



Texas Commission on Environmental Quality Instructions for Type IX Landfill Gas to Energy Facility Registration by Rule Form

Form Applicability

This form is required and is only to be used for a facility that recovers landfill gas for beneficial use that is located within or adjacent to a closed disposal facility, an inactive portion of a disposal facility, or an active disposal facility. Registration by rule requirements for facilities that recover landfill gas for beneficial use are prescribed in Title 30 Texas Administrative Code (30 TAC) Chapter 330.9(j) of this title (relating to Registration Required). This form is not for the use of owners or operators of other Type IX facilities, as defined in 30 TAC Chapter 330.5(a)(7).

Form Availability

This form, as well as other Municipal Solid Waste (MSW) documents and rules are available on the TCEQ Landfill Gas Recovery Facilities webpage at www.tceq.texas.gov/permitting/waste_permits/msw_permits/lfg-recovery.

The number for the form is 20651. For further instructions regarding completion of this form, please send an email to mswper@tceq.texas.gov or call 512-239-2335.

Preparing and Submitting an Application

Fill out all sections and provide all applicable attachments. This form, along with any attachments, must be submitted in duplicate, with one paper copy and one copy in electronic format in accordance with 30 TAC 330.57.

The application form and all attachments should be submitted to:

Municipal Solid Waste Permits Section, MC 124
Waste Permits Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Ensure that a copy is also sent directly to the appropriate TCEQ regional office. Region mailing addresses are available at www.tceq.texas.gov/agency/directory/region.

Instructions for submitting documents electronically are available at www.tceq.texas.gov/downloads/permitting/waste-permits/msw/docs/msw-submit-electr.pdf.

Application Tracking Information

For all applications provide the Applicant, Site Operator, Operator (if different from Site Operator), facility Regulated Entity Name, MSW Authorization Number, and dates.

Applicant is the individual or legal entity submitting the application. The Applicant may be the facility Site Operator or Operator (roles described in the *Facility Contact Information and Roles* section of these instructions).

Site Operator is the entity (registrant) to whom the authorization is issued. The Site Operator may or may not own the land occupied by the facility.

Operator is the entity responsible for operating the facility or part of a facility (if different from Site Operator) but does not have to be the owner of the facility.

Facility Regulated Entity Name is the name indicated in the Regulated Entity Information section of the Core Data Form that will accompany the application.

MSW Authorization Number should be left blank on the initial submission of an application for a new facility. A number will be assigned during application review. On the initial submission of an application for a change to an *existing* facility and all submissions of revisions to pending applications, indicate the MSW Authorization Number that has been assigned.

Initial Submission Date is the date an application is submitted for the first time. It does not change.

Revision Date is the date of a subsequent application revision and will be different for each submission of a revision.

Application Data

1. Submission Type

Mark the box that indicates whether the submission is an initial application or a notice of deficiency (NOD) response.

2. Application Fees

The application fee is \$150. Select box that indicates the method of payment of application fee for the submittal.

Payment may be made online using TCEQ ePay at www3.tceq.texas.gov/epay/. If payment is made online, enter the E-pay confirmation number.

If fee is paid by check, send payment directly to the following address and include the requested information in the application submitted to the MSW Permits Section.

Financial Administration Division, MC 214
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. General Information About the Facility

Type IX Facility Name

Provide the Type IX facility information as requested in this section.

If the Regulated Entity Reference Number has not been issued for the facility, a number will be assigned during application review. The facility name provided in this Section should match the Regulated Entity Name in box 22 on the TCEQ Core Data Form.

Landfill Gas Source (Name of Landfill)

Provide the requested information regarding the landfill from which the Type IX facility will be recovering landfill gas for beneficial use.

4. Facility Contact Information and Roles

Site Operator (Registrant)

Enter Site Operator (registrant) information as requested in the form. Site Operator is defined in 30 TAC 330.3.

Operator Name

Enter Operator information as requested in the form. Operator is defined in 30 TAC 330.3.

Owner

If the Site Operator (Registrant) does not own all of the facility units and all of the facility property, provide the requested information and submit a complete TCEQ Core Data Form for the owner as an attachment.

Engineering Consultant

Enter the name of the engineer responsible for sealing the application, the name of the engineering firm, firm registration number, and contact information.

Other Consultant

If applicable, enter the consultant company's name and contact information responsible for the preparation of the application on behalf of the applicant.

Agent in Service Name

If the applicant is a corporation or person residing out of state, the applicant must register an Agent in Service or Agent of Service with the Texas Secretary of State's office and provide a complete mailing list for the agent. The agent must be a Texas resident, and the address provided for them should be within the State of Texas. Provide information if this is applicable for the facility.

