

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Office of Chief Clerk **Date:** January 29, 2024

From: Kathy Humphreys and Michael Martinez
Staff Attorney
Environmental Law Division

Subject: Backup Documents for the Consideration of Hearing Requests/Requests for
Reconsideration on Agenda

Applicant: Waste Corporation of Texas, L.P.

Proposed Permit No.: 1586B

Program: Office of Waste, Waste Permits Division

Docket No.: TCEQ Docket No. 2023-1585-MSW

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

- Draft Permit 1586B
- Technical Summary and Executive Director's Preliminary Decision
- Compliance History
- Response to Public Comment (RTC)

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.: 1586B

Name of Site Operator/Permittee: Waste Corporation of Texas, L.P.

Property Owner: Waste Corporation of Texas, L.P.

Facility Name: Greenbelt Landfill

Facility Address: 550 Old Genoa-Red Bluff Road, Houston, Harris
County, Texas 77034

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

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I. Facility Location and Size

A. Facility Physical Location

Greenbelt Landfill

550 Old Genoa-Red Bluff Road,
Houston, Harris County, Texas 77034

B. Facility Permanent Benchmark

Latitude: N 29° 37' 35.2"

Longitude: W 95° 11' 18.1"

Elevation: 40.42 feet above mean sea level

C. Facility Legal Description

The legal description is contained in Section 1.2/Documentation in Part I/II of the permit application, and in Section XI of this permit.

D. Facility Size

Approximately 136 acres.

II. Hours of Waste Acceptance and Operation

A. The waste acceptance hours at this facility shall be 24 hours per day, 7 days per week. Typical waste acceptance activities will occur between the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday, and from 7:00 am to 12:00 pm on Saturday. The operating hours at this landfill which include the use of heavy equipment shall be 24 hours per day, 7 days per week.

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 brush, construction-demolition waste, rubbish (trash) that is free of putrescible waste and free of household waste, inert material, non-regulated asbestos containing material (non-RACM), Class 3 industrial

solid waste (non-hazardous), Class 2 industrial solid waste (non-hazardous), man-made inert material, yard waste, scrap tires that have been split and quartered or shredded, and dredged material after it has been tested to determine that it is not a special waste.

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 also not accept or knowingly dispose of putrescible waste, liquid wastes, Class 1 nonhazardous industrial solid waste, industrial hazardous waste or 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 915,200 cubic yards per year (approximately 3,200 cubic yards 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 18,696,935 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, amendments, corrections, and modifications incorporated by reference in Section XI 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 IV municipal solid waste landfill consisting of a total area within the permit boundary of approximately 136 acres and a waste disposal footprint of 106.9 acres. The permittee is also authorized to operate staging areas for tires, recyclables/reusable materials and large items/white goods, and mulching activities.
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 staging areas for tires, recyclables/reusable materials and large items/white goods, and mulching activities authorized by this permit are to be confined to the areas, as indicated in Figure I/II-17 in the Site Layout Plan contained in Part I/II in Section XI of this permit.

C. Liner Systems

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 Section XI of this permit, and must consist of a 12-inch of protective cover, and a 36-inch of re-compacted soil, with a hydraulic conductivity of no more than 1×10^{-7} cm/sec.

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 zero feet above msl, and is located at Cell N-4 of the landfill.
4. The elevations of the bottom of the excavations within the waste disposal areas shall be as shown in Figure III-3.2 in Part III in Section XI of this permit.

D. Elevations of Waste Placement

1. The lowest elevation of waste placement shall be 4 feet above mean sea level (msl).
2. The maximum final elevation of waste placement shall be 180 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 Section XI of this permit.
2. Any leachate and/or gas condensate shall be handled, stored, treated, and disposed of in accordance with Part IV in Section XI 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 Section XI 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 Section XI of this permit, and must consist of a minimum of six-inch erosion layer capable of sustaining native plant growth, and a minimum of 18-inch clayey soil infiltration layer. If high plasticity clayey (CH) soil is used for the infiltration layer, a minimum of 12-inch erosion layer will be provided.
2. The maximum elevation of the final cover shall not exceed 182 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 6 in Section XI, 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 5 in Section XI 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, 30 TAC §330.417, 30 TAC §330.419, and Part III, Attachment 5, Appendix 5B in Section XI 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, Attachment 2 in Section XI to this permit.

K. Vector Control

Vectors such as rodents, flies, and mosquitoes shall be minimized through daily site operations, which 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 4.10 in Section XI 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 2.0 in Section XI 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 \$5,645,328 (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 \$417,293 (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 Section XI 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 7 in Section XI 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 8 in Section XI of this permit for a period of five 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 2 in Section XI 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 October 29, 2021, received on November 19, 2021, and revisions dated March 7, 2022, April 21, 2022, July 1, 2022, September 14, 2022, October 28, 2022, December 7, 2022, January 18, 2023, February 3, 2023, and February 17, 2023. 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 Section XI as if fully set out herein; provided, however, that in the event of a conflict between the provisions of this permit and the application, the provisions of the permit shall control. 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. This permit shall consist of all duly executed amendments, modifications, and corrections to this permit. These amendments, modifications, and corrections are incorporated into this permit by reference in Section XI.
- 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 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. 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 Section XI 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 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.
- M. 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.
- N. Regardless of the specific design contained in the application or adopted by reference in Section XI 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.
- O. 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.
- P. 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.
- Q. 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.
- R. 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).
- S. 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.
- T. The permittee shall notify the executive, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy in accordance with 30 TAC §305.125(22).
- U. 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

None

XI. Permit Application Submittal References

- A. Permit Application: Parts I, II, III, and IV
- B. Amendments, corrections, and modifications issued for MSW Permit No. 1586B.

**Technical Summary and
Executive Director's Preliminary Decision
of the**

**Greenbelt Landfill
MSW Permit Amendment Application
No. 1586B**

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

**Applicant:
Waste Corporation of Texas, L.P.**

Date Prepared: February 9, 2023

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.

Technical Summary

Facility Name - Permit No. 1586B

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1. Applicant Contact Information

| | |
|----------------------------------|---|
| Name of Applicant: | Waste Corporation of Texas, L.P. 2050 West Sam Houston Parkway South, Suite 1950, Houston, Harris County, Texas 77042 |
| Name of Facility: | Greenbelt Landfill |
| Applicant's Contact Person: | Mr. Marcos Elizondo, Area Landfill Director Waste Corporation of Texas, L.P., 2050 West Sam Houston Parkway South, Suite 1950, Houston, Harris County, Texas 77042 |
| Applicant's Consulting Engineer: | Mr. James R. Murray, III, P.E. Vice President, SCS Engineers 12651 Briar Forest Drive, Suite 205 Houston, Texas 77077 |

2. General Information

2.1 Permit Application

The applicant has submitted this application requesting a major permit amendment to authorize the lateral and vertical expansion of a Type IV municipal solid waste (MSW) landfill in Harris County, Texas. The total permitted facility will include approximately 136 acres of which approximately 106.9 acres will be used for waste disposal. The final elevation of the waste fill and final cover material will be 182 feet above mean sea level (msl).

