

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 3, 2023

Mehgan Taack
Section Manager
Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Administrative Record for the Application by the City of Waco
MSW Permit No.2400
TCEQ Docket No. 2022-0977-MSW

Dear Ms. Taack:

Please, find enclosed the following documents to be included in the Executive Director's portion of the administrative record for the above-referenced case:

- Draft Permit No. 2400
- Technical Summary and Executive Director's Preliminary Decision
- Compliance History Report

Sincerely,

A handwritten signature in blue ink, appearing to read "Heather Haywood".

Heather Haywood
Staff Attorney
TCEQ Environmental Law Division

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

[OCC Inserts Date once Permit is Issued]

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

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

Dear Mr. Dowdell:

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

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

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

Sincerely,

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

Charly Fritz, Deputy Director
Waste Permits Division

CF/EJC/sm

cc: Mr. Ryan Kuntz, SCS Engineers, Bedford

Enclosure

Texas Commission on Environmental Quality

Executive Director's Preliminary Decision

October 18, 2021

DESCRIPTION OF APPLICATION

Applicant: City of Waco

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

Type: Type I Municipal Solid Waste Landfill

EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

The executive director of the Texas Commission on Environmental Quality has made the preliminary decision that this proposed MSW Permit No. 2400, for City of Waco, if issued, meets all statutory and regulatory requirements.

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

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

**Applicant:
City of Waco**

Date Prepared: October 1, 2021

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

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

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

Name of Facility: City of Waco Landfill

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

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

1. General

1.1 Purpose

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

1.2 Wastes to be Accepted

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

1.3 Waste Acceptance Rate and Site Life

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

2. Technical Review

The application has been technically reviewed by the Municipal Solid Waste Permits Section to determine its compliance with the applicable requirements in 30 TAC Chapters 305 and 330. Chapter 330 contains the minimum regulatory criteria for municipal solid waste facilities. A site assessment pursuant to 30 TAC 330.73(c) was conducted on 8/24/2018. The results of the assessment are documented in Attachment 1 to this Technical Summary.

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

3. Location and Size

3.1 Location

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

3.2 Elevation and Coordinates of Permanent Benchmark

Latitude: N 31° 41' 54.23"

Longitude: W 96° 55' 43.89"

Elevation: 541.15 feet above mean sea level

3.3 Size

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

4. Facility Design, Construction, and Operation

4.1 Facilities Authorized

The permit will authorize the operation of a Type I municipal solid waste landfill with a total net disposal volume (waste and daily cover) of approximately 25 million cubic yards in addition to support structures and facilities as described in the permit application and subject to the limitations contained in the permit and commission rules.

The facility consists of a site entrance with security fencing, a gatehouse, scales, a paved entrance road to the site, all-weather access roads, soil stockpiles, landfill gas (LFG) monitoring system, leachate collection system, groundwater

monitoring system, citizen collection station, and the solid waste disposal area. Structures for surface drainage and stormwater run-on/runoff control include a perimeter drainage system to convey stormwater runoff around the site, berms, ditches, detention ponds and associated drainage structures.

4.2 Waste Placement

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

4.3 Liner

A liner system meeting the requirements of 30 TAC Chapter 330 Subchapter H will be constructed. It will consist of the following components (listed in order from top to bottom):

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

The liner system will be overlaid by 2 feet of protective cover.

4.4 Final Cover System

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

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

4.5 Leachate Collection System

The leachate collection system consists of a leachate collection layer (geocomposite drainage layer), leachate collection trenches, pipes, sumps, risers, and pumps. Leachate and/or gas condensate will be either recirculated back into the landfill or transported off-site to a local wastewater treatment plant for treatment and disposal. The leachate collection system is designed to meet the requirements of 30 TAC §330.333 and will be placed on top of the liner system.

5. Land Use

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

5.1 Zoning

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

5.2 Surrounding Land Uses

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

5.3 Residences and Businesses

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

5.4 Schools, Churches, and Historical Sites

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

5.5 Growth Trends

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

6. Location Restrictions

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

6.1 Airport Safety

The landfill is not located within 10,000 feet of any airport runway end used by turbojet aircraft or within 5,000 feet of any airport runway end used by only piston-type aircraft. The facility is considered to be in compliance with 30 TAC §330.545.

