

**Texas Commission on Environmental Quality**

**INTEROFFICE MEMORANDUM**

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**To:** Office of Chief Clerk **Date:** October 18, 2024

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

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

Applicant: Hill Country Waste Solutions, L.L.C.

Proposed Permit No.: 2419

Program: Office of Waste, Waste Permits Division

Docket No.: TCEQ Docket No. 2024-1580-MSW

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

- Response to Public Comment (RTC)
- Technical Summary and Executive Director's Preliminary Decision
- Compliance History
- Draft Permit 2419

## TCEQ MUNICIPAL SOLID WASTE NO. 2419

PERMIT APPLICATION BY	§	BEFORE THE
HILL COUNTRY WASTE	§	
SOLUTIONS, L.L.C.	§	TEXAS COMMISSION
FOR NEW MUNICIPAL SOLID	§	
WASTE PERMIT NO. 2419	§	ON ENVIRONMENTAL QUALITY

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### EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

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The Executive Director of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (Response) on an application received from Hill Country Waste Solutions, L.L.C. (Hill Country, Applicant) for new Municipal Solid Waste (MSW) Permit No. 2419. As required by 30 Texas Administrative Code (TAC), Section (§) 55.156, before an application is approved, the Executive Director prepares a response to all timely, relevant and material, or significant comments, whether withdrawn or not withdrawn. The Executive Director received comments from James Lee, Ruth Lee, Donna Campbell, Grant Donaldson Helen Aumeier, Silvia Ruiz, and Alejandro Ruiz.

This Response addresses all timely public comments received, whether withdrawn or not withdrawn, regarding the Application. If you need more information about this 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 on our website at [www.tceq.texas.gov](http://www.tceq.texas.gov).

#### I. PROCEDURAL BACKGROUND

The application was received on May 19, 2023 and declared administratively complete on July 7, 2023. The Notice of Receipt of Application and Intent to Obtain Permit (NORI) was published on July 22, 2023 in the *Herald-Zeitung*. The Executive Director completed the technical review of the application on March 14, 2024 and prepared a draft permit. The Notice of Application and Preliminary Decision (NAPD) was published on March 22, 2024 in the *Herald-Zeitung*. A public meeting was held on April 4, 2024. The public comment period ended on April 22, 2024. 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.

Hill Country, an MSW management company, has applied to the TCEQ for a permit to authorize the proposed Spring Branch Transfer Station, a MSW processing facility, to accept, store and transfer municipal household waste, commercial solid waste, construction debris, and treated and de-watered sewage sludge. The Spring Branch Transfer Station will be located at 11301 U.S. Highway 281 North, Spring Branch, Texas 78070-6301.

#### II. ACCESS TO RULES AND LAWS

Rules and Law applicable to this application are accessible at the following URLs:

- The Texas Secretary of State hosts official versions of the Texas Administrative Code: [www.sos.state.tx.us](http://www.sos.state.tx.us);
- TCEQ hosts rules under Title 30 Texas Administrative Code: [www.sos.state.tx.us/tac/](http://www.sos.state.tx.us/tac/) (select “TAC Viewer” at the bottom of the page);
- The Texas Legislative Council hosts official versions of Texas statutes: [www.statutes.legis.state.tx.us](http://www.statutes.legis.state.tx.us);
- TCEQ’s public website provides a link to TCEQ rules under Title 30 Texas Administrative Code at SOS TAC Viewer and hosts unofficial versions of Title 30 Texas Administrative Code in downloadable Adobe PDF format: [www.tceq.texas.gov/](http://www.tceq.texas.gov/); and
- The U.S. Government’s Publishing Office hosts Federal environmental laws and Federal rules including those under Title 40 Code of Federal Regulations (relating to Protection of the Environment): [www.gpo.gov](http://www.gpo.gov).

Commission records for this application and draft permit are available for viewing and copying in the Office of the Chief Clerk at the TCEQ’s main office in Austin at 12100 Park 35 Circle, Building F, 1st Floor. To obtain documents located in the Office of the Chief Clerk, please leave a voicemail at (512) 239-3300 and someone will return your call within 24 hours. Some documents located in the Office of the Chief Clerk may also be located on the Commissioner’s Integrated Database at: <https://www14.tceq.texas.gov/epic/eCID/>.

### III. COMMENTS AND RESPONSES

**Comment 1 General Opposition:** The Executive Director received comments generally objecting to the transfer station facility. Ruth Lee, James Lee, Grant Donaldson, Helen Aumeier, Silvia Ruiz, and Alejandro Ruiz expressed concern that the facility would negatively impact the environment, negatively impact the quality of life of residents and the recreational areas, and create nuisances.

**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.

The application includes how the facility will meet regulatory requirements. This includes information on daily operations, facility design and layout, stormwater management, waste acceptance and handling procedures, spill and litter prevention, and other items to demonstrate compliance with regulations.

