442 vpd and an increase to a maximum of 679 vpd over the life of the landfill.

The TIA was submitted to the Texas Department of Transportation (TxDOT) for review and comment. (Application, Parts I/II, Appendix I/IIA). This correspondence with TxDOT is documented in Parts I/II, Appendix I/IIA of the application. In its letter dated March 25, 2020, TxDOT stated that it reviewed the TIA and confirmed that “the TIA addressed all comments and questions regarding the adequacy and design capacity of access roads to safely accommodate the additional volumes and weights of traffic generated or expected to be generated by the facility operation contingent upon the construction of the improvements shown within the schematic prepared by Walker Partners.” (Application, Parts I/II, Appendix I/IIA). The TIA indicates the adequate capacity and acceptable service level of the access roads and area intersections. (Application, Parts I/II, Section 8.1).

To enhance traffic safety near the facility, the application further states that TxDOT plans to construct overpass structures at the intersections of SH 31 and FM 939. The application lists other road improvements that TxDOT would complete before the landfill facility opens, including eight-foot shoulders on each side of FM 939 between the landfill entrance and SH 31 and a northbound right-turn lane and a southbound left-turn lane to accommodate traffic entering the facility.

FDP No. 2400 would require the Applicant to design and maintain on-site access roads in a manner that limits the tracking of debris onto public access roads to maintain safe road surfaces. (FDP No. 2400, Provision VIII.F. Standard Permit Conditions).

The Executive Director has reviewed the application and preliminarily determined that it satisfies the regulatory requirements regarding the use of public roads to access the proposed site.

Comment 19: Visual Impacts

Several commenters are concerned that the proposed landfill construction would have a negative visual impact on residences and businesses near the facility and on the surrounding community.

Response 19:

In accordance with 30 TAC § 330.23(a), the Executive Director is required to coordinate with and solicit recommendations from the Texas Department of Transportation (TxDOT) for existing or proposed facilities within 1,000 feet of a primary highway or interstate when determining the need for screening or special operating requirements. As part of the facility layout maps in an application for a MSW facility, an applicant is required to identify provisions for the maintenance of natural windbreaks, such as greenbelts, where they would improve the appearance and operation of the facility and, where appropriate, plans for screening the facility from public view. (30 TAC § 330.61(d)(7)). Under 30 TAC § 330.175 (relating to Visual Screening of Deposited Waste), an owner or operator of a MSW facility must also provide visual screening for deposited waste at a landfill facility.

The application reflects measures to provide visual screening of waste that would be deposited at the landfill. (Application, Part IV, Section 4.21). The application states that an eight-foot privacy fence would be implemented at the facility along the western boundary of the facility next to FM 939, which would also provide access control to the property around the permit boundary. This privacy fence is depicted in Part III, Drawing 1.2. Also, side-slopes would be constructed to provide screening for filling activities occurring at the interior of the landfill. The working face of the landfill would be restricted to the smallest area possible and oriented away from FM 939. At the end of each operating day, daily cover would be applied over the active disposal area of the landfill, and intermediate cover would be applied to any disposal areas that are inactive for more than 180 days. Vegetation would be applied to intermediate and final cover. Existing trees and other vegetation would also be maintained along the permit boundary next to FM 939 where feasible.

TxDOT has recommended no additional measures to screen the facility from public view. In a letter dated March 25, 2020, TxDOT responded that screening or special operating requirements are not necessary for this facility. This correspondence with TxDOT is documented in Parts I/II, Appendix I/IIA of the application. (Application, Parts I/II, Appendix I/IIA).

The Executive Director has reviewed the application and preliminarily determined that it satisfies the regulatory requirements of 30 TAC Chapter 330 regarding screening to minimize negative visual impacts on the surrounding area.

Comment 20: Windblown Waste and Litter Control

Several commenters raised a concern that landfill operations would cause litter or windblown trash in their yards and along the highway and roads.

Concerned Citizen requested that tarps or nets be required covering for any vehicles transporting waste for the landfill and that citations issue to any violators.

Response 20:

In accordance with 30 TAC § 330.139 (relating to Control of Windblown Solid Waste and Litter), the operation standards for MSW landfills require that the working face of the landfill be maintained and operated in such a manner that controls windblown solid waste and litter. Windblown material and litter must be collected and managed to control conditions that may be unsafe, unhealthy, or unsightly. The site operating plan for the facility must identify measures for confining any otherwise windblown waste and litter. (30 TAC § 330.139). An owner or operator of a MSW landfill facility is also required to encourage that vehicles carrying waste to the facility are enclosed or provide effective measures to securely contain loads of waste and prevent waste from blowing or spilling from waste transport vehicles. (30 TAC § 330.145). Also, an MSW landfill facility owner or operator is required to clean up any spilled waste material along public access roads that serve the facility for within two miles of the facility entrance, as well as at the gate and along fences throughout site at least once a day while the facility is operating. (30 TAC §§ 330.139 and 330.145).

Part IV, Sections 4.5, 4.8, and 4.12 of the application contains procedures to control windblown solid waste and litter and to control and cleanup materials along the route to the site. Waste transportation vehicles would be required to use sufficient cover, such as tarpaulins

and nets, to contain waste and prevent windblown waste and litter. (Application, Part IV, Sections 4.5 and 4.8). The Applicant would provide litter control fences as necessary and apply daily cover to the working face of the landfill at the end of each operating day to help reduce windblown waste. (Application, Part IV, Section 4.5). The Applicant would also be 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. (Application, Part IV, Sections 4.5 and 4.8). That cleanup must occur at least once a day on the days that the landfill is in operation. Should windblown waste or litter escape these control measures and cross the permit boundary onto adjacent property, then the facility would contact the adjacent property owners to seek permission for litter pick-up. (Application, Part IV, Section 4.5).

FDP No. 2400 would require the Applicant to consult with TxDOT or another applicable road maintenance authority regarding standards for cleaning up mud and litter on public roads serving the facility before it begins receiving waste. (FDP No. 2400, Provision VIII.K. Standard Permit Conditions). The procedures in the application to prevent and clean-up windblown waste and litter are incorporated by reference into FDP No. 2400 and would become enforceable upon issuance of the permit. (FDP No. 2400, Provision VIII.A. Standard Permit Conditions).

Please, see Response 4 for information on reporting concerns regarding any suspected noncompliance with any TCEQ rules or permit conditions.

The Executive Director has reviewed the application and preliminarily determined that the procedures in the site operating plan regarding the minimization, control, and clean-up of litter and windblown waste satisfy the requirements of 30 TAC §§ 330.139 and 330.145.

Comment 21: Vector Control

The TCEQ received comments expressing concern that the proposed landfill could attract and increase any existing populations of vectors and vermin. Specifically, commenters expressed concerns with hogs, coyotes, rats, and mosquitos and their potential to negatively impact human and animal safety and surrounding property.

Mike Lee of Southern Cross Whitetail Ranch expressed concern about the proposed facility attracting flies that have potential to infect their whitetail deer with disease.

Darren Porter also raised a concern regarding potential noise and damage from any hogs or other vectors that are unable to penetrate the proposed landfill's perimeter and asked how area properties would be protected from any damage they cause.

Angela Radde expressed concern that the proposed facility could result in an increased bird population and about the potential danger to air traffic safety that such an increase would present for nearby airports.

Response 21:

In accordance with 30 TAC § 330.15(a)(2) (relating to General Prohibitions), an owner or operator of a MSW facility is generally prohibited from operating the facility in a manner that causes a nuisance. Under 30 TAC § 330.3(97), a nuisance is defined to include the breeding of rodents or insects. In accordance with 30 TAC § 330.151 (relating to Disease Vector Control), a

site operator is required to control on-site populations of disease vectors using appropriate compaction and daily cover procedures, and the use of other necessary and approved methods. Under 30 TAC § 330.3(175), a vector is defined as an agent, such as an insect, bird, snake, rodent, or other animal that is capable of transferring pathogens from one organism to another. Also, the Executive Director is required to coordinate with the Federal Aviation Administration (FAA) when reviewing applications for permits to authorize MSW landfill facilities near airports. (30 TAC § 330.23(c)).

The procedures provided for vector control are discussed in Part IV, Sections 4.11 and 4.19 of the application. These vector control procedures include minimizing the size of the working face, proper waste compaction and the application of weekly, intermediate, and final cover, adherence to the ponded water prevention plan, and daily checks for vector and vermin population. (Application, Part IV, Sections 4.11 and 4.19). Alternatively, if the methods described in daily operations do not control vectors, then a licensed professional would apply pesticides to ensure that proper chemicals are used and that they are properly applied.

Parts I/II, Appendix I/IIA of the application includes letters of coordination with the FAA regarding the siting of the proposed landfill facility. In a letter dated June 24, 2021, the FAA determined that the proposed location for the facility would not present a hazard to air navigation. (Application, Parts I/II, Appendix I/IIA).

FDP No. 2400 would require the Applicant to limit the size of the active waste disposal area of the landfill and apply daily cover to minimize vectors at the site. (FDP No. 2400, Provision IV.K. Vector Control). Procedures for controlling vectors and scavenging animals included in the application are incorporated by reference into FDP No. 2400 and would become enforceable upon issuance of the permit. (FDP No. 2400, Provision VIII.A. Standard Permit Conditions).

The Executive Director has reviewed the application and preliminarily determined that it satisfies the requirements of 30 TAC § 330.151 for controlling vectors and scavenging animals and 30 TAC § 330.23(c) for coordinating with the FAA.

Comment 22: Odor

Many commenters indicated a concern that the proposed landfill facility would produce nuisance odors and asked how odor emitting from the facility would be controlled.

Robin Tapp Lemons expressed concern about the smell of methane gas negatively affecting the country air.