6.2 Floodplains

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

6.3 Wetlands

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

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

6.4 Fault Areas and Seismic Impact Zones

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

6.5 Unstable Areas

No known unstable areas as defined in 30 TAC §330.559 were found at the site. The facility is considered to be in compliance with 30 TAC §330.559.

6.6 Protection of Endangered Species

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

7. Transportation and Access

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

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

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

8. Surface Water Protection

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

9. Groundwater Protection

9.1 Groundwater Protection

The liner system and leachate collection system will provide protection of groundwater from contamination.

9.2 Monitoring Wells

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

10. Landfill Gas Management

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

11. Site Development Plan and Site Operating Plan

The Site Development Plan (SDP) is Part III of the permit application and sets forth the engineering design and other technical aspects of the facility. The Site Operating Plan (SOP) is Part IV of the permit application. The SOP provides operating procedures for the site management and the site operating personnel for the daily operation of the facility to maintain compliance with the engineering design and applicable regulatory requirements. These documents are part of the permit.

12. Financial Assurance

Authorization to operate this facility is contingent upon the maintenance of financial assurance in accordance with 30 TAC Chapter 330 Subchapter L and Chapter 37 (Financial Assurance) for closure and post-closure care.

13. Public Participation Process

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

- 13.1 The TCEQ will hold a public meeting. During this meeting the commission accepts formal comments on the application. There is also an informal question and answer period.
- 13.2 Technical review of the application is completed, a final draft permit is prepared, and the application is declared technically complete. Information for the application, the draft permit, the notice, and summaries are sent to the chief clerk's office for processing.
- 13.3 A *Notice of Application and Preliminary Decision* is sent to the applicant and published in a newspaper. This notice provides a 30-day period, from the date of publication, for the public to submit comments about the application or draft permit. The notice also allows the public to request a public meeting for the proposed facility.
- 13.4 After the 30-day comment period has ended, a *Response to Comments* (RTC) is prepared for all comments received through the mail and at a public meeting. The RTC is then sent to all persons who commented on the application. Persons who receive the RTC have a 30-day period after the RTC is mailed in which to request a public hearing.
- 13.5 After the 30-day period to request a hearing is complete, the matter is placed on an agenda meeting for the TCEQ commissioners to make a determination to grant any of the hearing requests and refer the matter to the State Office of Administrative Hearings for a public hearing.
- 13.6 A public hearing is a formal process in front of an Administrative Law Judge (ALJ) who conducts the hearing. The applicant and protestant party(ies) present witnesses and testimony to support or dispute information contained in the application. When all of this is complete, the ALJ will issue a Proposal for Decision (PFD). This PFD is placed on an agenda meeting of the TCEQ commissioners for consideration of issuance or denial of a permit.
- 13.7 After the commission has approved or denied an application, a motion for rehearing may be made by a party that does not agree with the decision. Any motion for rehearing must be filed no later than 25 days after the party or the party's attorney of record is notified of the decision. The matter could be set on another agenda for consideration by the commission, or allowed to expire by operation of law.
- 13.8 Applications for which no one requests a contested case hearing are considered uncontested matters after the 30-day comment period. The application is placed on the executive director's signature docket and a permit is issued. Any motion to overturn the executive director's decision must be filed no later than 23 days after the agency mails notice of the signed permit.

14. Additional Information

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

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

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

The application can be viewed on the internet at <http://www.waco-texas.com/landfill-application-process.asp>

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

Attachment 1—Municipal Solid Waste Site Assessment Form



Texas Commission on Environmental Quality

Municipal Solid Waste Site Assessment Form

Facility Information

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

Facility Representative

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

TCEQ Reviewer

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

Consistency with Application

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

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

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

Additional Comments:

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

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

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

Site and Owner/Operator History:

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

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

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

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

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

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Texas Commission on Environmental Quality



Permit for a Municipal Solid Waste (MSW) Management Facility

Issued under provisions of Texas
Health & Safety Code
Chapter 361

MSW Permit No.: 2400
Name of Site Operator/Permittee: City of Waco
Operator: City of Waco
Property Owner: City of Waco
Facility Name: City of Waco Landfill
Facility Address: 4730 TK Parkway, Axtell, TX
Facility Classification: Type I Municipal Solid Waste Management Facility

The permittee is authorized to store, process, and dispose of wastes in accordance with the limitations, requirements, and other conditions set forth herein. This permit is granted subject to the rules and orders of the Commission and laws of the State of Texas and it replaces any previously issued permit. Nothing in this permit exempts the permittee from compliance with other applicable rules and regulations of the Texas Commission on Environmental Quality. This permit will be valid until canceled, amended, or revoked by the Commission.

