

# Texas Commission on Environmental Quality

---

## INTEROFFICE MEMORANDUM

**To:** Office of Chief Clerk **DATE:** April 21, 2023

**From:** Anthony Tatu  
Staff Attorney  
Environmental Law Division

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

Applicant: USA Waste of Texas Landfills, Inc.  
Proposed Permit No.: 2185A  
Program: Waste  
Docket No.: TCEQ Docket No. 2023-0265-MSW

Enclosed please find a copy of the following documents for inclusion in the background material for this permit application:

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

**Technical Summary  
of the  
Hawthorn Park Recycling and Disposal Facility  
MSW Permit Amendment Application  
No. 2185A**

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

**Applicant:  
USA Waste of Texas Landfills, Inc.**

**Date Prepared: February 10, 2022**

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.

This page intentionally left blank.

1. General
  - 1.1 Purpose
  - 1.2 Wastes to be Accepted
  - 1.3 Waste Acceptance Rate and Site Life
2. Technical Review
3. Location and Size
  - 3.1 Location
  - 3.2 Elevation and Coordinates of Permanent Benchmark
  - 3.3 Size
4. Facility Design, Construction, and Operation
  - 4.1 Facilities Authorized
  - 4.2 Waste Placement
  - 4.3 Liner
  - 4.4 Final Cover System
  - 4.5 Leachate Collection System
5. Land Use
  - 5.1 Zoning
  - 5.2 Surrounding Land Uses
  - 5.3 Residences and Businesses
  - 5.4 Schools, Churches, and Historical Sites
  - 5.5 Growth Trends
6. Location Restrictions
  - 6.1 Airport Safety
  - 6.2 Floodplains
  - 6.3 Wetlands
  - 6.4 Fault Areas and Seismic Impact Zones
  - 6.5 Unstable Areas
  - 6.6 Protection of Endangered Species
7. Transportation and Access
8. Surface Water Protection
9. Groundwater Protection
  - 9.1 Groundwater Protection:
  - 9.2 Monitoring Wells:

Technical Summary

Hawthorn Park Recycling and Disposal Facility - Permit No. 2185A

Page 4

10. Landfill Gas Management

11. Site Development Plan and Site Operating Plan

12. Financial Assurance

13. Public Participation Process.

14. Additional Information

Attachment 1—Municipal Solid Waste Site Assessment Form

Name of Applicant: USA Waste of Texas Landfills, Inc.  
24275 Katy Freeway, Suite 450  
Katy, Texas 77494

Name of Facility: Hawthorn Park Recycling and Disposal Facility

Contact Person: Charles A. Rivette, Director Planning & Development  
24275 Katy Freeway, Suite 450  
Katy, Texas 77494  
713-253-4497

Consulting Engineer: Charles G. Dominguez, P.E., Principal  
Golder Associates Inc.  
14950 Heathrow Forest Parkway, Suite 280  
Houston, Texas 77032  
281-821-6868

## 1. General

### 1.1 Purpose

The applicant has submitted this permit amendment application requesting authorization of the lateral and vertical expansion of a Type IV municipal solid waste (MSW) landfill in Harris County, Texas. The total permitted facility will include 210.2 acres of which approximately 179.9 acres will be used for waste disposal. The final elevation of the waste fill and final cover material will be 227.2 feet above mean sea level (msl).

### 1.2 Wastes to be Accepted

Solid waste to be disposed of will consist of municipal solid waste resulting from, or incidental to municipal, community, commercial, institutional, and recreational activities, including rubbish, brush, construction-demolition waste, and yard waste; Class 2 non-hazardous industrial solid waste; Class 3 non-hazardous industrial solid waste; special waste, including non-regulated asbestos containing material and other waste as approved by the executive director. The proposed landfill will not be authorized to accept wastes other than the wastes mentioned above, and those waste streams that are expressly prohibited by Title 30 Texas Administrative Code (30 TAC) Chapter 330.

### 1.3 Waste Acceptance Rate and Site Life

Authorized wastes may be accepted at an initial rate of approximately 150,000 tons per year (approximately 481 tons per day based on 312 days-per-year of operation) and increasing over time to a maximum acceptance rate of approximately 340,000 tons per year (approximately 1,090 tons per day based on 312 days per year of operation).

## 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 February 9, 2022. 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. The application has been declared technically complete and a draft permit has been prepared.

## 3. Location and Size

### 3.1 Location

Hawthorn Park Recycling and Disposal Facility is located in Harris County, Texas at 10550 Tanner Road, Houston, TX 77041.