Response 22:

In accordance with 30 TAC § 330.15(a)(2) (relating to General Prohibitions), an owner or operator of a MSW facility is generally prohibited from operating the facility in a manner that causes a nuisance. Under 30 TAC § 330.3(97), a nuisance is defined to include odors detrimental to human safety, health, or welfare. Applications for an MSW landfill must include site-specific development and operating plans that include proposed odor control and ventilation measures for each storage, disposal, and processing unit. (30 TAC § 330.63(b)(2)(C)). Additionally, the site operating plan must have an odor management plan that addresses odor sources and includes general instructions on how to control odors and their sources. (30 TAC

§ 330.149). The odor management plan must include procedures for adequate control of odors. An application for a MSW facility must include a landfill gas management plan in accordance with 30 TAC §§ 330.63(g) and 330.371 (relating to Landfill Gas Management).

Part IV, Section 4.10 of the application includes an odor management plan and provides procedures for controlling odors, such as placing six inches of cover over all waste daily, removing ponded water, and regrading soils as needed to prevent odors from becoming a nuisance. The odor management plan also includes procedures to promptly deposit incoming waste in the landfill and clean up any spills of odorous material, minimize the size of the working face of the landfill, and control landfill gas emissions. (Application, Part IV, Section 4.10.2).

Landfill gas consists mainly of methane and carbon dioxide with small amounts of nitrogen, oxygen, hydrogen, and non-methane organic compounds. Rules under 30 TAC §§ 330.63(g) and 330.371 require the control of landfill gas to prevent possible explosive hazards due to migration and accumulation of methane. Methane gas at the landfill facility would be managed through a landfill gas management plan, which is included in Part III, Attachment 11 of the application.

FDP No. 2400 would require the Applicant to design, install, operate, and maintain a landfill gas management system consistent with the requirements of 30 TAC § 330.371, monitor methane gas levels, and follow any response procedures if levels exceed detection limits. (FDP No. 2400, Provision IV.H. Landfill Gas Management). The odor and landfill gas management plans included in the application are incorporated by reference into FDP No. 2400 and would become enforceable upon issuance of the permit. (FDP No. 2400, Provision VIII.A. Standard Permit Conditions).

Please, see Response 4 for information on reporting concerns regarding any suspected noncompliance with any TCEQ rules or permit conditions.

The Executive Director has reviewed the application and determined that the odor management plan and landfill gas management plan in the application satisfy the regulatory requirements for odor control and landfill gas management at the proposed facility.

Comment 23: Noise and Operating Hours

Several commenters expressed concern about the impact of operating hours and noise from landfill activities, waste trucks, and operating equipment on the surrounding community. Several commenters also raised a concern that the operations of the proposed landfill would detract from the quiet country life of residents in the surrounding area.

Response 23:

The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. TCEQ rules do not set specific limits on the amount of noise generated by landfill activities, vehicles, or equipment. However, a permit issued by the Commission "does not authorize any injury to persons or property or an invasion of other property rights, or any infringement of state or local law or regulations," in accordance with 30 TAC § 305.122(d) (relating to Characteristics of Permits).

In accordance with 30 TAC § 330.135(a) (relating to Facility Operating Hours), an application for a MSW landfill facility must include a site operating plan that specifies the waste acceptance and operating hours for when a facility will transport materials on or off-site, as well as the hours for when a facility will operate heavy equipment. An MSW landfill may accept waste between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless otherwise approved in the permit authorizing the facility. The transportation of materials and the operation of heavy equipment between 9:00 p.m. and 5:00 a.m. is prohibited, unless specifically approved in the permit. The date, time, and duration of any alternate operating hours (up to 5 days in a calendar year), which may be authorized in the permit to accommodate holidays and special events or to address disaster or emergency circumstances, must be recorded in the site operating record. (30 TAC § 330.135(b) and (d)). The days and hours of operation for the landfill facility must be posted on a sign at all waste receipt entrances of the facility. (30 TAC § 330.137).

Part IV, Section 4.3 of the application indicates that the landfill would be open for waste acceptance from 7:00 a.m. to 7:00 p.m., Monday through Saturday. The site would be closed on Sundays and during holidays. (Application, Part IV, Section 4.3). The facility would conduct waste acceptance, filling, construction, earthmoving, or other activities anytime within these landfill waste acceptance hours. The application indicates that non-waste acceptance site operations at the facility would be from 5:00 a.m. to 9:00 p.m., Monday through Saturday. These operations include construction, earthmoving, monitoring, and other non-waste acceptance activities.

FDP No. 2400 would require the Applicant to maintain these days and hours of operation and to post them on signs at entrances of the facility that receive waste, as required under 30 TAC § 330.137. (FDP No.2400, Provisions II.A. Hours of Waste Acceptance and Operation and IV.L. Facility Sign Requirements). Representations regarding days and hours of operation included in the application are incorporated by reference into FDP No. 2400 and would become enforceable upon issuance of the permit. (FDP No. 2400, Provision VIII.A. Standard Permit Conditions). The Executive Director has received no information to justify restricting these proposed operating hours. If noise creates a nuisance, please see Response 4 for information on reporting concerns regarding any suspected noncompliance with any TCEQ rules or permit conditions.

The Executive Director has reviewed the application and preliminarily determined that it satisfies the regulatory requirements regarding operating hours for the proposed facility.

Comment 24: Recreation

Several commenters expressed concerns about the potential negative impact the proposed facility could have on recreational activities, including fishing, hunting, kayaking, and other outdoor activities, in the surrounding community. Specifically, Robin Lemons raised concerns about contamination to three creeks where their children play, which then feed into the conservation lake, and the risk that exposure to contaminated water may have to human health.

Response 24:

The TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute and rules. Accordingly, the TCEQ does not have jurisdiction to consider negative impacts on recreational activities outside of the permitted boundary.

For concerns regarding any potential negative impacts to surface water due to contamination from the proposed facility, please see Response 6.

Comment 25: Property Values, Taxes, and Local Economy

Several commenters raised a concern that the proposed landfill would negatively affect the values of residential property and nearby businesses in the area surrounding the proposed facility. Specifically, Joy Elise Minix, and Amber Nichols of Vintage Oaks Ranch Wedding and Event Venue expressed concern about the potential negative impact the proximity of the proposed facility could have on their wedding venue business. Gina Ford, Brian Ford, and Mike Lee of Southern Cross Whitetail Ranch raised concerns about the potential negative impact the proposed facility could have on aspects of their breeding and hunting ranch business. J.R. Proctor expressed concern about lost potential wind power investment and revenue opportunities for landowners near the proposed facility.

Several commenters expressed concerns regarding how much the facility would cost tax-paying residents of the surrounding area.

Richard Duncan raised a concern that the proposed landfill could cause a decrease in local property taxes and negatively impact the local school district. Specifically, Brian Hand stated that Axtell depends on rural taxes due to few commercial properties in the area and expressed concern about a potential loss of revenue that Axtell Independent School District relies upon to support its day-to-day operations, pay teachers, and educate children. Dawn Hand also commented that the property of the proposed landfill would become tax exempt and cause a decrease in the school district's tax base.

Stuart Pyburn stated that the City of Waco would not be paying taxes, so there would be less money to repair any damage that vehicles used for the proposed landfill may cause to roads in the area.

Response 25:

The TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute and rules. Accordingly, the TCEQ does not have jurisdiction to consider economic or tax impacts and any effect on property values in surrounding areas when determining whether to approve or deny a permit application.

Comment 26: Livelihood

Many commenters raised a concern regarding the potential negative impact the facility could have on the livelihood of farmers and agricultural businesses nearby.

Also, Joy Minix, Matt Nichols, and Amber Nichols expressed concern about the potential negative impact the proximity of the proposed facility could have on their livelihood from their wedding venue business.

And Gina Ford, Brian Ford, and Mike Lee raised concerns about the potential negative impact the proposed facility could have on their livelihood from their breeding and hunting ranch business.

Response 26:

The TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute and rules. Accordingly, the TCEQ does not have jurisdiction to consider any economic impacts, such as impacts to livelihoods, on surrounding areas when determining whether to approve or deny a permit application.

Comment 27: Costs to Waco Residents

Several commenters expressed concern about the potential for added costs to residents, landowners, and business owners in the community from the proposed landfill facility. Many commenters expressed concerns regarding how much the facility would cost tax-paying residents of the surrounding area.

Shana Strock asked whether there would be an additional cost to the community for public services and utilities required at the facility, such as fire, ambulance, and police services and water, sewer, and electric utilities. Brian Hand specifically asked whether the community would have to pay the cost to supply water to the proposed facility.

Ben Williams stated that the distance of the proposed facility from the center of Waco would likely raise costs for its users.

Response 27:

The TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute and rules. Accordingly, the TCEQ does not have jurisdiction to consider any economic impacts to residents and businesses in the community surrounding a proposed MSW landfill facility when determining whether to approve or deny a permit application.

Comment 28: Environmental Justice

Several commenters expressed concern about the potential negative impact the proposed facility may have on low-income communities in the surrounding area.

Response 28:

TCEQ and the United States Environmental Protection Agency (EPA) coordinate on the rules and policies of both agencies, and the EPA has primary jurisdiction over Title VI and environmental justice concerns. EPA's webpage, *Environmental Justice / US EPA*, notes that environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Although there are no TCEQ rules addressing the location of permitted facilities in areas with low-income populations, TCEQ has made a strong policy commitment to environmental justice.

TCEQ is committed to protecting human health and the environment for all Texans throughout the state. When evaluating permits that would authorize landfill facilities, TCEQ

considers the surrounding community without regard to its socioeconomic or racial status. The Office of the Chief Clerk works to help citizens and neighborhood groups participate in the regulatory process to ensure that agency programs that may affect human health or the environment operate without discrimination and to make sure that citizens' concerns are considered thoroughly and are handled in a way that is fair to all. For more information on Environmental Justice, individuals may contact the Office of the Chief Clerk at 512-239-3300 or visit TCEQ's webpage, *Title VI Compliance at TCEQ* at tceq.texas.gov/agency/decisions/participation/title-vi-compliance

Comment 29: In Favor/ Supporting Permit

Concerned Citizen commented that they are in favor of the proposed landfill.

Response 29:

The Executive Director acknowledges this comment.

Comment 30: Compliance History

Several commenters raised concerns regarding the Applicant's compliance history. Robbie Horn and Heath Ivy commented that the City of Waco has had previous violations from its other landfill facility. Vicki Horn stated that the City of Waco "are not good landfill stewards" and raised concerns about the City's management of another landfill facility. Many commenters raised concerns about fines issued to the City of Waco stemming from another facility that it operates.