2.2 Wastes to be Accepted

Solid waste to be disposed of will consist of brush, construction-demolition waste, rubbish (trash) that is free of putrescible waste and free of household waste, inert material, non-regulated asbestos containing material (non-RACM), Class 3 industrial solid waste (non-hazardous), Class 2 industrial solid waste (non-hazardous), man-made inert material, yard waste, scrap tires that have been split and quartered or shredded, and dredged material after it has been tested to determine that it is not a special waste.

The landfill unit(s) may not accept wastes that are expressly prohibited by Title 30 Texas Administrative Code (30 TAC) Chapter 330, and any waste that is not authorized for acceptance.

2.3 Waste Acceptance Rate and Landfill Life

Authorized wastes will be accepted at an initial rate of approximately 3,200 cubic yards per day. It is estimated that the waste acceptance rates will hold

relatively steady at 3,200 cubic yards per day during the life of the facility. The estimated landfill life is approximately 20 years.

3. Technical Review

The application has been technically reviewed by the MSW Permits Section to determine its compliance with the applicable requirements in 30 TAC Chapters 305 and 330. Chapter 305 sets forth standards and requirements for applications; Chapter 330 contains the minimum regulatory criteria for MSW facilities. A site assessment pursuant to 30 TAC 330.73(c) was conducted on October 20, 2022. The results of the assessment are documented in Attachment 1 to this Technical Summary.

The information in the permit application demonstrates compliance with the Chapters 305 and 330 regulatory requirements. The application was declared technically complete and a draft permit has been prepared.

4. Location and Size

4.1 Location

The Greenbelt Landfill is located in Harris County, Texas at 550 Old Genoa-Red Bluff Road, Houston, approximately 0.1 miles east of the intersection of Genoa-Red Bluff Road and State Highway 3 (Old Galveston Road).

4.2 Elevation and Coordinates of Permanent Benchmark

Latitude: N 29° 37' 35.2"

Longitude: W 95° 11' 18.1"

Elevation: 40.42 feet above mean sea level

4.3 Size

The total area within the permit boundary under the proposed permit is approximately 136 acres.

5. Facility Design, Construction, and Operation

5.1 Facilities Authorized

The permit will authorize the operation of a Type IV MSW landfill with a total net disposal volume (waste and daily cover) of approximately 18.7 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, the solid waste disposal unit(s), landfill gas monitoring system, and groundwater monitoring system. Structures for surface drainage and stormwater run-on and runoff control include a perimeter drainage system to convey stormwater runoff around the site, berms, ditches, detention ponds and associated drainage structures.

5.2 Waste Placement

The maximum elevation of waste placement will be approximately 180 feet above msl. The minimum elevation of waste placement will be approximately 4 feet above msl. The deepest excavation elevation for the liner and sumps is approximately zero feet above msl.

5.3 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):

- 12-inch layer of protective cover, and
- 36-inch layer of re-compacted clay liner over subgrade, with a hydraulic conductivity of no more than 1×10^{-7} cm/secs.

5.4 Final Cover System

The final cover system is designed to meet the requirements of 30 TAC Chapter 330 Subchapter K and will be placed over the waste. Each disposal unit will be covered with a composite final cover consisting of the following components (listed in order from top to bottom):

- a minimum of six-inch erosion layer capable of sustaining native plant growth, or, a minimum of 12-inch erosion layer capable of sustaining native plant growth, if high plasticity clayey (CH) soil is used for the infiltration layer, and
- a minimum of 18-inch clayey soil infiltration layer.

5.5 Leachate Collection System

Since the facility is a Type IV landfill, leachate collection system requirements do not apply.

6. Land Use

The application provides information about land use in the vicinity of the site in accordance with 30 TAC §330.61(h).

6.1 Zoning

The proposed facility would be located within the extraterritorial jurisdiction of the City of Houston and within Harris County. The application indicates that there is no zoning within two miles of the facility.

6.2 Surrounding Land Uses

All areas within one mile of the site are within the city limits of Houston or Pasadena. Neither the City of Houston nor the City of Pasadena has adopted a zoning ordinance; therefore, neither the site nor any area within one mile of the site is subject to any zoning. Open land represents the largest percentage (28.3%) of land use within a one-mile radius of the site. The second most common land use within a one-mile radius of the site is residential. Portions of the land within a one-mile radius are developed with a wide variety of commercial (5.7%), industrial (17.8%), residential (21.6%), and recreational (6.9%) uses. Several subdivisions/home communities, apartment complexes, single-family homes, churches, schools, recreational facilities, day care facilities, fire stations, government facilities, a golf course, Ellington Field, ponds, and stormwater detention facilities are located within a one-mile radius of the site.

6.3 Residences and Businesses

There are approximately 3,935 single-family homes, many apartment complexes, and mobile home communities within one mile of the facility. The nearest existing residence is approximately 30 feet from the north property boundary of the facility on Old Genoa Red Bluff Road. There are 108 businesses within one mile of the facility. These include both commercial and industrial activities. There are seven businesses directly adjacent to the property boundary of the facility.

6.4 Schools, Churches, and Historical Sites

There are eight schools, two licensed day care facilities, and seven churches located within a one-mile radius of the facility. There are no known historical sites located within a one mile of the permit boundary.

6.5 Growth Trends

The permit application indicates that the population and employment growth will increase slightly around the site. The population within the five-mile area surrounding the facility will increase approximately 5.6%, while employment in the same area will increase by 16.6%. The primary areas of commercial growth in the area are predicted to be south along the Interstate I-45 and Sam Houston Toll

Road intersection located approximately one mile southwest of the site and directly west of the site along Interstate I-45.

7. Location Restrictions

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

7.1 Airport Safety

There are two airports within six miles of the facility, and the landfill is located within 10,000 feet of an airport runway end used by turbojet aircrafts. The nearest runway of an airport is at Ellington Airfield, located approximately one mile southeast of the facility. William P. Hobby airport is located approximately 5.5 miles northwest of the facility. A response from Federal Aviation Administration indicated no-objection to the proposed expansion of the landfill.