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 Odors:** Alejandro Ruiz, Grant Donaldson, and Helen Aumeier expressed concerns about potential odors generated by the proposed facility. Alejandro Ruiz requested information about how odor nuisance would be mitigated and what resources would be available for the nearby residents to address the odor issues.

**Response 2:** 30 TAC §330.245 requires that the facility be operated in a way that prevents the occurrence of nuisance odor conditions. Odor nuisance prevention and control measures are incorporated into the facility design and operation (Part III, Site Development Plan; and Part IV, Site Operating Plan).

Most waste handling activities at the proposed transfer station will occur inside the transfer station building. The proposed building will be covered by a roof and enclosed on three sides by metal walls, with roll-up doors on the fourth side (the front). Furthermore, 30 TAC §330.245 requires on-site buffer zones for odor control and 30 TAC §330.543 prohibits unloading, storage, or processing of waste within a buffer zone.

Most of the waste to be received at this transfer station will be from the collection trucks operated by the company owned by the Applicant. The Applicant does not plan to collect food waste. If the received wastes contain significant amount of food waste, the food waste will be separated and stored in sealed containers. Treated and de-watered sewage sludge will be stored inside the proposed transfer station building. Wastes received into the proposed facility are typically transferred out for disposal as rapidly as possible. Under normal operational conditions, wastes will be dispatched to the landfill at least once a day. Wastes in covered, sealed, and leak proof transfer trailers will be parked in the trailer parking area outside of the transfer station building when the filled trailers cannot be immediately hauled away for disposal at a landfill. If on-site waste storage is necessary, it will be limited to no longer than 72 hours.

Facility personnel will perform daily inspection throughout the facility to pick up debris and spilled waste. The working floor inside the transfer building will be washed at least twice a week and more often if odors occur. Wash water will be collected and stored in a holding tank in the transfer station building before being removed and transported to TCEQ approved wastewater treatment facility. Cleaning and maintenance of mobile waste processing unit equipment will be performed each day of operation to reduce odors.

If nuisance odor is migrating across the facility permit boundary, the operator will take necessary actions to mitigate the conditions. This may include hauling odor emitting waste loads, closing the doors, and suspending the operation until the nuisance is abated. 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 13 Office at 210-490-3096, the toll-free Environment Violation Hotline at 1-888-777-3186, or online at <https://www.tceq.texas.gov/compliance/complaints>.

**Comment 3 Location Concerns:** Grant Donaldson was concerned about the proposed transfer station being located near a park and nearby residences.

**Response 3:** 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.

The proposed Spring Branch Transfer Station is located within the incorporated limits of the City of Spring Branch. Section 8.1 of Part II of the application states that the City of Spring Branch does not currently have a zoning ordinance. Other information required by 30 TAC §330.61(h) is also contained in Part II, Section 8 (Impact on Surrounding Area) of the application. The surrounding land within one mile of the site is used for undeveloped areas (56.4%), residential areas (24.7%), commercial areas (2.6%), RV parks (4.7%), recreational areas (2.4%), roadways (7.1%), churches (0.8%), government (0.1%), and water features/ponds (0.1%). The application states that no specific growth projections are available for the immediate area within five miles of the facility. The surrounding area land use within one mile includes residential areas (24.7%) with the nearest residence approximately 1,200 feet from the west boundary of the site. A commercial garden center borders the site on the north side. One church is located about 1,500 feet north of the project site.

30 TAC Subchapter M (Location Restrictions) contains location restrictions that an MSW facility must conform in siting the facility. One of the location restrictions is that there shall be a minimum separating distance of 50 feet between waste management activities and the permitted transfer facility boundary. The proposed transfer station facility meets the minimum separation requirement. Information provided in Part II of the application has demonstrated compliance with all location restrictions under 30 TAC Subchapter M.

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 4 Noise:** Grant Donaldson and Helen Aumeier were concerned about noise from the proposed facility.

**Response 4:** 30 TAC §330.239 requires use of screening or other measures to minimize noise pollution. 30 TAC §330.543 requires a minimum separating distance of 50 feet between solid waste processing activities and the boundary of the site, which will decrease the likelihood of noise pollution. As illustrated on Drawing 2 of 2 in Part II of the application, the smallest separating distance from the proposed transfer station operations (the north corner of the transfer station building) is about 100 feet from the facility boundary. Waste transfer operations will be performed entirely inside the transfer station building. The proposed transfer station building is designed to be covered by a roof and enclosed on three sides by metal walls. The fourth side can be closed by the roll-up doors. Transferring waste inside the transfer station building will significantly reduce the operational noise from the site. The Executive Director has preliminarily determined that the application has demonstrated compliance with the above referenced rules on noise pollution.

**Comment 5 Windblown Waste:** Grant Donaldson was concerned about windblown debris/waste from operation of the transfer station.