Response 30:

In accordance with 30 TAC § 330.59(f)(1), an applicant for a MSW facility is required to demonstrate evidence of competency to operate such a facility by listing solid waste sites managed by the applicant for the last 10 years, employing a licensed MSW supervisor before commencing operation of the facility, disclosing principals' and supervisors' names and experience, and providing details on the equipment dedicated to operating the facility. A site operating plan for a MSW landfill facility must include a description of equipment that will be used at the facility based on the minimum waste acceptance rate for the landfill and other requirements for the facility's operation. (30 TAC § 330.127(2)).

Additionally, when deciding on the issuance of a permit, the Executive Director utilizes compliance history, which includes history five years before the Executive Director receives the permit application and consists of information related to compliance and specific to the site under review for a permit and other sites owned or operated by the same person. (30 TAC § 60.1(a)(1)(A), (b), and (c)). In accordance with 30 TAC § 60.3(g), "a person or site classification itself shall not be a contested issue in a permitting or enforcement hearing." The preamble to this rule states: "A person or site classification will be established outside the contested case process and not litigated and re-litigated in the context of permitting and enforcement actions." 27 Tex. Reg. 7897 (2002).

Information regarding the Applicant's ability to operate the proposed landfill is presented in Part I, Section 16. Part IV, Section 2 of the application represents that the proposed landfill supervisor would have and maintain a MSW Facility Class A license. The application also provides a personnel organizational chart and contains the qualification

requirements and responsibilities that would apply to the director of solid waste, the landfill manager, and the landfill supervisor. (Application, Part IV, Section 2).

The application further reflects that sufficient equipment would be provided to conduct site operations according to the proposed landfill design and permit conditions. (Application, Part IV, Section 3). The application states that equipment requirements for the proposed facility would be based on the anticipated volumes of solid waste and field conditions. The equipment requirements are described in Part IV, Section 3 and Table IV3.1, as required by 30 TAC § 330.127(2).

During the technical review of the permit application, a compliance history review of the Applicant and the site was conducted based on the criteria in 30 TAC Chapter 60. These rules may be found at the following link: tceq.texas.gov/rules/index.html. Compliance history information for sites outside Texas borders is not considered. The compliance history for the Applicant and site was reviewed for the five-year period prior to the date the permit application was received by the Executive Director. The compliance history includes multimedia (air, water, and waste) compliance-related components about the site under review and is not limited to waste-related issues. These components include enforcement orders, consent decrees, court judgments, criminal convictions, chronic excessive emission 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.

Compliance history ratings are classified as follows:

- High: rating below 0.10 - complies with environmental regulations extremely well;
- Satisfactory: rating 0.10 - 55.00 generally complies with environmental regulations;
- Unsatisfactory: rating greater than 55.00 - fails to comply with a significant portion of the relevant environmental regulations;
- Unclassified: inadequate or no compliance information;
- Not applicable: the customer and site were created after the annual compliance history audit.

The compliance rating and classification, which is the multimedia average of the ratings for all sites the Applicant owns, is rated as "satisfactory" with a rating of 0.54 at the time of the receipt of the application. This compliance rating considers all sites owned and operated by the Applicant in the state and reflects all violations for all media that may have occurred at the separate facility locations. Compliance history ratings are public information and can be accessed at the following link: www2.tceq.texas.gov/oce/ch/index.cfm.

The compliance history review does not include an analysis of each violation, audit disclosure, or other rating components. Such analysis is beyond the scope of the application review process in accordance with 30 TAC § 60.3(g).

Comment 31: Comments Regarding the City of Waco

Several commenters raised concerns about the City of Waco's transparency during the application process. Specifically, many commentors stated they have concerns regarding the

City of Waco's purchasing the land for a landfill facility without providing notice to Limestone County and Hill County, which have both passed resolutions opposing the proposed facility.

Some commenters stated that the mayor for the City of Waco has a conflict of interest with the land purchased for the proposed landfill site.

Heath Ivy stated that the City of Waco likely paid for the water research study for the proposed landfill site.

Response 31:

The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. These specific questions or concerns were addressed to the Applicant and are therefore included for completeness.

Comment 32: County Ordinance Concerns

Several commenters, including Lauren Ice and Marisa Perales, stated that both Limestone County and Hill County have passed ordinances against the proposed landfill facility. Specifically, Lauren Ice stated that the application does not include the Limestone County citing ordinance and that any land use analysis must acknowledge it. Thomas Guest stated that two out of the three counties that could potentially be affected by the proposed landfill facility have passed resolutions opposing it.

Response 32:

A county may prohibit MSW disposal in the county by adopting an ordinance designating an area of the county wherein such waste activity is not prohibited, unless an application for a permit to authorize MSW disposal has been filed with or is pending with the Commission. (THSC § 364.012(a), (b), and (e)(1)).

The proposed permit boundary for the landfill facility would not include Hill County.

The Executive Director is aware of the ordinances (or "resolutions") that were adopted regarding the proposed facility. However, these ordinances were adopted after the Applicant filed its pending application for a permit to authorize the proposed landfill facility with TCEQ.

V. Conclusion

The Executive Director has reviewed the application and determined that it meets the regulatory and statutory requirements.

VI. Changes Made to the Draft Permit in Response to Comments

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

Respectfully submitted,

Texas Commission on Environmental Quality

Toby Baker
Executive Director

Erin Chancellor, Director
Office of Legal Services

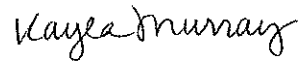
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REPRESENTING THE EXECUTIVE DIRECTOR OF
THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

V. Attachments 1 through 36

Attachment 1
The City of Waco, Permit No. 2400
Persons That Submitted Timely Comments

Alexander, Shanna M.	Ford, Brian Paul	Jenkins, Trisha
Allen, Rebecca Williams	Ford, Gina	Johnson, Kassidi
Allgood, Melissa Rena	Ford, Ryan	Johnson, Starla
Anderson, Alicia	Ford, Lauren	Kaltenbach, Patrick
Andrews, Janice Gravitt	Ford, Alec	King, Cheryl
Athey, Holli	Foster, Lisa	Kiphen, Lisa
Athey, Natasha	Foster, Terry Wayne	Kirkland, William L.
Aziz, Babetta	Frankum, Brian Keith	Klanika, Tina
Bagby, Tina	Frankum, Chance Alan	Koen, Vicki
Banik, Judith M.	Frankum, Susan Elaine	Krick, Angie
Banta, John Paul	Frillou, Loretta Marie	Krupicka, Kelly M.
Barclay, David	Fulbright, Debbie	Laird, Rebekah
Barclay, Victoria	Gebhardt, Eleanor	Laseter, Shelby
Barton, Amanda	Gebhardt, Gwendalyn	Lee, Mike
Barton, Randy	Gebhardt, Simon	Lehr, Larry L.
Baugh, Chrysti	Gillette, Debbie	Lemons, Robin Tapp
Bays, Honey	Gillette, Matt	Little, Stacey
Beers, Paula K.	Gillette, Sherwood Merrill	Mack, Joy
Bennett, Jennifer	Graham, Shirley	Mann, Mary
Bennett, Jeremy	Griffin, Rodger D.	Markum, Buster
Bordovsky, Wendel	Grill, Nicholas D.	Markum, Michelle Leigh
Bowdoin, Becky	Guest, Thomas Louis	Martinez, Susan
Brock, Doyle	Hand, Brian	McCaghren, Rita Ann
Brown, Linda Kay	Hand, Dawn	McCann, Alice
Caldwell, Candice	Hand, Jordan	McFadden, Shirley
Campbell, Jack	Hand, Norma Jean	McGee, Debra L.
Coggin, Mary Ruth	Harris, Justin	McMillan, Janet Burke
Concerned Citizen	Hawkins, Shane H.	Meier, Pattie M.
Condiet, Tim	Hawkins, Trina	Milner, Cynthia D.
Cooley, James Vernon	Haynes, Trisha	Minchew, Julie
Cortez, Jessica	Hebbe, Zachary Tyler	Minix, Joy Elise
Coryell, Beverly	Hogan, Jenny	Mohlke, Jeremy Lee
Covey, Mellissa	Hogan, Kelly	Montgomery, Eric
Covey, Robert	Hogan, Nicole	Moore, Patricia
Dietiker, Diane	Hollingsworth, Baylee	Moravec, Carol
Dominguez, Rita	Hollingsworth, Lacy Witt	Muhl-Anderson, Bobbie J.
Dulock, Sherry	Hollingsworth, Lynette	Nichols, Amber R.
Duncan, Richard	Honey, Tammy	Nichols, Matt
Dunlap, Cynthia	Horn, Robbie	Nickel, Candace
Dunlap, Joe Wilburn	Horn, Vicki	Omberg, Sherry
Easterling, Melissa Ann	Hromadka, Jennifer	Owens, Jana
Engledow, Kaylee	Hughes, Mike	Parks, Ronnie D.
Evans, Patricia	Hurst, David Harris	Pavelka, Kathey D.
Fields, Jon	Hurst, Helen Jo	Perales, Marisa
Foote, Bridget	Ice, Lauren	Pierce, Jana
	Ivy, Heath	

Attachment 1
The City of Waco, Permit No. 2400
Persons That Submitted Timely Comments

