

## Texas Commission on Environmental Quality

### CHECKLIST WORKSHEET

MSW UNAUTHORIZED SITE

Regulating Entity Name

Date:

Additional I D:

Investigator Name:

Item Number	Description	No. Description	Answer Citations	Notes
<b>SECTION A: NUISANCE CONDITIONS AND DISCHARGES</b>				
		<b>Answer</b>	<b>Citations</b>	<b>Notes</b>
Item Number 1	<b>Description</b>	Has the person caused, suffered, allowed, or permitted any activity of storage, processing, removal, or disposal of any solid waste unless such activity is authorized by a permit or other authorization from the commission?		
		<b>Answer</b>	<b>Citations</b>	<b>Notes</b>
Item Number 2	<b>Description</b>	A person may not cause, suffer, allow, or permit the collection, storage, transportation, processing, or disposal of municipal solid waste (MSW), or the use or operation of a solid waste facility to store, process, or dispose of solid waste, or to extract materials under Texas Health and Safety Code, §361.092, in violation of the Texas Health and Safety Code, or any regulations, rules, permit, license, order of the commission, or in such a manner that causes:		
		<b>Answer</b>	<b>Citations</b>	<b>Notes</b>
Item Number 2A	<b>Description</b>	The discharge or imminent threat of discharge of MSW into or adjacent to the waters in the state without obtaining specific authorization for the discharge from the commission.		
		<b>Answer</b>	<b>Citations</b>	<b>Notes</b>
Item Number 2B	<b>Description</b>	The creation and maintenance of a nuisance.		
		<b>Answer</b>	<b>Citations</b>	<b>Notes</b>
Item Number 2C	<b>Description</b>	The endangerment of the human health and welfare or the environment.		
		<b>Answer</b>	<b>Citations</b>	<b>Notes</b>
Item Number 2D	<b>Description</b>	Is the site an MSW land disposal facility that failed to satisfy the applicable requirements of this chapter?		
		<b>Answer</b>	<b>Citations</b>	<b>Notes</b>
Item Number 2E	<b>Description</b>	Except as otherwise authorized by this chapter, did the person cause, suffer, allow, or permit the dumping or disposal of MSW without the written authorization of the commission?		
		<b>Answer</b>	<b>Citations</b>	<b>Notes</b>
Item Number 2F	<b>Description</b>	Was the landfill conducting open burning of solid waste? The operation of an air curtain incinerator as allowed in §330.7(g) of this title (relating to Permit Required) other than for the exceptions noted in the previous sentence, is prohibited.		
		<b>Answer</b>	<b>Citations</b>	<b>Notes</b>
Item Number 3	<b>Description</b>	Except as authorized by a rule, permit, or order issued by the commission, has the person discharged sewage, municipal waste, recreational waste, agricultural waste, or industrial waste into or adjacent to any water in the state?		
		<b>Answer</b>	<b>Citations</b>	<b>Notes</b>

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## CHECKLIST WORKSHEET

**MSW UNAUTHORIZED SITE (Cont)**

<b>Item Number</b> 3A	<b>Description</b>	Has the person discharged other waste into or adjacent to any water in the state which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any of the water in the state, unless the discharge complies with the person's: (A) certified water quality management plan approved by the State Soil and Water Conservation Board as provided by Section 201.026, Agriculture Code; or (B) WPAP approved by the commission?		
	<b>Answer</b>	<b>Citations</b>	330.15(a)(2)	<b>Notes</b>
<b>Item Number</b> 4	<b>Description</b>	Has the person committed any other act or engage in any other activity which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any of the water in the state, unless the activity is under the jurisdiction of the Parks and Wildlife Department, the General Land Office, the Department of Agriculture, or the Railroad Commission of Texas, in which case this subdivision does not apply?		
	<b>Answer</b>	<b>Citations</b>	26.121(a)(3)	<b>Notes</b>
<b>Item Number</b> 5	<b>Description</b>	Has the person caused, suffered, allowed, or permitted the discharge of any waste or the performance of any activity in violation of this chapter or of any permit or order of the commission.		
	<b>Answer</b>	<b>Citations</b>	330.15(a)(1)	<b>Notes</b>
<b>Item Number</b> 6	<b>Description</b>	Except as authorized by the commission, no person may discharge any pollutant, sewage, municipal waste, recreational waste, agricultural waste, or industrial waste from any point source into any water in the state.		
	<b>Answer</b>	<b>Citations</b>	26.121(d)	<b>Notes</b>
<b>Item Number</b> 7	<b>Description</b>	No person may cause, suffer, allow, or permit the discharge from a point source of any waste or of any pollutant, or the performance or failure of any activity other than a discharge, in violation of this chapter or of any rule, regulation, permit, or other order of the commission.		
	<b>Answer</b>	<b>Citations</b>	26.121(e)	<b>Notes</b>
<b>Item Number</b> 8	<b>Description</b>	Has the person caused, suffered, allowed, or permitted any outdoor burning within the State of Texas, except as provided by this subchapter or by orders or permits of the commission. Outdoor disposal or deposition of any material capable of igniting spontaneously, with the exception of the storage of solid fossil fuels, shall not be allowed without written permission of the executive director.		
	<b>Answer</b>	<b>Citations</b>	111.201	<b>Notes</b>
<b>Item Number</b>	<b>Description</b>	SECTION B: ADDITIONAL INFORMATION		
	<b>Answer</b>	<b>Citations</b>		<b>Notes</b>
<b>Item Number</b> 9	<b>Description</b>	Did the landowner give consent?		
	<b>Answer</b>	<b>Citations</b>		<b>Notes</b>
<b>Item Number</b> 10	<b>Description</b>	Tipping Fees?		
	<b>Answer</b>	<b>Citations</b>		<b>Notes</b>
<b>Item Number</b> 11	<b>Description</b>	Types of Waste?		
	<b>Answer</b>	<b>Citations</b>		<b>Notes</b>
<b>Item Number</b> 12	<b>Description</b>	Site Dimensions?		
	<b>Answer</b>	<b>Citations</b>		<b>Notes</b>
<b>Item Number</b> 13	<b>Description</b>	General Conditions?		
	<b>Answer</b>	<b>Citations</b>		<b>Notes</b>
<b>Item Number</b> 14	<b>Description</b>	Transporters?		
	<b>Answer</b>	<b>Citations</b>		<b>Notes</b>