Approved, Issued and Effective in accordance with Title 30, Texas Administrative Code (30 TAC), Chapter 330.

Issued Date: [EA inserts date]

For the Commission

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I. Facility Location and Size

A. Facility Physical Location

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

B. Facility Permanent Benchmark

Latitude: 31° 41' 54.23" N

Longitude: 96° 55' 43.89" W

Elevation: 541.15 feet above mean sea level

C. Facility Legal Description

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

D. Facility Size

Approximately 502.5 acres

II. Hours of Waste Acceptance and Operation

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

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

C. In accordance with 30 TAC §§330.135(c) and (d), the TCEQ Regional Office may allow additional temporary operating hours to address disaster or other emergency situations, or other unforeseen circumstances that could result in the disruption of waste management services in the area. The facility must record, in the site operating record, the dates, times, and duration when any alternative operating hours are utilized.

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

A. Authorized Waste Streams

The permittee is authorized to dispose of household waste, yard waste, commercial waste, construction-demolition waste, special waste, Class 2 non-hazardous industrial wastes, and Class 3 non-hazardous industrial wastes which includes rock, brick, glass, dirt, and certain plastics and rubber, and other waste as approved by the executive director. The acceptance of the special wastes is contingent upon such waste being handled in accordance with 30 TAC §330.171, and in accordance with the listed and described procedures in Part IV in Attachment A of this permit.

B. Prohibited Waste Streams

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

C. Waste Acceptance Rate

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

D. Landfill Disposal Capacity

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

IV. Facility Design, Construction, Operation, and Maintenance

A. General Facility Requirements

1. Facility design, construction, operation and maintenance must comply with the provisions of this permit; commission rules, including but not limited to 30 TAC Chapter 330; special provisions contained in this permit; Parts I through IV of the permit application incorporated by reference in Attachment A of this permit; and, amendments, corrections, and modifications incorporated by reference in Attachment B of this permit. The facility construction and operation shall be conducted in a manner that is protective of human health and the environment.
2. The facility shall be designed, constructed, operated, and maintained to prevent the release and migration of any waste, contaminant, or pollutant beyond the point of compliance defined in 30 TAC §330.3, and to prevent inundation or discharge from the areas surrounding the facility components. Each receiving, storage, processing, and disposal area shall have a containment system that will collect spills and incidental precipitation in such a manner that prevents:
 - a. The release of any contaminated runoff, spills, or precipitation;

- b. Washout of any waste by a 100-year frequency flood; and
 - c. Run-on into the disposal areas from off-site areas.
3. The site shall be designed and operated so as not to cause a violation of:
- a. The requirements of §26.121 of the Texas Water Code;
 - b. Any requirements of the Federal Clean Water Act, including, but not limited to, the National Pollutant Discharge Elimination System (NPDES) requirements of §402, as amended, and/or the Texas Pollutant Discharge Elimination System (TPDES), as amended;
 - c. The requirements under §404 of the Federal Clean Water Act, as amended; and
 - d. Any requirement of an area wide or statewide water quality management plan that has been approved under §208 or §319 of the Federal Clean Water Act, as amended.

B. Authorized Waste Management Units

1. The permittee is authorized to operate a Type I municipal solid waste landfill consisting of a total area within the permit boundary of approximately 502.5 acres and two waste disposal footprints totaling approximately 173.8 acres. The permittee is also authorized to operate a citizen collection station within the permit boundary.
2. All waste disposal activities authorized by this permit are to be confined to the Type I landfill which shall include access roads, scales, gatehouse, dikes, berms and temporary drainage channels, permanent drainage structures, detention ponds, landfill gas management system, contaminated water management system, leachate management system, landfill liner and final cover systems, groundwater monitoring system, and other components.

