



Sustainability in Action

December 4, 2024

Ms. Megan Henson
Executive Director
MC-124
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

Re: Response to Technical Notice of Deficiency Letter
Pine Hill Farms Landfill TX, LP – Royal Oaks Landfill
Jacksonville, Cherokee County, Texas
Municipal Solid Waste Permit Number: 1614B
Tracking No. 29855322; RN101927010/CN6001295530
Major Permit Amendment

Dear Ms. Henson:

On behalf of Pine Hill Farms Landfill TX, LP, please find enclosed one original and three copies of the replacement pages for the referenced permit amendment application. The attached replacement pages were developed to incorporate comments included in your letter dated October 31, 2024.

The enclosed table contains each comment identified by the TCEQ and a response to each below the comment.

We appreciate your review of this permit application and look forward to your comments. In the meantime, if you have any questions, please do not hesitate to contact me by phone (903-539-7986) or email [REDACTED]

Sincerely,

A handwritten signature in blue ink, appearing to read "Austin Sparks".

Austin Sparks
Environmental Manager

Copies submitted: 1 original and 3 copies (6 volumes per set)

cc: Duncan Norton, Lloyd Gosselink Rochelle & Townsend, P.C.
Jason A Edwards, P.E., Weaver Consultants Group, LLC

Table of Deficiencies

NOD ID	MRI ID	App. Part	Citation	Location	1 st NOD Type	NOD Description
NT1	163	Part II	330.61(m)(2)	Parts I/II, Section 11.2	Incomplete	<p>Provide the US Army Corps of Engineers (USACE) determination letter and all additional correspondence regarding the jurisdictional determination for potential waters of the US (WOTUS) within the permit boundary and any authorization from the USACE pertaining to WOTUS.</p> <p>Revise Part III Section 3.8 to state that a USACE authorization is required.</p> <p>Response:</p> <p>Refer to Appendix I/IIB Pages I/IIB-218A through I/IIB-218D for the US Army Corps of Engineers (USACE) determination letter.</p> <p>Part III, Section 3.8 was revised to state that the proposed expansion required USACE authorization under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899.</p>
NT2	217	Part II	330.553 (b)(3)(B)	Parts I/II, Section 11.2	Inconsistent	<p>Revise Parts I/II Section 11.2 to refer to Appendix I/IIB and Section IIIF-F, which addresses the erosion, stability, and migration potential of native wetland soils, muds, and deposits to be used to support the proposed landfill units.</p> <p>Response:</p> <p>Parts I/II, Section 11.2 was revised to add references to Appendix I/IIB and Section IIIF-F for the erosion, stability, and migration potential of native wetland soils, muds, and deposits to be used to support the proposed landfill units.</p>

NOD ID	MRI ID	App. Part	Citation	Location	1 st NOD Type	NOD Description
NT3	218	Part II	330.553 (b)(3)(B)	Parts I/II, Section 11.2	Inconsistent	<p>Revise Parts I/II Section 11.2 to refer to Section IIIF-F, which addresses the erosion, stability, and migration potential of dredged and fill materials to be used to support the proposed landfill's lateral expansion.</p> <p>Response:</p> <p>Parts I/II, Section 11.2 was revised to add references to Section IIIF-F for the erosion, stability, and migration potential of dredged and fill materials to be used to support the proposed landfill's lateral expansion.</p>
NT4	219	Part II	330.553 (b)(3)(C)	Parts I/II, Section 11.2	Inconsistent	<p>Revise Parts I/II, Section 11.2 to refer to Part I/II Section 2.1.1 and Appendix IIIM, which addresses the volume and chemical nature of the waste to be managed in the proposed landfill units.</p> <p>Response:</p> <p>Parts I/II, Section 11.2 was revised to add references to Part I/II Section 2.1.1 and Appendix IIIM for the volume and chemical nature of the waste to be managed in the proposed landfill units.</p>
NT5	220	Part II	330.553 (b)(3)(D)	Parts I/II, Section 11.2	Inconsistent	<p>Revise Parts I/II Section 11.2 to refer to Appendix IIIA, which addresses the potential impacts on fish, wildlife, and other aquatic resources and their habitat from the release of the solid waste.</p> <p>Response:</p> <p>Parts I/II, Section 11.2 was revised to add references to Appendix IIIA for the potential impacts on fish, wildlife, and other aquatic resources their habitat from the release of solid waste.</p>

