# Texas Commission on Environmental Quality
# Part II Application Form for New Permit or Permit Amendment for a Municipal Solid Waste Landfill Facility

## I. Application Information

1. Facility Name:
2. Permittee Name:
3. MSW Authorization #:
4. Initial Submittal Date:

## II. Existing Conditions Summary - 30 TAC §330.61(a)

Provide information to address any site-specific conditions that require special design considerations and possible mitigation of conditions as follows.

1. Provide a summary describing the existing conditions at the site and within the areas surrounding the site, which may include discussions of any additional land-use, environmental, or special issues related to the facility.

2. Provide brief descriptions of all site-specific conditions at the facility that require special design considerations.

3. Indicate that reports of site-specific conditions that require special design considerations and mitigation of such conditions are provided under Sections VIII – XVI below with regard to (a) facility impacts on surrounding areas; (b)transportation; (c) general geology and soils; (d) groundwater and surface water; (e) existing and abandoned oil and water wells; (f) floodplains and wetlands; (g) endangered or threatened species impacts; and (h) compliance with the Texas Natural Resources Code, Chapter 191 (Texas Antiquities Code).

## III. Waste Acceptance Plan - 30 TAC §330.61(b)

1. ☐ If this application is for a Type I or Type IAE MSW landfill facility, attach completed Form No. TCEQ-20873. Attachment No.:
2. ☐ If this application is for a Type IV or Type IVAE MSW landfill facility, attach completed Form No. TCEQ-20890. Attachment No.:

## IV. General Location Maps - 30 TAC §330.61(c)

Provide General Location Maps that accurately show the features listed below. Provide all General Location Maps in a single attachment and include the drawing number in the space provided. Include notes on each map, as needed, to describe information pertaining to the map.

1. The prevailing wind direction with a wind rose.
2. All known water wells within 500 feet of the proposed permit boundary with the state well numbering system designation for Water Development Board "located wells."
3. All structures and inhabitable buildings within 500 feet of the proposed facility.
4. (i) Schools, (ii) licensed day-care facilities, (iii) churches, (iv) hospitals, (v) cemeteries, (vi) ponds, (vii) lakes, and (viii) residential, (ix) commercial, and (x) recreational areas within one mile of the facility.
5. The location and surface type of all roads within one mile of the facility that will normally be used by the owner or operator for entering or leaving the facility.
6. Latitudes and longitudes.
7. Area streams.
8. Airports within six miles of the facility.
9. The property boundary of the facility.
10. (i) Drainage, (ii) pipeline, and (iii) utility easements within or adjacent to the facility.
11. (i) Facility access control features.
12. (i) Archaeological sites, (ii) historical sites, and (iii) sites with exceptional aesthetic qualities adjacent to the facility.

## V. Facility Layout Maps - 30 TAC §330.61(d)

Provide the Facility Layout Map(s) as a single attachment, and include drawing number(s) in the space provided. Include notes on each map, as needed, to describe information on the map.

Provide a map or set of maps of the facility layout showing:

1. The outline of the units;
2. General locations of main interior facility roadways;
3. Locations of monitor wells;
4. Locations of buildings;

5. Any other graphic representations or marginal explanatory notes necessary to communicate the proposed construction sequence;
6. Fencing;
7. Provisions for the maintenance of any natural windbreaks, such as greenbelts, where they will improve the appearance and operation of the facility and, where appropriate, plans for screening the facility from public view;
8. All site entrance roads from public access roads;
9. General locations of main interior facility roadways that can be used to provide access to fill areas;
10. Sectors with appropriate notations to communicate the types of wastes to be disposed of in individual sectors;
11. The general sequence of filling operations;
12. Sequence of excavations and filling;
13. Dimensions of cells or trenches; and
14. Maximum waste elevations and final cover.