**Response 5:** 30 TAC §330.233 and §330.235 require procedures to be implemented for prevention and control of windblown materials and litter at the facility and along the public access roads that serve the facility. Sections 17 and 18 in the Site Operating Plan includes procedures to meet the regulatory requirements. Facility personnel will take steps to ensure that all waste hauling vehicles are covered to prevent waste spill on the access road and at the site. All waste handling activities will take place inside the enclosed transfer station building or in the covered/sealed transfer trailers. The entire

transfer station will be enclosed within intruder-resistant fencing and lockable gate, which will help prevent windblown waste from spreading into the adjacent lands. On a daily basis, the facility personnel will pick up debris/spilled waste on the site and along the public access roads within two miles from the site entrance.

**Comment 6 Visual Impact:** Grant Donaldson was concerned about the visual impact the proposed transfer station may have on the nearby sports park.

**Response 6:** 30 TAC §330.239 requires use of screening or other measures to minimize adverse visual impacts. At the proposed waste transfer station, all waste handling activities (except for temporary waste holding in the covered trailers parked at the trailer park area) will take place inside the transfer station building. The transfer trailers filled with waste and parked outside the transfer building will be covered and sealed. The transfer building's front (the side with roll-up doors) faces southeast while the Sports Park is located southwest of the transfer station building on the land adjacent to the site boundary. The distance from the building front to the facility southwest boundary in the Sports Park direction is over 200 feet, meeting the 50 feet buffer required by the rule [30 TAC §330.543(b)(1)]. There will be no exposed wastes outside the transfer station building. Section 20 of the Site Operating Plan indicates that additional visual screening will be provided by existing brush and trees which will be maintained. If constructed and operated as specified in the application and the permit conditions, the facility is expected to meet the requirements on visual screening.

**Comment 7 Pests:** Helen Aumeier asked if there will be control for pests.

**Response 7:** Section 26 of the Site Operating Plan includes measures for pest/vector control. Pests/vectors will be controlled through proper daily operations. The proposed operation activities include waste transfer within the transfer building, food waste storage in covered containers, frequent cleaning of the working floor, collection/storage of contaminated water in an enclosed tank, and daily pickup of spilled waste. If necessary, a licensed professional will apply pesticides for control of pests/vectors. These proposed activities meet relevant requirements under 30 TAC §330.63(b)(3), §330.63(d)(1)(A), and Chapter 330, Subchapter E.

**Comment 8 Air and Water Quality:** Helen Aumeier requested annual checks on air and water quality to ensure health safety.

**Response 8:** Sections 6 and 23 of the Site Operating Plan include measures the facility will follow to prevent water and air pollution. The facility will comply with all applicable water and air permitting requirements. The Executive Director has preliminarily determined that the application complies with the regulations related to air and surface water protection within the MSW rules.

**Comment 9 Sewage Sludge:** Helen Aumeier expressed concerns about sludge to be handled at the proposed facility.

**Response 9:** Per Section 1.2.6 of Part III (Site Development Plan) of the application, treated and de-watered municipal sewage sludge from local wastewater treatment plants will be accepted and stored in concrete sludge bins located inside the transfer station building. When full, the sludge will be transported to a TCEQ permitted beneficial use site. Storage of the sludge at this facility will not exceed 72 hours.

Section 4.1 of Part IV (Site Operating Plan) of the application states that Hill Country Waste Solutions is registered with the TCEQ as a sludge transporter (Sludge Transporter Registration No. 25980). Only Hill Country Waste Solutions' vehicles will transport sludge to and from this transfer station. Sludge from other transporters will not be accepted at the proposed facility. This application also states that sludge transport into and out of the transfer station, as well as sludge storage at this transfer station, will comply with the conditions of the transporter registration.

The Executive Director has preliminarily determined that the application complies with the regulations for sludge-related activities.

**Comment 10 Water Quality:** Helen Aumeier was concerned about water contamination and pollution.

**Response 10:** 30 TAC §330.207 and §330.227 includes general requirements on water pollution prevention and control at Type V MSW processing facilities. The proposed facility will conduct most waste handling activities inside the transfer station building. The floors within the building are concrete and sloped towards a sump where wash water from floor cleaning/washing will be collected and pumped into a holding tank located inside the building. The holding tank will be built with a secondary containment. Contaminated water stored in the tank will be periodically removed and transported to a TCEQ approved wastewater treatment facility.

The only waste handling activity expected to occur outside the transfer station building will be the temporary holding of wastes in transfer trailers at the trailer parking area, where they wait for being dispatched to the landfill for disposal. Only leak-proof transfer trailers will be used, and they will be covered and sealed while parked at the trailer parking area. Under normal operational conditions, filled transfer trailers will be immediately hauled away for disposal at approved landfill. The transfer trailers will be periodically cleaned at an offsite cleaning facility.

