Texas Commission on Environmental Quality

Application for Compost Permit

(Compost Form No. 3)

# Who Should Use This Form

Use this form to apply for a new permit, or to amend an existing permit for a composting operation that composts mixed municipal solid waste or grease trap waste.

This application is required by Title 30, Texas Administrative Code (30 TAC) Chapter 332, Subchapter D. In addition, in accordance with 30 TAC 332.42, you must provide certification by a registered professional engineer, establish ownership or control of the property, and have the facility inspected by the TCEQ before operations can begin.

Submit an original and two copies of all application documents including this form to the Municipal Solid Waste Permits Section MC-124, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. If you have any questions about this form, contact us at (512) 239-2335.

Application Type

[ ]  New Facility [ ]  Amendment for an Existing Facility

MSW Permit Number (for existing facility):

Application Fee

Indicate how the application fee was paid, and attach a copy of the fee receipt.

[ ]  Paid by Check [ ]  Paid Online

If you are paying by check please send checks directly to the TCEQ Cashier’s Office MC-214, TCEQ, P.O. Box 13087, Austin, TX 78711-3087.

If paid online, provide e-Pay Confirmation Number:

Facility Information (must match regulated entity information on Core Data Form)

Facility Name:

Physical Address:       Site Elevation:       Feet above msl.

City:       State:       Zip code:       County:

Facility Owner Information (must match customer information on Core Data Form)

Facility Owner Name:

Mailing Address:

City:       State:       Zip code:       County:

Attach a complete Core Data Form for the facility owner. The Core Data Form and instructions are available at <[www.tceq.texas.gov/goto/coredata](http://www.tceq.texas.gov/goto/coredata)>.

Property Owner Information (must match Customer information on Core Data Form)

[ ]  Check this box if property owner is different from facility owner. If the property owner is different from the facility owner, include a separate Core Data Form for the property owner, and have the property owner complete the Property Owner Affidavit section of this form.

Property Owner Name:

Mailing Address:

City:       State:       Zip code:       County:

Applicant Contact Information

Person’s Name:       Title:

Company:

Mailing Address:

City:       State:       Zip code:

Phone:       E-mail:

Consulting Engineer Information

Engineer’s Name:       Firm Name:

Mailing Address:

City:       State:       Zip code:

Phone:       E-mail:

Publishing Information h

Provide the URL address of the publicly accessible internet website where the application and all revisions will be posted:

http://

Party responsible for publishing notice:

[ ]  Applicant [ ]  Consultant

Is an alternative language notice required for this application? Yes [ ]  No [ ]

(For determination, refer to Alternative Language Checklist on the Public Notice Verification Form TCEQ-20244-Waste.)

Name of the public place application is located:

Physical Address:

City:       State:       Zip Code:

Phone:

Feedstock Information

Indicate all feedstocks that will be composted at the facility:

[ ]  Mixed Municipal Solid Waste [ ]  Grease Trap Waste [ ]  Manure [ ]  Grease

[ ]  Municipal Sewage Sludge [ ]  Yard Trimmings [ ]  Clean Wood [ ]  Paper

[ ]  Positively-sorted Organic [ ]  Dairy Materials [ ]  Meat [ ]  Oil

[ ]  Vegetative Material [ ]  Animal Carcasses [ ]  Fish

[ ]  Disposable Diapers or paper products soiled by human excreta

[ ]  Paper Production Sludge (must comply with special requirements in 30 TAC 332.33(b))

[ ]  Other Feedstocks:

Describe all bulking agents that will be used in the process:

General Requirements Statement

[ ]  By checking this box you will comply with the general requirements for this facility as described under 30 TAC 332.4(1)-(9) and (12).