## VI. General Topographic Maps - 30 TAC §330.61(e)

1. Provide general topographic map(s) consisting of United States Geological Survey 7 ½-minute quadrangle sheets or equivalent for the facility.
   Map No(s).
2. At least one of the general topographic maps provided is at a scale of one-inch equals 2,000 feet.
   ☐ Yes

## VII. Aerial Photograph - 30 TAC §330.61(f)

Provide an aerial photograph approximately 9" x 9" with a scale within a range of one-inch equals 1,667 feet to one-inch equals 3,334 feet and showing the area within at least one-mile radius of the site boundaries. Mark the site boundaries and fill areas on the aerial photograph(s). A series of aerial photographs can be used to show growth trends.
Attachment No.(s):

## VIII. Land-Use Map - 30 TAC §330.61(g)

Provide a constructed map of the facility showing the following land-use features (list the map number(s) in the space provided):

1. The boundary of the facility;
2. Existing zoning on or surrounding the property ;
3. Actual uses (e.g., agricultural, industrial, residential, etc.) both within the facility and within one mile of the facility.
4. Drainage, pipeline, and utility easements within the facility;
5. Access roads serving the facility;

6. Check the following facilities if they are within one mile of the facility boundary and indicate on map.
   (a) ☐ residences;
   (b) ☐ commercial establishments;
   (c) ☐ schools;
   (d) ☐ licensed day-care facilities;
   (e) ☐ churches;
   (f) ☐ cemeteries;
   (g) ☐ ponds or lakes; and
   (h) ☐ recreational areas.

## IX. Impact on Surrounding Area - 30 TAC §330.61(h)

Address the facility's impacts on cities, communities, groups of property owners, or individuals and describe mitigation of conditions as required. Attach additional pages as necessary. If a land use compatibility analysis report prepared by a qualified professional is provided, indicate the location within the application. Attachment No.:

1. **Impacts to Surrounding Areas:**
   (a) Provide information regarding the likely impacts of the facility on cities, communities, groups of property owners, or individuals by analyzing the compatibility of land use, zoning in the vicinity, community growth patterns, and other factors associated with the public interest; and

   (b) Describe any special design considerations and possible mitigation of potential impacts, as necessary.

**Published Zoning Map:** If available, provide a published zoning map for the facility and within two miles of the facility for the county or counties in which the facility is or will be located.

2. **Special or Nonconforming Use Permit:**

   (a) Does the site require approval as a nonconforming use or a special permit from the local government having jurisdiction? ☐Yes ☐No

   (b) If yes, provide a copy of such approval. Attachment No.:

3. **Character of Surrounding Land Use:** Describe the character of the surrounding land uses within one mile of the proposed facility.

4. **Growth Trends and Directions of Major Development:**
   (a) Provide information about growth trends within five miles of the facility.

   (b) Describe the directions of major development.

5. **Number of and Proximity to Residences and Other Uses:** Indicate the approximate number and proximity of residences and other uses within one mile of the facility as follows. Population density and proximity to residences and other uses may be considered in the assessment.

   (a) Number of, distance, and directions to residences:

   (i) Indicate the distance to the nearest residences: feet

   (ii) Provide directions to the nearest residences:

   (b) Number of, distance, and directions to commercial establishments:

   (i) Indicate the distance to the nearest commercial establishments: feet

   (ii) Provide directions to the nearest commercial establishments:

   (c) Number of, distance, and directions to schools:

   (d) Number of, distance, and directions to churches:

   (e) Number of, distance, and directions to cemeteries:

   (f) Number of, distance, and directions to historic structures and sites:

(g) Number of, distance, and directions to archaeologically significant sites:

(h) Number of, distance, and directions to sites having exceptional aesthetic quality:

6. **Known Wells**. Provide information and discussion of all known wells within 500 ft. of the proposed facility. Provide the well information using Table VIII-1 below. If site has more than 5 wells within the radius, include wells information as an attachment.

**Table VIII-1. Well Information**

| Wells Within 500 ft. Radius of the Proposed Facility | | | | | | | |
|---|---|---|---|---|---|---|---|
| Well Locator | Well ID No. | Depth (ft.) | Completion Date | Completion Formation | Well Use | Longitude | Latitude |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

## X. Transportation and Airport Safety - 30 TAC §330.61(i) and §330.545

1. **Transportation:** Attach completed Transportation Data and Coordination Report Form for Municipal Solid Waste Type I Landfills, TCEQ-20719. Attachment No.:
2. **Airport Safety:**

(a) Is the facility located, or will be located, within 10,000 feet of any airport runway end used by turbojet aircraft? ☐ Yes ☐ No

(b) Is the facility located, or will be located, within 5,000 feet of any airport runway end used by only piston-type aircraft? ☐ Yes ☐ No

(i) If the answer is "Yes" to either (a) or (b) above, indicate the distance of the facility from the nearest airport runway end used by only turbojet aircraft: feet or piston-type aircraft: feet; and

(ii) Provide required demonstration to show that the municipal solid waste facility units are or will be designed and operated so as not to pose a bird hazard to aircraft.

