



Texas Commission on Environmental Quality

Application for Development Permit for Proposed Enclosed Structure Over Closed Municipal Solid Waste Landfill

Application Tracking Information

Applicant Name: _____

Facility Name: _____

Development Permit Number: _____

Initial Submission Date: _____

Revision Date: _____

Use this form to apply for a development permit for proposed enclosed structure over a closed municipal solid waste (MSW) landfill. Rules about use of land over a closed MSW landfill are in [Title 30, Texas Administrative Code](#)¹, Chapter 330, Subchapter T. Instructions for completing this form are provided in form [TCEQ 20785-instr](#)². Include a Core Data Form, available at www.tceq.texas.gov/goto/coredata with the application. If you have questions, contact the Municipal Solid Waste Permits Section by email to mswper@tceq.texas.gov, or by phone at 512-239-2335.

If you have an existing enclosed structure, use form [TCEQ-20786](#)³, Registration for Existing Enclosed Structure Over Closed Municipal Solid Waste Landfill. If you are proposing a non-enclosed structure, use form [TCEQ-20787](#)⁴, Authorization to Disturb Final Cover Over Closed Municipal Solid Waste Landfill for Non-Enclosed Structure.

Application Data

1. Application Type

☐ New Development Permit ☐ Revisions of Existing Permit

☐ Transfer of an Existing Permit

If existing Permit, indicate the Permit Number: _____

2. Submission Type

☐ Initial Submission ☐ Notice of Deficiency (NOD) Response

¹ www.tceq.texas.gov/goto/view-30tac

² www.tceq.texas.gov/downloads/permitting/waste-permits/msw/forms/20785-instr.pdf

³ www.tceq.texas.gov/downloads/permitting/waste-permits/msw/forms/20786.pdf

⁴ www.tceq.texas.gov/downloads/permitting/waste-permits/msw/forms/20787.pdf

3. Application Fee

The application fee for a development permit is \$2,500.

☐ Paid by Check

☐ Paid Online

If paid online, ePay Confirmation Number: _____

4. Enrollment in Other TCEQ Programs

Indicate if the site is enrolled in the Voluntary Cleanup Program or other Remediation Program.

☐ Yes ☐ No

If Yes, indicate the program: _____

5. Development Type

Is the development a single-family or double-family home that is not part of a housing subdivision?

☐ Yes ☐ No

If "Yes", the construction is exempt from the development permit requirement.

6. Enclosed Structure Description

Provide a brief description of the proposed enclosed structure for which the development permit is requested.

7. Soil Tests

Size of the property (acres): _____

Was the existence of the landfill determined through:

☐ Test I

☐ Test II

☐ Test III

☐ Other. Please describe: _____

If soil tests were performed prior to development in accordance with 30 TAC §330.953, the test results shall be included in this application.

8. Notification of MSW Landfill Determination

If soil tests were used to determine the presence of a closed MSW landfill, provide evidence that the engineer who performed the soil tests has notified the following persons of that determination in accordance with 30 TAC §330.953(d).

- ☐ Each owner and lessee
- ☐ Executive Director
- ☐ Local Government Officials
- ☐ Regional Council of Governments

9. Landfill Permit Status

What is the permit status of the landfill?

- ☐ Active MSW Permit
- ☐ Landfill in Post-Closure Care
- ☐ Revoked MSW Permit
- ☐ Non-Permitted Landfill

If the landfill is still in the post-closure care period subject to an active MSW Permit, this development permit application for proposed enclosed structures shall be accompanied by a Permit Modification application prepared in accordance with 30 TAC §305.70, and by a certification signed by an independent engineer in accordance with 30 TAC §330.957(b)(2).

If the landfill has completed the post-closure care period, but the MSW permit has not been revoked (site affected by an active MSW Permit), a Voluntary Revocation request of the MSW Permit shall be submitted in accordance with 30 TAC §330.465 prior to the submittal of this development permit application for proposed enclosed structures over a closed MSW landfill.