7.2 Floodplains

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

7.3 Wetlands

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

7.4 Fault Areas and Seismic Impact Zones

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

7.5 Unstable Areas

There are no known unstable areas, as defined in 30 TAC §330.559, within or adjacent to the facility. The facility is considered to be in compliance with 30 TAC §330.559.

7.6 Protection of Endangered Species

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

Hydrex Environmental (Hydrex) performed a threatened and endangered species assessment and habitat survey for the facility area. Hydrex determined “no-

effect” for 26 state-listed or federal-listed species. Although, a “no-effect” determination was given for these 26 species, if any of state-listed or federal-listed species are encountered during construction activities, the species will be allowed to safely leave the site or TPWD will be contacted to translocate the species to suitable nearby habitat at a safe distance away.

8. Transportation and Access

The facility's entrance is an approximately 55-foot wide concrete driveway, located at 550 Old Genoa Red Bluff Road. Vehicular traffic to the facility will generally access the facility using IH-45, Beltway 8, State Highway 3, Fuqua Street, Genoa Red Bluff Road, and Old Genoa Red Bluff Road.

The total current average daily traffic volume accessing the facility is estimated to be 140 vehicles per day. Projected facility generated traffic volumes were calculated through 2041 using a 1.4% annual growth rate (based on projected population growth in Harris County). The expected maximum landfill traffic for the life of the facility is approximately 186 vehicles per day. Comparison of the traffic to be generated at the facility with the traffic data indicates that the volume of the traffic generated by the facility represents a relatively small percentage of the existing and projected volumes on the access roads within one mile of the facility.

The application contains a letter documenting the applicant's coordination with the Texas Department of Transportation (TxDOT) for traffic and location restrictions/design of site entrance roadway improvements. A response from TxDOT indicates that the estimated traffic volume increase per day will not negatively impact the state roadways due to the proposed expansion of the landfill.

9. Surface Water Protection

Water that has come into contact with waste, leachate, or gas condensate is contaminated water, as defined in 30 TAC §330.3. Stormwater that 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 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.

10. Groundwater Protection

10.1 Groundwater Protection:

The liner system will provide protection of groundwater from contamination.

10.2 Monitoring Wells:

A groundwater monitoring system will be operated to detect releases from the facility. The new monitoring system will consist of six of the existing seven wells and three new wells for a total of nine wells, three of which will be point of compliance and six upgradient wells. The seventh of the existing wells is scheduled for plugging and abandonment. Two of the new wells are existing piezometers to be converted into monitoring wells to cover the eastern expansion of the landfill.

The groundwater monitor wells will be sampled and the samples analyzed in accordance with the procedures in the Groundwater Sampling and Analysis Plan in Attachment 5, Appendix III-5B to Part III of the Permit Amendment Application, which is part of the facility permit.

11. Landfill Gas Management

A landfill gas monitoring system consisting of permanent landfill gas monitoring probes around the perimeter of the facility will be monitored quarterly to detect potential gas migration at the facility boundary. The monitoring system will consist of 14 permanent methane monitoring probes installed in the ground around the facility perimeter, and detection probes in all enclosed structures within the facility property boundary.

12. 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.

13. 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.

14. Public Participation Process.

Technical review of the application has been completed, the application has been declared technically complete, and a draft permit and *Notice of Application and Preliminary Decision* (NAPD) have been prepared. Information about the application, the draft permit, the notice, and this technical summary will be filed in the TCEQ Office of the Chief Clerk for processing.

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

- 14.1 The TCEQ will hold a public meeting if the executive director determines that there is substantial public interest in the application or if requested by a local legislator. During a public meeting the commission accepts formal comments on an application and holds an informal question and answer period.
- 14.2 The NAPD will be sent to the applicant and published in a newspaper. The NAPD provides instructions for submitting comments, requesting a public meeting, or requesting a hearing on the application, and that all comments or requests must be submitted within 30 days from the date of newspaper publication of the notice.
- 14.3 After the comment period has ended, if comments are received a *Response to Comments* (RTC) will be prepared. The RTC will be sent to all persons who submitted comments or requested a public meeting or hearing on the application. Persons who receive the RTC will have an additional 30 days after the date the RTC is mailed in which to request a public hearing.
- 14.4 After the 30-day period to request a hearing has ended, if any requests have been received the matter will be placed on an agenda for a meeting of the TCEQ commissioners to determine whether to grant any of the hearing requests and refer the matter to the State Office of Administrative Hearings for a public hearing.
- 14.5 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 the hearing process is complete, the ALJ will issue a *Proposal for Decision* (PFD). The PFD will be placed on an agenda for a meeting of the TCEQ commissioners to consider whether to grant or deny the application.
- 14.6 After the commission has acted on an application, a motion for rehearing may be made by a party that does not agree with the decision. A 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 motion may be set on another agenda for consideration by the commission or allowed to expire by operation of law.

- 14.7 Applications for which no one requests a contested case hearing, and which meet all other requirements in 30 TAC 50.133(a) are uncontested applications and will be acted on by the executive director. An uncontested application will be placed on the executive director's agenda and the permit will be issued. The TCEQ will then mail notice that the permit was issued. The notice will be mailed according to 30 TAC 50.133(b) to the applicant, to any person who requested to be on the mailing list for the application, any person who submitted comments during the public comment period, and any person who timely filed a request for a contested case hearing. The notice will include information about the opportunity to file a motion to overturn the executive director's decision. Any motion to overturn the executive director's decision must be submitted no later than 23 days after the date the agency mails notice of the issued permit.

15. Executive Director's Preliminary Decision

The executive director has made the preliminary decision that this proposed permit, if issued, meets all statutory and regulatory requirements.

16. Additional Information

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

Mr. Chandra S. Yadav, P.E.
Municipal Solid Waste Permits Section, MC 124
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711
(512) 239-6727

For more detailed technical information concerning any aspect of this application or to request a copy of the SDP or SOP, 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 www.tceq.texas.gov/goto/mswapps.

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.

