



# **Texas Commission on Environmental Quality**

## **Instructions for Request for Authorization to Disturb Final Cover Over Closed Municipal Solid Waste Landfill for Non-Enclosed Structure**

### **Form Availability**

These instructions describe how to prepare a request for authorization to disturb final cover over a closed municipal solid waste (MSW) landfill, for a non-enclosed structure. Download a copy of the form—[TCEQ 20787](#)<sup>1</sup>—from the TCEQ website. If you have questions, contact the MSW Permits Section by email to [mswper@tceq.texas.gov](mailto:mswper@tceq.texas.gov), or by phone at 512-239-2335.

Examples of projects that involve non-enclosed structures include soil borings and test pits, earthwork and paving, utility and pipeline construction, foundations for fences and light poles, athletic fields, golf courses, and shooting ranges.

If you are proposing a new enclosed structure, use form TCEQ-20785, *Application for Development Permit for Proposed Enclosed Structure Over Closed Municipal Solid Waste Landfill*. If you have an existing enclosed structure where development began before September 1, 1993, use form TCEQ-20786, *Registration for Existing Enclosed Structure Over Closed Municipal Solid Waste Landfill*.

### **Preparing an Application**

#### **Seals**

Title pages, tables of contents, and individual engineering drawings and plans must be signed and sealed by a Texas-licensed Professional Engineer according to [Title 30, Texas Administrative Code \(30 TAC\)](#)<sup>2</sup>, Chapter 330, Sections 330.57(g) and (h).

#### **Initial Application**

The application package for requesting authorization to disturb final cover consists of the application form and attachments. In addition, include:

- Correspondence Cover Sheet (Form [TCEQ-20714](#)<sup>3</sup>);
- Dated cover letter; and
- TCEQ Core Data Form(s) ([TCEQ 10400](#))<sup>4</sup>.

Submit a paper original, one paper duplicate, and an electronic duplicate of the application to the MSW Permits Section ([Instructions for Submitting Documents Electronically](#))<sup>5</sup>:

MUNICIPAL SOLID WASTE PERMITS SECTION MC 124  
WASTE PERMITS DIVISION  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
PO BOX 13087  
AUSTIN TX 78711-3087

Also submit a duplicate directly to the [TCEQ Region Office](#)<sup>6</sup> for the area.

<sup>1</sup> [www.tceq.texas.gov/downloads/permitting/waste-permits/msw/forms/20787.pdf](http://www.tceq.texas.gov/downloads/permitting/waste-permits/msw/forms/20787.pdf)

<sup>2</sup> [www.tceq.texas.gov/goto/view-30tac](http://www.tceq.texas.gov/goto/view-30tac)

<sup>3</sup> [www.tceq.texas.gov/downloads/permitting/waste-permits/forms/20714.docx](http://www.tceq.texas.gov/downloads/permitting/waste-permits/forms/20714.docx)

<sup>4</sup> [www.tceq.texas.gov/goto/coredata](http://www.tceq.texas.gov/goto/coredata)

<sup>5</sup> [www.tceq.texas.gov/downloads/permitting/waste-permits/msw/docs/msw-submit-electr.pdf](http://www.tceq.texas.gov/downloads/permitting/waste-permits/msw/docs/msw-submit-electr.pdf)

<sup>6</sup> [www.tceq.texas.gov/agency/directory/region](http://www.tceq.texas.gov/agency/directory/region)

## Response to a Notice of Deficiency (NOD)

For responses to administrative or technical notices of deficiency (NODs), submit a paper original, one paper duplicate, and an electronic duplicate to the MSW Permits Section ([Instructions for Submitting Documents Electronically](#)<sup>7</sup>), and a duplicate directly to the [TCEQ Region Office](#)<sup>8</sup> for the area. Each paper copy and the electronic copy of the response package should include:

- Correspondence Cover Sheet (Form [TCEQ-20714](#)<sup>9</sup>);
- Dated cover letter, listing each of the review comments, and the response immediately following the comment, including the location of each revision by reference to part, section, and page number;
- Page 1 of the application form to indicate that the submission is for Response to Notice of Deficiency;
- All other revised pages of the form;
- A new Signature Page; and
- Marked (redline/strikeout) and unmarked versions of revised pages.