Pierce, Ricky	Shurette, Steven	Trammell, Shannon
Pierce, Vicki Michelle	Skinner, Joellen	Trayler, James
Porter, Darren	Souders, Leslie Gail	Trout, Brenda P.
Porter, Melissa	Stanfield, Ashley	Tucker, Chris Shawn
Proctor, J. R.	Steffek, Julianna L.	Tucker, Jennifer Kay
Pyburn, Stuart Thomas	Stephens, Sunny	Tucker, Ken
Queen, Nancy	Stokes, Benjamin Luke	Tull, Nicole
Radde, Angela	Stokes, Melanie	Vicha, John
Rader, Kathy	Stone, Robert R.	Vicha, Leslie
Reed, Arnold	Stout, Johnny	Weddington, Christine
Reed, David L.	Stout, Margaret	Wegwerth, Rick
Reed, Janet	Stout, Victoria	White, Randelle
Reed, Dixie L.	Stranacher, Desirae	Whitley, Karen
Reyes, Rachel Martin	Stranacher, Michael	Whitley, Kay
Rodgers, Tommy	Strange, Matt B.	Whitley, Mary Jo
Rodgers, Tommy M.	Strock, Shana	Williams, Ben
Rogers, Tamy	Suggs, Kathleen A.	Williams, Trisha
Rowe, Rachel	Sutton, Jennifer	Wilson, Donis Lee
Saucedo, Karen	Swaner, Fred L.	Wilson, Mary
Schnell, Courtney	Swaner, Susan	Wright, Beth
Schulte, Jill	Sykora, Jayni	Young, Robert
Serros, Gina	Tierce, Sharon Kay	Zaborowski, Cary

Attachment 2
Persons That Requested a Public Meeting

Amy, Stephanie Marie
Boyett, Alton M.
Brannen, Julie Michelle
Engledow, Kaylee
Ford, Brian Paul
Ford, Gina
Friedman, Adam M.
Graham, Denise
Green, Angela
Harris, Mary
Harris, Phillip Kirk
Haynes, Vickie
Howard, Stacy
Ice, Lauren

Johnson, Suzanne C.
Klanika, Charles
Lee, Mike
Lucien, Kimberly
Lynch, Katy
Manning, Christi
McMillan, Janet Burke
Nickel, Candace
Nivin, Cathryne
Nivin, Ernest Taylor
Pierce, Ricky
Pierce, Vicki Michelle
Porter, Melissa
Price, Randi

Rigby, Elisabeth
Rigby, Kathleen J.
Rigby, Steven
Roof, Stacy L.
Serros, Alcario
Souders, Leslie Gail
Stefka, David
Stokes, Benjamin Luke
Stone, Robert R.
Swaner, Susan
Tennison, Keven
Tierce, Virginia
Trayler, James
Weatherby, Brent

Attachment 3

Persons That Provided Formal Oral Comments at the Public Meetings

1st Public Meeting (08/15/2019)

Banta, John Paul

Condiet, Tim

Covert, Robert

Duncan, Richard

Dunlap, Cynthia

Dunlap, Joe Wilburn

Ford, Gina

Gebhardt, Gwendalyn

Hollingsworth, Lacey Witt

Horn, Vicki

Ice, Lauren

Ivy, Heath

Kaltenbach, Patrick

Lee, Mike

Lehr, Larry L.

Lemons, Robin Tapp

Montgomery, Eric

Moravec, Carol

Nichols, Matt

Nickel, Candace

Perales, Marisa

Porter, Darren

Porter, Melissa

Proctor, J. R.

Rogers, Tommy M.

Skinner, Joellen

Souders, Leslie Gail

Stokes, Benjamin Luke

Swaner, Susan

Trayler, James

Tucker, Ken

2nd Public Meeting (09/23/2021)

Dunlap, Joe Wilburn

Horn, Robbie

Ivy, Heath

Porter, Darren

Wegwerth, Rick

Attachment 4
Persons That Requested a Public Hearing

Banik, Judith M.
Hurst, David Harris
Johnson, Starla
Kacal, Representative Kyle
Kline, Tracy
Kolosci, Rebecca
Lehr, Larry L.

McGee, Debra L.
McMillan, Janet Burke
Moseley, Julie R.
Pierce, Jana
Porter, Melissa
Price, John H.

Ratliff, Darla
Schwertner, State Senator
Charles
Shurette, Carolyn
Stone, Curtis
Stranacher, Danette
Trayler, James

Attachment 5
RTC Comment 1

Persons in General Opposition or with General Health and Environmental Concerns

Anderson, Alicia	Frankum, Susan Elaine	Pierce, Ricky
Athey, Holli	Frillou, Lacreteria Marie	Pierce, Vicki Michelle
Aziz, Babetta	Gillette, Debbie	Porter, Darren
Bagby, Tina	Gillette, Sherwood Merrill	Porter, Melissa
Banik, Judith M.	Graham, Shirley	Proctor, J. R.
Banta, John Paul	Griffin, Rodger D.	Rader, Kathy
Barclay, David	Hand, Brian	Reed, David L.
Barclay, Victoria	Hand, Dawn	Reed, Janet
Barton, Amanda	Hand, Jordan	Reyes, Rachel Martin
Baugh, Chrysti	Hawkins, Shane H.	Rodgers, Tommy M.
Bays, Honey	Hogan, Nicole	Rogers, Tamy
Beers, Paula K.	Horn, Robbie	Rowe, Rachel
Bowdoin, Becky	Hurst, David Harris	Saucedo, Karen
Brock, Doyle	Jenkins, Trisha	Schnell, Courtney
Brown, Linda Kay	Kaltenbach, Patrick	Serros, Gina
Caldwell, Candice	King, Cheryl	Shurette, Steven
Campbell, Jack	Kiphen, Lisa	Skinner, Joellen
Coggin, Mary Ruth	Klanika, Tina	Souders, Leslie Gail
Cooley, James Vernon	Krick, Angie	Steffek, Julianna L.
Cortez, Jessica	Krupicka, Kelly M.	Stephens, Sunny
Covey, Mellissa	Lee, Mike	Stokes, Benjamin Luke
Dominguez, Rita	Lemons, Robin Tapp	Stokes, Melanie
Dunlap, Joe Wilburn	Mack, Joy	Strange, Matt B.
Easterling, Melissa Ann	Mann, Mary	Strock, Shana
Engledow, Kaylee	Markum, Buster	Suggs, Kathleen A.
Evans, Patricia	Martinez, Susan	Tierce, Sharon Kay
Fields, Jon	McGee, Debra L.	Trammell, Shannon
Ford, Brian Paul	McMillan, Janet Burke	Trout, Brenda P.
Ford, Gina	Minchew, Julie	Tull, Nicole
Ford, Ryan	Minix, Joy Elise	Vicha, Leslie
Ford, Lauren	Moravec, Carol	White, Randelle
Ford, Alec	Nichols, Matt	Whitley, Karen
Foster, Lisa	Omberg, Sherry	Whitley, Kay
Frankum, Chance Alan	Owens, Jana	Wilson, Mary

Attachment 6
RTC Comment 2
Persons Concerned about Wildlife and Texas Parks

Andrews, Janice Gravitt	Griffin, Rodger D.	Radde, Angela
Athey, Holli	Hand, Brian	Rader, Kathy
Bagby, Tina	Hand, Dawn	Reed, Arnold
Banik, Judith M.	Hand, Jordan	Reed, David L.
Barclay, David	Harris, Justin	Reed, Janet
Barclay, Victoria	Hawkins, Shane H	Reyes, Rachel Martin
Barton, Amanda	Hogan, Jenny	Rodgers, Tommy M.
Barton, Randy	Hogan, Kelly	Rogers, Tamy
Baugh, Chrysti	Hollingsworth, Lacy Witt	Rowe, Rachel
Bays, Honey	Hromadka, Jennifer	Serros, Gina
Bennett, Jennifer	Hurst, David Harris	Skinner, Joellen
Bordovsky, Wendel	Hurst, Helen Jo	Steffek, Julianna L.
Bowdoin, Becky	Ivy, Heath	Stokes, Benjamin Luke
Brock, Doyle	Johnson, Kassidi	Stout, Johnny
Condiat, Tim	Kaltenbach, Patrick	Stout, Margaret
Coryell, Beverly	Kiphen, Lisa	Stout, Victoria
Covey, Mellissa	Koen, Vicki	Stranacher, Desirae
Covey, Robert	Krupicka, Kelly M.	Stranacher, Michael
Dulock, Sherry	Lee, Mike	Strock, Shana
Dunlap, Cynthia	Lemons, Robin Tapp	Suggs, Kathleen A.
Dunlap, Joe Wilburn	Markum, Michelle Leigh	Sutton, Jennifer
Engledow, Kaylee	McCaghren, Rita Ann	Swaner, Susan
Foote, Bridget	McGee, Debra L.	Trammell, Shannon
Ford, Brian Paul	Milner, Cynthia D.	Tucker, Jennifer Kay
Ford, Gina	Mohlke, Jeremy Lee	Tucker, Ken
Foster, Terry Wayne	Moore, Patricia	Vicha, Leslie
Frankum, Brian Keith	Moravec, Carol	Weddington, Christine
Frankum, Susan Elaine	Omberg, Sherry	White, Randelle
Gebhardt, Eleanor	Pierce, Ricky	Whitley, Kay
Gebhardt, Gwendalyn	Pierce, Vicki Michelle	Williams, Ben
Gebhardt, Simon	Proctor, J. R.	Williams, Trisha
Gillette, Matt	Queen, Nancy	Wilson, Mary
Graham, Shirley		Zaborowski, Cary

Attachment 7
RTC Comment 3
Persons Concerned about Farming

Athey, Natasha
Barton, Amanda
Bays, Honey
Bowdoin, Becky
Caldwell, Candice
Cortez, Jessica
Dominguez, Rita
Engledow, Kaylee
Ford, Brian Paul
Ford, Gina
Ford, Ryan
Ford, Lauren
Ford, Alec
Fulbright, Debbie
Hand, Brian

Hand, Dawn
Hand, Jordan
Hawkins, Shane H.
Hawkins, Trina
Hollingsworth, Lacy Witt
Horn, Robbie
Horn, Vicki
Hromadka, Jennifer
Ivy, Heath
Kaltenbach, Patrick
McMillan, Janet Burke
Moravec, Carol
Omberg, Sherry
Pierce, Jana
Pierce, Ricky
Pierce, Vicki Michelle

Proctor, J. R.
Pyburn, Stuart Thomas
Reed, David L.
Reyes, Rachel Martin
Saucedo, Karen
Serros, Gina
Stranacher, Desirae
Strange, Matt B.
Sutton, Jennifer
Trout, Brenda P.
Tucker, Chris Shawn
Whitley, Karen
Whitley, Kay
Williams, Ben
Zaborowski, Cary