C. Liner and Leachate Collection Systems

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

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

D. Elevations of Waste Placement

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

E. Management of Leachate and Gas Condensate

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

F. Management of Contaminated Water

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

G. Final Cover System

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

H. Landfill Gas Management

1. A landfill gas management system, consisting of landfill gas monitoring probes and gas monitoring equipment for enclosed structures, shall be designed, installed, operated, and maintained in accordance with Part III, Attachment 11 in Attachment A of this permit and 30 TAC Chapter 330, Subchapter I. At a minimum, landfill gas monitoring shall be conducted quarterly.
2. The landfill gas management system shall ensure that the concentration of methane gas generated by the facility does not exceed 5% by volume in

monitoring points, probes, subsurface soils, or other matrices at the facility boundary defined by the legal description in the permit, and does not exceed 1.25% by volume in facility enclosed structures (excluding gas control or recovery system components). If methane gas levels exceeding these limits are detected, the owner or operator shall follow and implement the response procedures required in 30 TAC §330.371(c) to ensure protection of human health and the environment.

I. Groundwater Monitoring System

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

J. Surface Water and Stormwater Management and Control

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

K. Vector Control

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

L. Facility Sign Requirements

The permittee shall conspicuously display at all entrances to the facility through which wastes are received, a sign measuring at least four feet by four feet with letters at least three inches in height stating the facility name; type of facility; the hours and days of operation; an emergency 24-hour contact phone number(s) that reaches an individual with the authority to obligate the facility at all times that the facility is closed; the local emergency fire department phone number; and the permit number.

M. Landfill Markers

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

N. Facility Personnel

The permittee shall comply with 30 TAC §330.59(f)(3) regarding employment of a licensed solid waste facility supervisor. The permittee shall ensure that landfill personnel are familiar with safety procedures, contingency plans, the requirements of the Commission's rules and this permit, commensurate with their levels and positions of responsibility as specified in Part IV, Section 2 in Attachment A of this permit. All facility employees and other persons involved in facility operations must obtain and maintain the level of training or certification as required by applicable regulations.

V. Financial Assurance

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

VI. Facility Closure

A. Closure of the facility must commence:

1. Upon the landfill being filled to its permitted waste disposal capacity or upon the landfill reaching its permitted maximum waste elevations as depicted on drawings in Part III in Attachment A of this permit;
2. Upon direction by the executive director of the TCEQ for failure by the permittee to comply with the terms and conditions of this permit or violation of State or Federal regulations. The executive director is authorized to issue emergency orders to the permittee in accordance with §§5.501 and 5.512 of the Water Code regarding this matter after considering whether an emergency requiring immediate action to protect the public health and safety exists;
3. Upon abandonment of the site by the permittee;
4. Upon direction by the executive director for failure by the permittee to secure and maintain an adequate bond or other acceptable financial assurance instrument as required; or
5. Upon the permittee's notification to the TCEQ that the landfill will cease to accept waste and no longer operate.

B. Closure Completion Requirements:

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

VII. Facility Post-Closure Care

- A. Upon completion and closure of the landfill, post-closure care shall be conducted in accordance with 30 TAC §330.463 and Part III, Attachment 9 in Attachment A of this permit for a period of 30 years following written acceptance of the certification of final closure by the executive director.
- B. Throughout the post-closure care period the vegetation on the final cover must be monitored and necessary actions taken to establish and maintain the percentage vegetative cover specified in Part III, Attachment 9 in Attachment A of this permit.
- C. Following completion of the post-closure care period, the owner or operator shall submit to the executive director for review and approval a documented certification prepared by an independent professional engineer licensed in the State of Texas in accordance with 30 TAC §330.465.
- D. Upon written acceptance of the certification of completion of post closure care by the executive director, the permittee shall submit to the executive director a request for voluntary revocation of this permit.