The notice of deficiency from TCEQ may contain additional instructions.

## Application Data

### 1. Application Type

Select **one** answer. Provide the existing authorization number if this is a request for revision of an existing authorization issued for the same applicant doing similar work at the same facility.

### 2. Submission Type

Select **one** answer.

### 3. Confidential Documents

Confidential information should be submitted as a separate attachment conspicuously marked CONFIDENTIAL. The confidential information should be described in non-confidential terms throughout the application.

TCEQ suggests that the applicant **not** submit confidential information in the application.

The Commission has a responsibility to provide a copy of each application to other review agencies and 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.

Reasons of 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

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<sup>7</sup> [www.tceq.texas.gov/downloads/permitting/waste-permits/msw/docs/msw-submit-electr.pdf](http://www.tceq.texas.gov/downloads/permitting/waste-permits/msw/docs/msw-submit-electr.pdf)

<sup>8</sup> [www.tceq.texas.gov/agency/directory/region](http://www.tceq.texas.gov/agency/directory/region)

<sup>9</sup> [www.tceq.texas.gov/downloads/permitting/waste-permits/forms/20714.docx](http://www.tceq.texas.gov/downloads/permitting/waste-permits/forms/20714.docx)

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, an authorization cannot be issued or revised if the application is incomplete.

#### **4. Enrollment in Other TCEQ Programs**

If the site is enrolled in other TCEQ programs, indicate the program name and program authorization number.

#### **5. Landfill Permit Status**

If the landfill has an existing MSW Permit—whether active or in post-closure care—this request for authorization to disturb the final cover in accordance with 30 TAC 330.954(c)(2) must be submitted as an attachment to an application to modify or amend the permit in accordance with 30 TAC 305.70 or 305.62. Use form [TCEQ-20650](#)<sup>10</sup> for a permit modification, or form [TCEQ-00650](#)<sup>11</sup> for a permit amendment.

#### **6. Project Description**

Briefly describe the proposed disturbance of the final cover of the closed landfill. More detail will be provided as a required attachment.

#### **7. Facility Information**

Provide the Facility's TCEQ Central Registry and contact information.

The Facility Name should match the Regulated Entity name listed in the TCEQ Central Registry.

The Regulated Entity Reference Number (RN) should match the facility RN listed in the TCEQ Central Registry or an RN will be issued during this application process.

If the facility does not have a RN, complete a [TCEQ Core Data Form](#)<sup>12</sup> with the applicant as the Customer and provide it as an attachment to this application.

The address should be the street address if it exists, or a physical location description if there is no street address.

#### **8. Contact Information**

Provide the Applicant's TCEQ Central Registry and contact information. The applicant's name should match either a Customer Name listed in the TCEQ Central Registry for the facility (Regulated Entity) or Item 6 of a TCEQ Core Data Form attached to this application. The CN should match a CN listed in the TCEQ Central Registry or a CN will be issued during this application process. If the applicant does not have a CN, complete Form TCEQ-10400 "Core Data Form" with the Applicant as the Customer and provide it as an attachment to this application.

Provide the Property Owner's TCEQ Central Registry and contact information.

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<sup>10</sup> [www.tceq.texas.gov/downloads/permitting/waste-permits/msw/forms/20650.pdf](http://www.tceq.texas.gov/downloads/permitting/waste-permits/msw/forms/20650.pdf)

<sup>11</sup> [www.tceq.texas.gov/downloads/permitting/waste-permits/msw/forms/00650.pdf](http://www.tceq.texas.gov/downloads/permitting/waste-permits/msw/forms/00650.pdf)

<sup>12</sup> [www.tceq.texas.gov/goto/coredata](http://www.tceq.texas.gov/goto/coredata)

Provide the Consultant's Texas-issued Firm Registration Number (if applicable) and contact information.

## **9. Soil Test Required before Development [30 TAC 330.953]**

If the answer to the first question is "Yes," complete the rest of the section. If the answer is "No," skip to the next section.

If the answer to the second question is "Yes," provide copies of the required notifications as attachments.