Attachment 8
RTC Comment 4
Persons Concerned about Air Quality and Emissions

Andrews, Janice Gravitt
Banta, John Paul
Barton, Amanda
Bowdoin, Becky
Cortez, Jessica
Ford, Brian Paul
Ford, Gina
Ford, Ryan
Ford, Lauren
Ford, Alec

Frankum, Susan Elaine
Gillette, Sherwood Merrill
Harris, Justin
Hawkins, Shane H.
Haynes, Trisha
Hogan, Nicole
Horn, Robbie
Lee, Mike
McMillan, Janet Burke

Moore, Patricia
Omberg, Sherry
Pierce, Jana
Pyburn, Stuart Thomas
Reed, David L.
Stranacher, Desirae
Stranacher, Michael
Trout, Brenda P.
Vicha, Leslie
Zaborowski, Cary

Attachment 9
RTC Comment 5
Persons Concerned about Impacts to Groundwater

Alexander, Shana M.	Gebhardt, Eleanor	Moore, Patricia
Athey, Holli	Gebhardt, Gwendalyn	Pierce, Jana
Bagby, Tina	Gebhardt, Simon	Porter, Melissa
Banta, John Paul	Guest, Thomas Louis	Proctor, J. R.
Barton, Amanda	Hand, Brian	Pyburn, Stuart Thomas
Barton, Randy	Hand, Dawn	Queen, Nancy
Baugh, Chrysti	Hand, Jordan	Rader, Kathy
Bays, Honey	Hawkins, Shane H.	Reed, David L.
Bordovsky, Wendel	Hollingsworth, Lacy Witt	Reed, Janet
Caldwell, Candice	Hogan, Jenny	Reyes, Rachel Martin
Campbell, Jack	Horn, Robbie	Rowe, Rachel
Condiet, Tim	Hurst, Helen Jo	Skinner, Joellen
Coryell, Beverly	Ice, Lauren	Stokes, Benjamin Luke
Covey, Mellissa	Kiphen, Lisa	Stout, Johnny
Covey, Robert	Klanika, Tina	Stout, Margaret
Dulock, Sherry	Koen, Vicki	Stout, Victoria
Foote, Bridget	Krick, Angie	Strange, Matt B.
Ford, Brian Paul	Krupicka, Kelly M.	Strock, Shana
Ford, Gina	Lee, Mike	Trout, Brenda P.
Ford, Ryan	Lemons, Robin	Tucker, Chris Shawn
Ford, Lauren	McCaghren, Rita Ann	Vicha, Leslie
Ford, Alec	McGee, Debra L.	Weddington, Christine
Frankum, Brian Keith	McMillan, Janet Burke	White, Randelle
Frankum, Chance Alan	Milner, Cynthia D.	Williams, Ben
Frankum, Susan Elaine	Mohlke, Jeremy Lee	Zaborowski, Cary

Attachment 10
RTC Comment 6
Persons with Surface Water Quality Concerns

Alexander, Shanna M.	Hawkins, Shane H.	Pyburn, Stuart Thomas
Bagby, Tina	Hogan, Jenny	Queen, Nancy
Barton, Randy	Horn, Robbie	Rader, Kathy
Baugh, Chrysti	Hurst, Helen Jo	Reed, David L.
Bays, Honey	Ice, Lauren	Reed, Janet
Bordovsky, Wendel	Krick, Angie	Reyes, Rachel Martin
Foote, Bridget	Laseter, Shelby	Skinner, Joellen
Ford, Brian Paul	Lee, Mike	Stokes, Benjamin Luke
Ford, Gina	Lemons, Robin Tapp	Stranacher, Michael
Foster, Terry Wayne	McCaghren, Rita Ann	Strange, Matt B.
Frankum, Chance Alan	McMillan, Janet Burke	Trout, Brenda P.
Fulbright, Debbie	Moore, Patricia	Tucker, Jennifer Kay
Hand, Brian	Pierce, Jana	Vicha, Leslie
Hand, Dawn	Porter, Darren	Whitley, Karen
Hand, Jordan	Porter, Melissa	Zaborowski, Cary
	Proctor, J. R.	

Attachment 11
RTC Comment 7
Persons Concerned about Flooding

Banta, John Paul
Barton, Amanda
Bowdoin, Becky
Coggin, Mary Ruth
Covey, Mellissa
Covey, Robert
Dulock, Sherry
Dunlap, Cynthia
Engledow, Kaylee
Ford, Brian Paul
Ford, Gina
Guest, Thomas Louis
Hand, Dawn
Hand, Jordan

Harris, Justin
Hawkins, Shane H.
Hollingsworth, Lacy Witt
Hromadka, Jennifer
Hughes, Mike
Ice, Lauren
Ivy, Heath
Lee, Mike
Lehr, Larry L.
Moravec, Carol
Perales, Marisa
Pierce, Ricky
Pierce, Vicki Michelle

Porter, Darren
Porter, Melissa
Proctor, J. R.
Radde, Angela
Reed, David L.
Reed, Janet
Reyes, Rachel Martin
Stokes, Benjamin Luke
Trammell, Shannon
Trayler, James
Trout, Brenda P.
Weddington, Christine
Wegwerth, Rick
Wilson, Donis Lee

Attachment 12
RTC Comment 8
Persons Concerned about Geological Stability

Covey, Melissa
Covey, Robert
Dulock, Sherry

Hand, Jordan
Hollingsworth, Lacy Witt

Porter, Melissa
Weddington, Christine
White, Randelle

Attachment 13
RTC Comment 9
Persons Concerned about Land Use Compatibility

Allen, Rebecca Williams
Bennett, Jennifer
Bowdoin, Becky
Caldwell, Candice
Condiet, Tim
Dunlap, Cynthia
Dunlap, Joe Wilburn
Engledow, Kaylee
Ford, Brian Paul
Ford, Gina
Foster, Lisa
Frankum, Susan Elaine
Gillette, Debbie
Gillette, Sherwood Merrill
Graham, Shirley
Harris, Justin
Hawkins, Trina
Hogan, Kelly

Hollingsworth, Lacy Witt
Horn, Robbie
Hromadka, Jennifer
Hurst, David Harris
Hurst, Helen Jo
Ice, Lauren
Johnson, Starla
Kirkland, William L.
Laseter, Shelby
Lee, Mike
Lemons, Robin Tapp
Mann, Mary
Markum, Michelle Leigh
McCaghren, Rita Ann
Meier, Pattie M.
Moravec, Carol
Perales, Marisa

Pierce, Jana
Pierce, Ricky
Pierce, Vicki Michelle
Porter, Darren
Proctor, J. R.
Queen, Nancy
Reed, Janet
Schulte, Jill
Souders, Leslie Gail
Strock, Shana
Suggs, Kathleen A.
Sutton, Jennifer
Tucker, Chris Shawn
Weddington, Christine
Whitley, Kay
Whitley, Mary Jo
Williams, Ben
Zaborowski, Cary

Attachment 14
RTC Comment 10
Persons with Location Concerns

Allen, Rebecca Williams
Andrews, Janice Gravitt
Athey, Natasha
Banta, John Paul
Barclay, David
Barton, Randy
Baugh, Chrysti
Bays, Honey
Beers, Paula K.
Bennett, Jennifer
Brock, Doyle
Campbell, Jack
Coryell, Beverly
Covey, Robert
Dietiker, Diane
Dulock, Sherry
Dunlap, Cynthia
Dunlap, Joe Wilburn
Easterling, Melissa Ann
Engledow, Kaylee
Evans, Patricia
Foster, Lisa
Gebhardt, Eleanor
Gebhardt, Gwendalyn
Gebhardt, Simon

Gillette, Debbie
Gillette, Matt
Gillette, Sherwood Merrill
Grill, Nicholas D.
Hand, Norma Jean
Hawkins, Trina
Hogan, Nicole
Hollingsworth, Baylee
Hollingsworth, Lacy Witt
Horn, Robbie
Horn, Vicki
Hughes, Mike
Jenkins, Trisha
Johnson, Kassidi
Kirkland, William L.
Krick, Angie
Laird, Rebekah
Laseter, Shelby
Lee, Mike
Lemons, Robin Tapp
Mack, Joy
McCaghren, Rita Ann
McMillan, Janet Burke
Minchew, Julie
Nichols, Matt

Nichols, Amber R.
Omberg, Sherry
Parks, Ronnie D.
Pavelka, Kathey D.
Pierce, Ricky
Pierce, Vicki Michelle
Porter, Darren
Porter, Melissa
Radde, Angela
Reed, David L.
Reed, Janet
Rodgers, Tommy
Rodgers, Tommy M.
Schulte, Jill
Skinner, Joellen
Souders, Leslie Gail
Stout, Johnny
Stout, Margaret
Stout, Victoria
Swaner, Susan
Sykora, Jayni
Vicha, John
Wegwerth, Rick
White, Randelle
Williams, Ben

Attachment 15
RTC Comment 11
Persons Concerned about Necessity

Banik, Judith M.
Honey, Tammy
Jenkins, Trisha
Mann, Mary

McCaghren, Rita Ann
Milner, Cynthia D.
Pierce, Ricky
Pierce, Vicki Michelle
Reed, David L.

Reed, Janet
Rodgers, Tommy
Rodgers, Tommy M.
Swaner, Susan

Attachment 16
RTC Comment 12
Persons Concerned about Recycling

Andrews, Janice Gravitt
Barton, Amanda

Dietiker, Diane

Stokes, Melanie
Zaborowski, Cary

Attachment 17
RTC Comment 13
Persons Concerned about Landfill Cover

Trayler, James

Attachment 18
RTC Comment 14
Persons Concerned about Buffer Zone

Dunlap, Joe Wilburn
Engledow, Kaylee
Ford, Brian Paul
Ford, Gina

Hand, Dawn
Hand, Jordan
Ivy, Heath

Lec, Mike
Pierce, Ricky
Pierce, Vicki Michelle
Rodgers, Tommy M.

Attachment 19
RTC Comment 15
Persons with Easement Concerns

Bordovsky, Wendel
Hand, Dawn

Hand, Jordan

Hollingsworth, Lacy Witt
Lehr, Larry L.