10. Electronic Versions of Application

TCEQ will publish electronic versions of applications online. Applicants are required to submit complete clean (unmarked) copies of their applications in electronic format once they are administratively complete and technically complete. Additionally, applicants must provide electronic copies of responses to notices of deficiencies for publishing online. (Refer to instructions for this form for how to submit electronically.)

11. Public Place for Copy of Application

Name of the Public Place: _____

Physical Address: _____

City: _____ County: _____ State: TX Zip Code: _____

Phone Number: _____

Normal Operating Hours: _____

12. Party Responsible for Publishing Notice

Indicate who will be responsible for publishing notice:

☐ Applicant ☐ Consultant

Contact Name: _____

Title: _____

Email Address: _____

13. Alternative Language Notice

Use the Alternative Language Checklist on Public Notice Verification Form TCEQ-20244-Waste-NAORPM available at www.tceq.texas.gov/permitting/waste_permits/msw_permits/msw_notice.html to determine if an alternative language notice is required.

Is an alternative language notice required for this application?

☐ Yes ☐ No

Indicate the alternative language: _____

14. Confidential Documents

Does the application contain confidential documents?

☐ Yes ☐ No

If "Yes", cross-reference the confidential documents throughout the application and submit as a separate attachment in a binder clearly marked "CONFIDENTIAL."

15. Permits and Construction Approvals

Mark the following tables to indicate status of other permits or approvals.

Permits and Construction Approvals

Permit or Approval	Received	Pending	Not Applicable
Zoning Approval			
Preliminary Subdivision Plan			
Final Plat			
Fire Inspector's Approval			
Building Inspector's Approval on Plans			
Water Service Tap			
Wastewater Service Tap			
On-site Wastewater Disposal System Approval			

Other Environmental Permits

Other Environmental Permits (list)	Received	Pending

16. General Project Information

Facility Name: _____

SubT Development Permit Number (if available): _____

Regulated Entity Reference Number (if issued): **RN** _____

Street or Physical Address: _____

City: _____ County: _____ State: TX Zip Code: _____

Phone Number: _____

If Regulated Entity Reference Number has not been issued for the facility, complete a Core Data Form (TCEQ-10400) and submit it with this application.

17. Contact Information

Applicant (Lessee/Project Owner)

Name: _____

Customer Reference Number (if issued): **CN**_____

Mailing Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

Phone Number: _____

Email Address: _____

If Customer Reference Number has not been issued, complete a Core Data Form (TCEQ-10400) and submit it with this application. List the Applicant as the Customer.

Property Owner

Name: _____

Mailing Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

Phone Number: _____

Email Address: _____

If the Property Owner is the same as Applicant, indicate "Same as "Applicant".

Consultant (if applicable)

Firm Name: _____

Texas Board of Professional Engineers and Land Surveyors Firm Number: _____

Mailing Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

Consultant Name: _____

Phone Number: _____

Email Address: _____

Engineer Who Performed Soil Tests

Firm Name: _____

Texas Board of Professional Engineers and Land Surveyors Firm Number: _____

Mailing Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

Engineer Name: _____

Phone Number: _____

Email Address: _____

18. Other Governmental Entities Information:

Fire Chief, Fire Marshal or Fire Inspector Information

Fire Department Name: _____

Person's Name: _____

Mailing Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

Phone Number: _____

Email Address: _____

Local Floodplain Authority (if applicable)

