

# Technical Summary and Executive Director's Preliminary Decision

August 19, 2024

## Description of Application

- Applicant: Fort Bend Regional Landfill, L.P.  
Industrial Solid Waste Registration No. 96322  
Proposed Nonhazardous Waste Permit No. 96322  
EPA I.D. No. TXR000084600
- Location: Fort Bend Regional Landfill, L.P. is located at 14115 Davis Estates Road, 4.5 miles north of the intersection of TX-36 and Farm-to-Market (FM) 1994 Road on the corner of Davis Estate Road on approximately 2,660.268 acres in Needville, Fort Bend County, Texas. The site is within the drainage area of Segment 1202J (Big Creek) of the Brazos River Basin (*North Latitude 29°24'6"*, *West Longitude 95°42'49"*).  
  
This facility is not located in an area affected by the Texas Coastal Management Program.
- General: Fort Bend Regional Landfill, L.P. proposes to operate a commercial industrial and nonhazardous waste management facility on the site of a commercial municipal solid waste landfill facility that it owns and operates where nonhazardous municipal and industrial solid waste is stored, processed, and disposed. Leachate generated in the landfill and nonhazardous liquid wastes from off-site sources will be stored and processed in the proposed permitted tanks and subsequently disposed via permitted Underground Injection Control (UIC) wells.
- Request: Fort Bend Regional Landfill, L.P. applied to the TCEQ for a permit for the construction of 9 proposed tanks for the storage and processing of Class 1, Class 2 and Class 3 industrial solid waste prior to disposal via nonhazardous Class I UIC injection well.
- Authority: The permit is required by 30 TAC Section 335.2. A draft permit was prepared in accordance with applicable requirements of 30 TAC Chapters 335 and 305, which have been adopted under the authority of the Texas Health and Safety Code Ann., Chapter 361 (Vernon Supp.), and Section 5.103, Texas Water Code Ann. (Vernon Supp.). The permit must be signed by the TCEQ in order for the applicant to have a fully effective permit.

## Technical Information

The proposed permit includes the following:

- A. Establishes general provisions for construction, operation, closure of the subject facility units (30 TAC Chapter 335.7);
- B. Requires the permittee to establish and maintain financial assurance to provide for proper facility closure in the total amount of \$1,241,600 (2023 dollars) (30 TAC Section 335.7);
- C. Requires the permittee to control access to the facility;
- D. Specifies minimum physical conditions, training, routine inspections and emergency procedures for the facility units;
- E. Standard permit provisions and other requirements pertaining to the management of industrial solid waste;
- F. The following is a brief description of waste management units and corresponding regulatory requirements encompassed by this permit:

Tank - design and installation requirements for the tank system including the tank, its associated ancillary equipment, the tank foundation and the containment system; operating, inspection and air emission requirements; requirements for response to leaks or spills; and closure and post-closure requirements.

Public Notice

The applicant will provide public notice of the requested permit in accordance with 30 TAC Section 39.503.

Opportunity for Hearing

Before a permit can be issued, extended, or renewed, the TCEQ will provide an opportunity for a hearing to the applicant and persons affected. If a hearing is requested, the Commission will determine whether to grant or deny the hearing requests. If the hearing requests are denied, the draft permit may be considered for issuance by the Commission or the executive director. If the hearing requests are granted, the hearings will be conducted by the State Office of Administrative Hearings.

Decisions regarding the permit provisions issued under State authority may be reconsidered in response to a Motion for Rehearing or a Motion for Reconsideration and by appeal to a District Court in Travis County.

Preliminary Decision

General: The executive director made a preliminary decision that this proposed permit, if issued, meets all the statutory and regulatory requirements.

Special: The proposed permit does not authorize variances or alternatives to required standards.

Additional Information

A. Technical information:

Fabienne Rambaud, P.G., Project Manager  
Industrial and Hazardous Waste Permits Section  
Waste Permits Division  
Texas Commission on Environmental Quality  
Mail Code MC 130  
P. O. Box 13087  
Austin, Texas 78711-3087  
512/239-2335

B. Procedural and public hearing information:

Office of Public Interest Counsel  
Texas Commission on Environmental Quality  
Mail Code MC 103  
P. O. Box 13087  
Austin, Texas 78711-3087  
512/239-6363

Prepared by:

Fabienne Rambaud, P.G.  
Project Manager  
Industrial and Hazardous Waste Permits Section  
Waste Permits Division