Technical Summary
Greenbelt Landfill - Permit No. 1586B
Page 14 of 14

Attachment 1—Municipal Solid Waste Site Assessment Form



Texas Commission on Environmental Quality
Municipal Solid Waste Site Assessment Form

Facility Information

| | | |
|--|---|---------------|
| Regulated Entity Name: Greenbelt Landfill | | RN: 101287852 |
| Customer Name: Waste Corporation of Texas, L.P. | | CN: 60258804 |
| Permit Number: 1586B | Application Type: <input type="checkbox"/> New Permit <input checked="" type="checkbox"/> Amendment | |
| Facility Type (check all that apply): <input type="checkbox"/> Type I <input checked="" type="checkbox"/> Type IV <input type="checkbox"/> Arid Exempt | | |
| Physical Address: 550 Genoa-Red Bluff Road, Houston, Harris County, Texas 77034 | | |

Facility Representative

| | |
|--|-----------------------|
| Present (check all that apply): <input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Other: | |
| Name: Jennifer Glowacki | |
| Email: jglowacki@gflenv.com | Phone: (346) 482-8607 |
| Additional Names (if applicable): Marcos Elizondo | |

TCEQ Reviewer

| | |
|--|-------------------------------------|
| Name: C. Yadav, M. Balde, and A. Barrera | Date of Site Assessment: 10/20/2022 |
| Email: chandra.yadav@tceq.texas.gov | Phone: 512-239-6727 |
| 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| Facility Access Controls | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| Facility Entrance Roads | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| Facility Buildings | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| Landfill Gas Monitoring Wells | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |

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

Additional Comments:



Compliance History Report

Compliance History Report for CN602528804, RN101287852, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

| | | | |
|---|---|-----------------------------|--------------------------------|
| Customer, Respondent, or Owner/Operator: | CN602528804, Gfl Of Texas, L.P. | Classification: HIGH | Rating: 0.00 |
| Regulated Entity: | RN101287852, GREENBELT LANDFILL | Classification: HIGH | Rating: 0.00 |
| Complexity Points: | 8 | Repeat Violator: | NO |
| CH Group: | 07 - Solid Waste Landfills | | |
| Location: | 550 GENOA RED BLUFF RD HOUSTON, TX 77034-4005, HARRIS COUNTY | | |
| TCEQ Region: | REGION 12 - HOUSTON | | |
| ID Number(s): | | | |
| MUNICIPAL SOLID WASTE DISPOSAL PERMIT 1586A | MUNICIPAL SOLID WASTE DISPOSAL PERMIT 1586B | | |
| Compliance History Period: | September 01, 2018 to August 31, 2023 | Rating Year: 2023 | Rating Date: 09/01/2023 |
| Date Compliance History Report Prepared: | January 18, 2024 | | |
| Agency Decision Requiring Compliance History: | Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit. | | |
| Component Period Selected: | September 01, 2018 to August 31, 2023 | | |
| TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History. | | | |
| Name: | Khumphrey | Phone: | (512) 239-1000 |

Site and Owner/Operator History:

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

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 21, 2020 | (1669944) |
| Item 3 | May 23, 2023 | (1840411) |

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. 1586B

**APPLICATION BY
WASTE CORPORATION OF TEXAS
FOR MUNICIPAL SOLID WASTE
PERMIT NO. 1586B**

**§
§
§
§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director of the Texas Commission on Environmental Quality (TCEQ) files this Response to Public Comment (Response) on the application by Waste Corporation of Texas, L.P. (Waste Corp.) for a major amendment to Municipal Solid Waste (MSW) Permit No. 1586B for the Greenbelt Landfill in Harris County (Greenbelt) and the Executive Director's Preliminary Decision. As required by Title 30, §55.156(b)(1) of the Texas Administrative Code (TAC), before an application is approved, the Executive Director prepares a written response to all timely, relevant, and material or significant public comments, whether withdrawn or not withdrawn. The Office of the Chief Clerk received timely comments from: Michelle Blair, Veronica Cantu, Octavious Chacon, Adrian Diaz, Terrie Do, Renee R. Edens, Karen Entwistle, Thomas D. Entwistle, Stephanie Halliburton, Diana Hernandez, Troy Glenn Lively, Abdul Hannan Mohammed, Victor Palomares, Nelly Ramirez, Paola Rojas, Augustina Rosenberry, and Sigifredo Ruiz. Elita Bartley Castleberry and Latrice Babin submitted comments on behalf of Harris County Pollution Control Services (PCS). Before the close of the comment period, Elita Bartley Castleberry and Latrice Babin withdrew their comments. Additionally, Troy Glenn Lively requested a Public Meeting on behalf of the Southway Homeowners Association.

This Response addresses all timely public comments received, withdrawn or not withdrawn. If you need more information about this permit application or the MSW permitting process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.texas.gov.

I. Public Comments Received

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. Description of Facility

Waste Corp. submitted an application requesting a major permit amendment to authorize the lateral and vertical expansion of a Type IV municipal solid waste (MSW) landfill in Harris County, Texas. The total permitted facility will include approximately 136 acres, of which approximately 106.9 acres will be used for waste disposal. The final elevation of the waste fill and final cover material will be 182 feet above mean sea level (msl).

Solid waste to be disposed of will consist of brush, construction-demolition waste, rubbish (trash) that is free of putrescible waste and free of household waste, inert material, non-regulated asbestos containing material (non-RACM), Class 3 industrial solid waste (non-hazardous), Class 2 industrial solid waste (non-hazardous), man-made inert material, yard waste, scrap tires that have been split and quartered or shredded, and dredged material after it has been tested to determine that it is not a special waste.

The landfill may not accept wastes that are expressly prohibited by Title 30 Texas Administrative Code (30 TAC) Chapter 330, and any waste that is not authorized for acceptance.

Authorized wastes will be accepted at an initial rate of approximately 3,200 cubic yards per day. It is estimated that the waste acceptance rates will hold relatively steady at 3,200 cubic yards per day during the life of the facility. The estimated life of the landfill is approximately 20 years.

B. Procedural Background

The TCEQ received this application on November 19, 2021, and declared it administratively complete on January 6, 2022. The Notice of Receipt of Application and Intent to Obtain a Municipal Solid Waste Permit was published in English and Spanish

on January 26, 2022, in *The Houston Chronicle* and *La Voz de Houston* in Harris County, Texas.

The Executive Director completed the technical review of the application on February 23, 2023, and prepared a draft permit. The Notice of Application and Preliminary Decision was published in English and Spanish on March 15, 2023, in *The Houston Chronicle* and *La Voz de Houston*. This application was filed on or after September 1, 2015; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature (1999) and Senate Bill 709, 84th Legislature (2015), both implemented by the Commission in its rules in 30 TAC Chapters 39, 50, and 55.

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 Environmental Protection Agency’s public webpage at epa.gov/laws-regulations/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.
- Commission records for this application and draft permit are available by appointment for viewing and copying in the Office of the Chief Clerk (OCC) at the TCEQ main office in Austin at 12100 Park 35 Circle, Building F, 1st Floor. Some

documents located in OCC may also be viewed in the Commissioner's Integrated Database at: www14.tceq.texas.gov/epic/eCID/

IV. Comments and Responses

Comment 1 General Opposition; General Health and Environmental Concerns

The Executive Director received many comments generally objecting to the landfill and proposed expansion. Several commenters expressed concern that the facility would 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 negatively impacts the quality of life of residents and businesses in the surrounding area. Similarly, PCS expressed concern that community residents will object to the proposed landfill expansion. PCS subsequently withdrew this comment.