(c) Is the facility located, or will be located, within a six-mile radius of any small general service airport runway end used by turbojet or piston-type aircraft? ☐ Yes ☐ No

(d) Is the facility located, or will be located, within a five-mile radius of any large general public airport runway end used by turbojet or piston-type aircraft? ☐ Yes ☐ No

(i) If the answer to either of subsection (c) or (d) above is "Yes," has the applicant notified the affected airport as required?
☐ Yes ☐No. Explain:

(ii) Also, has the applicant notified the Federal Aviation Administration as required?
☐ Yes ☐No. Explain:

(iii) Provide copies of the notifications to the affected airport and to FAA.

(iv) All landfill facilities within a six-mile radius of any small general service airport runway or within a five-mile radius of any large general public commercial airport runway shall be critically evaluated to determine if an incompatibility exists. Include any coordination received from the affected airport and from the FAA concerning compatibility.

(e) Will the subject landfill accept waste streams that include putrescible waste?
☐ Yes ☐ No.

(i) If the answer to subsection (e) is "Yes," address the potential for the facility to attract birds and cause significant hazards to low-flying aircraft. Guidelines regarding location of landfills near airports can be found in Federal Aviation Administration Order 5200.5(A), January 31, 1990 (or the replacement active orders, notices, and advisory circular guidelines from the FAA can be used).

## XI. General Geology and Soils Statement and Location Restrictions - 30 TAC §330.61(j) and §§ 330.555 - 330.559

1. Discuss in general terms the geology and soils of the proposed site.

2. Fault Areas

(a) Will the municipal solid waste landfill units at the facility or a lateral expansion of the facility be located within 200 feet of a fault that has had displacement in Holocene time?
☐Yes ☐No
If the answer is "Yes," provide demonstration to show that an alternative setback distance of less than 200 feet will prevent damage to the structural integrity of the landfill unit and will be protective of human health and the environment. Attachment No.:

(b) Is the facility located within areas that may be subject to differential subsidence or active geological faulting? ☐Yes ☐No
If the answer is "Yes," provide a detailed fault study. Attachment No.:

(c) Is an active fault known to exist within 1/2 mile of the site? ☐Yes ☐No
If the answer is "Yes," investigate the site for unknown faults and discuss its results. Attachment No.:

(d) Is the facility located in areas experiencing withdrawal of crude oil, natural gas, sulfur, etc., or significant amounts of groundwater? ☐Yes ☐No
If the answer is "Yes," investigate the site in detail for the possibility of differential subsidence or faulting that could adversely affect the integrity of landfill liners and discuss the site investigation and its results. Attachment No.:

(e) If conducted, were the studies of differential subsidence or faulting conducted under the direct supervision of a licensed professional engineer experienced in geotechnical engineering or a licensed professional geoscientist qualified to evaluate conditions of differential subsidence or faulting? ☐Yes ☐No. Explain

(f) If conducted, do the studies of differential subsidence or faulting establish the limits (both upthrown and downthrown) of the zones of influence of all active faulted areas within the site vicinity? ☐Yes ☐No. Explain

(g) If conducted, do the studies of differential subsidence include information or data addressing the following shown below, as applicable:

**Table X-1. Information included in Fault Area Studies**

| Information to be included, as applicable: | Yes | Not Applicable |
|---|---|---|
| (i) structural damage to constructed facilities (roadways, railways, and buildings); | ☐ | ☐ |
| (ii) scarps in natural ground; | ☐ | ☐ |
| (iii) presence of surface depressions (sag ponds and ponded water); | ☐ | ☐ |
| (iv) lineation's noted on aerial maps and topographic sheets; | ☐ | ☐ |
| (v) structural control of natural streams; | ☐ | ☐ |
| (vi) vegetation changes; | ☐ | ☐ |
| (vii) crude oil and natural gas accumulations; | ☐ | ☐ |
| (viii) electrical spontaneous potential and resistivity logs (correlation of subsurface strata to check for stratigraphic offsets); | ☐ | ☐ |
| (ix) earth electrical resistivity surveys (indications of anomalies that may represent fault planes); | ☐ | ☐ |
| (x) open cell excavations (visual examinations to detect changes in subsoil texturing and/or weathering indicating stratigraphic offsets); | ☐ | ☐ |
| (xi) changes in elevations of established benchmarks; and | ☐ | ☐ |
| (xii) references to published geological literature pertaining to area conditions. | ☐ | ☐ |

(h) If the site is or will be located within a zone of influence of active geological faulting or differential subsidence, does the application provide substantial evidence that the zone of influence will not affect the site?
☐Yes ☐No Attachment No.:

Address the following statement:

3. ☐ No solid waste disposal shall be accomplished within a zone of influence of active geological faulting or differential subsidence because active faulting results in slippage along failure planes, thus creating preferred seepage paths for liquids.