Attachment 20
RTC Comment 16
Persons with Land Ownership Concerns

Barton, Randi

Attachment 21
RTC Comment 17
Persons Concerned about Fire Department Services and Emergency Response

Allgood, Melissa Rena
Covey, Robert
Engledow, Kaylee

Klanika, Tina
Montgomery, Eric
Pierce, Ricky
Pierce, Vicki Michelle

Rader, Kathy
Skinner, Joellen
Strock, Shana

Attachment 22
RTC Comment 18
Persons Concerned about Traffic Impacts and Traffic Safety

Alexander, Shanna M.	Gebhardt, Gwendalyn	Pyburn, Stuart Thomas
Allgood, Melissa Rena	Gebhardt, Simon	Queen, Nancy
Athey, Holli	Graham, Shirley	Radde, Angela
Aziz, Babetta	Guest, Thomas Louis	Rader, Kathy
Banta, John Paul	Hand, Brian	Reed, Arnold
Barton, Amanda	Hand, Dawn	Reed, David L.
Baugh, Chrysti	Hand, Jordan	Reed, Janet
Beers, Paula K.	Hawkins, Trina	Rodgers, Tommy M.
Bennett, Jennifer	Hogan, Kelly	Saucedo, Karen
Bowdoin, Becky	Hogan, Nicole	Schulte, Jill
Brock, Doyle	Hollingsworth, Lacy Witt	Skinner, Joellen
Campbell, Jack	Hromadka, Jennifer	Souders, Leslie Gail
Coryell, Beverly	Hurst, Helen Jo	Steffek, Julianna L.
Covey, Mellissa	Klanika, Tina	Stout, Johnny
Covey, Robert	Krupicka, Kelly M.	Stout, Margaret
Dunlap, Cynthia	Lee, Mike	Stout, Victoria
Dunlap, Joe Wilburn	Lemons, Robin Tapp	Strock, Shana
Easterling, Melissa Ann	McCaghren, Rita Ann	Sutton, Jennifer
Engledow, Kaylee	McFadden, Shirley	Sykora, Jayni
Evans, Patricia	McMillan, Janet Burke	Tierce, Sharon Kay
Ford, Brian Paul	Milner, Cynthia D.	Tucker, Chris Shawn
Ford, Gina	Minchew, Julie	Weddington, Christine
Ford, Ryan	Minix, Joy Elise	Whitley, Karen
Ford, Lauren	Moore, Patricia	Whitley, Kay
Ford, Alec	Moravec, Carol	Whitley, Mary Jo
Frankum, Brian Keith	Pierce, Ricky	Williams, Ben
Frankum, Susan Elaine	Pierce, Vicki Michelle	Williams, Trisha
Fulbright, Debbie	Porter, Darren	Wilson, Donis Lee
Gebhardt, Eleanor	Porter, Melissa	Zaborowski, Cary
	Proctor, J. R.	

Attachment 23
RTC Comment 19
Persons Concerned about Visual Impacts

Alexander, Shanna M.
Allen, Rebecca Williams
Andrews, Janice Gravitt
Aziz, Babetta
Banik, Judith M.
Barton, Randy
Cooley, James Vernon
Coryell, Beverly
Dulock, Sherry
Dunlap, Joe Wilburn
Ford, Brian Paul
Ford, Gina
Gebhardt, Eleanor
Gebhardt, Gwendalyn
Gebhardt, Simon
Gillette, Matt
Hand, Brian

Hand, Dawn
Hand, Jordan
Hawkins, Trina
Haynes, Trisha
Hurst, David Harris
Ivy, Heath
Kiphen, Lisa
Lee, Mike
Lemons, Robin Tapp
Markum, Buster
Markum, Michelle Leigh
McFadden, Shirley
Minchew, Julie
Minix, Joy Elise
Nichols, Matt
Nichols, Amber R.

Pierce, Jana
Reed, Arnold
Reed, David L.
Reed, Janet
Rodgers, Tommy M.
Schulte, Jill
Souders, Leslie Gail
Stout, Johnny
Stout, Margaret
Stout, Victoria
Suggs, Kathleen A.
Sutton, Jennifer
Trayler, James
Tucker, Jennifer Kay
Wilson, Mary
Wright, Beth
Zaborowski, Cary

Attachment 24
RTC Comment 20
Persons Concerned about Windblown Waste and Litter Control

Cortez, Jessica
Dunlap, Joe Wilburn
Gebhardt, Gwendalyn
Gillette, Matt
Hand, Brian

Hand, Dawn
Hand, Jordan
Ivy, Heath
Lee, Mike

Lemons, Robin
Minchew, Julie
Skinner, Joellen
Souders, Leslie Gail
Strange, Matt B

Attachment 25
RTC Comment 21
Persons Concerned about Vector Control

Alexander, Shanna M.	Ford, Brian Paul	Mohlke, Jeremy Lee
Bowdoin, Becky	Ford, Gina	Pierce, Ricky
Caldwell, Candice	Foster, Terry Wayne	Pierce, Vicki Michelle
Covey, Mellissa	Graham, Shirley	Porter, Darren
Covey, Robert	Ivy, Heath	Radde, Angela
Dunlap, Cynthia	Lee, Mike	Rader, Kathy
Engledow, Kaylee		Strock, Shana

Attachment 26
RTC Comment 22
Persons Concerned about Odor

Aziz, Babetta	Gebhardt, Eleanor	Minix, Joy Elise
Bowdoin, Becky	Gebhardt, Gwendalyn	Nichols, Matt
Caldwell, Candice	Gebhardt, Simon	Nichols, Amber R.
Cooley, James Vernon	Gillette, Debbie	Pierce, Ricky
Cortez, Jessica	Hand, Jordan	Pierce, Vicki Michelle
Coryell, Beverly	Haynes, Trisha	Porter, Darren
Dunlap, Cynthia	Hogan, Nicole	Rader, Kathy
Dunlap, Joe Wilburn	Honey, Tammy	Reed, Janet
Easterling, Melissa Ann	Krick, Angie	Stout, Johnny
Engledow, Kaylee	Lee, Mike	Stout, Margaret
Ford, Brian Paul	Lemons, Robin Tapp	Stout, Victoria
Ford, Gina	McFadden, Shirley	Tucker, Chris Shawn
Foster, Terry Wayne	McGee, Debra L.	Weddington, Christine

Attachment 27
RTC Comment 23
Persons Concerned about Noise and Operating Hours

Barton, Amanda	Gebhardt, Eleanor	Reed, David L.
Coryell, Beverly	Gebhardt, Gwendalyn	Reed, Janet
Dunlap, Cynthia	Gebhardt, Simon	Rodgers, Tommy M.
Dunlap, Joe Wilburn	Krick, Angie	Stout, Johnny
Engledow, Kaylee	Lee, Mike	Stout, Margaret
Ford, Brian Paul	Lemons, Robin Tapp	Stout, Victoria
Ford, Gina	McFadden, Shirley	Strock, Shana
Ford, Ryan	McGee, Debra L.	Tucker, Chris Shawn
Ford, Lauren	Pierce, Ricky	Williams, Ben
Ford, Alec	Pierce, Vicki Michelle	Zaborowski, Cary
	Porter, Darren	

Attachment 28
RTC Comment 24
Persons Concerned about Recreation

Allgood, Melissa Rena
Barclay, Victoria
Caldwell, Candice
Coryell, Beverly
Ford, Brian Paul
Ford, Gina
Ford, Ryan

Ford, Lauren
Ford, Alec
Gebhardt, Eleanor
Gebhardt, Gwendalyn
Gebhardt, Simon
Lee, Mike
Lemons, Robin Tapp
Mann, Mary

Proctor, J. R.
Reed, David L.
Reyes, Rachel Martin
Stout, Johnny
Stout, Margaret
Stout, Victoria
Trout, Brenda P.

Attachment 29
RTC Comment 25

Persons Concerned about Property Values, Taxes, and Local Economy

Baugh, Chrysti	Hand, Dawn	Pierce, Jana
Bennett, Jennifer	Harris, Justin	Pyburn, Stuart Thomas
Brown, Linda Kay	Haynes, Trisha	Porter, Darren
Caldwell, Candice	Kaltenbach, Patrick	Proctor, J. R.
Dominguez, Rita	Krick, Angie	Rader, Kathy
Duncan, Richard	Laseter, Shelby	Reed, David L.
Dunlap, Joe Wilburn	Lee, Mike	Reed, Janet
Ford, Brian Paul	Lehr, Larry L.	Schnell, Courtney
Ford, Gina	McCann, Alice	Tierce, Sharon Kay
Hand, Brian	Minix, Joy Elise	Zaborowski, Cary
	Nichols, Amber	

Attachment 30
RTC Comment 26
Persons Concerned about Livelihood

Condiet, Tim
Ford, Brian Paul
Ford, Gina
Ford, Lauren
Ford, Alec

Ford, Ryan
Hand, Brian
Hand, Dawn
Hand, Jordan
Hollingsworth, Lacy Witt
Ivy, Heath

Lee, Mike
Minix, Joy Elise
Nichols, Amber R.
Nichols, Matt
Porter, Melissa

Attachment 31
RTC Comment 27
Persons Concerned about Cost to Waco Residents

Baugh, Chrysti
Hand, Brian

Reed, David L.
Strock, Shana

Sykora, Jayni
Williams, Ben

Attachment 32
RTC Comment 28
Persons Concerned about Environmental Justice

Ford, Brian Paul

Ford, Gina

Gillette, Sherwood Merrill

Hebbe, Zachary Tyler

Lee, Mike

Rodger, Tommy M.