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 §330.417 (relating to Groundwater Monitoring at Type IV Landfills), an owner or operator of a Type IV landfill facility must install groundwater monitoring systems and regularly monitor groundwater quality 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 five years after a facility is closed for Type IV landfills. 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. Should gas levels exceed specified limits, the facility must 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 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. These plans included in the application are incorporated by reference into the amended permit.

Included in the technically complete application is the Groundwater Sampling and Analysis Plan in Attachment 5, Appendix III-5B to Part III. The groundwater monitoring system for the existing landfill complies with the groundwater monitoring requirements in 30 TAC Chapter 330, Subchapter J. If the proposed permit amendment is granted, the groundwater monitoring system will be expanded to monitor the new areas of the landfill. The groundwater monitoring system will be operated to detect releases from the facility. The new monitoring system will consist of six of the existing seven wells and three new wells for a total of nine wells. The groundwater monitor wells will be sampled, and the samples analyzed in accordance with the procedures in the Groundwater Sampling and Analysis Plan in Attachment 5, Appendix III-5B to Part III of the Application. If groundwater quality is impacted by the landfill, MSW rules provide mechanisms and processes for addressing the cause and correcting affected groundwater. These requirements are provided in 30 TAC Chapter 330, Subchapter J and addressed in the Groundwater Sampling and Analysis Plan.

The application addresses applicable rules regarding landfill gas in Part III, Attachment 6, the Landfill Gas (LFG) Management Plan (LGMP), and Part IV of the application, the Site Operating Plan (SOP) Section 4.18, which provide procedures for quarterly monitoring and control of landfill gas. Section 3 of the LGMP indicates that monitoring will be accomplished, in accordance with 30 TAC §330.371, by a system of 14 permanent gas monitoring probes around the perimeter of the landfill. The monitoring probes allow detection of potential landfill gas releases and migration in the subsurface of the landfill. The spacing between probes will be a maximum of 1,000 feet. Probe locations in relation to the waste footprint and facility appurtenances are shown in Drawing III-6-2 of the LGMP.

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 Location Concerns

Michelle Blair, Veronica Cantu, and Stephanie Halliburton stated that the landfill should be moved. Similarly, Octavious Chacon stated that the landfill should not be near homes or schools. Thomas Entwistle stated the landfill is too close to a park.

Response 2:

The Executive Director reviewed the application and preliminarily determined that the application complies with all applicable land use requirements. In accordance with 30 TAC §330.61(h), an owner or operator must provide information regarding the likely impacts of the proposed changes to the facility on cities, communities, groups of property owners, or individuals by analyzing the land uses, zoning in the vicinity, community growth patterns, water wells, and other factors associated with the public interest.

As required in 30 TAC §330.61(h), Part II of the application provided the following: information about the character of the surrounding land uses within one mile of the facility; information about growth trends within five miles of the proposed landfill with directions of major development; proximity to residences, business establishments, and other uses within one mile, such as schools, churches, cemeteries, historic structures and sites, archaeologically significant sites, and sites having exceptional aesthetic quality; and information regarding all known wells within 500 feet of the site.

According to Part II of the application, all areas within one mile of the site are within the city limits of Houston or Pasadena. Open land represents the largest percentage (28.3%) of land use within a one-mile radius of the site. The second most common land use within a one-mile radius of the site is residential (21.6%). Portions of the land within a one-mile radius are developed with a wide variety of recreational (6.9%), commercial (5.7%), and industrial (17.8%) uses.

Apart from the land use compatibility requirements and the location restrictions in the rules referenced above, TCEQ does not have the authority to specify the location of the facility, determine zoning ordinances, or to suggest an alternative location.

Comment 3 General Concerns for Human Health

Stephanie Halliburton and Abdul Hannan Mohammed stated that the existing landfill is negatively impacting human health. Similarly, Thomas Entwistle and Victor Palomares stated the landfill is a health hazard. Diana Hernandez expressed concern over the impact of the landfill on elderly families and pets.

Response 3

TCEQ promulgated rules regulating all aspects of MSW management under the authority of the commission based primarily on the Texas Health and Safety Code, Chapter 361. It is Texas' policy and the purpose of the statutes to safeguard the health and welfare of the people by controlling the management of solid waste. A MSW permit does not authorize any injury to persons or property, an invasion of other property rights, or any infringement of state or local law or regulations.

TCEQ Field Operations Division, Regional Offices conduct compliance inspections and investigations of facilities under TCEQ's jurisdiction. The environmental investigators review facility operations and operating records to determine the facility's compliance with issued authorizations, TCEQ rules, state statutes, and federal statutes. If the application is approved, the permittee will be required to comply with the conditions of the issued permit, which incorporates the rules, statutes, and the Application. Failure to comply with a permit condition may constitute a violation of the permit, the Rules of the Commission, and/or the TSWDA, and may be grounds for enforcement action.

The Executive Director has reviewed the Application and determined that, if the facility is constructed and operated in accordance with the rules, Final Draft Permit provisions and the Application, the operation of the facility should not adversely impact human health or the environment.

Comment 4 Property Values

Renee R. Edens and Nelly Ramirez stated that the existing landfill lowers property values.

Response 4

TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute and rules. Accordingly, TCEQ does not have jurisdiction to consider property values or other economic impacts when determining whether to approve or

deny a MSW permit application. However, the issuance of a permit does not authorize injury to persons or property or invasion of other property rights, or infringement of state or local law or regulation in accordance with 30 TAC §305.122(d).

The Applicant is required to provide land use information, including growth trends within five miles of the facility in accordance with 30 TAC §330.61(h)(3). Part II, Appendix IIA of the application indicates that the use of the proposed land for industrial development is consistent with use in the immediate area, is consistent with growth trends in the immediate area, and should have minimal impact.

Comment 5 Air Quality and Emissions

Renee R. Edens, Diana Hernandez, and Paola Rojas commented that the existing landfill negatively impacts air quality. Similarly, Augustina Rosenberry stated that she is concerned for the safety of her children because of the strong smell of toxic chemicals. Octavious Chacon expressed concern that the landfill will generate methane. PCS recommends the TCEQ assess the need for additional gas monitoring probes due to the proposed increase in volume. PCS subsequently withdrew this comment.