NOD ID	MRI ID	App. Part	Citation	Location	1 st NOD Type	NOD Description
T6	376	Part III	330.333(A)-(G)	Part III, Appendix IIC-B	Ambiguous	<p>Clarify and/or correct the inconsistencies in sump flow among Section 3.4, Table 4-1, Appendix IIC-B (page IIC-B-49) in Appendix C. Revise all relevant portions of the application as necessary (including, but not limited to, Appendix IIC).</p> <p>Response:</p> <p>Table 4-1 and Page IIC-B-51 in Appendix IIC have been updated to correct the inconsistencies in sump flow rates. No changes have been made to Section 3.4.</p>

**ROYAL OAKS LANDFILL
CHEROKEE COUNTY, TEXAS
TCEQ PERMIT NO. MSW-1614B
MAJOR PERMIT AMENDMENT APPLICATION
VOLUME 1 OF 7**

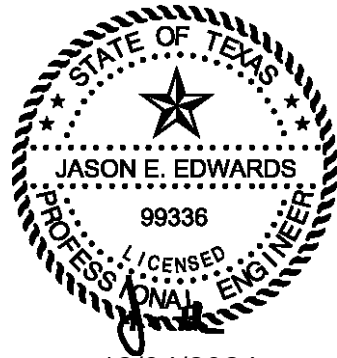
Prepared for

Pine Hill Farms Landfill TX, LP

May 2024

Revised October 2024

Revised December 2024



Prepared by

12/04/2024

Weaver Consultants Group, LLC
TBPE Registration No. F-3727
6420 Southwest Boulevard, Suite 206
Fort Worth, Texas 76109
817-735-9770

Project No. 0120-076-11-106

This document is intended for permitting purposes only.

**ROYAL OAKS LANDFILL
CHEROKEE COUNTY, TEXAS
TCEQ PERMIT NO. MSW-1614B**

MAJOR PERMIT AMENDMENT APPLICATION

TCEQ APPLICATION FORMS AND MAILING LABELS

Prepared for:

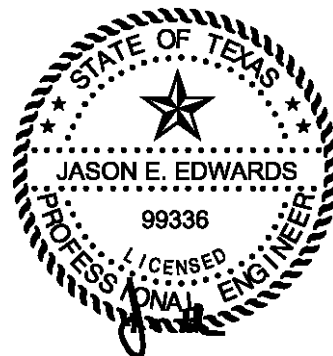
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May 2024

Revised July 2024

Revised October 2024

Revised December 2024



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Applicant Signature Page

Site Operator (Permittee or Registrant Name) or Authorized Signatory

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: Austin Sparks Title: Environmental Manager

Email Address: [REDACTED]

Signature: [Signature] Date: 12-4-24

Authorization by Facility Owner for Operator to Submit Application (Land Owner)

To be completed by the facility owner if the application is submitted by an operator who is not the facility owner.

I am the owner of the facility that is the subject of this application, and authorize the operator, Pine Hill Farms Landfill TX, LP to submit this application pursuant to 30 TAC 305.43(c).

Name: The City of Jacksonville by James Hubbard Title: City Manager

Email Address: [REDACTED]

Signature: [Signature] Date: 4 DEC 2024

Notary

SUBSCRIBED AND SWORN to before me by the said James Hubbard

On this 4 day of December, 2024

My commission expires on the 28 day of July, 2028

Dianah K Surber
Notary Public in and for



_____ (notary's jurisdiction, including county and state)

Note: Application Must Bear Signature & Seal of Notary Public

**ROYAL OAKS LANDFILL
CHEROKEE COUNTY, TEXAS
TCEQ PERMIT NO. MSW-1614B
MAJOR PERMIT AMENDMENT APPLICATION
VOLUME 2 OF 7**