Section 6 of the Site Operating Plan states that the facility will not discharge contaminated water without prior approval from the TCEQ. The application does not include an authorization application for discharging contaminated water. Section 1 of Part II of the application states that the site will comply with the Texas Pollutants Discharge Elimination System (TPDES) stormwater permitting requirements.

The proposed facility site is located within the Edwards Aquifer Contributing Zone and is subject to the requirements of 30 TAC Chapter 213. The applicant is in the process to obtain the necessary approval from the TCEQ Edwards Aquifer Protection Program. The draft MSW Permit 2419 includes a special condition that the facility shall be constructed and operated in compliance with all applicable requirements imposed by the TCEQ Edwards Aquifer Protection Program for locating this facility in the contributing zone to the Edwards Aquifer.

The Executive Director expects that if the Permit is issued, the facility will be operated in accordance with 30 TAC Chapter 330 and that groundwater and surface water will be adequately protected.

**Comment 11 Property Values:** Helen Aumeier was concerned about decreased value of surrounding property.

**Response 11:** 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).

**Comment 12 Traffic:** Helen Aumeier was concerned about increased traffic.

**Response 12:** In accordance with 30 TAC §330.61(i)(4), the applicant coordinated with the Texas Department of Transportation (TxDOT) for traffic and location restrictions. The response provided by TxDOT expressed no objection to the proposed facility and had given provisional approval for permit application of the access driveway connection from the site to U.S. Highway 281. To obtain traffic data required under 30 TAC §330.61(i), the applicant also consulted with the TxDOT Traffic Count Database System (TCDS) for travel data for Highway 281 near the site; the traffic data is included in Section 9.2.1 of Part II of the application.

Initially, the traffic generated by operation of the proposed transfer station is expected to account for 0.5% of traffic on the south bound Highway 281 and 0.2% of the total traffic on Highway 281. When the daily waste acceptance reaches the permitted maximum, the traffic generated by this facility is expected to account for 1.8% of traffic on the south bound Highway 281 and 1.0% of the total traffic on Highway 281. Section 9 of Part II of the application concludes that the operation of the Spring Branch Transfer Station is not expected to significantly increase the volume of the traffic on Highway 281.

Relevant traffic information is included in Section 9 of Part II of the permit application. Documentation of coordination with the TxDOT is contained in Attachment II-H of Part II of the permit application.

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

**Comment 13 Air Pollution:** Helen Aumeier was concerned about air pollution.

**Response 13:** TCEQ rules 30 TAC §330.245 and Chapter 330, Subchapter U contain requirements on air permitting and air pollution control that MSW transfer stations must comply. The proposed transfer station is subject to the air permitting requirements under 30 TAC §330.985(c) for a standard air permit or another air authorization under 30 TAC §330.985(d). The proposed facility is required to obtain the separate air authorizations. To comply with the waste storage limitation at a transfer station under 30 TAC §330.991(a)(2), Section 7 of Part IV of the application limits the maximum amount of waste remaining overnight at this facility to no more than 900 tons. Section 23 of the Site Operating Plan also includes measures the facility will follow to prevent air pollution. Section 23 states that operation of the proposed facility is not expected to cause air pollution as defined under the Texas Clean Air Act; however, if in the future, air pollution control devices are required, the permittee will comply with applicable TCEQ air regulations. Many design and operation measures proposed for this facility will help prevent and control air pollution (for example, but not limited to, handling waste in enclosed building, preventing water ponding, transporting waste in covered vehicles, and storing waste in the enclosed building). The public access road and the onsite roads will be all-weather roads; and dust is not expected to be a nuisance issue. If dust becomes an issue, the operator will use necessary means to control dust, such as spraying water for dust suppression.



**Comment 14 Other Facilities Nearby:** Silvia Ruiz asked if there are any connections between the a nearby water treatment plant under construction and this proposed Spring Branch Transfer Station.

**Response 14:** The Applicant is not required to disclose the relationship between the water treatment plant and the proposed transfer station as part of this application.

#### IV. 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  
Executive Director

Erin Chancellor, Director  
Office of Legal Services

Charmaine Backens, Deputy Director  
Environmental Law



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Anthony Tatu, Staff Attorney  
Environmental Law Division  
Anthony.Tatu@tceq.texas.gov  
State Bar No. 00792869  
P.O. Box 13087, MC 173  
Austin, Texas 78711-3087  
Phone: (512) 239-5778