Response 5

Air emissions from MSW landfills are authorized and regulated under 30 TAC §330, Subchapter U. TCEQ rules prohibit operation of an MSW landfill in a manner that causes, suffers, allows, or contributes to the creation or maintenance of a nuisance in accordance with 30 TAC §330.15(a)(2). The standard permit conditions of the draft permit for the facility indicates that the facility shall comply with the applicable requirements of 30 TAC Chapters 106 and 116 and 30 TAC Chapter 330, Subchapter U. In addition, TCEQ rules require an Odor Management Plan that addresses the sources of odors and includes general instructions to control odors or sources of odors in accordance with 30 TAC §330.149. The Application includes an Odor Management Plan in Section 4.13 of the site operating plan (SOP).

Rules in 30 TAC §§330.63(g) and 330.371 require control of landfill gas to prevent possible explosive hazards due to migration and accumulation of methane. TCEQ regulations require that gas monitoring be conducted quarterly to detect any potential migration of methane gas beyond the facility property boundary or into enclosed structures within the facility property boundary.

The application addresses applicable rules regarding landfill gas in Part III, Attachment 6, the Landfill Gas (LFG) Management Plan (LGMP), and Part IV of the application, the Site Operating Plan (SOP) Section 4.18, which provide procedures for quarterly monitoring and control of landfill gas. Section 3 of the LGMP indicates that monitoring will be accomplished, in accordance with 30 TAC §330.371, by a system of 14 permanent gas monitoring probes around the perimeter of the landfill. The monitoring probes allow detection of potential landfill gas releases and migration in the subsurface of the landfill. The spacing between probes will be a maximum of 1,000 feet. Probe locations in relation to the waste footprint and facility appurtenances are shown in Drawing III-6-2 of the LGMP. The Applicant operates the system consistent with their permit and prevailing site conditions. Monitoring of the perimeter gas probes will be required while the landfill is active and during the post-closure care period.

The Executive Director has reviewed the Application and determined that it satisfies the requirements regarding air quality. Individuals are encouraged to report any concerns regarding air quality or odor to the TCEQ Region 12 Office at 713-767-3500 or the toll-free Environmental Violation Hotline at 1-888-777-3186.

Comment 6 Nuisances

Augustina Rosenberry stated that the existing landfill is a nuisance. Similarly, PCS recommended that the permit include plans to address nuisance complaints. PCS subsequently withdrew this comment.

Response 6

TCEQ rules in 30 TAC §330.15(a)(2) prohibit the creation of nuisance conditions. Individuals are encouraged to report suspected noncompliance with any TCEQ rules or permit conditions to the TCEQ Region 12 Office at 713-767-3500, the toll-free Environmental Violation Hotline at 1-888-777-3186, or online at <https://www.tceq.texas.gov/compliance/complaints>. Please also see Responses 7, 8, 11, and 15 for comments on odor, vectors, screening, and noise.

Comment 7 Odors

Octavious Chacon, Terrie Do, Karen Entwistle, Diana Hernandez, Abdul Hannan Mohammed, Thomas Entwistle and Nelly Ramirez commented on odors from the landfill.

Response 7

The applicant applied for an amendment to its Type IV landfill permit. If the amendment is granted the landfill will not be authorized to accept putrescible or household waste. Additionally, 30 TAC §330.15(a)(2) requires that the facility be operated in a way that prevents the occurrence of nuisance odor conditions. As required in 30 TAC §330.149, the Site Operating Plan includes an odor management plan that addresses the sources of odors and includes general instructions to control odors or sources of odors. Plans for odor management must include the identification of wastes that require special attention. The Applicant provided an odor management plan as Section 4.13, Part IV of the application, which includes activities such as the application of weekly, intermediate, and final cover. Furthermore, 30 TAC §330.141 requires that a minimum separation distance of 50 feet be maintained between solid waste processing and disposal activities and the boundary of the site, unless otherwise authorized by the Executive Director. The Applicant has complied with the buffer zone requirements of §330.141. The Executive Director has reviewed the Application and determined that it satisfies the rule requirements regarding odor control.

Individuals are encouraged to report any concerns regarding odor to the TCEQ Region 12 Office at 713-767-3500, the toll-free Environmental Violation Hotline at 1-888-777-3186, or online at <https://www.tceq.texas.gov/compliance/complaints>.

Comment 8 Vectors

Thomas Entwistle expressed concern that the landfill will attract rodents and bugs. Karen Entwistle noted that there are a lot of birds eating from the landfill. Similarly, PCS recommended that Greenbelt include a plan to prevent birds from congregating at the landfill. PCS subsequently withdrew this comment.

Response 8

30 TAC §330.151 states that a site operator shall control on-site populations of disease vectors using proper compaction and daily cover procedures, and the use of other approved methods when needed. A vector is defined under 30 TAC §330.3(175) as an agent, such as an insect, snake, rodent, bird, or other animal capable of transferring a pathogen from one organism to another.

The procedures provided for vector control are discussed in Section 4.14 of the SOP, Part IV of the application, which include the application of weekly, intermediate,

and final cover. Daily checks will be performed by site personnel for insects and rodents, and they will evaluate the situation regularly to take additional action, should it be required. Professional exterminators will be contacted, if necessary, to eliminate rodents or other pests that may appear at the site. If chemicals are needed for disease vector control, a licensed professional will apply the appropriate chemical at the industry recommended rate and will use the appropriate health and safety practices to minimize any potential adverse effects. The effectiveness of the treatment will be assessed by observing for the continued presence of vectors, and additional treatments by a professional exterminator will be performed until the problem is resolved.

The Executive Director has preliminarily determined that the procedures provided in the application for controlling on-site populations of disease vectors meet the requirements of 30 TAC §330.151. All representations made in the permit application become enforceable if the permit is issued.

As noted previously, nuisance concerns should be reported to the TCEQ Region 12 office at 713-767-3500, the toll-free Environmental Violation Hotline at 1-888-777-3186, or online at <https://www.tceq.texas.gov/compliance/complaints>.

Comment 9 Impacts to Wildlife

Thomas Entwistle expressed concern that the landfill will negatively impact wildlife in the area.