Skinner, Joellen

Stokes, Melanie

Attachment 33
RTC Comment 29
Persons In Favor/Supporting Permit

Concerned Citizen

Attachment 34
RTC Comment 30
Persons Concerned about Compliance History

Easterling, Melissa Ann
Horn, Robbie
Horn, Vicki

Ivy, Heath
Pierce, Ricky
Pierce, Vicki Michelle

Pyburn, Stuart Thomas
Reed, David L.
Skinner, Joellen

Attachment 35
RTC Comment 31

Persons That Submitted Comments Specific to City of Waco

Barclay, David	Gebhardt, Gwendalyn	Pierce, Vicki Michelle
Beers, Paula K.	Gebhardt, Simon	Porter, Darren
Bordovsky, Wendel	Guest, Thomas Louis	Reed, David L.
Coryell, Beverly	Hand, Jordan	Reed, Janet
Dietiker, Diane	Horn, Robbie	Rodgers, Tommy M.
Duncan, Richard	Ivy, Heath	Serros, Gina
Dunlap, Cynthia	Krick, Angie	Stout, Johnny
Engledow, Kaylee	Lee, Mike	Stout, Margaret
Fields, Jon	McMillan, Janet Burke	Stout, Victoria
Ford, Brian Paul	Owens, Jana	Swaner, Susan
Ford, Gina	Pavelka, Kathey D.	Weddington, Christine
Gebhardt, Eleanor	Pierce, Ricky	

Attachment 36
RTC Comment 32
Persons with County Ordinance Concerns

Hollingsworth, Lacy Witt
Ice, Lauren

McCaghren, Rita Ann
Perales, Marisa

Porter, Darren
Swaner, Fred L

The City of Waco, MSW Permit No. 2400

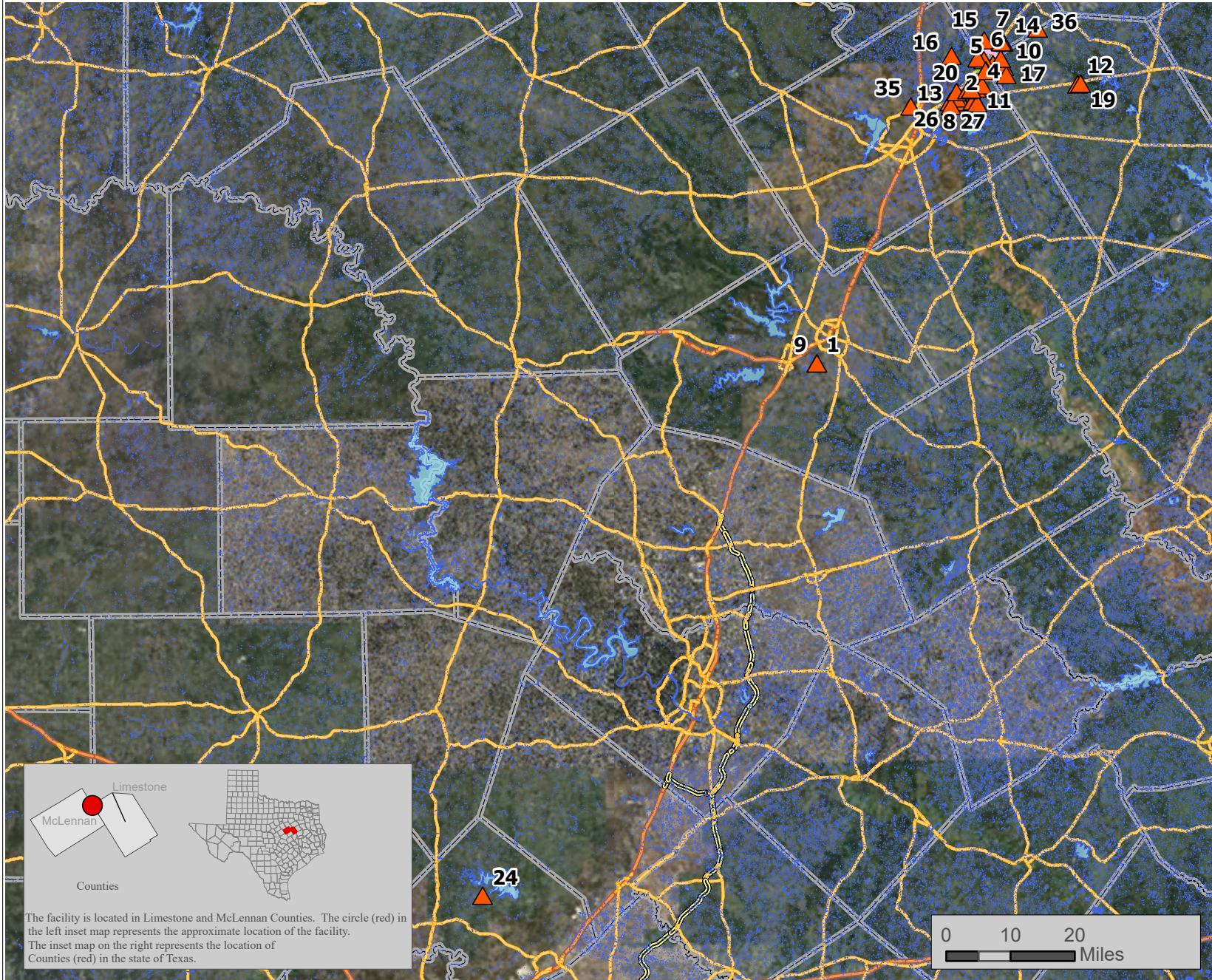
Hearing Request Agenda

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



*Protecting Texas by
Reducing and
Preventing Pollution*

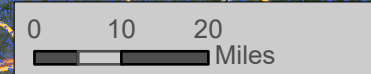
Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087
Date: 8/19/2022
CRF 0073433
Cartographer: alortiz



- Requestor
- 0.5 Mile from Facility Boundary
- 1 Mile from Facility Boundary
- 1.5 Miles from Facility Boundary
- Lake/Pond
- Facility Permit Boundary
- County Boundary

Requestor serial number and distance from Facility provided in Appendix A

The facility is located in Limestone and McLennan Counties. The circle (red) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Counties (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.

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.

The City of Waco, MSW Permit No. 2400

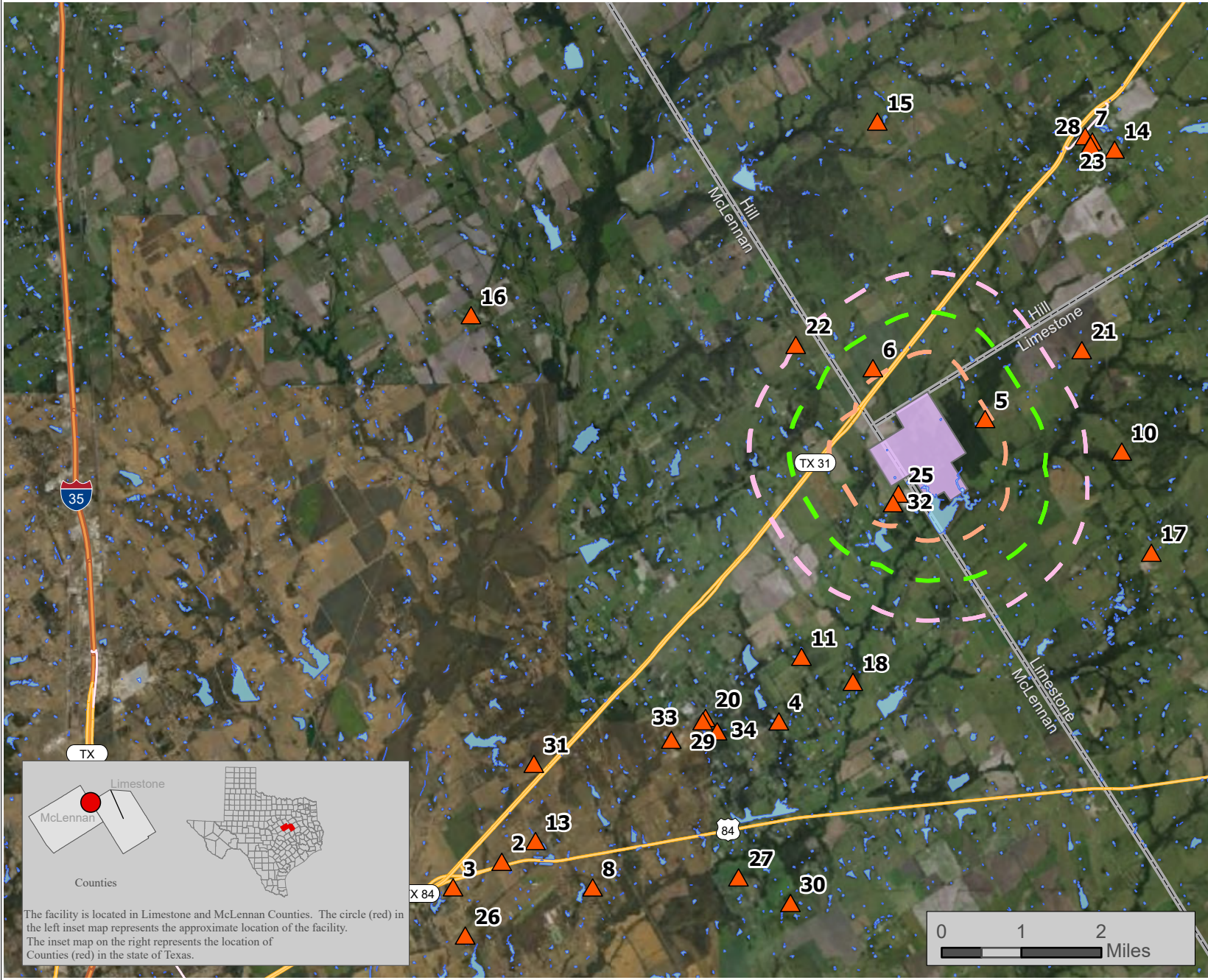
Hearing Request Agenda

Map Requested by TCEQ Office of Legal Services
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Reducing and
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GIS Team (Mail Code 197)
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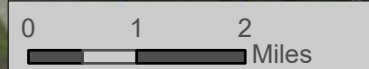
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Requestor serial number and distance from Facility provided in Appendix A

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The City of Waco, MSW Permit No. 2400