### 3.2 Elevation and Coordinates of Permanent Benchmark

Latitude: N 29° 51' 11.51"

Longitude: W 95° 33' 11.71"

Elevation: 99.29 feet above mean sea level (msl)

### 3.3 Size

The total area within the permit boundary under the proposed permit is approximately 210.2 acres.

## 4. Facility Design, Construction, and Operation

### 4.1 Facilities Authorized

The permit will authorize the operation of a Type IV municipal solid waste landfill with a total net disposal volume (waste and weekly cover) of approximately 23.7 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, groundwater monitoring system, and the solid waste disposal area. Structures

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

The facility includes a Large/Heavy/Bulky Item Unloading and Collection Area, a Construction and Demolition (C&D) Waste Recycling Area, and a Wood Recycling Area for storing and processing white goods, C&D wastes, and brush or other wood materials.

#### 4.2 Waste Placement

The maximum elevation of waste placement will be approximately 225.2 feet above msl. The minimum elevation of new waste placement pursuant to the Permit Application MSW-2185A will be approximately 80 feet above msl. The deepest excavation elevation for the liner is approximately 40 feet above msl and is located in the existing permitted area (West Block) of the landfill.

#### 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 of liner system):

- 1 foot of protective cover soil
- 3 feet of compacted clay liner with a hydraulic conductivity of no more than  $1 \times 10^{-7}$  cm/sec

An overliner system meeting the requirements with 30 TAC Chapter 330 Subchapter H will apply to any vertical expansion of existing, permitted disposal areas that are not lined in compliance with the current requirements for bottom liner systems.

#### 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 final cover consisting of the following components (listed in order from top to bottom):

- 6-inch erosion layer capable of sustaining native plant growth.
- 18-inch infiltration layer (permeability  $< 1 \times 10^{-5}$  cm/s)

#### 4.5 Leachate Collection System

This is a Type IV landfill. A leachate collection system is not proposed for this facility.



## 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 would be located within the territorial limits of the City of Houston (COH). Neither COH nor Harris County have zoning regulations. Within 2 miles of the facility, the only zoning is in the Jersey Village City Limit.

### 5.2 Surrounding Land Uses

Industrial and commercial land uses represent 62% of land use, and residential land use is less than 13%. Office parks and small businesses are interspersed in between residential and industrial land use.

### 5.3 Residences and Businesses

There are 2,155 residences, 331 commercial buildings, and 552 industrial buildings located within one mile of the permit boundary. The nearest residence is about 70 feet west of the southeast permit boundary of the site.

### 5.4 Schools, Churches, and Historical Sites

There are 5 schools and 15 churches within one mile of the permit boundary. There are no known archeologically significant sites or historic sites located within one mile of the permit boundary.

### 5.5 Growth Trends

Growth trends are to the west and away from the facility. Most of the recent growth has been non-residential.

## 6. Location Restrictions

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

### 6.1 Airport Safety

There are no airports within six miles of the facility. The facility is considered to be in compliance with 30 TAC §330.545.

### 6.2 Floodplains

A Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) that includes the landfill facility boundary is included in the application.

The map shows that the proposed permit boundary contains a small portion (less than 1/10 of an acre) of regulated 100-year flood plan.

The applicant received approval for a Letter of Map Amendment from FEMA. The approved LOMA removes the Special Flood Hazard designation within the proposed permit amendment boundary. The facility is considered to be in compliance with 30 TAC §330.547.

### 6.3 Wetlands

Golder Associates identified one wetland, and six manmade ditches in the permit boundary. The wetland features are proposed as non-jurisdictional.

The applicant coordinated with the U.S. Army Corps of Engineers (USACE), and has not yet received a response from USACE. No wetland mitigation area is proposed at this time.

### 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 impacts to threatened or endangered of plant or animal species are expected from the proposed operation of this facility.

## 7. **Transportation and Access**

The main public roadway providing access to the site is Tanner Road located on the south of the site. Tanner Road is a two-lane roadway with a 21- to 28-foot-wide cross-section. There are no weight restrictions on this road other than the legal limit of 80,000 pounds. Information obtained from the Texas Department of Transportation (TxDOT) indicates that traffic generated by the landfill is a very small percentage of the traffic on the roadways and does not contribute to unacceptable availability or adequacy of the area roadway network. This information is contained in the application and indicates that this road can sufficiently handle the current and anticipated future traffic volumes associated with this facility.