5. Facility Supervisor's License

30 TAC Chapter 30, Occupational Licenses and Registrations (Figure 30 TAC 30.213(a)), requires that supervisors of a Type IX Landfill Gas to Energy Facility have at a minimum, a Class B Municipal Solid Waste Facility Supervisor license. The individual must obtain the license before the facility commences operations. Select the type of license that the facility supervisor will obtain before commencing facility operations.

6. Compliance with Air Emissions Authorization

Please indicate that the Site Operator (registrant) has acquired all authorizations regarding air emissions as required by 30 TAC 330.3(a)(7) and 330.9(j)(2). The Site Operator must submit all information necessary to complete the air quality review as prescribed by the commission and be approved by the executive director prior to the Type IX registration by rule becoming effective.

7. Local Government Jurisdiction and Ordinances

If the facility is located within the limits of a city, check the box indicating within city limits. If the facility is located within the extraterritorial jurisdiction of a city, check the box indicating within extraterritorial jurisdiction. Enter the name of the city.

If the facility is located in an area in which the governing body of the municipality or county has prohibited the construction or operation of landfill gas to energy facilities, provide a copy of the ordinance as an attachment.

8. Confidential Documents

The commission has a responsibility to provide a copy of each application to other agencies and to interested persons upon request and to safeguard confidential material from becoming public knowledge. Thus, the commission requests that the applicant (1) be prudent in the designation of material as confidential and (2) submit such material only when it might be essential to the staff in their development of a recommendation.

The commission suggests that the applicant NOT submit confidential information as part of the permit or registration application. However, if this cannot be avoided, the confidential information should be described in non-confidential terms throughout the application, cross-referenced, and submitted as a separate document or binder, and clearly marked "CONFIDENTIAL" on all pages.

Reasons for confidentiality include the concept of trade secrecy and other related legal concepts which give a business the right to preserve confidentiality of business information to obtain or retain advantages from its right in the information. This includes authorizations under, 18 U.S.C. 1905 and special rules cited in 40 CFR Chapter I, Part 2, Subpart B.

The applicant may elect to withdraw any confidential material submitted with the application. However, the permit cannot be issued, amended, or modified if the application is incomplete.

Attachments for Type IX Form

Table 1. Required Attachments

TCEQ Core Data Form(s)

A Core Data Form (TCEQ-10400) is required with all applications. Provide a completed Core Data Form with the application, even if there are no changes to the core data. The Core Data Form is available at www.tceq.texas.gov/permitting/central_registry/guidance.html. Information from the Core Data Form is recorded in the TCEQ Central Registry. You can check the status of your information in Central Registry on-line at www.tceq.texas.gov/goto/centralregistry/.

If the Site Operator (Registrant) does not have a Customer Reference Number (CN Number), complete a Core Data Form and submit it with this application. List the Site Operator (Permittee/Registrant) as the customer.

If Regulated Entity Reference Number (RN Number) has not been issued for the facility, complete a Core Data Form and submit it with this application. List the Type IX facility name as the Regulated Entity.

If the Operator does not have a Customer Reference Number (CN Number), complete another Core Data Form for the Operator and submit it with the application. List the Operator name as the customer in box 6 of the Core Data Form.

If the Property Owner does not have a Customer Reference Number (CN Number), complete another Core Data Form for the Property Owner and submit it with the application. List the Property Owner name in box 6 and write "Property Owner" in box 14 of the Core Data Form.

Facility Metes and Bounds Description

A boundary metes and bounds description of the Type IX facility signed and sealed by a registered professional land surveyor.

Metes and Bounds Drawings

A drawing of the boundary metes and bounds description signed and sealed by a registered professional land surveyor.

On-Site Easements Drawing

Submit a drawing showing any on-site easements at the Type IX facility.

Verification of Legal Status (30 TAC 281.5 and 330.59(e))

Please provide verification of legal status. Normally, this is a one-page certificate of incorporation (Certificate of Fact) issued by the secretary of state (see additional Attachments List). If you choose to provide a verification of the legal status by another mechanism, please provide it under this Attachment. Also, provide a list of all persons having greater than 20% ownership in the proposed Type IX facility. See example in the following table.

List of all persons having greater than 20% ownership in the facility.

Name	Title	Contact Information

Evidence of Competency

At a minimum, provide the information listed in the following example tables to comply with 30 TAC 330.59(f) as applicable to the facility type for which this application is submitted.