Excluded Feedstocks Statement

The following wastes must be managed in accordance with 30 TAC Chapter 335 (relating to Industrial Solid Waste and Municipal Hazardous Waste):

* Any nonhazardous industrial solid wastes listed in 30 TAC 332.4(10) that are *not* managed in accordance with the requirements of Chapter 332.
* Any nonhazardous industrial solid wastes not listed in subsection 30 TAC 332.4(10).
* All hazardous wastes (30 TAC 332.4(11)).

[ ]  Check this box to indicate you will comply with these feedstock limitations.

Variance Request

You may request a variance in accordance with 30 TAC 332.5. A variance may not be approved for procedural requirements. Indicate if you are requesting a variance. [ ]  Yes [ ]  No

If yes, attach your written variance request with this application.

Air Quality Requirements

General

Composting operations required to obtain a permit must meet the requirements in 30 TAC 332.8(e) to be covered under an air quality standard permit.

[ ]  Check this box to indicate you will comply with air quality requirements to be covered by an air quality standard permit. By not checking this box you are indicating you will apply for an air quality permit under 30 TAC Chapter 116.

Dust Suppression

Indicate dust suppression method(s) that will be used for all permanent in-plant roads and vehicle work areas:

[ ]  Watered

[ ]  Treated with dust-suppressant chemicals

[ ]  Paved and cleaned as necessary to achieve maximum dust control

Are all facility grinders located in an enclosed building? [ ]  Yes [ ]  No

If No, describe controls that will be used to suppress dust:

Are all facility conveyors located in an enclosed building? [ ]  Yes [ ]  No

If No, describe controls that will be used to suppress dust:

Odor Control

Prior to receiving any material with a high odor potential such as dairy material, meat, fish, and oil and grease, the operator must ensure that there is an adequate volume of bulking agent to blend with or cover the material, and must begin processing the material in a manner that prevents nuisances.

[ ]  Check this box to indicate you will comply with requirements for managing high odor material at this facility in accordance with 30 TAC 332.8(e)(6).

General Location Description and Map Requirements

Enter description for the physical location:

In accordance with 30 TAC 305.45(a)(6), attach a map(s) which shows the facility and each of its intake and discharge structures and any other structure or location regarding the regulated facility and associated activities. Map(s) must depict the approximate boundary of the facility, be on a scale of not less than one inch equals one mile and extend at least one mile beyond the approximate boundaries.

Facility Legal Description

In accordance with TAC 332.47(8), attach a legal description of the facility. At minimum the legal description should include a metes and bounds description and drawing prepared and sealed by a registered surveyor.

Landowners List and Map

Attach a mailing list of landowner names and addresses within one-half mile of the facility and a map locating the property owned by these persons. In accordance with 30 TAC 39.5(b) mailing lists should be provided electronically or on mailing labels.

Coordination with Government Agencies

Provide information in accordance with 30 TAC 281.5(7) about government agencies representing the area where the facility will be located. Attach copies of letters demonstrating coordination with those agencies, and copies of received responses.

Texas Department of Transportation (TxDOT)

TxDOT District Name and Number:

District Engineer’s Name:

Mailing Address:

City:       State:       Zip code:       County:

Local Authority for road maintenance:

U.S. Army Corps of Engineers (USACE)

Select the district the facility is located within:

[ ]  Albuquerque, NM [ ]  Ft. Worth, TX [ ]  Galveston, TX [ ]  Tulsa, OK

Local Council of Governments (COG)

COG Name:

COG Representative’s Name:

COG Representative’s Title:

Mailing Address:

City:       State:       Zip code:       County:

River Basin Authority

River Basin Authority Name:

Contact Person’s Name:

Watershed Sub-Basin Name:

Mailing Address:

City:       State:       Zip code:       County:

Federal Aviation Administration (FAA)

[ ]  Check this box if the facility will be located within six (6) miles of an airport. If this box is checked documentation of coordination with FAA must be included.

Texas Historical Commission (THC)

Attach correspondence with the THC .

Texas Parks and Wildlife Department (TPWD)

Attach correspondence with the TPWD.

State Elected Officials

Texas House District No.