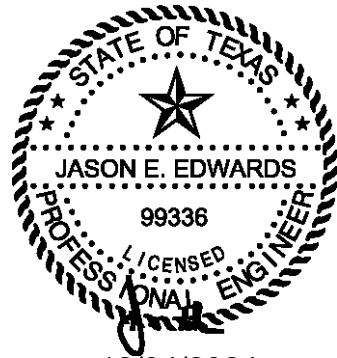
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**ROYAL OAKS LANDFILL
CHEROKEE COUNTY, TEXAS
TCEQ PERMIT NO. MSW-1614B**

MAJOR PERMIT AMENDMENT APPLICATION

**PARTS I/II
GENERAL APPLICATION REQUIREMENTS**

Prepared for:

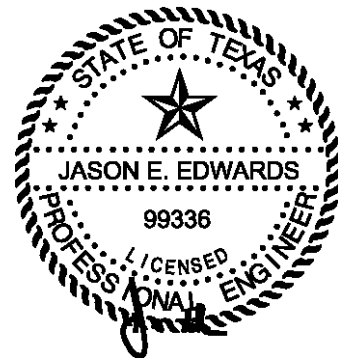
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11 FLOODPLAINS AND WETLANDS STATEMENT

11.1 Floodplains Statement

As shown on Figure I/II-11.1, the proposed landfill permit boundary is located over 1 mile from the 100-year floodplain as defined by the Federal Emergency Management Agency (FEMA), Flood Insurance Rate Map (FIRM) for Cherokee County, Texas, and incorporated areas (Map Numbers 48073C0175D and 48073C0285D).

*This section
addresses
§330.61(m).*

Compliance with the floodplain location restriction is further discussed in Appendix I/IIC.

11.2 Wetlands Statement

The area within the existing permit boundary of the Royal Oaks Landfill was evaluated for compliance with wetlands provisions, including the determination and identification requirements in Title 30 TAC §330.61(m)(2) and (3) and the wetlands location restriction in §330.553(b).

A waters of the U.S. and wetlands determination/delineation was performed by Hydrex Environmental, Inc. Excerpts from their March 2024 report is included in Appendix I/IIB which describes and identifies wetlands located within the facility boundary.

The erosion, stability, and migration potential of native wetland soils, muds, and deposits to be used to support the proposed landfill units is addressed in Appendix I/IIB and Section IIIF-F. The erosion, stability, and migration potential of dredged and fill materials to be used to support the proposed landfill's lateral expansion is addressed in Section IIIF-F. The volume and chemical nature of the waste to be managed in the proposed landfill units is addressed in Part I/II Section 2.1.1 and Appendix IIIM. Additionally, the potential impacts on fish, wildlife, and other aquatic resources and their habitat from the release of solid waste is addressed in Appendix IIIA.

The proposed post-development condition of the landfill will require excavation of additional waters of the U.S. previously delineated as intermittent/RPW and scrub-scrub wetland. Compensatory mitigation credits for stream and wetland impacts are proposed to be purchased under a Nationwide Permit 39. Therefore, no on-site mitigation is proposed. Coordination with the USACE for the proposed Project (SWF-2021-00405) is included in Appendix I/IIB.

**COORDINATION WITH
U.S. ARMY CORPS OF ENGINEERS**

- November 12, 2024, USACE Determination Letter.
- March 7, 2024, Hydrex request for review letter.

NOVEMBER 12, 2024, USACE DETERMINATION LETTER



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

November 12, 2024

Regulatory Division

SUBJECT: Project Number SWF-2021-00405, Royal Oaks Landfill

Austin Sparks
Republic Services, Inc.
12920 FM 2767
Tyler, Texas 75708
[REDACTED]

Dear Mr. Sparks:

This letter is in regard to information received September 24, 2024, concerning a proposal by Republic Services, Inc. for the expansion of landfill located in Cherokee County, Texas. This project has been assigned Project Number SWF-2021-00405. Please include this number in all future correspondence concerning this project.