List of all Texas solid waste sites that the Site Operator has owned or operated within the last 10 years.

Site Name	Site Type	Permit/Reg. No.	County	Dates of Operation

List of all solid waste sites in all states, territories, or countries in which the Site Operator has a direct financial interest.

Site Name	Location	Dates of Operation	Regulatory Agency (Name & Address)

Names of the principals and supervisors of the Site Operator’s organization, together with previous affiliations with other organizations engaged in solid waste activities.

Name	Previous Affiliation	Other Organization

General Location Map

Submit a map that shows the general location of the facility and that landfill where the facility is located. The map must be of material suitable for a permanent record and be on sheets 8-1/2 inches by 14 inches or folded to that size and be on a scale of not less than one-inch equals one mile. The map must depict the approximate boundaries of the facility and extend far enough beyond the facility to allow identification of the facility’s location with respect to known or easily identifiable landmarks.

Site Layout Plan

Submit a large-scale plan drawing(s) of the facility. The plan must be readable, reproducible on photo-copying machines, include a legend, a bar scale at least one inch long, a dated title block, revision block, responsible engineer’s seal, and a north arrow. The following information must be included on the site layout plan:

- Boundary of Type IX Facility
- Boundary of permitted landfill from which the gas will be recovered
- Limits of waste placement
- Facility Structures
- Gas treatment equipment
- Gas compression equipment
- Electrical power generation equipment
- Any other beneficial gas-use equipment
- All required easements

Closure Plan, Closure Cost Estimate, and Financial Assurance

Provide a closure plan addressing the requirements of 30 TAC 330.459, 330.461, and describing the activities necessary to complete each of the associated line items on the closure cost estimate.

Provide a cost estimate for closure of the facility following the requirements of 30 TAC 330.505. The closure cost estimate should be signed and sealed by a registered professional engineer. An outline for preparing a closure cost estimate is available at www.tceq.texas.gov/downloads/permitting/waste-permits/msw/docs/msw_5costestimate.pdf.

Provide a description of the financial assurance mechanism to cover the cost estimate for closure of the facility in accordance with 30 TAC Chapter 37 Subchapter R.

Fire and Explosion Control and Protection

Describe the sources of fire protection in enclosed structures at the facility. Sources of fire protection may include, but are not limited to, a local fire department, fire hydrants, fire extinguishers, water tanks, and water wells. Include a description of the type and location of protection equipment. Provide procedures for employee fire protection training and safety, and procedures for the use of fire protection equipment.

Provide a description of how enclosed structures at the facility will have continuous 24-hour methane monitoring.

Provide a description and the location of all explosion proof fixtures in enclosed structures at the facility. The description may include, but is not limited to, manufactures information and brochures.

Operational Standards for Municipal Solid Waste Storage and Processing Units

Describe how the facility will comply with the design and operational requirements outlined in 30 TAC Chapter 330 Subchapter E, as required by 30 TAC 330.5(a)(7) and 30 TAC 330.9(j)(2)(A), addressing all subsections even if only to show why it is not applicable.

Process Unit Description

Describe the proposed method for condensate disposal, including during the active and post-closure care periods of the landfill.

Provide an estimation of the design daily gas production and an estimation of average daily gas production at the facility.

Provide a description of all equipment that is necessary for the processing of the landfill gas, and generation of electricity. The description should include the type, number, size, capacity, and function of all equipment. Provide a flow chart depicting the process sequence from gas collection to electricity generation.

Table 2. Additional Attachments as Applicable

Signatory Authority Delegation

Provide documentation that the person signing the application meets the requirements of 30 TAC 305.44, Signatories to Applications. If the authority has been delegated, provide a copy of the document issued by the governing body of the Site Operator (Registrant) or Operator authorizing the person that signed the application to act as agent for the owner or operator.

Fee Payment Receipt

As indicated in the form *Application Fees* section, if fee is paid by check, send payment directly to the following address and include copy of the receipt in the initial application submitted to:

MSW Permits Section.
Texas Commission on Environmental Quality
Financial Administration Division, MC 214
P.O. Box 13087
Austin, Texas 78711-3087

Waste Storage, Processing and Disposal Ordinances

If the facility is located in an area in which the governing body of the municipality or county has prohibited the disposal or processing of municipal or industrial solid waste, provide a copy of the ordinance.

Confidential Documents

The confidential information should be described in non-confidential terms throughout the application, cross-referenced, and submitted as a separate document or binder, and clearly marked "CONFIDENTIAL." Refer to Instructions, Section *Confidential Documents* for further detail.