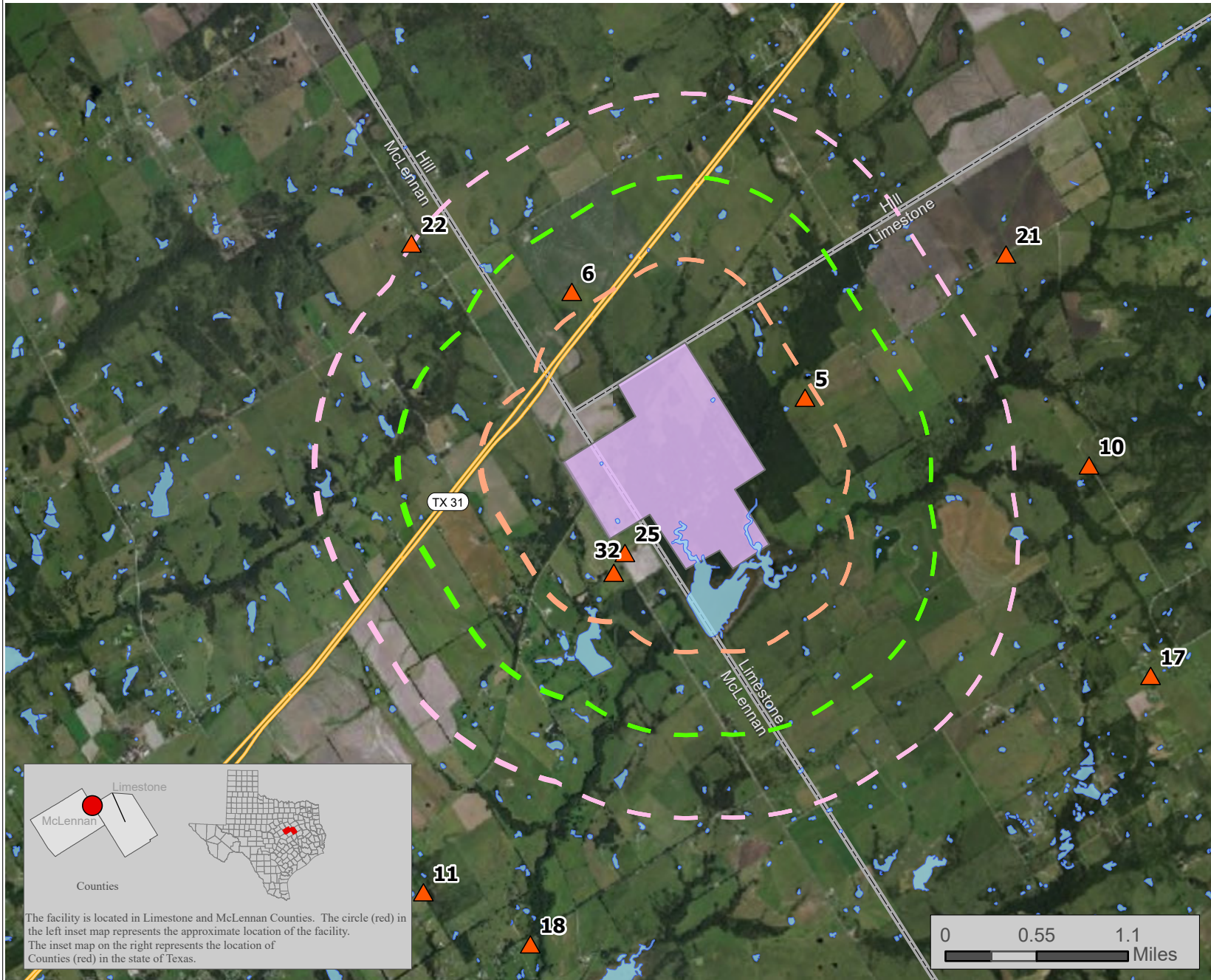
Hearing Request Agenda

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



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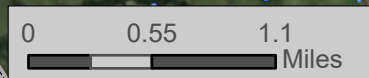
Texas Commission on Environmental Quality
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- Requestor
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Requestor serial number and distance from Facility provided in Appendix A

The facility is located in Limestone and McLennan Counties. The circle (red) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Counties (red) in the state of Texas.



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Appendix A For Hearing Request Agenda: The City of Waco, MSW Permit No. 2400

Requestor Id	Name	Address	City	State	Zip	Zip_4	Latitude	Longitude	Distance
1	<u>Alvarez,Jose E</u>	2715 Torino Reale Ave	Temple	Tx	76502	7995	31.0464	-97.3925	52.85
2	<u>Amy,Stephanie Marie</u>	Po Box 452	Axtell	Tx	76624	452	31.6319	-97.0138	6.97
3	<u>Boyett,Alton M & Boyett,Cynthia Ann</u>	7664 E Highway 84	Waco	Tx	76705	4954	31.6275	-97.0243	7.62
4	<u>Brannen,Julie Michelle</u>	595 Hurst Rd	Axtell	Tx	76624	1307	31.656	-96.954	3.57
5	<u>Darren Porter & Melissa Porter</u>	1500 Lcr 102	Mount Calm	Tx	76673		31.7098	-96.9083	1.38
6	<u>Dunlap,Cynthia Banik & Dunlap,Joe Wilburn</u>	211 State Highway 31	Mount Calm	Tx	76673	3163	31.7196	-96.9319	1.09
7	<u>Graham,Denise</u>	718 N Seeley Ave W	Mount Calm	Tx	76673	3085	31.7606	-96.8853	4.73
8	<u>Green,Angela</u>	462 Beaver Ln	Waco	Tx	76705	4901	31.6268	-96.9946	6.51
9	<u>Guillen,Jasmin</u>	2715 Torino Reale Ave	Temple	Tx	76502	7995	31.0464	-97.3925	52.85
10	<u>Harris,Mary</u>	882 Lcr 116	Mount Calm	Tx	76673	3546	31.7032	-96.8794	3.01
11	<u>Harris,Phillip Kirk</u>	363 Homer Young Ln	Axtell	Tx	76624	1306	31.6676	-96.9488	2.71
12	<u>Haynes,Vickie</u>	6969 Highway 84 W	Coolidge	Tx	76635	3115	31.6591	-96.686	14.73
13	<u>Howard,Stacy</u>	Po Box 186	Axtell	Tx	76624	186	31.6355	-97.0065	6.49
14	<u>Johnson,Suzanne C</u>	202 N 2nd St E	Mount Calm	Tx	76673	3094	31.758	-96.8791	4.81
15	<u>Klanika,Charles</u>	176 Hcr 3259	Mount Calm	Tx	76673	3174	31.7643	-96.9295	4.17
16	<u>Lucien,Kimberly</u>	Po Box 221	Leroy	Tx	76654	221	31.7312	-97.0172	5.44
17	<u>Lynch,Katy</u>	1789 Lcr 120	Mount Calm	Tx	76673	3002	31.6847	-96.8737	3.60
18	<u>Manning,Christi</u>	1652 Hurst Rd	Axtell	Tx	76624	1311	31.6628	-96.938	2.86

Requestor Id	Name	Address	City	State	Zip	Zip_4	Latitude	Longitude	Distance
19	<u>Mcmillan,Janet Burke</u>	6725 Highway 84 W	Coolidge	Tx	76635	3071	31.6603	-96.6779	15.18
20	<u>Nickel,Candace</u>	Po Box 435	Axtell	Tx	76624	435	31.657	-96.9696	3.96
21	<u>Nivin,Cathryne & Nivin,Ernest Taylor</u>	964 Lcr 120	Mount Calm	Tx	76673	3592	31.7218	-96.8873	2.83
22	<u>Engledow,Kaylee & Pierce,Ricky & Pierce,Vicki Michelle</u>	9151 County Line Rd S	Mount Calm	Tx	76673	3245	31.7242	-96.9482	1.75
23	<u>Price,Randi</u>	102 N Morgan St W	Mount Calm	Tx	76673	3020	31.7596	-96.8838	4.73
24	<u>Reed,David L</u>	Po Box 1922	Canyon Lake	Tx	78133	22	29.8622	-98.2922	150.42
25	<u>Rigby,Elisabeth & Rigby,Steven</u>	4418 T K Parkway	Axtell	Tx	76624	1353	31.6967	-96.9272	0.53
26	<u>Roof,Stacy L</u>	370 W Old Axtell Rd	Waco	Tx	76705	4926	31.6187	-97.022	7.96
27	<u>Serros,Alcario</u>	933 Frazier Ln	Axtell	Tx	76624	1658	31.6279	-96.9635	5.57
28	<u>Souders,Leslie Gail</u>	518 N Seeley Ave W	Mount Calm	Tx	76673	3073	31.7589	-96.8842	4.67
29	<u>Stefka,David</u>	Po Box 43	Axtell	Tx	76624	43	31.6564	-96.9702	4.01
30	<u>Stokes,Benjamin Luke</u>	1553 Frazier Ln	Axtell	Tx	76624	1662	31.623	-96.9526	5.71
31	<u>Stone,Robert R</u>	2013 Highway 31	Axtell	Tx	76624	1520	31.6495	-97.0064	5.82
32	<u>Swaner,Susan</u>	4351 T K Parkway	Axtell	Tx	76624	1461	31.695	-96.9284	0.62
33	<u>Tennison,Keven</u>	4081 E Old Axtell Rd	Axtell	Tx	76624	1218	31.6532	-96.977	4.43
34	<u>Tierce,Virginia</u>	376 Wood St	Axtell	Tx	76624	1232	31.6545	-96.9672	4.02
35	<u>Trayler,James</u>	20 Walkers Xing	Waco	Tx	76705	4006	31.6199	-97.1284	13.00
36	<u>Weatherby,Brent</u>	602 Hcr 3373	Hubbard	Tx	76648	2838	31.7873	-96.7873	10.21

Agenda Caption for Permit Application No. 2400

Docket No. 2022-0977-MSW.

Consideration of an application by the City of Waco for a new Type 1 Municipal Solid Waste landfill facility, permit no. 2400. The proposed facility would be located approximately 0.4 miles south of the intersection of TK Parkway and State Highway 31 in McLennan and Limestone Counties. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Eric Clegg, Heather Haywood, Anthony Tatu).