4. Seismic Impact Zones

(a) Is the proposed facility located in a seismic impact zone, as defined in 30 TAC §330.557?
☐Yes ☐No
Provide information to support response. Attachment No.:

(b) For facilities located in a seismic impact zone, provide a detailed demonstration showing that all containment structures, including liners, leachate collection systems, and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site. Attachment No.:

5. Unstable Areas

(a) Is the facility located in an unstable area, as defined in 30 TAC §330.559?
☐Yes ☐No Explain: _____

(b) If the facility is located in an unstable area, provide a demonstration that engineering measures have been incorporated into the landfill unit's design to ensure that the integrity of the structural components of the landfill unit will not be disrupted.
Attachment No.:
The demonstration considered at least the following factors:

(i) on-site or local soil conditions that may result in significant differential settling;
☐Yes ☐No

(ii) on-site or local geologic or geomorphologic features; ☐Yes ☐No and

(iii) on-site or local human-made features or events (both surface and subsurface).
☐Yes ☐No

## XII. Groundwater and Surface Water - 30 TAC §330.61(k) and §330.549

1. Groundwater

Provide an attachment containing data about the site-specific groundwater conditions at and near the site, from published and open-file sources, including:

- Aquifer names and their association with geologic units described in the General Geology and Soils Statement;
- Groundwater quality, including, if available, typical values or value ranges for total dissolved solids content; and
- Present use(s) of groundwater withdrawn from aquifers at and near the site, if available.

Attachment No.:

Address the following as applicable:

(a) Is the facility located over the Edwards Aquifer recharge zone, as defined in 30 TAC §330.549? ☐Yes ☐No.
If yes, discuss how the facility will comply with the applicable requirements in 30 TAC Chapter 213 (relating to Edwards Aquifer).

(b) A Type I or Type IAE landfill is prohibited on the recharge zone of the Edwards Aquifer; the applicant will not locate a Type I or Type IAE landfill on the recharge zone of the Edwards Aquifer. Select either statement that applies:

☐ (i) The facility is not or will not be located over the Edwards Aquifer Recharge Zone.

☐ (ii) The facility is not a Type I or Type IAE landfill.

(c) A new landfill cell or an aerial expansion of an existing landfill cell managing Class 1 non-hazardous industrial solid waste may not be located in areas described in 30 TAC § 335.584(b)(1) and (2) (relating to Location Restrictions), unless the Executive Director (ED) approves an engineered design that the applicant has demonstrated will provide equal or greater protection to human health and the environment:

(i) Does the application propose Class 1 nonhazardous industrial solid waste cells or units at the subject facility? ☐Yes ☐No

(ii) If yes, discuss how the facility would comply with the location restriction requirements under 30 TAC §335.584(b)(1) and (2). Include any applicable equivalency demonstration that would provide equivalent or greater protection to human health and the environment. Attachment No.:

2. Surface Water

(a) Provide data on surface water at and near the site (including lakes, ponds, creeks, streams, rivers, or similar water bodies).

Attachment Nos.:

(b) Provide information demonstrating how the municipal solid waste facility will comply with applicable Texas Pollutant Discharge Elimination System (TPDES) storm water permitting requirements and the Clean Water Act, §402, as amended

(i) The facility has obtained TPDES permit coverage under the following individual wastewater permit(s) (list permit number(s)): . A copy of the permit(s) is provided in Attachment No.: , or

(ii) A certification statement indicating that the applicant will obtain the appropriate TPDES permit coverage when required.
☐Yes ☐No. Explain

## XIII. Abandoned Oil and Water Wells - 30 TAC §330.61(l)

1. Water Wells

(a) Are there any existing or abandoned water wells within the facility? ☐Yes ☐No

(i) If no, move to Item No. 2 below.

(ii) If yes, address the following:

(1) Provide a map showing the water well locations, identity, status, and use. Attachment No.:

(2) Will all the water wells be capped, plugged, and closed prior to construction at the facility? ☐Yes ☐No.