Authority Name: _____

Contact Person's Name: _____

Street or P.O. Box: _____

City: _____ County: _____ State: _____ Zip Code: _____

Phone Number: _____

Email Address: _____

City Mayor Information

City Mayor's Name: _____

Office Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

Phone Number: _____

Email Address: _____

City Health Authority Information

Contact Person's Name: _____

Office Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

Phone Number: _____

Email Address: _____

Director of Public Works

Department Name: _____

Contact Person's Name: _____

Office Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

Phone Number: _____

Email Address: _____

Director of Utilities

Utility Name: _____

Contact Person's Name: _____

Office Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

Phone Number: _____

Email Address: _____

Director of Planning

Agency Name: _____

Contact Person's Name: _____

Office Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

Phone Number: _____

Email Address: _____

Building Inspector

Agency Name: _____

Contact Person's Name: _____

Office Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

Phone Number: _____

Email Address: _____

County Judge Information

County Judge's Name: _____

Office Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

Phone Number: _____

Email Address: _____

County Engineer Information

County Engineer's Name: _____

County Engineer's P.E. Registration No.: _____

Office Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

Phone Number: _____

Email Address: _____

County Health Authority

Agency Name: _____

Contact Person's Name: _____

Office Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

Phone Number: _____

Email Address: _____

State Representative Information

District Number: _____

State Representative's Name: _____

District Office Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

Phone Number: _____

Email Address: _____

State Senator Information

District Number: _____

State Senator's Name: _____

District Office Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

Phone Number: _____

Email Address: _____

Council of Government (COG)

COG Name: _____

COG Representative's Name: _____

COG Representative's Title: _____

Street Address or P.O. Box: _____

City: _____ County: _____ State: _____ Zip Code: _____

Phone Number: _____

Email Address: _____

Local Government Jurisdiction

Is the property located within the limits or in the ETJ of any City?

☐ Yes ☐ No

If "Yes" city regulations may apply. Issuance of Development Permit for an Enclosed Structure does not exempt the applicant from complying with city codes and zoning.

Within City Limits of: _____

Within Extraterritorial Jurisdiction of City of: _____

19. Deed Recordation☐ Verify that the property owner filed a written notice for record in the real property records in the county where the land is located in accordance with 30 TAC §330.962 stating: (a) the former use of the land; (b) the legal description of the tract of land that contains the closed MSW landfill; (c) notice that restrictions on the development or lease of the land exist in the Texas Health and Safety Code and in MSW rules; and (d) the name of the owner.☐ A certified copy of the Notice to Real Property Records is included in this application in accordance with 30 TAC §330.957(p).**20. Notice to Buyers, Lessees, and Occupants of the Structure**

Did the property owner give written notice to all prospective buyers, lessees and/or occupants of the structure in accordance with 30 TAC §330.963 stating the land's former use as a landfill, and the structural controls in place to minimize potential future danger posed by the closed MSW landfill?

☐ Yes ☐ New Structure Not Yet Constructed

If "Yes" certified copies of the notices shall be submitted to TCEQ in accordance with 30 TAC §330.957(p).

If "New Structure Not Yet Constructed" a draft notice to all prospective buyers, lessees and/or occupants of the proposed structure, and procedures for its implementation upon structure's construction shall be included in this application.

21. Notice of Lease Restrictions on the Property

Is the property leased?

☐ Yes ☐ No

If "Yes", verify that the property owner provided written notice to all prospective lessees of the property in accordance with 30 TAC §330.964 concerning:

☐ (a) what is required to bring the property into compliance with 30 TAC Chapter 330, Subchapter T?

☐ (b) the prohibitions or requirements for future disturbance of the final cover?

☐ A certified copy of the notice is included in the application in accordance with 30 TAC §330.957(p).

Professional Engineer's Certification of No Potential Threat to Public Health or the Environment

The applicant's engineer for this project shall complete one of the following certifications:

"I, _____, Texas PE Number _____, certify that the proposed development is necessary to reduce a potential threat to public health or the environment. Further, I certify that the proposed development will not damage the integrity or function of any component of the Closed Municipal Solid Waste Landfill Unit, including, but not limited to, the final cover, containment systems, monitoring system, or liners. This certification includes all documentation of all studies and data on which I relied in making these determinations."

Engineer's seal, with signature and date:

Engineering Firm Name: _____

Texas Board of Professional Engineers and Land Surveyors Firm Number: _____

Or:

" I, _____, Texas PE Number _____, certify that the proposed development will not increase or create a potential threat to public health or the environment. Further, I certify that the proposed development will not damage the integrity or function of any component of the Closed Municipal Solid Waste Landfill Unit, including, but not limited to, the final cover, containment systems, monitoring system, or liners. This certification includes all documentation of all studies and data on which I relied in making these determinations."

Engineer's seal, with signature and date:

Engineering Firm Name: _____

Texas Board of Professional Engineers and Land Surveyors Firm Number: _____

Signature Page

Applicant 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.

Name: _____ Title: _____

Signature: _____ Date: _____

Email Address: _____

SUBSCRIBED AND SWORN to before me by the said _____

On this ____ day of _____, ____

My commission expires on the ____ day of _____, ____

Notary's Name: _____

Notary Public in and for

_____ County, Texas

Property Owner Authorization

To be completed by the property owner if the property owner is not the applicant.

I _____, the owner of the property identified by the address _____, hereby authorize the applicant to proceed with the project described in this application, and to apply for any necessary authorizations in order to conduct this project. I understand that, as property owner, I am responsible for maintaining the integrity of the final cover over the closed MSW landfill.

Property Owner Name: _____

Signature: _____ Date: _____

Email Address: _____

SUBSCRIBED AND SWORN to before me by the said _____

On this ____ day of _____, ____

My commission expires on the ____ day of _____, ____

Notary's Name: _____

Notary Public in and for

_____ County, Texas

Attachments for New Development Permit

Required Attachments

A. Narrative

Attachment	Attachment Number
Proposed Project Description	
Existing Conditions Summary	
Legal Authority	
Evidence of Competency	
Notice of Engineer Appointment	
Notices of Coordination with Governmental Agencies and Officials	
Geology and Soil Statement	
Groundwater and Surface Water Statement	
Foundation Plans	
Soil Tests	
Closure Plan	
Structures Gas Monitoring Plan	
Site Operating Plan	
Safety and Evacuation Plan	

B. Maps and Plans

Attachment	Attachment Number
Adjacent Landowners Map	
Adjacent Landowners List	
Electronic List or Mailing Labels	
General Location Map	
General Topographic Map	
Site Layout Plan with Limits of Waste Disposal Area	
Foundation Plans	
Structure Layout Plan	
Methane Monitoring Equipment Location Plans	
Construction Details and Engineering Drawings	

C. Copies of Legal Documents

Attachment	Attachment Number
Property Legal Description	
Notice of Landfill Determination	
Notice to Real Property Records	
Notices to Buyers, Lessees, and Occupants	
Notices of Lease Restrictions (if applies)	

Additional Attachments as Applicable

Attachment	Attachment Number
<input type="checkbox"/> TCEQ Core Data Form(s)	
<input type="checkbox"/> Confidential Documents	
<input type="checkbox"/> Soil Tests Boring Logs	
<input type="checkbox"/> Other maps, plans and engineering drawings	
<input type="checkbox"/> Methane Monitoring Equipment Specifications	
<input type="checkbox"/> Methane Monitoring Report	
<input type="checkbox"/> Waste Disposal Manifests	
<input type="checkbox"/> Fee Payment Receipt	
<input type="checkbox"/> Final Plat Record of Property	

Attachments for Revisions to Existing Development Permit

Required Attachments

A. Revised Pages

Attachment	Attachment Number
Marked (Redline/Strikeout) Pages	
Unmarked Revised Pages	

B. Narrative

Attachment	Attachment Number
Description of Proposed Revisions	
Foundation Plans (if revised)	
Closure Plan (if revised)	
Site Operating Plan (if revised)	
Structures Gas Monitoring Plan (if revised)	
Safety and Evacuation Plan (if revised)	

C. Maps and Plans

Attachment	Attachment Number
General Location Map	
Site Layout Plan	
Structure Layout Plan	
Methane Monitoring Equipment Location Plans	

Additional Attachments as Applicable

Attachment	Attachment Number