REPRESENTING THE EXECUTIVE DIRECTOR  
OF THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

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

**Spring Branch Transfer Station  
Permit Application  
No. 2419**

**Type V Municipal Solid Waste Facility  
Comal County, Texas**

**Applicant:  
Hill Country Waste Solutions, L.L.C.**

**Date Prepared: February 28, 2024**

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

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

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## Contents

1. Applicant Contact Information.....	4
2. General Information.....	4
2.1 Permit Application.....	4
2.2 Wastes to be Accepted.....	4
2.3 Waste Acceptance Rate.....	4
3. Technical Review.....	4
4. Facility Location and Size .....	5
4.1 Location .....	5
4.2 Facility Coordinates.....	5
4.3 Facility Size .....	5
5. Facility Design, Construction, and Operation .....	5
6. Land Use .....	5
6.1 Zoning .....	6
6.2 Surrounding Land Uses Within One Mile.....	6
6.3 Growth Trends.....	6
6.4 Residences and Businesses.....	6
6.5 Schools and Churches.....	6
6.6 Cemeteries.....	6
6.7 Historical Sites.....	6
6.8 Water Wells Within 500 Feet of the Facility .....	6
7. Location Restrictions .....	7
7.1 Easements and Buffer Zones.....	7
7.2 Floodplains.....	7
7.3 Groundwater .....	7
7.4 Endangered or Threatened Species.....	7
7.5 Wetlands .....	7
8. Facility Transportation and Access .....	7
9. Surface Water Protection.....	8
10. Site Development Plan and Site Operating Plan.....	8
11. Financial Assurance .....	8
12. Public Participation Process .....	8
13. Executive Director's Preliminary Decision .....	10
14. Additional Information .....	10

## **1. Applicant Contact Information**

Name of Applicant: Hill Country Waste Solutions, L.L.C.  
P.O. Box 960  
Spring Branch, Texas 78070

Name of Facility: Spring Branch Transfer Station

Contact Person: Karlis Ercums, IV, President  
P.O. Box 960  
Spring Branch, Texas 78070  
Phone No. (830) 885-5512

Consulting Engineer: Bob Staehs, P.E., Project Manager  
Everett Griffith, Jr. & Associates, Inc.  
P.O. Box 1746  
Lufkin, Texas 75902  
Phone No. (936) 634-5528

## **2. General Information**

### **2.1 Permit Application**

The applicant has submitted this application requesting authorization to construct and operate a new Type V MSW waste transfer station in Comal County, Texas. This application was submitted on May 19, 2023 in accordance with Title 30 of the Texas Administrative Code (30 TAC) Chapter 330.

### **2.2 Wastes to be Accepted**

The facility may accept municipal household waste, commercial solid waste, and construction debris. The facility may also accept treated and de-watered sewage sludge.

The facility 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**

Authorized wastes may be accepted at a maximum rate of 1,500 tons per day.

## **3. Technical Review**

The application has been technically reviewed by the Municipal Solid Waste Permits Section to determine its compliance with the applicable requirements in 30 TAC Chapters 305 and 330. Chapter 305 sets forth standards and requirements for

applications; Chapter 330 contains the minimum regulatory criteria for municipal solid waste facilities. It has been determined that the information in the permit application, along with the draft permit, demonstrates compliance with these regulatory requirements. A draft permit has been prepared; the application has been declared technically complete.

#### **4. Facility Location and Size**

##### **4.1 Location**

The proposed Spring Branch Transfer Station is located in Comal County, Texas at 11301 US Highway 281 North, Spring Branch, Texas 78070-6301. The site's access driveway is to be located approximately 730 feet north of the intersection of U.S. Highway 281 and Jumbo Evans Boulevard.

##### **4.2 Facility Coordinates**

Latitude: 29° 53' 54" N

Longitude: 98° 24' 44" W

Elevation: 1,078 feet above mean sea level (ft msl)

##### **4.3 Facility Size**

The total area within the permit boundary under the proposed permit is approximately 9.52 acres.

#### **5. Facility Design, Construction, and Operation**

The transfer building will consist of a covered metal building that is enclosed on three sides with roll-up doors on the front end. The transfer building will be constructed with a concrete slab that is above the surrounding grade. Wastewater generated in the working area of the building will be collected and stored in a contaminated water holding tank with a maximum storage volume of 1,500 gallons. The wastewater holding tank will be equipped with a concrete berm to provide secondary containment. Waste acceptance rate at this facility will be limited to a maximum rate of 1,500 tons per day. The maximum amount of waste to be stored overnight will not exceed 900 tons per day.

All waste processing operations will be limited to the units and other features identified in the Site Development Plan and the Site Operating Plan.

#### **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 facility will be located by the southbound lane of U.S. Highway 281. The site's access driveway is to be located approximately 730 feet north of the intersection of U.S. Highway 281 and Jumbo Evans Boulevard. The location is inside the incorporated limits of the City of Spring Branch, which does not have a zoning ordinance.

#### 6.2 Surrounding Land Uses Within One Mile

The surrounding land within one mile of the site is used for undeveloped areas (56.4%), residential areas (24.7%), commercial areas (2.6%), RV parks (4.7%), recreational areas (2.4%), roadways (7.1%), churches (0.8%), government (0.1%), and water features/ponds (0.1%).

#### 6.3 Growth Trends

The facility is located within the limits of the City of Spring Branch. The application states that no specific growth projections are available for the immediate area within five miles of the facility.