(3) If yes, provide written certification that all such wells will be capped, plugged, and closed in accordance with all applicable rules and regulations of TCEQ or other state agency within 30 days prior to construction at the facility. Attachment No.:

(4) If no, identify and describe the water wells that will be capped, plugged, and closed in accordance with all applicable rules and regulations of TCEQ or other state agency. Attachment No.:

(5) Also, identify the wells necessary for use, and that will remain in use, for supply for operations at the facility. Attachment No.:

(6) Are the water wells that will remain in use for supply for operations at the facility located outside of the groundwater monitoring well network and not subject to impact from landfill operations? ☐Yes ☐No. If no, explain

(7) The water wells that will remain in use for supply for operations at the facility and that are located inside of the groundwater monitoring network, but outside the landfill unit boundary, are identified in Attachment No.: for ED approval.

2. Oil and Gas Wells

(a) Are there any existing or abandoned on-site crude oil, natural gas, or other wells associated with mineral recovery under the jurisdiction of the Railroad Commission of Texas?
☐Yes ☐No

(i) If yes, address the following items:

(1) Provide a map showing well locations, identity, type, and status.
Attachment No.:

(2) Identify and annotate the oil or natural gas wells that are producing and will remain in their current state, provided such wells do not affect or hamper landfill operations.

(3) Provide written certification that all the oil and natural gas wells, other than the producing wells approved for retention, have been properly capped, plugged, and closed at the time of application in accordance with all applicable rules and regulations of the Railroad Commission of Texas.
Attachment No.:

## XIV. Floodplains - 30 TAC §330.61(m)(1) and §330.547

1. Describe the location of the facility with respect to floodplains.

2. Provide a copy of the Federal Emergency Management Administration (FEMA) flood map for the area to show the facility boundary and to illustrate the information described in Section 1 above. Attachment No.:
3. For construction of levees or other improvements associated with flood control on the proposed facility, provide data on floodplains in accordance with 30 TAC Chapter 301 Subchapter C (relating to Approval of Levees and Other Improvements).
4. Address the following requirements with regard to the location of the facility:

(a) Provisions to ensure that no solid waste disposal operation is conducted within the facility in areas that are located in a 100-year floodway as defined by FEMA.

(b) Designs that demonstrate that municipal solid waste management units, including storage and processing facilities, located in 100-year floodplains will not restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the floodplain, or result in washout of solid waste so as to pose a hazard to human health and the environment.

(c) Demonstrate MSW storage and processing facilities shall be located outside of the 100-year floodplain unless the owner or operator demonstrates that the facility is designed and will operate to prevent washout during a 100-year storm event, or obtains a conditional letter of map amendment from FEMA.

(d) If applicable, provide a copy of the conditional letter of map amendment (or other applicable FEMA approval) from the FEMA administrator for development within a floodplain.

(e) References to provisions, designs, and narratives regarding floodplains in Part III of the application.

## XV. Wetlands - 30 TAC §330.61(m)(2) and §330.553

1. Provide a wetlands determination under applicable federal, state, and local laws and discuss wetlands in accordance with 30 TAC §330.553. Demonstration can be made by providing evidence that the facility has a Corps of Engineers permit for the use of any wetlands area. Attachment No.:

   (a) If applicable, provide a copy of any Corps of Engineers permit issued to the applicant for the use of any wetlands area within the facility. Attachment No.:

2. Identify wetlands located within the facility boundary, attach necessary maps and drawings.

3. Where new municipal solid waste landfill units, lateral expansions, material recovery operations from a landfill, and storage or processing units are to be located in wetlands, discuss the identified wetlands considering the following:

   (a) Locating the landfill units, lateral expansions, material recovery operation from a landfill, and storage or processing units away from the identified wetlands.

   (b) Steps taken to avoid impacts to wetlands to the maximum extent practicable to achieve no net loss of wetlands (as defined by acreage and function).

   (c) For unavoidable impacts:

      (i) Clearly rebut the presumption that a practicable alternative to the proposed facility or recovery operation is available that does not involve wetlands.

      (ii) Demonstrate that the construction and operation of the municipal solid waste landfill unit, material recovery operation from a landfill, and storage or processing units will not:

         (1) cause or contribute to violations of any applicable state water quality standard;

         (2) violate any applicable toxic effluent standard or prohibition under the Clean Water

         (3) jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of a critical habitat, protected under the Endangered Species Act of 1973; or

         (4) violate any requirement under the Marine Protection, Research, and Sanctuaries Act of 1972 for the protection of a marine sanctuary.