Representative Name:

District Office Address:

City:       State:       Zip code:       County:

Phone:

Texas Senate District No.

Senator Name:

District Office Address:

City:       State:       Zip code:       County:

Phone:

Local Government Jurisdiction and Ordinances

Provide information in accordance with 30 TAC 281.5(7) about local government jurisdiction.

Within the city limits of:

Within extraterritorial jurisdiction of:

Is the facility located in an area in which the governing body of the municipality or county has prohibited the storage or processing of municipal or industrial solid waste? [ ]  Yes [ ]  No

If yes, attach a copy of the ordinance or order.

Local Government Officials

City Mayor

Name:

Office Address:

City:       State:       Zip code:       County:

City Health Authority

Name:

Office Address:

City:       State:       Zip code:       County:

County Judge

Name:

Office Address:

City:       State:       Zip code:       County:

County Health Authority

Name:

Office Address:

City:       State:       Zip code:       County:

General Application Requirements

Application and Reporting

Permitted compost facilities are required to submit an annual report and monthly final product testing results in accordance with 30 TAC 332.43(2) and (3).

* Attach an engineer’s appointment in accordance with 30 TAC 332.43(4).

Location Standards

* Attach a map indicating compliance with setback distances to surface water, public and private wells as described under 30 TAC 332.44(4) and (5).
* Depict on a map or drawing a minimum of a 50 foot setback is maintained between the facility boundary and receiving, processing and storage processes

 Indicate which map or drawing you used: Attachment

* The facility must not significantly alter existing draining patterns.
* The facility must not be located in wetlands
* Is the facility located in a 100-year floodplain? [ ]  Yes [ ]  No

If yes, you must submit additional documentation in accordance with 332.44(1).

* Is this facility located in an Edwards Aquifer Recharge Zone? [ ]  Yes [ ]  No

If yes, you must comply with requirements in 30 TAC Chapter 213.

Operational Requirements

Permitted compost facilities are required to comply with all requirements under 30 TAC 332.45.

Records Requirements

The operator must maintain at minimum the facility’s operating permit, a log of abnormal events, final product testing results and copies of the annual report in accordance with 30 TAC 332.46(a) and (b).

[ ]  Check this box to indicate you will comply with Reporting, Location Standards, Operational, and Records requirements of a permit.

Land Use

In accordance with 30 TAC 332.47(4), attach descriptions and map(s) necessary to evaluate the impact of the facility on the surrounding area. At minimum the attachment should include:

* a description of the zoning at and within one mile of the facility;
* a description of the character of surrounding land uses within one mile of the facility;
* proximity to residences and other uses with an approximate number of residences and business within one mile and direction/distance to nearest residence and business;
* a discussion showing the compatibility of the facility with the surrounding land uses; and
* a land use map showing all listed facilities under 30 TAC 332.47(4)(E) within 500 feet of the facility.

Access

In accordance with 30 TAC 332.47(5), attach data, analysis and map(s) necessary to evaluate the impact of the facility on the surrounding area. At minimum the attachment should include:

* data on roadways, within one mile, used for facility access. The data should include dimensions, surfacing, general conditions, capacity and load limits;
* data on volume of traffic on roadways used for facility access, within one mile;
* existing and projected traffic during the life of the facility (for projected traffic include both traffic generated by the facility and anticipated increase without the facility);
* an analysis of the impact the facility will have on area roadways with discussion on mitigating measures; and
* an access roadway map showing all roadways within one mile of the facility.

Facility Development

In accordance with 30 TAC 332.47(6), to assist in evaluating the environmental impact of the facility, include the following items with this application:

Surface Water Protection Plan

Attach a Surface Water Protection Plan in accordance with 30 TAC 332.47(6)(A).

Geologic/Hydrogeologic Report

Attach a Geologic/Hydrogeologic Report in accordance with 30 TAC 332.47(6)(B).