## **8. Surface Water Protection**

As defined in 30 TAC §330.3, contaminated water is water which has come into contact with waste. Stormwater which comes into contact with solid waste will be considered contaminated water. Temporary berms will be constructed to minimize the amount of surface water that comes into contact with the waste. Contaminated stormwater at the working face will be contained by run-on/run-off berms. Contaminated surface water and groundwater will not be placed in or on the landfill. Contaminated water will be transported to an authorized facility for treatment and disposal.

## **9. Groundwater Protection**

### **9.1 Groundwater Protection:**

The liner 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 16 monitor wells. Two monitor wells are considered to be upgradient. Monitor well spacing varies from 200 to 800 feet and was designed based on site-specific groundwater flow conditions. The groundwater monitoring network will be sampled, analyzed, and monitored in accordance with the procedures in the Groundwater Monitoring Plan (Attachment 5 in Part III 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 the facility in compliance with the engineering design and applicable regulatory requirements. These documents become 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 held a public meeting on January 18, 2022, which included a formal comment period and an informal question and answer period. Several comments were received during the formal comment 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. Jianing Li  
Municipal Solid Waste Permits Section, MC 124  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711  
(512) 239-1867

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.tceq.texas.gov/permitting/waste\\_permits/msw\\_permits/msw\\_posted\\_apps.html](http://www.tceq.texas.gov/permitting/waste_permits/msw_permits/msw_posted_apps.html)

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

#### **Attachment 1—Municipal Solid Waste Site Assessment Form**



# Texas Commission on Environmental Quality

## Municipal Solid Waste Site Assessment Form

### Facility Information

Regulated Entity Name:		RN:
Customer Name:		CN:
Permit Number:	Application Type: <input type="checkbox"/> New Permit <input type="checkbox"/> Amendment	
Facility Type (check all that apply): <input type="checkbox"/> Type I <input type="checkbox"/> Type IV <input type="checkbox"/> Arid Exempt		
Physical Address:		

### Facility Representative

Present (check all that apply): <input type="checkbox"/> Applicant <input type="checkbox"/> Consultant <input type="checkbox"/> Other:	
Name:	
Email:	Phone:
Additional Names (if applicable):	

### TCEQ Reviewer

Name:	Date of Site Assessment:
Email:	Phone:
Is the location consistent with physical address? <input 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 type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Facility Access Controls	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Facility Entrance Roads	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Facility Buildings	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Landfill Gas Monitoring Wells	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

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

**Additional Comments:**

# Texas Commission on Environmental Quality

## Executive Director's Preliminary Decision

February 3, 2022

### DESCRIPTION OF APPLICATION

Applicant: USA Waste of Texas Landfills, Inc.  
Facility: Hawthorn Park Recycling & Disposal Facility  
Municipal Solid Waste (MSW) Permit Application No. 2185A  
Type: Type IV Municipal Solid Waste Landfill

### EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

The executive director of the Texas Commission on Environmental Quality has made the preliminary decision that this proposed MSW Permit No. 2185A, for USA Waste of Texas Landfills, Inc., if issued, meets all statutory and regulatory requirements.



# 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.: 2185A  
Name of Site Operator/Permittee: USA Waste of Texas Landfills, Inc.  
Property Owner: USA Waste of Texas Landfills, Inc.  
Facility Name: Hawthorn Park Recycling & Disposal Facility  
Facility Address: 10550 Tanner Road, Houston, Texas 77041  
Facility Classification: Type IV Municipal Solid Waste Management Facility

The permittee is authorized to store, process, and dispose of wastes in accordance with the limitations, requirements, and other conditions set forth herein. This 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:

---

For the Commission

**Contents**

<b>I.</b>	<b>Facility Location and Size .....</b>	<b>3</b>
	A. Facility Physical Location .....	3
	B. Facility Permanent Benchmark .....	3
	C. Facility Legal Description.....	3
	D. Facility Size .....	3
<b>II.</b>	<b>Hours of Waste Acceptance and Operation.....</b>	<b>3</b>
<b>III.</b>	<b>Authorized Waste Streams, Waste Acceptance Rate, and Landfill Disposal Capacity.....</b>	<b>4</b>
	A. Authorized Waste Streams .....	4
	B. Prohibited Waste Streams .....	4
	C. Waste Acceptance Rate.....	4
	D. Landfill Disposal Capacity .....	4
<b>IV.</b>	<b>Facility Design, Construction, Operation, and Maintenance.....</b>	<b>4</b>
	A. General Facility Requirements .....	4
	B. Authorized Waste Management Units.....	5
	C. Liner and Leachate Collection Systems.....	6
	D. Elevations of Waste Placement .....	6
	E. Management of Leachate and Gas Condensate.....	6
	F. Management of Contaminated Water .....	6
	G. Final Cover System .....	6
	H. Landfill Gas Management.....	7
	I. Groundwater Monitoring System .....	7
	J. Surface Water and Stormwater Management and Control .....	7
	K. Vector Control.....	7
	L. Facility Sign Requirements .....	8
	M. Landfill Markers .....	8
	N. Facility Personnel.....	8
<b>V.</b>	<b>Financial Assurance .....</b>	<b>8</b>
<b>VI.</b>	<b>Facility Closure .....</b>	<b>9</b>
<b>VII.</b>	<b>Facility Post-Closure Care.....</b>	<b>9</b>
<b>VIII.</b>	<b>Standard Permit Conditions .....</b>	<b>10</b>
<b>IX.</b>	<b>Incorporated Regulatory Requirements .....</b>	<b>12</b>
<b>X.</b>	<b>Special Provisions .....</b>	<b>12</b>
	<b>Attachment A.....</b>	<b>12</b>
	<b>Attachment B .....</b>	<b>12</b>

**I. Facility Location and Size**

A. Facility Physical Location

Hawthorn Park Recycling & Disposal Facility

10550 Tanner Road

Houston, Harris County

B. Facility Permanent Benchmark

Latitude: 29° 51' 11.51" N

Longitude: 95° 33' 11.71" W

Elevation: 99.29 feet above mean sea level

C. Facility Legal Description

The legal description is contained in Part I Appendix IC of this permit.

D. Facility Size

210.2 acres

**II. Hours of Waste Acceptance and Operation**

- A. The waste acceptance hours at this facility shall be any time between the hours of 6:00 a.m. to 7:00 p.m. Monday through Saturday. The operating hours at this landfill, which include the use of heavy equipment for conducting landfill operations (e.g., waste compaction; cover soil excavation, spreading, and placement, maintenance involving heavy equipment; etc.) and transporting materials on- or off-site, shall be any time between the hours of 5:00 a.m. to 9:00 p.m. Monday through Saturday. On-site construction activities, including operation of heavy equipment, may be performed Monday through Sunday, 5:00 a.m. to 9:00 p.m.

The facility may request alternative operating hours of up to five days in a calendar-year period to accommodate special occasions, special purpose events, holidays, or other special occurrences.

- 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 municipal solid waste as defined in 30 TAC Section (§)330.3, rubbish, brush, processed tires, construction-demolition waste, yard waste, Class 2 non-hazardous industrial solid waste, Class 3 non-hazardous industrial solid waste, and specific special wastes identified in Part IV in Attachment A of this permit. The acceptance of the special wastes is contingent upon such waste being handled in accordance with 30 TAC §330.171, and in accordance with the listed and described procedures in Part IV in Attachment A of this permit, subject to the provisions 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 which is not listed in the Type of Waste to be accepted in Section III.A. of this permit and in Part IV in Attachment A of this permit.

#### **C. Waste Acceptance Rate**

Solid waste may be accepted for disposal at this facility at the initial rate of approximately 150,000 tons per year (approximately 481 tons per day based on 312 days-per-year of operation) and increasing over time to a maximum acceptance rate of approximately 340,000 tons per year (approximately 1,090 tons per day based on 312 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 weekly and intermediate cover) is 23,700,000 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 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 IV municipal solid waste landfill consisting of a total area within the permit boundary of 210.2 acres and a waste disposal footprint of 179.9 acres. The permittee is also authorized to operate a Large/Heavy/Bulky Item Unloading and Collection Area, a Construction and Demolition (C&D) Waste Recycling Area, and a Wood Recycling Area.
2. All waste disposal activities authorized by this permit are to be confined to the Type IV landfill which shall include access roads, scales, gatehouse, dikes, berms and temporary drainage channels, permanent drainage structures, detention ponds, landfill gas management system, contaminated water management system, landfill liner and final cover systems, groundwater monitoring system, and other components.
3. All waste processing activities authorized by this permit are to be confined to the Large/Heavy/Bulky Item Unloading and Collection Area, the C&D Waste Recycling Area, and the Wood Recycling Area. The location depicted in Figure



III-1-2 in the Site Development Plan contained in Part III in Attachment A of this permit.