(iii) Demonstrate the integrity of the landfill unit and its ability to protect ecological resources by addressing the following factors showing that the municipal solid waste landfill unit or recovery operation will not cause or contribute to significant degradation of wetlands:

(1) erosion, stability, and migration potential of native wetland soils, muds, and deposits used to support the landfill unit;

(2) erosion, stability, and migration potential of dredged and fill materials used to support the landfill unit;

(3) the volume and chemical nature of the waste managed in the landfill unit;

(4) impacts on fish, wildlife, and other aquatic resources and their habitat from release of the solid waste;

(5) the potential effects of catastrophic release of waste to the wetland and the resulting impacts on the environment; and

(6) any additional factors, as necessary, to demonstrate that ecological resources in the wetland are sufficiently protected.

(iv) Demonstrate steps taken to minimize unavoidable impacts to wetlands to the maximum extent practicable.

(v) Demonstrate offsetting of remaining unavoidable wetland impacts through all appropriate and practicable compensatory mitigation actions (e.g., restoration of existing degraded wetlands or creation of man-made wetlands).

## XVI. Endangered or Threatened Species - 30 TAC §330.61(n) and §330.551

1. Provide Endangered Species Act compliance demonstrations as required under applicable state and federal laws. Attachment No.:
2. Determine and discuss whether the facility is in the range of endangered or threatened species.
3. If the facility is located in the range of endangered or threatened species, provide a biological assessment prepared by a qualified biologist in accordance with standard procedures of the United States Fish and Wildlife Service (USFW) and the Texas Parks and Wildlife Department (TPWD) to determine the effect of the facility on the endangered or threatened species. Where a previous biological assessment has been made for another project in the general vicinity, a copy of that assessment may be submitted for evaluation. Attachment No.:
4. Provide coordination correspondence with and responses from the USFW and the TPWD concerning locations and specific data relating to endangered and threatened species in Texas.
5. Describe how the facility will comply with recommendations from the TPWD and USFW regarding protection of endangered and threatened species.
6. Discuss the impact of the solid waste disposal facility upon endangered or threatened species:

7. Describe how the facility design, construction, and operation will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species, or cause or contribute to the taking of any endangered or threatened species.

## XVII. Texas Historical Commission Review 30 TAC §330.61(o)

1. Provide correspondence to and a review letter from the Texas Historical Commission documenting compliance with the Natural Resources Code, Chapter 191, Texas Antiquities Code.
   Attachment No.:

## XVIII. Council of Governments 30 TAC §330.61(p)

1. Provide documentation that Parts I and II of the application were submitted to the applicable council of governments for compliance with regional solid waste plans. Also provide a review letter if received from the applicable council of governments.
   Attachment No.:
2. Provide documentation that a review letter was requested from any local governments as appropriate for compliance with local solid waste plans.
   Attachment No.:

## XIX. Easement Protections 30 TAC §330.543(a)

1. Will the applicant design and operate the facility such that no solid waste unloading, storage, disposal, or processing operations will occur within any easement, buffer zone, or right-of-way that crosses the facility? ☐Yes
2. Will the applicant design and operate the facility such that no solid waste disposal shall occur within 25 feet of the center line of any utility line or pipeline easement but no closer than the easement? ☐Yes
3. Will the applicant clearly mark all pipeline and utility easements with posts that extend at least six feet above ground level, spaced at intervals no greater than 300 feet?
   ☐Yes

## XX. Buffer Zones 30 TAC §330.543(b)

1. Provide the buffer zone distance (i.e. 50 feet for Arid Exempt and Type IV landfills, 125 feet for Type I landfills) at the facility to demonstrate compliance with 30 TAC §330.543(b).

2. Provide references for the application drawings and maps that clearly show the buffer zones around the facility. Attachment(s) No.:

## XXI. Coastal Areas 30 TAC §330.561

1. A new landfill cell or an aerial expansion of an existing landfill cell managing Class 1 industrial solid waste (other than waste which is Class 1 because of asbestos content) may not be located in areas:

   (a) On a barrier island or peninsula.

   (b) Within 1,000 feet of an area subject to active coastal shoreline erosion, if the area is protected by a barrier island or peninsula, except as allowed under 30 TAC §335.584(b)(4).

   (c) Within 5,000 feet of coastal shorelines that are subject to active shoreline erosion and which are unprotected by a barrier island or peninsula, except as allowed under 30 TAC §335.584(b)(4).