If the landfill was discovered during construction, construction shall cease immediately (30 TAC 330.954). Construction shall not resume until the appropriate Subchapter T approval—development permit, registration, or authorization to disturb final cover—has been obtained or TCEQ determines that no Subchapter T approval is required.

## **10. Notice to Real Property Records [30 TAC 330.962]**

If a notice to real property records has been filed, include a copy of the recorded notice as an attachment.

## **11. Notice to Buyers, Lessees, and Occupants [30 TAC 330.963]**

If the answer to the first question is "Yes," complete the rest of the section. If the answer is "No," skip to the next section.

If the answer to the second question is "Yes," provide a copy of each recorded notice to lessees and occupants as attachments.

## **12. Lease Restrictions [30 TAC 330.964]**

If the answer to the first question is "Yes," complete the rest of the section. If the answer is "No," skip to the next section.

If the answer to the second question is "Yes," list the previous Subchapter T approval numbers.

If the answer to the third question is "Yes," provide a copy of each notice to a lessee or prospective lessee as a required attachment.

## **13. Certification by Professional Engineer**

A Texas-licensed Professional Engineer (PE) must sign, seal, and date the certification. If the PE is employed by an engineering firm, the certification must include the firm name, and the firm number issued by the Texas Board of Professional Engineers and Land Surveyors.

## **Signature Page**

Both signatures on the signature page must be notarized.

### **Applicant Certification**

The applicant must complete the certification.

### **Property Owner Authorization**

If the applicant is not the property owner, the property owner must complete the authorization acknowledging responsibility for maintaining integrity of the final cover of the closed landfill.

## **Attachments for New Authorization Request**

### **Required Attachments**

#### **Existing Conditions Summary [330.960(2)]**

Discuss land use, environmental, or special issues that affect the facility. These shall include at least the following:

- current land use
- age and permitting status of the landfill
- location of waste on the property
- condition of the final cover
- waste characterization
- landfill gas production
- potential environmental impacts

#### **Project Description [330.960(3)]**

Describe the proposed project in relation to the waste disposal area. Describe the purpose and type of any proposed disturbance of the waste, the final cover system, the liner system, and the monitoring systems for groundwater and landfill gas.

#### **Construction/Investigation Process [330.960(4)]**

Describe the construction or site investigation process, e.g., the types of work and the types of equipment to be used for the work. Describe the work schedule, i.e., the proposed project start date, the workdays during the week, and the daily work hours. Describe the safety issues during construction such as the potential exposure to municipal solid waste or landfill gas constituents such as methane, hydrogen sulfide, or other toxic chemicals and carbon dioxide or other asphyxiants. Describe the process for restoring any disturbed areas of the final cover.

Describe measures to protect the landfill cover, liner, gas monitoring and groundwater monitoring systems and the environment. The executive director may require that additional soil layers or building pads be placed on the final cover prior to the initiation of any construction activity or structural improvements in order to protect the integrity and function of the final cover, any liner(s), any components of the containment system(s), or any monitoring system(s) (330.955(b)).

#### **Water, Methane, and Excavated Material Management [330.960(5)]**

**Water**—Describe the methods planned for controlling any contaminated water found or generated during the project, preventing the generation of additional contaminated water, and disposing of any contaminated water. Any water that comes in contact with waste becomes contaminated water and has to be properly discharged in a manner that will not cause surface water or groundwater contamination (330.955(f)). Surface drainage in and around the project shall be controlled to minimize surface water running onto, into, and off the closed MSW landfill (330.961(e)).

Describe how the ponding of water over waste in the closed MSW landfill unit, regardless of its origin, shall be prevented (330.961(d)). Ponded water that occurs on a closed MSW landfill unit shall be eliminated as quickly as possible and the area in which the ponding occurred shall be filled in and regraded within seven days of the occurrence.

**Methane**—Describe how methane concentrations in air will be monitored during the project and what actions will be taken to protect workers and the public if methane concentrations in air exceed 1% by volume or a lower concentration defined in advance.

**Excavated Material**—Describe how excavated material will be categorized as clean material or waste. Describe whether and how any clean material will be reused or sent for disposal. Describe how waste will be segregated until it is disposed of properly as well as the proposed disposal method. Waste is expected to be placed in containers, trucks, or on plastic until it is sent for proper disposal. No waste shall be left exposed overnight (330.955(h)).