Under Section 404 of the Clean Water Act the U.S. Army Corps of Engineers (USACE) regulates the discharge of dredged and fill material into waters of the United States, including wetlands. USACE responsibility under Section 10 of the Rivers and Harbors Act of 1899 is to regulate any work in, or affecting, navigable waters of the United States. Based on the description of the proposed work, and other information available to us, we have determined this project will involve activities subject to the requirements of Section 404.

We have reviewed this project under the pre-construction notification procedures of Nationwide Permit General Condition 32 (Federal Register, Vol. 86, No. 245, Monday, December 27, 2021). We have determined the discharge of dredged or fill materials into waters of the United States associated with this project is authorized by Nationwide Permit NWP 39 for Commercial and Institutional Developments. To use this permit, the permittee must ensure the work is in compliance with the specifications and conditions for the permit listed above, found at <https://www.swf.usace.army.mil/Missions/Regulatory/Permitting/Nationwide-General-Permits/>, and the special conditions listed below. Additionally, all activities must comply with the water quality certification conditions of the Texas Commission on Environmental Quality (TCEQ) located at https://www.swf.usace.army.mil/Portals/47/docs/regulatory/Permitting/General%20Permitting/TX_401_cert.pdf?ver=rle8wtu6MRCA2s6Q4QQMg%3d%3d.

The special conditions are as follows:

Special Condition 1: The permittee shall implement and abide by the mitigation plan titled "Appendix F Mitigation Plan: prepared by Clayton Collier, dated July 5, 2023. The permittee shall implement the mitigation plan prior to construction of the project. Completion of all elements of this mitigation plan is a requirement of this permit.

I/IIB-218A

Special Condition 2: The permittee shall debit 258 ephemeral stream credits, 366 intermittent stream credits, and 0.23 wetland credits from the Butler Creek Mitigation Bank in compliance with provisions of the "Butler Creek Mitigation Bank – FINAL MITIGATION BANKING INSTRUMENT," dated September 1, 2021 (with revisions dated September 20, 2021, November 18, 2021, and January 14, 2022). This debit shall compensate off-site for unavoidable adverse project impacts that would not be compensated for by on-site mitigation. The permittee shall complete the mitigation bank transaction and provide documentation to the USACE that the transaction has occurred prior to commencing any ground disturbing activity within waters of U.S.

Failure to comply with these specifications and conditions invalidates the authorization and may result in a violation of the Clean Water Act.

Our verification for the construction of this activity under this nationwide permit is valid until March 14, 2026, unless prior to that date the nationwide permit is suspended, revoked, or modified such that the activity would no longer comply with the terms and conditions of the nationwide permit on a regional or national basis. The USACE will issue a public notice announcing the changes when they occur. Furthermore, activities that have commenced, or are under contract to commence, in reliance on a nationwide permit will remain authorized provided the activity is completed within 12 months of the date of the nationwide permit's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 330.4(e) and 33 CFR 330.5(c) or (d). Continued confirmation that an activity complies with the specifications and conditions, and any changes to the nationwide permit, is the responsibility of the permittee.

Our review of this project also addressed its effects on threatened and endangered species. Based on the information provided, we have determined this project will not affect any species listed as threatened or endangered by the U.S. Fish and Wildlife Service within our permit area. However, please note you are responsible for meeting the requirements of General Condition 18 on endangered species.


The permittee must sign and submit to us the enclosed certification that the work, including any proposed mitigation, was completed in compliance with the nationwide permit. The permittee should submit the certification within 30 days of the completion of work.

This permit should not be considered as an approval of the design features of any activity authorized or an implication that such construction is considered adequate for any purpose intended. It does not authorize any damages to private property, invasion of private rights, or any infringement of federal, state, or local laws or regulations.

Thank you for your interest in our nation's water resources. If you have any questions concerning our regulatory program, please refer to our website at <http://www.swf.usace.army.mil/Missions/Regulatory> or contact Mr. Andrew Gray at the address above, by telephone (817) 647-2026, or by email [REDACTED] and refer to your assigned project number.

Please help the regulatory program improve its service by completing the survey on the following website: <https://regulatory.ops.usace.army.mil/customer-service-survey/>

Sincerely,

A handwritten signature in black ink, appearing to read "Brandon W. Mobley".