#### 6.4 Residences and Businesses

The surrounding area land use within one mile includes residential areas (24.7%) with the nearest residence approximately 1,200 feet from the west boundary of the site. A commercial garden center borders the site on the north side.

#### 6.5 Schools and Churches

One church is located about 1,500 feet north of the project site. There are no known schools within one mile of the site.

#### 6.6 Cemeteries

There are no known cemeteries within one mile of the site.

#### 6.7 Historical Sites

There are no known historical sites within one mile of the site.

#### 6.8 Water Wells Within 500 Feet of the Facility

Part II, Section 12 of this application states that a well search in the Texas Water Development Board Groundwater Database concluded that there is one domestic water well and one plugged well within 500 feet of the project site.



## **7. Location Restrictions**

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

### **7.1 Easements and Buffer Zones**

There is an existing 20- foot wide telephone easement along the eastern boundary of the site. Construction and operation will not occur within the easement.

### **7.2 Floodplains**

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

### **7.3 Groundwater**

The facility is not located over the recharge zone of the Edwards Aquifer, however, this site is within the contributing zone to the Edwards Aquifer. The applicant is in the process of obtaining authorization from the TCEQ Edwards Aquifer Protection Program.

### **7.4 Endangered or Threatened Species**

Part II, Section 14 of the permit application contains correspondence with the United States Fish and Wildlife Service and the Texas Parks and Wildlife Department (TPWD). Section 14 includes discussions on how the site will comply with the best management practices specified by the TPWD. The facility is considered in compliance with 30 TAC §330.551.

### **7.5 Wetlands**

There are no jurisdictional wetland areas within the permit boundary per a consultation with the U.S. Fish and Wildlife Service's National Wetlands Inventory. The facility is considered to be in compliance with 30 TAC §330.553.

## **8. Facility Transportation and Access**

The access route to the facility is from the southbound lane of U.S. Highway 281. The Texas Department of Transportation (TxDOT) is responsible for the maintenance of Highway 281. Correspondence with TxDOT is included in Attachment II-H, in which TxDOT indicated that "TxDOT has no objection to the proposed driveway location and configuration." The applicant has indicated that since the TxDOT driveway permit typically expires after six months, the driveway permit application will be submitted to TxDOT after the MSW permit is issued.

The volume of traffic to the facility is anticipated to be 253 vehicles per day at the maximum daily capacity.

**9. Surface Water Protection**

Contaminated water generated from the waste handling areas at the facility will be collected and transported to authorized offsite treatment facilities for treatment/disposal. The applicant indicates that the disturbed area will be less than five acres; and proper notifications will be filed for stormwater pollution prevention after the MSW permit is issued.

**10. 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 and provides operating procedures for the site 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.

**11. Financial Assurance**

Financial assurance will be maintained for the facility in accordance with 30 TAC Chapter 37 (Financial Assurance) and 30 TAC Chapter 330 Subchapter L.

**12. 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:

- 12.1 The TCEQ will hold a public meeting at 7:30 PM on Thursday April 4, 2024, at Smithson Valley Middle School, located at 6101 FM 311, Spring Branch, Texas 78070. The applicant and TCEQ staff will be available before the public meeting to answer individual's questions from 6:30 PM to 7:30 PM. During a public meeting the commission accepts formal comments on an application and holds an informal question and answer period. The public will be notified if a public meeting is to be held.

- 12.2 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.
- 12.3 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.
- 12.4 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.
- 12.5 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.
- 12.6 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.
- 12.7 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.

**13. 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.

**14. Additional Information**

For information concerning the regulations covering this application, contact the MSW project manager:

Mr. Frank Zeng, Project Manager  
Municipal Solid Waste Permits Section, MC 124  
Waste Permits Division  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711  
email: Frank.Zeng@tceq.texas.gov

For more detailed technical information concerning any aspect of this application or to request a copy of the Site Development Plan, please contact the consulting engineer or the applicant at the address provided at the beginning of this summary.

The application can be viewed on the internet at  
<https://www.hcwastesolutions.com/transfer>.

For information concerning the legal aspects of the hearing process, agency rules, and submitting public comments, please contact the TCEQ Office of the Public Interest Counsel at (512) 239-6363.