2. Describe the location of the facility with regard to distance to coastal shoreline subject to active shoreline erosion.

## XXII. Type I and Type IV Landfill Permit Issuance Prohibited – 30 TAC §330.563

Address the following statements.

1. The commission may not issue a permit for a Type IV landfill that is subject to the conditions specified in Texas Health and Safety Code, §361.122, Denial of Certain Landfill Permits. Is the proposed facility a Type IV landfill located in the area subject to the referenced statute?
   ☐Yes ☐No Explain

2. The commission may not issue a permit for a Type I or Type IV landfill that is subject to the conditions specified in Texas Health and Safety Code, §361.123, Limitation on Locations of Municipal Solid Waste Landfills. Is the proposed facility a Type I or Type IV landfill located in the area subject to the referenced statute?
   ☐Yes ☐No Explain

## Attachments

***Table Att-1. Required Attachments***

| **Attachments** | **Attachment No.** |
|---|---|
| Existing Conditions Summary | |
| Waste Acceptance Plan Form | |
| General Location Maps | |
| Facility Layout Maps | |
| General Topographic Maps | |
| Aerial Photographs | |
| Land Use Map | |
| Transportation and Airport Safety Form | |
| Federal Aviation Administration Coordination Letters, if applicable | |
| Entity Exercising Maintenance Resp. of Public Roadway, if applicable | |
| Fault Lines, if applicable | |
| Seismic Impact Zones, if applicable | |
| Unstable areas, if applicable | |
| Site Specific Groundwater Conditions | |
| Site Specific Surface Water Conditions | |
| Texas Pollutant Discharge Elimination System (TPDES) | |
| Abandoned Oil and Water Wells, if applicable | |
| FEMA Map | |
| Facility Design Demonstration for Flood Map, or Conditional Letter of Map Amendment from FEMA, if applicable | |
| Wetland Documentation, if applicable | |
| Endangered or Threatened Species Documents, if applicable | |
| Texas Historical Commission Letter(s) | |
| Council of Governments/Local Governments Review Request Coordination Letter(s) | |
| Buffer Zones | |
| Others (describe): | |
| Others (describe): | |
| Others (describe): | |
| Confidential Documents, if applicable | |

## Instructions

### Who Should Use This Form

Use this form to provide information required by 30 TAC §330.61 and Chapter 330, Subchapter M for Part II of a Municipal Solid Waste (MSW) Permit application. Indicate attachment numbers where requested and complete the list of attachments at the end of this form.

If you have any questions about preparing an application, please contact the MSW Permits Section at (512) 239–2335, or by e-mail to mswper@tceq.texas.gov.

### Where to Submit this Form and Get Help

In accordance with 30 TAC § 330.57(e), submit the original and three copies of the permit application (of which includes this completed form and attachments that comprise Part II of the application) to the Municipal Solid Waste Permits Section, MC124, TCEQ, P.O. Box 13087, Austin, TX 78711-3087.

### Application Submittal

For all submittals, provide the Facility Name, Permittee/Registrant Name, MSW Authorization No., and dates in the form header. For initial submittals of new facilities for which TCEQ has not yet assigned an authorization number, leave "MSW Authorization No." in the form header blank.

For all notice of deficiency responses (NODs), (administrative and/or technical), submit the original plus three (3) copies of the response package which includes the following Part II items (to the extent there are revisions to Part II of the application)

1. all revised pages of this form and/or attachments to Part II; and
2. marked (redline/strikeout) copy of the revised pages of this form and/or attachments to Part II.

Refer to each administrative and/or technical NOD letter for a complete list of instructions for the contents and submittal requirements of the response package, including but not limited to instructions for applicant certification of the NOD response submittal.

### Engineer Seal and Firm Number

Include the seal, date, and signature of the engineer preparing the application; and the firm number; on the title page and table of contents of the permit application as required by the Texas Engineering Practice Act and as indicated in 30 TAC §330.57(g). Additionally, the responsible engineer shall seal, sign, and date; and include the firm number; the title page of each bound engineering report or individual engineering plan in the application, each engineering drawing, and other applicable engineering parts of the application as required by the Texas Engineering Practice Act and as indicated in 30 TAC §330.57(f).

### 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 essential to the review.

The Commission suggests that the applicant ***not*** submit confidential information as part of the application. However, if these 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".

Reasons of confidentiality include the concept of trade secrecy and other related legal concepts which give a business that 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.