For: Brandon W. Mobley
Chief, Regulatory Division

Copy Furnished:
Clayton Collier, [REDACTED]

PERMIT COMPLIANCE CERTIFICATION

U.S. Army Corps of Engineers Project Number: SWF-2021-00405

Type of Nationwide: Nationwide Permit 39 – Commercial Development

Name of Permittee: Republic Services, Inc.
12920 FM 2767
Tyler, Texas 75708

Date of Issuance: November 12, 2024

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

Regulatory Division
CESWF-DE-R
U.S. Army Corps of Engineers
P.O. Box 17300
Fort Worth, Texas 76102-0300

Or email to: [REDACTED]

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit was completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

**ROYAL OAKS LANDFILL
CHEROKEE COUNTY, TEXAS
TCEQ PERMIT NO. MSW-1614B**

MAJOR PERMIT AMENDMENT APPLICATION

**PART III – SITE DEVELOPMENT PLAN
SITE DEVELOPMENT PLAN NARRATIVE**

Prepared for

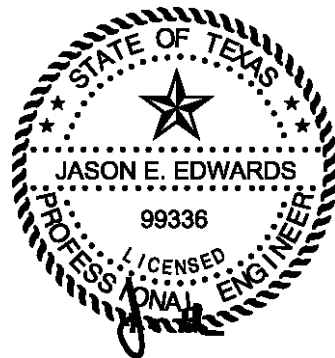
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May 2024

Revised October 2024
Revised December 2024

Prepared by:

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12/04/2024

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CHEROKEE COUNTY, TEXAS
TCEQ PERMIT NO. MSW-1614B
MAJOR PERMIT AMENDMENT APPLICATION
VOLUME 3 OF 7**

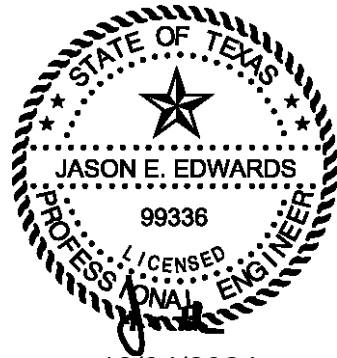
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**ROYAL OAKS LANDFILL
CHEROKEE COUNTY
TCEQ PERMIT NO. MSW-1614B**

MAJOR PERMIT AMENDMENT APPLICATION

**PART III – SITE DEVELOPMENT PLAN
APPENDIX IIIC
LEACHATE AND CONTAMINATED WATER
MANAGEMENT PLAN**

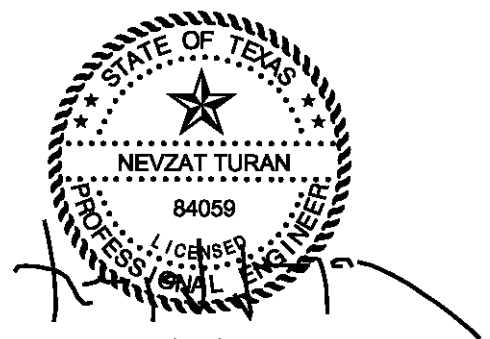
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Revised December 2024



Prepared by

12/04/2024

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6420 Southwest Blvd., Suite 206
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817-735-9770

WCG Project No. 0120-076-11-106

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Table 4-1
Sump Flow and Pump Operating Times