Response 9

The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. *See* Tex. Health and Safety Code §361.011. Accordingly, the TCEQ has jurisdiction to consider the impact of an MSW landfill facility on wildlife or wildlife habitat that is protected by state or federal statute. TCEQ rules prohibit the facility or operation of the facility from resulting in destruction or adverse modification of the critical habitat of endangered species and the causing or contributing to the taking of any endangered or threatened species in accordance with 30 TAC §330.61(n). This rule requires the Applicant to "submit Endangered Species Act compliance demonstrations . . . and determine whether the [proposed] facility is in the range of endangered or threatened species." *Id.* "If the [proposed] facility is located in the range of endangered or threatened species, the owner or operator [applicant] shall have a biological assessment prepared by a qualified biologist in accordance with

standard procedures of the United States Fish and Wildlife Service and the Texas Parks and Wildlife Department to determine the effect of the facility on the endangered or threatened species.” *Id.* The Application includes an assessment report prepared by Hydrex Environmental (Hydrex) on threatened and endangered species which concludes that no habitat of federally listed species was observed within the project area. Hydrex performed a threatened and endangered species assessment and habitat survey for the facility area. Hydrex determined “no-effect” for 26 state-listed or federal-listed species. Although, a “no-effect” determination was given for these 26 species, if any of state-listed or federal-listed species are encountered during construction activities, the species will be allowed to safely leave the site or TPWD will be contacted to translocate the species to suitable nearby habitat at a safe distance away. A copy of the Hydrex assessment report and correspondences with TPWD is included in Part I/II, Appendix I/II-B3 of the application. The Executive Director has preliminarily determined that the proposals in the application meet the requirements for protection of endangered or threatened species.

Comment 10 Visual impacts

Thomas Entwistle noted that the landfill will be visible from the freeway.

Response 10

30 TAC §330.175 requires that visual screening of waste must be provided by the owner or operator of the facility where the Executive Director determines that screening is necessary or as required by the permit. Visibility is minimized by visual screening measures and by required application of weekly, intermediate, and final cover, and maintenance of buffer zones. The proposed visual screening measures are described in Section 4.26 of the SOP, which includes the use of trees, shrubs, fences, and berms. A site-specific screening plan is included in Appendix IV-E of the application, which describes methods that will be used for visual screening at the facility. The Executive Director has not determined that any additional screening should be required and has concluded that the Application complies with requirements for visual screening of waste.

Comment 11 Types of Waste

Veronica Cantu, and Octavious Chacon asked what types of waste the landfill will accept. PCS commented that the permit should not allow putrescible waste as

defined in 30 TAC §330.5(a)(2) to be brought onsite for composting or any other purposes. Additionally, PCS noted that if putrescible waste is authorized, the facility should have detailed procedures for the receipt and handling of putrescibles for composting to ensure none are inadvertently disposed of in the landfill. PCS had recommendations for recyclables, brush, yard waste, and scrap tires. PCS subsequently withdrew these comments.

Response 11

A Waste Acceptance Plan (WAP), required under 30 TAC §330.61(b), is provided in Part II, Section 2 of the Application. The WAP describes the wastes that will be accepted and those that are prohibited. The major classifications of solid waste to be accepted at the Greenbelt Landfill include brush, construction-demolition waste, rubbish (trash) that is free of putrescible waste and free of household waste, inert material, non-regulated asbestos containing material (non-RACM), Class 3 industrial solid waste (non-hazardous), Class 2 industrial solid waste (non-hazardous), man-made inert material, yard waste, scrap tires that have been split and quartered or shredded, and dredged material after it has been tested to determine that it is not a special waste. The draft permit prohibits the landfill from accepting or knowingly disposing of putrescible waste.

According to the draft permit, the landfill will be authorized to operate staging areas for mulching activities and areas for scrap tires. The staging areas must be confined to the areas indicated in the Site Layout Plan, which is incorporated into the draft permit.

Comment 12 Impacts to Groundwater

Octavious Chacon expressed concern over toxic liquids seeping into the ground water. PCS recommended that Greenbelt provide a description of mitigation measures that will be taken if contaminants of concern are measured above the maximum contaminant level in monitoring wells. PCS also requested a copy of the groundwater sampling and analysis results. PCS subsequently withdrew this comment.

Response 12

TCEQ's MSW facility rules in 30 TAC §§330.61(j) and (k), and 30 TAC §§330.63(e) and (f) require that the applicant provide adequate information about soils, geology, groundwater, and surface water within and around the site, and a

groundwater monitoring program, including a sampling and analysis plan in the application. The groundwater monitoring program must include a monitoring system, based on site-specific technical information, to detect any contamination from the facility prior to migration off-site. The system must consist of a sufficient number of wells, installed at appropriate locations and depths, to yield representative groundwater samples from the uppermost aquifer.

The application includes a subsurface investigation report that provides data and information that characterizes the soils and geology at the site as required. The application indicates that the applicant used a sufficient number of soil borings drilled to at least 5 feet below the base of the deepest excavation at the site to obtain the subsurface information. The subsurface investigation was overseen by a Texas Licensed Professional Geoscientist as required.

Part III of the application, Attachment 4-Geology Report and Attachment 5-Groundwater Characterization and Monitoring Report, indicates that the site is located on the Chicot and Evangeline aquifers, which are the major hydrologic units utilized for groundwater supply in Harris County. Units of the Chicot aquifer comprise the uppermost aquifer in the facility area. The Chicot aquifer is approximately 400 feet thick in the facility area. The underlying Evangeline aquifer is comprised of the Goliad Formation and Part of the Fleming Formation and is underlain by the Burkeville confining unit. In the facility area, the Evangeline aquifer is approximately 1,000 feet thick. To ensure protection of the underlying aquifer from impacts from the landfill, the rules require installation of a protective liner system designed and constructed to meet the requirements under 30 TAC Chapter 330, Subchapter H. The application provides design details of a constructed soil liner in Part III, Attachment 3, which meets the liner requirements for a Type IV landfill as specified in 30 TAC 330.331(d).

In addition, the facility operates a groundwater monitoring system for the existing landfill that complies with the groundwater monitoring requirements in 30 TAC Chapter 330, Subchapter J. If the proposed permit amendment is granted, the groundwater monitoring system will be expanded to also monitor the new areas of the landfill. The groundwater monitoring system will be operated to detect releases from the facility. The new monitoring system will consist of six of the existing seven wells and three new wells for a total of nine wells. The groundwater monitor wells will be

sampled, and the samples analyzed in accordance with the procedures in the Groundwater Sampling and Analysis Plan in Attachment 5, Appendix III-5B to Part III of the Permit Amendment Application. If groundwater quality is impacted by the landfill, MSW rules provide mechanisms and processes for addressing the cause and correcting affected groundwater. These requirements are provided in 30 TAC Chapter 330, Subchapter J and addressed in the Groundwater Sampling and Analysis Plan in Attachment 5, Appendix III-5B to Part III of the Permit Amendment Application.

The Executive Director has preliminarily determined that the application contains information that demonstrates adequate protection of groundwater and surface water quality at the facility. The Executive Director expects that if the Permit Amendment is issued, the landfill expansion will be constructed and operated in accordance with 30 TAC Chapter 330 and that groundwater and surface water will be adequately protected.