VIII. Standard Permit Conditions

- A. This permit is based on and the permittee shall follow the permit application dated August 7, 2018 and received August 8, 2018 and revisions dated January 8, 2019, March 7, 2019, May 21, 2020, October 7, 2020, December 18, 2020, February 12, 2021, April 20, 2021, and June 7, 2021. These application submittals are hereby approved subject to the terms of this permit, the rules and regulations, and any orders of the TCEQ, and are incorporated into this permit by reference in Attachment A as if fully set out herein. Any and all revisions to these application submittals shall become conditions of this permit upon the date of approval by the Commission. The permittee shall maintain the application and all revisions and supporting documentation at the facility and make them available for inspection by TCEQ personnel.
- B. Attachment B of this permit shall consist of all duly executed amendments, modifications, and corrections to this permit.
- C. The permittee has a duty to comply with all conditions of this permit. Failure to comply with any permit condition is a violation of the permit and statutes under which it was issued and is grounds for enforcement action, for permit amendment, revocation or suspension, or for denial of a permit renewal application or an application for a permit for another facility.
- D. A pre-construction conference shall be held pursuant to 30 TAC §330.73(d) prior to beginning physical construction of the facility to ensure that all aspects of this permit, construction activities, and inspections are met. Additional pre-construction conferences may be held prior to the opening of the facility.
- E. A pre-opening inspection shall be held pursuant to 30 TAC §330.73(f). The facility shall not accept solid waste until the executive director has confirmed in writing that all applicable submissions required by the permit and applicable rules have been received and found to be acceptable and that construction is in compliance with the permit and the approved site development plan.
- F. The permittee shall maintain the on-site access road and speed bumps/mud control devices in such a manner as to minimize the buildup of mud on the access road and to maintain a safe road surface. The roads within the facility shall be designed so as to minimize the tracking of mud onto the public access road.
- G. Prior to disposal of waste, the permittee shall record in the deed records of McLennan and Limestone Counties, a metes and bounds description of all portions within the permit boundary on which disposal of solid waste has or will take place, and shall provide a certified copy of the recorded document(s) to the executive director in accordance with 30 TAC §330.19.
- H. Daily cover of the waste fill areas shall be performed with well-compacted clean earthen material that has not been in contact with garbage, rubbish, or other solid waste, or with an alternate daily cover which has been approved in accordance with 30 TAC §§330.165(d) and 305.70(k). Intermediate cover, run-on control berms, and run-off control berms shall not be constructed from soil that has been used as daily cover or which contains waste or chemical contaminants.
- I. During construction and operation of the facility, measures shall be taken to control runoff, erosion, and sedimentation from disturbed areas and constructed stormwater systems. Erosion and sedimentation control measures shall be inspected and

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

- J. Erosion stability measures shall be maintained on top dome surfaces and external embankment side slopes during all phases of landfill operation, closure, and post-closure care in accordance with 30 TAC §330.305(d) and Part III in Attachment A of this permit.
- K. In compliance with the requirements of 30 TAC §330.145, the permittee shall consult with the local District Office of the Texas Department of Transportation or other authority responsible for road maintenance, as applicable, to determine standards for litter and mud cleanup on state, county, or city maintained roads serving the site. Documentation of this consultation shall be placed in the site operating record prior to receipt of waste at the facility.
- L. The permittee shall retain the right of entry onto the site until the end of the post-closure care period as required by 30 TAC §330.67(b).
- M. The permittee shall retain the right of entry onto the site in accordance with 30 TAC §330.67(b), and shall allow entry onto the site by TCEQ personnel for inspection purposes during the site operating life and until the end of the post-closure care period in accordance with §361.032 of the Texas Health and Safety Code.
- N. The provisions of this permit are severable. If any permit provision or the application of any permit provision to any circumstance is held invalid, the remainder of this permit shall not be affected.
- O. Regardless of the specific design contained in the application or adopted by reference in Attachments A and B of this permit, the permittee shall be required to meet all performance standards required by the permit, the Texas Administrative Code, and local, state, and federal laws or ordinances.
- P. The permittee shall comply with the requirements of the air permit exemption in 30 TAC §106.534, if applicable, and the applicable requirements of 30 TAC Chapters 106 and 116 and 30 TAC Chapter 330, Subchapter U.
- Q. All discharge of storm water must be in accordance with the U.S. Environmental Protection Agency NPDES requirements and the State of Texas TPDES requirements, as applicable.
- R. The permittee shall furnish to the executive director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending or terminating the permit, and copies of records required to be kept by the permit.
- S. The permittee shall report any noncompliance to the executive director which may endanger human health and safety, or the environment in accordance with 30 TAC §305.125(9).
- T. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application, or in any report to the executive director, it shall promptly submit such facts or information.

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

IX. Incorporated Regulatory Requirements

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

X. Special Provisions

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

Attachment A

Parts I through IV of the permit application.

Attachment B

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