## Required Attachments

### *Existing Conditions Summary*

Follow instructions included in Item II of this Part II Application Form by attaching a narrative summary describing the requested existing conditions information.

### *Waste Acceptance Plan*

Follow the instructions included in the Type I or Type IV Waste Acceptance Plan Form, TCEQ Forms 20873 or 20890, and attach completed form.

### *General Location Maps*

When including multiple maps, provide maps as an attachment and include drawing number in the space provided. Include Notes section, as needed, to describe information on drawings.

### *Facility Layout Maps*

Provide a set of maps or drawings showing the items listed under 30 TAC §330.61(d). When including multiple maps, provide maps as an attachment and include drawing number in the space provided. Include Notes section, as needed, to describe information on drawings.

### *General Topographic Maps*

Provide a set of maps or drawings showing the items listed under 30 TAC §330.61(e). When including multiple maps, provide maps as an attachment and include the drawing number. Include Notes section, as needed, to describe information on drawings. Attach a general location map of the facility at a scale of one-inch equals 2,000 feet by using a United States Geological Survey 7 1/2-minute quadrangle sheet or equivalent as the base map.

### *Aerial Photographs*

Provide a set of maps or drawings showing the items listed under 30 TAC §330.61(f). When including multiple maps, provide maps as an attachment and include the drawing number. Include Notes section, as needed, to describe information on drawings.

### *Land Use Map*

Provide a constructed map (built-up condition) showing the facility boundary and any existing zoning on or surrounding the property and actual uses both within the facility and within one mile of the facility. The built-up condition should be the final condition of the facility once complete. The map should indicate location of residences, commercial establishments, schools, licensed day-care facilities, churches, cemeteries, ponds or lakes, and recreational areas within one mile of the facility.

### *Impact on Surrounding Area*

Provide information addressing the proposed facility's impacts on cities, communities, group of property owners, or individuals. Fill out the tables provided, as applicable.

### *Published Zoning Map*

If the facility requires approval as a nonconforming use or needs a special permit from a local government having jurisdiction, provide a copy of the approval or permit. If available, provide a published zoning map for the facility and within one mile of the facility for the county or countries in which the facility is or will be located.

### *Transportation and Airport Safety*

Follow the instructions included in the Transportation Data and Coordination Report, TCEQ Form 20719, and attach completed form. Follow Federal Aviation Administration (FAA) notification requirements regarding obstruction evaluation (OE) and provide FAA response prior to commencement of construction.

***Texas Pollutant Discharge Elimination System (TPDES)***

Provide a copy of the Texas Pollutant Discharge Elimination System authorization for off-site discharge of storm waters.

***Federal Emergency Management Agency (FEMA) Map***

Provide a FEMA map that shows the location of the facility.

***Facility Design Demonstration for Flood Map, or Conditional Letter of Map Amendment from FEMA, if applicable***

Provide documentation that the facility is designed and will be operated in a manner to prevent washout of waste during a 100-year storm event, or provide a copy of a conditional letter of map amendment from FEMA, if applicable.

***Wetland Documentation, if applicable***

Provide a copy of the documentation required under Clean Water Act, §404 or applicable state wetlands laws, that steps have been taken to attempt to achieve no net loss of wetlands, if applicable.

***Endangered or Threatened species documents, if applicable***

Provide documentation required under the Endangered Species Act, demonstrating compliance as required under state and federal law and determine whether the facility is in the range of endangered or threatened species. The United State Fish and Wildlife Service and the Texas Parks and Wildlife Department shall be contacted for locations and specific data relating to endangered and threatened species in Texas. Where a previous biological assessment has been made for another project in the general vicinity, a copy of that assessment may be submitted for evaluation. Include the resume of the qualified biologist who performed the assessment.

***Texas Historical Commission Letter***

Provide a copy of the documentation required from the Texas Historical Commission documenting compliance with the Natural Resources Code, Chapter 191, Texas Antiquities Code.

***Council of Governments Review Request Coordination Letters***

Provide copy of the documentation that a review of the application was requested from the applicable council of governments, and local government if applicable. A review letter from these entities are not required to be submitted and is not a prerequisite to a final determination on a permit application. Go to the Texas Association of Regional Councils webpage to determine which council of governments applies.

***Buffer Zones***

Provide the buffer zone distance (i.e. 50 feet for Arid Exempt and Type IV landfills, 125 feet for Type I landfills) to demonstrate compliance with buffer zone requirements.