# Compliance History Report

Compliance History Report for CN605838861, RN111746988, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

<b>Customer, Respondent, or Owner/Operator:</b>	CN605838861, Hill Country Waste Solutions, L.L.C.	<b>Classification:</b> UNCLASSIFIED	<b>Rating:</b> -----
<b>Regulated Entity:</b>	RN111746988, SPRING BRANCH TRANSFER STATION	<b>Classification:</b> UNCLASSIFIED	<b>Rating:</b> -----
<b>Complexity Points:</b>	1	<b>Repeat Violator:</b>	NO
<b>CH Group:</b>	11 - Waste Management (Excluding Landfills)		
<b>Location:</b>	11301 US HIGHWAY 281 N SPRING BRANCH, TX 78070-6301, COMAL COUNTY		
<b>TCEQ Region:</b>	REGION 13 - SAN ANTONIO		
<b>ID Number(s):</b>			
MUNICIPAL SOLID WASTE PROCESSING PERMIT 2419			
<b>Compliance History Period:</b>	September 01, 2018 to August 31, 2023	<b>Rating Year:</b> 2023	<b>Rating Date:</b> 09/01/2023
<b>Date Compliance History Report Prepared:</b>	November 17, 2023		
<b>Agency Decision Requiring Compliance History:</b>	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.		
<b>Component Period Selected:</b>	November 17, 2018 to November 17, 2023		
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>			
<b>Name:</b>	Frank Zeng	<b>Phone:</b>	(512) 239-1132

## Site and Owner/Operator History:

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

## Components (Multimedia) for the Site Are Listed in Sections A - J

**A. Final Orders, court judgments, and consent decrees:**  
N/A

**B. Criminal convictions:**  
N/A

**C. Chronic excessive emissions events:**  
N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**  
N/A

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

**F. Environmental audits:**  
N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# 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.: 2419

Name of Site Operator/Permittee: Hill Country Waste Solutions, L.L.C.

Operator: Hill Country Waste Solutions, LLC.

Property Owner: Spring Branch Partners, L.L.C.

Facility Name: Spring Branch Transfer Station

Facility Address: 11301 US Highway 281 North  
Spring Branch, Texas 78070-6301

Facility Classification: Type V Municipal Solid Waste Transfer Station Facility

The permittee is authorized to store and process waste 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:

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For the Commission

## Table of Contents

<b>I.</b>	<b>Facility Location and Size .....</b>	<b>3</b>
A.	Facility Physical Location .....	3
B.	Facility Permanent Benchmark.....	3
C.	Facility Legal Description .....	3
D.	Facility Size .....	3
<b>II.</b>	<b>Hours of Waste Acceptance and Operation.....</b>	<b>3</b>
<b>III.</b>	<b>Authorized Waste Streams, Waste Acceptance Rate, and Storage Capacity.....</b>	<b>3</b>
A.	Authorized Waste Streams .....	3
B.	Prohibited Waste Streams .....	3
C.	Waste Acceptance Rate .....	4
D.	Maximum Storage Capacity.....	4
<b>IV.</b>	<b>Facility Design, Construction, and Operation.....</b>	<b>4</b>
A.	General Facility Requirements.....	4
B.	Authorized Waste Management Units.....	5
C.	Management of Contaminated Water.....	5
D.	Facility Sign Requirements.....	5
E.	Facility Personnel .....	5
<b>V.</b>	<b>Financial Assurance .....</b>	<b>5</b>
<b>VI.</b>	<b>Facility Closure.....</b>	<b>6</b>
<b>VII.</b>	<b>Standard Permit Conditions .....</b>	<b>6</b>
<b>VIII.</b>	<b>Incorporated Regulatory Requirements .....</b>	<b>7</b>
<b>IX.</b>	<b>Special Provisions.....</b>	<b>7</b>
<b>X.</b>	<b>Permit Application Submittal References .....</b>	<b>7</b>



**I. Facility Location and Size**

**A. Facility Physical Location**

Spring Branch Transfer Station  
11301 US Highway 281 North, Spring Branch, Texas 78070-6301  
Comal County

**B. Facility Permanent Benchmark**

Latitude: 29° 53' 54" N  
Longitude: 98° 24' 44" W  
Elevation: 1,078 feet above mean sea level

**C. Facility Legal Description**

The legal description is contained in Part I, Attachment 4 found in Section X of this permit.

**D. Facility Size**

The permitted facility size including buffer zones is 9.52 acres.

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

- A. The waste acceptance hours will be 24 hours a day, seven days a week for waste collected by Hill Country Waste Solutions, L.L.C.; and 8:00 AM to 4:30 PM, Monday through Friday, and from 8:00 AM to 11:00 AM on Saturdays for the public. The operating hours for operating heavy equipment and transporting materials on- or off-site will be 24 hours a day, seven days a week.
- B. The operator shall post the actual hours and days of operation on the site sign in accordance with 30 TAC §330.231.
- C. In accordance with 30 TAC §§330.229(c), 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 as required by 30 TAC §§330.229(d).

**III. Authorized Waste Streams, Waste Acceptance Rate, and Storage Capacity**

**A. Authorized Waste Streams**

The permittee is authorized to accept, for storage and transfer, municipal household waste, commercial solid waste, and construction debris. The facility may also accept, for storage and transfer, treated and de-watered sewage sludge from municipal wastewater treatment plants.

**B. Prohibited Waste Streams**

Any other waste which is prohibited, consistent with 30 TAC 330.15(e), or not listed in Section III.A of this permit may not be accepted.