Groundwater Protection Plan (GPP)

Attach a GPP in accordance with 30 TAC 332.47(6)(C).

Facility Plan and Layout

Attach a facility plan and layout prepared by a registered professional engineer. The drawings must clearly indicate all proposed facilities, structures and improvements. Minimum requirements for the facility plan and layout are described in 30 TAC 332.47(6)(D).

Process Description

Attach a process description material sourcing to product distribution. Minimum requirements for the process description are described in 30 TAC 332.47(6)(E).

Site Operating Plan

Attach a Site Operating Plan containing the information specified in 30 TAC 332.47(7).

Closure Plan and Cost Estimate

Prepare and attach a cost estimate and closure plan for closure of the facility in accordance with 30 TAC 332.47(9). Financial assurance mechanisms must be established and maintained in accordance with Chapter 37, Subchapter J, and Financial assurance must be submitted 60 days prior to receiving any material, or within 60 days of permit issuance.

Indicate the total closure cost estimate: $

Source Separated Recycling and Household Hazardous Waste Collection

Will this facility accept waste from a governmental unit for composting purposes? [ ]  Yes [ ]  No

If yes, attach a plan to comply with 30 TAC 332 Subchapter E (source-separated recycling) and F (household hazardous waste collection)

Other Permit or Construction Approvals

List any permit or construction approvals listed under 30 TAC 305.45(a)(7)(A)-(K) that you have received or are pending. If more space is needed, attach a separate sheet and reference the sheet here.

Permit type:       Status:

Permit type:       Status:

Permit type:       Status:

Permit type:       Status:

Compost Facility Permit Application Attachments

The application for a compost facility permit is composed of the application form and attachments. The order of attachments is listed below. Check each box to indicate that the document is enclosed and provide the corresponding attachment number.

[ ]  Title Page

[ ]  Table of Contents

[ ]  Application for Compost Permit Form

[ ]  Fee Receipt Attachment

[ ]  Core Data Form(s) Attachment

[ ]  Legal Authority, provide verification of your legal status in accordance with 30 TAC §281.5(3). Normally, this is a one page certificate of incorporation issued by the Office of the Secretary of State. Attachment

[ ]  Variance Request (*if applicable)* Attachment

[ ]  General Location Map Attachment

[ ]  Legal Description of the facility Attachment

[ ]  Landowners List and Map Attachment

[ ]  Copies of Local Government Ordinance(s) (*if applicable*) Attachment

[ ]  Notices of Coordination with Government Agencies Attachment

[ ]  Notice of Engineer’s Appointment Attachment

[ ]  Water Well and Surface Water Setback Maps Attachment

[ ]  Land Use Description, Discussion and Map Attachment

[ ]  Access Data, Discussion and Map Attachment

[ ]  Facility Development Plan Attachment

 [ ]  Surface Water Protection Plan

 [ ]  Geologic/Hydrogeologic Report

 [ ]  Groundwater Protection Plan

 [ ]  Facility Layout and Plan

 [ ]  Process Description

[ ]  Site Operating Plan Attachment

[ ]  Closure Plan and Cost Estimate Attachment

[ ]  Source Separated Recycling Plan (*if applicable*) Attachment

[ ]  Household Hazardous Waste Collection Plan (*if applicable*) Attachment

Applicant’s Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature of Owner:       Date:

Printed Name:      Title:

Notary Public’s Certification:

Subscribed and sworn to before me, by the said

On this day of ,

My commission expires on the day of ,

Notary Public in and for

 County, Texas.

Property Owner’s Affidavit

The owner of the property must sign the following statement:

* I acknowledge that the State of Texas may hold the property owner of record either jointly or severally responsible for the operation, maintenance, and closure or post-closure care of the facility.
* I acknowledge that the facility owner or operator and the State of Texas shall have access to the property during the active life and post-closure care period, if required, after closure for the purpose of inspection and maintenance.

Signature of Owner:       Date:

Printed Name: