



Texas Commission on Environmental Quality

Registration for Existing Enclosed Structure Over Closed Municipal Solid Waste Landfill

Application Tracking Information

Applicant Name: _____
 Facility Name: _____
 Registration Number: _____
 Initial Submission Date: _____
 Revision Date: _____

Use this form to register an existing 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 20786-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 are proposing a new enclosed structure, use Form [TCEQ-20785](#)³, *Application for Development Permit for Proposed Enclosed Structure Over Closed Municipal Solid Waste Landfill*. If you are proposing a non-enclosed structure, please use Form [TCEQ-20787](#)⁴, *Request for Authorization to Disturb Final Cover Over Closed Municipal Solid Waste Landfill for Non-Enclosed Structure*.

Application Data

1. Application Type
<input type="checkbox"/> New Development Registration <input type="checkbox"/> Revisions of Existing Registration <input type="checkbox"/> Transfer of an Existing Registration If existing registration, indicate the Registration Number: _____

2. Submission Type
<input type="checkbox"/> Initial Submission <input type="checkbox"/> Notice of Deficiency (NOD) Response

¹ www.tceq.texas.gov/goto/view-30tac
² www.tceq.texas.gov/downloads/permitting/waste-permits/msw/forms/20786-instr.pdf
³ www.tceq.texas.gov/downloads/permitting/waste-permits/msw/forms/20785.pdf
⁴ www.tceq.texas.gov/downloads/permitting/waste-permits/msw/forms/20787.pdf

3. Application Fee

The application fee for registration of an existing enclosed structure 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. Enclosed Structure Construction Date

Date owner determined the enclosed structure overlies a closed MSW landfill: _____

Was the enclosed structure built or did construction begin prior to September 1, 1993?

Yes No

If "No":

An application for a development permit must be submitted in accordance with 30 TAC 330.954(a), using form TCEQ-20785, *Application for Development Permit Application for Proposed Enclosed Structures over Closed MSW Landfills*, unless;

- the conditions of 30 TAC 330.954(a)(7) are met; soil tests II or III were performed at the property in accordance with 30 TAC 330.953, and the closed MSW unit was not detected, but the landfill was discovered during construction. In this case the construction activities shall be ceased, and this application for a registration of an existing enclosed structure is submitted to TCEQ in accordance with 30 TAC 330.954(a)(7). Documentation supporting this determination shall be submitted with this application (see "Instructions" for details).

6. Enclosed Structure Description

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

7. 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

8. 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 post-closure care period subject to an active MSW Permit this registration application for existing enclosed structures over a closed MSW landfill shall be accompanied by a Permit Modification application prepared in accordance with 30 TAC 305.70.

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

9. General Project Information

Facility Name: _____

SubT Registration 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.

10. 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: _____

11. 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."

12. 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. Please note that issuance of the TCEQ's Development Permit for an Enclosed Structure does not exempt the applicant from the requirement to comply with all City codes and zoning requirements.

Within City Limits of: _____

Within Extraterritorial Jurisdiction of City of: _____

13. 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).

14. Notice to Buyers, Lessees, and Occupants of the Structure

Verify that the property owner provided 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?

A certified copy of the Notice to Buyers, Lessees, and Occupants of the Structure is included in this application in accordance with 30 TAC 330.957(p).

15. 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).

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

Note: *Application Must Bear Signature & Seal of Notary Public*

Attachments for New Registration

Required Attachments

A. Narrative

Attachment	Attachment Number
Existing Conditions Summary	
Existing Enclosed Structure Description/Assessment	
Site Operating Plan	
Structures Gas Monitoring Plan	
Safety and Evacuation Plan	

B. Maps and Plans

Attachment	Attachment Number
General Location Map	
Site Layout Plan with Limits of Waste Disposal Area	
Structure Layout Plan	
Methane Monitoring Equipment Location Plans	
Methane Monitoring Equipment Specifications	
Construction Details and Engineering Drawings	

C. Copies of Legal Documents

Attachment	Attachment Number
Property Legal Description	
Notice to Real Property Records	
Notices to Buyers, Lessees, and Occupants	
Notices of Lease Restrictions	

Additional Attachments as Applicable

Attachment	Attachment Number
<input type="checkbox"/> TCEQ Core Data Form(s)	
<input type="checkbox"/> Certified Copy of the Notice of Landfill Determination	
<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 Report	
<input type="checkbox"/> Methane Monitoring Equipment Specifications	
<input type="checkbox"/> Fee Payment Receipt	
<input type="checkbox"/> Final Plat Record of Property	

Attachments for Revisions of Existing Registration

Required Attachments

A. Revised Pages

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

B. Narrative

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

C. Maps and Plans

Attachment	Attachment Number
Site Layout Plan with Limits of Waste Disposal Area	
Structure Layout Plan	
Methane Monitoring Equipment Location Plans	
Methane Monitoring Equipment Specifications	
Construction Details and Engineering Drawings	

Additional Attachments as Applicable

Attachment	Attachment Number