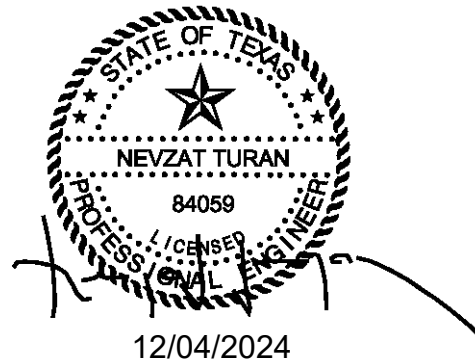
Condition	Sump Storage Summary														
	Cells 1 and 9 ¹ (Developed Area)					Cell 12 ¹ (Undeveloped Area)					Cells 10 and 11 ¹ (Undeveloped Area)				
	Flow (gpd)		Pump Operating Time (hours/day)		Pump Capacity (gpm)	Flow (gpd)		Pump Operating Time (hours/day)		Pump Capacity (gpm)	Flow (gpd)		Pump Operating Time (hours/day)		Pump Capacity (gpm)
	Average ¹	Expected ³	Average ²	Expected ³		Average ²	Expected ³	Average ²	Expected ³		Average ²	Expected ³	Average ²	Expected ³	
Active	7,511.3	785	6.3	0.7	20	7,699.1 15,017.7	1,723	6.4 12.5	1.4	20	7,176.1	779	6.0	0.6	20
Interim	7,699.1	785	6.4	0.7	20	18,100.7	1,723	15.1	1.4	20	8,187.1	779	6.8	0.6	20
Closed	3,640.2	79	3.0	0.1	20	8,187.1 9,733.4	173	6.8 8.1	0.1	20	4,402.5	78	3.7	0.1	20

¹ Sumps for the largest drainage areas are shown. Refer to Appendix IIIC-B, Sheet IIIC-B-40 – Sump Drainage Areas for cell layout and sump drainage areas.
² Refer to Appendix IIIC-B, page IIIC-B-39 for sump calculations for the developed and undeveloped areas.
³ The expected flow values are based on actual site-specific leachate generation listed in Table 6-1. The leachate generation value listed in Table 6-1 was used (i.e., 19,349 gal/ac/yr).

APPENDIX IIIC-B

LEACHATE COLLECTION SYSTEM DESIGN CALCULATIONS

Includes pages IIIC-B-1 through IIIC-B-64



ROYAL OAKS LANDFILL
0120-076-11-106
SUBTITLE D LEACHATE SUMP DESIGN

Compute the number of days storage provided for the following:

$$\text{STORAGE (Detention Time)} = \frac{V_{\text{TOT}}}{V_{\text{Daily Inflow}}}$$

1. Active

	V _{Daily Inflow} (cu ft/day)	V _{TOT} (cu ft)	Storage (days)
Dev. Area	2,869.1	1,592	0.6
Undev. Area (Cell 12)	5,736.3	2,604	0.5
Undev. Area (Cells 10 & 11)	2,741.1	2,604	0.9

2. Inactive with Intermediate Cover

	V _{Daily Inflow} (cu ft/day)	V _{TOT} (cu ft)	Storage (days)
Dev. Area	2,940.8	1,592	0.5
Undev. Area (Cell 12)	6,913.9	2,604	0.4
Undev. Area (Cells 10 & 11)	3,127.2	2,604	0.8

3. Closed

	V _{Daily Inflow} (cu ft/day)	V _{TOT} (cu ft)	Storage (days)
Dev. Area	1,390.4	1,592	1.1
Undev. Area (Cell 12)	3,717.9	2,604	0.7
Undev. Area (Cells 10 & 11)	1,681.6	2,604	1.5

C. Estimated rate of leachate removal.

Submersible pump capacity - Cell 1 = 20 gpm
Submersible pump capacity - Cell 12 = 20 gpm
Submersible pump capacity - Cells 10 and 11 = 20 gpm

	Production (gpd)	Average Pump Time (min/day) (hr/day)	
Dev. Area			
-Active	7,511.3	375.6	6.3
-Inactive with Interm. Cover	7,699.1	385.0	6.4
-Closed	3,640.2	182.0	3.0
Undev. Area (Cell 12)			
-Active	15,017.7	750.9	12.5
-Inactive with Interm. Cover	18,100.7	905.0	15.1
-Closed	9,733.4	486.7	8.1
Undev. Area (Cells 10 & 11)			
-Active	7,176.1	358.8	6.0
-Inactive with Interm. Cover	8,187.1	409.4	6.8
-Closed	4,402.5	220.1	3.7

Average pump time is less than 24 hours per day, therefore the design is acceptable. A pump with less capacity may also be used if it can be determined that the actual leachate generation is less than the design flow.