Comment 13 Contested Case Hearing

Troy Glenn Lively, property manager and managing agent for Southway Homeowners Association, asked how to request a contested case hearing.

Response 13

A contested case hearing is a legal proceeding similar to a civil trial in state district court. Hearings are conducted by the State Office of Administrative Hearings (<https://www.soah.texas.gov/>).

When requesting a hearing, it is necessary to demonstrate that the requester is an “affected person” in order to be granted party status. This means that the requester must be personally affected by the permit decision and that granting the permit would specifically affect the requester in ways not shared by the general public—for example, by impairing the requester’s health or safety, or by interfering with the use or enjoyment of the requester’s property. Affected persons may request a hearing to challenge the Executive Director’s decision on an application. The commissioners’ decision whether to grant a hearing is based in part on the information the requester submits.

Because contested case hearings are legal proceedings, parties may wish to hire an attorney to ensure that their interests are fully represented. However, representation by an attorney is not required.

Requests for contested case hearings must include:

- the requester's name, address, and daytime telephone number
- the permit number and applicant's name
- a statement clearly requesting a "contested case hearing"
- the location of the requester's home, business, or property that is affected, and its distance from the proposed facility
- a detailed explanation of how the requester would be adversely affected by the proposed facility or activity in a manner not common to the general public
- a list of all the relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request

If the request is made on behalf of an association or other group, the request must identify one or more members who have standing to request a hearing and state how the interest that the group seeks to protect is relevant to its purpose.

Additional information on requesting a contested case hearing can be found at: <https://www.tceq.texas.gov/downloads/publications/gi/public-participation-in-permitting-gi>

Comment 14 Public Notice

Karen Entwistle stated that she lives adjacent to the landfill but did not receive notice of the proposed permit amendment. Similarly, Adrian Diaz asked if the homeowners in the area were notified of the expansion.

Response 14

TCEQ's public participation rules require a series of public notices of solid waste applications to be mailed, published, and posted. Notice of Receipt of Application and Intent to Obtain a Permit (so called NORI) and Notice of Application and Preliminary Decision (so called NAPD) are required to be mailed and published in accordance with 30 TAC §§39.501(c) and (d). Additionally, the applicant is required to post notice of an MSW application by sign in accordance with 30 TAC §330.57(i)(3) and (4). A minimum of one sign, but no more than three signs, providing notice of an application for a major amendment of an MSW permit is required to be posted along property lines parallel to public highways within 30 days of the executive director's receipt of an application along streets or roads at the site.

In accordance with 30 TAC, Chapter 39, the Office of Chief Clerk will mail notice to the landowners named on the application's adjacent landowner's list. This list shall comply with the requirements of 30 TAC §281.5 and shall include all property owners within ¼ mile of the facility, and all mineral interest ownership under the facility. In accordance with 30 TAC §39.501, persons entitled to notice include: people who own property within ¼ mile of the facility boundary; city, county and state officials specified by the rule; and those individuals who have placed themselves on a concerned party list with the Office of the Chief Clerk for the county in which the facility is located.

The Executive Director reviewed the adjacent landowner's list and the notice affidavits in the Application file and determined that these representations indicate that mailed and published notice of the application was made in accordance with the requirements.

Comment 15 Noise

Karen Entwistle commented that there is significant noise from all the vehicles at the landfill.

Response 15

The Executive Director has no authority under the TSWDA to regulate the intensity of sound generated by vehicles associated with a landfill. Within the permit boundary, §330.15(a)(2) prohibits the owner or operator of an MSW facility from operating the facility in a manner that causes "the creation and maintenance of a nuisance." To decrease the likelihood of nuisance noise, §330.141(b) requires a minimum separating distance of 50 feet between solid waste processing and disposal activities and the boundary of the site. As illustrated on Part I/II, Drawing I/II-17, the buffer between the landfill boundary and the waste footprint, within which most waste activity will be performed, is at least 50 feet.

Comment 16 Application Language

PCS expressed concern that the application replaces active verbs with weaker discretionary verbs. PCS subsequently withdrew this comment.

Response 16

Waste Corp. must comply with the terms of the permit and the relevant statutory and regulatory requirements regardless of the verb tense.

Comment 17 Inspections for Incoming Loads

PCS recommended that the Executive Director amend the permit application to require random, daily inspections of at least 10% of the incoming loads. PCS subsequently withdrew this comment.

Response 17

30 TAC §330.127(5)(A) requires that the site operating plan include “procedures to be used by the owner or operator to control the receipt of prohibited waste. The procedures must include the random inspections of incoming loads and must include the inspection of compactor vehicles. In addition to the random inspections, trained staff shall observe each load that is disposed at the landfill.”

Comment 18 Training

PCS recommended that that landfill manager, office clerk, and gate attendant be required to receive annual recordkeeping training, and that Section 1.2 of the Site Operating Plan be updated to include Cover Application Log. PCS subsequently withdrew this comment.

Response 18

The rules governing Site Operating Plans can be found in 30 TAC §330.127. The rules require “(4) identification of applicable training requirements under §335.586(a) and (c) of this title (relating to Personnel Training) that shall be followed.”

Comment 19 Recordkeeping

PCS recommended that use of alternative weekly cover should be logged in the Cover Application Log. PCS subsequently withdrew this comment.

Response 19

Part IV (Site Operating Plan) of the application in Section 4.21.6 indicates that the use of alternative weekly cover will be logged in the cover application log.

Comment 20 Rainfall Data

PCS recommended that the Executive Director require Greenbelt use current rainfall data in its calculations. PCS subsequently withdrew this comment.

Response 20

30 TAC §330.63(c)(1)(D)(i) require “the 25-year rainfall intensity used for facility design including the source of the data; all other data and necessary input parameters

used in conjunction with the selected hydrologic method and their sources should be documented and described.”

V. Conclusion

The Executive Director has reviewed the application and preliminarily determined that the application and draft permit meet the regulatory and statutory requirements.

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

No changes were made to the draft permit in response to comments received.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel
Interim Executive Director

Erin Chancellor, Director
Office of Legal Services

Charmaine Backens, Deputy Director
Environmental Law Division

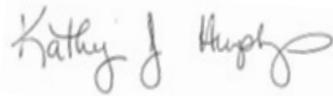


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REPRESENTING THE EXECUTIVE DIRECTOR OF
THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on September 20th, 2023, that the Executive Director's Response to Public Comment on the application by Waste Corporation of Texas, L.P., for a major amendment to Municipal Solid Waste (MSW) Permit No. 1586B was filed with the TCEQ Office of the Chief Clerk.



Kathy Humphreys, Staff Attorney
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