Locations where waste is removed shall be backfilled and compacted with clean high-plasticity (CH) or low-plasticity (CL) clay. The excavation shall be backfilled to exceed the existing grade and provide positive drainage (330.955(g)). Clayey sand (SC) is not allowed for backfill where waste is removed.

### **Maps and Drawings [330.960(6)]**

Provide a general location map for the property affected by the final cover disturbance. Provide a site layout plan that indicates the property boundaries, limits of the waste disposal area, the location of the proposed project in relation to the waste disposal area, and any existing structures on the property. Designate each structure as enclosed or non-enclosed.

### **Engineering Plans [330.960(7)]**

Provide engineering plans sealed and signed by a Texas-licensed professional engineer indicating the proposed project description and its location relative to the landfill. A project for excavating test pits should include a plan and cross-section of a typical excavation through the final cover and into the waste with the expected length, width, and depth.

All conduits intended for the transport or carrying of fluids over or within the closed MSW landfill shall be double-containment (split casings shall not be used). To the extent possible, all such utilities shall be in fill material placed over the upgraded final cover (330.961(g)).

### **Notice to Real Property Records [330.962(a)]**

Provide a copy of the recorded notice to real property records as described in Item 10.

## **Additional Attachments that May be Required**

### **Confidential Documents**

Provide any confidential documents identified in Item 3 as a cross-referenced attachment conspicuously marked CONFIDENTIAL.

### **TCEQ Core Data Form(s)**

TCEQ Core Data Forms are submitted when information is not in the TCEQ Central Registry, is incomplete, or needs to be updated. You can check TCEQ Central Registry information online [www.tceq.texas.gov/goto/centralregistry](http://www.tceq.texas.gov/goto/centralregistry).

One or more completed [TCEQ Core Data Form\(s\)](#)<sup>13</sup> may be required in response to Item 7 to enter the Facility into the TCEQ Central Registry and obtain a Regulated Entity Reference Number (RN), Item 8 to obtain a Customer Number for the Applicant, and Item 8 to provide contact information for a Property Owner who is not the Applicant.

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<sup>13</sup> [www.tceq.texas.gov/goto/coredata](http://www.tceq.texas.gov/goto/coredata)

### **Notices of Landfill Determination [330.953(d)]**

Provide copies of the notifications to each owner and lessee of the tract, the TCEQ executive director, local government officials with the authority to disapprove the application for development, and the regional council of governments as described in Item 9.

### **Notices to Buyers, Lessees, and Occupants [330.963(b)]**

Provide copies of any recorded notices to lessees or occupants of structures as described in Item 11.

### **Notice(s) of Lease Restrictions [330.964(2)]**

Provide copies of any notices to lessees or prospective lessees as described in Item 12.

### **Soil Tests [30 TAC 330.953]**

If Soil Tests I, II, or III were performed to determine the existence of the landfill on the property, provide the soil test results, e.g. boring logs, any available report, and the licensed professional engineer's determination regarding the existence of the landfill. The responsible engineer shall affix his seal, signature, and date of execution to the soil test results as required by the Texas Engineering Practice Act.

### **Methane Monitoring Documentation**

If methane concentrations were monitored during construction, provide documentation of the methane monitoring methods and observed methane concentrations.

### **Water Monitoring Documentation**

If water came in contact with waste during construction, provide documentation of the control and discharge procedures for the contaminated water.

### **Waste Disposal Documentation**

If waste was removed during investigation or construction, provide documentation showing that it was taken to an authorized facility for disposal.

### **Other (describe)**

Describe any other attachments.

## **Attachments for Revision to Existing Authorization or Revision to Pending Authorization Request**

### **Description of Proposed Revisions to Existing Authorization**

Describe the proposed revisions to an existing authorization. A typical revision would be a change in the quantity of an activity already authorized for the same applicant doing similar work at the same facility.

### **Marked (Redline/Strikeout) Pages**

Provide a set of marked (redline/strikeout) revised pages.

### **Unmarked Pages**

Provide a set of unmarked revised pages.