C. Liner System

1. A liner system in accordance with 30 TAC §330.331 must be installed in all cells. The liner 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 a 12-inch thick protective cover soil layer and a 36-inch layer of re-compacted clay with a hydraulic conductivity of no more than  $1 \times 10^{-7}$  centimeters per second (cm/s) from top to bottom. An overliner system shall be constructed for vertical expansion over the existing, permitted disposal areas that are not lined in compliance with current requirements, as listed in Appendix III-3D, Liner Quality Control Plan contained in Part III in Attachment A of this permit.
2. The liner system shall be installed over the entire bottom and sidewalls of the landfill.
3. A leachate collection system is not proposed for this Type IV landfill facility.
4. The elevation of deepest excavation at the landfill disposal area is 40 feet above mean sea level (msl), and is located in the existing permitted area (West Block) of the landfill.
5. The elevations of the bottom of the excavations within the waste disposal areas shall be as shown in Figure III-3-3.1 through Figure III-3-3.4 in Part III in Attachment A of this permit.

D. Elevations of Waste Placement

1. The lowest elevation of new waste placement pursuant to the application for this permit (see Attachment A) will be 80 feet msl.
2. The maximum final elevation of waste placement will be 225.2 feet above msl.

E. Management of Leachate and Gas Condensate

This is a Type IV landfill. Leachate and gas collection systems are not proposed for this facility. However, any leachate or gas condensate shall be handled, stored, treated, and disposed of as contaminated water 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 a minimum of 18-inch thick compacted clay with a

coefficient of permeability no greater than  $1 \times 10^{-5}$  cm/sec with the top six inches erosion layer being capable of sustaining native plant growth.

2. The maximum elevation of the final cover shall not exceed 227.2 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 accordance with Part III, Section 7.0 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, Section 6.0 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, Section 6.0 in Attachment A of this permit.

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

Vectors such as rodents, flies, and mosquitoes shall be minimized through daily site operations, including the application of weekly 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 13.1, 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 5.1 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. Within 60 days after the date of issuance of this permit, the permittee shall provide to the executive director financial assurance instrument(s) for demonstration of closure in an amount not less than \$3,543,530 (2021 dollars). 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. Within 60 days after the date of issuance of this permit, the permittee shall provide financial assurance instrument(s) for demonstration of post-closure care of the landfill in an amount not less than \$322,214 (2021 dollars). 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, 330.453, 330.459, and 330.461 and Part III, Section 8.0, 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, Section 9.0, in Attachment A of this permit for a period of 5 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, Section 9.0 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 February 23, 2021 and received February 23, 2021 and revisions dated May 6, 2021, May 26, 2021, and August 17, 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 monitor sediment accumulation in ditches and culverts on a quarterly basis, and remove sedimentation to re-establish the design flow grades on an annual basis or more frequently if necessary to maintain design flow. The roads within the facility shall be designed so as to minimize the tracking of mud onto the public access road.
- G. Prior to disposal of waste, the permittee shall record in the deed records of Harris County, 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. Weekly cover of the waste fill areas shall be performed with well-compacted clean earthen material that has not been in contact with garbage, rubbish, or other solid waste, or with an alternate 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 weekly 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. Erosion and sedimentation control measures shall be inspected and maintained at least monthly and after each



storm event that meets or exceeds the design storm event. Erosion and sedimentation controls shall remain functional until disturbed areas are stabilized with established permanent revegetation. The permittee shall maintain the on-site access road and speed bumps/mud control devices in such a manner as to minimize the buildup of mud on the access road and to maintain a safe road surface.

- J. Erosion stability measures shall be maintained on top dome surfaces and external embankment side slopes during all phases of landfill operation, closure, and post-closure care in accordance with 30 TAC §330.305(d) 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**

Proof of a final wetlands determination from the United States Army Corps of Engineers must be provided to the Executive Director before commencement of physical construction within the potential wetlands acreage.

**Attachment A**

Parts I through IV of the permit application.

**Attachment B**

Amendments, corrections, and modifications issued for MSW Permit No. 2185A.



**F. Environmental audits:**

**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

**Agenda Caption for Permit Application No. 2185A**

**Docket No. 2023-0265-MSW**

Consideration of an application by USA Waste of Texas Landfills, Inc. for a major amendment authorizing lateral and vertical expansion of a Type IV Municipal Solid Waste landfill facility, permit no. 2185A. The facility is located at 10550 Tanner Road, Houston, Harris County, Texas 77041. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Jianing Li, Anthony Tatu).