**C. Waste Acceptance Rate**

Authorized wastes may be accepted at this facility at a rate of up to 1,500 tons per day.

**D. Maximum Storage Capacity**

The maximum amount of waste to be stored overnight may not exceed 900 tons per day. In no event will the waste be stored at the facility longer than 72 hours per week.

**IV. Facility Design, Construction, and Operation**

**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 and amendments, corrections, and modifications incorporated by reference in Section X of this permit. The facility construction and operation shall be conducted in a manner that is protective of human health and the environment.

The transfer building will consist of a covered metal building that is enclosed on three sides with roll-up doors on the front end. All waste storage and transfer operations will take place inside the transfer building, except that wastes may be stored in covered and leak-proof transfer trailers at the transfer trailer parking area. The transfer building will be constructed with a concrete slab that is above the surrounding grade. Wastewater generated in the working area of the building will be collected, stored, and transported offsite for treatment at an authorized facility.

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, and processing 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.
  - c. Run-on into the waste storage or processing 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**

The permittee is authorized to operate the waste management units related to the processing and storage of the wastes authorized, which shall include the transfer building, transfer trailer parking area, storage units for sludge and facility generated wastewater, and other structures, appurtenances, or improvements as described in the permit application.

**C. Management of Contaminated Water**

All contaminated water shall be handled, stored, treated, and disposed of in accordance with 30 TAC § 330.207 and Part IV found in Section X of this permit.

**D. 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; the permit number or facility number.

**E. 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 the facility's 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 the permit application, Part IV, Section 1 found in Section X 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 prior to the initial receipt of waste, the permittee shall provide to the executive director financial assurance instrument(s) for demonstration of closure in an amount not less than \$63,869 (2022 dollars). The permittee shall maintain continuous financial assurance coverage for closure until all requirements of the final closure plan have been completed and the site is determined to be closed in writing by the executive director in accordance with 30 TAC §330.505(b)(2).
- C. The permittee shall annually adjust the closure 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.
- D. If the facility's closure plan is modified, the permittee shall provide new cost estimates in current dollars, which meet the requirements 30 TAC Chapter 37 and 30 TAC Chapter 330, Subchapter L. Modifications shall be made pursuant to 30 TAC §305.70. The amount of the financial assurance mechanism shall be adjusted within 60 days after the modification is approved. Adjustments to the cost estimates and/or 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 direction by the executive director of the TCEQ for failure of 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;
2. Upon abandonment of the site by the permittee;
3. Upon direction by the executive director for failure of the permittee to secure and maintain an adequate bond or other acceptable financial assurance instrument as required; or
4. Upon the permittee's notification to the TCEQ that the facility will no longer operate.

### **B. Closure Completion Requirements:**

Facility closure shall be performed and completed in accordance with 30 TAC §§330.21, 330.451, 330.459, and 330.461 and Part III, Section 7 found in Section X of this permit.

## **VII. Standard Permit Conditions**

- A. This permit is based on and the permittee shall follow the permit application dated May 17, 2023 and received May 22, 2023 and revisions dated August 23, 2023 and October 26, 2023, respectively. 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 X 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 X.
- C. The permittee shall comply with all conditions of this permit. Failure to comply with any condition may constitute a violation of the permit, the rules of the Commission, and the Texas Solid Waste Disposal Act and is grounds for an enforcement action, revocation, or suspension.
- D. A pre-opening inspection shall be held pursuant to 30 TAC §330.73(f). The facility shall not accept 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.
- E. In compliance with the requirements of 30 TAC §330.235, 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.

- F. The permittee shall maintain all on-site and other access roadways. A positive means to control dust and mud must be provided.
- G. The permittee shall allow entry onto the site by TCEQ personnel for inspection purposes during the site operating life in accordance with §361.032 of the Texas Health and Safety Code.
- H. 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.
- I. Regardless of the specific design contained in the application or adopted by reference in Section X 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.
- J. 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.
- K. 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 permittee.
- L. 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).
- M. 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.
- N. 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).
- O. Any proposed facility changes, additions, or expansions must be authorized in accordance with the rules in 30 TAC Chapters 305 and 330.

#### **VIII. Incorporated Regulatory Requirements**

- A. The permittee shall comply with all applicable federal, state, and local regulations and shall obtain any and all other required permits prior to the beginning of any on-site improvements or construction approved by this permit.
- B. To the extent applicable, the requirements of 30 TAC Chapters 37, 281, 305, and 330 are adopted by reference and are hereby made provisions and conditions of this permit.

#### **IX. Special Provisions**

The facility shall be constructed and operated in compliance with all applicable requirements imposed by the TCEQ Edwards Aquifer Protection Program for locating this facility in the contributing zone to the Edwards Aquifer.

#### **X. Permit Application Submittal References**

- A. Permit Application: Parts I, II, III, and IV

- B. Amendments, corrections, and modifications issued for MSW Permit No. 2419

DRAFT